

Council

Open Agenda



Notice is hereby given that a Hearing of Submissions to the Easter Trading Policy, Fees and Charges 2017/18 and Bylaws by Matamata-Piako District Council will be held on:

Date: Wednesday 17 May 2017
Time: 9:15am
Venue: Council Chambers
35 Kenrick Street
TE AROHA

Membership

Mayor

Jan Barnes, JP

Councillors

Donna Arnold
Teena Cornes
Paul Cronin
Neil Goodger
Brian Hunter
Peter Jager

James Sainsbury
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INFORMATION ONLY		

1 Meeting Opening

2 Apologies

At the close of the agenda no apologies had been received.

3 Declaration of interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

Council Hearing - Covering Report

Trim No.: 1876799

Executive Summary

The purpose of this report is to provide an overview of the hearing process. Separate reports address each of the consultation issues (bylaws, Easter trading, fees and charges).

Recommendation

That:

1. Council considers whether to accept any late submissions;
2. Council hear those submitters that wish to be heard;
3. The information be received and that all submissions be considered;
4. Decisions be made and recorded in relation to each submission;
5. Council staff inform each submitter of the decision as per the resolutions;
6. Council decisions made during the hearings process be incorporated into the;
 - Local Easter Sunday shop trading policy 2017
 - Fees and Charges 2017/18
 - Land Transport Bylaw 2008
 - Solid Waste Bylaw 2017
 - Water Supply Bylaw 2008
 - Stormwater Bylaw 2009
 - Wastewater Bylaw 2008

Content

Background

The special consultative procedure whereby the public is invited to make submissions has been undertaken for the draft Easter Trading Policy, Fees and Charges 2017/18, Land Transport Bylaw, Solid Waste Bylaw, Water Supply Bylaw, Stormwater Bylaw, and Wastewater Bylaw.

Consultation ran from 22 March to 26 April 2017 with a total of 80 submissions received from 81 submitters. Council now needs to hear those who identified they wished to present their submissions, and consider all the submissions received.

Additional late submissions may come in prior to the hearing date, if this occurs they will be distributed to Council as soon as possible. Council is required to consider whether to accept and receive these submissions at the commencement of the hearing.

The following documents have been circulated separately to this report:

1. Submissions.
2. Additional documents file (including attachments to submissions - these are large submissions in full, the hearing schedule as at 10 May 2017, copies of the draft documents and statements of proposal).

Analysis

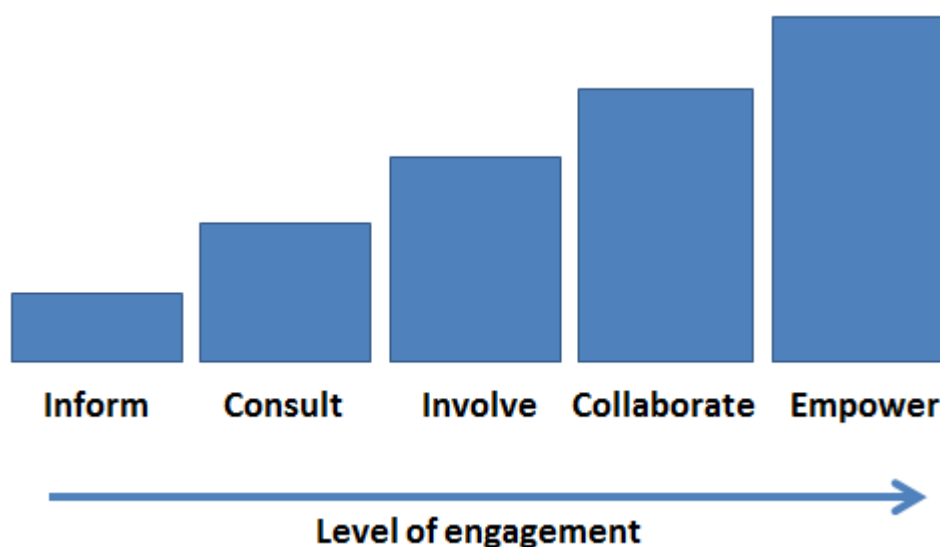
Legal and statutory requirements

The documents that have been consulted on are dealt with under subsequent reports in the agenda. These reports address any specific legislative and statutory requirements.

Impact on Significance and Engagement Policy

The Significance and Engagement Policy provides guidance on how to determine significance, and the appropriate levels of engagement in proportion to the level of significance. In general, the more significant a issue is determined to be, the greater the need for community engagement. The Policy sets out the matters which must be taken into account when assessing the degree of significance;

- there is a legal requirement to engage with the community
- the level of financial consequences of the proposal or decision
- whether the proposal or decision will affect a large portion of the community
- the likely impact on present and future interests of the community
- recognising Māori culture values and their relationship to land and water through whakapapa
- whether the proposal affects the level of service of a Significant Activity
- whether community interest is high
- whether the likely consequences are controversial
- whether community views are already known, including the community's preferences about the form of engagement
- the form of engagement used in the past for similar proposals and decisions



Council has used the consult approach to engage with the community on various proposals. This would include newspaper articles, attending community events and stakeholder meetings and writing to key stakeholders. The Te Manawhenua Forum have been advised of the proposals.

If Council opts to depart from its consultation proposals, depending on the scale of change, this could potentially be a matter of significance and trigger a separate consultation process.

Communication, consultation and decision making processes

The Local Government Act 2002 requires Council to enable democratic decision-making to promote its purpose *to enable democratic local decision-making and action by, and on behalf of, communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses* within a framework of accountability and prudent financial management.

Council must, in the course of the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess those options by considering:
 - the benefits and costs of each option in terms of the present and future interests of the district;
 - the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;
 - the impact of each option on Council's capacity to meet present and future needs in relation to any statutory responsibility;
- any other matters that, in the opinion of the Council, are relevant; and
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

It is the responsibility of Council to make, in its discretion, judgments about how to achieve compliance with its decision-making obligations that is largely in proportion to the significance of the matter affected by the decision.

Special consultative procedure

Section 83 of the LGA details the requirements of special consultative procedure, which include the adoption of a statement of proposal. The proposed consultation process includes the following key actions to meet the legislative requirements:

- A statement of proposal, including a draft of the proposed amended bylaw, is prepared and adopted at a meeting of Council (circulated separately).
- Council gives public notice of the proposal in the Piako Post and Matamata Chronicle and invites members of the public to make submissions.
- The statement of proposal will be made available for public inspection on Council's website and at Council offices (via Kiosks) and at public libraries at Matamata, Morrinsville and Te Aroha.
- The period within which views on the proposal must be no less than one month. The submission period for the proposal started on 22 March 2017 and closed 26 April 2017.
- A hearing held on 17 May 2017 to provide an opportunity for persons to speak to Council about the proposal.
- Council considers the submissions received and the further comments of those submitters who wish to be heard and any other comment or advice sought from staff or other persons and deliberates on these matters and adopts the proposals.

Council has undertaken the above consultative process in line with the communications plan approved by Council on 8 February 2017.

Timeframes

The timeframes for the consultation is as follows:

Process	Date
Informally seek views of key stakeholders on Easter Trading	October 2016
Council workshop on Bylaws	14 September 2016
Council workshop on Easter Trading Policy / draft Budgets/Fees and Charges	16 November 2016
Annual Plan 2017/18 and associated documents key dates	23 November 2016
Workshop on draft Budgets/Fees and Charges	30 November 2016
Council adopt draft Budgets/Fees and Charges/Easter Trading Policy for consultation	14 December 2016
Consult the community	22 March – 26 April 2017
Council Hearing	17 May 2017
Fees & Charges, Bylaws to come into force	3 July 2017

Contribution to Community Outcomes

The consultation and policy process contributes to the following outcomes:

- 2.a) Our community/lwi will be informed and have the opportunity to comment on significant issues
- 2.c) Council's decision making will be sound, visionary, and consider the different needs of our community/lwi

Attachments

There are no attachments for this report.

Signatories

Author(s)	Niall Baker Policy Planner	
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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Council Hearing - Easter Trading Policy

Trim No.: 1876288

Executive Summary

Council has consulted the community on a draft Easter Trading Policy that would allow trading on Easter Sunday throughout the district from 2018. A total of 79 submissions were received on this topic. Council now needs to decide whether to introduce a policy or retain the status quo position.

Recommendation

That:

1. The information be received.
2. Council decides whether or not to adopt the Local Easter Sunday shop trading policy.
3. The Local Easter Sunday shop trading policy be adopted by Council to be effective from Easter Sunday 2018 (if applicable).

Content

Background

The Shop Trading Hours Act 1990 (Act) currently allows shops selling certain types of goods (examples include dairies, service stations, take away bars, restaurants and cafes, and duty free stores) to remain open on restricted trading days such as Easter Sunday.

The Shop Trading Hours Amendment Act 2016 passed into law on 29 August 2016 permits retail trading on Easter Sunday if a Council has a policy allowing trading on this day. This means that individual businesses will be able to decide if they would like to open. Under the Act all shop employees will have the right to refuse to work on Easter Sunday without being required to give a reason. They will also be able to take a personal grievance if they are treated adversely or compelled to work on Easter Sunday.

Council's Policy can determine whether to allow shop trading on Easter Sunday but cannot impose other conditions such as trading hours, conditions of trade etc. It can determine whether to allow trading across the entire district or in certain towns/areas.

Council must consult their communities using the Special Consultative Procedure on an Easter Sunday Trading Policy and it must be reviewed within five years.

Council approved the draft policy and statement of proposal for consultation on 14 December 2016.

Issues

Shops which can remain open irrespective of a policy

Some shops can remain open on Easter Sunday irrespective of a policy or not. These include:

A shop that sells or is:
<ul style="list-style-type: none"> • Food • Drink • A household item • A personal item, automotive fuel, lubricant, parts and accessories of a kind that people may reasonably need to be able to buy at any time (e.g. Dairy, Service Station).
Note: Can open if the quantity of goods for sale is no greater than that sufficient to meet the demands of the people who live or are staying in the area where the shop is, and people travelling through the area.
Goods intended to be bought as souvenirs.
Duty free goods to people intending to take the goods out of New Zealand.
Prepared or cooked food ready to be eaten immediately (e.g. Take away bars, restaurants, cafes).
At any transport terminal and sells: books, magazines, newspapers, duty free for people Departing NZ, souvenirs.
A pharmacy.
A shop in a premises where an exhibition/ show on agriculture, art, industry or science (e.g. museum shop).
A garden centre.

Sale of Alcohol

Sale of alcohol restrictions apply on Good Friday, Easter Sunday and prior to 1pm on ANZAC Day (Saturday 25 April). The Act does not amend any of the provisions relating to the supply of alcohol.

The Sale and Supply of Alcohol Act 2012 prohibits the sale or supply of alcohol to anyone from any licensed premises (including restaurants and entertainment venues) on Good Friday, Easter Sunday and prior to 1pm on ANZAC Day other than to persons on the premises to dine on the premises as a guest, lodger or as an employee or where a special licence has been obtained.

This means that no-one may be sold or supplied alcohol on any licensed premises on these days unless they are on the premises to dine or reside there. A person is not present on licensed premises to dine if he or she is on the premises more than an hour before he or she starts (or is due to start) eating a meal or more than an hour after he or she finishes eating a meal.

Off licences are also not able to sell or supply alcohol from the premises on any of Good Friday, Easter Sunday and prior to 1pm on ANZAC Day. However, off licences where wine is produced on the premises may be sold and supplied within licensing hours on Easter Sunday.

Shop employees' right to refuse to work on Easter Sunday

Easter Sunday continues to be a day of significance across New Zealand and some people would rather not work on this day.

The 'right to refuse' provision means that shop employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship. If a retailer wishes an employee to work on Easter Sunday they must provide notice to their employee of 4 to 8 weeks

out from the date of Easter Sunday. There is an exception for a new employee hired within the four weeks prior to Easter Sunday, in which case they must be informed when reasonably practicable to do so.

Allowing employees to refuse to work on this day, with no requirement to give a reason, is signifying that Easter Sunday is an important day across New Zealand. However, an employee must inform their employer, in writing, no later than 14 days after being given notice.

The employer has an obligation not to compel the employee to work on Easter Sunday nor to treat that employee adversely for refusing to work on this given date. The Act sets out that any personal grievances that arise from an employee refusing to work are subject to the Employment Relations Act 2000.

Easter Sunday is not a public holiday

Easter Sunday is not a public holiday and if the employee does not work Easter Sunday because the business closes (perhaps as a result of Sale of Alcohol Act restrictions) then whether employees get paid or not depends on their employment agreements. This is because Easter Sunday is a “restricted trading day” not a guaranteed day off work. A restricted day prevents businesses from trading with the public.

It is noted that restrictions on Good Friday trading still apply. Both Good Friday and Easter Monday are public holidays (under the Holidays Act 2003 which specifies 11 public holidays each year).

Consequences for shops which open and are not allowed to

The occupier of a shop is liable on conviction to a fine not exceeding \$1000 (s5 of the Act). The Act does not name a particular regulator or organisation for the purposes of enforcement. The Labour Inspectorate currently fills this role. The Labour Inspectorate has indicated that for prosecutions it has taken against non-compliant businesses, the Courts have only been prepared to fine up to \$500. Anecdotally, many businesses report that profit from trading on a restricted day exceeds the penalty they are liable to pay.

What Council can and cannot do

Council is able to decide whether shops in the district can trade or not on Easter Sunday by way of policy. Specifically, a policy can be developed which:

- Determines whether to allow shop trading on Easter Sunday.
- Determines whether to allow shop trading on Easter Sunday across the entire district or in certain towns/areas and include a map of the area within the policy.

A policy cannot be developed which:

- Permits shops to open only for some purposes.
- Permits only some types of shop to open.
- Specifies times at which shops may or may not open.
- Includes any other conditions as the circumstances in which shops in the area may open.

Submissions

A total of 79 submissions were received on this topic. Of these, 36 supported the proposal and 34 opposed with 2 ‘other’ comments and 7 were not marked.

In support of the policy some of the reasons given in submissions were:

- The decision to trade on this day should be up to the individual business (a matter of personal choice) which the policy provides for.

- It is inappropriate to have others' beliefs imposed simply because they feel strongly about those beliefs (customers can also decide to shop based on their own beliefs and requirements).
- New Zealand is becoming less and less Christian as time goes on and it's time to make the change. Nobody will be forced to work or to open if they don't wish to.
- Easter is a popular time for tourist and leisure activities, particularly outdoor activities such as the cycle trail. Local business should be able to open to service the needs of tourists and residents in an increasingly secular and diverse society.
- Businesses should be allowed to open on Easter Sunday particularly with it not being a statutory public holiday. Question why dairies and other convenience stores are allowed to trade but not supermarkets.
- Tourism is a major growth opportunity and this policy will support business.
- It is no business of either Central or Local Government as to when shops can open.
- Whatever religious holidays are observed is up to the employer and their employees.
- Easter Sunday is not a problem as long as shops are closed on Good Friday.
- There are many important religious days; the majority of the population isn't religious so there should be the freedom to choose if shops open or not.

Opposing the policy some of the reasons given in submissions were:

- Staff may also feel pressure to work Easter Sunday despite legislative provisions. Officially employees don't have to work but many of businesses are small and so have few staff to choose from. Choosing not to work at Easter may very easily prevent people from gaining a position and employees often lack bargaining power.
- Easter Sunday is a time for families as falls within the school holiday period. The proposal will come at a social cost to family, rest and recreational time.
- It should be a day of reflection and family time/ chance to honour what was set in place in history
- Shops are open most of the time so there is no need to change it - there are already 363 days a year to conduct business.
- There is a need to honour Christian heritage/ the basis of the countries Christian principles. To only celebrate Good Friday is to celebrate Jesus' death but not his resurrection is wrong. Easter Sunday is a sacred day.
- The suggestion that this policy will promote economic development is not dependent on this specific day of trading.
- Suggestion that trading be allowed from 1 pm on Easter Sunday similar to ANZAC day.

The Morrinsville Chamber of Commerce and Te Aroha Business Associations did not submit on the Easter Trading Policy, however in the consultation process these stakeholders were met with and there was general support for the policy. The Matamata Business Association has submitted in support of the policy.

Policy Considerations

Below are brief considerations for and against a policy.

Impacts on businesses/employers - Currently, communities lack the ability to choose whether or not to allow trading on restricted trading days. This lack of choice has the potential to hinder economic development for regions where there may be a strong demand for trading on restricted days.

Impacts on employees - For workers it is may be a positive impact because they will have the ability to work and be paid on Easter Sunday, essentially allowing them to be paid for an additional day than they would be currently. Under current legislation, workers who would otherwise work on an Easter Sunday, but do not because of shop trading restrictions, are only entitled to be paid

where they take annual leave. Employees can also refuse to work on Easter Sunday without being required to give a reason.

Easter Sunday is also important to many people for other reasons (such as a day off work to spend time with family and friends).

Considerations for a district wide policy - A district wide policy would reduce the frustration and confusion on the part of businesses between those who can and cannot trade on Easter Sunday. It will also diminish enforcement costs as a district wide approach would require no monitoring of areas which are not in the permitted area.

Considerations for a permitted area(s) policy - The policy would enable Council to target areas which cater for the needs of the community such to cater for tourist trade in Matamata over the Easter Weekend.

Religious affiliation - Easter Sunday is an important day in the Christian religion. Easter Sunday alongside Good Friday is of spiritual importance for a proportion of the population.

Official census data provides an indication of religious affiliation in Matamata-Piako as shown in the table below. Christianity is the predominant religious affiliation in Matamata-Piako with 45% of the population affiliating with this religion in 2013. The number of people with Christian religious affiliation has been falling since the 2001 census and the "no religion" category has been increasing. It is noted that holding a particular religious affiliation does not necessarily mean a certain view is held on Easter Sunday Trading.

Census Count - Matamata-Piako District	Census, religious affiliation (total responses), for the census usually resident population count												
	No Religion	Buddhist	Christian	Hindu	Islam/Muslim	Judaism/Jewish	Māori Christian	Spiritualism and New Age Religions	Other Religions	Object to Answering	Total people stated	Not Elsewhere Included	Total people
2001	7737	195	17244	51	42	21	387	75	240	2649	27867	1692	29469
2006	9651	246	16392	87	75	24	336	135	264	2145	28653	1875	30483
2013	12882	273	14208	195	81	36	354	165	303	1527	29412	2163	31536

Community views

Prior to formal consultation, Council staff contacted the local business associations, ministers associations and churches to get their views on Easter Sunday trading. In addition, a letter from Foodstuffs was received requesting Council develop a local policy in time for Easter 2017.

As part of the consultation larger-retailers such as supermarkets, the warehouse, Mitre10 were sent letters.

Council staff also did 'door to door visits of the CBD areas in each town visiting most retailers to inform them of the proposed policy and encouraging submissions. The consistent verbal feedback given to Council staff was that many small businesses did not see any particular concern with the Policy given that currently, they would be unlikely to trade on Easter Sunday.

Other Waikato Council decisions

Other Councils in the region are also considering whether or not to develop and consult on an Easter Trading Policy. The following table indicates where neighbouring Councils are at in terms of developing and consulting on a Policy however this is subject to change as well as subject to

consultation and decision making requirements. Some of the following Councils may consult on a Policy and receive strong objection and decide to not approve the policy following consultation.

There may be cross-boundary issues if Matamata-Piako's adjacent Council/s develops a policy and the other does not, creating confusion for tourists and others. A summary of other Council positions is set out in the table (which may be subject to change):

Council	Status
Thames-Coromandel District Council	The policy was adopted by Council on 6 March 2017 following a public consultation held during December 2016 and January 2017. The policy was in place for Easter Sunday 16 April 2017. The policy applies to the whole of the district.
Waipa District Council	Waipa is scheduled to go out for public consultation 29 June – 28 July 2017, with a decision to adopt or not in October 2017.. It will decide whether or not to adopt a policy from consultation feedback.
Hamilton City Council	Council made a decision to consult on a proposed city wide policy in February 2017 to be in place for 2018. Consultation period: 9 Mar – 9 May. Hearings scheduled for June 2017. Decision scheduled for July 2017.
Waikato District Council	The policy was adopted at the Council meeting on 10 April 2017 following consultation between December and February. The policy allows district wide trading. Waikato District received feedback from 1270 people/organisations.
Hauraki District Council	The policy was adopted at the Council meeting of 22 February 2017. The policy allows district wide trading. Hauraki received feedback from 109 people/organisations.

Around New Zealand Councils have also been considering this issue. To date the following decisions have been made:

- Clutha, Far North – the council has adopted a policy permitting Easter trading.
- Porirua City – following the consultation decided not to allow shops to open on Easter Sunday. The consultation resulted in 86 submissions, 66 per cent in favour of keeping shops closed. A 600-strong petition against the change was delivered to the council and provided a strong message from the city's retail workers.
- Carterton - trading has been allowed. Carterton had just five submissions to its policy, all of which were in favour.
- Masterton - has voted to allow trading. Masterton had 93 submissions. Of those, only 13 were in support. With two neither clearly in support or otherwise, that left 78 opposed.
- Ashburton, Palmerston North, Nelson and Tasman have opted not to consult on a policy – effectively meaning the status quo will prevail.

Rural New Zealand appears to be leading the way when it comes to Easter trading. Twenty-five of the country's 67 local councils have adopted a policy many of them in areas with popular with holidaymakers.

Larger cities such as Auckland, Wellington, Christchurch, and Dunedin have yet to consider the issue formally. Wellington City Council and Hutt City Council plan to consult on changes for Easter 2018.

Analysis

Options considered

1. Council adopt the policy

Under this option Council would adopt the draft Easter Sunday Trading Policy to be effective from 2018.

2. Council does not adopt the policy.

If Council chooses not to adopt the Policy, and businesses operate on Easter Sunday, then they (the business) will be subject to penalties from the Ministry of Business, Innovation and Employment who oversee the operation of the Act. There would also be no costs to Council.

Legal and statutory requirements

The Shop Trading Hours Amendment Act 2016 provides choice for Councils by enabling them to make a policy that will allow shop trading in their areas on Easter Sunday.

Section 8 of the Shop Trading Hours Act 1990 provides that no mandatory opening provision in a lease, licence, contract, covenant, or agreement, entered into or made that would require the opening of any shop at any time on Easter Sunday. This effectively means a shop lease or other agreement cannot require a store to trade on Easter Sunday - for example if it was part of a shopping mall even if the mall was open on that day.

Impact on policy and bylaws

If Council decides to approve this policy it would introduce a new policy for Council.

Impact on Significance and Engagement Policy

The Significance and Engagement Policy is addressed in the covering report.

Communication, consultation and decision making processes

Section 5C(1) of the Act requires that there must be consultation using the Special Consultative Procedure. Council has undertaken the consultative process in line with the communications plan approved by Council on 8 February 2017.

If Council decides to adopt this Policy it must be reviewed no later than five years after its adoption.

Timeframes

The timeframes are outlined in the covering report.

Contribution to Community Outcomes

The consultation and policy process contributes to the following outcomes:

- 2.a) Our community/Iwi will be informed and have the opportunity to comment on significant issues
- 2.c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi

Financial Impact

i. Cost

The main costs are staff and Councillor time.

ii. **Funding Source**

Funding for the process has been sourced from the existing Strategies and Plans budget.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Niall Baker Policy Planner	
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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Council Hearing - Fees And Charges 2017/18

Trim No.: 1877009

Executive Summary

Council's fees and charges are reviewed annually. Council has consulted the community on a draft Fees and Charges for 2017/18. A total of 9 submissions were received on this topic. Council now needs to decide whether to adopt the Fees and Charges.

The statement of proposal and draft Fees and Charges 2017/2018 have been circulated separately. A copy of Council's revenue and financing policy is attached to this report.

Recommendation

That:

1. The information be received.
2. Council make a decision on the green waste charges as outlined in the report.
3. The draft Fees and Charges 2017/18 be adopted subject to any amendments following consideration of submissions.
4. The Fees and Charges 2017/18 become effective from 3 July 2017.

Content

Background

Each year Council reviews its fees and charges and consults on any proposed changes with the community. The consultation process has now been completed.

Issues

Council is required to adopt its fees and charges in time for the 2017/18 financial year. The fees and charges have been developed in conjunction with the 2017/2018 Annual Plan budgets, while small amendments will likely have little impact on revenue, larger changes would have a direct impact on the revenue forecast in the Annual Plan budgets. Any significant changes to the fee structure may not be aligned with our Revenue and Financing Policy in the Long Term Plan 2015-25.

Changes

The majority of the fees and charges have either remained the same or have been increased based on inflation data from Business and Economic Research Ltd (BERL) and then rounded accordingly. This is to ensure our fees and charges are kept up to date and reflect actual and reasonable costs. Where fees and charges have changed (either increased or decreased) these are explained with reasons for the proposed changes in the draft Fees and Charges 2017/2018 document.

Some of the key changes proposed are outlined below:

- Council has proposed to align the event centre fees across the district (Headon Stadium - Matamata, Westpac Event Centre - Morrinsville and Silver Fern Farms Event Centre - Te Aroha.

Item 4.3

- A new fee has been proposed for after-hours call outs (\$55.00) under the recreation facilities and heritage section to cover situations where a facility is not secured/ alarmed by a user and a security company is required to attend.
- The Food Act 2014 registration fee is proposed to increase from \$85 to \$120. This was a new process last year and the fee needs to increase to cover actual cost.
- A new fee of \$188 per hour under the resource consents/monitoring section has been added for the Team Leader Resource Consents as this is a new role and the fees have been aligned with other Team Leader fees.
- Fees for rubbish and recycling have increased including the fee for car, utes, and all vehicles/trailers at the transfer stations from \$154 to \$159 per tonne due to an increase in disposal and transport costs to landfill. Other transfer station charges have also increased by small amounts.

The statement of proposal provides more details on the proposal and reasons for it.

Submissions

A total of nine submissions were received on fees and charges. Several submissions commented on the swimming pool fees. Staff have provided comment on the submissions in the submissions document.

Staff recommendation

During the consultation process Council staff became aware from the waste collection contractor that if the methodology changes (Methodology of processing green waste, cartage from site to processing, mulching, composting operations) the cost to Council could increase and there is currently a disparity between the different council charges for green waste. Thames-Coromandel District Council currently charge \$75, Hauraki District Council \$110 and Matamata-Piako \$69 per tonne. Council staff recommends the green waste charges be increased to \$72 per tonne for the 2017/18 financial year.

Legal and statutory requirements

Under Section 150(3) of the Local Government Act 2002 (LGA) fees or a scale of charges may be prescribed in bylaws or separately using the principles of consultation set out in section 82. Council has opted not to use bylaws to set fees and charges at this time.

Section 36 of the Resource Management Act 1991 (RMA) requires that setting resource management fees must be done only—

- in the manner set out in section 150 of the LGA; and
- after using the special consultative procedure set out in section 83 of the LGA

Impact on policy and bylaws

As drafted the fees and charges are consistent with Council's Revenue and Financing Policy. Significant changes in the setting of the fees and charges would potentially be inconsistent with Council's Revenue and Financing Policy.

Options considered

1. Council adopt the fees and charges

Under this option Council would adopt the draft Fees and Charges to be effective from 1 July 2017.

2. Council does not adopt the fees and charges.

If Council chooses not to adopt the Fees and Charges it will not be able to collect the revenue from user fees and would be inconsistent with the Revenue and Financing Policy. Council may wish to amend the proposed fees and charges before adopting them.

Consistency with the Long Term Plan / Annual Plan

The Annual Plan 2017/18 budgets (specifically the revenue from fees and charges for affected activities) are based on the level of proposed fees and charges.

Consultation

The consultation process has been completed as outlined in the covering report.

Timeframes

The Fees and Charges need to be adopted by 30 June 2017 in order to apply for the next financial year.

Contribution to Community Outcomes

Consultation and the development of the fees and charges contribute to the following outcomes:

- 2.a) Our community/Iwi will be informed and have the opportunity to comment on significant issues
- 2.c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi

Financial Impact

i. Cost

The fees and charges set by Council are done on the basis of either total or partial cost recovery for certain services. The proportion of costs intended to be recovered for any given activity is set out in Council's Revenue and Financing Policy. This in turn influences the level of fees set for a service. Changes to the level of fees charged for a service will impact Councils budgets (potentially increasing or decreasing revenue from this source).

Attachments

- A. Revenue and Financing Policy

Signatories

Author(s)	Niall Baker Policy Planner	
Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Revenue and Financing Policy

The Revenue and Financing Policy describes how we will fund operating expenses and capital expenditure from the funding sources specified in section 103 of the Local Government Act 2002.

► Policy considerations

We will select funding sources for each activity after having regard to the following:

- The community outcomes to which the activity primarily contributes, and
- The distribution of benefits between the whole community, separate communities, and individuals, and
- The period over which benefits are expected to occur, and
- The extent to which the actions or inactions of particular individuals or groups contribute to the need to undertake the activity (referred to as exacerbator issues), and
- The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities, and



Matamata-Piako District Council staff

- The impact that selected funding mechanisms have on the current and future community wellbeing.

The following is a summary of how we have approached these considerations.

► The community outcomes to which the activity primarily contributes

The primary outcomes for each activity are included in the following activity tables.

► The distribution of benefits between the whole community, separate communities, and individuals

We have taken the following general approaches to relate benefits to funding sources:

- Activities that are available to every person in the district are funded across the whole community (e.g. roading or parks and reserves)
- Services that we make available to specific areas are funded across those areas, on a district wide basis. This applies to services for water, wastewater, stormwater and rubbish and recycling. The targeted rates are uniform across the district, irrespective of location
- Rural halls are funded from the local hall communities
- Fees and charges are used as the funding source for individual or group benefits where either:
 - A direct relationship can be efficiently established between the provisions of a service and the charge (e.g. admission to a swimming pool), or

- The benefits derived are beyond the level generally available to the general community (e.g. the exclusive use of sports facilities), or
- The individual or group causes us to incur additional costs beyond the level that would be required for the general community.

We have expressed the allocation of benefits in the first part of the consideration process in the following terms:

- High - generally above 75%
- Medium - 40-75%
- Low-below 40%

See also the "other policy considerations" section.

► **The period over which benefits are expected to occur**

During the development of this plan we received feedback from the community on the types and levels of services expected from us. The overall conclusion is that the community expects the current services to continue to be available now and in the future.

This is reflected in this plan, as are the following principles:

- Current and future generations will benefit from each activity.
- We will implement appropriate accounting and funding policies to ensure intergenerational equity (so one generation does not benefit at the expense of another).

• We may encounter extraordinary situations that involve addressing legacy issues (e.g. environmental issues from old landfill sites). In cases like this we may not be able to impose the cost of addressing the issues on the people who caused the problem. We will consider funding options to minimise the impact of these issues on current and future generations. This might involve the use of retained earnings or proceeds from the sale of assets.

► **The extent to which the actions or inaction of particular individuals or groups contribute to the need to undertake the activity (exacerbator issues)**

We encounter situations where the actions or inactions of individuals or groups cause us to utilise additional resources.

These can be generally categorised as follows:

- Non complying behaviour, for example, graffiti, illegal waste disposal, wandering dogs, non compliance with consent conditions.
- High cost activities - e.g. sports field maintenance (as opposed to open space maintenance).

We will consider:

- The impact that these situations have on the overall activity.
- The level of additional cost incurred.
- The potential to realistically recover the additional costs.
- The effect on the activity outcomes.

We may then apply funding mechanisms that recover all or part of the additional costs incurred (e.g. fines).

► **The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities**

We have a desire for a simple rating structure that can be easily understood by the community.

We believe that transparency and accountability can be enhanced where the community can make a direct link between the services received and the charges we impose. User charges and targeted rates are examples where we believe this connection can be made.

Targeted rates are preferred where:

- Services are made available to some properties or communities and not others (e.g. water supply is provided to urban properties and only some rural properties).
- Local communities have a strong sense of identity and accountability for an activity (e.g. rural halls, where the local communities fund and operate the halls).
- Activities that are intended to benefit a specific area (e.g. rural halls).

We can create numerous targeted rates to separately represent the full range of our activities however this would compromise our desire for a simple rating system. After allowing for the various targeted rates and user charges, the remaining Council activities are mainly funded from general rates.

Our view is that rates are a form of tax and the quantum an individual pays does not necessarily reflect the level of benefit received. The use of additional targeted rates may inflate individual expectations about the level of benefit that should be received. This does not promote accountability. We promote transparency by disclosing the amount funded from general rates for all activities with rates assessments. This has a low administration cost and is considered to achieve the same outcome as the use of numerous targeted rates.

► The impact that selected funding mechanisms have on the current and future community wellbeing

We have selected funding mechanisms after having regard to the outcomes sought for each activity and the following:

- The primary outcomes sought for each activity and the potential impact the funding sources have on the activity outcome. This allows us to reflect on the current and future wellbeing of the community.
- Sustainability - will the selected funding mechanisms affect the sustainability of the activity? For example setting a high level for user

charges may reduce patronage, at the expense of community wellbeing

- Achievable funding levels - are the targeted levels achievable? We have identified targeted levels for user charges that may not be achievable in the short to medium term. In these cases a target range will be set.

► Other policy considerations

Funding 'public good'

The selection of funding sources is influenced by the categorisation of the benefits arising from activities, into public and private good.

Activities that have significant public good are considered to have the following two characteristics:

- Non rivalry - an individual utilising an activity does not affect the opportunity of other individuals to utilise the same activity. Street lighting is an example of an activity that is non rival. The fact that one person may benefit from street lighting, does not affect other people from enjoying the same benefit. As opposed to water, where consumption by an individual reduces the amount of water available for other individuals.
- Non excludable - the extent to which it is possible to exclude people from enjoying an activity. An activity with public good characteristics is one where it is difficult to exclude people from enjoying or utilising. For example, a public footpath would be non excludable. It is not practical to exclude people from making use of a footpath. People can be excluded from utilising a public swimming pool, by imposing entry fees.

Activities that have significant public good characteristics, are typically funded from general rates.

There are two types of general rates:

- General rates based on rateable property values; and,
- The Uniform Annual General Charge.

The Uniform Annual General Charge is levied on each rateable property as a fixed sum. The General rate is based on the capital value of rateable properties.

The Uniform Annual General Charge is subject to a statutory maximum. Our policy is that the Uniform Annual General Charge can be set at a range between 75-100% of the maximum. This percentage will be reviewed annually.

A change in the level of the Uniform Annual General Charge will change the level of the capital value based general rate.

Funding 'private good'

Activities with strong private good characteristics are typically neither non rival or non excludable. We hold the view that a rating system is primarily a taxation system and not a system inherently based on a principle of user pays. We will utilise targeted rates to represent user charges and recover private benefits. Targeted rates may also be utilised to recognise 'community specific' benefits.

Differential general rates

We consider that public goods are available to be enjoyed equally by the whole community. General rates should therefore be levied on the same basis across the district. For this reason, we do not consider that there are any compelling arguments to utilise differential rating for general rates. The use of targeted rates and user charges provides an appropriate way to differentiate for our services.

Valuation system

The capital value rating system has been in place in this district since 1990. We acknowledge that this system is not an accurate representation of 'ability to pay', however, we do not consider that the alternatives (land or annual value) offer any advantages over capital value. Our community is familiar with the current system and there are no compelling reasons to change at this time.

Capital expenditure

Capital expenditure will be funded in a manner that as far is practicable and prudent takes account:

- Of the expected lives of assets, and/or
- The impacts on operating costs of our activities.

The available funding sources for capital expenditure are:

- Borrowing (either internal or external)
- Development and financial contributions as per the Developments/Financial Contributions Policies (including interest costs as per the policy) private contributions as may be agreed from time to time with individuals/ organisations. This will apply

where we have entered into a partnership or arrangement to undertake capital development.

- Lump sum contributions in accordance with the Local Government (Rating) Act 2002.
- Targeted rates in accordance with the Local Government (Rating) Act 2002.
- Subsidies (where applicable).
- Specific revenue streams we determine.
- The proceeds of the sale of assets.
- Retained earnings (special funds and depreciation reserves).

Considerations

The following considerations will apply in selecting the appropriate funding source:

- We wish to allocate the cost of capital expenditure over the period that benefits are generated from the expenditure. Loan or accumulated depreciation reserves will be the normal source of funding for capital expenditure.

The annual loan costs will be met from the underlying

funding sources for each significant activity. The considerations that apply for operating expenditure will by default, apply to capital funding, (for example a targeted rate for an activity will meet the annual loan repayments).

- The primary factors giving rise to the need for capital expenditure will influence our choice of funding mechanism. For example:
 - Development contributions must be used for the specified capital project.
 - The needs of a specific community may result in funding being raised from that community.
 - Special funds created for specific activities will be used for those activities.
- The costs and benefits of different funding sources will be assessed within the context of our Long Term Plan.

We can then assess the potential impact of the selected funding source against the community outcomes. We may resolve to utilise a funding source that is not included in this policy.

Capital funding sources

Group of Activities	Borrowing	Financial contributions	Development contributions	General and special reserves	Lump sum contributions	Grants and subsidies	Targeted rates*
Community Facilities and Property	✓	✓		✓		✓	
Consents and Licensing							
Roading	✓		✓	✓		✓	
Rubbish and recycling	✓			✓			
Stormwater	✓		✓	✓			
Wastewater	✓		✓	✓	✓	✓	✓
Water	✓		✓	✓			✓
Strategy and Engagement				✓			

* Targeted rates are charged to industries considered to have a high impact on Council's wastewater and water systems, in order to recover a share of the cost of capital upgrades to our systems.

Operating costs

Operating costs are the annual operating costs as contained within our Long Term Plan and/or Annual Plan. The following tables summarise our considerations for each activity.

► Community Facilities and Property funding considerations

Funding considerations	Carparks and street furniture	Cemeteries	Housing and property management		
			Housing	Rural halls	Corporate/general
Primary outcomes	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them	1(d) Council will encourage access to good quality and affordable housing	3(b) People, will be well informed of the districts resources, equipment, and facilities	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them
Distribution of benefits	Community at large - high	Total community benefit medium (access and availability) Individuals medium (burials and plot utilisation)	Individuals - high (private occupancy)	Community within rural hall areas - high Individuals and area groups private hire - high	Community at large 90% - (access and availability) Private individuals 10% - individual or group utilisation
Period which benefits occur	Current and future	Current and future	Current and future	Current and future	Current and future
Exacerbator issues	None	None	None	None	Minor issues relating to extraordinary demands from specific users
Transparency and accountability	Not affected by selected funding sources	Fees and charges for burials. Use of general rate does not affect accountability	Direct user charges reinforce accountability and transparency in the management of the activity	Separate funding sources link to community management of assets	Not affected by selected funding source
Overall impact on social, economic, environmental and cultural wellbeing of the district	100% public funding to ensure achievement of desired outcomes is sustainable	Selected funding sources assist with the achievement of the desired outcomes	User charges to be set to recover costs. Economies of scale achieved to ensure costs are competitive and therefore charges below market levels are achieved	Selected funding sources assist with the achievement of the desired outcomes. The local communities within the major rating areas are the major users of the halls. The percentage recovery from fees and charges is a realistic amount. The local hall rates account for the difference.	Selected funding sources assist with the achievements of the desired outcomes
Funding sources	General rates 100%	General rates 40-60% Fees and charges 40-60%	User charges 100%	Targeted hall rates on varying bases for each of the rating areas 80%. Fees and charges on varying bases for each of the rating areas	General rates 80-90% Fees and charges 10-20%

► Community Facilities and Property funding considerations

Funding considerations	Libraries	Parks and tracks	Pools and spas	Public toilets	Recreation facilities and heritage
Primary outcomes	5(d) People will have the opportunity to learn about their own and others kawa (protocol), tikanga (customs), whakapapa (ancestral heritage), heritage and culture	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them 3(c) Council walking and cycling tracks will be promoted, well maintained, and developed as resources allow	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them	3(a) Council's reserves and facilities will be safe, well maintained and accessible to encourage people to use them
Distribution of benefits	Community at large - medium (access and availability) Private individuals - high (personal use of library resources)	Community at large - high (access and availability)	Community at large - medium Private individuals - high	Community at large - high	Community at large - medium Private individuals - high
Period which benefits occur	Current and future	Current and future	Current and future	Current and future	Current and future
Exacerbator issues	None	Some users result in the need for higher costs (e.g. sports fields) than would otherwise be necessary	Some users result in lost opportunities for revenue and impose higher administration costs	None	Some users result in lost opportunities for revenue and impose higher administration cost
Transparency and accountability	Fees and charges reinforce accountability to individual customers for library resources. The charges also promote the need for Council to demonstrate 'value' to Library customers	Fees and charges reinforce accountability to individuals and groups	Not affected by selected funding source	Not affected by selected funding sources	Not affected by selected funding source
Overall impact on social, economic, environmental and cultural wellbeing of the district	Setting the level of individual recovery too high will result in the decline in the utilisation of the libraries. Council has assessed a realistic and achievable target for user fees. A higher level would be preferred and this is reflected in the range below	Setting the level of individual or group recovery too high will be counter-productive to the outcomes Council is seeking to achieve. Council has assessed a realistic and achievable target for user fees. Council will recover additional costs where possible	Setting the level of individual or group recovery too high will be counter-productive to the outcomes Council is seeking to achieve. Council has assessed a realistic and achievable target for user fees. A higher level would be preferred and in individual facilities, this may be achievable without compromising utilisation	100% public funding to ensure achievement of desired outcomes is sustainable	Setting the level of individual or group recovery too high will be counter-productive to the outcomes Council is seeking to achieve. Council has assessed a realistic and achievable target for user fees. A higher level would be preferred and in individual facilities, this may be achievable without compromising utilisation
Funding sources	General rate 80-93% Fees and charges 7-20%	General rates 90-100% Fees and charges 0-10%	General rates 60-70% Fees and charges 30-40%	General rates 100%	General rates 85-90% Fees and charges 10-15%

► Consents and Licensing funding considerations

Funding considerations	Animal control	Building consents and monitoring	Licensing and enforcement			Resource consents and monitoring
			Health	Alcohol	Noise control	
Primary outcomes	1(a) Council will aim to significantly reduce illegal activities and anti-social behaviour in our community	1(d) Council will encourage access to good quality and affordable housing 6(d) Council consent processes will ensure that our communities and environment are safe and sustainable	1(f) Council services and activities will contribute to the health and wellbeing of our community/ Iwi	1(a) Council will aim to significantly reduce illegal activities and anti-social behaviour in our community	1(a) Council will aim to significantly reduce illegal activities and anti-social behaviour in our community	6(d) Council consent processes will ensure that our communities and environment are safe and sustainable
Distribution of benefits	Community at large - medium (public safety) Individuals - medium	Community at large - medium (managed/ appropriate development) Individuals - medium	Community at large - high Private individuals - medium	Community at large - high	Community at large - high	Community at large - medium (managed/ appropriate development) Individuals - medium (resource consents)
Period which benefits occur	Current and future	Current and future	Current and future	Current and future	Current and future	Current and future
Exacerbator issues	The need for this activity arises from the expectation that animal ownership will not negatively impact on public safety. Irresponsible owners create the majority of problems on this activity	Non-compliance with conditions by some individuals result in the need for extraordinary monitoring and enforcement	Non-compliance with conditions by some individuals result in the need for extraordinary monitoring and enforcement			The district plan captures the community's collective view on the types of development it desires as of right. People who propose development outside these parameters impose additional costs on Council. Non-compliance with some individuals result in the need for extraordinary monitoring and enforcement
Transparency and accountability	Fees and charges promote owner accountability and transparency on Council's part	Building fees promote transparency and accountability on Council to individual customers	Not affected by selected funding sources	Not affected by selected funding sources	Not affected by selected funding sources	Planning fees promote transparency and accountability on Council to individual customers
Overall impact on social, economic, environmental and cultural wellbeing of the district	Council is satisfied that imposing the majority of the costs of the activity on animal owners promotes public safety. It is in the interests of the owners to reduce their ownership costs by being responsible. People who are irresponsible will pay a higher level again. The general rates funding is set at a level that Council believes that the community is willing to pay to have a safe environment	Council can demonstrate a strong linkage between the level of fees charged and the services received. Council is satisfied that the level of funding is consistent with the desired outcome to achieve managed and appropriate development for the community	Fees and charges for the activity are set largely by statute. The general rates funding must fund the balance	Selected funding source assists with the achievement of desired outcomes	Selected funding source assists with the achievement of desired outcomes	Council can demonstrate a strong linkage between the level of fees charged and the services received. Council is satisfied that the level of funding is consistent with the desired outcome to achieve managed and appropriate development for the community
Funding sources	General rates 20% Fees and charges (including fines) 80%	General rates 40-60% Fees and charges 40-60%	Licence processing - 100% user pays Enquires / complaints / enforcement - 100% funded by rates	Licence processing - fees set by legislation Enquiries / complaints / enforcement - 100% funded by rates	100% general rates	Planning Resource Consent Processing and monitoring - 100% user pays Enquiries/complaints / enforcement - 100% funded by rates

► Roothing and Waste funding considerations

Funding considerations	Roothing	Rubbish and recycling	
		Waste management facilities	Kerbside collection services
Primary outcomes	6(g) Council will contribute to a safe and efficient transport network	4(b) Council will provide and promote sustainable waste management options to protect our environment	4(b) Council will provide and promote sustainable waste management options to protect our environment
Distribution of benefits	Community at large - medium Private individuals - high	Community at large - medium (access, availability, healthy environment) Individuals - high	Individuals - high
Period which benefits occur	Current and future	Current and future	Current and future
Exacerbator issues	Heavy traffic and some commercial activities can negatively impact on network maintenance	Individuals generate waste and through their actions or inaction can significantly impact the waste volume. Some activities generate hazardous wastes or large volumes of waste	Individuals generate waste and through their actions or inaction can significantly impact the waste volume
Transparency and accountability	Council has limited ability to directly recover the private benefits other than through rates. Government subsidy contributes a significant portion of the total funding	User charges for the use of waste management facilities is transparent and promotes accountability on waste generators	Targeted rate for properties to which Council is prepared to provide collection, promotes transparency and accountability linking a service provided to a specific Council rate
Overall impact on social, economic, environmental and cultural wellbeing of the district	Selected funding sources assist with the achievement of the desired outcomes	Selected funding sources assist with the achievement of the desired outcomes Council's ability to use general rate funding acknowledges the wider community benefits generated from the activity	Selected funding sources assist with the achievement of the desired outcomes.
Funding sources	Subsidy - as determined by Government agency. Council has resolved to allocate interest earned from external investments to fund the Roothing activity to reduce the rates requirement. Council will determine the budgeted interest allocation on an annual basis. General rates - balance of funding	General rates 10-20% Fees and charges 80-90%	Targeted rate on a uniform basis for serviced properties 100%

► Three Waters funding considerations

Funding considerations	Stormwater	Wastewater	Water
Primary outcomes	6(c) Council will provide essential infrastructure to meet the needs of our community now and in the future	6(c) Council will provide essential infrastructure to meet the needs of our community now and in the future	6(e) Systems will exist to provide sustainable clean water for our community/iwi
Distribution of benefits	Community at large - low (approximately 14% of the networks service public areas - roads, parks etc.) Township and property owners - high	Community at large - medium Individuals - high	Community at large - low-medium Private individuals - high
Period which benefits occur	Current and future	Current and future	Current and future
Exacerbator issues	Some issues where particular activities result in pollutants entering stormwater reticulation	Properties connected to the sewer generate the waste. Rating legislation prevents residential properties being charged for more than one pan. Properties with more than one pan and with a higher intake of water are assumed to have a higher impact on the network. Some industries and businesses create high loading on the network	Activities that generate extraordinary levels of water utilisation Properties that are serviced by the reticulation, but not connected
Transparency and accountability	Targeted rate for properties within urban areas serviced by stormwater promote transparency and accountability, linking a service provided to a specific Council rate	Targeted rates for properties within urban areas serviced by waste water reticulation promote transparency and accountability, linking a service provided to a specific Council rate. Charging on a pan basis and modifying this by way of remission, further promotes accountability. Trade waste agreements address high impact activities	Targeted rate for properties within urban areas serviced by public water reticulation and water meter charging promote transparency and accountability, linking a service provided to a specific Council rate
Overall impact on social, economic, environmental and cultural wellbeing of the district	Selected funding sources assist with the achievement of the desired outcomes	Selected funding sources assist with the achievement of the desired outcomes. Council's ability to use general rate funding acknowledges the wider community benefits the activity generates	Selected funding sources assist with the achievement of the desired outcomes. Council's ability to use general rate funding acknowledges the wider community benefits the activity generates
Funding sources	General rates 14% Targeted rate on a uniform basis for serviced urban areas 86%	Fees and charges through trade waste agreements The balance of funding after fees and charges will come from either: General rates 0-6%, or Targeted rate on a per pan basis (using a scale of charges) for serviced urban areas 94-100% Factors - properties connected Properties able to connect but not connected Council will determine the actual percentages within the allowable range on an annual basis	Targeted rates from metered water (including residential and from industry). The balance of funding after metered water will come from either: General rates 0-6%, or Targeted rates on a uniform basis for serviced urban areas 94-100% Factors - properties connected Properties able to be connected but not connected Council will determine the actual percentages within the allowable range on an annual basis

► Strategy and Engagement funding considerations

Funding considerations	Civil defence	Communications and events	Community leadership	Strategies and plans
Primary outcomes	1(e) Council will prepare for emergencies	2(a) Our community/ Iwi will be informed and have the opportunity to comment on significant issues	2(c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi	6(a) Council plans will be flexible, to accommodate well planned, sustainable growth 2(c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi
Distribution of benefits	Community at large - high	Total community benefit- high	Total community benefit - high	Total community benefit - high
Period which benefits occur	Current and future	Current and future	Current and future	Current and future
Exacerbator issues	Actions of some individuals can give rise to emergency response (e.g. rural fires). Council will attempt to recover these costs from the individual land owner	None	None	None
Transparency and accountability	Not affected by selected funding sources	Not affected by selected funding sources Other accountability processes in place	Not affected by selected funding sources Other accountability processes in place	Not affected by funding sources
Overall impact on social, economic, environmental and cultural wellbeing of the district	Selected funding source assist with the achievement of the desired outcomes	100% public funding to ensure achievement of desired outcomes is sustainable	Selected funding sources assist with the achievement of the desired outcomes	100% public funding to ensure achievement of desired outcomes is sustainable
Funding sources	General rates 100% Exacerbator charges where possible	General rates 100%	General rates 100%	General rates 100%

Council Hearing - Bylaws

Trim No.: 1876907

Executive Summary

Council has consulted the community on a draft Land Transport, Stormwater, Wastewater, Solid Waste, and Water Bylaws. Most bylaw submission comments related to the Land Transport Bylaw, in particular the speed limit changes proposed. Council now needs consider the submissions and make a decision whether to adopt the changes proposed.

Recommendation

That:

1. Council decides whether or not to adopt the reviewed and amended Land Transport Bylaw 2008.
2. Council decides whether or not to adopt the reviewed and amended Stormwater Management Bylaw 2009.
3. Council decides whether or not to adopt the reviewed and amended Wastewater Bylaw 2008.
4. Council decides whether or not to adopt the Solid Waste Bylaw 2017.
5. Council decides whether or not to adopt the reviewed and amended Water Bylaw 2008.
6. The above Bylaws and the changes to them come into force on 3 July 2017.

Content

Background

Council has consulted the community on a draft Land Transport, Stormwater, Wastewater, Solid Waste, and Water Bylaws. Most bylaw submission comments related to the Land Transport Bylaw, in particular the speed limit changes proposed. Council now needs consider the submissions and make a decision whether to adopt the changes proposed.

The changes proposed are relatively minor. The Solid Waste Bylaw however is a new bylaw which would completely replace Council's existing Solid Waste Bylaw. This bylaw was recently developed as a regional-bylaw template. Adoption of this as a new bylaw will mean the bylaw is due for review in 5 years as opposed to 10 years with existing bylaws. Council staff will note this in the bylaw review schedule.

Analysis

LGA Bylaw considerations

Section 156 of the Local Government Act 2002 (LGA) requires that when making, amending or revoking a bylaw Council must either consult the community using s156(1) or not s156(2).

Section 158/159 of the LGA requires that Councils review bylaws within five years of them being made and every 10 years thereafter. Any bylaw not reviewed is automatically revoked 2 years after the last date on which the bylaw should have been reviewed.

Council has taken the opportunity to bring the review forward from 2018. This allows the bylaw to be considered alongside other bylaws such as the Wastewater, and Stormwater bylaws which are being reviewed at this time.

The LGA outlines the procedure for and nature of a bylaw review. Council must:

- Identify the perceived problem to be addressed by the bylaw
- Determine whether a bylaw is the most appropriate way to address the problem
- Determine whether the proposed bylaw is the most appropriate form
- Determine whether the proposed bylaw raises implications under the New Zealand Bill of Rights Act 1990 (NZBORA) and whether those implications are justified
- Consult the public

Council has previously made the statutory determinations set out above for each of the bylaws. If Council opts to depart from its consultation proposals it would be prudent for Council to resolve again that it has complied with these requirements.

Land Transport Rule: Setting of Speed Limits 2003

This rule contains the process needed for reviewing a speed limit, which involves a rating system to determine the appropriate speed for any given road environment.

The proposals of the change in speeds were all assessed against these criteria by an external traffic safety consultant. It was found that although Station Road met the criteria for a variable reduced speed, Smith Street did not. After looking at the proposal in more detail and evaluating against safety it was recommended that Smith Street be included in the reduced variable speed zone. Instead of having isolated reduced speeds outside the three schools it would be beneficial to have a reduced speed zone cover the three schools.

Consultation

Before setting a speed limit, Council as the road controlling authority must consult with persons that may be affected by the proposed speed limit being:

- road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
- a territorial authority that is affected by the existing or proposed speed limit; and
- any local community that the road controlling authority considers to be affected by the proposed speed limit; and
- the Commissioner; and
- the Chief Executive Officer of the New Zealand Automobile Association Incorporated; and
- the Chief Executive Officer of the Road Transport Forum New Zealand; and
- any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
- the Director.

A road controlling authority must consult by writing to the persons listed above advising them of the proposed speed limit and giving them a reasonable time, which must be specified in the letter, to make submissions on the proposal.

The speed limit changes have been formally discussed with the regional NZ Transport Agency representative and informally with local police and with all three schools. The response from all parties is positive and they are in support of the changes. Letters will be sent to formally advise stakeholders. Any negative feedback from the formal responses will be discussed as part of the consultation process.

Setting speed limits – Speed Limits Validation and Other Matters) Act 2015

The Land Transport (Speed Limits Validation and Other Matters) Act 2015 (The Validation Act) was passed under urgency by Parliament on 21 July 2015 and came into force on 22 July 2015. The Validation Act responded to concerns that some speed limit bylaws made up to that date may have:

- referenced incorrect or revoked empowering provisions
- been made or amended using a non-compliant process
- been revoked due to non-compliance with review requirements in the Local Government Act 2002 (Local Government Act).

In practice, the process for making a speed limit bylaw has changed little from that used previously under Local Government legislation and Land Transport Rule: Setting of Speed Limits 2003 (the Rule). In particular, section 76 of the Local Government Act applies to all local authority decisions and section 22AD of the Land Transport Act says a local authority must still consult as required by section 156 of the Local Government Act.

As speed limit bylaws will be made (and existing bylaws are deemed to have been made) under the Land Transport Act, the review requirements in sections 158 to 160A of the Local Government Act will not apply to them. This means they do not need to be reviewed within the 5 and 10 year periods set by the Local Government Act but other aspects of the Land Transport Bylaw still need to be reviewed in these timeframes regardless.

Options considered

The options considered are included in the Statement of Proposal.

Impact on policy and bylaws

Nothing in this report is inconsistent with any Council policy, plan or strategy. The proposals will amend Council bylaws.

Consistency with the Long Term Plan / Annual Plan

Ongoing policy and bylaw reviews are identified as a project in the Strategies and Plans section of the Long-Term Plan 2015-25. The review of Bylaws forms part of the Long-Term Plan implementation.

Impact on Significance and Engagement Policy

The Significance and Engagement Policy is addressed in the covering report.

Communication, consultation and decision making processes

Section 156 of the LGA outlines the consultation requirements for making, amending, or revoking amending bylaws made under the LGA.

Section 156 of the LGA sets out that when making amending or revoking a bylaw under the LGA, Council must use the special consultative procedure if:

- the bylaw concerns a matter identified in Councils significance and engagement policy as being of significant interest to the public; or
- Council considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw;

Council has used the special consultative procedure to consult the community on these bylaws.

Timeframes

The timeframes are outlined in the covering report.

Financial Impact

i. Cost

The cost of the bylaw review was largely advertising and staff time.

There will be some cost for the electronic signage for the variable speed limit and the cost is approximately \$40,000.

ii. Funding Source

The cost of the signage and threshold proposed is funded from the annual Minor improvement fund as approved by NZ Transport Agency and subsidised by the agency.

Attachments

There are no attachments for this report.

Signatories

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	Don McLeod Chief Executive Officer	