Attachment 2:
Subject matter staff commentary on proposed remits for LGNZ AGM

1 Climate Change - Local Government Representation

That LGNZ calls on the Governance to include local government representation at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptability: policy; legal; planning; and financial compensation regimes.

Staff recommend supporting this remit for the following reasons:

a. We are signatories to the climate change declaration and therefore should have input into discussions to mitigate and adapt to Climate Change
b. We have reviewed the Climate Change Response (Zero Carbon) Amendment Bill and will respond via two channels:
   i. A combined submission with the Tai Tokerau Climate Change Adaptation Working Group as it relates to adaptation;
   ii. A separate, individual submission by Far North District Council on the wider Bill and the potential effects through implementation on Far North District communities
c. Overall, we should advocate for a 'greater balanced approach' between Central and Local Government to be arrived at: In the Central Government's proposed National Risk Assessment, prioritization of risk by significance and the development of the Adaption Plan (through the Climate Change Response (Zero Carbon) Amendment Bill), Central Government must not be too specific regarding the determination of nation-wide risk, or alternatively seek regional and local input into the risk assessment to allow local applicability. Similarly, regional and local government staff needs to have the ability to respond/engage with Central Government – especially where it relates to funding
   i. Both FNDC submissions address matters similar to those raised by Auckland City Council:

<u>Current action taken:</u> FNDC is already including climate change considerations in their strategy and policy development, including Far North 2100, the Transportation Strategy, and an Infrastructure Strategy. The District Plan review is addressing Natural Hazards, including that of sea level rise, while the resource consents group is taking into account the severity and frequency of rainfall events in their considerations of applications, particularly with respect to stormwater management. Therefore information is available at a local level that needs to be considered in any risk identification matters through Central Government in their National Risk Assessment, their prioritization of risk and the resulting National Adaptation Plans.

2 Ban on the sale of Fireworks to the general public

That Local Government New Zealand works with central government to introduce legislation to ban the sale of fireworks to the general public and end their private use.

Staff recommend supporting this remit in principle on the basis of:

a) general nuisance to the public, public safety and damage to public property

b) not having the capacity to enforce bylaws during the peak times

c) the increased call outs for emergency services at times of the year where the risk of fire is greatest in the Far North (Christmas/New Year Period) due to use of publicly sold fireworks that have been stock piled.

d) needing stronger controls and regulation around the importing and sale of fireworks and

e) the use of fireworks in public places in the way of prosecution as a deterrent as opposed to a complete ban

3 Traffic offences – red light running

That LGNZ requests the Government to bring into line camera and officer detected red light running offences with other traffic offences that incur demerit points.

This is not an issue that FNDC experience so could not comment.

4 Prohibit Parking on grass berms

To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.

Staff recommend supporting this remit. This issue does occur in the Far North but is not regarded particularly as a problem. Council's Parking and Traffic Control bylaw makes it an offence, on conviction, to "Stop or park, or permit the stopping or parking of any vehicle on any footpath or berm" under section 2008.2. The reality is this is very difficult to enforce as it requires a prosecution.

5 Short Term Guest Accommodation

That LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides and efficient approach to imposing punitive action on operators who don't comply.

Staff recommend supporting this remit. The draft district plan policy framework and general rule directions proposed to regulate air b n b in the same fashion as you would an accommodation facility. It would depend on its location and scale. The draft stated that a consent would be required for this type of activity in a residential zone, with it being permitted subject to a maximum of 10 persons in the Rural zones. We specified air bed and breakfasts in the draft to generate a discussion on the matter as we are aware it's not currently being regulated even though we could require resource consents via the operative district plan in some instances.

There was one person that provided feedback on the draft, who raised concerns over these operators not paying commercial rates, not complying with building and health and safety regulations and concerns over the pressure they place on infrastructure in places such as Opononi. Equally there was one person promoting small scale operations in the residential zone.

The issues raised in the LGNZ remit are the same concerns raised by our communities and within Council, such as impact on rental housing availability in areas such as Paihia and even Kerikeri. That they are operating a business but are not paying commercial rates, they may not be adhering to relevant safety regulations and potential impacts on infrastructure such as water. Equally we are aware that this is a form of accommodation now wanted by the public, vs staying in traditional motels or holiday parks. Therefore Council may need to consider a broader review of this issue vs just considering it as part of the district plan review, for example

consideration of rates, and whether it would be best managed through a registration system.

6 Nitrate in drinking water

That LGNZ recommend to the Governance the funding of additional research into the effects of nitrates in drinking water on human health, and or/partner with international public health organisation to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health.

Staff recommend supporting the proposed remit as a long term programme to ensure the protection of the ground water sources for use as potable water supplies.

Nitrates in drinking water relates primarily to ground water supplies. The risks are linkages to methaemoglobinaemia (blue Baby syndrome) and at much lower concentrations, colorectal cancer. Currently three FNDC water supplies are supplied by bores with future changes to ground water likely with three other communities. The change to ground water takes will be driven by the need to protect surface waters. While currently not a problem, Council will, in the future become more dependent on ground water sources, and nitrates will become an issue and concern. In real time, the monitoring of ground water bores north of Kaitaia have already shown a very slight increase in nitrates, and as land use intensifies, the risk of nitrates contamination will increase**.**

7 Local Government Official Information and Meetings Act (1987)

That LGNZ initiates a review of LGOIMA request management nationally with a view to establishing clear and disruptive reporting for and by local authorities that will create a sector-wide picture of:

- Trends in the volume and nature of LGOIMA requests over time
- Trends in uses
- The impacts of technology in terms of accessing information sought and the amount of information now held by local authorities in managing the LGOIMA function

That LGNZ use the data obtained to:

- Identify opportunities to streamline or simplify LGOIMA processes
- Share best practice between local authorities
- Assess the value of a common national local government framework of practice for LGOIMA requests
- Identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated)

Staff recommend supporting this remit. This remit outlines the limitations and challenges on Council's who continue to process LGOIMA requests and FNDC face similar challenges.

8 Weed Control

That LGNZ encourages member councils to consider using environmentally friendly weed control methods.

Staff recommend supporting the remit in principle however consideration needs to be given to ensure that weed control options are cost effective to ratepayers.

9 Building Defects Claims

LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.

Staff recommend supporting this remit. It is desirable to introduce a cap on the liability of councils in relation to building defects claims whilst joint and several liability applies, because in the absence of any cap, councils which may be found only liable for perhaps 20% of a claim, are nevertheless generally financially exposed to the full amount of the claim due to other parties such as developers and builders being absent or insolvent.

10 Social Housing

That LGNZ, in conjunction with Central Government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision.

Staff recommend supporting this in principle. FNDC currently provides a small portfolio of Housing for the Elderly and would support investigation into alternative methods to reduce impact on ratepayers.

11 Procurement

That LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.

From a Procurement Policy view, the remit aligns with the ‘All of Government’ approach currently being used across a number of procurement categories at FNDC.

The three waters function / projects generally require a high dollar value procurement exercise, and there are definite benefits to a “cost out” standardised approach for the design phase. However, this should not be an exclusive arrangement, i.e there should be an exception clause added whereby we can use process designs outside of the ‘normal’ treatment plant designs if required.

An example of that would be the technology and design being used for the Paihia Wastewater Treatment Plant upgrade, which is an unconventional approach to a specific issue. Not all situations are the same and local authorities should have some flexibility in this agreement.

Staff recommend supporting this remit in principle with the introduction of an exception clause whereby Councils can use process designs outside of the normal treatment designs if required.

12 Single Use Polystyrene

That LGNZ advocates to the Government to phase out single use polystyrene.

Staff recommend supporting the remit. Polystyrene is not currently recyclable and therefore adds to landfill waste in which Council has a continual goal to reduce.

13 Local Government Act 2002

That LGNZ pursue an amendment to the Local Government Act 2002 to:

a) renumber sub-sections 181 (5) and (6) to sub-sections (6) and (7)
b) Introduce a new sub-section (5) to read: For all purposes the term “any work” in sub-section 4 means any works constructed before xx Month xx; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before xx Month 20xx.

Staff recommend supporting this remit. This is a challenge we have experienced in the Far North and there is plenty of potential for it to occur more with Pressure Sewer.

14 Campground Regulations

That LGNZ request the Government to amend the Camping - Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any such conditions as deemed required by a council, including the condition that any approved campground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.

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15 Living Wage

Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.

FNDC are not an accredited living wage employer and if Council were to join the Living Wage Aotearoa New Zealand Movement there would be a financial cost to the organisation that would need to be considered.

16 Sale and Supply of Alcohol Act

LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review.

Staff recommend supporting the remit - sharing the Wellington City Council’s view - That LGNZ would, on behalf of its member councils, form a working group to work with central agencies to review the effectiveness of the Sale and Supply of Alcohol Act 2012.
The effects relating to alcohol harm impact negatively on other key community safety concerns including health issues, violence, assault and anti-social behaviours, death and injury and suicide. Addressing the harm of alcohol is such an important issue for our community to address.

17 Greenhouse Gases

Wellington City Council asks that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decision under that law to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.

Currently air discharges are a Regional Council responsibility. If the amendments to the RMA were focused on greenhouse gas emissions then there may be no change for District Councils. However, if the focus was on climate change adaptation then District Councils would have a role in terms of the location of infrastructure and development within land subject to climate change inundation/storm damage etc. Climate change has been identified as a high risk in FNDC's strategic risk assessments.

Staff recommend supporting the remit in principle on the basis that the full scope of the remit is not yet fully understood. It is noted that any significant changes to the RMA would allow for formalised feedback from Councils.

18 Climate Change – Funding policy framework

That LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group.

Staff recommend supporting this remit, specifically where engagement with central government is suggested. Staff recommend as part of the framework consideration be given to:

- how (if any) funding will be distributed
- whether there would be an opportunity for applications for funding
- whether funds would be allocated in association with the overall cost of affected infrastructure and investment, the scale of the community severity of effects and therefore the extent of efficiencies achieved
- develop a set of criteria and/or metrics which allows an understanding of how funds may be distributed or allocated
- how we best create a path to resiliency, i.e. how to adjust our approach to managing resources and balance this with financial impact considerations
- who will carry liabilities
- how will local government adjust their own funding structures where regionally diverse incentives may trigger migration

19 Road Safety

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs):

    a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;

i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner.

b. Review its CoPTTM Training System to ensure;
   i. Trainers are sufficiently qualified and adequately covering the training syllabus.
   ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
   iii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.

c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.

2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
   a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
   b. Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.

Staff recommend supporting this remit. The same advice has been provided by the NTA to Whangarei District Council who resolved to support this remit at their recent Council meeting.

20 Mobility Scooter Safety

That the LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.

Staff recommend supporting this remit. The same advice has been provided by the NTA to Whangarei District Council who resolved to support this remit at their recent Council meeting.

21 Museums and Galleries

That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.

Staff recommend supporting the remit in principle.

22 Resource Management Act

That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.

If a centralised system was established care should be taken to ensure that provincial areas still have sufficient commissioners without undue cost or delay. FNDC currently has a pool of 12 or so commissioners that we call upon when required all of whom are not on retainers. Staff are not aware of these commissioners being inappropriately influenced or of instances of poor decision making (based on low number of appeals).

Staff recommend supporting the remit in principle however consideration needs to be given to ensure that provincial needs are understood and catered for.

23 Mayor Decision to Appoint Deputy Mayor

That the LGNZ requests the Government to amend S.41A of the LGA2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.

Staff recommend supporting the remit to align with the original intent of the Local Government 2002 Amendment Act.

24 Beauty Industry

That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated ‘health and beauty clinic’ industry.

Staff recommend supporting the remit suggesting that LGNZ engage directly with relevant ministers and ministries to ensure local government has an appropriate role in the development of nationally consistent legislation or guidelines to address the challenges the industry brings.