Resource Management and Regulation Committee

Tuesday 16 February 2016

1.00pm

In the

Council Chambers,
215 High Street, Rangiora

Members:

Cr Caroline Faass (Chairperson)
Cr Kirstyn Barnett
Cr Peter Allen
Cr Neville Atkinson
Cr Jim Gerard
Mayor David Ayers (ex officio)
A meeting of the RESOURCE MANAGEMENT AND REGULATION COMMITTEE will be held in the COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA, on TUESDAY 16 FEBRUARY 2016 at 1.00PM.

Adrienne Smith
Committee Advisor

Recommendations in reports are not to be construed as Council policy until adopted by the Council

BUSINESS

1. APOLOGIES

2. CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on 21 July 2015

RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the Resource Management and Regulation Committee held on 21 July 2015.

3.2 Minutes of a meeting of the Resource Management and Regulation Committee held on 18 August 2015

RECOMMENDATION

THAT the Resource Management and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the Resource Management and Regulation Committee held on 18 August 2015.

4. MATTERS ARISING FROM THE MINUTES
5. PRESENTATION

6. REPORTS


RECOMMENDATION

THAT the Resource Management & Regulation Committee recommends:

THAT the Council:
(a) Receives report No. 160113002006.
(b) Revokes the District Plan Changes – Recovery of Council’s Costs Policy
(c) Notes the Management Team have approved the Host Responsibility Policy

6.2 Appointments of Malcolm Johnston and Murray Sinclair a CDEM Local Controllers – Brennan Wiremu (Emergency Management Advisor)

RECOMMENDATION

THAT the Council:
(a) Receives report No140331032488; and
(b) Appoints Malcolm Johnston as a CDEM Local Controller, and
(c) Appoints Murray Sinclair as a CDEM Local Controller.

6.3 Draft Submission to the Local Government and Environment Select Committee on the Resource Legislation Amendment Bill – Geoff Meadows (Policy Manager)

RECOMMENDATION

THAT the Council:
(a) Receives report No. 1601190035531
(b) Endorses the attached submission and;
(c) Recommends to Council the approval of the submission.
7. **MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED**

Section 48, Local Government Official Information and Meetings Act 1987

**RECOMMENDATION**

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

<table>
<thead>
<tr>
<th>Item No</th>
<th>Minutes/Report of:</th>
<th>General subject of each matter to be considered</th>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>Minutes of the Public Excluded portion of the meeting of the Resource Management and Regulation Committee of 21 July 2015</td>
<td>Confirmation of minutes</td>
<td>Good reason to withhold exists under Section 7</td>
<td>Section 48(1)(a)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Item No</th>
<th>Reason for protection of interests</th>
<th>Ref NZS 9202:2003 Appendix A</th>
</tr>
</thead>
</table>
| 7.1     | Protection of privacy of natural persons  
To carry out commercial activities without prejudice | A2(a)  
A2(b)ii |

8. **PORTFOLIO UPDATES**

8.1 **District Plan** - Councillor Kirstyn Barnett

8.2 **Environmental Health and Civil Defence** – Councillor Caroline Faass

8.3 **Kaiapoi and Rangiora Town Centres** – Councillor Neville Atkinson

9. **QUESTIONS**

10. **URGENT GENERAL BUSINESS**

**STAFF BRIEFING**

At the conclusion of the meeting, Trevor Ellis will conduct a staff briefing on the District Plan Review.
WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE MANAGEMENT AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA, ON TUESDAY 21 JULY 2015 AT 1.00PM

PRESENT

Councillor C Faass (Chairperson), P Allen, K Barnett and J Gerard.

IN ATTENDANCE

Councillors W Doody, Deputy Mayor K Felstead
Messrs N Harrison (Manager Planning and Regulation Manager), Mrs V Caseley (District Plan Manager), Messrs L Pester (Environmental Services Manager) and Mrs A Smith (Committee Advisor)

1. APOLOGIES

Apologies were received and sustained from Mayor D Ayers and Councillor N Atkinson – who were both attending the Local Government New Zealand Annual Conference.

2. CONFLICTS OF INTEREST

There were no conflicts of interest recorded.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on 19 May 2015

Moved Councillor Gerard seconded Councillor Barnett

THAT the Resource Management and Regulation Committee

(a) Confirms as a true and correct record the minutes of a meeting of the Resource Management and Regulation Committee held on 19 May 2015.

CARRIED

4. MATTERS ARISING FROM THE MINUTES

There were no matters arising.

5. PRESENTATION

There were no presentations.
6. **REPORTS**

6.1 **Doncaster Developments Ltd, Affordable Housing Proposal, North West Rangiora - Victoria Caseley (District Plan Manager)**

Mrs Caseley spoke briefly to this report.

Following a question from Councillor Gerard, Mrs Caseley advised that under the current District Plan Residential 4A zoning, this would allow 21 houses to be built in this area of land. The developer's proposed affordable housing development is asking to build up to approximately 150 houses.

Moved Councillor Allen seconded Councillor Barnett

**THAT** the Resource Management & Regulation Committee:

(a) **Receives** report No. 150710108222.

(b) **Notes** that if the proposed affordable housing development was to proceed it would override the infrastructure boundary, be inconsistent with the Land Use Recovery Plan and not give effect to the Regional Policy Statement.

(c) **Declines** to provide support for Doncaster Developments Ltd proposed affordable housing development within the Residential 4A Zoned land in North West Rangiora.

(d) **Confirms** its support for affordable housing in appropriate locations within the greenfield priority areas and the existing urban areas.

**CARRIED**

Councillor Allen said this is a difficult situation for the Council, with a developer wanting to develop an area of land into affordable housing and the current pressure on Councils to make more land available and be more accommodating for affordable housing. An overriding factor is that this land is outside the priority area, and Councillor Allen also suggests the physical separation of this land from the town and by the overhead transmission lines could potentially create a stigma that would be undesirable.

Councillor Barnett believes that the Council has freed up a lot of land for housing in recent times. The Council and developers need to be aware of the possibility of “urban sprawl” being created. Although supporting this recommendation, Councillor Barnett would still encourage developers to bring other affordable housing proposals to the Council for consideration.

Councillor Gerard noted he would be abstaining from voting on this matter. He supports having some affordable housing available in the district but this proposal is outside the limits of the Urban Development Strategy agreement that this Council is party to. Councillor Gerard suggests that it is people’s choice to live under or near overhead power lines and that as this land was going to become residential anyway, did not have an issue with including some affordable housing in it.

Councillor Faass agrees that it is difficult situation, suggesting that the Council could be seen as blocking this development proposal, but hoped that the public would understand the reasoning.
Councillor Allen in reply, suggests that there is probably not too many modern subdivisions built under high tension power lines and acknowledges that there is separation in some residential developments in Kaiapoi.

6.2 **Building Unit Accreditation Audit Result - Warren Taylor (Building Unit Manager)**

Mr Harrison presented this report, noting the good result of this audit undertaken by IANZ representatives of the Council’s building control systems and consent processes. There were no corrective actions requests required but some recommendations were made following the audit. Most of these recommendations have already been resolved, with completion of the remaining expected to be done by 1 October. Mr Harrison noted the very positive comments noted by the assessors at the exit meeting following the audit, which is testament to the work of the Building Unit.

Councillor Allen asked if there was any cost implications with these recommendations and Mr Harrison advised there was, but these were not substantial. One of the strong recommendations regards the number of outstanding code compliance certificates where applicants have either forgotten or chosen not to seek them. The Building Act requires that the BCA is to make a decision to issue or refuse a code compliance certificate within 24 months from the day the consent is issued. Regarding these historic building consents with no code compliance issued, Mr Harrison said these could number in the vicinity of 1000. There is no additional cost to a home owner to have a code compliance certificate issued.

Moved Councillor Gerard seconded Councillor Barnett

THAT the Resource Management and Regulation Committee:

(a) **Receives** report No. 150709107562

(b) **Notes** that the building unit has maintained accreditation with no corrective actions required.

**CARRIED**

Congratulations were extended from the Committee to the staff in the Building Unit on the results of this audit and Councillor Gerard noted that this is a pleasing result after the difficult period that this Council has come through in recent years.

6.3 **Annual Report: Dog Control 2014/2015 – Leslie Pester (Environmental Services Manager)**

Mr Les Pester presented this report, noting there has been a steady increase in the number of dogs and dog owners in the district. Dangerous dogs numbers have increased from 11 to 14, and menacing dogs have gone from 64 down to 59. Mr Pester noted the high number of dog related complaints received, which totalled 2,830 for the year – these complaints included aggressive behaviour, barking, roaming, welfare, other or unknown and lost and found.

Regarding the number of dogs in the pound – Mr Pester advised that on a long weekend there could be up to 10, but generally there is 5 or 6 dogs in the pound at any one time. So far there has been five dogs euthanized this year, these were considered not able to be rehomed due to their age
or behaviour issues. Rehoming is the preferred option for unclaimed dogs in the pound and the Council is generally successful with this. Recently social media (Facebook) has been utilised to show photos of any dogs in the pound which has been a successful approach to finding the dogs owners.

Councillor Allen noted the issue of people phoning up regarding a stray dog in their neighbourhood out of hours, and being told to secure the dog before it would be retrieved by an Animal Control Officer. Mr Pester noted that to improve on this level of service would mean needing to increase Council staff resources. The cost of this would need to be covered by increasing dog registration fees. He did confirm that if a report came in of a dog attack, a duty officer would be called and attend to the situation promptly.

Mr Pester noted that there have been 35 known dog attacks on other dogs for the year and 16 dog attacks on humans.

The Council promotes micro chipping of dogs and any dogs that come into the pound are micro chipped. Mr Pester pointed out an issue with micro chipping is that some veterinary clinics have a system of micro chipping and sometimes these are not followed up and put into the national database. Mr Pester noted that he had not heard of any instances of a micro chip being removed from a dog.

Regarding the Infringement system – any unregistered dog owners are given seven days to register their dogs. Dogs must be registered from three months old.

Moved Councillor Barnett seconded Councillor Allen

THAT the Resource Management & Regulation Committee:

(a) Receives report No: 150611092971

(b) Adopts Table 1 Annual Report for 2014/15 (Dog Control Act 1996 s10A) as the Waimakariri District Council Annual Report in terms of the Dog Control Act 1996.

Table 1 Annual Report for 20014/15 (Dog Control Act 1996 s10A)

<table>
<thead>
<tr>
<th>Reporting Requirement</th>
<th>14/15</th>
<th>13/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of registered dogs</td>
<td>11,568</td>
<td>11,228</td>
</tr>
<tr>
<td>The number of registered owners</td>
<td>7,368</td>
<td>7,126</td>
</tr>
<tr>
<td>The number of probationary owners and disqualified owners</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The number of dogs classified as dangerous (section 31). Note these dogs were all classified under s31(1)(b)</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>“Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife;”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The number of dogs classified as menacing (section 33). Note some of these dogs were required to be classified under s33E in which the Act deems this type of dog (American Pit Bull Terrier) to be menacing.</td>
<td>59</td>
<td>64</td>
</tr>
<tr>
<td>The number of Infringement Notices issued.</td>
<td>66</td>
<td>58</td>
</tr>
</tbody>
</table>
Reporting Requirement

<table>
<thead>
<tr>
<th>Category</th>
<th>14/15</th>
<th>13/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggressive behaviour</td>
<td>215</td>
<td>211</td>
</tr>
<tr>
<td>Barking</td>
<td>358</td>
<td>348</td>
</tr>
<tr>
<td>Roaming</td>
<td>420</td>
<td>429</td>
</tr>
<tr>
<td>Welfare</td>
<td>30</td>
<td>28</td>
</tr>
<tr>
<td>Other or unknown</td>
<td>599</td>
<td>577</td>
</tr>
<tr>
<td>Lost/Found</td>
<td>1208</td>
<td>915</td>
</tr>
<tr>
<td>Total</td>
<td>2830</td>
<td>2,508</td>
</tr>
</tbody>
</table>

The number of prosecutions undertaken. 0

CARRIED

Councillor Barnett noted the human population in the district is growing and the dog population is growing also. It was suggested it would be helpful if the public were informed on the numbers of dog attacks in the district, noting that there hadn’t been any increase in these.

7. REPORTS FOR INFORMATION ONLY

7.1 Assessment of Non-Residential Activity for Roading Development Contributions – Kelly LaValley (Development Manager)
(refer to report no. 150610092229 to the Management Team meeting of 15 June 2015)

Moved Councillor Allen seconded Councillor Gerard

THAT the information be received.

CARRIED

8. MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987

Moved Councillor Allen seconded Councillor Barnett

THAT the public be excluded from the following parts of the proceedings of this meeting.

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<td>8.1</td>
<td>Report of Victoria Caseley (District Plan Manager)</td>
<td>North Canterbury Clay Target Association Appeal to the Court of Appeal</td>
<td>Good reason to withhold exists under Section 7</td>
<td>Section 48(1)(a)</td>
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This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

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<td>8.1</td>
<td>Protection of privacy of natural persons To carry out commercial activities without prejudice</td>
<td>A2(a) A2(b)ii</td>
</tr>
</tbody>
</table>

Resolution To Resume in Open Meeting

Moved Councillor Barnett seconded Councillor Gerard

THAT the open meeting resumes and the business discussed with the public excluded remains public excluded.

CARRIED

9. PORTFOLIO UPDATES

9.1 District Plan - Councillor Kirstyn Barnett
   Matters will be covered in the briefing to follow the meeting.

9.2 Environmental Health and Civil Defence – Councillor Caroline Faass
   Nothing to report.

9.3 Kaiapoi and Rangiora Town Centres – Councillor Neville Atkinson
   Councillor Atkinson was not present.

10. QUESTIONS

   There were no questions.

11. URGENT GENERAL BUSINESS

   There was no urgent general business.

   There being no further business, the meeting closed at 1.54pm.
CONFIRMED

___________________________
Chairman

___________________________
Date

**STAFF BRIEFING**

Following the meeting there was a staff briefing on the following topics:

- Liquor Annual return – Les Pester
- Plan Change 41 Retail – Trevor Ellis/Andrew Willis
- Waimakariri Irrigation Ltd Appeal – Victoria Caseley
- Resource Consent Prosecution
- North Canterbury Clay Target Association Appeal
WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE MANAGEMENT AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA, ON TUESDAY 18 AUGUST 2015 AT 3.03PM

PRESENT

Councillor P Allen, N Atkinson, and Mayor D Ayers (ex officio).

IN ATTENDANCE

Deputy Mayor K Felstead, Councillors W Doody and J Meyer.
Messrs N Harrison (Manager Planning and Regulation), Messrs T Ellis (Senior Planner, Policy), Miss S Thompson (Resource Management Planner) and Mrs L Courtney (Community Board Advocate).

In the absence of the Chair an acting Chair was called for by Mr Harrison.

Moved Councillor Atkinson seconded Councillor Allen

THAT Mayor Ayers be appointed acting chair of Resource Management and Regulation Committee for this meeting.

CARRIED

Mayor Ayers assumed the Chair.

1. APOLOGIES

Moved Councillor Allen seconded Councillor Atkinson

An apology was received and sustained from Councillors Faass, Barnett and Gerard for absence.

CARRIED

2. CONFLICTS OF INTEREST

Nil.

3. REPORT

3.1 District Plan Review – Request to consult on Approaches for Managing Retail Activities (Plan Change 41) – Shelley Thompson (Resource Management Planner)

Miss Thompson spoke to the report highlighting that the table outlining the approaches to Retail Activities in Residential Areas, Retail Activities in Rural Areas and Retail Activities in Business 2 Industrial Zone had been identified as too technical and that staff were working on creating a simplified version for the public.

Councillor Atkinson questioned whether the table should be put out to the public as it was difficult to understand. Mr Ellis replied that as well as working with the Communications unit to create a simpler version of the table, staff were working within the parameters of the Resource Management Act to inform a way forward and that drop in sessions were planned where staff could help the public to better understand the table.
Councillor Atkinson queried if there was a way of targeting specific people, apart from stakeholders, for comment, as a way of making sure that all those affected, including those indirectly affected by the plan change, have an opportunity to make comment on the plan change. Mr Harrison stated that it was possible to make people aware of the consultation through advertising and social media. Staff noted Councillor Atkinson’s query.

Councillor Allen suggested that staff include case studies in the consultation to help the public with understanding the plan change. Mr Ellis added that it could sit with broad options in the table. Staff noted the suggestion.

Councillor Atkinson enquired if the consultation document would come before committee before it went out to the public reiterating his concern about how well people would understand the consultation. Mr Ellis replied that staff had not intended to bring the consultation document back to the committee, noting that staff wanted to carry out consultation before next committee meeting. He outlined the advertising staff would use which would include the simplified version of the table and a summary. He suggested that the consultation document could be confirmed by the committee chair.

Councillor Allen enquired who would be interested in the plan change. Mr Ellis replied that there was an extensive list of activities which could appeal to a wide range of interested groups.

Moved Councillor N Atkinson seconded Councillor P Allen

THAT the Resource Management & Regulation Committee:

(a) **Receives** report N°150811117216.

(b) **Approves** the request to consult on general approaches to managing retail activities to help inform proposed Plan Change 41 (Retail).

(c) **Notes** the Trim document 150806115884 is to be made available for consultation with the public and targeted stakeholders.

(d) **Approves** staff, subject to consultation outcomes, to prepare proposed Plan Change 41 (Retail).

CARRIED

Councillor Atkinson stated that the main issue was communication as the plan change had bearing on peoples’ livelihoods. There was a need to be extremely cautious in how the plan change was communicated and how to get to people who may not be aware of what the Council was proposing until it was too late. It was about getting to people whose livelihoods would be affected and making sure people understood what was being proposed in the plan change.

Councillor Allen supported Councillor Atkinson’s comments. He commented on retail developments in residential areas and what permitted activities could occur in residential areas, as there was a strong lobby for residential zones to remain residential.

Mayor Ayers commented that it was about striking a balance. Too many rules could stifle economic activity, while too few could have those in rural and residential zone questioning why activities next door were occurring. Sometimes it was not the activity itself that was the issue but results from such activity, for example large trucks parked outside properties in residential zones.
Councillor Atkinson, as right of reply, reiterated Mayor Ayers’ comments adding that the plan change was community driven and was in response to a request by the community to look into it.

4. **QUESTIONS**

There were no questions.

5. **URGENT GENERAL BUSINESS**

There was no urgent general business.

There being no further business, the meeting closed at 3.18pm.

CONFIRMED

_________________________
Chairman

_________________________
Date
1. SUMMARY

1.1. The purpose of this report is to present the following policies to the Resource Management and Regulation Committee for recommendation to Council to revoke the District Plan Changes – Recovery of Council’s Costs Policy; and to note the approval of the Host Responsibility Policy by Management Team.

1.2. These policies have been subject to review as part of the policy manual review programme. In May 2015 Management Team Strategy considered the two policies and have confirmed the above recommendation.

1.3. The Host Responsibility Policy has been updated to reflect the responsibilities outlined in the Sale and Supply of Alcohol Act 2012 (SSAA). The objective of the policy is to ensure that all persons responsible for organising (Council) events and who serve alcohol are aware of, and understand, their responsibilities under the alcohol licence for that event.

1.4. The District Plan Changes – Recovery of Council’s Costs Policy is no longer required. The Resource Management Act 1991 gives effect to fees and charges for District Plan changes. This is covered by Council Fees and Charges, reviewed and authorised through the Annual Plan Process.

Attachments:

i. S-CP 3105 Host Responsibility Policy (original policy)
ii. S-CP 3105 Host Responsibility Policy (reviewed, Trim No: 150302032045)
iii. S-CP 4455 District Plan Changes – Recovery of Council’s Costs Policy
2. **RECOMMENDATION**

THAT the Resource Management and Regulation Committee recommends:

THAT the Council:

(a) **Receives** report No. 160113002006.

(b) **Revokes** the District Plan Changes – Recovery of Council’s Costs Policy

(c) **Notes** the Management Team have approved the Host Responsibility Policy

3. **ISSUES AND OPTIONS**

3.1. The Host Responsibility Policy has been reviewed as part of the Policy Manual review programme. The changes to the policy also reflect the requirements of the *Sale and Supply of Alcohol Act 2012*.

3.2. This policy applies to Council run events including Social Club, MAD Committee and corporate events.

3.3. The following table describes the changes to the elements of the policy:

<table>
<thead>
<tr>
<th>Section</th>
<th>Element</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 2 and 3</td>
<td>Introduction, Policy Context and Policy Objective</td>
<td>Policy updated to new template.</td>
</tr>
<tr>
<td>5. Public Functions</td>
<td>Old policy section 5 (a) and (b) removed.</td>
<td>The reviewed policy refers to Council-run events.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The provisions of special licences, issued under the SSAA, outline the responsibilities of the organiser for any event where alcohol is sold in the District.</td>
</tr>
<tr>
<td>4. Policy Statement</td>
<td>The Waimakariri District Council adopts Host Responsibility Guidelines</td>
<td>Updated to new template and includes the requirements of the Act.</td>
</tr>
</tbody>
</table>

3.4. This policy will be reviewed again in six years or sooner on request.

3.5. The District Plan Changes – Recovery of Council’s Costs Policy was discussed by Management Team Strategy on 14 May 2015 and this meeting confirmed the revocation of this policy because these fees and charges are given effect to through the *Resource Management Act 1991* and are reviewed through the annual plan process.

3.6. The Management Team/CE has reviewed this report and supports the recommendations.
4. **COMMUNITY VIEWS**

4.1. Not sought.

5. **FINANCIAL IMPLICATIONS AND RISKS**

5.1. Staff time is the main financial implication of the review of these policies.

6. **CONTEXT**

6.1. **Policy**

This is not a matter of significance in terms of the Council’s Significance Policy.

6.2. **Legislation**

*Local Government Act 2002*

*Sale and Supply of Alcohol Act 2012*

*Resource Management Act 1991*

6.3. **Community Outcomes**

*Our community’s needs for health and social services are met*

- *Housing is affordable and available to meet the needs of an ageing population, responses to natural disasters, and population growth.*
HOST RESPONSIBILITY

1. That the Waimakariri District Council adopts the following Host Responsibility Guidelines.

2. At each Council function, a nominated person will be responsible for implementation and overseeing of the host responsibility guideline.

3. At all Council social events there will be an adequate supply of food and non-alcoholic drinks.

4. All persons who serve alcohol at Council functions are to be aware of server intervention procedures.

5. Public Functions

   (a) Where Council halls or facilities are used by members of the general public, the Council Guidelines on the Serving of Food and Alternative Drinks be drawn to the attention of those booking the hire of such halls or facilities, where appropriate.

   (b) A copy of the Guidelines on the Serving of Food and Alternative Drinks be displayed in all Council halls and facilities likely to serve alcohol.

Guidelines on Host Responsibility

Management of Social Functions

The person with responsibility for the implementation of these guidelines at each Service Centre will have the following specific responsibilities:

1. Ensuring that all persons responsible for organising social events are familiar with these guidelines.

2. Ensuring that all persons who serve alcohol have read and understood the "Guidelines for Servers".

3. Ensuring that organisers of social events have a transport strategy, appropriate for the event.

4. Checking that the guidelines are followed.

5. Where necessary, intervening to ensure adoption of the guidelines.

6. A finishing time should be specified and adhered to.
Guidelines on Serving of Food and Alternative Drinks

Drinking less alcohol and drinking alcohol with food reduces intoxication. Hence the provision of alternative drinks and food is something a host can do to reduce the effects of alcohol. The following rules apply whenever alcohol is being served:

1. A reasonable range of non-alcohol drinks and low-alcohol drinks should be available. Sufficient quantities should be available to cater for anticipated need.

2. Alternative drinks should be displayed at least as prominently as alcoholic drinks.

3. Where alcohol is being sold, alternative drinks should cost less than alcoholic drinks.

4. Water (iced if possible) should be continuously available during the time that alcohol is being served.

5. Unless the event is of a short duration (under 1 hour) food more substantial than potato crisps and peanuts should be available. (This is because these foods increase thirst.) This rule is particularly important when the event occurs after a normal mealtime.

6. Food should be continuously available during the time that alcohol is being served.

Guidelines for Safe Transport

It is important that organisers of social functions plan for safe transport options. The following options should be considered:

1. Transport alternatives appropriate to the occasion should be considered, eg
   • For the people who normally drive, remind them before the event to consider alternatives, including public transport, taxis and designated drivers.
   • If holding an "away" function, hire a bus or van

2. If someone does become impaired, or appears to be over the legal limit, be prepared to intervene. This means using alternative transport, phoning a friend or relative to come and get them.

3. Introduce a Designated Driver Scheme. The designated driver agrees not to drink any alcohol, allowing others in the group to drink normally. In some designated driver schemes the designated driver is given free/reduced price food and non-alcohol drinks.
Guidelines for Servers

1. Actively encourage the use of alternative drinks and food. Suggest that people try them, especially as times goes by.

2. Pay particular attention to young people, as alcohol affects them more readily. If alcohol is being sold it must not be sold to any person under 18 years of age.

3. Look for signs of intoxication. First you need a reference point. Try to assess whether any alcohol has been consumed on arrival. If none has, then the behaviour of people when they arrive can be used as the reference point. It is important to watch for clues that someone is becoming intoxicated, but common sense is needed. As well as mood and demeanour, and the number of drinks consumed, look out for the following:
   - A notable change in behaviour (especially towards anti-social or inappropriate behaviour).
   - Slurring or mistakes, in speech.
   - Clumsiness, knocking things over, or fumbling with change.
   - A significant loss of coordination (staggering or swaying).
   - A degree of confusion, a lack of understanding or ability to hear, and a difficulty in responding.

Clumsiness very often marks the transition to intoxication. It is important at this stage to deter the person from drinking any more alcohol.

Some drinkers will not show many signs of intoxication, even after having consumed considerable quantities of alcohol. If these people are driving it is important that they are reminded to monitor their consumption against the drinking guidelines chart.

4. At times you may have to refuse to serve someone. The easiest ways to do this are:
   - Intervene early, before a person becomes intoxicated.
   - Suggest a non-alcohol drink (free if necessary).
   - Suggest food.
   - Be firm and courteous. "Sorry, I can't serve you any more. It is against Council policy." "If I serve you we could both get into trouble."
   - Don't ask the drinker questions such as, "Don't you think you have had enough?" Questions invite the drinker to respond in the wrong way.
   - If the drinker looks likely to cause problems, involve a senior person.
Host Responsibility

1 Introduction

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted in December 2012 in response to the significant report by the Law Commission titled "Alcohol in our Lives: Curbing the Harm" that considered a broad range of issues concerning alcohol consumption in New Zealand and made 153 recommendations for reform.

The Act introduced a new national framework for regulating the sale and supply of alcohol. The objective of the Act is that:

- the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

2 Policy Context

The Council hosts a variety of events each year where alcohol is available either through the Social Club, the MAD Committee for staff events, or Management Team for formal occasions such as the Community Service Awards. The Council has an obligation to control these events to give effect to the object of the Act to ensure that any alcohol supplied is consumed safely and responsibly.

3 Policy Objective

The objective of this policy is to ensure that all persons responsible for organising social events and who serve alcohol are aware of, and understand, their responsibilities under the alcohol licence for that event. This includes the guidelines for serving food and alternative non-alcoholic drinks, guidelines for services and developing a transport strategy appropriate for the event.

4 Policy Statement

The Waimakariri District Council adopts the following Host Responsibility Guidelines:

- at each Council function, a nominated person will be responsible for implementation and overseeing of the host responsibility guideline; and
- at all Council social events there will be an adequate supply of food and non-alcoholic drinks; and
- all persons who serve alcohol at Council functions are to be aware of server intervention procedures.

4.1 Management of Social Functions

4.1.1 Host Responsibility

The person with responsibility for the implementation of these guidelines at each Service Centre will have the following specific responsibilities:

- ensure that all persons responsible for organising social events are familiar with these guidelines;
- ensure that all persons who serve alcohol have read and understood the "Guidelines for Servers";
- ensure that organisers of social events have a transport strategy, appropriate for the event; and
- check that the guidelines are followed;
- where necessary, intervene to ensure adoption of the guidelines;
- ensure the specified finishing time is adhered to.
Host Responsibility

4.1.2 Guidelines on serving of food and alternative non-alcoholic drinks.

Drinking less alcohol and drinking alcohol with food reduces intoxication. The provision of alternative non-alcoholic drinks and food is something a host can do to reduce the effects of alcohol. Whenever alcohol is being served:

- A reasonable range of non-alcoholic drinks and low alcohol drinks should be available. Sufficient quantities should be available to cater for anticipated need.
- Alternative drinks should be displayed at least as prominently as alcoholic drinks.
- Water (iced if possible) should be continuously available during the time that alcohol is being served.
- Unless the event is of a short duration (under one hour) food more substantial than potato crisps and peanuts should be available (this is because these food increase thirst). This is particularly important when the event occurs about a normal mealtime.
- Food should be continuously available during the time that alcohol is being served.

4.1.3 Guidelines for safe transport.

It is important that organisers of social functions plan for safe transport options. The following should be considered:

- For people who normally drive, remind them before the event, to consider alternatives including public transport, taxis and designated drivers.
- If holding an 'away' function, hire a bus or van.
- If someone does become intoxicated / impaired, or appears to be over the legal limit, be prepared to intervene. This means using alternative transport, phoning a friend or relative to come and get them.
- Introduce a designated driver scheme. The designated driver agrees not to drink any alcohol, allowing others in the group to drink normally. In some designated driver schemes the designated driver is given free/reduced price food and non-alcoholic drinks.

4.1.4 Guidelines for Servers

i. Actively encourage the use of alternative drinks and food. Suggest that people try them, especially as times goes by.
ii. Pay particular attention to young people, as alcohol affects them more readily.
iii. If alcohol is being sold it will not be sold to any person under 18 years of age.
iv. No person under the age of 18 will be allowed to consume alcohol at any Council event.
v. Look for signs of intoxication. First you need a reference point. Try to assess whether any alcohol has been consumed on arrival. If none has, then the behaviour of people when they arrive can be used as the reference point. It is important to watch for clues that someone is becoming intoxicated, but common sense is needed. As well as mood and demeanour, and the number of drinks consumed, look out for the following:
   - A notable change in behaviour (especially towards anti-social or inappropriate behaviour).
   - Slurring or mistakes, in speech.
   - Clumsiness, knocking things over, or fumbling with change.
   - A significant loss of coordination (staggering or swaying).
Host Responsibility

- A degree of confusion, a lack of understanding or ability to hear, and a difficulty in responding.

vi. Clumsiness very often marks the transition to intoxication. It is important at this stage to deter the person from drinking any more alcohol.

vii. Some drinkers will not show many signs of intoxication, even after having consumed considerable quantities of alcohol. If these people are driving it is important that they are reminded to monitor their consumption against the drinking guidelines chart.

viii. At times you may have to refuse to serve someone. The easiest ways to do this are:

- Intervene early, before a person becomes intoxicated.
- Suggest a non-alcohol drink (free if necessary).
- Suggest food.
- Be firm and courteous. "Sorry, I can't serve you any more. It is against Council policy. If I serve you we could both get into trouble."
- Don't ask the drinker questions such as, "Don't you think you have had enough?" Questions invite the drinker to respond in the wrong way.
- If the drinker looks likely to cause problems, involve a senior person.

5 Links to legislation, other policies and community outcomes
Sale and Supply of Alcohol Act 2012

Community Outcomes
There is a safe environment for all

- Crime, injury and harm from road accidents, gambling and alcohol abuse are minimised.

6 Adopted by and date

Adopted by Management Team on 25 January 2016.

7 Review

Review every six years or sooner on request.
DISTRICT PLAN CHANGES

Recovery of Council's Costs where District Plan Changes are Initiated at the Request of an Applicant

The Council may initiate a change to its District Plan, where requested to do so, provided that the proposition is thoroughly researched and will not be inconsistent or in conflict with the District Plan, and the person or body making the request agrees to meet the Council's costs, as set out below:

<table>
<thead>
<tr>
<th>PRINCIPLES FOR CHARGING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Task/Activity</strong></td>
</tr>
<tr>
<td>1. Receive request for Change, with other Council officers.</td>
</tr>
<tr>
<td>2. Meeting with applicant to discuss:</td>
</tr>
<tr>
<td>• issues arising from the request</td>
</tr>
<tr>
<td>• need for more information</td>
</tr>
<tr>
<td>3. Research, collect further information, prepare draft Change documents (Most should be done by the applicant.)</td>
</tr>
<tr>
<td>4. Staff or consultants prepare report on merits of the request; send to ward community advisory group/Community Board, applicants (for information), and RMR Committee</td>
</tr>
<tr>
<td>5. RMR Committee considers the request; applicant able to attend and make submissions.</td>
</tr>
<tr>
<td>6. Public notification, advice to statutory bodies and persons affected.</td>
</tr>
<tr>
<td>7. Classify submissions</td>
</tr>
<tr>
<td>8. Advertise for cross-submissions</td>
</tr>
<tr>
<td>9. Prepare report for hearing</td>
</tr>
<tr>
<td>10. Committee hearing of objections, decision, notification of decision.</td>
</tr>
<tr>
<td>11. Appeals</td>
</tr>
<tr>
<td>12. Making the Change operative</td>
</tr>
</tbody>
</table>
1. **SUMMARY**

1.1. The purpose of this report is to seek appointments of additional CDEM Local Controllers to increase our depth of numbers and competent Controllers.

2. **RECOMMENDATION**

THAT the Committee:

(a) Receives report No. 140331032488; and

(b) Appoints Malcolm Johnston as a CDEM Local Controller, and

(c) Appoints Murray Sinclair as a CDEM Local Controller.

3. **ISSUES AND OPTIONS**

3.1. The Council has normally maintained five CDEM Local Controllers, this number having proved satisfactory cover for the events the District has experienced.

3.2. The Canterbury CDEM Group Plan requires each territorial authority of Canterbury to appoint a CDEM Local Controller and at least two alternate Local Controllers. Currently the Council has appointed the following people as CDEM Local Controllers: Nick Harrison, Les Pester, Brennan Wiremu and Geoff Meadows.

3.3. Les Pester has now retired. He has offered to continue as a Local Controller for a 3 year period at least and is prepared to consider a further engagement at that time.

3.4. CDEM Local Controllers are statutory appointments and during a declared state of emergency they have access to a range of significant statutory powers. For this reason the Council should seek to appoint people with proven records of management, leadership, judgement and a good knowledge of the Council and its community.

3.5. Malcolm Johnston has a previous career history as a long-serving member of the NZ Police. During that service he was Incident Controller at numerous emergencies of varying scales, including earthquake responses; he served in the ranks of Senior Sergeant and Detective Inspector and held roles as Area Commander Christchurch City
and Area Commander North Canterbury all of which are senior levels of management. Malcolm is well known for his service as Police Area Commander for North Canterbury. As a policeman he has had many dealings with our Community Team, Rural Fire, Civil Defence and Environmental Services teams. More recently since retiring from the NZ Police he has worked for a short time at Environment Canterbury being directly exposed to local government processes. He has a lot of experience in crisis management and risk; a lot of experience in middle-management and some experience in senior management collaboration; and a growing experience in local government.

3.6. As the new manager of the Environmental Services Unit, Malcolm holds a relatively senior position within the Council which coupled with his previous senior roles in the police reflect levels of management responsibility and experience desirable of a CDEM Controller. Malcolm has provided a brief summary of his background relevant to these types of attributes, at Appendix 1.

3.7. Murray Sinclair retired in November and at the time was Emergency Manager for Christchurch City Council, a position he held since 2006. Murray is well-known in local government having served 37 years at the Christchurch City Council with 20 years responsible for CDEM and 17 years prior to that as Administration Manager, Finance which included responsibility for insurance and risk management. He managed Christchurch CDEM at a very strategic level and co-represented Christchurch City Council on the Canterbury CDEM Group Coordinating Executive Group (Chief Executives) and Joint Committee (mayors). He played an integral role in their CDEM Controller group in terms of professional development, mentoring and advising. Murray has provided a brief summary of his background relevant to these types of attributes, at Appendix 2.

3.8. Murray is a resident rate-payer of the Waimakariri who has lived in Ohoka/Eyreton area for the past 25 years and in his very early retirement years is keen to contribute to CDEM in Canterbury in some meaningful way. I consider he will be an asset to our council and our community as a CDEM Controller.

3.9. The Management Team/CE has reviewed this report and supports the recommendations.

4. COMMUNITY VIEWS

4.1. The Group Controller, Neville Reilly, has been consulted on this appointment and agrees with the proposed appointment. The wider community has not been approached as these are statutory appointments without the need for wide consultation.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1. In 2014 as a direct consequence of the key learnings from the review of the Canterbury Earthquakes, the Ministry of Civil Defence Emergency Management developed a professional development course specifically for Civil Defence Controllers in a bid to enhance their technical competence. The course has been developed in association with a number of tertiary education providers and is now being used as a benchmark for technical performance. The level and quality of the course presents a significant financial cost to the CDEM budget at $5,000 per person. Previous Controller courses have not provided a level of competence compatible with this course therefore the Ministry is strongly encouraging agencies to put all of their Controllers through this course. I therefore anticipate a submission on the Long Term Plan budget to put our Controllers through this course over the next three years.
6. CONTEXT

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

6.2. Legislation
Section 27 of the CDEM Act 2002 provides for the appointment of CDEM Local Controllers. The recommendation in this report is consistent with the Act and with the Canterbury CDEM Group Plan.

6.3. Community Outcomes
This recommendation maintains the current level of service in respect of the community outcome ‘there is a safe environment for all’ by continuing to provide an adequate pool of quality CDEM Local Controllers.
SUMMARY BACKGROUND: MALCOLM JOHNSTON

I spent over 30yrs with Police primarily in the CIB running homicide investigations which necessitated close liaison with senior Police Commissioners and a large number of organisations such as Search and Rescue, Army, Fire, Ambulance, Media, ESR, Pathology and the Crown.

My 5 years as an Area Commander in Christchurch was where I gained most experience in emergency management. I was the Duty Inspector for Canterbury Police on 4 September 2010 and responded immediately setting up the Police Emergency Operation Centre and in the absence of D/C Dave Cliff, was in charge of the Police response until D/C Cliff returned to Christchurch.

On 22 February 2011 and again on 13 June 2011 and 23 December 2011, I was working on all 3 occasions where as Area Commander I stepped in and was assigned senior roles within the Police response. I attended all briefings that included Police Commissioners, Internal Affairs, Fire, Ambulance, Defence and a myriad of other key stakeholders.

I spent 4 months relieving Insp Craig McKay in the role of Operations Manager during which I gained an excellent insight into the CDEM roles and responsibilities. I completed CIMS4 and also received emergency management training with Environment Canterbury Managers. That 4 months focused almost entirely on emergency management roles; preparation and understanding thereof.

Following the Feb 22 2011 earthquake I worked in a number of senior roles liaising with Civil Defence and all other key stakeholders where I gained experience at how the agencies worked in together and how emergency management worked first hand. In the immediate aftermath I represented Police at numerous community meetings where I accompanied and spoke alongside Bob Parker, Roger Sutton, Alistair Humphries and Director of Civil Defence John Hamilton, providing advice, information and reassurance to thousands of Cantabrians.

I also have experience with Pandemic training, terrorist training, flooding events and mass public disorder.

Canterbury District Commander - Superintendent John Price along with Canterbury Operations Manager - Inspector Craig McKay, both know my abilities and experience in and around emergency management.

Malcolm Johnston  
Environmental Services Manager  
Waimakariri District Council
SUMMARY BACKGROUND: MURRAY SINCLAIR

Murray has worked in the local government sector since 1979 when employed by the former Heathcote County Council. Roles undertaken while working for the Heathcote County Council included Electricity Clerk, Community Secretary and Officer Manager.

As part of the 1989 local government amalgamation, Murray was appointed as the new City Council’s Administration Manager Financial Services Group, responsible for providing administration services, cashiering, insurances and risk management, and the Mayor’s Welfare Fund Charitable Trust.

In 1996, Murray was given additional responsibility for disaster management planning and soon developed an agreement for the Canterbury Regional Council who at that time managed Civil Defence on behalf of the City Council. In 2005, Civil Defence Emergency Management (CDEM) was brought under the aegis of the City Council with Murray being appointed as the Business Unit Manager, Civil Defence & Emergency Management. In 2007, Rural Fire was incorporated within the CDEM Business Unit with Murray leading a team of twelve permanent (part-time and full-time) CDEM and rural fire staff and approximately 300 volunteers.

Murray has been at the forefront mentoring and providing support to the City Council’s Local CDEM Controllers, Emergency Operations Centre managers and their teams, Recovery Managers and their teams through exercises and responses to emergency incidents including several snowstorms and flooding events, 2009 pandemic and the 2010/11 series of earthquakes that affected the greater Christchurch area.

Murray has extensive experience in the CDEM field including the development of both local and Group CDEM related plans and operating procedures.

Murray was presented a Civil Award by Mayor Dalziel on behalf of the Christchurch City Council for services to public safety upon his retirement in December 2015. The citation for the Civil Award included the following statement:

“Murray has worked endlessly and tirelessly to increase the professionalism and functionality of Civil Defence and its many ramifications, gathering together a team to facilitate public awareness, the education of businesses, the organisation of volunteer groups to help in times of need, and co-ordinate with partner agencies such as the Police, Fire and Ambulance authorities to ensure that all work together smoothly. Murray has increased the capacity of various territorial authorities of the region to meet, respond to, and recover from emergencies of sorts. Without his work, Canterbury would be less safe, its people less secure.”
1. SUMMARY

1.1. The purpose of this report is to recommend endorsement of the attached draft submission on the *Resource Legislation Amendment Bill* for Council approval.

Attachments:

i. Draft Submission to the Local Government and Environment Select Committee on the *Resource Legislation Amendment Bill* (TRIM No. 151217165424)

2. RECOMMENDATION

THAT the Committee:

(a) Receives report No. 1601190035531

(b) Endorses the attached submission and;

(c) Recommends to Council the approval of the submission.

3. ISSUES AND OPTIONS

3.1 The *Resource Legislation Amendment Bill* was introduced into the house on 26 November 2015 and proposes to principally amend the *Resource Management Act 1991* (RMA), but also proposes relatively minor amendments to the *Exclusive Economic and Continental Shelf (Environmental Effects) Act 2012*, the *Environmental Protection Authority Act 2011*, the *Conservation Act 1987*, the *Reserves Act 1977*, and the *Public Works Act 1981*. The Bill passed the first reading on 3 December 2015 and was referred to the Local Government and Environment Select Committee who will receive submissions until 14 March 2016.

3.2 Almost concurrently, Local Government New Zealand (LGNZ) released their “blue skies” discussion about New Zealand’s resource management system, pointing out that the RMA has become the “whipping boy” for those who see it as an inefficient handbrake on growth on the one hand, and on the other hand for those who feel it has failed to protect the environment from harmful use and development. The LGNZ discussion document...
highlights that the RMA has been amended 21 times in the last 24 years, and discusses the merits of a fit-for-purpose resource management system (fundamental reform) rather than progressive amendment which makes the legislation more complicated and, over time, quite different from its original intent.

3.3 The Bill has some worthwhile reforms, particularly in relation to natural hazards by inserting into Section 6 the management of natural hazard risks as a matter of national importance, as well as amending Section 106 from “erosion, falling debris, subsidence, slippage, or inundation” to “significant risk from natural hazard”. Other worthwhile reforms in the Bill include scaling of process costs, on-line servicing of documents and introducing regulatory powers to remove stock from water bodies.

3.4 The Bill however is the latest in a long list of RMA amendments that make the Act complex, unwieldy and cumbersome. The Departmental Disclosure Statement accompanies the Bill includes Treasury’s Regulatory Impact Assessment which notes that much of the reform package relies on local authorities to implement. The attached submission highlights the provisions of the Bill which are not supported. These include but are not limited to:

- Removing Council’s ability to charge financial contributions to offset environmental effects;
- Mandatory Iwi participation arrangements without due regard to existing Iwi participation and arrangements;
- Defining “development capacity” to include the provision of infrastructure;
- Regulatory power to prohibit or override District Plan rules;
- Boundary activities to be permitted activities if approved by a neighbour, since this amendment does not remove process costs and introduces unnecessary complexity;
- Mandatory striking out submissions without an adequate definition of “insufficient factual basis”, and without a clear authorisation of who will determine this.

4. COMMUNITY VIEWS

4.1. The Select Committee process provides the opportunity for community views to be expressed on the Bill.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1 The Bill in its current form will increase costs to local government in relation to:

- Reviewing District Plan objectives, policies and methods to comply with the amendments;
- Amendment of the District Plan to conform to the National Planning Template;
- Transferring the burden of risk away from the private sector and onto ratepayers to comply with the definition of “development capacity”;

• Processing boundary activities that are determined to be a permitted activity and which therefore do not require a resource consent;

• Removal of Council’s ability to levy financial contributions.

6. CONTEXT

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

6.2. Legislation
Resource Management Act 1991

6.3. Community Outcomes
There are wide ranging opportunities for people to contribute to decision-making by national and regional organisations that affect the District.

Geoff Meadows
Policy Manager
Submission to the
Local Government and Environment Select Committee
In the Matter of
The Resource Legislation Amendment Bill

Submission by
Waimakariri District Council

February 2016
Person for Contact: Geoff Meadows, Policy Manager
1. **Context**

1.1. This Council welcomes the opportunity to submit to the Local Government and Environment Select Committee on the *Resource Legislation Amendment Bill*.  

1.2. Waimakariri is a rapidly growing District in North Canterbury with a population of 56,400 (30 June 2015), and is now at an advanced stage in recovery from the damaging effects of the earthquakes. The Council has an ample supply of residential and business land available for development in the District, and has worked effectively in recent years within the parameters of the *Resource Management Act 1991* (RMA) in the fields of water allocation and management, natural resource planning, regional collaboration and natural hazard risk reduction.

1.3. The Council’s submission to the Productivity Commission’s Inquiry into *Using Land for Housing* highlighted that in this District, planning for land for residential development is not impeded by the provisions of the *Resource Management Act 1991*, and developers, particularly in the post-earthquake environment when the demand for land for housing escalated, have been able to operate effectively to cope with rapid urban growth.

1.4. The Waimakariri District is located to the north of the Waimakariri River and is bounded to the south by Christchurch City and the Selwyn District, and to the north by the Hurunui District. It comprises a peri-urban area to the south-east of the District with three main urban areas, Kaiapoi, Rangiora and Woodend/Pegasus. The west and north of the District is largely rural, with Oxford as the main township but including a number of other smaller settlements.

1.5. The District’s population has increased from a usually resident population of 27,800 in 1991 to an estimated resident population as at 30 June 2015 of 56,400. Since its establishment in 1989 the Waimakariri District Council has adopted a pro-active approach to residential development. The key assumptions behind its District Plan, notified in June 1998 were that:

   a) the objective of the District Plan was to “manage growth” to maintain environmental values;
   
   b) the Council could under the RMA use its role as infrastructure provider to influence the direction of growth; and
   
   c) residential development was dependent on willing sellers of land, and that developers should shoulder the risks associated with development as a commercial activity.

1.6. The Council supports or is not opposed to the following components of the *Resource Legislation Amendment Bill*:

- The scaling of process costs;
- Inserting the management of natural hazard risks as a matter of national importance;
- The change to “significant risk from natural hazards” amending S 106 (clause 133 of the Bill) which is long overdue
- The collaborative and streamlined planning processes, depending on how these processes work in practice;
- The ability of the Environment Court to direct Council to acquire land in certain circumstances;
- On-line servicing of documents;
- Regulation power to remove stock from water bodies;
Reduced rights of appeal;
An exception to the one year timeframe for the National Planning Template where a proposed plan has already been notified.

1.7. The Council is opposed to, or is concerned about:

- National Policy Statements (NPS) and National Environmental Standards (NES) applying to specific areas of New Zealand, and for more lenient rules or resource consents to prevail over national standards;
- The National Planning Template which reduces flexibility and adaptability in District Plans, and duplicates existing national instruments via the NPS and NES framework;
- Boundary activities to be permitted activities if approved by a neighbour, since this amendment does not remove process costs and introduces unnecessary complexity;
- Regulatory power to prohibit or override District Plan rules;
- Reducing the scope of consent conditions;
- Defining “development capacity” to include infrastructure that exists or likely to exist, which may lead to the provision of infrastructure too far ahead of need;
- The implications from the amendments on hearings commissioners regarding the number of suitable and qualified commissioners available;
- Mandatory Iwi participation arrangements without due regard to the quality and effectiveness of existing negotiated and agreed Iwi engagement arrangements;
- The removal of financial contributions five years after Royal ascent;
- Changes to notification for consent applications;
- Regulations relating to fast-track applications (which may conflict with District Plans);
- Schedule 1 amendment providing for an extension of time when a plan change is unlikely within 2 years;
- Mandatory striking out submissions without an adequate definition of “insufficient factual basis” and without a clear authorization of who will determine this.

2. General Submission

The Regulatory Impact Statement (RIS) accompanying the Bill attempts to define the overarching problem contributing to the overall inefficiencies of the resource management system. The RIS acknowledges that the RMA was designed to allow plan development and decision-making to be undertaken at the level of the affected community, so that local biophysical conditions and community priorities could be reflected in Regional and District Plans. The RIS then states a key, self-evident truth that “for this reason, variation in Regional and District Plans is expected and necessary”.

However the RIS goes on to state that not all variation is desirable, but does not give sufficient explanation of why. The RIS states that inconsistencies and differences between plans creates problems for cross-boundary applicants, but no detail is provided about what these problems are, and how more adjustments to the RMA in this Bill will address those alleged problems. Organisations and businesses working across a range of local government jurisdictions ought to have an adequate sophistication to manage the inevitable variation that comes from different biophysical conditions and community priorities across the nation, particularly given New Zealand’s vast diversity in biophysical conditions. The RIS fails to cogently state the overarching definition of the problem.

On face value, a National Planning Template, and collaborative and streamlined planning processes, would appear to be useful tools for the legislation to provide. However, how these are implemented or work in practice, may lead to a different view. It would appear
that these instruments are quite generic, but until the detail is provided about their content and workability, this Council is concerned about their integration with its District Plan review and the cost implications to local government of complying with a national template. There is also the matter of how the National Planning Template will consider the amendments proposed around resource consents, and how local community’s views and expectations are addressed and considered.

Local Government New Zealand’s “Blue Skies” discussion document about the resource management system (December 2015) suggests that rather than again going through yet another RMA amendment process, consideration should be given to overwriting the core statutes within the resource management system to reduce their complexity and enhance their connectivity. This Council supports the LGNZ call for a broad-based and fundamental reform of New Zealand’s resource management system.

It is noted that the Government Disclosure Statement on the Bill included comments from Treasury’s Regulatory Impact Analysis Team (RIAT) which made the following observations;

- there has been no consultation on several actions, including some that are identified as being the most significant. It is unclear how the reform package is likely to deliver its objective of robust and durable resource management decisions;
- the proposed decision-making model is not supported by the analysis. Costs and benefits are not explained;
- much of the (reform) package relies on local government to implement;
- the concerns about natural justice and procedural fairness (removing appeal rights in the streamlined planning process and restricted in collaborative planning process) are not addressed;
- Council planning provisions that impose land-use restrictions are prevented and removed by the Bill which are not reasonably necessary to achieve the purposes of the RMA.

3. Specific Points of Submission

3.1. Process Costs are able to be scaled

Clauses 20 and 21 and clause 117 of the Bill amend S36 requiring local authorities to fix certain charges relating to resource consents, and publish these charges on an internet site, are sensible and are supported. The opportunity for local authorities to set resource consent charges proportional to the scale of the consent is a worthwhile reform. This Council already uses fixed fees for resource consents.

It is pleasing to see that the new S36AAB(2) confirms that no fee paid means no processing.

3.2. Sharpen processes for developing NES and NPS

Clauses 25(3)(b) and (c) and the new S45A(3)(b) and (c) of the Bill provide for National Environmental Standards (NES) and National Policy Statements (NPS) to apply to any specified district or region of any local authority, or to any other specified part of New Zealand. If a regulation is made for a NES or NPS to apply to a specific area of the nation, that environmental standard or policy, by definition, is no longer a national standard or national policy. Clause 25(3)(b) and (c) and the new S45A(3)(b) and (c) should be deleted from the Bill because, by definition, these provisions are not national standards or national policies.

Similarly, the bar for a national standard should be consistent across the nation, and clause 27 of the Bill amending S43B of the RMA provides for a more lenient
rule or resource consent to prevail over the NES. This provision diminishes the meaning and general understanding of a national standard, and so clause 27 of the Bill is not supported and should be deleted.

3.3. National Planning Template

Clause 37 of the Bill inserts the new S58B to S58J for a National Planning Template (NPT), however the purposes set out in the proposed new S58B do not provide any helpful reasons why there should be a National Planning Template. The purposes of a NPT as proposed do not assist in achieving the purpose of the RMA, and do not contribute to matters of national significance or which require national consistency, since these are the functions and purposes of National Policy Statements and National Environmental Standards.

The rules, policies and objectives of regional and district plans are necessarily reflective of the particular community’s aspirations represented in each plan. As the Regulatory Impact Statement (RIS) on the Bill points out, the RMA is designed to allow plan development and decision-making to be undertaken at the level of the affected community, and variation in regional and district plans is expected and necessary.

The assertion in the RIS that inconsistencies and differences between council plans create problems for cross-boundary applicants and submitters, is not supported by evidence or examples in the RIS. As the Rules Reduction Taskforce Report (August 2015) points out, many of these alleged problems are more imagined than real.

The benefit in legislating for a national template has not been explained in the RIS, explanatory notes of the Bill, or the Departmental Disclosure statement. Each district and region in New Zealand is unique, and has its own set of issues, hopes and objectives for its communities. The purposes of a National Planning Template (S58B) are thus redundant, and are inconsistent with Schedule 1 of the RMA requiring exhaustive consultative process to glean community aspirations.

In the proposed new S58D(2)(b), the Minister may have regard to the desirability of national consistency in relation to a resource management issue, however the Minister already has these instruments available with NES and NPS which makes these additional measures in the proposed NPT redundant.

Local authorities must make amendments to existing documents to be consistent with NPT (proposed S58H(2) and (3)) which is itself inconsistent with the stated purposes of the Bill to increase flexibility and adaptability of processes and manage resources in an efficient and equitable way. The cost to local government in amending and notifying existing documents within at least one year (S58H(30(b)) is not insignificant.

This part of the Bill is also inconsistent with the Productivity Commission’s recommendations from their Inquiry into Local Government Regulatory Efficiency (May 2013), recommending that changes were needed to improve:

- the interface between central government and local government, with local government recognised as co-producers of regulatory outcomes;
- central government’s policy analysis prior to making changes to local government regulatory functions;
- central government’s knowledge of local government capability to undertake robust implementation analysis;
- the quality of engagement with local government early in the process.
The proposed Section 58I(1) requires the Minister to have the first NPT within two years of assent of the Bill. Some local authorities have only just completed their second generation District Plans at great cost to their communities. Waimakariri District Council is currently part way through a rolling review of its District Plan. These provisions mean that these local authorities would be required to amend their District Plans within 2 years of royal assent to be consistent with the NPT instead of the current 10 year review period under S79 of the RMA. These provisions of the Bill are neither efficient nor equitable.

Section 58H (7) (a) makes an exception to the NPT timeframe where a proposed plan is notified ahead of the NPT coming in. This provision in the Bill is supported.

3.4. **Regulation power to prohibit and remove council planning provisions**

The new regulation powers in Clause 105 which insert S360D and S360E are of concern to this Council, because this regulatory power prohibits a local authority from making specified rules, and enables the overriding of rules in a District Plan that then must be withdrawn (360 D (1)(b) and (d)). District Plan rules have gone through a rigorous public process, including access to the Environment Court, and reflect the values and aspirations of the community. It is conceivable that some rules will be unpalatable to some particular developers, who after making a representation to the Minister can have these rules prohibited or overridden by regulation. This regulatory power undermines the purpose and intent of RMA District Plans, weakens public confidence in the integrity of a plan, and devalues the exhaustive and comprehensive public process to develop the rules in the first place.

3.5. **Natural Hazard Risk**

Clause 5 inserts S6(h) for the management of significant risks from natural hazards as a matter of national importance, and is supported. The amendment of S106 of the Act (Clause 133 of the Bill) to “significant risk from natural hazards” is a welcome reform and long overdue. The only concern is consistent administration of what constitutes a “significant” hazard, although this could be determined by a NPS.

3.6. **Sufficient residential and business development capacity to meet long-term demand**

Clause 11 and 12 amending S30 and 31 place local government planning into the province of the private sector, and significantly alter the onus of responsibility and burden of risk for the provision of infrastructure. By inserting a definition of “development capacity” to include the provision of infrastructure existing or likely to exist, the Bill risks out-of-sequence development, provision of infrastructure ahead of when it is needed, and transfers the burden of risk onto existing ratepayers rather than private sector developers seeking to profit from the development.

3.7. **Hearings Commissioners**

Clauses 16 and 17 amend S34A and introduce a new S34B. This Council has concerns over the implications of needing hearings commissioners to cover Iwi perspectives relating to the overall number of suitable and qualified commissioners, and the issue of costs for councils and applicants outside of the main urban areas.

The new S34B may fix a fee for hearings commissioners but must fix a fee if required by a regulation. This Council is concerned about the implications of the number of commissioners available at the fixed fee and the subsequent quality of those commissioners.

3.8. **Two new planning tracks for Councils**
The collaborative planning process prescribed in the new S80A and new part 4 of schedule 1 appears to be a sensible reform and is supported in principle.

Similarly the streamlined planning process prescribed in the new S80B and 80C appears to enable expeditious planning processes that are proportionate to the complexity and significance of the issue, and is also supported in principle.

However, how these processes work in practice, and what they actually mean, may lead to a different view.

3.9. **Iwi Participation Arrangements**

This Council has detailed and effective Iwi participation arrangements through a Memorandum of Understanding with Te Ngai Tuahurir Runanga that have been effectively operating for many years, including monthly meetings with senior Council staff and the Runanga executive, an annual hui, and a close working relationship on resource management matters, including for example Council funding iwi participation in resource management decision-making. The Bill (new S58K-58P) does not seem to take account of existing arrangements and appears to require statutory participation arrangements over and above current practice, which may in fact hinder and appear to undermine the trust and work that has resulted in extant working relationships.

The Bill should not make RMA Iwi Participation Arrangements mandatory if long standing and effective arrangements are already in place. Recognition in the Bill of mutually acceptable, formal, working relationships between iwi and Council would ensure that stable existing arrangements are acknowledged.

3.10. **Environment Court ability to direct Councils to acquire land**

Clause 54 (amends S85) providing for the Environment Court to direct Councils to acquire land if the planning provision renders land incapable of reasonable use or places an unfair and unreasonable burden on the landholder. This is a reasonable reform and is supported.

3.11. **Conditions of Resource Consents**

Clauses 63 and 64 introduce a new S 108AA which appears to reduce the scope of consenting authorities powers, requiring a condition to be directly connected to one or both of an adverse effect of an activity on the environment or applicable plan rule. Introducing the term “directly connected” would seem to provide an avenue for applicants to challenge mitigating conditions on the subjective basis that the applicant views the conditions as “indirect”. This reduces the scope of conditions consenting authorities can use to address wider, cumulative impacts of an activity, even when those conditions would pass the test for the validity of conditions for determining fairness and reasonableness. This moves the RMA away from a proven source of case law that by definition determines reasonable consenting conditions.

3.12. **On-line servicing of documents**

Clauses 68-70 (amend S149c-f), new S87AAC, and clause142 (amends s352) are sensible reforms and are supported. Some minor administrative processes would need to be established to cater for situations where email addresses are changed, such as a practice note to ensure that electronic addresses for serving of notices are automatically sent with a request for a delivery and read receipt.

3.13. **Removal of financial contributions**
Clause 153 (repeals S 108 (2) (a), (9) and (10). Clauses 158 and 159 repeal S409 and S411. Clause 160 amends schedule 12 to insert new clauses 17 and 18 to remove Financial Contributions from District Plans. It is noted that these provisions commence 5 years after Royal assent which may give local authorities sufficient time to adjust their financial strategies based on the current ability to collect financial contributions. However, as a means of offsetting environmental effects, and used to fund specific road upgrades arising from particular developments, removing financial contributions will transfer the general cost to ratepayers, and the resource consent applicant will become the beneficiary. On the basis, this portion of the Bill is not supported.

3.14. Provides for regulations to remove stock from water bodies

New section 360(1)(hn), to provide regulatory power to remove stock from water bodies, is supported (where water bodies has the meaning given to it by Section 2 of the RMA).

3.15. Boundary activities

Clause 122 creates the new S87BA and is not supported in its current form. Although in principle it could assist in reducing unnecessary resource consent costs, its mandatory impact does not allow for cumulative effects to be considered, and could give rise to undesirable outcomes where developers give consent to themselves with large scale subdivisions. One way of managing this scenario would be for the Bill to prescribe that the sites with the affected boundary need to be in different ownerships.

Another major concern with the new S87BA is that it only requires the written approval of each owner or occupier. This could mean that the tenant could give their written approval and the landowner be excluded from the process even though they might not agree with the activity. Conversely the landowner may give their written approval with little regard to their tenant, who could have a long term tenancy and be significantly affected by the activity. In order to manage these circumstances written approval should be required from both each owner and their tenants. The status of unconditional sale and purchase agreements also needs to be considered, as an owner may give their written agreement to an activity before a final property settlement which may significantly affect the prospective purchaser to the extent that they may not have decided to purchase the property had the adjoining activity been known. In terms of the new S87AA (2) it would appear that boundary activities only relate to setbacks and recession planes, and if this is correct, the Bill should make this clear.

Also the processing costs of determining that a boundary activity is a permitted activity (new S87BA) are still going to be incurred, and these can (and will) still be charged to the applicant so the advantage of this amendment is not apparent.

Sections 87BA and 87BB are not based on the same premise. S87BB provides for a consent authority to have discretion to determine an activity as permitted, whereas S87BA provides for a permitted activity if the requirements are met regardless of the consent authority’s views. These proposed amendments introduce internal inconsistency into the Act, and S87BA does not give Councils the opportunity to assess cumulative impacts from a number of breaches within the same development (such as a 50 lot subdivision where the developer seeks permitted activity status to reduce all setbacks from internal boundaries to zero having given consent to himself as the adjoining property owner of the affected boundary). This has serious repercussions for the determination of a permitted baseline when boundary activities do need a resource consent, because the District Plan bulk and location rules may become progressively obsolete.
This Council supports S87BB in that it provides the Council with a level of discretion. Whilst this would appear to be a clearer discretion with temporary non-compliances, a subjective judgement is required when an activity is marginal, and the determination will vary depending on site specific circumstances and between different community expectations.

Clause 128 creates the new S95DA and raises concerns about persons considered to be affected. With a “boundary activity” the only persons eligible as affected are the owners or occupiers with an affected boundary. It is not clear in the Bill whether this means the actual boundary affected, and not all boundaries. There is concern that there are no individual owners or occupiers for a subdivision unless that subdivision is non-complying. The only affected persons are owners of infrastructure, the medical officer of health, and the fire service which is very limited. Iwi are not identified as an eligible party even though the subdivision proposal may be a discretionary activity because it falls within a silent file area or is subject to a wahi taonga. Equally the site could be a heritage or archaeological place with no eligible parties in relation to these matters. This limitation could potentially lead to more public notifications however this could only be done under special circumstances. This Council’s District Plan is not set up to automatically preclude notification for all discretionary (restricted) and discretionary subdivisions. This amendment would require this Council to review its subdivision objectives, policies and methods in the District Plan, imposing more costs to local government.

There is also concern over persons eligible to be considered affected for any activity other than a boundary adjustment, subdivision or non-complying activity, which is very limited to just adjoining properties, and can no longer support an effect beyond one property deep (which is not sensible for effects such as noise and odours). Whilst the new S95DA (5) does clarify that allotments on the other side of the road, right of way or watercourse are considered adjacent, there is no way of reflecting a property that might be only be separated by a narrow property width. This in some cases would be less than those separated by a road and could easily be affected more adversely than some of the persons eligible to be considered affected. Again this amendment would require this Council to review its objectives, policies and methods for discretionary (restricted) and discretionary activities.

Clause 129 replaces S95E and there is concern about recording the adverse effects that are the basis for any decision that that person is affected or not, when the effects on them may be the same as their neighbour a short distance away but that neighbour is no longer eligible to be considered affected.

3.16. Notification of Consent Applications

Clause 125 replaces S95 to 95B and the new wording of S95A overly complicates the process for determining notification versus non-notification. This Council is concerned particularly with S95(7)(a) in that the notice publicly notifying an application needs to specify in the notice the adverse effects the consent authority considers to be relevant. This would lead to a much more detailed S95 assessment. Given some applications are subsequently withdrawn if public notification is determined, this will be an increased cost to applicants. The new wording of S95B does not seem to offer any benefit, advantage or positive reform from the current sections 95 to 95B.

3.17. Reduced Rights of Appeal

Clause 135 amending S120 reducing rights of appeal is supported, especially against conditions unless on a non-complying activity. As this ties in with reduced affected persons eligibility for discretionary (restricted) and discretionary activities this would also tend to lead to the need to review the objectives, policies and methods for those activities in this Council’s District Plan.
3.18. **Regulations Relating to Fast-track Applications**

Clause 151 inserts new sections 360F and 360G for fast tracked applications (as proposed by new S 87AAB to 87AAD inserted by clause 121 of the Bill). However the Order in Council required by the new section 360F can add particular activities or classes of activities. These could end up conflicting with District Plans, and in the case of this Council’s effects-based plan, nominating particular activities may lead to changes being required to the District Plan. The same issue arises under proposed new S 360G with an Order in Council precluding public notification for particular activities or precluding limited notification to certain affected persons beyond those already identified in new S 95DA under Clause 128.

3.19. **Schedule 1 Amendment**

Clause 152 inserts a new S10A into Schedule 1 providing for an extension of time from the Minister when a plan change is unlikely within 2 years. Although the majority of plan changes are processed from notification of the change to notification of a decision, a local authority may have a particular reason to place a plan change on hold, thereby impacting on the 2 year timeframe. If the extension of time is not granted by the Minister, it may lead to the withdrawal of the proposed plan change, the process being re-started, which in turn will lead to inefficiencies and cost implications.

3.20. **Striking Out Submissions**

Clause 120 introduces a new S41D. This Council is concerned about S41D(2) where Council must strike out submissions where S41D (2)(b) (i-iv) is met, especially “(i) it does not have a sufficient factual basis”. The definition of, and the delegation of who will determine, “sufficient factual basis” is not clear in the Bill.

4. **Conclusion**

There are some worthwhile and long overdue reforms in the Bill such as the amendments to S106 relating to natural hazards and including natural hazards as a matter of national importance into Section 6 of the Act. Overall however, the Bill places a greater cost impost on local government through Clauses 11, 12, 37, 58I (1), 151,152, 153, 158,159, and 160, and places a greater cost impost on applicants through Clauses 122 and 125. It is difficult to see how the Bill improves flexibility and/or efficiency, particularly since the overarching problems with the status quo are ill defined.

The Council wishes to be heard in support of its submission.