

MASTERTON DISTRICT COUNCIL

COUNCIL AGENDA

WEDNESDAY 17 FEBRUARY 2021

3.00 PM

MEMBERSHIP

Her Worship (Chairperson)

Cr G Caffell

Cr D Holmes

Cr G McClymont

Cr T Nelson

Cr C Peterson

Cr B Gare

Cr B Johnson

Cr F Mailman

Cr T Nixon

Cr S Ryan

Notice is given that a meeting of the Masterton District Council will be held at 3.00pm on Wednesday 17 February at Waiata House, 27 Lincoln Rd, Masterton.

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS COUNCIL
POLICY UNTIL ADOPTED**

12 February 2021



Values

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which MDC operates, including a regular review and assessment of MDC's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our MDC governance principles:

Whakamana Tangata	Respecting the mandate of each member, and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making.
Manaakitanga	Recognising and embracing the mana of others.
Rangatiratanga	Demonstrating effective leadership with integrity, humility, honesty and transparency.
Whanaungatanga	Building and sustaining effective and efficient relationships.
Kotahitanga	Working collectively.

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AGENDA

1. Karakia
2. Conflicts of Interest (Members to declare conflicts, if any)
3. Apologies
4. Public Forum
 - Aileen Haeata, Ronald Karaitiana and Marama Fox re Maori Wards
5. **Late items for inclusion under Section 46A(7) of the Local Government Official Information and Meetings Act 1987**
6. **Items to be considered under Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987:**
 - Minutes of the Council meeting held with the public excluded on 9 December 2020
 - Minutes of the Extraordinary Council meeting held with the public excluded on 16 December
7. **Confirmation of Minutes of the Council meeting held on 9 December 2020 (188/20)**
Pages 101-108
8. **Confirmation of Minutes of the Extraordinary Council meeting held on 16 December 2020 (192/20)**
Pages 101-102
9. **Confirmation of the Minutes of the Extraordinary Council meeting held on 3 February 2021 (012/21)**
Pages 101-103
10. **Report of the Infrastructure and Services Committee meeting held on 3 February 2021 (011/21)**
Pages 301-302

FOR DECISION

11. **APPROVAL OF AND ENTRY TO THE WELLINGTON REGIONAL LEADERSHIP COMMITTEE (016/21)**
Pages 121-151
12. **ADOPTION OF THE WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2021 (013/21)**
Pages 152-190
13. **ADOPTION OF THE CODE OF CONDUCT 2021 (014/21)**
Pages 191-213
14. **MASTERTON DISTRICT CLIMATE CHANGE ACTION PLAN: ESTABLISHMENT OF COMMUNITY-BASED FOCUS GROUP (015/21)**
Pages 214-223

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FOR INFORMATION

15. CHIEF EXECUTIVE'S REPORT (017/21)

Pages 224-245

16. MAYOR'S REPORT

A verbal report will be provided

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MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED **COUNCIL MEETING – WEDNESDAY 17 FEBRUARY 2021**

MOVED BY:

SECONDED BY:

That the public be excluded from the following parts of the proceedings of the meeting of the Masterton District Council:-

Confirmation of Minutes

17. Minutes of the Council meeting held with the public excluded on 9 December 2020
18. Minutes of the Extraordinary Council meeting held with the public excluded on 16 December 2020

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:-

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Confirmation of Minutes of the Council meeting held with the public excluded on 9 December 2020	Refer to page 107-108	Refer to page 107-108
Confirmation of the Minutes of the Extraordinary Council meeting Held with the public excluded on 16 December 2020	Refer to page 102	Refer to page 102

**MINUTES OF THE MEETING OF THE MASTERTON DISTRICT COUNCIL HELD AT
WAIATA HOUSE, 27 LINCOLN ROAD, MASTERTON, ON WEDNESDAY 9 DECEMBER
2020 AT 3.00PM**

PRESENT

Mayor Lyn Patterson (Chair), Councillors G Caffell, B Gare, D Holmes, B Johnson, G McClymont, F Mailman, T Nelson, T Nixon, C Peterson and S Ryan and iwi representatives Tiraumaera Te Tau and Ra Smith

IN ATTENDANCE

Chief Executive, Manager Finance, Manager Assets and Operations, Manager Strategic Planning, Manager Community Facilities and Activities, Communications and Marketing Manager, Policy Manager, Governance Advisor, one media representative and eight members of the public.

KARAKIA

Councillor Johnson led the karakia.

CONFLICTS OF INTEREST

No conflicts were declared.

APOLOGIES

There were no apologies.

PUBLIC FORUM

- Presentation of Gold Awards by Mayor Lyn Patterson. The Mayor presented certificates and awards to the finalists and winners of Gold Awards: Forest Enterprises (Supporting Gold finalist), Tranzurban (Green Gold Award) and the Golden Shears (Vibrant Gold).
- The Youth Council were unable to attend in person but did so by video.

**LATE ITEMS FOR INCLUSION UNDER SECTION 46A(7) OF THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

There were no late items

**ITEMS TO BE CONSIDERED UNDER SECTION 48(1)(A) OF THE LOCAL GOVERNMENT
OFFICIAL INFORMATION AND MEETINGS ACT 1987**

- Minutes of the Council meeting held with the public excluded on 28 October 2020
- Report of the Audit and Risk Committee meeting held with the public excluded on 18 November 2020
- Report of the Awards and Grants Committee meeting held with the public excluded on 25 November 2020
- Trust House Recreation Centre

Moved by Councillor T Nixon

That in terms of section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 the items be dealt with at this meeting.

Seconded by Councillor F Mailman and CARRIED

CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 28 OCTOBER 2020 (155/20)

Moved by Councillor Holmes

That the minutes of the meeting of the Masterton District Council held on 28 October 2020 be confirmed.

Seconded by Councillor Nelson and CARRIED

CONFIRMATION OF MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2020 (178/20)

Moved by Councillor Johnson

That the minutes of the extraordinary meeting of the Masterton District Council held on 25 November 2020 be confirmed.

Seconded by Councillor McClymont and CARRIED

REPORT OF THE INFRASTRUCTURE AND SERVICES COMMITTEE MEETING HELD ON 18 NOVEMBER 2020 (172/20)

The report of the Infrastructure and Services Committee meeting held on 18 November was taken as read. The following items had been considered

- Waste Minimisation and Management Update
- Infrastructure Update
- Community Facilities & Activities Infrastructure and Services Update
- Removal and Replacement of Tractor and Bulldozer at Kids Own Playground

It was noted that a correction was necessary as Councillor Johnson was an apology for the meeting and the Mayor chaired the meeting in her absence. *[Note to minutes: correction made]*

Moved by Councillor Caffell

That the Report of the Infrastructure and Services Committee meeting held on 18 November (172/20) including the following resolutions be confirmed:

INFRASTRUCTURE UPDATE (166/20)

That the Infrastructure and Services Committee notes the information contained in Report 166/20.

COMMUNITY FACILITIES AND ACTIVITIES INFRASTRUCTURE UPDATE
(159/20)

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That the Infrastructure and Services Committee notes the contents of Report 159/20.

REMOVAL AND REPLACEMENT OF TRACTOR AND BULLDOZER AT KIDS OWN PLAYGROUND (160/20)

That the Infrastructure and Services Committee

- (i) receives Report 160/20*
- (ii) requests staff to bring back a paper with options and costs to make the tractor and bulldozer play equipment at Queen Elizabeth Park's Kids Own Playground safe and to meet the national playground safety standards.*

Seconded by Councillor McClymont and CARRIED

REPORT OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 18 NOVEMBER 2020 (173/20)

The report of the meeting of the Audit and Risk Committee held on 18 November 2020 was taken as read. The following items had been considered:

- First Quarter Reports Three Months to Date Financial Report
- Non-Financial Performance 2019-20 First Quarter Report
- LGFA Annual General Meeting
- Monitoring of Policies
- Health & Safety Quarterly Report
- Report to the Council on the Interim Audit for the Year Ended 30 June 2020
- NZTA Investment Audit
- Hood Aerodrome Safety Update

Moved by Mayor L Patterson

That the Report of the Audit and Risk Committee meeting held on 18 November (173/20) including the following resolutions be confirmed:

FIRST QUARTER REPORTS (161/20)

That Council receives:

- (a) the summary results of Key Deliverables for the quarter 1 July – 30 September 2020 from Destination Wairarapa;*
- (b) the summary results of the Key Result Indicators for the quarter 1 July – 30 September 2020 from Aratoi Regional Trust.*

THREE MONTHS TO DATE FINANCIAL REPORT (171/20)

That the Audit and Risk Committee receives the 3 months to date financial report and commentary, including the Operating and Capital Expenditure Statements contained in Report 171/20.

NON-FINANCIAL PERFORMANCE 2020-21 FIRST QUARTER REPORT (170/20)

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That the Audit and Risk Committee receives the Quarter 1 non-financial performance report for the 2020-21 financial year.

LGFA ANNUAL GENERAL MEETING (164/20)

That the Audit and Risk Committee endorses the proxy vote cast under delegated authority on behalf of the Council at the Local Government Funding Agency's Annual General Meeting being held on 19 November 2020.

MONITORING OF POLICIES (168/20)

That the Audit and Risk Committee

(a) notes that the following policies are monitored by the Audit and Risk Committee;

- *Asset Management Policy*
- *Fraud, Dishonesty and Corruption Control Policy*
- *Health and Safety Policy*
- *Procurement Policy*
- *Revenue and Financing Policy*
- *Risk Management Policy*
- *Significance and Engagement Policy*
- *Sensitive Expenditure Policy*
- *Treasury Management Policy, and*

(b) notes the status update for each of these policies in Report 168/20.

HEALTH & SAFETY QUARTERLY REPORT (169/20)

That the Audit and Risk Committee notes the content and receives the Health and Safety Report for the first quarter (1 July to 30 September 2020).

REPORT TO THE COUNCIL ON THE INTERIM AUDIT FOR THE YEAR ENDED 30 JUNE 2020 (162/20)

That the Audit & Risk Committee receives the Report on the Interim Audit of Masterton District Council for the year ended 30 June 2020 attached to Report 162/20, noting in relation to the Review of Rating Information Database (RID) updates, that the Committee accepted the risk as identified in the process currently undertaken to review changes to the RID.

NZTA INVESTMENT AUDIT (165/20)

That the Audit and Risk Committee:

- (i) Notes the contents of the NZTA Investment Audit Report September 2020.*
- (ii) Requests staff provide the Committee with an update on the implementation of the Audit Report's recommendations in November 2021.*

HOOD AERODROME SAFETY UPDATE (163/20)

That the Audit and Risk Committee

- (i) receives Report 163/20 Hood Aerodrome Safety Update.***
- (ii) endorses the staff approach being taken to the CAA investigation findings, in particular, to not implement the systemic review of the AIMM data to gain learnings on radio protocols and to focus on good reporting and a strong safety culture at the Aerodrome.***

Seconded by Councillor T Nelson and CARRIED

REPORT OF THE AWARDS AND GRANTS COMMITTEE MEETING HELD ON 25 NOVEMBER 2020 (177/20)

The report of the Awards and Grants Committee meeting held on 25 November was taken as read. The following items had been considered:

- Contestable Grants to a Contract for Service

Moved by Councillor G Caffell

That the Report of the Awards and Grants Committee meeting held on 25 November (177/20) including the following resolutions be confirmed:

CONTESTABLE GRANTS TO A CONTRACT FOR SERVICE (174/20)

That the Awards and Grants Committee recommends to Council that:

- (i) The Council moves to a contract for service model of funding for enduring community groups who have consistently received annual community grants funding.***

Seconded by Councillor B Johnson and CARRIED

ENDORSEMENT OF THE DRAFT WELLINGTON REGIONAL GROWTH FRAMEWORK FOR PUBLIC CONSULTATION (179/20)

The report seeking Council endorsement of the Draft Wellington Regional Growth Framework was presented by the Policy Manager. Kim Kelly, Programme Director, Greater Wellington Regional Council was in attendance to answer questions.

Ms Kelly advised that a change to the wording would be made in response to a request from South Wairarapa District Council to make it clear how much growth was expected in the Wairarapa.

Moved by Councillor C Peterson

The Council resolves to:

- a. Endorse the draft Wellington Regional Growth Framework for public consultation (Attachment 1 to Report 179/20); and**
- b. Notes that consultation timeframes are dependent on endorsement from key partners involved in the development of the Wellington Regional Growth Framework.**

Seconded by Councillor B Gare and CARRIED

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ADOPTION OF THE PSYCHOACTIVE SUBSTANCES - LOCAL APPROVED PRODUCTS POLICY 2020 (181/20)

The report seeking Council adoption of the current Local Approved Products Policy 2020 was presented by the Policy Manager.

Moved by Councillor B Gare

That Council:

- a) **Notes that a joint review of the Psychoactive Substances Local Approved Products Policy has been undertaken with Carterton District Council;**
- b) **Notes that the review does not recommend any changes to the current Psychoactive Substances Local Approved Products Policy;**
- c) **Adopts and agrees to continue with the current Psychoactive Substances Local Approved Products Policy (Attachment 1), subject to adoption by the Carterton District Council; and**
- d) **Notes that Carterton District Council will consider adoption and agreement to continue with the current Psychoactive Substances Local Approved Products Policy at their January 2021 Council meeting.**

Seconded by Councillor S Ryan and CARRIED

ALCOHOL REGULATORY AND LICENSING AUTHORITY REPORT 2019/2020 (180/20)

The report providing Council with a copy of the Masterton District Licensing Committee Annual Report was presented by the Environmental Services Manager

Moved by Councillor T Nixon

That Council receives a copy of the Masterton District Licensing Committee 2019-2020 Annual Report.

Seconded by Councillor B Johnson and CARRIED

REPORT BACK ON ENVIRONMENTAL DEFENCE SOCIETY CLIMATE CHANGE CONFERENCE NOVEMBER 2020 (182/20)

The report providing a report back on the Environmental Defence Society Climate Change Conference was presented by Councillor Peterson.

A request was made for staff to provide feedback on the issues Councillor Peterson had raised.

[Note to minutes: feedback was emailed to elected members on 5 February 2021]

Moved by Councillor C Peterson

That Council receives the information in Report 182/20.

Seconded by Councillor S Ryan and CARRIED

CHIEF EXECUTIVE'S REPORT (183/20)

The Chief Executive presented the report providing Council with an update on Council operations and changes in the National and regional context since the last report

The Chief Executive and the Strategic Leadership Team were thanked for their leadership in a challenging year.

Moved by Mayor L Patterson

That Council notes the information contained in the Chief Executive's report 183/20.

Seconded by Councillor B Johnson and CARRIED

MAYOR'S REPORT (184/20)

The Mayor presented her report providing an update on her activities since her last report to Council.

The Mayor acknowledged the work staff had done in organising the ITO Awards Evening which had been a great success.

In relation to a question about the Wairarapa Leaders Social Wellbeing Forum, the Mayor advised that the forum had been set up so the Wairarapa would have a social wellbeing lens on COVID-19 recovery, rather than just on economic development. It included the Ministry of Social Development, Police, Trust House, Iwi and education groups.

Elected members thanked the Mayor for the work she did in the community.

Moved by Mayor L Patterson

That Council receives Report 184/20.

Seconded by Councillor Johnson and CARRIED

MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED **COUNCIL MEETING – WEDNESDAY 9 DECEMBER 2020**

MOVED BY: Councillor D Holmes

That the public be excluded from the following parts of the proceedings of the meeting of the Masterton District Council:-

Confirmation of Minutes

18. Minutes of the Council meeting held with the public excluded on 28 October 2020
19. Report of the Audit and Risk Committee meeting held with the public excluded on 18 November 2020
20. Report of the Awards and Grants Committee meeting held with the public excluded on 25 November 2020

General Business

21. Trust House Recreation Centre – Long Term Management

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:-

General subject of

Reason for passing

Ground(s) under

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each matter to be considered	this resolution in relation to each matter	section 48(1) for the passing of this resolution
Confirmation of Minutes of the Council meeting held with the public excluded on 28 October 2020	Refer to page 111-112	Refer to page 111-112
Confirmation of the Report of the Audit and Risk Committee held with the public excluded on 18 November 2020	Refer to page 405-406	Refer to page 405-406
Confirmation of Report of the Awards and Grants Committee meeting held with the public excluded on 25 November 2020	Refer to page 202	Refer to page 202

Trust House Recreation Centre	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
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SECONDED BY: Councillor McClymont and CARRIED

The meeting moved into public excluded at 4.04pm

The meeting moved out of public excluded at 4.18pm

The meeting closed at 4.20pm

Confirmed at the Meeting of the Council held on 17 February 2021

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**MINUTES OF THE EXTRAORDINARY MEETING OF THE MASTERTON DISTRICT
COUNCIL HELD AT WAIATA HOUSE, LINCOLN ROAD, MASTERTON ON WEDNESDAY
16 DECEMBER AT 3.15PM**

PRESENT

Mayor Lyn Patterson (Chair), Councillors G Caffell, B Gare, D Holmes, B Johnson, G McClymont, F Mailman, T Nelson, T Nixon, C Peterson and Sandy Ryan and iwi representative Tiraumaera Te Tau.

IN ATTENDANCE

Chief Executive, Manager Finance, Manager Assets and Operations, Manager Strategic Planning, Manager Community Facilities and Activities, Communications and Marketing Manager, Project Delivery and Assets Manager, two Project Managers, Asset Management Advisor, Project Administrator and Governance Advisor.

CONFLICTS OF INTEREST

Councillors G Caffell, B Johnson, F Mailman and S Ryan declared a conflict of interest as Trustees of the Masterton Trust Lands Trust.

APOLOGIES

No apologies were received.

**LATE ITEMS FOR INCLUSION UNDER SECTION 46A(7) OF THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

There were no late items.

**ITEMS TO BE CONSIDERED UNDER SECTION 48(1)(A) OF THE LOCAL GOVERNMENT
OFFICIAL INFORMATION AND MEETINGS ACT 1987**

- Civic Centre
- Contestable Sports Grant Fund

Moved Councillor D Holmes

That in terms of section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 the items be dealt with at this meeting.

Seconded by Councillor S Ryan and CARRIED

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MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED COUNCIL MEETING – WEDNESDAY 16 DECEMBER 2020

MOVED BY: Councillor D Holmes

That the public be excluded from the following parts of the proceedings of the meeting of the Masterton District Council :-

General Business

5. Civic Centre
6. COVID-19 Contestable Sports Grant

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:-

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Civic Centre	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
COVID-19 Contestable Sports Grant	(s 7(2)(c)(i)) The withholding of the information is necessary to protect information which is subject to an obligation of confidence where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

SECONDED BY: Councillor S Ryan and CARRIED

The meeting moved into public excluded at 3.18pm

The meeting moved out of public excluded at 4.38pm

The meeting closed at 4.38pm

Confirmed at the Meeting of the
Council held on 17 February 2021

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**MINUTES OF THE EXTRAORDINARY MEETING OF THE MASTERTON DISTRICT
COUNCIL HELD AT WAIATA HOUSE, LINCOLN ROAD, MASTERTON ON WEDNESDAY
3 FEBRUARY AT 3.00PM**

PRESENT

Mayor Lyn Patterson (Chair), Councillors G Caffell, B Gare, D Holmes, B Johnson, G McClymont, F Mailman, T Nelson, T Nixon, C Peterson and Sandy Ryan and iwi representatives Tiraumaera Te Tau and Ra Smith.

IN ATTENDANCE

Chief Executive, Manager Finance, Manager Assets and Operations, Manager Strategic Planning, Manager Community Facilities and Activities, Project Delivery and Assets Manager, Governance Advisor, two media representatives and one member of the public.

KARAKIA

Her Worship led the karakia.

CONFLICTS OF INTEREST

No conflicts were declared.

APOLOGIES

No apologies were received.

**LATE ITEMS FOR INCLUSION UNDER SECTION 46A(7) OF THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

There were no late items.

**ITEMS TO BE CONSIDERED UNDER SECTION 48(1)(A) OF THE LOCAL GOVERNMENT
OFFICIAL INFORMATION AND MEETINGS ACT 1987**

There were no items to be considered under Section 48(1)(A) of the Local Government Official Information and Meetings Act 1987.

The Mayor passed the Council's condolences on to Tiraumaera Te Tau on the passing of her grandmother.

2021-2031 LONG TERM PLAN ACTIVITY GROUPS (007/21)

The report seeking Council's adoption of the Activity Groups for the 2021-31 Long Term Plan was presented by the Manager Strategic Planning.

Moved by Councillor B Johnson

That Council:

- a) **Adopts the proposed changes to the Activity Groups for the 2021-31 Long Term Plan as outlined in Attachment 1 to Report 007/21.**

Seconded by Councillor T Nelson and CARRIED

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2021-2031 LONG TERM PLAN COMMUNITY OUTCOMES (008/21)

The report seeking Council adoption of the revised Community Outcomes for the 2021-31 Long Term Plan was presented by the Manager Strategic Planning.

Moved by Councillor F Mailman

That Council:

1. **Adopt all five existing community outcomes, as below, for the 2021-31 Long Term Plan with two minor amendments:**
 - a. insert the word 'safe' into the description of the Infrastructure outcome
 - b. insert 'low carbon economy' into the description of the economic outcome
 - **An Engaged and Empowered Community**
Masterton/Whakaoriori is a positive, strong, inclusive and self-determining community with equitable opportunities for everyone.
 - **Pride in our Identity and Heritage**
Masterton/Whakaoriori values the place and role of tangata whenua and is proud of our cultural identity and heritage.
 - **A Sustainable and Healthy Environment**
Masterton/Whakaoriori has rivers we can swim in and drink from, clean air to breathe, green and blue spaces that we can enjoy and share with future generations.
 - **A Thriving and Resilient Economy**
Masterton/Whakaoriori has a strong, sustainable, low carbon economy that supports our people and places.
 - **Efficient, Safe and Effective Infrastructure**
Masterton/Whakaoriori has high quality, safe and cost-effective infrastructure that meets the current and future needs of our community.

Seconded by Councillor S Ryan and CARRIED

2021-2031 LONG TERM PLAN PERFORMANCE MEASURES (009/21)

The report seeking Council approval for the proposed changes to Council's Performance Measure Framework for the 2021-31 Long Term Plan was presented by the Manager Strategic Planning.

Moved by Councillor T Nixon

That Council:

- b) **Approves the proposed changes to Council's performance measure framework for the 2021-31 Long Term Plan as outlined in Attachment 1 to Report 009/21.**

Seconded by Councillor S Ryan and CARRIED

ADOPTION OF THE DRAFT PARKS AND OPEN SPACES STRATEGY FOR PUBLIC CONSULTATION (010/21)

The report seeking Council adoption of the draft Parks and Opens Spaces Strategy (the Strategy) for public consultation was presented by the Manager Community Facilities and Activities.

The following corrections to the Strategy document were noted

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- Appendix 4 was missing the Riversdale map, which was tabled and would be included in the final version for consultation
- On page 17 of the Strategy a distinction needed to be made, in relation to the 11 primary and secondary schools mentioned, between the schools which were accessible to the public and those that weren't.
- On page 54 of the Strategy it was noted that the reference to Tina Te Tau should be Tiraumaera Te Tau.

Moved by Councillor G Caffell

That Council:

- a) Adopts the draft Parks and Open Spaces Strategy (Attachment 1 to Report 010/21) for public consultation; and**
- b) Approves the consultation timeframes and approach described in Report 010/21.**

Seconded by Councillor D Holmes and CARRIED

The meeting closed at 3.17 pm

Confirmed at the Meeting of the
Council held on 17 February 2021

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011/21

**REPORT OF THE INFRASTRUCTURE AND SERVICES COMMITTEE MEETING HELD
AT WAIATA HOUSE, LINCOLN ROAD, MASTERTON ON WEDNESDAY 3 FEBRUARY
2021 AT 2.00 PM**

PRESENT

Councillor Johnson (Chair), Mayor Lyn Patterson, Councillors G Caffell, B Gare, D Holmes, G McClymont, F Mailman, T Nelson, T Nixon and S Ryan and iwi representatives Tiraumaera Te Tau and Ra Smith (from 2.14pm).

IN ATTENDANCE

Manager Assets and Operations, Manager Community Facilities and Activities, Manager Finance, Manager Strategic Planning, Properties and Facilities Manager, Policy Manager, Corporate Planner, Governance Advisor, two media representatives and two members of the public.

CONFLICTS OF INTEREST

No conflicts were declared.

APOLOGIES

There were no apologies.

LATE ITEMS FOR INCLUSION UNDER SECTION 46A(7) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

There were no late items.

ITEMS TO BE CONSIDERED UNDER SECTION 48(1)(A) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

There were no items to be considered under Section 48(1)(A) of the Local Government Official Information and Meetings Act 1987

ROAD EDGE TREE REMOVAL PROJECT (004/21)

The report providing an update on the Road Edge Tree Removal Project was presented by the Roding Services Manager.

An error on page 312 was noted – the reference to the wind weather event should have been January 2021 rather than January 2020.

Moved by Councillor B Johnson

That Council note the information contained in Report 004/21.

Seconded by Councillor D Holmes and CARRIED

302

COMMUNITY FACILITIES AND ACTIVITIES INFRASTRUCTURE UPDATE (005/21)

The report providing the Infrastructure and Services Committee with an update on key projects and summary of progress, including highlights and any new issues, was taken as read.

Moved by Councillor B Johnson

That the Infrastructure and Services Committee notes the contents of Report 005/21.

Seconded by Tiraumaera Te Tau and CARRIED.

(Ra Smith joined the meeting at 2.14pm)

INFRASTRUCTURE UPDATE (006/21)

The report providing the Committee with an update on key infrastructure projects and areas of focus was taken as read.

In relation to the delay in the Henley Lake dump station, staff advised that an agreement had been entered into for the dump station behind the old Homestead building to reopen during Wings over Wairarapa and that would be publicised through the Motor Caravan Association and signage.

Moved by Councillor Bex Johnson

That the Infrastructure and Services Committee notes the information contained in Report 006/21.

Seconded by Councillor F Mailman and CARRIED.

The meeting closed at 2.25 pm

To:	Your Worship the Mayor and Elected Members
From:	Nerissa Aramakutu, Policy Manager
Endorsed by:	Kathryn Ross, Chief Executive
Date:	17 February 2021
Subject:	Approval of and Entry to the Wellington Regional Leadership Committee

DECISION

Recommendations:

That the Council:

- a) Receives Report 016/21;
- b) Agrees to becoming a member of the Wellington Regional Leadership Committee;
- c) Approves the Joint Committee Agreement of the Wellington Regional Leadership Committee;
- d) Authorises Mayor Lyn Patterson to sign the Joint Committee Agreement of the Wellington Regional Leadership Committee on behalf of the Masterton District Council;
- e) Notes that the Wellington Regional Leadership Committee will adopt a memorandum of understanding which will set out principles that guide the Wellington Regional Leadership Committee's work and approach;
- f) Appoints and establishes the Wellington Regional Leadership Committee as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 on the terms set out in the Joint Committee Agreement, and with effect from the date that the Wellington Regional Leadership Committee Agreement is signed by all local authority parties;
- g) Appoints the Mayor of the Masterton District Council to the Wellington Regional Leadership Committee, with effect from the date that the Wellington Regional Leadership Committee is established;
- h) Appoints [*insert name*] as an alternate member of the Wellington Regional Leadership Committee and attend meetings in exceptional circumstances where the Mayor of the Masterton District Council is unable to attend;
- i) Notes that the Wellington Regional Leadership Committee is a joint committee of all of the local authorities that are parties to the Wellington Regional Leadership Committee Agreement and includes members representing iwi and the Crown;
- j) Agrees to make the following delegations to the Wellington Regional Leadership Committee:
 - i. Approval of all plans and implementation programmes necessary to fulfil the specific responsibilities of the Wellington Regional Leadership Committee, including:
 - Wellington Regional Growth Framework and the Wellington Regional Growth Framework Implementation Plan
 - Regional Economic Development Plan
 - Regional Economic Recovery Implementation Plan
 - ii. Approval of all submissions and advocacy statements necessary to fulfil the specific responsibilities of the Wellington Regional Leadership Committee.

k) Notes that the Wellington Regional Strategy Committee is likely to be disestablished in the future, with the disestablishment process to be confirmed and agreed to.

Purpose

The purpose of this report is to seek Council's agreement to becoming a member on the Wellington Regional Leadership Committee (WRLC).

The WRLC is a new regional Joint Committee established under Clause 30A, Schedule 7 of the Local Government Act 2002 (LGA), and will include all of the Wellington Region's local government authorities, designated iwi, the Horowhenua District Council, and central government ministerial representatives, as equal voting members.

Context

The draft Wellington Regional Growth Framework (WRGF) was endorsed for public consultation by the Council on 9 December 2021.

The WRGF is a 30-year spatial plan that describes a long-term vision for how the Wellington region will grow, change and respond to key urban development challenges and opportunities in a way that gets the best outcomes, and maximises the benefits across the region. The WRGF covers the eight districts in the Wellington Region and the Horowhenua District.

The development of the WRGF involved collaboration between central government, the Councils of the Wellington Region and Iwi, with the Greater Wellington Regional Council being the project lead.

The WRGF is one of a number of spatial plans that have been/are being developed around the country under the Government's Urban Growth Agenda.

A Joint Committee is required to activate and support the decisions and programmes of the WRGF.

Wellington Regional Leadership Committee

Roles and Responsibilities

The WRLC will provide a formal governance forum for members to work together with central government on matters that are of regional importance, cross-boundary and inter-regional.

The WRLC will address regional matters across three responsibility spheres, as programme areas.

The role of the WRLC is to set direction and monitor activities from those plans related to the direction on all matters, with particular focus on the following:

- The Wellington Regional Growth Framework;
- Regional economic development; and
- Regional economic recovery.

The role and function of the WRLC excludes undertaking delivery activity. This will be undertaken by entities such as local authorities and Council-Controlled Organisations.

For more specific responsibilities of the WRLG refer to Attachment 1: the WRLC Agreement.

Membership

The Membership of the WRLC, with voting rights, include:

- The Mayor of Carterton District Council;
- The Chair of Greater Wellington Regional Council;
- The Mayor of Horowhenua District Council;
- The Mayor of Hutt City Council;
- The Mayor of Kāpiti Coast District Council;
- The Mayor of Masterton District Council;
- The Mayor of Porirua City Council;
- The Mayor of South Wairarapa District Council;
- The Mayor Upper Hutt City Council;
- The Mayor of Wellington City Council; and
- A person nominated by the WRLC and appointed by the Administering Authority to be the Independent Chairperson of the WRLC.

The territorial authorities that are signatories to the WRLC Agreement must appoint their respective Mayor to be a member of the WRLC. This is to ensure the mayors are counted for the purposes of determining the number of members required to constitute a quorum – as mayors are members of all committees as per clause 30A(6A) of Schedule 7 of the Local Government Act 2002.

In addition to the appointment of each territorial authorities respective mayor, the territorial authorities may also appoint an alternate who, in exceptional circumstances where the Mayor is not able to attend a WRLC meeting, is permitted to attend that WRLC meeting as a member of the WRLC, and vote.

The membership of the WRLC, with voting rights, may also include:

- Ngāti Toa Rangatira represented by Te Rūnanga o Toa Rangatira Inc;
- Taranaki Whānui represented by Port Nicholson Block Settlement Trust;
- Rangitāne o Wairarapa represented by Rangitāne o Wairarapa Inc;
- Ngāti Kahungunu ki Wairarapa represented by Ngāti Kahungunu ki Wairarapa Trust;
- Raukawa ki Te Tonga;
- Te Āti Awa ki Whakarongotai represented by Āti Awa ki Whakarongotai Charitable Trust; and
- Muaūpoko Tribal Committee representing Muaūpoko hapū.

Central Government Representatives, with voting rights, include:

- Up to three Cabinet Ministers (specific Cabinet Ministers will be determined at a later date).

Ministerial appointments will be confirmed after Cabinet have reviewed and endorsed the Joint Committee Agreement.

Delegations

Each local authority delegates to the WRLC, in accordance with the terms of reference, the following responsibilities:

1. Approval of all plans and implementation programmes necessary to fulfil the specific responsibilities of the WRLC, including:
 - Wellington Regional Growth Framework and the Wellington Regional Growth Framework Implementation Plan;
 - Regional Economic Development Plan; and
 - Regional Economic Recovery Implementation Plan.
2. Approval of all submissions and advocacy statements necessary to fulfil the specific responsibilities of the WRLC.

Voting Rights and Consensus Based Decision Making

While each member is accorded one vote, the WRLC will utilise a consensus-based decision model. This is to ensure decisions are robustly supported and made in the best interest of members and their shared communities.

Observers

Central government representatives from the Ministry of Housing and Urban Development / Kāinga Ora, Waka Kotahi, the Department of Internal Affairs, and the Ministry of Business, Innovation and Employment, alongside other commercial and private sector membership or representative organisations are considered observers (not members) to the WRLC, with speaking, but no voting rights.

They will be invited to share and present information and insights. Observer attendance is designed to be flexible, depending on the specified meeting's subject matter, agenda and decision-making requirements.

Observers will be approved by the Independent Chair.

Supporting Resources and Operations

The Agreement and Terms of Reference

The WRLC Agreement and Terms of Reference were legally reviewed. They detail how the WRLC will operate and deliver on its responsibilities. Refer to Attachment 1. The WRLC Agreement and accompanying Terms of Reference are written pursuant to Clause 30A, Schedule 7 of the Local Government Act, 2002.

The Memorandum of Understanding

The Memorandum of Understanding (MOU) outlines how the Committee will operate. The MOU helps to shape and promote the trusted, cooperative and partnership-based principles to guide the WRLC for the successful development and implementation of agreed decisions and strategies.

A draft MOU is provided for noting. Refer to Attachment 2. The WRLC will finalise the draft MOU when it first meets.

Independent Chair

An Independent Chairperson will guide and moderate discussions, connect and communicate with key parties in advance of meetings, support and work with the WRLC's Secretariat on work

programmes, while providing communication on the decisions and outcomes of the Joint Committee's deliberations.

An Independent Chairperson will be appointed by the Administering Authority following a robust recruitment process.

Secretariat

The Secretariat will provide support, information and analysis. A team of up to four positions will be appointed by the Administering Authority, in consultation with the WRLC and Independent Chair.

The Secretariat will focus on supporting delivery of the work programme and supporting/reporting and reporting against the decisions and strategies set by the WRLC.

A process for finalising the roles and responsibilities for the Secretariat will be determined and implemented at a later date.

Agenda Management

Effective agenda management will ensure that the appropriate members are present and prepared for the topics and decisions within each area of responsibility.

Administering Authority

A process to select and confirm the administering authority will be determined by March 2021.

An administering authority is required for the WRLC's operations. This includes utilisation of a council's standing orders, and the provision of administrative and human resources functions for the chair and secretariat. The standing orders of the Administering Authority will apply to the Joint Committee.

Next Steps for WRLC

The next steps for the WRLC are included in the table below:

Wellington Region Leadership Committee (WRLC) – Creation and Establishment Framework January – July 2021				
January – March	January	February-March	April-May	June-July
Wellington and Horowhenua region’s local government authorities, iwi, Central Government officials and Cabinet review and proceed to endorse the WRLC Agreement and Terms of Reference and become members of the WRLC.	<p>Communication released: a media release will accompany the first adoption and subsequent announcements as councils and others sign up to the WRLC.</p> <p>Robust Independent Chair recruitment process commences – partners contribute names for consideration.</p>	<p>Administrating Authority confirmed.</p> <p>Joint Secretariat roles and responsibilities confirmed.</p> <p>Recruitment process for Secretariat initiated – continues through March/April.</p> <p>Greater Wellington Regional Council consults on the WRLC as an option for its 2021-2031 Long Term Plan. This includes the funding implications from the proposed and new Regional Rate.</p>	<p>Tentative first meeting of the new Joint Committee – the Wellington Regional Leadership Committee.</p> <p>Independent Chair recruitment process concludes, with Chair appointed by the WRLC.</p> <p>Expected Dissolution of the Wellington Regional Strategy Committee.</p> <p>Recruitment commences for the Secretariat positions.</p> <p>WRLC confirms Memorandum of Understanding.</p>	<p>WRLC considers and reviews proposed year 1 and 3 work programme.</p> <p>Work and planning commences against the three spheres of responsibility as programme areas.</p>

Strategic, Policy and Legislative Implications

The WRLC will have a particular focus on the Wellington Regional Growth Framework; and any strategies and plans related to regional economic development and regional economic recovery.

Significance, Engagement and Consultation

The recommendations for decision in this report are not considered to be of significance under the Significance and Engagement Policy.

The Greater Wellington Regional Council plans to consult on the funding mechanism for the WRLC as an option for its 2021-2031 Long Term Plan. This includes the funding implications from the proposed and new Regional Rate.

Communications/Engagement

Formal consultation with communities across the Wellington Region is expected to be undertaken within the first six months of 2021, with consultation materials developed to support the public consultation process.

Financial Considerations

Funding is proposed to be provided for the administration of the WRLC, a new secretariat, and iwi participation in the WRLC through a regional targeted rate set by Greater Wellington Regional Council (subject to confirmation as part of the 2021-31 Long Term Plan).

Projects identified in the Wellington Regional Growth Framework are proposed to be co-funded by Central and Local Government. Funding indications have been provided to Local Government's Chief Executives.

Implications for Māori

As a significant regional governance forum, the WRLC membership includes designated mana whenua/iwi representatives.

The draft Memorandum of Understanding includes a section on reflecting the principles of Te Tiriti o Waitangi / The Treaty of Waitangi within the intended behaviours and approaches of the WRLC.

Funding has been provided for in the proposed new regional rate to provide for iwi members' full participation in the WRLC.

Environmental/Climate Change Impact and Considerations

Climate change has been one of the key factors in the development of the Wellington Regional Growth Framework – one of the WRLC's key focus areas.

Wellington Regional Leadership
Committee
Joint Committee Agreement

Wellington Regional Leadership Committee

Joint Committee Agreement

Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (LGA 2002). The purpose is for a Joint Committee of Carterton District Council, Greater Wellington Regional Council, Hutt City Council, Kapiti Coast District Council, Masterton District Council, Porirua City Council, South Wairarapa District Council, Upper Hutt City Council, Wellington City Council, Horowhenua District Council and mana whenua to take responsibility for key matters of regional importance where a collective voice and collective regional planning and action is required.

The parties are wanting to work together with central government on matters that are of regional importance and are cross boundary and inter-regional in nature. The role of the Committee is to set direction and monitor activities from those plans related to the direction on all matters, with particular focus on:

- Regional economic development
- Regional recovery
- Wellington regional growth framework (joint spatial plan under the [Urban Growth Partnerships](#) and [Urban Growth Agenda](#))

The Committee does not undertake delivery activity – this is undertaken elsewhere by entities such as local authorities and Council-Controlled Organisations.

The Joint Committee allows for observers from entities such as Waka Kotahi, Ministry of Housing and Urban Development and/or Kāinga Ora, Department of Internal Affairs and Ministry of Business, Innovation and Employment. It also allows for observers from private sector organisations and groups. These observers will be entitled to speak at meetings but will not be members of the Joint Committee.

Some of the parties to the Joint Committee are not intended to have any input or responsibility in respect of particular Joint Committee programmes. On this basis, it is expected that those members of the Joint Committee who represent those parties will not exercise their voting rights in certain circumstances. This is set out in further detail below and in the Terms of Reference attached to this Agreement as **Appendix 1**.

This Agreement focuses on the Joint Committee, including its membership and delegations.

The Committee is a formal Joint Committee pursuant to the LGA 2002 (Clauses 30 and 30A, Schedule 7). The Committee will be deemed to not be discharged at or following each triennial local government election (in line with Clause 30 (7) of Schedule 7, LGA 2002).

There are some parties to this agreement (ie Crown and iwi) who do not appoint members to the Joint Committee directly.

Membership

The membership of the Joint Committee is comprised of:

- the Mayor of Carterton District Council
- the Mayor of Horowhenua District Council
- the Mayor of Hutt City Council
- the Mayor of Kāpiti Coast District Council
- the Mayor of Masterton District Council
- the Mayor of Porirua City Council
- the Mayor of South Wairarapa District Council
- the Mayor of Upper Hutt City Council
- the Mayor of Wellington City Council
- the Chair of Wellington Regional Council
- a person nominated by the Joint Committee itself and appointed by the Administering Authority to be the independent chairperson of the Joint Committee

The member of the Joint Committee may also include:

- a person nominated by Te Rūnanga o Toa Rangatira Inc (Ngāti Toa Rangatira) and appointed by the Administering Authority
- a person nominated by the Port Nicholson Block Settlement Trust (Taranaki Whānui) and appointed by the Administering Authority
- a person nominated by Rangitāne O Wairarapa Inc (Rangitāne O Wairarapa) and appointed by the Administering Authority
- a person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa) and appointed by the Administering Authority
- a person nominated by Raukawa ki te Tonga and appointed by the Administering Authority
- a person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai) and appointed by the Administering Authority
- a person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū) and appointed by the Administering Authority
- up to three persons nominated by the Crown (Cabinet) and appointed by the Administering Authority

In respect of those members who are persons nominated by a particular entity or body (and then appointed by the Administering Authority), for the avoidance of doubt, if no nomination occurs then the Administering Authority need not make an appointment to the joint committee in respect of that entity or body. The membership of the Joint Committee will be accordingly reduced to the extent that there is no nomination/appointment (including for the purposes of calculating the number of vacancies for establishing a quorum). Such appointment may be made if and when a relevant nomination occurs.

The territorial authorities that are parties to this agreement must appoint the relevant Mayor to be a member of the joint committee. This is so that those Mayors are counted for the purposes of determining the number of members required to constitute a quorum – see clause 30A(6A) of Schedule 7 of the Local Government Act 2002.

The local authorities that are parties to this agreement may, in addition to the appointment of the relevant Mayor or Chair, appoint an alternate who, in exceptional circumstances where the Mayor or Chair is not able to attend a Joint Committee meetings, is entitled to attend that Joint Committee meetings as a member of the Joint Committee (and appointed by the relevant local authority). The appointment of alternates does not affect the normal calculation of a quorum.

A Deputy Chairperson is to be appointed by the Committee from the existing membership. In accordance with standing orders, the Deputy Chairperson may preside at meetings in the absence of the Chairperson (including before the Joint Committee nominates an independent chairperson and that person is appointed by the Administering Authority).

General

The membership of the Wellington Regional Leadership Committee shall be limited to a maximum of 21 members (including the Independent Chairperson). In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Joint Committee shall be half of the members if the number of members (including vacancies) is an even number, or a majority of members if the number of members (including vacancies) is an odd number. In accordance with clause 30A(6)(c)(iii) of Schedule 7 of the Local Government Act 2002, for a quorum to be established there must be present at least 5 members appointed by local authorities.

The standing orders of the Administering Authority apply to the Joint Committee. The Joint Committee will adopt a memorandum of understanding setting out the principles that guide the Joint Committee's work and the approach that the Joint Committee will take.

Expectations around member voting based on Committee programme and agenda

When the Joint Committee is addressing matters that are not within the Wellington Regional Growth Framework programme, it is expected that the following members of the Joint Committee will not exercise their voting rights (and may elect not to attend the relevant meetings or parts of meetings):

- the Mayor of Horowhenua District Council
- the person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)
- the person nominated by Raukawa ki te Tonga
- the persons nominated by the Crown (Cabinet)

This is illustrated in the below table (where the absence of a tick indicates that the relevant member is not expected to exercise voting rights in respect of the relevant programme):

Relevant members	Relevant programme		
	Wellington Regional Growth Framework	Regional Economic Development	Regional Economic Recovery
Independent chairperson	√	√	√
Chair of Wellington Regional Council	√	√	√
Mayor of Wellington City Council	√	√	√
Mayor of Porirua City Council	√	√	√

Relevant members	Relevant programme		
	Wellington Regional Growth Framework	Regional Economic Development	Regional Economic Recovery
Mayor of Kapiti Coast District Council	√	√	√
Mayor of Hutt City Council	√	√	√
Mayor of Upper Hutt City Council	√	√	√
Mayor of South Wairarapa District Council	√	√	√
Mayor of Masterton District Council	√	√	√
Mayor of Carterton District Council	√	√	√
Person nominated by Te Rūnanga o Toa Rangatira Inc (Ngāti Toa Rangatira)	√	√	√
Person nominated by the Port Nicholson Block Settlement Trust (Taranaki Whānui)	√	√	√
Person nominated by Rangitāne O Wairarapa Inc (Rangitāne O Wairarapa)	√	√	√
Person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa)	√	√	√
Person nominated by Raukawa ki te Tonga	√	√	√
Person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai)	√	√	√
Person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)	√		
Persons nominated by the Crown (Cabinet)	√		
Mayor of Horowhenua District Council	√		

Observers

Regional economic development programme

In respect of the Regional Economic Development programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One or more representative(s) from the Ministry of Business, Innovation and Employment
- Any other persons as the Joint Committee may consider necessary

Regional economic recovery programme

In respect of the Regional Recovery programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One or more representative(s) from key government entities.
- One or more representative(s) from key private sector organisations on a required basis.
- Any other persons as the Joint Committee may consider necessary

Wellington Regional Growth Framework programme

In respect of the Wellington Regional Growth Framework programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One representative of Waka Kotahi
- One representative from Ministry of Housing and Urban Development (HUD) and/or Kāinga Ora
- Any other persons as the Joint Committee may consider necessary

At each meeting, the Chairperson shall recognise those observers attending in accordance with these provisions and the persons recognised by the Chairperson shall have speaking rights at the meeting.

The attendance at any public excluded session by observers shall only be permitted with the prior approval of the Chairperson.

Meeting Frequency

Meetings will be held once every two months, or as necessary and determined by the Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the Administering Authority.

Specific Responsibilities

The Wellington Regional Leadership Committee has the following specific responsibilities in support of its overall purpose:

Wellington Regional Growth Framework

1. Oversee the development and implementation of the Wellington Regional Growth Framework.
2. Recommend to the Wellington Regional Growth Framework partners how funding and resources should be applied to support implementation of the Framework.
3. Monitor the implementation of the Wellington Regional Growth Framework and associated workstreams.
4. Review and keep up to date the Wellington Regional Growth Framework as circumstances change.
5. Recommend to the Wellington Regional Growth Framework partners actions to achieve alignment with council, central government and iwi plans, strategies and policies.
6. Facilitate engagement and consultation with stakeholders and the community on the Wellington Regional Growth Framework.
7. Develop submissions and advocate to external organisations on matters relating to the Wellington Regional Growth Framework.

8. Engage with neighbouring regions on cross-boundary matters relating to the Wellington Regional Growth Framework.

Regional Economic Development

1. Provide leadership in regional, sustainable economic development, including establishing partnerships with key agencies involved in economic development. Acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a regional economic development plan to guide the collective work of the region, in line with the desired future outlined in the Wellington Regional Growth Framework.
3. Monitor and report on the status of the regional economy, emerging risks and opportunities and progress towards the implementation of the regional economic development plan and transition to a low carbon economy.
4. Develop submissions and advocate to external organisations on matters relating to regional economic development.
5. Recommend to Greater Wellington Regional Council (as a joint shareholder of Wellington NZ) the allocation of the regional targeted rate for economic development to initiatives and activities based on the regional economic development plan.

Regional Economic Recovery

1. Provide leadership in regional economic recovery, including establishing partnerships with key agencies involved in recovery, acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a programme of regional economic recovery initiatives, which incorporate alignment with the region's climate change goals.
3. Coordinate the implementation of a programme of regional economic recovery initiatives through local authorities, council controlled organisations and other partners.
4. Monitor and report on the impacts of regional economic recovery on the region, emerging risks and opportunities and progress towards implementation of the programme of regional economic recovery initiatives.
5. Develop submissions and advocate to external organisations on matters relating to regional economic recovery including developing regional proposals for partnerships and funding assistance.

Delegations

Each local authority delegates to the Joint Committee, in accordance with the terms of reference, the following responsibilities:

1. Approval of all plans and implementation programmes necessary to fulfil the specific responsibilities of the Joint Committee, including:
 - Wellington Regional Growth Framework and the Wellington Regional Growth Framework Implementation Plan
 - Regional Economic Development Plan
 - Regional Economic Recovery Implementation Plan
2. Approval of all submissions and advocacy statements necessary to fulfil the specific responsibilities of the Joint Committee.

Responsibilities

The table below identifies key parties related to this agreement and the Wellington Regional Leadership Committee and their responsibilities.

Party	Responsibilities
Wellington Regional Leadership Committee	Decision making related to the Specific Responsibilities in this Agreement and TOR; Joint regional voice and advocacy; Select and nominate the Independent Chairperson (for appointment to the joint committee by the Administering Authority); Agree 3 year rolling work programme consistent with WRGF, Economic Plan and other relevant directional documents.
Independent Chairperson	Chair the meetings; Approve attendance as required in public excluded sessions; Approve speaking rights as required at meetings; Liaise with members of the Committee as required Approve (in consultation with the Senior Managers Group) content of meeting agendas.
Chief Executives Group	Provide support and advice to the Joint Committee; Agree funding amounts and splits (rolling 3-year programme).
Senior Managers Group (2 nd Tier Managers)	Recommend work programme to the Joint Committee; Recommend funding arrangements and allocations; Manage reports to the Committee; Review work being undertaken and recommend changes if required; Align work programmes within home organisations.
Joint Secretariat	Coordinate the work of the Joint Committee (in consultation with the Chairperson); Provide administrative support to the Joint Committee on all aspects of its business; Lead work streams as required; Manage joint communications and consultation; Support the work of the Joint Committee, including monitoring, research and independent advice as required.
Delivery agencies e.g. Councils, Council Controlled Organisations	Provide information and research; Draft papers for the Joint Committee; Attend meetings as required; Deliver aspects of the work programme (e.g. economic development activities).
Administering Authority	Administer standing orders; Employing joint secretariat staff; Payment of the meeting fees and Chairpersons honorarium; Appointing members to the Joint Committee (who are to be appointed by the Administering Authority).

Administration Funding

Funding will be provided by local authorities for the administration of the Joint Committee, a new joint secretariat, and iwi participation in the Joint Committee through a regional targeted rate set by Greater Wellington Regional Council (subject to confirmation as part of the 2021 Long Term Plan).

The funding will support the administration of the Committee and the joint secretariat that supports the Joint Committee which will undertake the following:

1. Providing administrative support to the Joint Committee and the Senior Managers Group
2. Managing the work programme of the Joint Committee, including policy advice function and monitoring and research as required
3. Provision of independent advice to support the work programme as required

Funding will be provided by central government as a contribution to the administration of the Committee and the joint secretariat at an amount to be agreed.

Variation of this Agreement

This Agreement may be varied by the parties from time to time but only with the endorsement of the Wellington Regional Leadership Committee.

EXECUTION

SIGNED for and on behalf of
CARTERTON DISTRICT COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of
HOROWHENUA DISTRICT COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of **HUTT CITY COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **KĀPITI COAST DISTRICT COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of
MASTERTON DISTRICT COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of **PORIRUA
CITY COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **SOUTH
WAIRARAPA DISTRICT COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **UPPER HUTT CITY COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **WELLINGTON CITY COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **WELLINGTON REGIONAL COUNCIL:**

Signature

Name of person signing

SIGNED for and on behalf of **NGĀTI TOA RANGATIRA:**

Signature

Name of person signing

SIGNED for and on behalf of **TARANAKI WHĀNUI:**

Signature

Name of person signing

SIGNED for and on behalf of **RANGITĀNE O WAIRARAPA:**

Signature

Name of person signing

SIGNED for and on behalf of **NGĀTI
KAHUNGUNU KI WAIRARAPA:**

Signature

Name of person signing

SIGNED for and on behalf of **RAUKAWA
KI TE TONGA:**

Signature

Name of person signing

SIGNED for and on behalf of **ĀTIAWA KI
WHAKARONGOTAI:**

Signature

Name of person signing

SIGNED for and on behalf of **MUAŪPOKO HAPŪ:**

Signature

Name of person signing

SIGNED for and on behalf of **CENTRAL GOVERNMENT:**

Signature

Name of person signing

Appendix 1: Wellington Regional Leadership Committee Terms of Reference

Purpose

The purpose of the Wellington Regional Leadership Committee is to take responsibility for key matters of regional importance – Wellington Regional Growth Framework, Regional Economic Development, and Regional Recovery - where a collective voice and collective planning and action is required.

The Wellington Regional Leadership Committee (Joint Committee) is a joint committee, established in accordance with clauses 30 and 30A of Schedule 7 to the Local Government Act 2002.

The Joint Committee has members from all the nine councils wholly within the Wellington Region and the Horowhenua District Council, mana whenua and members from central Government.

Specific Responsibilities

The Wellington Regional Leadership Committee specific responsibilities include:

Wellington Regional Growth Framework

1. Oversee the development and implementation of the Wellington Regional Growth Framework.
2. Recommend to the Wellington Regional Growth Framework partners how funding and resources should be applied to support implementation of the Framework.
3. Monitor the implementation of the Wellington Regional Growth Framework and associated workstreams.
4. Review and keep up to date the Wellington Regional Growth Framework as circumstances change.
5. Recommend to the Wellington Regional Growth Framework partners actions to achieve alignment with council, central government and iwi plans, strategies and policies.
6. Facilitate engagement and consultation with stakeholders and the community on the Wellington Regional Growth Framework.
7. Develop submissions and advocate to external organisations on matters relating to the Wellington Regional Growth Framework.
8. Engage with neighbouring regions on cross-boundary matters relating to the Wellington Regional Growth Framework.

Regional Economic Development

1. Provide leadership in regional economic development, including establishing partnerships with key agencies involved in economic development. Acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a regional economic development plan to guide the collective work of the region, in line with the desired future outlined in the Wellington Regional Growth Framework.
3. Monitor and report on the status of the regional economy, emerging risks and opportunities and progress towards the implementation of the regional economic development plan and transition to a low carbon economy.

4. Develop submissions and advocate to external organisations on matters relating to regional economic development.
5. Recommend to Greater Wellington Regional Council (as a joint shareholder of Wellington NZ) the allocation of the regional targeted rate for economic development to initiatives and activities based on the regional economic development plan.

Regional Economic Recovery

1. Provide leadership in regional economic recovery, including establishing partnerships with key agencies involved in recovery, acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a programme of regional economic recovery initiatives, which incorporate alignment with the region's climate change goals.
3. Coordinate the implementation of a programme of regional economic recovery initiatives through local authorities, council controlled organisations and other partners.
4. Monitor and report on the impacts of regional economic recovery on the region, emerging risks and opportunities and progress towards implementation of the programme of regional economic recovery initiatives.
5. Develop submissions and advocate to external organisations on matters relating to regional economic recovery including developing regional proposals for partnerships and funding assistance.

Membership

The membership of the Joint Committee is comprised of:

- the Mayor of Carterton District Council
- the Mayor of Horowhenua District Council
- the Mayor of Hutt City Council
- the Mayor of Kāpiti Coast District Council
- the Mayor of Masterton District Council
- the Mayor of Porirua City Council
- the Mayor of South Wairarapa District Council
- the Mayor of Upper Hutt City Council
- the Mayor of Wellington City Council
- the Chair of Wellington Regional Council
- a person nominated by the Joint Committee itself and appointed by the Administering Authority to be the independent chairperson of the Joint Committee

The member of the Joint Committee may also include:

- a person nominated by Te Rūnanga o Toa Rangatira Inc (Ngāti Toa Rangatira) and appointed by the Administering Authority
- a person nominated by the Port Nicholson Block Settlement Trust (Taranaki Whānui) and appointed by the Administering Authority
- a person nominated by Rangitāne O Wairarapa Inc (Rangitāne O Wairarapa) and appointed by the Administering Authority
- a person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa) and appointed by the Administering Authority

- a person nominated by Raukawa ki te Tonga and appointed by the Administering Authority
- a person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai) and appointed by the Administering Authority
- a person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū) and appointed by the Administering Authority
- up to three persons nominated by the Crown (Cabinet) and appointed by the Administering Authority

In respect of those members who are persons nominated by a particular entity or body (and then appointed by the Administering Authority), for the avoidance of doubt, if no nomination occurs then the Administering Authority need not make an appointment to the joint committee in respect of that entity or body. The membership of the Joint Committee will be accordingly reduced to the extent that there is no nomination/appointment (including for the purposes of calculating the number of vacancies for establishing a quorum). Such appointment may be made if and when a relevant nomination occurs.

The territorial authorities that are parties to this agreement must appoint the relevant Mayor to be a member of the joint committee. This is so that those Mayors are counted for the purposes of determining the number of members required to constitute a quorum – see clause 30A(6A) of Schedule 7 of the Local Government Act 2002.

The local authorities that are parties to this agreement may, in addition to the appointment of the relevant Mayor or Chair, appoint an alternate who, in exceptional circumstances where the Mayor or Chair is not able to attend a Joint Committee meetings, is entitled to attend that Joint Committee meetings as a member of the Joint Committee (and appointed by the relevant local authority). The appointment of alternates does not affect the normal calculation of a quorum.

A Deputy Chairperson is to be appointed by the Committee from the existing membership. In accordance with standing orders, the Deputy Chairperson may preside at meetings in the absence of the Chairperson (including before the Joint Committee nominates an independent chairperson and that person is appointed by the Administering Authority).

General

The membership of the Wellington Regional Leadership Committee shall be limited to a maximum of 21 members (including the Independent Chairperson).

Expectations around member voting based on Committee programme and agenda

When the Joint Committee is addressing matters that are not within the Wellington Regional Growth Framework programme, it is expected that the following members of the Joint Committee will not exercise their voting rights (and may elect not to attend the relevant meetings or parts of meetings):

- the Mayor of Horowhenua District Council
- the person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)
- the person nominated by Raukawa ki te Tonga
- the persons nominated by the Crown (Cabinet)

This is illustrated in the below table (where the absence of a tick indicates that the relevant member is not expected to exercise voting rights in respect of the relevant programme):

Relevant members	Relevant programme		
	Wellington Regional Growth Framework	Regional Economic Development	Regional Economic Recovery
Independent chairperson	√	√	√
Chair of Wellington Regional Council	√	√	√
Mayor of Wellington City Council	√	√	√
Mayor of Porirua City Council	√	√	√
Mayor of Kapiti Coast District Council	√	√	√
Mayor of Hutt City Council	√	√	√
Mayor of Upper Hutt City Council	√	√	√
Mayor of South Wairarapa District Council	√	√	√
Mayor of Masterton District Council	√	√	√
Mayor of Carterton District Council	√	√	√
Person nominated by Te Rūnanga o Toa Rangatira Inc (Ngāti Toa Rangatira)	√	√	√
Person nominated by the Port Nicholson Block Settlement Trust (Taranaki Whānui)	√	√	√
Person nominated by Rangitāne O Wairarapa Inc (Rangitāne O Wairarapa)	√	√	√
Person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa)	√	√	√
Person nominated by Raukawa ki te Tonga	√	√	√
Person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai)	√	√	√
Person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)	√		
Persons nominated by the Crown (Cabinet)	√		
Mayor of Horowhenua District Council	√		

Observers

Regional economic development programme

In respect of the Regional Economic Development programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One or more representative(s) from the Ministry of Business, Innovation and Employment
- Any other persons as the Joint Committee may consider necessary

Regional economic recovery programme

In respect of the Regional Economic Recovery programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One or more representative(s) from key government entities.
- One or more representative(s) from key private sector organisations on a required basis.
- Any other persons as the Joint Committee may consider necessary

Wellington Regional Growth Framework programme

In respect of the Wellington Regional Growth Framework programme, the Joint Committee may invite the following observers to attend and speak at meetings (as relevant):

- One representative of Waka Kotahi
- One representative from Ministry of Housing and Urban Development (HUD) and/or Kāinga Ora
- Any other persons as the Joint Committee may consider necessary

At each meeting, the Chairperson shall recognise those observers attending in accordance with these provisions and the persons recognised by the Chairperson shall have speaking rights at the meeting.

The attendance at any public excluded session by observers shall only be permitted with the prior approval of the Chairperson.

Voting

Each member has one vote. In the case of an equality of votes the Chairperson has a casting vote.

Meetings

The Joint Committee will arrange its meetings in separate parts, relating to the specific focus areas of: Wellington Regional Growth Framework; Regional Economic Development; and Regional Recovery.

Meetings will be held once every two months, or as necessary and determined by the Chairperson.

Quorum

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Joint Committee shall be half of the members if the number of members (including vacancies) is an even number, or a majority of members if the number of members (including vacancies) is an odd number. In accordance with clause 30A(6)(c)(iii) of Schedule

7 of the Local Government Act 2002, for a quorum to be established there must be present at least 5 members appointed by local authorities.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the administering local authority.

Delegations

Each local authority delegates to the Joint Committee, and in accordance with the terms of reference, the following responsibilities:

1. Approval of all plans and implementation programmes necessary to fulfil the specific responsibilities of the Joint Committee, including:
 - a. Wellington Regional Growth Framework and Wellington Regional Leadership Committee Implementation Plan
 - b. Regional Economic Development Plan
 - c. Regional Economic Recovery Implementation Plan
2. Approval of all submissions and advocacy statements necessary to fulfil the specific responsibilities of the Joint Committee.

Remuneration and expenses

Each party shall be responsible for remunerating its representative(s) on the Joint Committee.

Members who represent organisations or entities other than local authorities (for instance iwi members) shall be eligible for compensation for Joint Committee activity including travel, meeting time, and preparation for meetings paid by the administering local authority. This amount is to be agreed in advance.

Standing Orders

The Joint Committee shall apply the standing orders of the Administering Authority.

Duration of the Joint Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Wellington Regional Leadership Committee is not deemed to be discharged following each triennial local government election.

Servicing

The Joint Committee is serviced by a joint secretariat. The administering local authority shall be responsible for the administration of the Committee.

Council decisions on the Committee's recommendations

Where a Council makes specific decisions on the Joint Committee's recommendations, these will be reported to the Joint Committee. Where the decision is materially different from the Committee's recommendation the report will set out the reasons for that decision.

Variation of this Terms of Reference

These terms of reference may be varied from time to time. It is envisaged that changes may be made to add or remove specific responsibilities as the circumstances require. Changes will be approved by the members on the recommendation of the Joint Committee.

DRAFT Memorandum of Understanding | Te Reo Version/Translation

Wellington Regional Leadership Committee

This is a DRAFT for NOTING

Once the Joint Committee is formed, this draft will be further developed into a formal Memorandum of Understanding and agreed to at a future meeting. Including agreed principles, it would thereby seek to ensure a sustainable, consensus based way of working for the benefit of all regional authorities, iwi, peoples and communities.

Purpose – what this MoU is designed to create and deliver

To establish an enduring partnership between all of the Wellington-Wairarapa-Horowhenua Territorial Authorities, iwi, and central government for the successful implementation of the Wellington Regional Leadership Committee (the Joint Committee) which includes specific responsibilities for the Wellington Regional Growth Framework, Regional Economic Development and Regional Economic Recovery plans and actions.

The purpose of this Memorandum of Understanding (MOU) is to:

1. Identify and agree how the partners in the Wellington Regional Leadership Committee will work together.¹
2. Establish the principles and approach of an enduring partnership between central government, local government and iwi in the Wellington-Horowhenua region for successful development and implementation of a range of regional, non-statutory frameworks or strategies for the region.

Acknowledgements – what we’re trying to achieve on behalf of Wellington-Horowhenua region, and more

The Wellington-Horowhenua region is pivotal for the active creation of an Aotearoa New Zealand ready to cooperatively address current challenges, while making way for transformative and sustainable future opportunities.

Ensuring we achieve all we’re capable of and more, is why this Joint Committee, a partnership with all of Wellington-Horowhenua region’s local and regional authorities with iwi and central government is needed.

Signatories:

Wellington Region’s Territorial Authorities and Regional Council

Carterton District Council, Greater Wellington Regional Council, Horowhenua District Council, Hutt City Council, Kapiti Coast District Council, Masterton District Council, Porirua City Council, South Wairarapa District Council, Upper Hutt City Council, Wellington City Council.

The Agreement and Terms of Reference allow for an alternative person in attendance for a Mayor/Regional Council Chair in “exceptional circumstances”. To ensure consistency of attendance and focus on this Joint Committee, “exceptional circumstances” are defined as [To be agreed by the Joint Committee].

¹ The Wellington Regional Leadership Committee Agreement covers what the Committee does.

Iwi representation

- Ngāti Toa Rangatira represented by Te Rūnanga o Toa Rangatira Inc.
- Taranaki Whānui represented by Port Nicholson Block Settlement Trust
- Rangitāne O Wairarapa represented by Rangitāne O Wairarapa Inc
- Ngāti Kahungunu ki Wairarapa represented by Ngāti Kahungunu ki Wairarapa Trust
- Ātiwawa ki Whakarongotai represented by Āti Awa ki Whakarongotai Charitable Trust
- Muaūpoko Tribal Authority Inc representing Muaūpoko hapū
- Raukawa ki Te Tonga.

Central Government Representation

Government signatories' tbc

Key Principles

Committed – to upholding and reflecting the principles of Te Tiriti o Waitangi The Treaty of Waitangi
Respectful – cognisant of the ambitions and autonomy of all partners and acknowledge the diversity of views that may emerge
Supportive – working together towards shared aims and ambitions so all of our communities can thrive and commit to working together towards mutually acceptable outcomes
Aware – of the challenges of climate change
Responsive – ensuring that spatial planning is responsive and reflective of the region's development prerequisites and capacities
Active – creating and supporting the platforms and mechanisms for the region to prosper and thrive
Resilient – ensuring an adaptive environment ready for current and future shocks and opportunities
Inclusive – acknowledging that signatories and others, must work together in partnership on behalf of a strong and resilient Wellington Region and Aotearoa New Zealand
Sustainable – ensuring that our region's connections, environment and communities are sustained, protected and enhanced
Iwi and Treaty of Waitangi recognition - recognise that iwi of the region have aspirations for their people and land
Ambitious/Innovative – aware of and focussed creating a future where the Wellington-Horowhenua region takes an innovative approach to looking for solutions. Not being constrained by the “now” and what has or has not happened in the past
No surprises – participate on the Joint Committee in good faith and a no-surprises basis, recognising that this is dependent on effective collaboration and enduring partnerships
Commit to a shared purpose – while assisting each other to achieve individual partner objectives.

Ways of Working

- **Cohesive** – the Joint Committee will create and ensure a cohesive approach to spatial planning, economic development and regional economic recovery
- **Consensus** – committing to finding shared decisions, the Joint Committee will work towards creating shared, beneficial agreement for all signatories on behalf of their people and places
- **Open** - the Joint Committee is open-minded, and ready to consider and pursue new ideas, initiatives and projects
- **Other?**

Outcomes

- A committed, joint and comprehensive Wellington Regional Growth Framework, with key projects and programmes agreed and delivered against clear, sequenced plans
- An agreed, fair approach to co-funding projects resultant from the Wellington Regional Growth Framework, with all parties contributing where applicable
- A responsive approach to regional economic development planning and frameworks, prioritising our collective response to the challenges of economic recovery
- Responsive and supportive of all Territorial Authorities' spatial plans and economic development and economic recovery ambitions
- A shared commitment to uplifting our communities' ability to thrive, grow and adapt, by cohesively responding to our challenges from climate change to affordable housing
- Other?

Insertion of signatories' names and representatives signing

Date(s) and any sunset clauses, or timelines for review and revision of this MoU and the principles, ways of working or outcomes

DRAFT

To:	Her Worship the Mayor and Councillors
From:	David Hopman, Manager Assets and Operations
Endorsed by:	Kathryn Ross, Chief Executive
Date:	17 February 2021
Subject:	Adoption of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021

DECISION

Recommendations:

That Council:

1. Receives Report 013/21 Adoption of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021;
2. Receives Report 002/21 of the Wairarapa Policy Working Group Proposed Wairarapa Solid Waste Management and Minimisation Bylaw Deliberations held at the Carterton Events Centre on Wednesday, 20 January 2021 (Attachment 3 to Report 013/21);
3. Adopts the final Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021 (Attachments 1 and 2) as recommended by the Wairarapa Policy Working Group, with the following amendment, and subject to adoption by the Carterton and South Wairarapa District Councils:

Clause 6 Interpretation

- a) Add the following waste hierarchy definition as an additional reference: *“a list of waste management options with decreasing priority – usually shown as reduce, reuse, recycle, reprocess, treat, dispose.”*
4. Agrees to the following recommendations made by the Wairarapa Policy Working Group, and subject to agreement by the Carterton and South Wairarapa District Councils:
 - a) Councils will ensure that the compliance, monitoring and enforcement of the Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021 are sufficiently resourced;
 - b) Councils will consider possible incentives and support for diversion when developing the regional licensing fee structure;
 - c) The diversion of resources from landfill operations will be considered when developing the waste operator licensing framework;
 - d) Councils will ensure that there is information available and communicated to operators clarifying that the waste operator licensing in the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 is additional licensing to the offensive trade licensing;
 - e) Councils will continue to encourage all event managers to consider waste minimisation and will provide advice and assistance with recycling and waste bin hire;

- f) Councils will continue to better promote and educate on the benefits of waste minimisation plans for events of all sizes;
 - g) Councils will look at ways in which better waste management and minimisation education and promotion can be targeted at the building/construction sector;
 - h) Councils will look at ways to better provide waste management and minimisation education and promotion for businesses and the wider community;
 - i) Councils will look at ways to better promote and provide education about recyclable materials for hardcopy advertising/mail;
 - j) Councils will encourage residents to use signage on their letterboxes to reduce the receipt of unaddressed mail or advertising mail.
5. Agrees to the following recommendations made by the Wairarapa Policy Working Group, and subject to agreement by the Carterton and South Wairarapa District Councils, regarding the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review:
- a) that the issue of banning unaddressed mail and advertising material (including inserts in community newspapers) is considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review;
 - b) that the event definition in *Clause 6 Interpretation* and *Clause 12 Events* of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 be considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review, with a view to reducing the number of event attendees required to trigger an event waste minimisation plan and waste analysis report;
 - c) that *Clause 2.9 Construction Site and Demolition Waste Management Plans* of the Wairarapa Solid Waste Management and Minimisation Bylaw Controls 2021 be considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review, with a view to reducing the value required to submit a Construction Site and Demolition Waste Management Plan.

PURPOSE

The purpose of this report is to seek Council adoption of the final Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021 (Attachments 1 and 2) subject to adoption by the Carterton and South Wairarapa District Councils. In addition to this, Council is asked to agree to recommendations made by the Wairarapa Policy Working Group (Refer recommendations 4a – 4j and 5a – 5c of Report 002/21 Attachment 3).

CONTEXT

Background

As part of the implementation of the Wellington Region Waste Management and Minimisation Plan 2017-23, the eight councils of the Wellington Region¹ agreed to review and develop a suite of regionally consistent solid waste bylaws.

¹ Carterton District Council, Hutt City Council, Kāpiti Coast District Council, Masterton District Council, Porirua City Council, South Wairarapa District Council, Upper Hutt City Council, Wellington City Council.

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 (and associated Bylaw Controls) will enable the three Wairarapa District Councils to meet legislative obligations, to more effectively manage the negative impacts of waste on the environment and ensure the protection of the health and safety of the community and those involved in waste management.

The three Wairarapa District Councils have a set of consolidated bylaws as well as respective standalone bylaws. The Masterton and South Wairarapa District Council Consolidated Bylaw was first adopted in September 2013. The Wairarapa Consolidated Bylaws were reviewed in 2018 and adopted in 2019. As part of this process, Council agreed to the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 continuing as a standalone Bylaw.

The timeframe for the current review was brought forward to align with the adoption of the regionally consistent Bylaws for Solid Waste Management and Minimisation in the Wellington Region.

As part of the development of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021, Carterton District Council have partnered with Masterton and South Wairarapa District Councils to have a joint bylaw.

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will supersede the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012. Even though the three Wairarapa District Councils will have a joint Bylaw – each council will individually regulate and enforce the bylaw within their own District.

Review Process

Wairarapa Policy Working Group

Each of the three Wairarapa District Councils agreed to delegate authority to the Wairarapa Policy Working Group to hear and consider submissions and make recommendations back to each of the councils on the final Wairarapa Solid Waste Management and Minimisation Bylaw 2021. Membership of the Wairarapa Policy Working Group are:

- Councillor Frazer Mailman (Masterton District Council) (Chair)
- Councillor Brent Gare (Masterton District Council)
- Councillor Garrick Emms (South Wairarapa District Council)
- Councillor Alistair Plimmer (South Wairarapa District Council)
- Councillor Rebecca Vergunst (Carterton District Council)
- Councillor Robyn Cherry-Campbell (Carterton District Council).

The three Wairarapa District Councils also agreed that the elected members who were appointed to the Wellington Region Waste Management and Minimisation Joint Committee provide support to the Wairarapa Policy Working Group. This extended the Wairarapa Policy Working Group membership to include the following additional members:

- Councillor Chris Petersen (Masterton District Council alternate)

- Councillor Jill Greathead (Carterton District Council)
- Councillor Pam Colenso (South Wairarapa District Council).

Consultation and Submissions

The three Wairarapa District Councils adopted the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal (including the draft bylaw and bylaw controls) for consultation in October 2020.

Consultation was held from 30 October – 30 November 2020. The community was provided the opportunity to comment on key aspects of the Bylaw: events, construction and demolition waste, restricting unaddressed and advertising mail, and waste operator licensing.

A total of 18 submissions were received, with majority support for the proposed Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021.

Hearing and Deliberations

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Hearing was held at the Carterton Courthouse, Holloway Street, Carterton on Wednesday, 16 December 2020 at 5pm. Two submitters were heard as part of the Hearings process.

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Deliberations were held at the Carterton Events Centre on Wednesday, 20 January 2021, where the Wairarapa Policy Working Group discussed the summary and analysis of submissions received and recommendations to take back to each of the three Wairarapa District Councils for agreement and adoption (See Report 002/21 Attachment 3).

ANALYSIS AND ADVICE

The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will replace the current Masterton and South Wairarapa District Councils Solid Waste Bylaw 2012. The proposed bylaw effectively amends and replaces all of the sections within the current bylaw. The key aspects of the proposed Bylaw and Bylaw controls are discussed below.

Event Waste Management

The lack of event waste management and minimisation is an issue that is recognised to exist across the Wellington Region. While councils currently encourage event waste managers to consider waste minimisation and provide advice and free recycling and organic waste bin hire, event organisers within the Wellington Region are not currently required to ensure or encourage waste minimisation at events.

The bylaw includes a new waste management planning requirement for any large public outdoor event with an expected attendance of 1,000 or more people. Council staff from around the Wellington region proposed that this be a regionally consistent standard, which will have the dual benefit of normalising and promoting

waste minimisation behaviour change within the community and reducing the amount of waste sent to landfill.

It was also proposed that this new event waste planning requirement will come into effect one year after the commencement date of the bylaw, thereby giving councils the ability to share and publicise relevant event management information, tools, and promote any associated council support available to event organisers. It will also allow time for event organisers to develop an understanding of, and prepare for, the new regional event waste planning standard.

As part of the Deliberations held on 20 January 2021, the Wairarapa Policy Working Group have recommended that the three Wairarapa District Councils agree that:

- Councils will continue to encourage all event managers to consider waste minimisation and will provide advice and assistance with recycling and waste bin hire;
- Councils will continue to better promote and educate on the benefits of waste minimisation plans for events of all sizes; and
- the event definition in *Clause 6 Interpretation* and *Clause 12 Events* of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 be considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review, with a view to reducing the number of event attendees required to trigger an event waste minimisation plan and waste analysis report.

Construction and Demolition Waste Management

The establishment of bylaw controls that require the consideration of construction and demolition waste minimisation associated with large commercial building projects has the potential to become a valuable tool for identifying potentially divertible and recyclable waste material streams.

The proposed bylaw enables the Council to require a construction site and demolition waste management plan prior to the commencement of any building work with an estimated value of \$2 million or higher.

Information to be provided in such a plan would include, amongst other things:

- A description of the types of waste to be produced;
- The proposed methods of waste management for each type;
- The proposed methods for minimising litter on site;
- Estimated waste quantity and diversion information; and
- Records of the types and quantities of waste reused, recycled, recovered, cleanfilled and sent to landfill.

The supporting bylaw controls further specify when such a plan is to be provided. A construction site and demolition waste plan is proposed to be required for building work with an estimated value of \$2 million or higher. As such, this approach targets high-value construction projects that have the potential to generate significant volumes of waste.

While the provision to require a construction and demolition waste plan for new builds is proposed to be consistent throughout the region, it is up to each council to individually set the building value determining

when plan is required. Staff are proposing the value of \$2 million or higher. It is noted that Wellington City Council and Hutt City Council have similarly proposed a construction value trigger of \$2 million or higher.

As part of the Deliberations held on 20 January 2021, the Wairarapa Policy Working Group have recommended that the three Wairarapa District Councils agree that:

- Councils will look at ways in which better waste management and minimisation education and promotion can be targeted at the building/construction sector; and
- *Clause 2.9 Construction Site and Demolition Waste Management Plans* of the Wairarapa Solid Waste Management and Minimisation Bylaw Controls 2021 be considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review, with a view to reducing the value required to submit a Construction Site and Demolition Waste Management Plan.

Unaddressed Advertising Mail and Litter

Littering, waste and public nuisance caused by the delivery of unaddressed mail and advertising material is recognised to be an issue across the Wellington Region. Reinforcing the voluntary Marketing Association Code of Practice for the distribution on unaddressed mail, the proposed Bylaw requires the distributors of unaddressed mail to respect any "no circulars", "no junk mail", "addressed mail only" notices placed near or around a letter box.

Appropriate exemptions have been made for unaddressed mail that may be circulated in the community interest, such as, but not limited to, public notices from any government party or local authority, community newsletters, political party material, and communications or fundraising material from local community groups and charities.

Staff will be empowered to enforce any breach of this new provision through the issuing of infringement notices or fines under the Litter Act 1979.

This new bylaw provision is proposed to be consistent across the Wellington Region.

As part of the Deliberations held on 20 January 2021, the Wairarapa Policy Working Group have recommended that the three Wairarapa District Councils agree that:

- Councils will encourage residents to use signage on their letterboxes to reduce the receipt of unaddressed mail or advertising mail; and
- that the issue of banning unaddressed mail and advertising material (including inserts in community newspapers) is considered as part of the scheduled Wellington Region Waste Management and Minimisation Plan 2017-23 Review.

Regional Waste Operator Licensing

The current lack of consolidated waste data limits the ability of councils to plan effective activities to improve waste management and minimisation within the Wellington Region. In response to this issue, new Bylaw provisions are proposed to enable the establishment of a regional waste operator licensing system.

Section 56(3)(b) of the Waste Minimisation Act specifically allows territorial authorities to require such licensing for the collection of waste data. Waste operator licensing may also stipulate conditions that require the following:

- a performance bond and/or security, for the performance of the work licensed, and;
- reports setting out the quantity, composition, and destination of waste collected and transported by the licensee (for example, household waste to a disposal facility).

While the operational scope of the proposed licensing system is not yet developed, it would exist as a way for the Council to give effect to controls enabled by the bylaw. For example, if appropriate, the Council could stipulate controls and standards relevant to waste operator servicing through the waste operator licensing and approvals process.

The new waste operator licensing system is proposed to take at least one year following the adoption of the new Bylaw. This will allow time for the councils of the Wellington Region to engage with waste operators affected by the licensing system, and to work collaboratively to develop the licensing system and a secure database to store the waste data collected.

As part of the Deliberations held on 20 January 2021, the Wairarapa Policy Working Group have recommended that the three Wairarapa District Councils agree that:

- Councils will consider possible incentives and support for diversion when developing the regional licensing fee structure;
- The diversion of resources from landfill operations will be considered when developing the waste operator licensing framework; and
- Councils will ensure that there is information available and communicated to operators clarifying that the waste operator licensing in the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 is additional licensing to the offensive trade licensing.

Operational Bylaw Controls

The development of Bylaw controls for solid waste management will assist Council in ensuring the safe and efficient waste collection and disposal operations and services.

While a number of operational controls are currently stipulated in the existing Masterton and South Wairarapa District Council Solid Waste Bylaw, the Bylaw controls provide relevant and up to date standards that would be applicable to both Council and private sector waste operators and service users. It is also noted that a lot of the content in the current bylaw is proposed for amendment or replacement with the proposed bylaw.

The new Bylaw controls provide for the following:

- Requirements to place any waste or recycling receptacle in a public place for collection (South Wairarapa District only for the Wairarapa); and
- Construction and Demolition Waste Planning requirements.

Councils have the ability to make any such controls, or amendments to any such controls, by way of a publicly notified Council resolution.

Changes to Regional Bylaw Content

While efforts have been made to ensure that we have regionally consistent bylaw provisions in the Wellington Region, staff have excluded clauses around multi-unit developments and specificity on the placement and retrieval of waste receptacles.

The multi-unit development content is not included in the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 and associated controls. The Wairarapa Region does not have any multi-unit development challenges to require specific bylaw provisions. Multi-unit developments are also currently covered by the Wairarapa Combined District Plan.

The bylaw controls regarding specificity on the placement and retrieval of waste receptacles are not included. Both Masterton and Carterton District Council staff report that there have not been complaints or issues raised by waste operators or members of the community to date. The South Wairarapa District Council plan to undertake further research to ascertain the need for a bylaw controls provision to address nuisance from bins and bags left in public spaces and congestion in the main street of Greytown.

OPTIONS CONSIDERED

A summary of the options considered is included in the table below.

Option		Advantages	Disadvantages
1	Adopt the Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021.	<ul style="list-style-type: none"> • Updates the existing bylaw for clarity and better reflects the current legal and operational environment. • Keeps to the commitments made via the Wellington Region Waste Management and Minimisation Plan 2017-23 to have an agreed set of regionally consistent solid waste bylaws. 	<ul style="list-style-type: none"> • It may take time for the community and staff to become familiar with the new provisions.
2	Keep the current bylaw as it is.	<ul style="list-style-type: none"> • No change to the current situation and no new rules for the community. 	<ul style="list-style-type: none"> • Does not provide recommended clarification, which may create uncertainty. • Current legal and operational and environment may not be reflected as well. • Creates a mis-alignment with the councils in the Wellington Region in terms of their solid waste bylaws.

Option		Advantages	Disadvantages
			<ul style="list-style-type: none"> Does not keep to commitments made via the Wellington Region Waste Management and Minimisation Plan 2017-23 to have an agreed set of regionally consistent solid waste bylaws.
3	Revoke the existing bylaw and do not replace.	<ul style="list-style-type: none"> Reduces Masterton District Council's enforcement activity requirements. 	<ul style="list-style-type: none"> Does not meet the needs of the community. Removes Masterton District Council's ability to regulate. Has implications for when the Wellington Region Waste Management and Minimisation Plan 2017-23 is reviewed. Creates mis- alignment with the councils in the Wellington Region in terms of their solid waste bylaws. Does not keep to commitments made via the Wellington Region Waste Management and Minimisation Plan 2017-23 to have an agreed set of regionally consistent solid waste bylaws.

Recommended Option

Staff recommend Option 1 as it is considered the most effective way to manage the problems the bylaws address and provides an appropriate balance between regulatory control and people's rights and freedoms.

The Wairarapa Waste Management and Minimisation Bylaw 2021 helps councils to include better waste management and minimisation standards and to adhere to legislative commitments. The Wairarapa Waste Management and Minimisation Bylaw 2021 also aligns the three Wairarapa District Councils bylaw provisions with the wider Wellington Region as agreed under the Wellington Region Waste Management and Minimisation Plan 2017-23.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

In addition to the Local Government Act 2002 and the Waste Management Act 2008, the New Zealand Bill of Rights Act, the Litter Act and the Health Act are also relevant to the waste management and minimisation measures proposed. These are detailed below.

The New Zealand Bill of Rights Act 1990:

Under section 155 of the LGA, before making a bylaw, the Council must determine whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. No bylaw may be made which is inconsistent with the Bill of Rights Act. Section 5 of the Bill of Rights Act provides for justified limitations on rights, specifically that the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In summary, the only rights or freedoms under the Bill of Rights Act potentially engaged by the proposed Bylaw are likely to be the rights to freedom of movement in relation to the transportation of waste, and freedom of expression in relation to unaddressed mail and advertising material. Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaw.

The proposed Bylaw limits these rights only to the extent that they create a danger to health and safety or a nuisance to others or the public generally or create the potential for environmental harm. Therefore, the proposed Bylaw does not raise any implications under and is not inconsistent with the Bill of Rights because any limitations of rights are justified.

The Litter Act (1979):

Under the Litter Act 1979 it is an offence for any person to deposit litter of any kind in a public place, or onto private land without the approval of the owner. The Litter Act is enforced by territorial authorities, who have the responsibility to monitor litter dumping, act of complaints, and deal with those responsible for litter dumping. Councils reserve the right to prosecute offenders via fines and infringement notices administered by a litter control warden or officer. The maximum fines for littering are \$7,500 for a person and \$30,000 for a corporation. Council powers under the Litter Act could be used to help address the illegal dumping issues recognised within the Wellington Region WMMP (2017-2023).

Health Act (1956):

Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed (see s23) —

- (b) to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:
- (c) if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:
- (e) to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health:
- (f) to furnish from time to time to the medical officer of health such reports as to diseases, drinking water, and sanitary conditions within its district as the Director-General or the medical officer of health may require.

The intent of the Wairarapa Waste Management and Minimisation Bylaw and Bylaw Controls 2021 aligns with the Waste Management and Minimisation Plan 2017-23 and Masterton District Council's Wellbeing Strategy.

Significance, Engagement and Consultation

Councils are required under Section 156 of the LGA to consult with the community using the Special Consultative Procedure.

Communications/Engagement

A Communications Plan was developed to support the public consultation period. The consultation period was promoted via the three Wairarapa District Council websites and social media channels, local newspapers, and email. Hardcopies of the statement of proposal, bylaw, bylaw controls and submission form were available at each of the three councils' offices and libraries.

The Masterton District Council managed the submission process on behalf of Carterton and South Wairarapa District Councils. Associated costs for the Review including advertising/promotions are shared between the three Wairarapa District Councils.

Financial Considerations

Financial implications from any additional work, including resources associated with the assessment of waste minimisation plans, litter enforcement, and waste operator licensing are yet to be fully determined.

The Wairarapa Waste Management and Minimisation Bylaw and bylaw controls 2021 enables the eight Wellington Region Councils to require the payment of a fee when applying for a waste operator licence. This fee could cover or help offset regional licensing processing and administration costs.

Implications for Māori/Treaty of Waitangi Implications

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 is not inconsistent with the principles of the Treaty of Waitangi. However, the revocation of the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 without the renewal of a relevant waste-related bylaw provision in some form has the potential to limit Council's ability to influence waste stream content. Such an action could, in turn, limit the Council's ability to honour the Treaty principle of protection as it relates to the protection of human health and environmental wellbeing connected to waste management.

Environmental/Climate Change Impact and Considerations

The purpose of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 includes supporting the promotion and delivery of effective and efficient waste management and minimisation throughout the Wairarapa Region, supporting the implementation of the Wellington Region Waste Management and Minimisation Plan 2017-23, as well as the requirements in the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010.

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 encourages better waste management and minimisation practices at large public events; provides the ability for Councils to better understand and manage waste generated by large construction sites and demolition activities; enables Councils to more effectively manage waste, public nuisance and litter issues created by unaddressed mail and advertising material; and requires registration (licensing) of waste collectors and waste operators to enable Councils to obtain better data on waste streams and waste services/ operations, and effectively regulate private collection services to ensure they are aligned with the Councils' waste management objectives.

Health and Safety Considerations

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 promotes the health and safety of waste and recycling service operators, and the community, through restricting the disposal of dangerous and potentially hazardous material into receptacles placed in a public place.

NEXT STEPS

Following adoption of the Wairarapa Solid Waste Management and Minimisation Bylaw and Bylaw Controls 2021 by all three Wairarapa District Councils, the Bylaw and Bylaw Controls will come into force on 17 April 2021 and will be operational.

Pending agreement of the recommendations made by the Wairarapa Policy Working Group to the three Wairarapa District Councils, a plan to operationalise these recommendations will be developed and implemented.



Wairarapa Solid Waste Management and Minimisation Bylaw 2021



Commencement

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will come into force throughout the Carterton, Masterton and South Wairarapa districts on 17 April 2021.

Adoption

Council	Bylaws	Adoption Date
Masterton District Council	Consolidated Bylaws 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaws 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council and South Wairarapa District Council	Removed from the Consolidated Bylaw 2012. Reformatted and continued as the standalone Masterton and South Wairarapa District Council Solid Waste Bylaw	26 June 2019
Carterton, Masterton and South Wairarapa District Council	Standalone Bylaw with the three Wairarapa District Councils	17 April 2021

Proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Waste Minimisation Act 2008

A. INTRODUCTION

Foreword

The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 draws on the New Zealand Standards 9201 series Solid Waste Bylaw. The NZS 9201 series are Model General Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make bylaws.

Reference should be made to the Health Act 1956, Local Government Act 2002, Litter Act 1979, Waste Minimisation Act 2008 and Wellington Region Waste Management and Minimisation Plan 2017-2023.

Reference should be made to the Wairarapa Consolidated Bylaw 2018: Part 1 Introductory for any definitions not included in this bylaw.

1. Title and application

- 1.1. The title of this Bylaw is the “Wairarapa Solid Waste Management and Minimisation Bylaw 2021”.
 - 1.2. This Bylaw applies throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts).
 - 1.3. The regulation and enforcement of this Bylaw will be undertaken individually by each Council for their respective District.
-

2. Commencement

2.1 This Bylaw comes into force on 17 April 2021 except for the following exceptions which come into force on the date specified:

- a. The licensing provisions in clause 11 come into force one year after the commencement date of this bylaw; and
 - b. The event waste minimisation plan provisions under clause 12 come into force one year after the commencement date of this bylaw.
-

3. Revocation

3.1 This Bylaw repeals and replaces the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 for the Masterton and South Wairarapa District Councils.

3.2 This is a new Bylaw and does not repeal or replace any existing solid waste bylaw for Carterton District Council.

4. Purpose

- 4.1. The purpose of this Bylaw is to support:
 - a. The promotion and delivery of effective and efficient waste management and minimisation throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts) as required under the Waste Minimisation Act 2008;
 - b. The implementation of the Wellington Region Waste Management and Minimisation Plan 2017-23;
 - c. The purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010, being to encourage waste minimisation and a decrease in waste disposal in

order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits;

- d. The regulation of waste collection, transport and disposal, including recycling, waste storage and management;
 - e. Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators;
 - f. The protection of the health and safety of waste collectors, waste operators and the public; and
 - g. The management of litter and nuisance relating to waste in public places.
- 4.2. This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

5. Compliance with Bylaw

5.1 No person may deposit, collect, transport, sort, process, treat or dispose of waste other than in accordance with this Bylaw.

5.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

6. Interpretation

6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply¹:

Term:	Means:
Act (the Act)	Waste Minimisation Act 2008
Advertising material	Any message which: <ul style="list-style-type: none"> (a) Has printed content controlled directly or indirectly by the advertiser; and (b) Is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.
Approved	Authorised in writing by the Council.
Approved collection point(s)	Council approved places, facilities or receptacles where approved receptacles may be left for collection or waste may be deposited.
Approved receptacle	Any container, bag or other receptacle that has been approved by the relevant District Council for the collection of any type of waste or diverted material, with approval based on the following criteria: the prevention of nuisance, the provision for adequate security to prevent scavenging, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.

¹ Where this Bylaw relies on a definition in legislation and that definition changes, the definition in this Bylaw changes accordingly.

Authorised officer	Any officer of the relevant District Council or other person authorised by the relevant District Council to administer and enforce its bylaws, and any person appointed especially or generally by the relevant District Council to enforce the provisions of this Bylaw.
Building work	As defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.
Bylaw	This Wairarapa Solid Waste Management and Minimisation Bylaw 2021.
Cleanfill material	<p>Waste that meets all of the following requirements:</p> <p>(a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and</p> <p>(b) includes virgin excavated natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ul style="list-style-type: none"> (i) combustible, putrescible, degradable or leachable components; (ii) hazardous waste, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices; (iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment; (v) contaminated soil and other contaminated materials; (v) liquid waste; and <p>(c) has less than two per cent by volume by load of tree or vegetable matter.</p>
Cleanfill	Land used for the disposal of cleanfill material.
Commercial or industrial waste	Waste (excluding trade waste) that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
Construction and demolition waste	Waste generated from any building work (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.
Council	Refers to either the Carterton District Council, Masterton District Council or South Wairarapa District Council or any person delegated or authorised to act on its behalf.
Deposit	To cast, place, throw or drop any waste or diverted material.

Dispose or Disposal	As defined in the Act.
Diverted material	As defined in the Act.
Donation collection point	A place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
Estimated value	As defined in the Building Act 2004.
Event	<p>Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, festival, concert or celebration. An event will be considered significant if it has an expected attendance of 1,000 or more people across the duration of the event, whether it be a single or multi-day event. For the purpose of this Bylaw 'event' <u>excludes</u>:</p> <ul style="list-style-type: none"> • open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium) • indoor performances, markets, displays, exhibitions or conferences • indoor private functions • indoor tasting and sampling activities • any regularly occurring recreational activities such as weekly sports events.
Food waste	Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish, bone and shell discards, and any other similar food scraps.
Green waste	Organic plant material from gardening or arboriculture activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.
Handled or Handles	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.
Hazardous substance	<p>As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> (i) explosiveness; (ii) flammability; (iii) a capacity to oxidise; (iv) corrosiveness; (v) toxicity (including chronic toxicity); (vi) ecotoxicity, with or without bioaccumulation; or <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).</p>

Hazardous waste	<p>Waste that:</p> <p>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or</p> <p>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2007 – Transport of Dangerous Goods on Land; or</p> <p>(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.</p> <p>Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.</p>
Home composting	The activity of aerobically decaying household organic waste (green waste and/or food waste) and other compostable items originating from that property to create compost at home. To avoid doubt, includes worm farms and anaerobic digestors.
Household waste	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
Inorganic waste	<p>Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved receptacle, and that is specified by the relevant District Council as suitable for:</p> <p>(a) collection from a public place by the relevant District Council or an approved waste collector; or</p> <p>(b) collection from any premises by the relevant District Council or an approved waste collector; or</p> <p>(c) delivery to a resource recovery facility.</p>
Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² or by Government standards or regulation.
Licence	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.
Litter	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.
Litter receptacle	A receptacle provided for the collection of litter.
Manager	A person who controls or manages any premises, activity or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

² The guidelines can be accessed at <http://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

Nuisance	As defined in section 29 of the Health Act 1956 and includes anything offensive or injurious to the health of the community or any member of it.
Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.
Organic waste	Food waste and/or green waste that is specified by the Council's under clause 6 of this Bylaw as organic waste.
Owner	In relation to any property or premises, means the person or persons entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body.
Premises	Any separately occupied land, dwelling, building, or part of the same.
Prohibited waste	<p>Waste containing -</p> <ul style="list-style-type: none"> (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury; (b) any material capable of causing damage to the approved receptacle or likely to shatter and cause injury in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury; (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal; (d) any radioactive wastes, but excluding domestic smoke detectors; (e) any used oil and lead-acid batteries; (f) any hazardous waste; (g) medical waste including wastes generated at health care facilities, such as hospitals, physicians' offices, dental practices, blood banks, pharmacies/chemists, and veterinary hospitals/clinics, as well as medical research facilities and laboratories; (h) any asbestos containing material; and (i) any other material identified by the Council's as posing an unacceptable risk of nuisance to the public, or to public health and safety, and subject to a control made under clause 7 of this Bylaw.
Public place	<ul style="list-style-type: none"> (a) A place that is under the control of a Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and (b) To avoid doubt this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.

Recovery	As defined in the Act.
Recyclable material or Recyclables	The types of waste that are able to be recycled and that may be specified by the relevant District Council from time to time under this Bylaw.
Recycling	As defined in the Act.
Reuse	As defined in the Act.
Rural areas	Any areas zoned and/or defined in the Wairarapa Combined District Plan as rural.
Site	For the purposes of this Bylaw, 'site' means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
Specified intended life	As defined in the Building Act 2004.
Treatment	As defined in the Act.
Unaddressed mail	Any mail or material that does not display a full address and name of a person at that address.
Waste	As defined in the Act.
Waste collector	Any person or entity that collects and transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household and garden waste to a waste management facility).
Waste hierarchy	A list of waste management options with decreasing priority – usually shown as reduce, reuse, recycle, reprocess, treat, dispose.
Waste management facility	A facility authorised by the relevant District Council which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites, or hazardous waste facilities.
Waste Management and Minimisation Plan or WMMP	A waste management and minimisation plan adopted by the Council's under section 43 of the Act.
Waste operator	Any person or entity that operates a waste management facility.
Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.
Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigesters and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

7. Controls

7.1 The Council may make, amend or revoke controls for the safe and efficient operation of waste collections services from a public place to support the implementation of this Bylaw.

7.2 The controls made by Council under clause 7.1 may relate to the following matters:

- a. The type, size, capacity/volume, weight, number, colour and construction of approved receptacles that may be used for the disposal, storage and collection of waste and recyclable material;
- b. The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
- c. The types and categories of waste that may be deposited in approved receptacles;
- d. The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;
- e. Requirements to ensure the correct separation of wastes into approved receptacles, including content control messaging and symbology on an approved receptacle that specifies the permitted and prohibited content;
- f. Requirements applicable to waste minimisation;
- g. Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved receptacle;
- h. Maximum allowable limits of a waste type that may be placed in a receptacle that is approved for another type of waste;
- i. Types of waste that are prohibited;
- j. The locations, access times and conditions of use of approved collection points;
- k. Requirements relating to the safe and secure transportation of waste;
- l. Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
- m. Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

7.3 The Council must, before making, amending or revoking any control under clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

7.4 Any control made, amended or revoked under clause 7.1:

- a. Must be made by a resolution of Council that is made publicly available; and
- b. May:
 - i. Regulate, control or prohibit any matter or thing either generally, for any specified classes of case, or in a particular case;
 - ii. Apply to all waste or to any specified category or type of waste;
 - iii. Apply to Carterton, Masterton, and South Wairarapa Districts or to a specified part of the Carterton, Masterton, and South Wairarapa District; and/or
 - iv. Apply at all times or at any specified time or period of time.

B. DEPOSIT, COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE

8. General responsibilities

8.1 The occupier and/or the manager of a premises must ensure that the household, commercial and/or industrial waste from the premises is separated into waste types as determined by the Council and is deposited for collection in the approved receptacle. No person may deposit in a receptacle any material that is not approved for that type of receptacle.

8.2 The occupier and/or the manager of any premises must ensure that:

- a. All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;
- b. Any waste receptacle is regularly emptied when it is full; and
- c. The contents of any waste receptacle are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.

8.3 The occupier and/or the manager of any premises must ensure that:

- a. All approved receptacles are kept in a safe location, are hygienic, in good repair, and are without any modifications or alterations to their appearance;
- b. The contents of any approved receptacle do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- c. Waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
- d. The receptacle is placed upright either at an approved collection point or for collection in a position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
- e. The receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved; and
- f. The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council under this Bylaw.

8.4 No person shall deposit waste in a manner where:

- a. The receptacle is damaged or otherwise likely to cause injury to the collector;
- b. In the opinion of the Council, or the waste collector or waste operator where applicable, the waste is in an unsanitary or in an offensive condition;
- c. The waste includes waste prohibited under this Bylaw;
- d. The container/receptacle is not an approved receptacle;
- e. The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste;
- f. The receptacle or the waste does not comply with the rules under this Bylaw in terms of type, size, volume, weight, numbers, colour, placement or any other detail;
- g. The number of approved receptacles placed out for collection is greater than the authorised number of receptacles for the property, unless approved by an authorised officer; or
- h. Any other reason which the Council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation.

8.5 No person shall:

- a. Put waste into an approved receptacle allocated to any other person, without that other person's consent;
- b. Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector, or the person who deposited the waste; or
- c. Remove a receptacle provided to the premises to which it has been allocated, except with the prior written approval of the Council or the waste collector.

8.6 The occupier and/or the manager of any premises is responsible for any waste generated on that premises until it has been collected.

8.7 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this Bylaw. Any waste or recyclables not collected shall be removed from the roadside by the occupier and returned to the occupier's premises by noon on the day following collection or within such other time period as specified by a control made under this Bylaw.

8.8 To enable the occupier and/or the manager of a premises to be able to comply with clauses 8.1-8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside that premises.

8.9 Where any breaches of the conditions in clauses 8.1-8.5 occur, the waste collector shall not be obligated to collect the waste.

8.10 No waste shall be transported by vehicle through, over or upon any road or public place unless such waste is sufficiently and adequately covered to prevent any of the waste from falling or otherwise escaping on to any road or other public place.

8.11 Any waste or diverted material deposited in or on a public place or disposed of in a manner that is in breach of this Bylaw, and/or any controls made under clause 7 of the Bylaw, shall be deemed to be litter under the Litter Act 1979 and will be subject to enforcement action under that Act.

9. Waste collections from a public place

9.1 Waste must not be placed on or in a public place for collection unless it is:

- a. A type of waste specified and approved by the Council as able to be placed on or in a public place for collection; and
- b. Placed in an approved receptacle for collection by a waste collector.

9.2 Prohibited waste, diverted material, construction and demolition waste, or commercial or industrial waste must not be placed on or in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.

9.3 Any waste collector who collects or transports waste from a public place must:

- a. Make available to the occupier and/or manager of a premises the appropriate approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;
- b. Clearly identify their name and contact details on all approved receptacles;
- c. Not collect any household waste which has not been separated into the waste types as required under this Bylaw and/or any controls made under clause 7 this Bylaw; and
- d. Following collection, ensure that any receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.

9.4 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this Bylaw by the Council relating to that collection.

10. Approved collection points

10.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.

10.2 The Council may specify:

- a. Any place, or receptacle in a public place or on a barge in a marine area, as an approved collection point for the collection of household waste; and
- b. Controls relating to the deposit of waste at the collection point including the use of specified receptacles.

11. Licensing of waste collectors and waste operators

11.1 Any:

- a. Waste collector who handles more than 20 tonnes of waste in any one twelve-month period in, around or out of either the Carterton District, Masterton District, or South Wairarapa District;
- b. Waste operator with a waste management facility in the either the Carterton District, Masterton District, or South Wairarapa District that handles more than 20 tonnes of waste in any one twelve-month period; must have a current licence that has been issued by the Council and may not collect waste or operate a waste management facility (as the case may be) without such a licence.

11.2 An application for a licence must be made on the approved form available from the relevant District Council and must be accompanied by the application fee and the supporting information required by the Council to process the application.

11.3 The holder of an existing licence may apply to the relevant District Council for a renewal of that licence.

11.4 A licence is personal to the holder and is not transferable.

11.5 A licence may be granted or refused at the discretion of the relevant District Council, and if granted, may be on such terms and conditions as the Council considers fit.

11.6 When considering a licence application, the Council may take into account a range of factors including but not limited to the following:

- a. The nature of the activity for which a licence is sought;
- b. The extent to which the licensed activities will promote public health and safety, and support achievement of the Council's WMMP, including the waste minimisation goals and initiatives within that plan;
- c. The extent to which the licensed activities will adopt best practice waste management and minimisation;
- d. The quantity and type of waste to be handled;
- e. The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):
 - i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and

- ii. adherence to health and safety standards and any other relevant industry standards;
- f. The frequency and location of the waste collection, removal, storage and transportation services;
- g. The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
- h. The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

11.7 When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

11.8 A licensed waste collector or waste operator must comply with all terms and conditions of the licence. The terms and conditions may include, but are not limited to, the following matters:

- a. Term – a licence may be granted for a term of up to five years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year by the Council to ensure compliance with the terms and conditions of the licence;
- b. Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;
- c. Performance bond – the Council may require a licence holder to post a bank-guaranteed bond or a security;
- d. Compliance – the licence holder must comply with any relevant controls, standards or policies the Council has set for waste handling such as (but not limited to):
 - i. Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council;
 - ii. Provision of appropriate approved receptacles for waste collection which clearly identify the waste collector's name and contact details; and
 - iii. The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, storage or disposal process.
- e. Provision of information – the licence holder must provide data relating to all waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council (but not limited to):
 - i. The quantities of various waste types that have been handled by the waste collector or waste operator during a specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and
 - ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.

The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.

11.9 The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or conditions of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a licence.

11.10 Fees and charges for the issue of licences under this Bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

12. Events

12.1 At least 30 working days prior to the commencement of an event, the event manager must submit an event waste minimisation plan to the relevant District Council for approval.

12.2 The event waste minimisation plan must set out:

- a. An estimate of the types and amounts of waste to be generated by the event;
- b. How waste generated by the event is to be minimised;
- c. The steps that will be taken to avoid waste generation and to maximise the use of reusable systems, the collection and use of recyclables and other recoverable, and compostable materials, and an estimate of the diversion of waste;
- d. The equipment to be provided for any reusable system and the storage, collection and transportation of waste and diverted material;
- e. The proposed method for minimising and capturing litter associated with the event;
- f. The person responsible for the collection and disposal of waste and the methods to be used;
- g. The timing and frequency of the collection of waste, during or after the event; and
- h. Any other matters relating to event waste management and minimisation that may be specified by the Council.

12.3 The manager of an event must comply with the event waste minimisation plan approved by the relevant District Council for the event.

12.4 On completion of the event, and if requested by the Council, the event manager must provide the Council with a waste analysis report (if the event is for more than 1,000 people). At a minimum, this report will include a breakdown of:

- The types of waste generated by the event;
- The amounts of waste (by type) generated by the event;
- The amount of waste diverted; and
- The waste management facilities used to recover, recycle, treat or dispose of this waste.

13. Construction site and demolition waste

13.1 The Council may make a control under this Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work.

13.2 At a minimum, a construction site and demolition waste management plan must set out:

- a. The name of the client, principal contractor, and person who prepared the waste management plan;
- b. The location of the site;
- c. The estimated total cost of the building work;
- d. A description of all types of waste expected to be produced;
- e. The proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and

- f. The proposed method for minimising and capturing litter associated with the project and the building work.

13.3 A construction site and demolition waste management plan may also be required by Council to set out:

- a. An estimate of the quantity of each type of waste; and
- b. An estimate of the diversion of waste.

13.4 While the building work is being carried out, the principal contractor may be required by Council to:

- a. Review the construction site and demolition waste management plan as necessary;
- b. Record quantities and types of waste produced; and
- c. Record the types and quantities of waste that have been:
 - v. Reused (on or off site);
 - vi. Recycled (on or off site);
 - vii. Sent to other forms of recovery (on or off site);
 - viii. Sent to landfill;
 - ix. Sent to cleanfill; or
 - x. Otherwise disposed of.

13.5 Within three months of completion of the building work the Council may require the principal contractor to add to the construction site and demolition waste management plan:

- a. Confirmation that the plan has been monitored and updated;
- b. A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
- c. An explanation of any deviation from the plan; and
- d. An estimate of any cost savings that have been achieved by completing and implementing the plan.

13.6 Where a construction site and demolition waste management plan is required, the principal contractor must ensure that a copy of the construction site and demolition waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

14. Inorganic waste

14.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:

- a. The weight, size and nature of inorganic waste that may be deposited for collection;
- b. The categories of inorganic waste that may be deposited for collection;
- c. The times, locations and conditions applicable to the collection of inorganic waste from a public place;
- d. The collection methods that cause health and safety risks;
- e. Any other operational matters required for the safe and efficient collection of inorganic waste from a public place.

14.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with any controls made by the Council under this Bylaw.

15. Nuisance and litter

15.1 No person may:

- a. Allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- b. Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

15.2 Except as provided for under this Bylaw, no person may:

- a. Bury or allow to be buried any waste on any property they own, occupy or manage except:
 - i. Organic waste, including dead farm animals in rural areas;
 - ii. Dead companion animals and nuisance pests; or
 - iii. For the purposes of home composting;
 - iv. Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Wellington Region Natural Resources Plan;
- b. Dispose of any waste on any premises except at –
 - i. A waste management facility, or
 - ii. Any premises they own, occupy or manage, for the purposes of home composting.

15.3 No person may:

- a. Deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place;
- b. Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the litter receptacle, unless authorised by the Council to do so;
- c. Deposit or attempt to deposit litter in any litter receptacle provided by the Council in any public place if:
 - i. The receptacle is full; or
 - ii. The litter is likely to escape;
- d. Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- e. Damage any litter receptacle provided by the Council in any public place.

15.4 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

16. Unaddressed mail and advertising material

16.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:

- a. In any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;
- b. On any vehicle parked in a public place; or
- c. In a letterbox that is already full of mail and/or advertising materials.

16.2 Clause 16.1(a) does not apply to:

- a. Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
- b. Communications or fundraising material from local community organisations, charities or charitable institutions;
- c. Material from a political party, political candidate or elected member; or
- d. A community newspaper or newsletter, unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.

16.3 Any unaddressed mail or advertising mail deposited in a manner in breach of clauses 16.1 and 16.2 shall be deemed to be litter under the Litter Act 1979.

17. Donation collection points

17.1 Anyone intending to establish a donation collection point in or on a public place must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to:

- a. Location;
- b. Vehicle access;
- c. Type of waste which may be deposited; and
- d. Use of approved receptacles.

17.2 All donation collection points must ensure:

- a. The removal of deposited material from the collection point;
- b. The clean-up of any litter or illegal dumping; and
- c. The clean-up or removal of any graffiti.

C. OTHER MATTERS

18. General offences and penalties

18.1 Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.

18.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.

19. Other enforcement powers

Non-compliance with licence terms and conditions

19.1 Any control that is made or amended by Council under clause 7.1 shall be enforceable under this Bylaw.

19.2 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:

- a. Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
- b. Review the licence, which may result in:
 - i. amendment of the licence; or
 - ii. suspension of the licence; or
 - iii. withdrawal of the licence.
- c. Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
- d. Review the amount and nature of the performance bond or security, which may result in:
 - i. an increase of the amount of the performance bond or security;
 - ii. a change to the nature of the security that has been provided.
- e. Enforce any offence that may have been committed under the Litter Act 1979; and
- f. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with general responsibilities and waste collection requirements

19.3 Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council (or a licensed waste collector where applicable) may take the following action(s) against the person:

- a. Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is non-compliant;
- b. Remove the contents of any approved receptacle left out for collection from a public place where the contents or placement of the receptacle is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved receptacle from that premises;
- c. Withdraw or suspend the collection service being provided to that person;
- d. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- e. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

19.4 Where action has been taken against a person under clause 19.3(c), the Council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.

Non-compliance with approved collection point requirements

19.5 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw the Council may:

- a. Suspend that person's use of any service provided by the Council at any or every waste collection service;
- b. Enforce any offence that may have been committed under the Litter Act 1979; or
- c. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with waste management plan requirements

19.6 Where a person does not comply with any of the requirements in clause 12 (Events) or clause 13 (Construction Site and Demolition Waste Management Plans) and/or any controls made under the Bylaw, the Council may take one or more of the following steps:

- a. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- b. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with inorganic material requirements

19.7 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:

- a. Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
- b. Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;
- c. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- d. Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with unaddressed mail requirements

19.8 Where a person does not comply with any of the requirements in clause 16 of this Bylaw, the Council may use its enforcement powers under the Litter Act 1979.

20. Exceptions and saving provisions

20.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.

20.2 A product stewardship scheme accredited under the Act may be exempt from the requirements of this Bylaw.

21. Fees

21.1 The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees under this Bylaw.

21.2 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, the Council, for any reason it thinks fit.

22. Forms and processes

22.1 The Council may prescribe the form of, and process to be followed for, any application, approval, licence, or other document, which is required under this Bylaw (or any related controls made by Council). These forms and processes may be altered or amended at any time.

WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW CONTROLS 2021

In accordance with clause 7.1 of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021, the Carterton, Masterton and South Wairarapa District Councils resolve the following controls in relation to solid waste management, collection and disposal.

1. INTRODUCTION AND COMMENCEMENT

- 1.1. These are Carterton, Masterton and South Wairarapa District Council resolutions made pursuant to clause 7.1 of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 ("the Bylaw") and should be read in conjunction with it.
- 1.2. These resolutions come into force on 17 April 2021.

2. CONTROLS

Storage of Waste

- 2.1. Waste, recycling or other diverted material must not be placed in or on a public place unless contained in an approved receptacle AND awaiting collection or specifically approved by the relevant District Council.

Placement and Retrieval of Waste Receptacles

- 2.2. Waste, recycling or other diverted material may only be placed in or on a public place for collection pursuant to the Bylaw or the controls made under the Bylaw unless otherwise approved by the relevant District Council.
- 2.3. Approved receptacles, and any uncollected waste, recycling or diverted material outside of an approved receptacle, intentionally or otherwise, remain the property and responsibility of the depositor and will be considered litter under the Litter Act 1979 if not removed from the public place and will be subject to enforcement action under that Act.
- 2.4. Any receptacle used for the disposal of waste, recycling or any other diverted material and placed in or on a public place for collection must be an approved receptacle.

Waste Separation

- 2.5. No waste, other than clean approved materials, shall be deposited at any resource recovery station or recycling centre.

Note: A list of approved recyclable materials and materials accepted at resource recovery stations and recycling centres will be made available to service users by the applicable service provider.

Collection Point(s)

- 2.6. The relevant District Council may:
 - a. Specify the location of collection point(s), at which recyclable or reusable materials will be received from the public;
 - b. Issue instructions for the use of collection points by members of the public.
- 2.7. No person shall leave or place household waste or trade waste at a recycling collection point(s).

Restrictions on Materials

- 2.8. No person shall deposit or cause or allow any of the following materials to be deposited in any approved receptacle placed for collection:
 - a. Explosives, hot ashes, highly inflammable material or infectious material;
 - b. Liquids, acids, printer's ink, paint, or any other viscous fluid;
 - c. Any trade waste, offal or dead animals;
 - d. Any commercial or industrial waste except as allowed under clause 9.2 of the Bylaw;
 - e. Any pesticides, herbicides, fungicides or other toxic compounds or any containers that have been used to hold such materials; or
 - f. Any other prohibited waste as identified under the definition of "prohibited waste" in clause 6 of the Bylaw.

Construction Site and Demolition Waste Management Plans

- 2.9. In accordance with clause 13.1 of the Bylaw, the Carterton, Masterton and South Wairarapa District Councils will require any person who is applying for a building consent for building work with an estimated value of \$2 million or higher to submit a construction site and demolition waste management plan to the relevant District Council for approval prior to the commencement of the building work. This clause will become effective one (1) year following the date on which the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 takes effect.

002/21

REPORT OF THE WAIRARAPA POLICY WORKING GROUP JOINT HEARING PANEL PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW DELIBERATIONS HELD AT THE CARTERTON EVENTS CENTRE ON WEDNESDAY 20 JANUARY AT 10.34AM

PRESENT

Councillor Frazer Mailman (Chair, MDC), Councillor Brent Gare (MDC), Councillor Chris Peterson (MDC), Councillor Rebecca Vergunst (CDC), Councillor Robyn Cherry-Campbell (CDC), Councillor Jill Greathead (CDC), Councillor Garrick Emms (SWDC), Councillor Alistair Plimmer (SWDC) and Councillor Pam Colenso (SWDC).

IN ATTENDANCE

David Hopman (MDC Manager Assets and Operations), Bryce Neems (SWDC Amenities and Solid Waste Manager), Nerissa Aramakutu (MDC Policy Manager), Jo Dean (Regional Zero Waste Advisor), MDC Governance Advisor and one media representative.

CONFLICTS OF INTEREST

Councillor Emms declared that he was involved in events as the President of the Racing Club and was also involved in the Martinborough Fair.

APOLOGIES

There were no apologies

LATE ITEMS

There were no late items

CONFIRMATION OF THE REPORT OF THE WAIRARAPA POLICY WORKING GROUP JOINT HEARING PANEL PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW HEARINGS HELD ON WEDNESDAY 16 DECEMBER 2021 (190/20)

Moved by Councillor Robyn Cherry-Campbell

That the report of the Wairarapa Policy Working Group Joint Hearing Panel Proposed Wairarapa Solid Waste Management and Minimisation Bylaw Hearings held on Wednesday 16 December 2020 be confirmed.

Seconded by Councillor Brent Gare and CARRIED

DELIBERATIONS: PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2021 (001/21)

The report was presented by the Masterton District Council Manager Assets and Operations.

Members discussed the recommendations.

The definition of event requiring those events with over 1000 attendees to have an event waste management plan and waste analysis report was discussed. Some members thought that the number of attendees should be reduced to 500 for the Wairarapa. The Waste Minimisation Officer advised that she assisted organisers of all size events with waste minimisation, but it was often the larger events that didn't make any provision. She noted that reducing the number of attendees requirement would potentially increase the amount of work for staff. It was agreed that, rather than reducing the number now, a recommendation be made for the issue to be reviewed when the Wellington Region Waste Management and Minimisation Plan came up for review in 2023. In the meantime, to give an indication of the resource required to manage the volume of work in reducing the event size might bring, the number and size of events held in the Wairarapa would be looked at.

A proposal was put to impose a complete ban on unaddressed advertising as the amount of waste generated was significant. Members supported the proposal, however staff advised such a ban would require further consultation as the proposal hadn't been included in the consultation just undertaken. It was agreed that a further recommendation be added to 4 (new 4j) for the matter to be included for discussion in the upcoming Wellington Region Waste Management and Minimisation Plan review.

Construction and demolition waste was also discussed with members supporting a reduction in the value of work required to submit a construction site and demolition waste management plan. It was noted however that the facilities to handle that kind of waste didn't currently exist in the Wairarapa but that may change in the future with the current clause in the bylaw. It was agreed that a further recommendation be made for the value of work to be reviewed when the Wellington Region Waste Management and Minimisation Plan came up for review in 2023.

The recommendations were taken in parts as follows: 1, then 2, then 4a-j, then 3.

With the agreement of the meeting the following amendments were made to the recommendations:

- 4c – the word “operations” was added to improve clarity
- 4e – the words “waste” and “organise” were deleted to improve clarity
- A new 4j was added to reflect the discussion in relation to unaddressed mail and advertising material
- new 4k (previously 4j) was amended to improve clarity
- new 5 was added to reflect the discussion in relation to the definition of event size requiring an event waste minimisation plan and waste analysis report

- new 6 was added to reflect the discussion in relation to the value required to submit a construction site and demolition waste management plan.

Moved by Councillor Pam Colenso

That the Wairarapa Policy Working Group Joint Hearing Panel

1. **Receives Report 001/21;**

Seconded by Councillor Robyn Cherry-Campbell and CARRIED

Moved by Councillor Chris Peterson

That the Wairarapa Policy Working Group Joint Hearing Panel

2. **Determines that it has followed consultation requirements set out in the Local Government Act 2002;**

Seconded by Councillor Alistair Plimmer and CARRIED

Moved by Councillor Garrick Emms

That the Wairarapa Policy Working Group Joint Hearing Panel

3. **Recommends that the three Wairarapa District Councils adopt the proposed Wairarapa Solid Waste Management and Minimisation Bylaw (and associated bylaw controls) with the following amendments:**

Clause 6 Interpretation

- a. **Add the following waste hierarchy definition as an additional reference: “a list of waste management options with decreasing priority – usually shown as reduce, reuse, recycle, reprocess, treat, dispose”**

Seconded by Councillor Brent Gare and CARRIED

Moved by Councillor Alistair Plimmer

That the Wairarapa Policy Working Group Joint Hearing Panel

4. **Recommends that the three Wairarapa District Councils agree that:**
 - a. **Councils will ensure that the compliance, monitoring and enforcement of the Bylaw is sufficiently resourced**
 - b. **Councils will consider possible incentives and support for diversion when developing the regional licensing fee structure**
 - c. **The diversion of resources from landfill operations will be considered when developing the waste operator licensing framework**
 - d. **Councils will ensure that there is information available and communicated to operators that the waste operator licensing in the bylaw is additional to the offensive trade licensing**

- e. **Councils will continue to encourage all event managers to consider waste minimisation and will provide advice and assistance with recycling and waste bin hire**
- f. **Councils will also continue to better promote and educate on the benefits of waste minimisation plans for events of all sizes**
- g. **Councils will look at ways in which better waste management and minimisation education and promotion can be targeted at the building/construction sector**
- h. **Councils will look at ways in which we can better provide promotion and education for recyclable materials for hardcopy advertising/mail**
- i. **Councils will promote bylaw management of unaddressed mail and advertising material to residents to encourage the uptake of using signage on their letterboxes to reduce the receipt of unaddressed mail or advertising mail**
- j. **that the issue of banning unaddressed mail and advertising material (including inserts in community newspapers) is included for discussion in the upcoming Wellington Region Waste Management and Minimisation Plan review**
- k. **Councils will look at ways to better provide waste management and minimisation education and promotion for businesses and the wider community.**

Seconded by Councillor Robyn Cherry-Campbell and CARRIED

Moved by Councillor Pam Colenso

- 5. **That the Wairarapa Policy Working Group Joint Hearing Panel recommends that the event definition in Clause 6 and Clause 12 of the Bylaw be reviewed at the upcoming Wellington Region Waste Management and Minimisation Plan review with a view to reducing the number of event attendees required to trigger an event waste minimisation plan and waste analysis report.**

Seconded by Councillor Brent Gare and CARRIED

Moved by Councillor Alistair Plimmer

- 6. **That the Wairarapa Policy Working Group Joint Hearing Panel recommends that Clause 2.9 of the Bylaw Controls be reviewed at the upcoming Wellington Region Waste Management and Minimisation Plan review with a view to reducing the value required to submit a construction site and demolition waste management plan.**

Seconded by Councillor Robyn Cherry-Campbell and CARRIED

The meeting closed at 12.12pm

To:	Her Worship the Mayor and Councillors
From:	Angela Jane, Manager Strategic Planning
Endorsed by:	Kathryn Ross, Chief Executive
Date:	17 February 2021
Subject:	Adoption of the Code of Conduct 2021
DECISION	
Recommendation:	
That Council	
(a) receives the Code of Conduct report 014/21.	
(b) adopts the Code of Conduct 2021 as included in Attachment 1 to Report 014/21.	

Purpose

The purpose of this report is to provide a revised Code of Conduct for Council's adoption (See Attachment 1).

Context

The Masterton District Council Code of Conduct (the Code) sets out the standards of behaviour expected from the Council's elected and appointed members.

Clause 15, Schedule 7 of the Local Government Act 2002 (LGA) requires councils to have a Code of Conduct. A council can amend or replace its code of conduct but can't revoke it without replacement. The Code may be amended or replaced at any time, but the Local Government Act requires a vote in support of any amendment of at least 75% of the members present at the council meeting where the amendment is considered.

Council last considered its Code of Conduct in December 2018, when amendments were made to the Code adopted in 2017¹. It was envisaged that the Code would be reconsidered by Council after the 2019 election, however the events of 2020 in response to the pandemic and managing the workload associated with the Long Term Plan has meant that revisiting the Code has been delayed.

¹ The Masterton District Council current Code of Conduct is on the Council's website [here](#).

Analysis and Advice

Along with updates to the text to improve readability and understanding, the Code has been revised to align with the Local Government sector's latest good practice. In particular:

- In recognition of the part that social media plays in society today, the media section has been updated clarifying elected members' role in relation to the media and social media. Specific social media guidelines have also been added.
- Who can make a complaint under the Code has been clarified – only elected members and the Chief Executive may make a complaint. If a member of staff or member of the public believes the Code has been breached, then the Code provides that they can advise the Mayor or the Chief Executive of an alleged breach for a complaint to be raised.
- The process for making a complaint has also been expanded on to provide that complaints are made to the Mayor in the first instance. The Mayor will then work with the complainant to attempt to reach resolution before a formal process is initiated.
- Council's Sensitive Expenditure Policy Manual and the Fraud, Dishonesty and Corruption Policy and Register of Interests Template are attached to the current Code. To enable these documents to be updated without having to amend the entire Code, it is recommended that they are not attached to the revised version.

Options Considered

A summary of the options considered is included in the table below.

Option	Advantages	Disadvantages
1 Adopt the Code of Conduct 2021	The Code is updated to improve readability and understanding and reflects latest sector good practice.	No disadvantages identified
2 Adopt an amended Code of Conduct	Depending on the amendments made, the Code is updated to improve readability and understanding and reflects latest sector good practice.	Depending on the amendments made, an alternative version of the Code may not reflect the changes recommended.
3 Leave the existing Code of Conduct (as amended in 2018) in place.	None identified.	The Code won't be updated to improve readability and understanding and won't reflect latest sector good practice.

Recommended Option

Option 1 is recommended. This ensures that the Code is up to date, clear and reflects latest sector good practice.

Summary of Considerations

Strategic, Policy and Legislative Implications

The LGA requires Council to have a Code of Conduct. The Code sets out the standards of behaviour expected of members and aims to enhance the decision making, credibility, accountability and effectiveness of Council.

Significance, Engagement and Consultation

The decision to adopt an updated Code of Conduct does not amount to a significant decision under Council's Significance and Engagement Policy.

Communications/Engagement

No communications or engagement plan is required. The current Code of Conduct is on the Masterton District Council website and will be replaced by the new version if adopted.

Financial Considerations

There are no financial implications in adopting a Code of Conduct.

Implications for Māori

There are no implications for Māori in the adoption of an updated Code of Conduct by Council.

Environmental/Climate Change Impact and Considerations

There are no environmental/climate change impacts or considerations arising out of the decision to adopt a revised Code of Conduct.

CODE OF CONDUCT

Adopted by Masterton District Council xx/xx/2020



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Appendix A: Social Media Guidelines

Appendix B: Process for the determination and investigation of complaints

Appendix C: Self-assessment template

Appendix D: Legislation bearing on the role and conduct of elected members

1. Introduction

This Governance Code of Conduct (the Code) sets out the standards of behaviour expected from elected and appointed members (members) of the Masterton District Council/Te Kaunihera ā-rohe o Whakaoriori in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of Masterton District Council and the provision of good local government of the Masterton district;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of Masterton District Council to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of Masterton District Council and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members. The Code is designed to deal with the behaviour of members towards:

- each other;
- the Chief Executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the Council to give effect to its statutory responsibilities.

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** members will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which Masterton District Council operates, including a regular review and assessment of Masterton District Council's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our Masterton District Council governance principles:

Whakamana Tangata	Respecting the mandate of each member and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making.
Manaakitanga	Recognising and embracing the mana of others.
Rangatiratanga	Demonstrating effective leadership with integrity, humility, honesty and transparency.
Whanaungatanga	Building and sustaining effective and efficient relationships.
Kotahitanga	Working collectively.

4. Role and Responsibilities

The Code of Conduct is designed to strengthen the good governance of the district. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the Masterton district;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the Council against stated goals and objectives set out in its Long Term Plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the Chief Executive; and
- ensuring Masterton District Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- implementing the decisions of Masterton District Council;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of Masterton District Council;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the Masterton District Council; and
- employing staff on behalf of Masterton District Council (including negotiation of the terms of employment for those staff).

Under section 42 of the LGA 2002, the Chief Executive is the only person *directly* employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;

- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in section 5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the Council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the Council, its Chief Executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any serious concerns about staff or contractors with the Mayor, who will then disclose those concerns to the Chief Executive;
- raise any concerns about the performance or behaviour of the Chief Executive with the Mayor;
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all staff with courtesy and respect and avoid publicly criticising any staff member;
- observe any protocols put in place by the Chief Executive concerning contact between members and staff; and
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Members should be aware that failure to observe this portion of the Code may compromise the Council's obligation to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of Masterton District Council.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue, either on behalf of the Council, or as an elected member in their own right. When responding to the media members must be mindful that operational questions should be referred to the Chief Executive and policy-related questions referred to the Mayor or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions.

6.1 Media contact on behalf of the Council

The Mayor or Chairperson is the first point of contact for an official view on any issue. If the Mayor is absent, or unable to act, a matter may be referred to the Deputy Mayor or to the relevant committee chairperson (in that order) for a response;

The Mayor may refer any matter to the relevant committee chairperson, a member or to the Chief Executive for comment

No member may speak to the media on behalf of Council unless first approved to do so by resolution of the Council, or of a Committee of the Council, or by the Mayor.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the Council;
- media comments which are contrary to a Council decision or policy must clearly state that they do not represent the views of the majority of members
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff;
- media comments must not be misleading, must not purposefully misrepresent the views of the Council or the views of other members and should be accurate within the bounds of reasonableness; and
- members are encouraged to advise other members of contact from the media
- Social media pages controlled by members and used for making observations relevant to their role as an elected member should be openly attributed to the member. Social media pages used by a member to seek community participation on an issue prior to a Council decision should be actively monitored with abusive or inflammatory content removed promptly. Public comment should only be moderated (comments removed) for abusive or inflammatory comment to ensure transparency in the views expressed; alternatively posts/content can be set up as private posts with only the member receiving the feedback; and
- Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members must agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with Masterton District Council or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the decision made, or the action taken, by Council. Failure to observe these requirements could also leave the member open to prosecution. In the event of a conviction, members can be removed from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by Masterton District Council (refer Appendix B for Register of Interests template). The declaration must include information on the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- the address of any land in which the member has a beneficial interest, within the jurisdiction of MDC;
- the address of any land owned by Masterton District Council in which the member or their spouse is:
 - a tenant; or

- the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee; and
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical Behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly, members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of Masterton District Council developed in accordance with that determination;
- adhere to Masterton District Council's internal Sensitive Expenditure Policy Manual
- adhere to Masterton District Council's internal Fraud, Dishonesty and Corruption Policy
- not influence, or attempt to influence, any Masterton District Council staff, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the Chief Executive prior as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- attending workshops or programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work;
- taking part in any assessment of the Council's overall performance and operating style during the triennium¹; and

¹ Refer Appendix XX self-assessment template

- taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office (the Oath) and contribute to the good governance of the Masterton district.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7, s. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- that the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have confidence that any hearing will be impartial;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2 Complaints

All formal complaints made under this Code will be made in writing and forwarded to the Mayor in the first instance who will work with the complainant to come to a resolution. If the complainant and Mayor are unable to reach a satisfactory resolution, the complaint will be referred to the Chief Executive.

If a complaint relates to the Mayor, then the complaint must be made in writing to the Chair of the Hearings Committee who will work with the complainant to come to a resolution. If the Chair of the Hearings Committee and the complainant are unable to reach a satisfactory resolution the complaint will be referred to the Chief Executive.

On receipt of a complaint the Chief Executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

The Code is designed to be a self-regulatory instrument, therefore only members and the Chief Executive may make a complaint under this Code. For clarity, if a member of staff or member of the public believed the Code had been breached by a member then they should advise the Mayor or Chief Executive of the alleged breach for a complaint to be raised.

Members should note that it is expected that any issue regarding a potential breach of this Code of Conduct is raised with the Mayor prior to a formal complaint being lodged.

12.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix E.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.

13. Penalties and actions

Where a complaint is determined to be material and referred to MDC, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of this Code the Council, or a committee with delegated authority, may require one of the following:

- a letter of censure to the member;
- a request (made either privately or publicly) for an apology;
- a vote of no confidence in the member;
- removal of responsibilities such as committee chair or Deputy Mayor
- removal of certain council-funded privileges (such as attendance at conferences);
- restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
- limitation on any dealings with council staff so that they are confined to the Chief Executive only;
- suspension from committees or other bodies to which the member has been appointed; or
- an invitation for the member to consider resigning from the Council.

The Council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968;
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under section 44 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, the Code continues to be in force until amended by Masterton District Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

Appendix A: Guidelines on the person use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block identification. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

Appendix B: Process for the determination and investigation of complaints

Step 1: Mayor receives complaint

All complaints made under this Code will be made in writing and forwarded to the Mayor in the first instance who will work with the complainant to come to a resolution (complaints related to a breach of the Code by the Mayor will be forwarded to the Chair of the Hearings Committee). If the complainant and Mayor (or the complainant and the Chair of the Hearings Committee in the case of a complaint against the Mayor) are unable to reach a satisfactory resolution, the complaint will be referred to the Chief Executive who will refer the complaint to an independent investigator. The Chief Executive will also:

- inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

- the complaint is frivolous or without substance and should be dismissed;
- the complaint is outside the scope of the Code and should be redirected to another agency or process;
- the complaint is non-material; and
- the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the Chief Executive will:

- where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
- in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the Chief Executive will prepare a report for the council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee established for that purpose.

The council or committee will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

Appendix C: Self-Assessment template

Please rate how you view the performance of elected members collectively (acting as the council) in the following areas:

A rating of 1 indicates an excellent level of performance – through to a rating of 4 indicating that the collective performance of elected members could improve significantly.

1. We act together as a team to deliver value to the people of our district/region.

1	2	3	4	(please circle)
---	---	---	---	------------------------

2. We are effective in being part of a coordinated approach to promote the district/regions.

1	2	3	4	(please circle)
---	---	---	---	------------------------

3. We have effective working relationships with key stakeholder groups.

1	2	3	4	(please circle)
---	---	---	---	------------------------

4. We have an effective working relationship with Council staff through members interactions with the Chief Executive.

1	2	3	4	(please circle)
---	---	---	---	------------------------

5. We engage effectively with the community on issues of importance to them.

1	2	3	4	(please circle)
---	---	---	---	------------------------

6. We are well prepared and well equipped to make informed decisions in our capacity as elected representatives.

1	2	3	4	(please circle)
---	---	---	---	------------------------

7. We participate appropriately in debates and act collectively in the best interests of the Northland region.

1	2	3	4	(please circle)
---	---	---	---	------------------------

8. Council decisions are made in an open and transparent fashion.

1	2	3	4	(please circle)
---	---	---	---	------------------------

9. We treat each other with mutual respect and demonstrate tolerance to different points of view in order to arrive at the best decisions for the region as a whole.

1

2

3

4

**(please
circle)**

10. We have a clear sense of direction and understanding

1

2

3

4

**(please
circle)**

The objective of this assessment is not necessarily that all members should agree.

Analysis of results may provide a useful starting point for discussions on the overall performance of the governance functions of the council and provide some insight into areas where improvements may be possible.

Appendix D: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected member's family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."
(OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists, members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes.

The contracting rule

A member is disqualified from office if he or she is “concerned or interested” in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

“Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?”

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members’ statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a “closed mind”); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings, procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the Chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or staff member) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under section 44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (section 47 LGA 2002).

To:	Your Worship the Mayor and Elected Members
From:	Angela Jane, Manager Strategic Planning
Endorsed by:	Kathryn Ross, Chief Executive
Date:	17 February 2021
Subject:	Masterton District Climate Change Action Plan: Establishment of Community-Based Focus Group
DECISION	
Recommendations:	
That the Council:	
<ul style="list-style-type: none"> a) Approves the establishment of a community-based Focus Group to co-develop a Masterton District Climate Change Action Plan; b) Approves the process and criteria described in Report 015/21 and in the proposed terms of reference for the selection of community members of the Masterton District Climate Change Action Plan Focus Group; c) Approves compensation for the Masterton District Climate Change Action Plan Focus Group members to attend meetings, and for the reimbursement of any additional expenses; d) Approves the draft Terms of Reference for the Masterton District Climate Change Action Plan Focus Group as attached to Report 015/21 (see Attachment 1 to Report 015/21); and e) Approves the appointment of an independent chairperson for the Masterton District Climate Change Action Plan Focus Group. 	

Purpose

The purpose of this report is to seek Council agreement to establish a community-based Focus Group to co-develop a Masterton District Climate Change Action Plan (District Action Plan).

Context

National Context

The zero carbon target by 2050 was set into law with the Climate Change Response (Zero Carbon) Amendment Act in November 2019. Recently, the Government declared a climate change emergency committing to urgent action on reducing greenhouse gas (GHG) emissions.

District Context

Masterton District Council is taking a two-plan approach to its response to addressing impacts of climate change. The first stage is a Corporate Carbon Emissions Reduction Plan to guide Council's journey to become a net zero carbon organisation. This is an internal plan that focuses on what Council can do better as an organisation to reduce our emissions.

The second stage will be co-developing the District Action Plan with mana whenua and the community in the first half of 2021. The Corporate Carbon Emissions Reduction Plan and the District Action plan will set out our blueprint for moving our district towards carbon zero 2050.

Focus Group and the District Climate Change Action Plan

Background

On 3 February 2021, Council discussed setting up a community-based Focus Group to co-develop a District Action Plan.

Feedback from other territorial authorities confirmed that the approach of setting up a community-based Focus Group to co-develop a District Action Plan has worked well (e.g. Upper Hutt City Council). It also provides councils with the opportunity to continue to collaborate with the Focus Group after it delivered on its agreed objectives.

The proposed approach takes into consideration our conversations with the Wairarapa Youth Council and Enviroschools about opportunities for their engagement in the process. We now consider that setting up a community-based Focus group is a better approach as opposed to holding a series of workshops. For more detail refer to '*Rationale for Focus Group*' section.

The Focus Group will be expected to engage with the wider community to inform its discussions and seek feedback.

We will seek advice from mana whenua on the best way to provide for mana whenua to partner with Council throughout the process. It is up to mana whenua to decide what is the most appropriate way to engage, whether it is through mana whenua membership on the Focus Group, and/or any other ways that are considered appropriate. Mana whenua participation will need to be appropriately remunerated.

Establishment of Focus Group

The following process is proposed for the establishment of the Focus Group:

1. Formal approval from the Council to proceed with the proposed approach;
2. Presentation to and advice from mana whenua;
3. Advertise and promote the Expression of Interest process;
4. Appoint the Focus Group;
5. Run the co-development process and engagement – up to six months;
6. Draft District Action Plan for adoption by Council;
7. Public consultation on the draft District Action Plan;
8. The Council makes the final decision on the District Action Plan.

Following formal approval by Council to proceed, an 'Expression of Interest' process from the public will be run during March 2021.

The key criteria considered for the Focus Group will be primarily focused on interest in climate change matters and diversity of membership. For the full list of criteria, refer to the Terms of

Reference (ToR) in Attachment 1. The ToR will be published as part of the 'Expression of Interest' process. The ToR will state the purpose of the group, objectives, timeline and expectations for the Focus Group.

A panel of three councillors, with support from staff, will conduct the interviews with the shortlisted candidates. The candidates will be evaluated and chosen based on the criteria.

It is proposed that the members are compensated for their meeting time at a rate of \$50 per meeting. In addition to this, it is also proposed that any related expenses are reimbursed, as approved by Council. This is to ensure that the opportunity to participate is open to anyone and not just to people with time and resources. It is hoped that this incentive will broaden the range of people likely to participate e.g. young mothers.

The key deliverable for the Focus Group will be the development of a suite of actions that will form a draft District Climate Change Action Plan. It will be expected that the Focus Group engages with the wider mana whenua, community and stakeholders during the development of the draft District Action Plan.

It is envisaged that the Focus Group will run for a period of up to six months. Council staff will provide support and coordination for the Focus Group and will work collaboratively with the Greater Wellington Regional Council and two other Wairarapa District Councils, mana whenua and other relevant organisations.

Once the Council adopts the draft District Action Plan, public consultation will take place.

The Council will make the final decision on the District Action Plan. Council staff will facilitate clear communication and engagement between the Council and the Focus Group to ensure that the draft District Action Plan is consistent with the Council's commitments and statutory requirements.

Rationale for Focus Group

Diversity and remuneration

Community workshops often attract people that can afford the time to participate. This can often result in the same members of the community being active in different community engagement processes.

Inviting the community to put themselves forward for consideration and remunerating them for meetings may broaden the range of people that are likely to participate. For example, young mothers or youth, or someone who lives rurally. The Terms of Reference and criteria for membership selection ensures a greater opportunity for diversity of perspectives than chance attendance at community workshops.

Consistency and certainty

The Focus Group is tasked (through the Terms of Reference) with co-developing the District Action Plan with Council. Community workshop/s provide one-off opportunities to participate in the development process.

Setting up and tasking a focus group to co-develop the District Action Plan keeps the attention on ‘the task at hand’. This will minimise diverging onto ‘topics of the day’, as community workshops sometimes tend to be captured with the most current issues.

We are more likely to realise true co-development of the District Action Plan by having continuity and certainty of membership with a Focus Group, rather than relying on a chance attendance at workshops. Greater certainty and consistency of attendance also enables staff to plan and coordinate the process more efficiently.

Social capital

More structured and ongoing engagement through the Focus Group is likely to develop better knowledge, understanding and relationships between Council and the members as well as amongst the members of the group. For example, better understanding of different roles between regional and territorial authorities or intergenerational perspectives.

This ‘social capital’ may also lead to a start-up of a citizen type assembly where citizens/community take ownership of implementing some of the actions, or the group may become a citizen forum that Council continues to work with. To transition to a low carbon future, Council cannot do it alone. To successfully implement actions and achieve the transition, we will need to form strong and enduring partnerships with community, mana whenua, stakeholders, and the two other Wairarapa District Councils and Greater Wellington Regional Council.

Transparency and accountability

Tasking the Focus Group to co-develop the District Action Plan is likely to be perceived as less driven by Council than a community workshop approach. This in turn enables greater ownership, and thereby greater accountability. The greater ownership of the development often results in a greater promotion of the work by the members leading to better transparency, as perceived by the wider community.

For a high-level strengths/weaknesses analysis of the Focus Group approach see Table 1 below.

Table 1: High level analysis summary of taking a focus group approach to developing a draft action plan

STRENGTHS	WEAKNESSES
Greater opportunity for diversity and continuity throughout the process	Can be perceived as non-representative
Greater focus on ‘the task at hand’ and less opportunity for scope creep	Need budget e.g. meeting time, facilitation, catering
Better coordinated approach to ensure collaboration with key partners during the process: mana whenua, other two Wairarapa District Councils, Greater Wellington Regional	Might require more focused resourcing

Council e.g. the partners see better use of their time on focused effort and/or well attended sessions	
Clearer and more manageable timeframe	Members may find it too fast paced
Building stronger relationships among participants	The members may not work well as a group
Group learning – building our social capital with community	Develop ‘group thinking’
Shared transparency and accountability	

Options for the Composition of Membership

All of the options assume mana whenua representation in the process. As noted earlier, the type or form of mana whenua engagement is yet to be decided upon after receiving advice from mana whenua.

Four options are proposed for the membership composition of the Focus Group. Strengths and weaknesses for each option are summarised in Table 2 below. Option 1, Community only, is recommended.

Table 2: High level summary of the options for composition of the Focus Group

OPTIONS		
1. Community only	Strength	Arm’s length from council; Greater community ownership; Perceived less influence by council; Council fully entrusts development of the District Action Plan with the community members.
	Weakness	Elected members as ‘active observers’ or by invitation – participate in discussions but not part of consensus decision-making; Potentially less linkage with the Council; Might be harder to manage expectations.
2. Appoint one or two	Strength	Potentially better linkages with the Council; Mix of governance representatives and community may add ‘weight’ to the process.

elected members	Weakness	Can be perceived as a more council led process; May need additional community membership (depending on the number of elected members); Group may expect elected members to carry heavier load; Some community members may not express their ideas freely.
3. Mayor chairs the group	Strength	Full community ownership maintained; The mayor as chairperson may add 'weight' to the process; Potentially better linkages with the Council.
	Weakness	Might be harder to align mayoral availability; Other elected members may feel disconnected.
4. Status of elected members decided by the Focus Group	Strength	Reinforces the principle of 'community led council supported'; Greater group ownership; Expressing community 'self-determination'.
	Weakness	Uncertainty for the Council

Rationale for Recommended Option

Option 1, Community only, is recommended. By setting up the Focus group as a community only membership we are enabling the 'community led council supported' and 'self-determining' principles as stated in the Social Development strategic direction of Councils Wellbeing Strategy, *He Hiringa Tangata, He Hiringa Whenua*.

This option still allows for elected members to participate on the Focus group as active observers (participating in discussions but not being part of consensus decision-making). Another advantage of not having elected members appointed on the Focus Group is that this option provides for a number of elected members to participate and engage with the Focus Group instead of only one or two that are appointed. If the Council adopts this option, elected members are encouraged to consider participating when available.

The main drawback of this option is managing the Focus Group's expectations. The community often does not differentiate between roles and responsibilities of regional and territorial authorities, or the processes and time required to successfully implement actions. To mitigate the risk of unattainable aspirations, council staff are planning adequate time to allow the members of the Focus Group to receive information with support from staff from the other two Wairarapa District Councils, the Greater Wellington Regional Council, mana whenua and other relevant sectors.

Strategic, Policy and Legislative Implications

The development of a Masterton District Climate Change Action Plan aligns with Council's Wellbeing Strategy *He Hiringa Tangata, He Hiringa Whenua*. The advice and outcomes of the co-developed Masterton District Climate Change Action Plan may have impact on some future Council strategies and policies. There are no legislative implications.

Significance, Engagement and Consultation

The recommendations for decision in this report are not considered to be of high significance under the Significance and Engagement Policy.

Throughout the process of developing the Masterton District Climate Change Action Plan, Focus Group members will engage with the wider community to inform its discussions and seek feedback.

Council will also undertake community consultation on the draft Masterton District Climate Change Action Plan.

Communications/Engagement

Community consultation on the draft Masterton District Climate Change Action Plan will be promoted and advertised.

Financial Considerations

The work programme to support the development of the Masterton District Climate Change Action Plan will be funded from existing budgets.

Implications for Māori

Mana whenua Iwi are partners in the co-development of the District Action Plan.

Environmental/Climate Change Impact and Considerations

The recommendations for decision in this report do not have direct environmental and climate change impacts. However, the outcomes from the engagement and co-development will help shape the actions that will impact on reducing our carbon emissions and improving our environment.

DRAFT**TERMS OF REFERENCE****MASTERTON DISTRICT COUNCIL****MASTERTON DISTRICT CLIMATE CHANGE ACTION PLAN FOCUS GROUP****Purpose**

To provide advice and assist the Masterton District Council (Council) to co-develop the Masterton District Climate Change Action Plan.

Context

The zero carbon target by 2050 was set into law with the Climate Change Response (Zero Carbon) Amendment Act in November 2019. Most recently, the Government declared a climate change emergency committing to urgent action on reducing greenhouse gas (GHG) emissions. The Climate Change Commission has delivered its draft advice package in February 2021. It includes the country's first three emissions budgets covering the period until 2035. This advice will help form the first Emissions Reduction Plan for Aotearoa.

MDC is taking a two-plan approach to its response to addressing impacts of climate change. The Corporate Carbon Emissions Reduction Plan (internal only) will guide the first stage of Council's journey to become a net zero carbon organisation. The second stage of our journey will be co-developing the District Climate Change Action plan with mana whenua and the community. Council's Corporate Carbon Emissions Reduction Plan and the District Climate Change Action Plan will comprise our blueprint for moving our district towards carbon zero 2050.

Addressing current and future impacts of climate change is one of the five strategic priorities under the Environmental Development component of our Wellbeing Strategy, *He Hiringa Tangata, He Hiringa Whenua*.

Outcome

To provide practical advice and contribute towards developing the Masterton District Climate Change Action Plan (District Action Plan).

Timeframes

The Focus group will meet regularly from March 2021 for the period of up to six months.

Membership and criteria

The Focus Group will have up to 10 members.

Council will work in partnership with mana whenua on setting up an appropriate process for mana whenua engagement and participation in the co-development process.

Community applicants can either self-nominate or receive a nomination from another community member.

Membership of the Focus Group will be selected based on the following criteria:

- An interest and knowledge of climate change;
- Diversity of members (e.g. age, gender, background, rural/urban community);
- Either live in, or be able to demonstrate a close connection with the Masterton District;
- Have a specific interest and/or commitment to the future of the Masterton District.

Council may approve additional members to ensure an appropriate balance of perspectives.

Any suitable applicants that are not selected may be contacted in the future if a position becomes available. Council reserves the right to substitute members as a result of low attendance or participation.

Meetings

- a) Council will appoint an independent chairperson.
- b) Meetings will be held at a time likely to be convenient for as many members as possible.
- c) Members may be given materials to prepare for the meetings. Council will provide the material at least one week prior to the meeting.
- d) Members are encouraged to speak to other members of the community and incorporate their viewpoints into the discussion to help inform discussions in Focus Group meetings.
- e) Members are expected to engage with different parts of the community to seek input.

Decision making

The Focus Group will seek to make decisions by consensus. Where a consensus cannot be reached, decisions are made by majority vote.

Quorum

The quorum required for a group meeting will be half the members if the number of members is even, and a majority if the number of members is odd.

Code of conduct

It is expected that members and staff involved will:

- Treat each other with respect;
- Operate collaboratively and listen to alternate viewpoints without prejudice;
- Consider wider community impact in their discussions and consensus; and
- Members will not use their position and confidential information received as members of the Focus Group for private or personal advantage.

Failure to comply with the above behaviours may result in a request for the resignation of a Focus Group member.

Confidential information

If members receive information that is confidential, they must ensure it remains confidential.

Media

The chairperson is the first point of contact for the official view of the group. Where the chairperson is absent, any matters will be referred to the deputy chairperson when applicable.

No other member may comment on behalf of the group or respond directly to media without having first obtained the approval of the chairperson.

Status of the Focus Group

The Focus Group is an advisory body established by Council. It is not a subordinate decision-making body of Council and is not a committee under the Local Government Act 2002.

The Focus Group does not have any decision-making power. Its role is to advise and assist Council in developing the District Action Plan.

The Council will make the final decision on the Masterton District Climate Change Action Plan making sure that the Masterton District Climate Change Action Plan is consistent with statutory requirements and the Council's strategic direction.

Compensation

The members of the Focus Group are entitled to be compensated for their meeting time.

Members will be reimbursed for any related expenses that are reasonable upon provision of an invoice or receipt. Any expenses will need to be approved by council in advance.

Conflict of Interest

Members must declare any private interests or personal benefits relating to their public duties relating to this Terms of Reference and take steps to resolve any conflicts.

A financial conflict of interest arises when a member stands to benefit financially, either directly or indirectly, from advice given by the group. A non-financial conflict may arise from a personal relationship or association with another organisation or from conduct that indicates prejudice or predetermination.

To:	Your Worship and Members
From:	Kathryn Ross, Chief Executive
Date:	17 February 2021
Subject:	Chief Executive's Report
FOR INFORMATION	
Recommendation:	That Council notes the information contained in the Chief Executive's report 017/21.

Purpose

The purpose of this report is to provide Council with an update (as at 10 February*) on Council operations and changes in the national and regional context for Council since the last CEO report to Council dated 27 November 2020.

*This report was updated on 14 February to also cover the Government announcements on COVID-19 Alert Level changes.

Chief Executive's Overview

It has been an incredibly busy year already and it's only February.

On the 14th of February, the Government announced that Auckland will shift to Alert Level Three for 72 hours from 11.59pm on Sunday 14 February 2021 and that the rest of the country will shift to Alert Level Two. This will be reviewed every 24 hours. It is likely that we will be conducting our 17 February Council meeting under physical distancing requirements. Council staff are well prepared for the move to Alert Level 2 as we recently (January 2021) reviewed our MDC COVID-19 Alert Level Response Plan considering the positive case of COVID-19 detected in Northland and community transition last year. We are open but with modifications and stringent Health and Safety protocols in place, including physical distancing and contact tracing requirements, cleaning surfaces, use of entry sanitiser stations, and maximum numbers of the public in our facilities for example in the Queen Street customer services centre and the Recreational Centre for example. The library will be moving to a click and collect service only and programmes will temporarily cease. We are informing our community of the details.

The Wairarapa Emergency Operations Centre has not activated.

Public Alert Level 2 information on personal movement, exercise, education, work, business, travel and gatherings can be found at <https://covid19.govt.nz/alert-system/alert-level-2/>.

We will be encouraging everyone to follow the "Four Golden Rules":

- Wash your hands
- Scan QR codes
- Turn on Bluetooth tracing on the NZ COVID Tracer app

- Stay home if you're feeling unwell and get advice about a COVID-19 test

and updating our public messaging in line with government advice.

This latest news aside, good progress is being made on the Long Term Plan 2021-31, given the competing pressures on staff to: complete information requests (both financial and asset related) as part of the Government's 3 Waters Review; catch up on project and programme delivery affected by COVID; progress initiatives that have benefited from external stimulus funding; progress flagship projects and events, and keep our normal activities and services running.

For the first time in recent memory, it was not necessary to introduce water restrictions until the New Year, on 7 January, when sprinklers were restricted to alternate days.

We launched (December 2020) All-In - our internal programme to create one team delivering for our communities. There are four focus areas: Leadership, Culture, Continuous Improvement and Performance and in January and February we have (so far) focused on culture including behaviour in the workplace and the prioritisation of continuous Improvement initiatives, including tools to enable staff to work smarter.

Both the Christmas and Waifest events have been personal highlights amongst all this activity. It is during these large Council run free events that I really get the opportunity to appreciate the incredible community we serve and feel the pride and joy of being part of a team that works hard to deliver for them every day; whether it be fixing slips on our roading network, keeping the water on (and reminding us all to use it wisely), managing the requests we receive, answering the phones, dealing with licences and consents, micro-chipping animals, delivering summer reading programmes, developing our climate action plan, paying our creditors, removing rubbish and recycling, improving our parks, sports and community facilities, or making sure our senior housing tenants are safe, warm and cared for or the myriad of other activities we do.

It isn't however all highs. We were saddened by the news of the tragic death of our former Senior Resource Planner Godwell Mahowa last month and we were grateful and humbled to share with his family, friends and local government whānau the celebration of his life in Lower Hutt on the 5th of February 2021. Arohanui.

National/Regional Context

Wairarapa COVID-19 Recovery

Despite a stronger recovery than anticipated, and a lower unemployment rate recorded in the December 2020 quarter (4.9%), there are still risks to employment at a national and regional level as the recovery continues. Businesses may struggle as the holiday period comes to an end and people return to work. This will be monitored.

At the time of writing this report, the frequency of the Wairarapa Recovery Committee meetings was under consideration, and Wellington Regional Recovery meetings were transitioning from fortnightly to monthly. As we are now in a blended state of Response and Recovery, the meeting schedules may change.

Māori Wards Amendment Bill

Under the Local Electoral Act 2001, Councils decide their own representation arrangements, including whether to establish Māori and/or general wards and constituencies.

The Masterton District Council is currently represented by a Mayor and 10 Councillors, who are elected from the district at large. The Masterton District does not currently have separate Māori wards as part of its current representation arrangements.

In terms of iwi representation, Council is in its second term of having two iwi representatives who attend Council meetings and are appointed to committees, but only have voting rights at the committee level.

The Local Government Minister, Hon Nanaia Mahuta, announced on 1 February 2021 that the Government is seeking to pass legislation under urgency in February 2021 to make it easier for local authorities to establish Māori wards and constituencies for the 2022 local government elections.

The current system has a different set of rules for establishing Māori and general wards. These changes will put in place the same rules and bring equality for establishing Māori wards and general wards.

It is anticipated that this Amendment Bill will propose:

- repealing the “Māori ward poll provisions” in the Local Electoral Act 2001;
- preventing councils from holding binding polls on Māori wards and constituencies (while retaining the right for councils to hold non-binding polls); and
- providing a transition period ending on 21 May 2021 in which councils may consider, or reconsider, establishing Māori wards or constituencies for the 2022 local elections.

Legislative reform to Māori wards processes would be progressed in two stages over the next three years. The first stage of the legislative reform will include immediate changes to establish transitional measures making the establishment of Māori wards easier ahead of the 2022 local elections. The second stage would develop a permanent mechanism for local authorities to consider the establishment of Māori wards and constituencies.

Hon Nanaia Mahuta stated that increasing Māori representation is essential to ensuring equity in representation, providing a Māori voice in local decision making and honouring Te Tiriti o Waitangi. It will also lead to greater and more meaningful Māori participation in resource management processes.

*Update: on the 9th of February Parliament held its first reading of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill (which can be found at <https://legislation.govt.nz/bill/government/2021/0006/latest/LMS442033.html>) and referred the Bill to the Komiti Whiriwhiri Take Māori (Māori Affairs Committee). Submissions on the Bill opened on Thursday 11 February and closed at 5.00 pm the same day, with hearings on the 12th.

RMA reform

The Government also announced (on 10 February) its reform of the Resource Management system based on the review carried out last year. As a result, the Resource Management Act 1991 (RMA) will be repealed and replaced with new laws.

The three new Acts will be the:

- Natural and Built Environments Act (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA)
- Strategic Planning Act (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies
- Climate Change Adaptation Act (CAA) to address complex issues associated with managed retreat and funding and financing adaptation.

There is a particularly ambitious timeframe for this programme and there will be implications for the Wairarapa Combined District Plan, although I consider the three Wairarapa councils are in a good position to adapt the current plan review to fit with the future direction of reform while making progress on issues that need to be addressed (potentially through a targeted plan change or plan changes). The committee overseeing the review will receive officer advice when staff have had the opportunity to consider the recently released information, including Minister Parker's letter to councils that there are no plans for institutional changes to local government in the RM reforms.

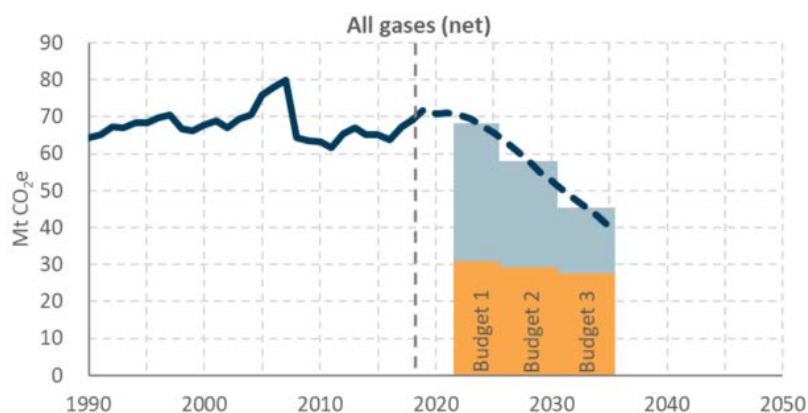
He Pou a Rangi Climate Change Commission: 2021 Draft Advice for Consultation: The Highlights

On 31 January 2021, the Climate Change Commission delivered their first draft advice on:

- the level of the first three five-yearly emissions budgets. These budgets set the maximum amount of greenhouse gases Aotearoa can emit over a five-year period and chart the course for stepping down emissions; and
- the direction of policy for meeting the emissions budgets that should be included in the Government's first emissions reduction plan.

The report will be open for formal consultation from 1 February to 14 March 2021. Officers will prepare Masterton District Council's submission on the Commission's draft advice for approval. The final Commission's advice will be presented to the Government by 31 May 2021.

Figure 1: *Proposed emissions budgets. The figure shows all gases combined as CO₂ equivalent –grey is emissions of long-lived gases; orange is biogenic methane emissions¹*



¹ He Pou a Rangi Climate Change Commission: 2021 Draft Advice for Consultation, pg. 17

The Commission have modelled a range of scenarios and carried out analysis including two economic models to understand the scale of the transition and impacts on a range of sectors. Technical detail and analytical approach can be found in the Evidence Report.

The full advice and evidence reports are available at <https://www.climatecommission.govt.nz/get-involved/our-advice-and-evidence/>

Overarching points

- The budgets are ambitious, but achievable.
- Transformational change is needed i.e. action and behaviour change across all sectors of the economy.
- Aotearoa will not meet its targets² without strong and decisive action now to drive low emissions.
- The tools already exist. However, the Government must pick up the pace.
- To give effect to the Treaty Partnership, central and local government need to acknowledge iwi/Māori rights to exercise rangatiratanga and kaitiakitanga in a joint plan to reduce emissions.
- Aotearoa can no longer rely on forests to meet our climate change targets.
- Aotearoa must have an equitable and fair transition to a low emissions economy for people and the environment. Impacts will not always be evenly distributed across different groups of society, regions, and sectors. To support an equitable, inclusive, and well-planned climate transition, the Government needs to develop an Equitable Transitions Strategy.
- The proposed emissions budgets could result in job losses in the coal mining and oil and gas sectors. Taking action to meet the budgets is likely to result in new jobs in other sectors and new industries, such as supporting and deploying new technologies.
- The overall costs of meeting the country's targets and the proposed emissions budgets are likely to be less than 1% of projected GDP.

Key findings and recommendations

The Government needs a cohesive strategy that includes water, biodiversity, and climate. There are multiple benefits to taking a holistic view.

Priority areas for action include increasing the number of electric vehicles on the roads, increasing total renewable energy, improving farm practices, and planting more native trees.

Transport

Freight - Medium and heavy electric trucks will be required by the 2040s. Increasingly, freight is moved to trains, ferries and coastal shipping that are all electrified. Use of low carbon fuels, such as biofuels and hydrogen, needs to increase, particularly in heavy trucks, trains, planes, and ships.

Personal transport - We need to change the way we build and plan our towns and cities and the way people and products move around. An integrated national transport network should be developed to

² Net zero emissions of long-lived gases by 2050 and reducing biogenic methane emissions by between 24-47% by 2050.

reduce travel by private car. Reliable and affordable public and shared transport systems. Most of the vehicles coming into New Zealand for everyday use need to be electric by 2035. Government support will probably be required to make purchases affordable.

Land

Agriculture - There are changes farmers can make now to reduce emissions on their farms while maintaining, or even improving, productivity. This includes reducing animal numbers and better animal, pasture, and feed management.

Forest – Plant native forests instead of exotic trees on less productive land. Policy support is needed to make this happen. Pine trees will still play an important role and could support a future bioeconomy, as bioenergy to replace fossil fuels and as timber for building.

Heat, Industry and Power

Power - An end to fossil fuel powered electricity. Maximise the use of electricity by generating and using lower emissions electricity for vehicles and for process heat. Building more renewable generation such as wind, solar and geothermal will be required.

Heat - Replace gas and coal process heat in industry. Building homes, buildings, and infrastructure now by using low emissions technologies and prioritising energy efficiency. Reducing how much natural gas we use in homes and businesses.

Waste

Waste - Create a circular economy where goods are reused instead of going to landfill. Strengthened product stewardship and a commitment to resource recovery and reuse. Focus on reducing the amount of organic waste going to landfills. Capturing methane from any remaining waste that makes it to landfill.

Reductions in Biogenic Methane

Current Aotearoa targets require biogenic methane emissions to reduce by 10% below 2017 levels by 2030, and between 24-47% by 2050.

The Commission's analysis shows that Aotearoa can achieve methane reductions of 24% by 2050 without any technology developments, such as vaccines or inhibitors. By 2100, Aotearoa could need to reduce methane emissions by 49-60% below 2017 levels.

The full advice and evidence reports are available at <https://www.climatecommission.govt.nz/get-involved/our-advice-and-evidence/>

Niwa New Zealand Annual Climate Summary: 2020

NIWA has released its 2020 Annual Climate Summary. Each annual summary contains information on a single year's overall climate conditions, sunshine, temperature, soil moisture, and temperature. Key points to note:

- 2020 was 7th-warmest year on record for Aotearoa³.

³ Based on NIWA's seven-station series which began in 1909

- The nationwide average was 13.24°C (0.63°C above the 1981–2010 annual average)
- Annual rainfall was below normal (50-79% of normal) across many northern, eastern, and inland parts of the North Island, and parts of Marlborough, Canterbury, and eastern Otago.
- The Bay of Plenty experienced New Zealand’s highest annual sunshine total during 2020 (2704 hours recorded at Whakatāne).
- The highest temperature of 2020 was recorded on 31 January at Gisborne at 38.2°C, (5th-highest January temperature on record, and 19th-equal hottest temperature on record for all months.
- Napier experienced 242mm of rain recorded on 9 November 2020. It was the city’s 2nd wettest day on record, with records beginning in 1870.
- Several locations observed dry spells of at least 40 days. A 64-day dry spell was recorded in Blenheim, its longest dry spell on record.
- Several locations in Wairarapa, coastal Marlborough and coastal North Canterbury recorded less than 5mm of rain during April.
- New Zealand observing its warmest winter on record. It took until late-September for the coldest outbreak of the year to occur.

The full report can be found at

https://niwa.co.nz/sites/niwa.co.nz/files/2020_Annual_Climate_Summary_Final.pdf

Projects of interest this month

Please refer to *Attachment 1* for a dashboard update on key Council projects of interest.

Environmental Services Activity

The Environmental Services teams were available over the Christmas period to attend to service requests, care for the dogs that were in Masterton District Council’s care and continue with all mandatory sampling for drinking water and resource consents to meet statutory obligations.

Bylaws

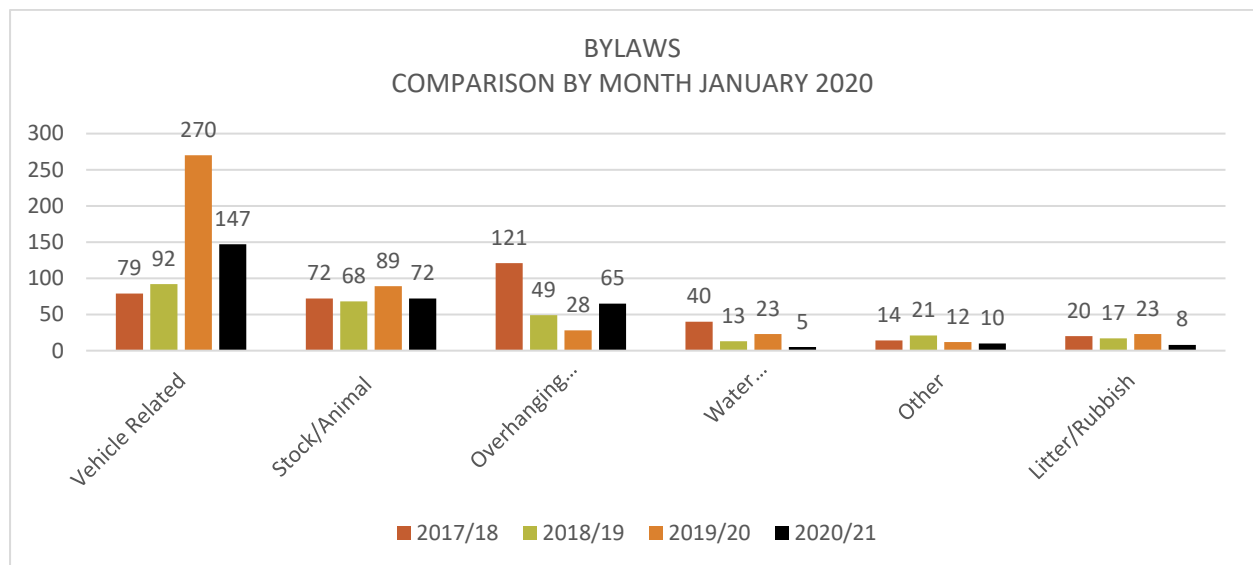


Figure 2 Bylaw Service requests by category from 1 July to 31 January to the same period in the previous years.

MDC Animal and Bylaw Services are noticing a steady increase of requests for service for trees and greenery overhanging into a public space. Concerns have been raised that vegetation encroaching into

the footpath area which causes an inconvenience to pedestrians, mobility device users and parents with strollers. It was also noted that larger trees and hedges have been raising concern as they've become a road safety hazard, as they have blocked the driver's view when entering or exiting properties, adjoining roads and intersections.

The process to have the issues addressed can be drawn out between MDC staff and property owners, as the discussions held are to educate and encourage regular clearance of the encroachment, highlighting the risk to public safety.

We have seen an increase in service requests relating to overhanging trees with 29 Service requests for the three-month period November to January. The area from the property boundary and 2.7 meters from the ground or road to the lowest part of the tree is the area that must be kept clear. Staff have noticed that the majority of people are very slow at responding to the request to trim trees; one reason for this could be the heavy workload that contractors are under with some unable to take on work until the end of February. This affects people who are unable to undertake the work themselves due to health, age, lack of equipment and also landlords living out of district.

Conversely, we have seen a reduction in the number of reported cars causing damage by parking on footpaths or berms. Reports have dropped by 98 between 2019-2020 and 2020-2021 for the three-month period November to January. Requests to park legally are being followed by more motorists.

Animal Services

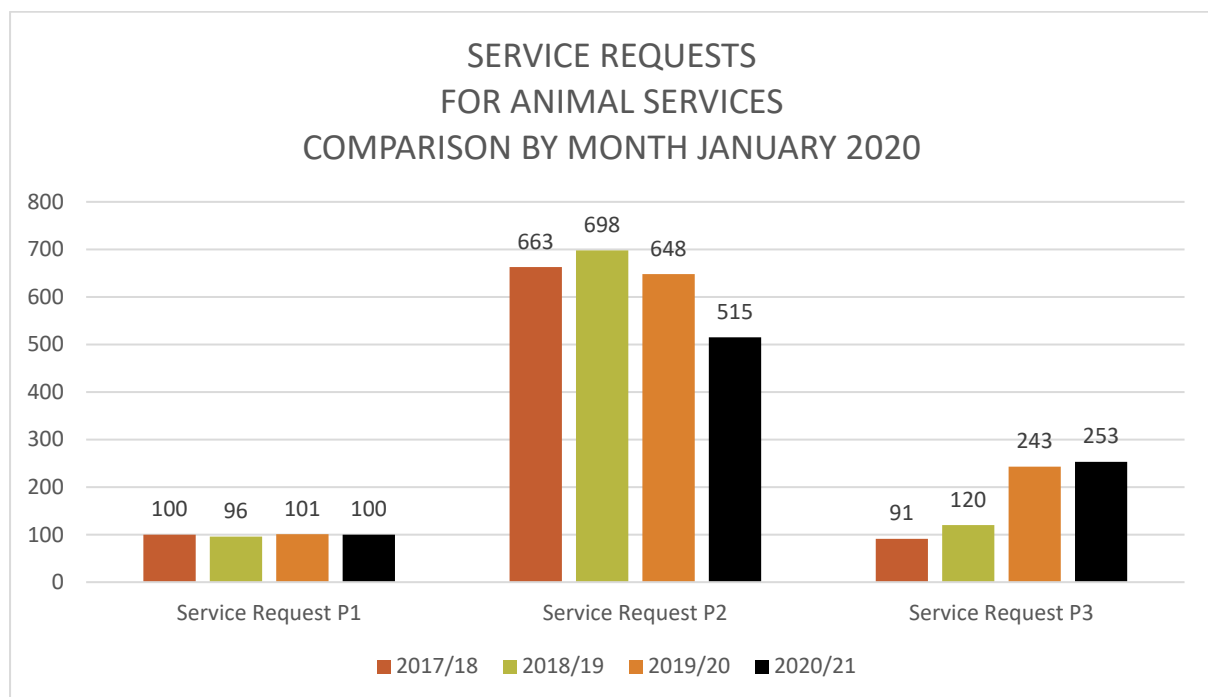


Figure 3 Dog Service requests by category from 1 July to 31 January compared to the same period in the previous years.

P1, P2 and P3 reflect the priority/urgency of the requests for service received.

- P1 – The most urgent calls, for example dog attacks, police assistance. Attendance within one hour.
- P2 – Barking and wandering. Attendance within 24 hours.
- P3 - Non-urgent requests, for example changing details on a dog account. Response within 5 working days.

Christmas and New Year were busy with Animal and Bylaw Services attending 17 call outs over the statutory periods from 25 to 28 December 2020 and 1 to 4 January 2021. Ten dogs were impounded and required care during this period. These dogs were all claimed. This included seven in care over the New Year period. Not all dogs were compliant with registration conditions, but these were addressed before being released back to their owners.

There were seven more P1 service requests of reported attacks and dogs rushing compared to the same time period as last year. There were 46 P1 calls between period November to January. Overall, the Animal Services team has received 349 requests for service across P1-P3 categories compared to 381 requests in the same period last year (the majority of requests have been P2).

Wandering, roaming, barking and lost dog reports made up the majority of the service requests. This is consistent with previous years and the months prior. 49 lost dog calls over the past three months, of these 25 were received by our afterhours service, six via the website, 17 were taken over the phone and one in person.

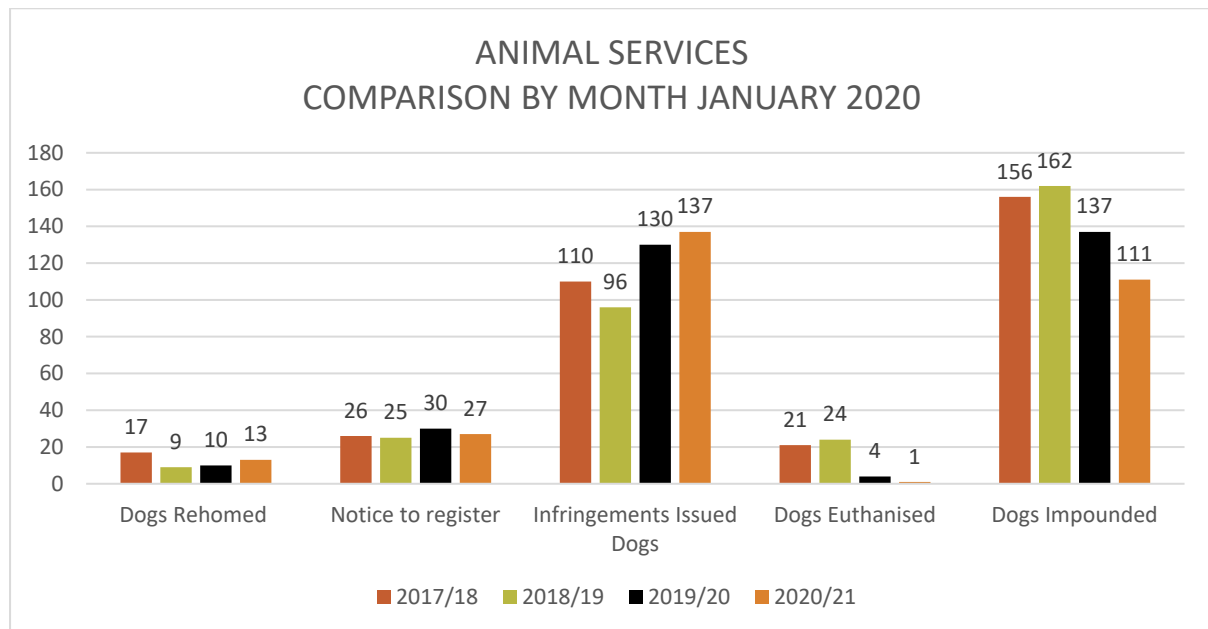


Figure 4 Dog result activity by category from 1 July to 31 January compared to the same period in the previous years.

Registrations Year to Date

98% of dog owners have registered their dogs. This is a fantastic result. Unregistered dog owners are still being encouraged to register their dogs and any impounded dogs, if unregistered, are required to be registered and the owner's must pay the impounding fees before they will be released from council care.

Registrations Year to Date

As at 31 January 2020	2017/18	2018/19	2019/20	2020/21
Number of Dogs Registered as at 31 January	5467	5690	5827	6029
Percentage of known Dogs Registered as at 31 January	96.25%	98.34%	97.5%	98.53%

Table 1 – registration comparison

Engagement

There is a microchipping event planned for 3 March at the SPCA. The Animal Services team will microchip dogs while the SPCA staff will microchip cats.

Advertising to invite dog owners to apply for Responsible Dog Owner (RDO) status began in January and will run fortnightly until the end of March. RDO applications close for the registration year on the 31 of March. Owners of dogs (and their dogs) who meet the following criteria are eligible to apply:

- Dog registration fees must have been paid by 31 July for the previous two years.
- Dog/s must be desexed.
- Dog/s must be kept securely on the property with access to at least one door of the dwelling available without encountering the dog.
- Dog/s shelter must comply or exceed the requirements of the Masterton District Council Consolidated Bylaw – Part 7 ‘Control of Dogs’
- Dog must be microchipped
- The dog has not been the subject of a substantiated complaint or impounded in the previous two years.
- Owner has not been issued with an infringement notice for any dogs owned by in the previous two years.

Note: Rural, menacing by deed and dangerous dogs are not eligible for Responsible Dog Owner (RDO) status. However, dog owners of a menacing dog/s by breed can apply.

We are also running the “Nibble Away” at your dog registration advert to invite owners to start making weekly payments towards their registration.

Environmental Health Activity

Environmental Health planned work is being steadily worked through.

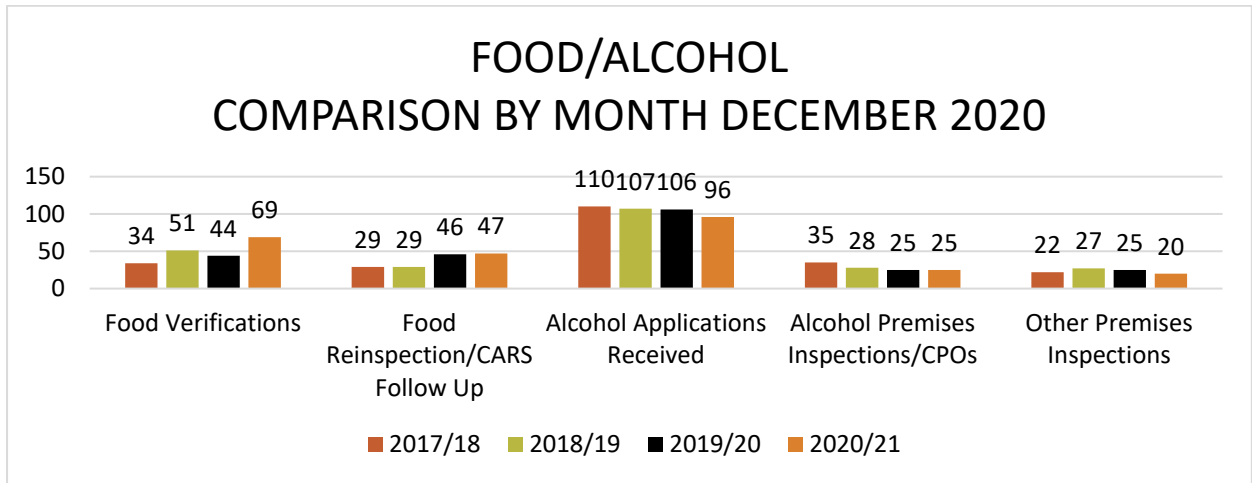


Figure 5 Environmental Health verification and inspections by category from 1 July to 31 January compared to the same period in the previous years.

Licensing inspectors have been working in collaboration with event organisers, Police and Public Health on large event planning for Golden Shears and Wings over Wairarapa to ensure that the compliance requirements are met for the safe sale and supply of alcohol at the community events.

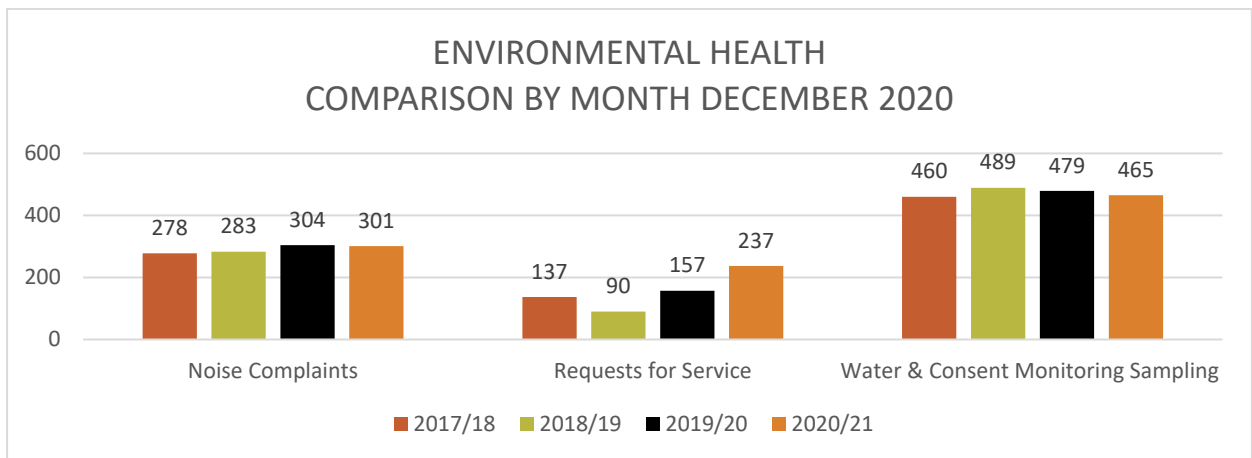


Figure 6 Environmental Health Service requests and monitoring by category from 1 July to 31 January compared to the same period in the previous years.

Requests for service are still dominated by enquires about operation of new food and alcohol premises. There is expectation from the community that staff will always be available to address enquiries and meet with enquirers, which is not possible at current levels of resourcing. Staff do follow up with enquirers and the time involved in this work can be extensive.

Environmental monitoring during the summer period so far has gone well with little disruption. Monitoring of Henley Lake and the Park lake has shown stable conditions over the previous few months, with Henley Lake showing lower than usual algae content. Staff are also continuing to monitor the lake at Fifth Street for algal blooms given it is a well-used off leash dog walking area. The lake has undergone an algal bloom and warning signage was to be erected at the southern entrance of the lake, similar to the ones used at Henley Lake, to ensure consistent messaging from Council.



Community Facilities and Activities

A successful Waifest was held on Waitangi Day (6 February). The festival is a family-focussed free community event that encourages many of our community to Queen Elizabeth Park. The entertainment was of a high calibre and showcased some of our incredible local talent and there were lots of scooter participants in the skate and scooter competition.

There was a guest appearance by Scribe which topped off the day. A big thank you to the events team, Willy, Ali, Kata and Aaron also our amazing skate community, including our wonderful volunteers Sam and Grace who ran the skate and scooter competition.

Staff are continuing their work with Connecting Communities Wairarapa to ensure a smooth transition for their staff. Of the 2.5FTE funded council positions only the .5 FTE neighbourhood support is still in place.

Planning is underway for Parks Week on the 6 – 14 March 2021 and the draft Parks and Open Spaces Strategy was adopted and is now out for public consultation and has been circulated to key stakeholders.

Library

The library had a very successful Summer Reading Programme. We had over 360 children enrol and 318 complete it. The programme was also run again in schools (at Lakeview and Te Kura Kaupapa Māori o Wairarapa). As this was the last year of the ECreed'n funding (Eastern and Central Community Trust), we are researching how we can deliver the programme in the future.

We have recently reviewed our programme offerings and have restructured and created new ones. In February we will start offering a weekly social group called "The Gathering" where people can talk, share, and connect with others. Our monthly sustainability series will start on the 18th of February at 6pm with a presentation of "Sourdough and Spirits: Learn the basics". We are also hosting the Wairarapa Women's Refuge Cross Stitch group for their weekly meetup. *All programme / meet-up dates are subject to Alert Level and transition timings.

The two New Zealand Library Partnership positions have started and are developing their new roles. Both positions will be engaging with our community and offering outreach and digital services. We are still waiting to hear about funding for the third position, which will be within the archive.

Archive

There has been a pleasant rebound in researcher numbers. January's total of 194 comparing favourably with 196 in 2019, and 199 in 2020. A further ten accessions were added to the collection, including registers from Masterton West School that came after contact with the Masterton Memories Facebook group; an historical report on dairying in Wairarapa; a photograph of the founding Beetham brothers of 'Brancepeth', and photographs of the Remutaka Incline. During the month the District Archivist attended a quarterly meeting of the Archives Council. He also published five stories in the Wairarapa Times-Age relating to early burials in Archer Street cemetery. Archivist Mark Pacey contributed three articles in his series on Wairarapa shipwrecks.

This month (February) we initiated remote access to the Archive from the library site.

Grants

Round 2 of the *Community Wellbeing Grant* opened on 18 January and closes on 12 February 2021. The Awards and Grants Committee will meet on 24 March to hear from applicants and consider their applications.

A further eight applications have been received for funding from the *Community Events Fund*. Six applications have been assessed by the Community Development staff and allocated funding as they were for \$3,000 and less. The Awards and Grants Committee will meet on 24 March to hear from the two applicants requesting funding in excess of \$3,000.

Round 3 of the Masterton District Creative Communities Scheme opened on 4 January and closes on 12 February 2021. The Assessment Committee will meet on 26 February to hear from applicants and allocate any funding. One of the committee assessors, Lynn Bushell resigned due to study commitments and two new assessors, Yvette Grace and Rita Ann Penhale have joined the Committee.

As part of Council's COVID-19 response, elected members agreed to provide a Sports Grant of \$50,000 for our community. Sport Wellington Wairarapa are administering this grant on our behalf and at the date of this report four applications have been received. A lot of interest has been shown and numbers are likely to increase closer to the cut-off date.

Iwi / Māori engagement; Kaitakawaenga

The increase in council activity has led to an increase in engagement with iwi/Māori and given council the opportunity to try different ways of engaging. For example Parks and Open Spaces Strategy engagement presented an opportunity to try something a little bit different for Council. Iwi mandate was given to an Iwi focus group. The group was made up of different hapori, hapū and marae who held an interest in the possibilities of the strategy for the wider community. Feedback was positive and early engagement set the tone and great communication.

A larger hui will be organised alongside the Assets and Operations team for focused wānanga and engagement on some of their projects.

Our experience with these methods of engaging will inform the development of the Iwi Engagement Framework, which will be workshopped with elected members and iwi, hapū, marae and hapori Māori.

Ko Wairarapa Tēnei

A small hui was held last week in preparation for any type of civil emergency. The group will begin to widen to include more hapori Māori. Looking ahead a more streamline approach by the Essential Services will be taken if we enter into another COVID-19 rāhui and in the case of a lockdown, the group agreed to work with the EOC and Police to understand /implement any travel restrictions (including road cordons / blocks).

He Hiringa Akoranga

A new series of training sessions will begin in March/April.

Properties and Facilities

Hood Aerodrome

The Strategic Advisory Group (SAG) are meeting regularly and the chair will be meeting with Iwi for advice and input on the strategic direction for Hood. The SAG's initial strategic recommendations will then be provided to the Chief Executive and Council.

Safety management, operations and site preparation are the main priority in the leadup to Wings Over Wairarapa and the National Aerobatics Championships.

A first draft of our Safety Management System (SMS) documentation has been prepared and tenders for assessing obstacle limits on the approaches to all runways are being prepared. This is done every five years and is mainly to detect trees that may infringe the aircraft approaches.

Senior Housing

Full refurbishment has started on a one-bedroom stand-alone unit at Laurent Place.

Final scope of works and costing are being undertaken for the retro fitting of an estimated 50 air-conditioning/ heat pump units for all the senior housing locations to comply with the Healthy Homes standard.

Rental Housing

Work has started to replace aged and failing plumbing at a rental property on Upper Plain Road. This includes full replacement of all plumbing and upgrade of toilet and laundry.

Memorial Park

The project brief for Phase 2 strengthening of the grandstand is under development.

Other Facilities

- Detailed seismic and asbestos inspections are currently being completed for the Pioneer Rugby clubrooms and Queen Elizabeth Park Bowling pavilion. Once the assessments have been received the budget for remedial works will be finalised and expenditure has been proposed for Year 1 of the 2021-31 Long-Term Plan.
- Recladding of the Douglas Villa clubrooms is well underway and on track for completion by April 2021.
- Refurbishment planning is underway for several structures in Queen Elizabeth Park including the boat shed, turf managers' shed and sexton's hut with work scheduled for completion by July 2021.

Toilets:

The new Castlepoint toilets performed very well over the busy summer period with minor adjustments to water flow and other small issues identified and remedied. Final compliance is on track for February-March completion with planting to commence in the coming season.

Due to continued vandalism at the toilet facilities in Douglas Park on Cole Street, the solid external walls have been removed from the entry areas and replaced with a more modern wooden rain screen. This has improved the aesthetic appeal of the building and has dramatically reduced incidents of deliberate damage.

Final design and costings for the upgrade work to the Henley lake Toilets wastewater pump chamber have been completed with contractors indicating that works can commence in late March through to April to have works completed before the wetter months.

Belgravia Leisure and Recreational Services - Contractors

Parks and Open Space Maintenance Contract

As previously reported, pre-Christmas was a typically busy time with the usual pressure points (mowing) handled successfully within the outcome focussed contract. This focus also supported the smooth redeployment of resources in the subsequent January drought conditions. Simply put, the mower operators are out watering and weed eating.

We continued to see less complaints and are now working collaboratively on producing customer surveys for event bookings, parks and sports field usage.

Budgets are tracking as expected, with a half year review planned shortly.

Queen Elizabeth Park continued to wow visitors over the holiday season. The team have been adjusting the work programs as we move into drought like conditions. Wairarapa Cricket reported the fields are playing well. The Junior Women's Cricket tournament continues to grow, with increased interest throughout the country, Wairarapa Cricket may require additional venues next season.

Plans for the Autumn turf renovations are underway. This season we hope to utilise 210 m3 of topsoil from the Hood Aerodrome to top dress Pioneer, Memorial 2 and Douglas Villa 1 fields. Topdressing will help improve grass growth and level the fields providing better quality surface for sport. We will keep this under review.

Trust House Recreation Centre Contract

Total facility visits have remained steady compared to last year assuming no further COVID-19 lockdowns or other major disruptions, and the contract's financial status is looking positive for the rest of the financial year. In December 2020 over 14,000 people visited the facility. Just over 10,000 people took advantage of the \$1 swim offer, which ran from Boxing Day until 24 January between 11am-5pm. This has been managed during a challenging period of increased police call outs.

Mawley Holiday Park Contract

Like many domestic operators the park continues to benefit from the restrictions on international travel and based on half year receipts, the operator is on track to modestly exceed the yearly revenue target. January 2021 has been a quieter month partly due to the lack of international backpackers usually in the district for fruit harvesting and competition from a local orchard operator who have set up their own accommodation. All cabins and powered sites are already booked for the Wings over Wairarapa weekend, 26-28 February 2021. The contract has been adjusted to bring payment and renewal dates in line with Council's financial year.

We have also partnered with Greater Wellington Regional Council and two community groups for pest control programmes. At Riversdale Southern Reserve Spotless Crake/Puweto, a species on the decline, have been observed and we are supporting volunteers to manage trap lines.

Customer Services Activity

Service Requests

Over the 26 November 2020 to 31 January 2021 period, Council has received 1249 service requests. 322 of these remain open. Fifteen of the total number of service requests have come via elected members and the remainder came from the public.

In general, the service requests cover the full range of Council activities such as streetlights, water meters, recycling and rubbish collection, roading, water leaks, dogs etc.

Communications

Topical Issues

- **Wakamoekau water scheme** – Wairarapa Water has put online its draft resource consent application for the project to dam the Wakamoekau Stream, creating a storage lake that would be filled in times of high flow from the Waingawa River and the stream. The stated intended uses of the water, in priority order are:
 - environmental use (i.e., to provide for the health of the catchment’s waterbodies)
 - municipal supply
 - iwi aspirations
 - industrial and other land-uses (including to existing irrigators)
- **Infrastructure/Three Waters** – The high-profile burst of a water pipe in Wellington has again raised the issue of how councils are investing in infrastructure and the implications of the Government’s proposed Three Waters proposals. The Government is planning to run a series of engagement hui with local government and Iwi in March and is also planning a major communications initiative, once council data on three waters has been analysed.

Communications highlights

- **Antenno** – More than 400 people have now signed up to receive updates via this new phone-based service (app) just over two weeks after it was launched. The app delivers geographically targeted information on such issues as rubbish/recycling collection and water restrictions, as well as other council-oriented updates. It also allows users to report issues to the council.
- **New variable speed limits outside schools** – Following the installation of new electronic variable speed signs (introduced after last year’s Speed Limit Review consultation), a media photo-call event outside Solway School was coordinated with the Wairarapa Road Safety Committee, and the Police.
- **Tree removal** – A report to council on the success of a project to remove high-risk trees along the Masterton-Castlepoint Road, funded from the Provincial Growth Fund, was proactively shared with the Times-Age resulting in positive coverage. This included a focus on the benefits in creating employment for those involved. MBIE also used the information in a media release.
- **WaiFest** – The Times-Age ran a double-page photo spread on WaiFest after another successful event on 6 February.

Media

The December-January period saw steady interest from the media, with the usual lull over the Christmas/New Year period. The Christmas parade received good coverage, with the late introduction of water restrictions also noted. Media queries continued to average around two a day, outside public holidays, with nearly 300 council-related articles identified.

Of particular note:

- **Play equipment in QE Park** – Media were informed of the impending removal of two tractors from the QE Park playground in early December, and the Times-Age attended the event. Coverage was extensive, with one media outlet subsequently encouraged to update its coverage to remove the reference to a “dawn raid”. Media interest continues as three

operators have submitted proposals for work on the tractors to make them suitable for the playground.

- **Sale of Newland Place flats** – The sale of former Trust House social housing by the Wairarapa Building Society generated widespread coverage, including in the NZ Herald. While not a council issue, per se, the Mayor provided comment, and coverage focussed on the lack of social housing in Masterton.
- **Skatepark revamp** – Two different colour options have been proposed for the skatepark, and these were the focus of session with the users of the skatepark on-site, to determine their preference, with positive media coverage generated.
- **Accessibility** – There was prominent coverage of the lack of accessibility policies at any of the Wairarapa district councils. In Masterton’s case, this is because the Building Act sets requirements on the issue that the council must meet. Accessibility remains an issue, with a private citizen following up a “accessibility audit” on Queen Elizabeth Park provided to the council in 2019. This is being followed up.
- **Asbestos water pipes** - All three Wairarapa district councils were also asked about the presence of asbestos water pipes, in the context of the cost of replacing them. The Council’s policy is to replace pipes based on their performance., with asbestos pipes posing no known risk to users of the water.

Digital communications

Social Media

In January we were given administration rights to the Skatepark Revamp Facebook page and have started posting content, including our engagement event to talk about the pattern for the surface. We have seen high engagement from the community and the number of likes for the page doubled in the month. We have also created a supporting Instagram account which attracted more than 40 followers in less than a week. We will be continuing to grow these channels over the course of the project, with a view to give the admin rights back to the users to maintain their community long term.

The council Facebook page continues to maintain its typical engagement levels and saw good follower growth with more than 100 new followers in January. We hosted two events: Waifest and the Skate and Scoot Competition. Our Waifest event reached more than 11,000 people and attracted 437 responses. Skate and Scoot reached 3,000 people with 32 responses.

The MyMasterton Instagram account has now has more than 1,000 followers.

Email

The January Monthly Wrap highlighted Antenno, Water Restrictions, Waifest and plans for the year ahead. It was opened by 47.99% of recipients of whom 13.31 percent clicked a link. This is consistent with the results we typically see. We also sent three media releases, and two Hood construction updates.

Website

Work is underway with a designer on the second round of designs for our new website homepage. This will then be taken back to our previous interview participants for feedback before we brief Technology Solutions to build it.






Antenno

Antenno has been launched and there have been 403 total installs which means we're on track to reach the objective of 500 installs in the first month. The app has been downloaded more frequently in rural and coastal zones than in the urban area. We have four active posts and four more are completed. These include water restrictions, toxic algae, road closures, rubbish collection changes and monthly wrap publishing. We have received 15 reports/service requests through the app, 7 in the parks area, 5 in roading and footpaths and 1 each in rubbish and recycling, water supply and parking.

Local Government Official Information and Meetings Act Requests

During the month of November, Council received five Local Government Official Information Act (LGOIMA) requests, all of these requests have been closed with one withdrawn. None have been transferred to another organisation or resulted in a complaint to the Ombudsman. The average response time for the month of November was 13 working days. Requests and responses are in the process of being made available on the Council website and the December to end of February figures will be reported next month.

<https://mstn.govt.nz/council-2/official-information-act-requests/>

Period					
	No.	Responded	Ave time Working days	> 20 days	No. outstanding
April 2020	6 (note some information was only able to be retrieved from sites after entering Alert Level 2)	100%	15	1	0
May 2020	6 (note some information was only able to be retrieved from sites after entering Alert Level 2)	100%	10.1	1	0
June 2020	2 (note there was an additional	100%	14	0	0

	request that was received in June however the request was amended on 8 July, therefore it will fall into the next round of reporting).				
July 2020	12	100%	10.8	0	0
August 2020	8 (one request was denied due to substantial collation or research)	100%	11.75	0	0
September 2020	8	100%	14.8	0	0
October 2020	7	100%	13	0	0
November 2020	5	100%	13	0	0

Financial Report

To be circulated separately.

Council Project Delivery Programme					At a Glance			Status					Current Status & Next Milestone
Summary of current status of all projects within Project Delivery Work Programme.													
Masterton District Council													
As at: Monday, 15 February 2021													
Ref	Profile	Stage	Project Name	Completion Date	RAG	Risk Trending	Executive Summary	Scope	Programme	Financial	Resource	Stakeholder & Comms	Commentary
P 001	High	Initiation	Civic Centre	2026 works need to be completed on the existing building to remedy earthquake damage	G	↔	To deliver a Civic facility that: Meets the needs of the Masterton community, and contributes to the wellbeing and liveability of the Wairarapa; embraces our Māori culture and multi-cultural community; utilises Green Building design for efficiency and environmental benefit; is financially sustainable and affordable for the community to use; is multipurpose and will be suitable and well utilised for future generations; is well located to encourage activity, provides easy access, and complements the surrounding community facilities	G	G	G	G	G	We have focused on progressing the project following the Council resolution pre-Christmas. This work has included engaging an architect to prepare some visualisations of the Civic Centre to support the LTP consultation material, and preparing the first round of procurement documents to establish the project team which will be put out to market at the appropriate time.
P 002	High	Implementation	Masterton Revamp	2031 - 10 year programme	G	↔	The objectives of the Masterton revamp are: <ul style="list-style-type: none"> Increased connection with the Waipoua River – Masterton is the only Wairarapa town set on a river and showcase the three river crossings Joining things up – creating linkages throughout the town between key features. Focusing investment – helping to create a “heart” for the Town Centre and avoiding it spreading out. Greening things up – bringing in more natural landscapes and plantings and include more green along Town entrance routes Define the Town thresholds and emphasise them Be mindful of creating a safer environment for pedestrians and cyclist Reflect Masterton’s identity and enhance buildings of cultural or municipal importance 	G	G	G	G	G	We have signed and agreed offers of service with Boffa Miskell for a number of work packages and design work is underway. It is expected that the first round of designs for feedback will be in March/April, work package dependent. We are in discussions about the establishment of a Community Reference Group who will sit across the programme of work and advise Council during the design stages. We anticipate that this group will be selected following a public registration process. We are continuing with our procurement planning, following a successful briefing to contractors in December 2020. We anticipate agreeing a procurement approach with Elected Members in the coming months.
P 003	High	Implementation	Animal Shelter	Q3 2021	A	↑	The Masterton District Council Animal Shelter does not currently fully meet the legislative requirements and it is essential that the facilities are upgraded. Improvement is necessary for the welfare of staff, the animals under their care and visiting public retrieving their animals.	A	A	G	G	G	A second set of preliminary designs has been provided to MDC and is currently being assessed by the Environmental Services team incorporating feedback from the first design round. While working through the business continuity plans, an opportunity to purchase a larger site was identified which might provide MDC with a site for the animal shelter, as well as provide needed additional industrial level storage, so this opportunity could hold long-term value for MDC. While this option is being explored, further design details for the Animal Shelter will be paused temporarily. An EOI for interested and available contractors was released on GETS on Monday 14 Dec and closed on 27 January. Two responses were received and they are being evaluated at present with a recommend delivery partner being presented next month. While the current pause in the development of the current site will not impede the engagement of the build contractor it would cause delays to the overall delivery programme.
P 004	High	Implementation	Skatepark Revamp	Q2 2021	G	↔	The skatepark needs refurbishment and the community has led the development of this project and how the skatepark could be improved. The revamped park will provide new experiences for our local families, a safe, welcoming environment for our rangitahi, an option for those not into team sports, minimise damage to public and private property (by providing a challenging environment for those wanting one), as well as becoming a regional attraction for visitors, with spin off benefits as visitors spend money within the community.	G	G	G	G	G	The designer has been directed to build into the detailed design a pump track on the outer circle of the park, based on the indicated support from EM's for this. Shading may also be possible, but can be added once the redevelopment of the park is in place. As part of the detailed design phase, RICH Landscapes has now provided MDC with a phased implementation plan for the construction process, a demolition plan, and they have also engaged with local lighting suppliers so that a lighting plan can be developed. RICH have also supplied two separate colour design options, which have been taken back to the skating community to select from. A local structural engineer has been secured to provide peer review of the park plan. The preferred supplier has verbally committed to the work for us in March 2021, they will confirm once they have received detailed designs. Depending on the costs of the final design we may need to have an open tender for the construction process.

					At a Glance			Status					Current Status & Next Milestone
Ref	Profile	Stage	Project Name	Completion Date	RAG	Risk Trending	Executive Summary	Scope	Programme	Financial	Resource	Stakeholder & Comms	Commentary
P 011	High	Implementation	Hood Aerodrome	2025	G	↔	To meet current demand and enable further economic and business investment critical infrastructure improvements are required. The Hood Aerodrome is a 5 year multi-stage project which includes security upgrades, infrastructure upgrades to allow for expansion and to support current hangers, widening and eventually lengthening the runway.	G	G	G	G	G	Security upgrades including perimeter fencing and security fencing is underway with works due for completion ahead of the Wings over Wairarapa event. The master planning tender closed in January and evaluations were completed with the assistance of Garry Goodman the Strategic Advisory Group (SAG) chair. Contract documentation is currently being finalised and an announcement will be made in the coming weeks. The runway condition assessment and report has highlighted some minor works that need to be carried out and pricing for this work underway. The refuelling site RFP is due to close early February with an appointment made shortly after.
P 018	Med	Initiation	Henley Lake Dump Station	Feb-21	On hold	↔	There is currently only one dump station in Masterton and this is located at Mawley Park. The Mawley Park dump station does not operate 24/7 and has constraints for access and turning for larger motorhomes. Henley Lake is an unofficial freedom camping site and currently people are illegally dumping behind the toilet block which is a H&S hazard and problematic for the Council. The new dump station would operate 24/7 and would provide for more motorhomes to travel to the region.						The Henley Lake dump station site is currently on hold pending iwi engagement. However, MDC has secured the use of a dump station in the short-term (particularly for the Wings Over Wairarapa event) behind the Caltex Station on High Street. We are also evaluating other long-term locations for a Council owned dump station to be installed this year, should the Henley Lake site not be agreeable.
P 020	High	Implementation	Waipoua Bridge	Q4 2021	G	↔	To deliver a pedestrian, cyclist and wheeled user (pushchairs, wheelchairs, etc.) bridge over the Waipoua River, in close proximity to the Town Centre and Queen Elizabeth Park. The bridge will enable users to complete a short loop circuit utilising our existing recreation trails bridge and provide additional access and connection to Colombo Road and Henley Lake.	G	G	G	G	G	A contractor, Abseil Access, has been appointed for the design build process and design work is underway. Following the development of preliminary designs there will be targeted stakeholder engagement to inform the next design round. Dependent on the final design, the build process can be completed in as little as 4-8 weeks.
P 021	Low	Implementation	Playground Health & Safety Audit	Q4 2020	G	↓	To ensure that the playgrounds managed by MDC meet modern safety standards and community needs, including accessibility, and the results of the 2017 health and safety audit are addressed and remediated.	G	G	G	G	G	This project has recently been transitioned to the Project Delivery Team and we have spent some time 'ground truthing' to determine what work has been completed and what is still outstanding from the 2017 health and safety audit. The next step is to confirm what the approach and timing is for some of the more substantial outstanding work like removal and replacement of apparatus across the playgrounds.
P 010	High	Pre-initiation	Rec Trail Signage	28/02/2021	A	↑	To increase usage of our recreation trails by increasing awareness of the trails and where they go.	G	A	G	A	G	Scope has been finalised to include the Waipoua Mile and Henley Lake signage. Stakeholders have been consulted with and are happy with the proposed signage. The use of wood signage has been discarded in favour of rusted steel and we are awaiting quotes for this. The completion date has been pushed out to February 2021 due to availability of suppliers as all are busy.
Open but non-active projects													
P 019	Med	Pre-initiation	Queen Elizabeth Park Lake	2023	n/a	↔	The current consent is due to expire in 2023. We will need to explore alternative water sources and the option for lining the lake as part of this project	n/a	n/a	n/a	n/a	n/a	No new update.
P 017	High	Initiation	Henley Lake Water Consent	2020	n/a	↔	The previous resource consent for Henley Lake water take has allowed water to be take below the 'minimum flow'. The lake is dependent on the water taken from the Ruamahanga river however changes to national and regional policy statements mean that the likelihood of future consent that would allow water to be taken at low flow is unlikely.	n/a	n/a	n/a	n/a	n/a	No new update.
P 010	High	Pre-initiation	5 Towns Trail	TBC	n/a	↔	A trail linking the five Wairarapa towns, Featherston, Martinborough, Greytown, Carterton and Masterton. The Trail will be a significant new experience readily accessible from Wellington City and offering a great experience of the Wairarapa. Bridge infrastructure is key to crossing various rivers and some other trail work and road alignment will be required.	n/a	n/a	n/a	n/a	n/a	No new update.