



**AGENDA FOR A MEETING OF THE STRATEGY AND POLICY
COMMITTEE TO BE HELD IN THE COUNCIL CHAMBERS,
MANUKAU ROAD, PUKEKOHE ON THURSDAY 10 APRIL 2008
COMMENCING AT 10.00 AM.**

Committee Members:

Councillor D Morrison (Chairperson),
The Mayor M Ball,
Councillors B Crompton, J Hayman, S Jackson, M Kay, D Lynch, J Morris,
L Petersen, M Ranchhod, J Rennie, D Robertson, and P Sands.

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1. APOLOGIES

2. CONFIRMATION OF MINUTES OF THE STRATEGY AND POLICY COMMITTEE HELD ON 13 DECEMBER 2007:

Note: These minutes have previously been circulated with the Council Agenda for 20 December 2007.

Recommendation of Chief Executive:

That the minutes of the meeting of the Strategy and Policy Committee held on 13 December 2007 be confirmed.

3. ENVIRONMENT WAIKATO – DRAFT 2008/2009 ANNUAL PLAN PRESENTATION

Report of Policy Analyst (File R495-07):

For more information on this report, please David Newell, 237 1300, ext 485

The Environment Waikato Regional Council 2008/2009 draft Annual Plan will be presented to the Strategy and Policy Committee.

Environment Waikato Regional Council will be represented by the Chief Executive Officer, Harry Wilson and Chairperson, Peter Buckley. Copies of the draft Annual Plan will be distributed at the meeting.

The presentation is expected to last approximately 20 minutes plus ten minutes for questions.

Recommendation of Policy Analyst:

That the report be received.

Approved	
Direct Support Officer	IA

4. PROPOSAL TO REQUIRE ALL MOTORSPORT EVENTS ORGANISERS TO BECOME AFFILIATED MEMBERS OF MOTORSPORT NEW ZEALAND

Report of Policy Analyst (File R750-01):

For more information on this report, please call David Newell, 237 1300, ext 485.

<u>Statute</u>	Local Government Act 1974, Part 21
<u>Directional Statement</u>	District Development, page 7
<u>LTCCP</u>	Applicable - Moving around Franklin
<u>Policy/Delegations</u>	2.1.1 - Temporary Road Closures and Events on Roads and Banners
<u>Significance Policy</u>	Not significant
<u>Monitoring</u>	Activity and Monitoring Committee
<u>Budget Impact</u>	Not applicable
<u>On Account</u>	12 07 01

Executive Summary

- Previous consideration by Council of road closures for motorsport events has raised concerns about how the safety of participants and spectators is managed. Motorsport events include car rallies, hill climbs, vehicles races or trials.
- Council’s current Policy 2.1.1- Temporary Road Closures and Events on Roads (Policy) does not require Motorsport New Zealand (MSNZ) endorsement for motorsport events.
- This report proposes that all motorsport event organisers operating a Temporary Road Closure on a road controlled by Franklin District Council be required to be affiliated to MSNZ. Affiliation is considered prudent based on the ongoing benefits pertaining to the safety of participants, vehicles and spectators attending these events.
- The proposed time period allowing motorsport event organisers to seek affiliation is six months from 1 May 2008.
- The contents of this report are not considered significant in terms of Councils Significance Policy.

Background

After receiving a presentation from an MSNZ representative, the Forum Committee on 5 December 2006 resolved the following:

“That the Forum Committee recommends to Council that officers amend Council’s Policy 2.1.1-(Temporary Road Closures and Events on Roads and Banners) to ensure that all motorsport events requiring a road closure are subject to a mandatory requirement for endorsement from Motorsport New Zealand”.

(Resolution No. F/2006/12/6)

MSNZ offers an affiliation for car clubs or motorsport event organisers. This allows organisers to plan and organise an event for which they can then apply for endorsement (a MSNZ permit). MSNZ has strict requirements on event organisers to gain this endorsement.

In considering the Temporary Road Closure application only a Safety Management Plan is required by Council. Included in this plan is the need for a Traffic Management Plan and up to \$2 Million public indemnity insurance where the event is run on a road or affects the adjacent road network as was the case of the V8 event previously at Pukekohe.

Assessment

Franklin is a popular location for holding motorsport events. Most events are held on private property however, many events are held on roads controlled by Council and such activity requires a Temporary Road Closure permit from Council as the consenting authority.

Council considers the benefits arising from the purposes for which the Temporary Road Closure application is required and the costs imposed on affected residents and commercial property occupiers.

After the event is given initial approval, Safety Management Plan criteria must be met before the Temporary Road Closure permit can be approved.

In addition to assisting with the Safety Management Plan which the event organiser is responsible for and required to obtain whether affiliated or not, MSNZ provides guidelines and additional criterion for driver and vehicle safety, technical specifications, accreditation, training and compliance to further promote safety at motorsport events.

Presently, five of the six clubs operating in Franklin have already taken opportunity of these benefits and have affiliated to MSNZ even though not currently required to.

In the interests of safety, Council can take the opportunity of the enhanced standards offered by MSNZ to promote further safety coverage and require all motorsport event organisers operating a Temporary Road Closure to affiliate with MSNZ.

Current Safety at Events

The Safety Management Plan is a document detailing how safety is to be managed for the overall event including controls, processes (ie risk assessment and prioritisation of deficiencies), monitoring and generally reducing risk of hazardous activities to the public. The Safety Management Plan is solely the responsibility of the event organiser and they are legally responsible and liable for safety at the event.

Within the Safety Management Plan is the requirement for a Traffic Management Plan only where the event is to be run on a public road or affects the adjacent road network and the plans each serve a different purpose.

The Traffic Management Plan outlines how the road closure will be managed with regards to other road users such as access to property, detours and signage.

Council is not liable for any incidents or losses occurring at a Temporary Road Closure event as the applicant must agree to indemnify up to \$2 million against any damage to property or persons as a result of activities during the road closure period.

There are currently no additional guidelines or regulatory authority involved detailing specific safety standards for an event regarding the participant or vehicle.

What are the Benefits of Becoming an Affiliated Member?

The only organisation operating in New Zealand which sets minimum standards of vehicle and driver safety compliance is MSNZ.

MSNZ is a national organisation concerned with the safety of the participants, vehicles and spectators at events and one hundred motorsport clubs are affiliated nationally. More specifically affiliated members must comply with standards pertaining to the fitness of drivers, circuit (including all courses and tracks) safety, the construction and eligibility of vehicles and spectator safety.

MSNZ provides event organisers with safety systems, guidelines and best practice information to plan and organise motorsport events for which the event organiser can apply for endorsement (a MSNZ permit).

Affiliation provides affiliated motorsport event organisers with access to the Employment Assistance Development Scheme (EADS) for counselling services, basic legal representation and a supplementary investigative investigation in addition to the routine Police investigation where an incident occurs.

MSNZ provides for an affiliated licensed official to attend motorsport events and provides \$10 million of public liability insurance for the event.

It is recommended that Council only consider Temporary Road Closure Permit applications from event organiser's operating as affiliated members of MSNZ.

Exemptions to Motorsport New Zealand Affiliation

Motorsport event organisers operating an event on private property such as a paddock race will not be required to affiliate to MSNZ as the event is not run on a road controlled by Council.

MSNZ Affiliation Compliance and Permit Fees

The current MSNZ annual affiliation fee is \$56.00 initial joining fee and an additional \$2.50 per member per annum. Where a MSNZ permit is issued, this automatically provides \$10 million public liability insurance to cover the event.

- Basic events such as paddock racing would attract a \$6.00 levy per registered participant but no permit event fee.
- Advanced (circuit based) events such as circuit sprints/rally sprint would attract a \$45.00 MSNZ permit fee and an \$11.00 per registered participant.
- Advanced (non circuit based) status events like rally sprint/hill climb would attract a \$170.00 MSNZ permit fee and \$11.00 per registered participant.

MSNZ charges a membership fee of \$2.50 to individual members. An additional \$1.70 event permit fee and \$11.00 per participating member is also charged for individual events. This would total approximately \$13.00 per participant per event for MSNZ affiliation and permit.

Given the relatively modest compliance cost it is recommended that the remaining motorsport event club currently operating without MSNZ affiliation shall be allocated a six month time period to comply with the recommendation requiring all motorsport event organisers operating a Temporary Road Closure in the Franklin District to affiliate with MSNZ.

Consultation

The remaining motorsport club based in Franklin and not previously affiliated to MSNZ has been consulted with. The report writer met with the president of the Waiuku Dirt Track Club in October 2007 whereby the Club was informed Council will shortly be considering a policy proposal that would require all motorsport event organisers operating a Temporary Road Closure to affiliate with MSNZ.

The President of the Waiuku Dirt Track Club, Mr Les Thomas was concerned that MSNZ membership may unnecessarily increase compliance costs and negatively impact on club membership numbers and subsequently decrease the number of race meetings.

The Club also expressed concern around MSNZ minimum safety levels such as not requiring MG motorcars to race with roll bars.

Mr Thomas was informed that though individual motorsport clubs can exceed the MSNZ vehicle safety guideline they are required to achieve MSNZ minimum levels of compliance which all vehicles are required to satisfy.

Other Councils

No other Council requires motorsport event organisers operating in their District to affiliate to MSNZ. Three Councils provide very specific guidelines to motorsport events organisers which are considered as best practice documents in the industry.

Conclusion

Officers consider that the benefits of affiliation to MSNZ outweigh the initial immediate financial costs and below are a summary of these.

Coverage	Non-affiliated motorsport club/event organiser	Affiliated motorsport club/event organiser
Public liability Insurance and limit	Required to provide \$1 million in rural or \$2 million urban	Yes, MSNZ standard \$10 million per event
Driver and Vehicle standards externally regulated by national organisation	No	Yes
Affiliated licensed official provided to attend event*	No	Yes
Access to Employment Assistance Development Scheme (EADS)	No	Yes
Basic legal representation provided	No	Yes
Supplementary investigation provided where accident or incident occurs	No	Yes

**not provided for events on privately owned land*

Four instances of death have occurred at motorsport events in Franklin in the past five years.

Though these incidents were not directly attributable to safety non-compliance, it is recommended that in order to further mitigate any hazardous risks at these events, all motorsport events shall be required to operate to the minimum standards of MSNZ and thus obtain a MSNZ permit before an application for the event can be considered by Council.

Affiliation to MSNZ provides significant benefits to event organisers and the community at large. Affiliation would provide Council with a level of confidence that safety at such events is managed appropriately and in accordance with national, if not international best practice guidelines.

By requiring motorsport and event organisers to affiliate with MSNZ, it is considered that the safety of spectators and participants is further enhanced. Affiliation will bear no negative effects on the enjoyment of the sport or will impose an unreasonable financial compliance cost on the event organiser.

Recommendation of Policy Analyst:

- a. That the report be received
- b. That Council adopts the following addition to Policy 2.1.1:

1.18 Motorsport event organisers operating a Temporary Road Closure for a motorsport event

The purpose of this policy is to further provide assurance that minimum acceptable public safety standards have been met for the event.

Motorsport event organisers operating a Temporary Road Closure on a road controlled by the Council are required to be an affiliated member of Motorsport New Zealand for that event.

Definition: ‘motorsport event’ is an event in which participants’ race motor propelled vehicles.

Exemptions: The Customer Services Manager may, upon receiving written application from the event organiser grant an exemption/waiver from the requirement to be affiliated to MSNZ where the event organiser can demonstrate they are current members of a motorsport body of similar standing to Motorsport New Zealand, overseas.

Approved	
Peer Reviewer	AW
Direct Support Officer	IA

5. LOCAL GOVERNANCE STATEMENT

Report of Policy Analyst (File C750-27):

See Attachment 1.

For more information on this report, please call David Newell, 237 1300, ext 485.

<u>Statute</u>	Local Government Act 2002, section 40
<u>Directional Statement</u>	District Governance, page 5
<u>LTCCP</u>	Not applicable
<u>Policy/Delegations</u>	Not applicable
<u>Significance Policy</u>	Not applicable
<u>Monitoring</u>	Must be prepared every triennium, and updated as considered appropriate
<u>Budget Impact</u>	Not applicable
<u>On Account</u>	12 07 01

Executive Summary

- Council must prepare, update and make available its Local Governance Statement (LGS) every triennium.
- The LGS is required to provide information to the public on various specified topics ranging from Council's responsibilities and activities to its governance structures and key policies.
- This report presents an updated LGS for Council's consideration and adoption. There are no financial implications as a consequence of adopting the LGS.
- This decision is not significant in terms of Council's Significance Policy.

Background

Adoption by Council of an updated LGS is a statutory requirement and the full provisions are set out in section 40 of the Local Government Act 2002 (LGA). Section 40, Clause 2 of the LGA requires Council to prepare and make publicly available, within six months after each triennial election, a LGS.

The LGS must include:

- i. the functions, responsibilities and activities of Council;
- ii. any local legislation that confers powers on Council;
- iii. the electoral system and the opportunity to change it;
- iv. representation arrangements, including the option of Maori wards, and the opportunity to change them;
- v. members' roles and conduct;
- vi. governance structures and processes, membership, and delegations;
- vii. meeting processes;
- viii. consultation policies;
- ix. policies for liaising with, and memoranda or agreements with, Maori;
- x. the management structure and the relationship between management and elected members;
- xi. equal employment opportunities policy;
- xii. key approved planning and policy documents and the process for their development and review;
- xiii. systems for public access to it and its elected members; and
- xiv. processes for requests for official information.

Assessment

Council’s current LGS was adopted by Council at its meeting held in March 2005.

Amendments have been made to the LGS to reflect recent changes in committee structure and membership, representation on outside organisations, organisational structure and the like. References to key planning and policy documents have also been updated and expanded.

The revised LGS is included as Attachment 1.

The LGS will continue to be made available at Council’s main office in Manukau Road, Pukekohe, and at Council’s Service Centres and Libraries throughout the District. It will also continue to be available on Council’s website.

Conclusion

The revised LGS is considered appropriate for adoption by Council. Following Council’s adoption, the LGS will be made publicly available as required by the LGA.

Consistency with Council Policy/Plans

This report is not inconsistent with any existing policy or plans.

Recommendation of Policy Analyst:

- a. That the report be received.
- b. That Council adopts the Local Governance Statement as shown in Attachments 1-1.25.
- c. That the Local Governance Statement be made publicly available through Council’s Manukau Road administration office, Service Centres, District Libraries, and via Council’s website.

Approved	
Peer Reviewer	JW
Direct Support Officer	IA

6. HAURAKI GULF FORUM REPORT

Report of Resource Management Policy Planner (File C225-09):

See Attachment 2.

For more information on this report, please call Jill Pierce on 237 1304, ext 445.

<u>Statute</u>	Hauraki Gulf Marine Park Act 2000
<u>Directional Statement</u>	District Governance, page 5, District Environment, page 7, and District Well-being, page 8
<u>LTCCP</u>	Not applicable
<u>Policy/Delegations</u>	Not applicable
<u>Significance Policy</u>	Not significant
<u>Monitoring</u>	Not applicable
<u>Budget Impact</u>	Hauraki Gulf Forum
<u>On Account</u>	50030

Executive Summary

- The purpose of this report is to provide the requisite quarterly update on the Hauraki Gulf Forum projects and recent reports received, and to present the Strategic Issues Document of the Hauraki Gulf Forum to the Committee for endorsement.
- This decision is not significant in terms of Council’s Significance Policy.

Background

The purpose of the Hauraki Gulf Forum is to:

- i. integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand;
- ii. facilitate communication, co-operation, and co-ordination between Forum members being the Department of Conservation, Ministry of Maori Affairs, and Ministry of Fisheries; Auckland Regional Council and Environment Waikato; Auckland, Manukau, North Shore and Waitakere City Councils; Franklin, Hauraki, Matamata-Piako, Rodney, Thames-Coromandel and Waikato District Councils and six Tangata Whenua representatives.
- iii. recognise the relationship of Tangata Whenua with the Hauraki Gulf, its islands, and where appropriate, its catchments.

Current Focus - Three Key Projects:

1. Development of the second Hauraki Gulf State of the Environment Report (Key Monitoring Report), discussed in this document.
2. Hauraki Gulf Marine Park Act Implementation Strategy (Key Best Practice Identification Project).
3. Review of Strategic Issues Document (statutory requirement), discussed in this document.

1. State of the Environment Report 2008

The Forum is required under section 17 of the Hauraki Gulf Marine Park Act 2000 to prepare a State of the Environment Report (SER) for the Hauraki Gulf every three years. The second SER is now in draft form and was presented to the 26 March 2008 Forum for review. Ultimately Franklin District Council will need to endorse the 2008 State of the Environment Report as a constituent party member. The first report prepared in 2004 provided comprehensive information on the environmental issues affecting the Gulf. It was however difficult to assess the current state of the Gulf due to lack of an agreed set of indicators to measure the state of the Gulf against, and a lack of comprehensive data that would allow assessment of trends or detailed analysis.

Indicators and monitoring systems for the Gulf remain underdeveloped, but this report attempts to update key information and provide a fuller picture, while progressing the debate about the best environmental indicators to be used for long term reporting. This report attempts wherever possible to show change relative to, and since, 2004 in quantitative terms about the environmental health of the Gulf.

In common with the previous SER and most other State of the Environment Reports, a Pressure-State-Response reporting format has been used which aims to:

- Provide information on the environmental issues affecting the Gulf. (Pressures on the Gulf).
- Analyse the current state of the Gulf in respect to these issues. (State of the Gulf).
- Set out what actions are being taken to address the issues. (Responses to the issues).

A Driving Forces section is included at the beginning of each pressure section in the 2008 draft, to indicate underlying social, demographic and economic factors driving change. The report is structured around six key chapter areas:

- Water quality.
- Natural character and accessibility.
- Biodiversity.
- Public resources – fisheries and marine space.
- Cultural heritage.
- Natural hazards.

The State of the Environment Report is important because it enables the Forum to:

- Identify key issues and to prioritise actions. For example, access to the Gulf may be increasing (a 'positive' environmental outcome) but water quality may be decreasing. The Forum and its constituent party members can then prioritise key actions to address the water quality of the Gulf.
- See whether actions that are being taken are collectively, over a period of time, having a positive effect on the Gulf environment. If they are not, new actions may be required.

2. Hauraki Gulf Marine Park Act Implementation Strategy (HGMPA)

Development of an HGMPA implementation strategy has been identified as a key action in the one to two year work programme is. The purpose of the Strategy is to:

- Produce a guideline to assist reviews or development of Regional and District Plans to give effect to the Hauraki Gulf Marine Park Act. This will include assessment criteria and recommended methods to achieve the outcomes of the Act.
- Research non-statutory methods that can be used to give effect to the Act, that will complement the regulatory approaches set out in the guideline.

The project provides a valuable opportunity for party members to work together and apply consistent approaches and methods to achieve the Hauraki Gulf Marine Park Act objectives. It is a good example of an 'integrated management' approach and allows party members to share resources and information to achieve outcomes for the Gulf.

As a constituent party Franklin District Council is involved in the strategy development, and will (at a later date) need to provide resources to implement the strategy at the District level.

3. Draft 2008 Strategic Issues Document (see Attachments 2-2.21)

The Strategic Issues document works in conjunction with the State of the Environment Report. The Hauraki Gulf Forum is required under the Hauraki Gulf Marine Park Act to prepare a list of Strategic Issues and to determine priority actions for each issue.

The Strategic Issues draft review document is ready for endorsement by constituent party members. A summary of the December 2007 Draft and the full document is attached to this report (see Attachments 2-2.21).

The Document sets out the vision and values; the objectives and outcomes of key strategic issues; and the processes that will be used to achieve the outcomes. The key strategic issues identified for the Gulf are:

- Integrated Management (the primary role of the Forum).
- National Significance.
- Water Quality.
- Biodiversity.

- Natural Character and Landscape.
- Cultural Heritage.
- Access.
- Coastal Hazards.
- Climate Change.
- Pataka (the Hauraki Gulf as storehouse of food and knowledge).

Actions to make progress towards achieving these outcomes are then set out in the Forum's one to three year work programme which includes three levels of action:

1. Forum led project work – work undertaken or commissioned specifically by the Forum.
2. Forum coordination – Forum takes lead role to enable constituent parties to take individual action, but in a consistent manner.
3. Forum advocacy – Forum advocates for individual constituent party action in key priority areas.

Assessment

Council officers have carried out an assessment of the Strategic Issues Outcomes against Council's existing policies and plans (see Attachments 2.22-2.28).

The Strategic Issues Document sets a very broad agenda for the Forum because it covers the issues of many diverse organisations working collectively through the Forum. However these organisations also have individual responsibilities and priorities for the Gulf that need to be recognised and reflected in the Strategic Issues Document.

Some of the outcomes sought through the Strategic Issues Document relate not only to how constituent parties may manage their activities in and around the Gulf, but also to the general policy direction a party might take. For example, the section on Climate Change includes the outcome 'Constituent Party members reduce their carbon footprints within or below national targets'. Endorsing the Strategic Issues Document means Council is agreeing that as a member of the Forum, it supports the Forum working towards the outcomes identified in the Document. The work of the Forum can then provide guidance to Council as it develops its own policies and rules to manage activities that may have an impact on the Gulf and its environment.

However there are some outcomes identified in the Strategic Issues Document that officers consider inappropriate for Council to endorse at this time, because they could be seen to set a policy direction that has not received adequate assessment by Council and may not represent the future direction Council wishes to take. These outcomes and the assessment as to why they are not appropriate for endorsement are set out below:

Strategic Issue Outcome	Staff Assessment
<p>Climate Change:</p> <p>“Constituent parties reduce their carbon footprints within or below national standards”.</p> <p>“The public’s reduction of their contribution to climate change meets constituent parties’ strategic targets.”</p>	<p>Planners Assessment:</p> <p>In June 2007 Council joined the Communities for Climate Protection – New Zealand (CCP-NZ) Programme, and has set the following actions:</p> <ul style="list-style-type: none"> – Conduct a greenhouse gas emissions inventory, analysis and forecast for key sources of greenhouse gas emissions in the council and community. – Set emissions reduction goals. – Develop and adopt a local climate change action plan to achieve those reductions. – Implement the local climate change action plan. – Monitor and report on greenhouse gas emissions and implementation of actions and measures. <p>Because Council’s local climate change action plan has not yet been set, it is not considered appropriate to endorse the strategic outcome “That constituent parties reduce their carbon footprints within or below national targets.” This will be a policy decision for Council to make when the work set out above is completed.</p> <p>The other strategic outcomes for Climate Change are not inconsistent with Council’s own policy position, and are therefore appropriate for endorsement.</p>
<p>Pataka:</p> <p>“Land based discharges are actively promoted in the planning instruments of local authorities as alternatives to discharges to Tikapa Moana”.</p>	<p>Planners Assessment:</p> <p>Other than as recognised in the District Growth Strategy, Council does not currently actively promote land-based discharges in its planning documents. Existing wastewater treatment plants do not discharge to land and Council largely takes guidance from the regional councils in terms of wastewater management practices. Council also ensures that its own facilities comply with all consent conditions and this is set out in the 2006-2016 Long Term Council Community Plan: Wastewater Activity section.</p> <p>Council does not currently have a reticulated wastewater treatment plant that discharges to Tikapa Moana. While Council recognises that wastewater discharge to the sea is of huge concern to Tangata Whenua, Council is not prepared at this time to endorse a policy position of actively promoting discharges to land, without careful consideration. The reasons for this are:</p>

	<ul style="list-style-type: none"> - Guidance on this matter needs to come from the regional council. - The benefits and costs of land based discharges need to be considered on a case-by-case basis, in accordance with the decision making processes set out in the LGA 2002. <p>With regards to the discharges of human remains and burials at sea, Council as a Forum party can acknowledge that these practices are unacceptable to Tangata Whenua. This matter and others relating to Aquaculture Management Areas will be primarily dealt with through the regional councils and Department of Conservation.</p> <p><u>Rural Plan Change</u></p> <p>Part 3B – Sustainable Management and Enhancement of the Natural and Physical Environment references the Hauraki Gulf Marine Park Act, and sets out Council’s obligations under the Act.</p> <p>The other outcomes identified for “Pataka” are not inconsistent with Council’s own policy position, and are therefore appropriate for endorsement.</p>
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Conclusion

It is important that Council ensures its voice is heard among the many constituent parties of the Forum, and that as an organisation a good handle is kept on what priorities are being set by the Forum that may have an ongoing impact on the work of Council itself.

Council officers are satisfied that the outcomes sought through the Strategic Issues Document are primarily related to improving the quality of the Hauraki Gulf and its environment. When considered next to the work programme for the Forum over the next three years, the Strategic Issues Document clearly sets a framework for the work of the Forum, and provides guidance to Council for future policy development work for activities that may have an impact on the Gulf.

Council officers recommend that Council endorses the Strategic Issues Document with the exception of the outcomes set out above.

Consistency with Council Policy/Plans

A full assessment of the Strategic Issues Document has been conducted against Council’s existing policies and plans (see Attachments 2.22-2.28). With the exception of the strategic outcomes identified above, Council officers are satisfied the Strategic Issues Document is consistent with Council policies and plans.

Recent Reports to the Forum

Constituent parties prepare reports for each Forum meeting to inform others of the projects they are involved in and work being undertaken that has an impact on the Hauraki Gulf. For Council this involves updating the Forum on projects such as the Kaiaua/Wharekawa Coastal Compartment Management Plan, stormwater or roading works occurring in the area, and resource consent applications that may have an impact on the Gulf environment.

Any party can put a report to the Forum. Reports are approved to go on the agenda by the Chairperson.

Two reports recently received need to be reported back to Council, these are:

1. The Tangata Whenua of Tikapa Moana (presented by David Taipari on behalf of Forum member Paul Mujarey) (see Attachments 2.29-2.33).
2. Utilisation of Statutory Mechanisms allowing Tangata Whenua a joint role in the caring for Tikapa Moana (Hauraki Gulf) (Presented by David Taipari on behalf of Paul Majurey) (see Attachments 2.34-2.38).

The first report reminds Local Authorities of their obligation under section 35A of the Resource Management Act 1991 to keep records of each iwi authority and hapu in their district, including the planning documents that are recognised by the iwi authority and have been lodged with the local authority. The following resolutions were passed by the Forum at their meeting on 29 August 2007:

“That the Hauraki Gulf Forum confirms the commitment of local authorities of Tikapa Moana (Hauraki Gulf) and the Crown to work with all Tangata Whenua when fulfilling their statutory requirements in relation to the Tangata Whenua of Tikapa Moana (Hauraki Gulf).

That the Hauraki Gulf Forum representatives of the local authorities of Tikapa Moana (Hauraki Gulf) and Government Ministries bring this paper to the attention of their respective Council or minister.”

The second report discusses the ability of local authorities under section 33 of the Resource Management Act 1991 to transfer any of their functions, powers or duties under the Act to a public authority, including an iwi authority. There are also other mechanisms for joint management available under other statutes that would allow Tangata Whenua a joint role in caring for Tikapa Moana (Hauraki Gulf). To date, no transfers of powers or joint management agreements have been put in place for the Hauraki Gulf. The report suggests that transfers of power or joint management agreements could be put in place for:

- The islands of Tikapa Moana.
- Tidal/reef locations.
- Harbours.
- Traditional Fishing Grounds.

The report requests that the Forum representatives bring this paper to the attention of their respective Council. The following resolution was passed by the Forum at their meeting held on 29 August 2007:

“That the Hauraki Gulf Forum representatives of the local authorities of Takapa Moana (Hauraki Gulf) and Government Ministries bring this paper to the attention of their respective Council or minister.”

Assessment

Recent reports to the Forum - The Tangata Whenua of Tikapa Moana

As outlined above, this report was received by the Forum from Tangata Whenua members, requesting the Forum confirm the commitment of the local authorities of Tikapa Moana (Hauraki Gulf) to work with all Tangata Whenua when fulfilling their statutory requirements in relation to the Tangata Whenua of Tikapa Moana (Hauraki Gulf).

Council has confirmed its commitment to work with all Tangata Whenua when fulfilling its statutory requirements through:

- the establishment of Te Roopu Paehere (the Maori Community Committee) and the representation of the District’s iwi and hapu authorities in this group.
- Keeping a contacts list and planning documents for iwi authorities and hapu of the District in Council’s data management system.

Recent reports to the Forum - Utilisation of Statutory Mechanisms allowing Tangata Whenua a joint role in the caring for Tikapa Moana (Hauraki Gulf)

It is important to acknowledge that several mechanisms exist that enable Council to enter into joint partnership or management agreements with regards to caring for the Hauraki Gulf. A 2007 Local Government New Zealand paper titled *“Co- Management: Case Studies involving Local Authorities and Maori”* provides some excellent examples of arrangements that have been put in place. These arrangements are all for the management of resources or reserves that have specific significance to Tangata Whenua.

Opportunities for joint arrangements could be explored in the future as actions around the Gulf continue to take shape. Agreements could range from Memorandums of Understanding for consultation on key issues affecting the Gulf, to joint development of strategies or plans to manage the Gulf’s resources, through to transfers of powers under the Resource Management Act 1991.

It is recommended that options be explored on a case-by-case basis.

Conclusion

A large amount of work is being undertaken by the Hauraki Gulf Forum, particularly in relation to:

- developing ways to support local authorities to meet their statutory responsibilities under the Hauraki Gulf Marine Park Act.
- Identifying issues and prioritising actions for integrated management of the Gulf's resources.

It is recommended that Council consider issues raised by the Forum through Quarterly updates.

Consistency with Council Policy/Plans

Nothing presented in this report is inconsistent with Council policy or plans.

Recommendations of Resource Management Policy Planner:

- a. That the report be received.
- b. That the Strategy and Policy Committee endorses the Draft Strategic Issues Document of the Hauraki Gulf Forum (Attachment 2-2.21) in principle, with the exception of the following strategic outcomes:
 - *Climate Change: "Constituent parties reduce their carbon footprints within or below national standards".*
 - *Climate Change: "The public's reduction of their contribution to climate change meets constituent parties' strategic targets."*
 - *Pataka: "Land based discharges are actively promoted in the planning instruments of local authorities as alternatives to discharges to Tikapa Moana."*
- c. That Council's representatives on the Hauraki Gulf Forum be authorised to agree to any further minor amendments as may be proposed to finalise these documents at the first Forum meeting in 2008.
- d. That the Strategy and Policy Committee acknowledge the recent Forum report regarding the Tangata Whenua of Tikapa Moana, and agree to continue to meet Council's obligations to work will all tangata whenua in the District.
- e. That the Strategy and Policy Committee acknowledge the recent Forum report regarding the utilisation of statutory mechanisms allowing Tangata Whenua a joint role in the caring for Tikapa Moana (Hauraki Gulf), and will consider any options for joint management on a case-by-case basis.

Approved	
Direct Support Officer	IA

7. REVIEW OF WATER SUPPLY BYLAW

Report of Policy Analyst (File L150-40):

For more information on this report, please call Jenni Wild, 237 1367.

<u>Statute</u>	Local Government Act 2002, sections 145, 146(b)(ii) and 155(1)
<u>Directional Statement</u>	District Environment, page 7
<u>LTCCP</u>	Water Supply, page 67
<u>Policy/Delegations</u>	2.2 - Water
<u>Significance Policy</u>	Applicable
<u>Monitoring</u>	Ongoing through contract and reporting to Activity and Monitoring Committee
<u>Budget Impact</u>	Water
<u>On Account</u>	47 60 01

Executive Summary

- The Water Supply Bylaw (WSB) is being reviewed as part of Council's Bylaw Review and Development Programme.
- Before commencing the process for making or reviewing a bylaw, Council must first determine whether a bylaw is the most appropriate way of addressing the perceived problem.
- Council's determination that a bylaw is appropriate in this case is sought.
- At this stage, this decision is not considered significant in terms of Council's Significance Policy. However, the review of a bylaw necessarily involves the use of the special consultative procedure (SCP) at a later stage.

Background

The Local Government Act 2002 (LGA) requires Council to review all existing bylaws (as at 1 July 2003) by 1 July 2008. Section 293 of the LGA provides that existing bylaws not revoked or expired by 1 July 2008 will be revoked on that date.

The WSB was originally scheduled for review in 2006. However, in May 2006 Standards New Zealand (SNZ) advised that Local Government New Zealand had engaged it to undertake a revision of three model general bylaws, including water supply, and that the updated water supply bylaw was scheduled for publication in October 2007.

This situation was reported to the Strategy and Policy Committee on 20 June 2006 and the Committee accordingly resolved as follows:

"That the scheduled review of the Water Supply Bylaw be postponed until after the publication by Standards New Zealand of its reviewed model general bylaw for water supply, around October 2007."
(Resolution No. SP/2006/6/8)

The reviewed model general bylaw for water supply (NZS 9201: Part 7:2007) was published in August 2007 and became available on the SNZ website in November 2007.

Assessment

Water is a vital resource and Council plays an important role in the management of that resource for the District's residents.

Current Water Supply Operations

Council is responsible for providing safe drinkable water to homes and businesses in 13 different urban areas throughout the Franklin District. Council also has the additional responsibility to ensure that water is available for fire fighting in serviced areas. To undertake water supply activities, 13 separate treatment plants are managed and maintained, 311 kilometres of pipe are maintained, over 12,000 metered connections are read and users are sent an account.

The infrastructure involved in Council's water supply activity (pipes, valves, hydrants, meters, plant and land) has a replacement cost in excess of \$80 million.

Current Regulatory Controls

The supply and sale of water is regulated by a number of statutes, including the Building Act 2004; the Fire Service Act 1975; the Health Act 1956 (the Health Act); the LGA; the Local Government (Rating) Act 2002; the Resource Management Act 1991; and the Water Supplies Protection Regulations 1961. The 1961 Regulations are to be revoked on 1 July 2008 by the Health (Drinking Water) Amendment Act 2007 (the HDWA Act), which substantially amends the Health Act in relation to water supply and places a number of new requirements on drinking water suppliers.

Council's current WSB addresses matters relating to the supply of water which require enactment by bylaw. It generally covers the overall water supply system, excluding those matters which relate to the actual supply of water to an individual customer. It specifically prohibits connection to the water supply system and access to fire hydrants without Council approval and requires persons carrying out excavation works to view as-builts or reticulation plans information to establish whether or not water supply services are located in the vicinity, and to take due care during excavation to ensure those services are not damaged. The WSB also allows Council to restrict access to both surface and groundwater catchment areas to protect those areas against interference, obstruction and contamination.

The WSB will be revoked on 1 July 2008 unless reviewed/replaced.

What is the Perceived Problem?

Key issues for water management are supply, water quality, and the maintenance and protection of infrastructure associated with that supply.

Potential problems associated with water services include unauthorised connections, damage to infrastructure and water supply contamination.

In the first instance, Council requires a clear mechanism to prevent, and take action against in the event of, unauthorised connections to the water supply system.

Further, the significant level of public investment in the District's numerous water supply systems, and the replacement cost of infrastructure associated with that supply, appropriately requires Council to ensure that it has taken all necessary steps to financially protect those assets. Council should also protect itself from liability and financial loss in the event of damage to infrastructure, for example during private excavation work.

In relation to preventing contamination of water supplies, section 69U of the Health Act (inserted by the HDWA Act and effective on 1 July 2008) will require suppliers to take reasonable steps to contribute to the protection of sources of drinking water. In this regard, action to protect catchment areas by restricting access would be prudent.

The HDWA Act also amends the Health Act to provide that Council may install back-flow prevention systems where it considers there is a need to protect the water supply network from risks of pollution caused by the backflow of water and other substances on properties connected to the networked system. Such a need is identified through a Public Health Risk Management Plan (PHRMP) as required under the HDWA Act, and the PHRMP for Franklin District must be prepared on or before 1 July 2009.

Preliminary work with consultants AWT New Zealand indicates that the adoption of a back-flow prevention policy, given legal standing and enforceability through a bylaw, will reduce the risk of contamination to the water supply, achieve better compliance with the HDWA Act, and result in better water gradings. Council will also be better protected from liability in the event of a public health or other catastrophic event caused by backflow from a customer.

A report on a back-flow prevention policy will be brought to subsequent meeting of the Strategy and Policy Committee.

What are the Reasonably Practicable Options to Address the Problem?

There are various methods for addressing the potential problems identified above.

Reliance on Existing Legislation

Current statutory controls are listed above, and provide legal frameworks supported by Regulations and Rules, which also have a national character.

Council could rely on the enforcement of current legislation, particularly the LGA and the Health Act, to address some of the potential problems identified above.

However, it is considered that Council would not be taking all reasonable steps to address the identified problems associated with water services including preventing unauthorised connections, damage to infrastructure and water supply contamination.

Education

Education alone is not considered a viable means of addressing the problems identified above surrounding water supply, particularly given the responsibilities and risks surrounding that supply. However, education could be used in conjunction with other methods.

Bylaws

The LGA and the Health Act allow for the passing of bylaws in order to respond to local situations and conditions.

Section 145 of the LGA provides Council with the general ability to make bylaws for the purpose of protecting, promoting and maintaining public health and safety. Section 146(b)(ii) of the LGA specifically provides that Council may make bylaws for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with water supply.

Section 64 of the Health Act also allows Council to make bylaws to protect any water supply from pollution.

Council is therefore empowered, both generally and specifically, to make bylaws to address the potential problems associated with the provision of water services detailed above.

Is a Bylaw the most Appropriate Way of Addressing the Problem?

While other regulatory measures may assist in addressing a number of issues surrounding the supply of water, it is considered that Council would not be fully exercising its responsibility to take all steps considered necessary and desirable to protect both its infrastructure assets and water supply sources. It is therefore considered that the making of a new bylaw concerning water supply is the most appropriate way of ensuring that Council fully meets its legislative obligations in the area of water supply.

Bylaws can be tailored to address local concerns, situations and conditions, and can be adopted, amended or revoked using an SCP.

Further, by setting down appropriate requirements and restrictions relating to Council's water supply activity, including backflow prevention, Council is protected as far as practicable from damage to infrastructural assets, contamination of water sources and water supply, and liability in the event of each.

Will a Bylaw Address the Problem?

Council's current WSB is relatively recent (based on the 1994 model general bylaw) but does not adequately reflect a number of recent changes in legislation governing the supply and sale of drinking water. It therefore needs updating to reflect those changes and ensure that Council is meeting its obligation to take all reasonable steps to address potential issues surrounding the water supply activity.

SNZ also recently updated the model general bylaw for water supply for this reason, which was the reason Council deferred its planned review of the WSB in 2006 until after the updated model general bylaw became available.

Conclusion

It is considered that a bylaw is the most appropriate way of addressing the issues identified relating to water supply in the Franklin District, and ensuring Council fully meets its responsibilities in respect of the water supply activity.

Consistency with Council Policy/Plans

This report is not inconsistent with existing Council policy or plans.

Recommendations of Policy Analyst:

- a. That the report be received.
- b. That the Strategy and Policy Committee determines, pursuant to section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate way of addressing identified issues relating to water supply in the Franklin District.
- c. That the Strategy and Policy Committee authorises staff to develop a proposed Water Supply Bylaw to be presented to a Councillor Workshop for consideration.

Approved	
Peer Reviewer	PD
Direct Support Officer	IA

S Davis
CHIEF EXECUTIVE