

UPPER HUTT CITY

Manual of policies

OPERATIVE FROM NOVEMBER 2018



This manual is updated as new/revised policies are adopted by Council

Policy name	New or revised	Date of adoption	Date of entry to Policy Manual

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Appendix 1: Upper Hutt City Council Committees' Terms of Reference**A1Error! Bookmark not defined.**

Chapter 1 – Policies relevant to Council and its committees

1.1 Policy applicable to all standing committees

It is incumbent upon all standing committees:

- a. to ensure that Council policy is observed and Council decisions are complied with
- b. to make recommendations to Council when necessary as to the interpretation of policy or as to the need to depart from the policy in specific instances
- c. to make recommendations to Council on all matters where authority has not been delegated to the committee or where the decision required is beyond any delegation granted
- d. to consider the public interest in, and reaction to, matters under their jurisdiction
- e. to investigate, consider and make recommendations about functions assigned to them in accordance with laid down procedure and any delegation by the Council after the policy has been decided by the Council.

1.2 Policy on public participation at standing committee meetings

A period of up to 30 minutes shall be set aside for a public forum at the commencement of the Council meeting, and any committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting may speak for five minutes.

Standing orders may be suspended on a vote of three-quarters of those present to extend the period of public participation or the period any speaker is allowed to speak.

In respect of local authority and committee meetings, public forum is to be confined to those items falling within the Terms of Reference of that meeting provided the matter is not sub judice.

Note: The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or subcommittee sits in a quasi-judicial capacity.

With the permission of the chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

(Reference: Appendix 2F of Standing Orders)

1.3 Standing orders

Council has adopted NZS 9202 2003 (with local amendments) as its Standing Orders for the conduct of meetings. These include procedures for dealing with deputations and petitions as well as attendance at meetings and availability of information.

1.4 Use of city badge

The Council allows the use of the Badge (a fantail in gold circlet) by local groups, subject to the condition that the words “City of Upper Hutt” also appear.

1.5 Recording of Council minutes

To assist in compiling the minutes of Council meetings in their current form, the meetings will be recorded.

1.6 Procedure for fixing the common seal

The Council’s procedure, whenever the seal is to be affixed to any document, is that it be affixed in the presence of the Mayor (or in his absence the Deputy Mayor) and the Chief Executive.

1.7 Use of Commissioners and Composition of Hearings Committees and Panels (Commissioners Policy)

1.7.1 Purpose

1. to prescribe when an independent Commissioner must be used.
2. to prescribe principles and guidelines to be used when; determining the composition, size, and membership of a specific sitting of the Hearings Committee (SHC) or a specific sitting of a Hearings Panel (HP), and appointing the specific members of an SHC or HP.

1.7.2 Independent Commissioner(s)

Council shall appoint one [1] or more independent commissioner(s) to conduct hearings and make decisions or recommendations, arising from processes under the Resource Management Act 1991 (RMA), including direct referral requests under section 87D, when:

1. the proposal or application is complex or controversial, or
2. additional technical expertise will assist decision making, or
3. the Council or a Council Controlled Organisation has or could be perceived to have a pecuniary interest in the decision, or
4. the Council is perceived to be or could be perceived to be biased.

1.7.3 Membership and composition of Specific Sitting of Hearings Committees (SHC) and Hearings Panels (HP)

When determining the size or composition of an SHC or HP or appointing members the following shall be considered:

- SHCs must have at least one Elected Member
- whether (for RMA Hearings only) an independent Commissioner(s) is required under the 'Independent Commissioner(s)' paragraph of this Policy.
- when an SHC or HP is appointed for an RMA matter its composition must comply with the RMA accreditation requirements for persons who have hearing authority
- only Councillors who are members of the Hearings Committee may be appointed to an SHC or HP
- the Hearings Committee and Hearings Panel Policies
- the complexity of the matter
- the experience and qualifications of the members
- whether technical assistance to deliberate and or write the decision is desired
- whether the nature of the matter means it would be more efficient for an individual, either a Commissioner or an Elected Member, to sit alone. For example, but consideration is not limited to these examples, the nature of the matter may be straight forward and not controversial or technical

1.8 Council workshops

Workshops for the Mayor and Councillors will be held from time to time solely for information and/or discussion purposes (but with no resolutions or decisions to be made).

1.9 Significance and engagement policy¹

1.9.1 Purpose

Upper Hutt City Council is committed to meaningful engagement with the community on local decision making. The purpose of this Significance and Engagement Policy is to enable Council to determine the degree of significance attached to particular matters, proposals, assets, decisions and activities, and to provide clarity about when and how the community can expect to be engaged in Council's decision making processes.

¹ The Significance and Engagement Policy was adopted along with the adoption of the Long Term Plan 2018 – 2028 at the Extraordinary Council Meeting on 27 June 2018

The policy also enables Council to give appropriate consideration, in accordance with the Local Government Act 2002, to the views and preferences of interested and affected persons when making a decision.

1.9.2 Policy scope and exclusions

Many decisions made by Council are governed by specific Acts outside the Local Government Act 2002. These Acts prescribe the decision making and consultation procedure required. Consequently, there are some decision making processes that are not within the scope of this Significance and Engagement Policy. Examples of such legislation include (but are not limited to) the following:

- Resource Management Act 1991
- Civil Defence Emergency management Act 2002
- Land Transport Act 1998
- Local Electoral Act 2001

In addition, this policy will not apply and engagement will not be required where:

- in the opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people’s health and safety.
- there are any physical alterations to strategic assets that are required to prevent an immediate hazardous situation arising;
- Council must repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.

In addition, Council is required to undertake a special consultative procedure on certain matters, as set out in Section 83 of the Local Government Act 2002 (LGA 2002) regardless of whether they are considered significant as part of this policy.

1.9.3 Definitions

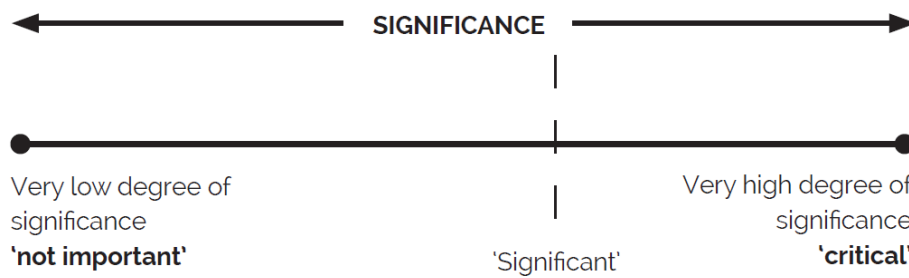
Significance ²	The degree of importance of an issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for: <ol style="list-style-type: none"> 1. the district or region; 2. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; 3. the capacity of the local authority to perform its role, and the financial and other costs of doing so (as described by the LGA).
Having significance	Significance is a continuum and as an issue moves along the spectrum (from low to high) Council assigns it an incremental level of significance. If a matter is determined to ‘have significance’ then it will require a formal resolution

² As defined by the Local Government Act 2002.

	from Council before action can be taken.
Significant	In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or matter has a high degree of significance.
Not significant	The issue/decision does not trigger the policy criteria or thresholds.
Operational matters	The matter concerns the day-to-day operations of Council, is carried out under delegated authority and is in accordance with the Long Term Plan, Annual Plan or relevant legislation.
Decisions	Refers to the decisions of Council by formal resolution at Council and Council Committee meetings. It also refers to decisions made by officers or others under delegated authority.
Community	A community, for the purposes of this policy, is a group of people with a shared or common interest, identity, experience or values. For example, cultural, social, environmental, business, financial, neighbourhood, political or spatial groups. 'The community' refers to all of the people that are a part of the diverse communities in Upper Hutt.
Engagement	Is a term used to describe the process of establishing relationships, sharing information and seeking feedback from the community to inform and assist decision making. Engagement is an important part of participatory democracy within which there is a continuum of community involvement.
Activity	Refers to the list of Council Activities identified in the Long Term Plan, which is a service or function provided by, or on behalf of, the Council.
Strategic asset	An asset or group of assets as defined in LGA Section 5 (See section below.)
Strategic aspirations	Refers to any high level, direction setting goal or document that the Council aims to deliver, including the city vision priority areas, which represent the community outcomes for the city.

1.9.4 Significance as a continuum

Significance can be thought of as a continuum. At one end are matters that are of low or no significance e.g. a minor, technical amendment to a council policy. At the other end of the continuum are matters deemed to be 'significant' e.g. a new project that requires substantial, discretionary funding.



Source: Society of Local Government Managers (SOLGM) *Significance and Engagement Policies guide 2014*

1.9.5 Determining significance

At the earliest stage in the decision-making process, Council will give consideration to the significance of an issue, proposal or other matter. If necessary, significance will be reassessed as a matter develops.

Council will investigate the proposal, issue, or other matter to assess the level of significance using the following two steps:

1. Assess the matter against the considerations outlined in the 'General policy considerations'
2. Apply the 'Criteria to assess the degree of significance'.

1.9.6 General policy considerations

Council will first assess the matter against the following considerations:

- the likely impact of the decision on present and future interests of the community;
- level of impact on Māori, Māori culture, traditions and values, and their relationship to land and water;
- possible environmental, social and cultural impacts
- how the decision aligns with historical Council decisions;
- the potential effect on delivering Council's strategic aspirations;
- the level of community interest in the decision, whether community views on the issue are already known; or the potential to generate community interest;
- the impacts on Council's capacity to meet its statutory responsibilities now and in the future;
- if the matter has already been clearly described in the Long Term Plan (LTP), including the nature and extent of the proposed action;
- if it is an operational matter.

1.9.7 Criteria to assess the degree of significance

Council will use the agreed criteria in the table below when determining the degree of significance of a proposal, issue or matter.

Where a decision is determined to be 'significant' it will automatically trigger a requirement to consult with the community.

Criteria	Influencing aspects
a. The degree to which the issue has a financial impact on Council or the rating levels of the local community.*	The higher the financial impact the greater the degree of significance.
b. The degree to which the issue affects the community or the city of Upper Hutt.*	The higher the degree of community interest in a decision, the greater the likely degree of significance.
c. The impact of a decision to significantly alter the intended level of service provision for a group of Council activities, including a decision to commence or cease any such group of activity.	Commencing or ceasing a significant activity. Changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for the significant activity, whichever is the lesser amount.
d. The degree to which a decision will directly, or indirectly, significantly affect the capacity of Council, or the cost to Council, in relation to any activity identified in the Long Term Plan.	Changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for any activity, whichever is the lesser amount.

*The existence of these criteria alone is not necessarily determinative of significance.

1.9.8 Procedure for engagement and decision making

Once the significance of an issue has been determined using the steps in section 5, the procedure for subsequent engagement and decision making by Council will follow as summarised in the table below.

When Council makes a decision that is inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

1	For matters of low or no significance	When a matter is assessed as having low or no significance, Council will inform the community once a decision is made and is being implemented.
2	For matters that have a medium to moderate degree of significance, but are not identified as 'significant'	When a matter is considered to 'have significance,' but not regarded as 'significant,' Council is required to make a formal resolution before action may be taken. This requirement excludes matters already covered by the Long Term Plan. A formal resolution is to be obtained by presenting a report to Council, which addresses the requirements identified in the LGA s77 – s81. The report to Council will include an assessment of the degree of significance of the issue, and whether

		engagement and consultation is recommended. If engagement and/or consultation are recommended, then an engagement plan will be included in the report.
3	For all matters identified as being 'significant'	<p>If an issue is determined as having a high degree of significance, then it is significant and the issue will be considered by Council.</p> <p>This decision requires a report to Council outlining the assessment of the degree of significance of the issue, the degree of engagement proposed, the engagement plan proposed, and a recommendation.</p> <p>Council will apply the principles of consultation (LGA s82) and be guided by the <i>Community Engagement - Operational Guidelines (Schedule 1)</i> and prepare an engagement plan in accordance with LGA s82.</p>
4	Consider if the Special Consultative Procedure is appropriate	<p>Review the issue, proposal or other matter to determine if any of these factors exist:</p> <p>development of, review, or amendments to the Long Term Plan</p> <p>preparation of the Annual Plan</p> <p>it is considered that the Special Consultative Procedure is relevant or required.</p> <p>If yes, then follow the Special Consultation Procedure in line with s83 – s87.</p>
5	Consultation and/or engagement	Council will apply the principles of consultation (section 82 of the Local Government Act 2002) and use the <i>Community Engagement - Operational Guidelines (Schedule 1)</i> for engagement.
6	Following the conclusion of the consultation and/or engagement process	Make a decision.
7	Following the Council decision	Inform the community of the decision made using a method appropriate to the nature of the consultation (for example this may range from public notices to direct communication to submitters).

1.9.9 Approach to engagement

The significance of a matter will influence the time and resource Council will invest in evaluating options and obtaining the views of affected and interested parties. Engagement may be required at various stages of the decision-making process and may take different forms depending on the stage. Both significance and the form of engagement will be assessed on a case-by-case basis.

Council will consider the extent of engagement that is necessary to understand the community's view before a particular decision is made and the form of engagement that might be required. In linking the level of significance to the level of engagement, a balance must be struck between the costs of engagement and the value it will add to the decision-making process.

Council acknowledges the unique status of Māori and aims to engage with the wider Māori community to ensure their views are appropriately represented in the decision-making process. Council is committed to providing relevant information to inform Māori contribution and improve their access to Council's engagement and decision-making processes. Council is building relationships with local organisations representing Māori, iwi and mana whenua.

Feedback provided by the community to date has identified that the majority of the Upper Hutt community prefers online engagement/communication, and that due to time constraints people must feel strongly about a matter before they will engage with Council.

With this in mind, Council has moved toward a more effective process of engagement which includes a higher level of digital communication across platforms such as our website and Facebook, in an effort to reach a wider cross-section of the community.

The attached *Community engagement – operational guidelines*³ provides an example of the differing levels of engagement relative to levels of significance, and the types of methods that might be associated.

1.9.10 Strategic assets

The following are considered to be strategic assets for Upper Hutt City Council in terms of the Act:

- Upper Hutt City primary (regional) and secondary (district) arterial roading routes
- Upper Hutt Civic Administration Building
- Expressions Arts and Entertainment Centre
- H²O Xtream
- The City Library and Pinehaven Library
- Harcourt Park, Trentham Memorial Park, and Maidstone Park
- Upper Hutt City water supply network
- Upper Hutt City stormwater network
- Upper Hutt City wastewater network, including the Upper Hutt City Council share of the Hutt Valley Wastewater network
- Akatarawa Cemetery

For the removal of doubt, each strategic asset is listed as a whole entity, and the term 'strategic asset' does not apply to the individual elements of that asset.

³ The *Community engagement – operational guidelines*, attached at Schedule One, supplement this policy, but they do not form part of the policy.

1.9.11 Schedule One

1.9.11.1 COMMUNITY ENGAGEMENT – OPERATIONAL GUIDELINES

Once the level of significance of an issue, proposal or decision has been determined, Council will consider the level and form of community engagement. Depending on the matter being considered and the stakeholders involved, the preferred method(s) or combination of engagement tools will be identified and applied to meet the goals of the specific engagement.

In the course of reaching decisions on a particular issue or proposal at different times and stages, Council may use a variety of engagement techniques and the engagement methods may be adapted based on a range of other factors, not least history and public awareness of the issue, stakeholder involvement, and timing related to other events or engagement, budgets and many other factors.

Council will build on existing relationships and networks with individuals and communities, and look to extend the range of parties involved in the community engagement as appropriate.

The table below shows the level of significance and examples of the associated approach to engagement.


SIGNIFICANCE	DESCRIPTION	EXAMPLE OF APPROACH
Low	The audience is relatively small in number or very targeted. The issue or decision is relatively straight forward and is not of high general public interest. For example, temporary road closures on minor roads, placement of a memorial, and water restriction notices.	May include targeted engagement with an affected audience where appropriate.
Medium	The audience is fairly broad, diverse or targeted. The issue is not necessarily straightforward and there may be mixed views from the community. For example, Arts, Culture and Heritage Strategy, Gambling Policy, Liquor Control Bylaw review.	May include targeted engagement with an affected audience where appropriate. Likely to include a range of engagement methods including seeking submissions and holding hearing meetings, focus group workshops, and phone/online surveys.
High or complex	The audience affected is large and diverse and the issue is of importance to the entire community. It either involves significant financial investment and it has wide relevance, or it is of a complex nature. For example, items could include the Long Term Plan, Land Use Strategy and Open Space Strategy.	Involves community-wide promotion, could include informal pre-engagement or a discussion phase, plus a formal phase of consultation. Likely to include a range of engagement methods: online activities, submissions, holding hearing meetings, focus group workshops (may involve subject matter or community experts), and surveys.

Council refers to the International Association of Public Participation engagement spectrum (below) as a basis for methods of engagement before making a decision.

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.

Credit: Reproduced with permission from the International Association for Public Participation (IAP2) Federation – www.iap2.org

Council will consider engagement methods and tools relative to the level of significance. These will support communities' participation through an engagement spectrum approach, as set out in the table below (next page).

Differing levels and methods of engagement may be required during the varying phases of consideration and decision-making on an issue or proposal. Council will review the suitability and effectiveness of the engagement strategy and methods as the process proceeds.

1.9.11.2 EXAMPLES OF ENGAGEMENT ACTIVITIES – ADAPTED FROM THE IAP2 SPECTRUM OF ENGAGEMENT

ENGAGEMENT LEVEL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
What is involved?	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Examples of tools the Council might use	<ul style="list-style-type: none"> Email newsletter to local communities and networks Information flyers Public notices/info in local newspaper and on the Council website Use of social media 	<ul style="list-style-type: none"> Formal submissions and hearings or the Special Consultative Procedure Focus groups Community meetings Online opportunities to submit ideas/feedback Rates inserts Display boards 	<ul style="list-style-type: none"> Workshops Focus/ stakeholder group meetings Public meetings, drop-in sessions Online surveys/forums Displays at public venues 	<ul style="list-style-type: none"> Pre-consultation Working groups (involving community experts) Community Advisory Groups (involving community representatives) Forums 	<ul style="list-style-type: none"> Binding referendum Local body elections Delegation of some decision- making to a community
When the community is likely to be involved	Once a decision is made and is being implemented.	Once Council has determined an initial preferred position it would endeavour to provide the community with sufficient time to participate and respond.	The community or specific communities could be engaged throughout the process, or at specific stages of the process as appropriate.	The community or specific communities will be engaged from the outset, including the development of alternatives to the identification of the preferred solution.	The community or communities will be engaged throughout the process to ensure ownership of the development of alternatives, identification of the preferred solution(s) and delegated decision-making on the preferred solution.

1.10 Councillor travel related policies

1.10.1 Attendances at conferences by spouses of Councillors

When a Councillor has been appointed to attend a conference, the spouse of the Councillor may be able to attend if the reason for the spouse attending the conference is based on a sound business case, but at all times is at the discretion of the Mayor.

All actual and reasonable costs associated with the attendance at the conference (for both Councillor and spouse) will be reimbursed, including travel, accommodation, meals and entertainment.

All expenses must be approved by the Chief Executive before any reimbursement can be paid.

1.10.2 Travel allowances

Council will pay travel allowances as provided for in the Fees and Travelling Allowances Act 1951 to members of the Council in the following circumstances:

- attendance at out of town meetings, conferences and course of study or training where attendance by the member is pursuant to a resolution of Council
- where a Councillor undertakes a specified Council business outside of Upper Hutt pursuant to a resolution of Council.

Chapter 2 – Policies relating to Finance, Legal and Risk

2.1 Signing of cheques and bank transfers

The persons holding the following positions are authorised to approve withdrawals from the following accounts:

2.1.1 Accounts

Upper Hutt General Bank Account

Upper Hutt General Bank Account No. 3

2.1.2 Position Holders

Any two of:

- Chief Executive
- Director of Asset Management and Operations
- Director of Business Transformation and Insight
- Chief Financial Officer
- Director of Community Services
- Director of Planning and Regulatory Services
- Finance Manager
- Management Accountant
- Revenue Accountant

2.2 Payment authorisation

Payments for goods and services received may be authorised by the Chief Executive, a director or the manager responsible for the particular matter provided that the supply of such goods or services has first been contracted for in accordance with the Council's policy or is required to be paid by law. (Refer to Chapter 3: Financial Delegations and Chapter 4: Functional Delegations in the Manual of Delegations).

2.3 Policy on prosecutions

No prosecution is to be initiated until:

1. the suspect has been given an opportunity to offer an explanation
2. the Council's General Counsel Legal, having been provided with the explanation and all other relevant information, advises that there is sufficient evidence to justify a prosecution and recommends that a prosecution be initiated.

The result of any action taken is to be reported back to Council.

2.4 Treasury Risk Management Policy – including Liability Management and Investment Policies

The Upper Hutt City Council Treasury Risk Management Policy – including Liability Management and Investment Policies is amended from time to time. Included in the policy are operational procedures. The policy was first adopted by Council on 20 May 2015 and the latest version is available on request.

2.5 Policy on remission and postponement of rates on Māori freehold land

Section 102(4)(f) of the Local Government Act 2002 requires that a local authority must adopt a policy on the remission and postponement of rates on Māori freehold land. Section 108 of the Local Government Act 2002 sets out the criteria with which a policy under section 102(4)(f) must conform.

The Upper Hutt City Council policy is that it will not remit or postpone rates on Māori freehold land.

In explanation, very little land within Upper Hutt City is held as Māori freehold land, and the issue of remission or postponement of rates on such land has not arisen. Should the situation change, then Council may review this policy.

2.6 Revenue and Financing Policy⁴

2.6.1 Introduction

The Local Government Act 2002, Section 103 stipulates the content of Council's Revenue and Financing Policy which covers funding for operating and capital expenditure.

Council manages its revenues, expenses, net assets, reserves and special funds in such a manner that adequate and effective provision is made to meet the expenditure needs of the local

⁴ The Revenue and Financing Policy was adopted by Council at an Extraordinary Council Meeting on 27 June 2018 as part of the Long Term Plan 2018 -2028

community. One of Council's key responsibilities is to ensure that major assets are not run down, particularly infrastructural assets, by failing to provide adequate funds for future maintenance and renewals. Council manages its long term financial requirements with a suitable balance between long term debt and reserve funds, while ensuring at all times a sound debt/rates income ratio is maintained.

2.6.2 Policy Statement on the funding of operational expenditure

Operating expenditure pays for the Council's day-to-day operations and services, from collecting rubbish and providing street lighting to maintaining gardens and issuing building consents.

As allowed under section 100(2) of the Local Government Act 2002, Council sets projected operating revenues at a different level to operating expenses. It is the view of Council that it is financially prudent to do so. This position has been arrived at for the following reasons:

- Council does not consider that depreciation reflects the annual cost of maintaining the service potential of assets but is merely the reduction in economic benefits embodied in the asset
- for the above reason the renewal, replacement and establishment of assets is funded through a combination of rates, grants, subsidies and loans in order to equitably allocate the funding responsibility for provision and maintenance of assets and facilities throughout their useful life
- Councils budgeting and asset management regimes ensure that the estimated cost of achieving and maintaining the predicted levels of service provision, set out in the Long Term Plan, including the estimated cost of maintaining the service capacity and integrity of assets, can be accurately determined
- Councils budgeting regime ensures that the projected revenue is available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life
- under New Zealand International Public Sector Accounting Standards (IPSAS), changes in the fair value of certain assets must be accounted for within the Prospective Statement of Comprehensive Income. In accordance with section 100 of the Local Government Act 2002, the Council does not consider it financially prudent to fund changes in the fair value of assets or liabilities as these are essentially unrealised accounting adjustments.

2.6.2.1 OPTIONS AVAILABLE FOR FUNDING COUNCIL SERVICES

It is Council policy to use the following mechanisms to fund operational expenditure requirements:

- **General rates.** General Rates are used to fund public goods where it is not possible to clearly identify customers or users. The general rate is also used to fund activities where, for reasons of fairness, equity and consideration of the wider community good, it is considered that this is the most appropriate way to fund an activity.
- **Targeted rates.** This form of rate is used where an activity benefits an easily identifiable group of ratepayers (such as the commercial or residential sectors) and where it is

appropriate that only this group be targeted to pay for some or all of a particular service. For example, wastewater disposal and water supply.

- **Fees and Charges.** User charges are direct charges to people and/or groups who use certain Council services such as swimming pools. In these instances, an identifiable benefit exists to clearly identifiable people and/or groups and they are required to pay for all or part of the costs of using that service. It is noted that from 1 July 2006 councils are required to adjust budgets to include inflation of all income and expenditure with their LTP. Where appropriate and with consideration to 'ability to pay' principles, user charges will be increased by the rate of the inflation to achieve continued alignment with the proposed funding policy targets.
- **Grants and subsidies.** Grants and subsidies apply to some activities when income from external agencies is received to support that particular activity.
- **Other sources of funding.** Council also funds operating expenditure from other sources, including income from interest and dividends from investments held by the Council, lease income and proceeds from asset sales. In the event of a major civil emergency Council may be obliged to utilise cash reserves, overdraft facilities and/or loan funding in order to carry out essential repairs and restore core services. Other sources of funding include:

2.6.2.2 USE OF SURPLUSES FROM PREVIOUS FINANCIAL PERIODS

Where Council has recorded an actual surplus in one financial period it may pass this benefit to ratepayers in a subsequent period.

A surplus may arise from the recognition of additional income or through savings in expenditure. Council considers that passing this benefit on to ratepayers in future financial periods is equitable, in that most of the financial benefit is passed on to those ratepayers who shared the rates-funding burden in the financial period that the surplus was generated.

The amount of any surplus carried forward from previous financial periods, will be transferred to the credit of the cost centre it relates to, in the case of restricted surpluses, in the year the benefit is passed onto ratepayers. When general rates surpluses are applied this will be reported in Council's Cost of Service Statements, in the year the benefit is passed onto ratepayers, but a formal accounting entry will not be actioned.

Council will not carry forward surpluses in relation to:

- the sale of assets
- trust and bequest revenue. Such surpluses shall be applied in accordance with the terms on which they are provided
- revenue received for capital purposes. Such surpluses shall be retained to fund the associated capital expenditure
- unrealised gains arising from fair value adjustments to assets and liabilities. These gains are unrealised accounting adjustments in the period which they are recognised.

2.6.2.3 FUNDING OF EXPENDITURE FROM RESTRICTED OR SPECIAL FUNDS

Certain operating and capital expenditure items may be funded from restricted or special funds. Restricted and special funds are those reserves within the Council's equity that are subject to

special conditions of use, whether under statute or accepted as binding by the Council, and that may not be revised without reference to the courts or a third party.

Transfers may be made only for specified purposes or when specified conditions are met.

The following restricted and special funds are available for use by Council:

- **Trusts and bequests.** From time to time Council may be the recipient/holder of trusts monies and/or bequests. These funds can only be used for the express purposes for which they were provided to Council. Each year, Council may expend money, of an operating or capital nature, from its trusts and bequests in accordance with the specified conditions of those funds. For the avoidance of doubt, the Council does not fund the expenditure from its trusts and bequests from any of the sources of operating revenue.
- **NZTA subsidies.** Each year Council receives funding from NZTA as part of the overall replacement and renewal programme for the City's roading infrastructure. Council recognises the subsidies as income in accordance with Generally Accepted Accounting Practices (GAAP).
- **Other reserves.** Restricted funds are also included in other reserves, funds, renewals and contingency accounts. Subject to meeting any specified conditions associated with these reserves Council may expend money, of an operating or capital nature, from these reserves.

2.6.3 Policy statement on the funding of capital expenditure

Capital expenditure represents expenditure on property, plant and equipment. Property, plant and equipment are tangible assets that are held by Council for use in the provision of its goods and services (for example: bridges, libraries, pipes). They may also be used for rental to others or for administrative purposes, and may include items held for the maintenance or repair of such assets.

It is Council policy to fund capital expenditure items from a range of sources including rates, development contributions, capital subsidies, restricted funds and through new or extended borrowings.

It is Council policy to generally fund renewal or replacement capital expenditure items (such as pipelines) from rates. Generally Council funds the renewal of assets, which do not have a constant funding pattern (such as bridges and reservoirs) and new capital expenditure items from borrowings. Council's cumulative objective is to maintain a relatively uniform annual cost over all cost.

In all cases however, the following funding sources may be utilised if and when appropriate:

- capital subsidies from third parties, to fund investment in new or upgraded assets (e.g. funding received from NZTA).
- capital expenditure from the sale of surplus assets, as decided on a case-by-case basis.
- capital expenditure from restricted or special funds, as decided on a case-by-case basis and subject to the specified purposes and conditions governing the use of those restricted funds.

- on projects, where on the basis of financial prudence, Council considers it appropriate to do so; it may impose a targeted rate to repay borrowings on an asset at a faster rate over the full life of the asset.
- if an approved capital expenditure project is not completed by the end of the financial period, the unspent funds may be carried forward to the next financial period to enable the project to be completed.
- in accordance with Council's Development Contributions Policy, development contributions are required to fund capital expenditure where development requires the construction of additional assets or increased capacity in network infrastructure, community infrastructure and reserves. Development contributions are transferred through to a Development Reserve within Council's equity

It is Council policy that development contributions are to be used as a funding source for capital expenditure resulting from growth for community facilities. The Council will continue to use Resource Management Act (RMA) based financial contributions in some circumstances. Funds collected under either the Development Contributions Policy or the Financial Contributions Policy in the District Plan will result in a corresponding decrease in the amount to be funded from new borrowings.

This policy should be read in conjunction with the Funding Impact Statement contained in the current Annual Plan.

2.6.4 Funding the activities of Council

Council operations have been analysed as to the most appropriate funding sources following consideration of:

In relation to each activity to be funded, of:

- the community outcomes that each activity contributes to;
- the distribution of benefits from each activity to the community as a whole, identifiable parts of the community, and individuals;
- the period over which the benefits from each activity can be expected to occur;
- the extent to which the actions or inactions of particular individuals contribute to the need to undertake each activity; and
- the costs and benefits of separate funding.

The overall impact of any allocation for revenue needs on the current and future social, economic, environmental and cultural wellbeing of the community.

The detailed analysis for each activity is as follows:

2.6.4.1 LEADERSHIP

FUNDING ANALYSIS

Distribution of benefits	The public in general benefit from the Leadership activity.
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Timeframe of benefits	The benefits of Leadership are on-going, and may have both immediate and long term effects.
Need for activity	The Leadership activity is required by legislation. At times, more active leadership may be required as a result of the action or inaction of individuals or groups. Local, regional or national issues may also trigger the need for action by the community's leaders.
Costs and benefits of funding activity distinctly	The elected Council is responsible for representing the community, consultation, and setting policy direction for Council. The community has an interest in being able to transparently see the costs of such representation and leadership.
Impact of funding mechanism on community wellbeing	While decisions made by leaders may have far reaching effects on community wellbeing, accountability lies with the presently elected Council. Accordingly, general rates funding is the most appropriate funding source.

The following funding source is proposed for Leadership

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	90 - 100%
Other sources	0% - 10%
Special funds	Up to 100% of expenses or projects

2.6.4.2 LAND TRANSPORT

FUNDING ANALYSIS	
Distribution of benefits	The following people and groups benefit from the Land Transport activity: <ul style="list-style-type: none"> the public in general; and those people who use particular services e.g. car parks, public transport, road safety programmes etc.
Timeframe of benefits	Land Transport offers both immediate and ongoing benefits for the wider community. Users of particular services gain immediate benefits while they are using the service e.g. parking, but the service is generally available to the public.
Need for activity	People have a fundamental need to move themselves, goods and services, from one place to another. The land transport activity provides for a range of ways for this to happen in a safe and efficient way.

FUNDING ANALYSIS

Costs and benefits of funding activity distinctly	<p>The community has an interest in being informed of the cost involved in providing land transport services.</p> <p>Other agencies involved in part funding land transport activities also have an interest in ensuring that their funding is accounted for appropriately.</p>
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Impact of funding mechanism on community wellbeing	<p>As land transport covers a range of services for both current users and future generations, a range of funding mechanisms are appropriate.</p> <p>Rate funding covers local needs of the current generation, loan funding covers needs of the future generation. Subsidies from NZ Transport Agency and the Greater Wellington Regional Council contribute to the regional and national land transport network usage within Upper Hutt. Central city parking is free and therefore funded through rates. This policy provides a marketing advantage for the CBD and benefits the community at large.</p>
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The following funding sources are proposed for Land Transport:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	37% - 70%
Other sources	30% - 60%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions	By negotiation for particular services
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Subsidies	According to criteria for subsidy, depending on the nature of the work
General rates	Balance of development cost, up to 100%
Special funds	Up to 100% of projects

2.6.4.3 WATER SUPPLY

FUNDING ANALYSIS

Distribution of benefits	The following people and groups benefit from the Water Supply activity:
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- the public in general; and
- those areas serviced by the reticulated supply system, or reasonably able to connect to it.

Timeframe of benefits	Water Supply offers both immediate benefits for those connected to the system and ongoing benefits for the wider community in terms of having a quality water supply available.
Need for activity	<p>Water is essential for life, and a reticulated supply system provides an efficient way to supply areas of concentrated populations.</p> <p>About 20% additional capacity is required to provide firefighting services.</p>
Costs and benefits of funding activity distinctly	The community served by the supply system has an interest in being informed of the cost involved in providing water supply services.
Impact of funding mechanism on community wellbeing	<p>User charges, including metering and uniform charges, are appropriate for those within the supply area. A smaller charge reflecting the potential to access the supply network is appropriate for those properties that are able to connect to the supply system, but have chosen not to connect.</p> <p>As additional capacity is built in to provide firefighting services, it is appropriate that this cost factor reflects capital valuations.</p> <p>The life of the water supply infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Development contributions may be used to cover the costs of providing water supply to new developments.</p>

The following funding sources are proposed for Water Supply:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Targeted rates (fire protection)	20 - 30%
Targeted rates (water supply) and Fees and Charges	70 - 82%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions	By negotiation
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rates	Balance of development cost, up to 100%
Special funds	Up to 100% of projects

2.6.4.4 WASTEWATER

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Wastewater activity:</p> <ul style="list-style-type: none"> the public in general; and those areas serviced by the reticulated system, or reasonably able to connect to it.
Timeframe of benefits	Wastewater offers both immediate benefits for those connected to the system and on-going benefits for the wider community in terms of having a healthy and hygienic urban environment.
Need for activity	Safe wastewater treatment and disposal is essential for life, and a reticulated system provides an efficient way to service areas of concentrated populations.
Costs and benefits of funding activity distinctly	<p>The community served by the system has an interest in being informed of the cost involved in providing wastewater services.</p> <p>It also ensures the costs of the wastewater service are fully recovered from system users.</p>
Impact of funding mechanism on community wellbeing	<p>Pan charges are appropriate for those within the supply area.</p> <p>It is appropriate for businesses connected to the wastewater system to pay pan charges and trade waste charges in accordance with their need for wastewater disposal.</p> <p>The life of the wastewater infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Development contributions may be used to cover the costs of providing wastewater infrastructure to new developments.</p>

The following funding sources are proposed for Wastewater:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Targeted rates (wastewater)	90% - 100%
Other sources	0% - 10%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rates	Balance of development cost, to 100%
Special funds	Up to 100% of projects

2.6.4.5 STORMWATER

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Stormwater activity:</p> <p>those areas within the Upper Hutt Urban Drainage District, which was established in 1996; and</p> <p>the public in general.</p>
Timeframe of benefits	Stormwater offers both immediate benefits for those connected to the system and on-going benefits for the wider community in terms of reduced flooding, and better control of where flooding occurs.
Need for activity	Stormwater disposal is important in built up areas because of the problems associated with flooding. A reticulated system provides an efficient way to service areas of concentrated populations.
Costs and benefits of funding activity distinctly	<p>The community served by the system has an interest in being informed of the cost involved in providing stormwater services.</p> <p>It also ensures that the costs of the stormwater service are fully recovered from system users.</p>
Impact of funding mechanism on community wellbeing	A targeted rate based on capital value is considered to most fairly reflect the level of benefit derived by particular properties. The use of differentials enables Council to target a sector which places

a higher demand on the stormwater system.

The life of the stormwater infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.

Development contributions may be used to cover the costs of providing stormwater infrastructure to new developments.

The following funding sources are proposed for Stormwater:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Targeted rates [wastewater]	90% - 100%
Other sources	0% - 10%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rates	Balance of development cost, to 100%
Special funds	Up to 100% of projects

2.6.4.6 SUSTAINABILITY

FUNDING ANALYSIS

Distribution of benefits	<p>The following people and groups benefit from the Sustainability activity:</p> <ul style="list-style-type: none"> • those areas within the residential solid waste and recycling collection area; • users of the Silverstream Landfill; and • the public in general.
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Timeframe of benefits	Sustainability offers both immediate benefits for those using the collection systems or the Silverstream Landfill, and on-going benefits for the wider community in terms of a cleaner, litter free environment.
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Need for activity	<p>Council is legally required to provide for the management of solid waste.</p> <p>Households in urban areas generate solid waste, which must be disposed of appropriately to maintain a safe and clean living environment.</p> <p>Some of the household waste material is able to be recycled, and needs to be collected and sorted prior to being used again.</p> <p>The Council's Sustainability Strategy addresses a range of options to help achieve a more sustainable community.</p>
Costs and benefits of funding activity distinctly	<p>The community served by the collection system has an interest in being informed of the cost involved in providing these services.</p> <p>It also ensures that the costs of the solid waste service are fully recovered from system users.</p> <p>The wellbeing of the whole community is enhanced by sustainability initiatives.</p>
Impact of funding mechanism on community wellbeing	<p>Use charges are appropriate to ensure that those people using the collection services cover the costs.</p> <p>Funding generated from the Council's part share in the operations of the Silverstream Landfill contributes towards the cost of managing the overall service.</p> <p>Council's share of income generated by government levies on waste must be applied to sustainability activities.</p>

The following funding sources are proposed for Sustainability:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Landfill, Waste Levy and other income sources	Up to 100%
Rates/Special funds	Up to 100% of expenses or projects

2.6.4.7 CITY PLANNING

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the City Planning activity:</p> <ul style="list-style-type: none"> • the public in general; • property owners; and • the business community in general.

FUNDING ANALYSIS

Timeframe of benefits	City Planning offers both immediate benefits for people living and working in Upper Hutt and ongoing benefits for the wider community in terms of sustaining the natural and physical environment.
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Need for activity	<p>Council is required to administer the Resource Management Act 1991. This includes preparation of the District Plan.</p> <p>People interested in property purchase or developments want to know what the District Plan provides for in relation to specific properties.</p> <p>Resource consents are required where specific development proposals vary from that provided for in the District Plan.</p>
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Costs and benefits of funding activity distinctly	<p>This is a significant Council activity and it is important that the community be kept informed of the costs involved.</p> <p>The costs of responding to specific needs, such as resource consents and property information, must be identified if they are to be recovered from applicants.</p>
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Impact of funding mechanism on community wellbeing	<p>The preparation of the District Plan, the means by which Council gives effect to its responsibilities for sustainable management of the physical and natural resources, benefits the people now and the future. Therefore the general rate is appropriate as a funding mechanism.</p> <p>Individuals and specific groups benefit from specific information or resource consents, which enable them to carry out certain developments, and accordingly it is appropriate for fees to be charged to recover these costs.</p>
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The following funding sources are proposed for City Planning:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	65% - 90%
Other sources	10% - 35%
Special funds	Up to 100% of expenses or projects

2.6.4.8 ENVIRONMENTAL HEALTH

FUNDING ANALYSIS

Distribution of benefits	<p>The following people and groups benefit from the Environmental Services activity:</p> <ul style="list-style-type: none"> • the public in general; • businesses that require licenses to operate under various regulations; and • property owners that must comply with health and safety regulations e.g. swimming pool owners.
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Timeframe of benefits	Environmental Health offers both immediate benefits for users and ongoing benefits for the wider community.
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Need for activity	<p>Council is legally required to provide for environmental health services.</p> <p>Those needing licences to operate their businesses generate the need for licence administration.</p> <p>Those responsible for actions that lead to complaints and health and safety enforcement action by Council should also cover the costs of such enforcement.</p>
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Costs and benefits of funding activity distinctly	<p>The community has an interest in being informed of the cost involved in investigating complaints.</p> <p>The costs of responding to specific needs, such as licensing and enforcement, must be identified if they are to be recovered from individuals or groups.</p>
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Impact of funding mechanism on community wellbeing	<p>The public benefits from having health and safety standards enforced, and accordingly, the general rate is appropriate.</p> <p>Individuals and specific groups benefit from specific licences, which enable them to carry out certain activities, accordingly it is appropriate for fees to be charged to recover these costs.</p>
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The following funding sources are proposed for Environmental Health:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	70% - 90%
Other sources	10% - 25%
Special funds	Up to 100% of expenses or projects

2.6.4.9 LIQUOR LICENSING, GAMBLING

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from these activities:</p> <ul style="list-style-type: none"> those people and businesses that require a liquor license or gambling venue licence to operate; and the public in general.
Timeframe of benefits	Liquor licensing and any gambling activities offer immediate benefits for those operating and using licensed venues.
Need for activity	<p>Council is legally required to provide for the licensing of these services.</p> <p>Those needing licences to operate their businesses generate the need for licence administration.</p>
Costs and benefits of funding activity distinctly	<p>The community has an interest in being informed of the cost involved in licensing activities.</p> <p>The costs of responding to specific needs must be identified if they are to be recovered from individuals or groups.</p>
Impact of funding mechanism on community wellbeing	<p>The public gains some benefits from having liquor outlets and gambling venues managed through licensing, and accordingly, the general rate is appropriate.</p> <p>Individuals and specific groups benefit from specific licences, which enable them to carry out certain activities, and accordingly it is appropriate for fees to be charged to recover these costs.</p> <p>Council notes that the fees for liquor licences are set by law, and that these do not cover the full costs of administration of these licences.</p>

The following funding sources are proposed for the Liquor Licensing and Gambling activities:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	0% - 45%
Other sources	55% - 100%
Special funds	Up to 100% of expenses or projects

2.6.4.10 PARKING ENFORCEMENT

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Parking Enforcement activity:</p> <ul style="list-style-type: none"> the public in general; and central city businesses.
Timeframe of benefits	Parking Enforcement offers immediate benefits for users of the central city.
Need for Activity	<p>Parking Enforcement is needed to ensure that convenient parking is turned over and available throughout the day for central city users.</p> <p>It is appropriate for those who fail to comply with parking restrictions to meet the costs through infringement fees.</p> <p>It is also appropriate for vehicle warrants of fitness to be checked at the same time to ensure that cars are meeting required safety standards.</p>
Costs and benefits of funding activity distinctly	It is important to identify the costs of this activity so as to ensure that, to the extent possible, they are recovered from those offending.
Impact of funding mechanism on community wellbeing	This activity is required because not all people comply with regulations at all times. Accordingly, Council's preferred funding mechanism is for all of the costs to be met by infringement fees and charges.

The following funding sources are proposed for Parking Enforcement:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Infringement fees	85% or more
General rate	Up to 15%
Special funds	Up to 100% of expenses or projects

2.6.4.11 BUILDING CONTROL

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Building Control activity:</p> <ul style="list-style-type: none"> • the public in general; • building developers; and • people purchasing property.
Timeframe of benefits	<p>Building Control offers both immediate benefits for occupiers of buildings and those needing information about buildings. It also offers ongoing benefits for the community by having buildings that meet a minimum standard of construction.</p>
Need for activity	<p>Council is legally required to make provision for Building Control to ensure that minimum building standards are complied with.</p> <p>Without enforcement, there is a risk that minimum building standards may not be complied with, and this could place people's health and safety at risk.</p> <p>Prospective property purchasers are advised to establish what building consents have been issued for particular properties because of potential liability issues.</p>
Costs and benefits of funding activity distinctly	<p>It is important to identify the costs of this activity so as to ensure that, to the extent possible, they are recovered from those people undertaking building activities, or interested in building information.</p>
Impact of funding mechanism on community wellbeing	<p>It is in the interests of the community to have buildings that meet safety requirements for now and in the future.</p>
<p>The following funding sources are proposed for Building Control:</p>	
FUNDING SOURCE	PROPORTION OF OPERATIONAL COST (EXCLUDING ANY WEATHERTIGHT HOME SETTLEMENT COSTS)
General rate	0% - 40%
Other sources	60% - 100%
Special funds	Up to 100% of expenses or projects

2.6.4.12 ANIMAL CONTROL

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Animal Control activity:</p> <ul style="list-style-type: none"> • animal owners; • the public in general.
Timeframe of benefits	Animal Control offers immediate benefits for users and for the wider community.
Need for activity	<p>Council is legally required to provide animal control services.</p> <p>The need for the activity arises largely from the need to manage the potentially adverse effects of dogs, and therefore it is appropriate for dog owners to meet the costs of this activity.</p> <p>Occasionally, animals stray onto roads and Council must place them safely until their owners are located. Recovery of costs is sought from owners.</p>
Costs and benefits of funding activity distinctly	<p>It is important to identify the costs of this activity so as to ensure that most of the costs can be recovered from animal owners.</p> <p>There is also a public benefit to the community at large for which a contribution from general rates is appropriate</p>
Impact of funding mechanism on community wellbeing	While animal ownership makes a significant contribution to the wellbeing of many in the community, the adverse effects of animals must also be managed.
The following funding sources are proposed for Animal Control:	
FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Fees and charges	75% or more
General Rates	0% - 25%
Special funds	Up to 100% of expenses or projects
FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions	Up to 100%
Special funds	Up to 100% of projects

2.6.4.13 COMMUNITY SERVICES

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Community Services activity:</p> <ul style="list-style-type: none"> • the public in general; • participants in events and activities where the Community Services division has made a contribution; • sports, leisure, arts and cultural groups; and • sponsors advertising at particular events.
Timeframe of benefits	<p>Benefits from this activity are both immediate and ongoing.</p> <p>While particular events and activities bring short term benefits, part of the work is to empower groups so that they are better able to manage their own affairs in the future.</p>
Need for activity	<p>The community has identified a need for this activity, recognising that a central and neutral service, that provides advice, information, coordination and training, benefits everyone.</p> <p>Without this support, there is a risk that sports and community groups may not function as well, and that some community events may not happen.</p> <p>Groups are assisted to improve activities that they may already be doing, or to start up new things. As sponsors will gain good publicity through events, it is appropriate that some funding for these activities come from the community.</p>
Costs and benefits of funding activity distinctly	<p>As Council has chosen to be involved in the Community Services activity on behalf of the community, it is important that the community is able to see what costs are involved in providing this service.</p>
Impact of funding mechanism on community wellbeing	<p>A safe, healthy and strong community is a vital outcome for the whole community to achieve, now and in the future. Therefore, general rate funding for most of this activity is appropriate.</p>
The following funding sources are proposed for Community Services:	
FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	Up to 100%
Other sources	Up to 100% of one-off projects (This funding is largely dependent on external agencies funding criteria)

Special funds	Up to 100% of expenses or projects
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2.6.4.14 ACTIVATION

FUNDING ANALYSIS

Distribution of benefits	<p>The following people and groups benefit from the Activation activity:</p> <ul style="list-style-type: none"> • the public in general; • participants in events and activities where the Activation team has made a contribution; • sports, leisure, arts and cultural groups; and • sponsors advertising at particular events.
Timeframe of benefits	<p>Benefits from this activity are both immediate and ongoing.</p> <p>While particular events and activities bring short term benefits, part of the work is to empower groups so that they are better able to manage their own affairs in the future.</p>
Need for activity	<p>The community has identified a need for this activity - a need to enable the wider community to be more active, more often. In addition, a central and neutral service providing advice, encouragement, facilitation, information, coordination and training benefits everyone.</p> <p>Without this support, there is a risk that sports and community groups may not function as well, and that some sport and recreation club numbers may decline.</p>
Costs and benefits of funding activity distinctly	<p>As Council has chosen to be involved in the Activation initiative on behalf of the community, it is important that the community is able to see what costs are involved in providing this service. However, as this activity meets national government priorities and objectives, it is appropriate that some funding come from grants. In addition, this activity is an ideal candidate for corporate society gaming proceeds and external sponsorship.</p>
Impact of funding mechanism on community wellbeing	<p>A safe, healthy and strong community is a vital outcome for the whole community to achieve, now and in the future. Therefore, some general rate funding for this activity is appropriate.</p>

The following funding sources are proposed for Activation:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
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General rates	Up to 100%
Sponsorship and grants	20% - 86%

2.6.4.15 EMERGENCY MANAGEMENT

FUNDING ANALYSIS

Distribution of benefits	The following people and groups benefit from the Emergency Management activity: <ul style="list-style-type: none"> the public in general.
Timeframe of benefits	Emergency Management offers both immediate benefits for those affected by civil disaster. There are ongoing benefits for the wider community in being prepared to handle such events.
Need for activity	Council is legally required to provide for Emergency Management, including for disaster recovery.
Costs and benefits of funding activity distinctly	There is a significant cost involved in making provision for emergency management, and there is no statutorily defined level of service. The community has an interest in what costs are involved in protecting it in this way.
Impact of funding mechanism on community wellbeing	This activity is important if the effects of civil emergencies and rural fire events are to be minimised, now and in the future. The community as a whole benefits if people are well prepared and protected and therefore it is appropriate to use the general rate.

The following funding sources are proposed for Emergency Management:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rate	85% - 100%
Other sources	0% - 15%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
National Rural Fire Association	According to funding formula, for Rural Fire capital costs.
General rate	Balance of cost, to 100%
Special funds	Up to 100% of projects

2.6.4.16 PARKS AND RESERVES

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from Parks and Reserves:</p> <ul style="list-style-type: none"> • the public in general; • users of sports facilities, including sports fields; and • participants in organised events held on parks and reserves.
Timeframe of benefits	<p>The benefits of parks and reserves are ongoing. Land may be held in perpetuity.</p> <p>When user groups book particular facilities, they enjoy additional exclusive use benefits for the period they have booked it for.</p> <p>The life of particular assets is variable e.g. playground equipment has a life of 10 years, sports grounds are considered to have a perpetual life.</p>
Need for activity	<p>For particular services and facilities, the level of service is determined by consultation with likely user groups.</p> <p>Where the user group will gain exclusive access to an appropriate facility (e.g. clubrooms), then that group will fully fund that facility, including its maintenance.</p> <p>Where the group will have exclusive use of the facility at certain times, Council will negotiate rentals and charges for that facility on a case by case basis, and with regard to the level of benefit for the general public.</p>
Costs and benefits of funding activity distinctly	<p>The community has placed a particular priority on having outstanding leisure facilities. As the Parks and Reserves activity contributes significantly to this outcome, it is important to show the community how this is being achieved.</p> <p>User groups also have an interest in seeing what they may expect to receive from any direct charges they incur.</p>
Impact of funding mechanism on community wellbeing	<p>As land for parks and reserves may be held for many generations for the use and enjoyment of the general public, it is appropriate for new land purchases to be funded inter-generationally for the existing community, or through Reserves Fund contributions to meet the needs of the population in newly developed areas.</p> <p>Where specific facilities are able to be used exclusively for some or all of the time by particular groups, it is appropriate to fund these by the public over the length of the life of the asset and in proportion to the extent of public benefit.</p>

The following funding sources are proposed for Parks and Reserves:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	80% - 100%
Other sources	0% - 20%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
User contributions (including sponsorship)	By negotiation for particular assets / facilities
Borrowing	Cost attributed inter-generational benefit
Special funds	Up to 100% of projects
General rates	Balance of development cost, up to 100%

2.6.4.17 H²O XTREAM

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from H²O Xstream:</p> <ul style="list-style-type: none"> • the public in general; • users of the facility, including visitors to the city; and • sponsors advertising onsite.
Timeframe of benefits	<p>H²O Xstream offers immediate benefits for users and sponsors.</p> <p>There are ongoing benefits to the wider community in terms of promotion of the city, by attracting visitors to Upper Hutt and in building a safe and healthy community through opportunities to enjoy aquatic exercise.</p>
Need for activity	<p>The community has identified a need for this activity, recognising that a top quality aquatic leisure facility will meet local needs as well as providing a significant attraction for visitors to Upper Hutt. It is targeted to meet the recreational needs of 10 -14 year olds, though all other age groups are catered for.</p> <p>No similar service is available within the private or community sectors.</p>

FUNDING ANALYSIS

Costs and benefits of funding activity distinctly

As Council has chosen to provide a high quality aquatic leisure facility, it is important to show the community how this is being achieved.

Those who pay user charges have an interest in seeing what they may expect to receive from the charges they pay.

Impact of funding mechanism on community wellbeing

Particular people and groups benefit from use of the facility, so user charges are appropriate.

The community generally benefits through improved health, entertainment and safety when leisure and sporting facilities are provided for residents who may not otherwise be able to afford to participate in such activities. The city image benefits from a facility which locals are proud of. For these reasons, general rates are also used to cover the cost of providing this service.

The life of the pool asset, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.

Should the population of Upper Hutt grow, then development contributions may be used to cover additional development required to meet the needs of the larger population.

The following funding sources are proposed for H²O Xtream:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	60 – 100%
Other sources	0% - 40%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions (including sponsorship)	By negotiation for particular facilities and equipment
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991
Borrowing	Cost attributed to inter-generational benefit
Special funds	Up to 100% of projects
General rates	Balance of development cost, up to 100%

2.6.4.18 LIBRARY

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Library activity:</p> <ul style="list-style-type: none"> • the public in general; and • library users, including individuals, businesses, schools, groups and organisations.
Timeframe of benefits	<p>The Library offers immediate benefits for users.</p> <p>There are ongoing benefits in terms of creating a literate and knowledgeable community. The library provides good access to a wide range of printed and electronic information covering a range of recreational, educational and business interests.</p>
Need for activity	<p>The community expects that library services will be available within the community, and that everyone has the right to use them. They also want a facility that contributes towards achieving outstanding leisure and economic development.</p>
Costs and benefits of funding activity distinctly	<p>As Council has chosen to provide a library service on behalf of the community, and it is legally required to provide free membership for Upper Hutt residents, it is important that the community is able to see what costs are involved.</p> <p>The community has placed a particular priority on having outstanding leisure facilities, an innovative economy and connections to the world. The library has been identified as one such facility to contribute to these priorities. It is important to show the community how this is being achieved.</p> <p>Those who pay for particular services provided by the library have an interest in seeing what they can expect to receive for the charges that are payable.</p>
Impact of funding mechanism on community wellbeing	<p>The obligation to provide free library membership for local residents ensures that cost is no barrier to use of the library service. Rates funding is appropriate to enable general access to this service, regardless of personal circumstances.</p> <p>Where people gain particular benefits, for example from reserving books, internet access, loan of best sellers, and use of overdue books, then specific charges will be made.</p> <p>It is likely that excessive user charges for particular services would result in a downturn in library use, which would not be in the interests of the community in general.</p>

The following funding sources are proposed for the Library:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	85% - 100%
Other sources	0% - 15%
Special funds	Up to 100% of expenses or projects.

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions (including sponsorship)	By negotiation for particular facilities /assets.
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
Borrowing	Cost attributed to inter-generational benefit.
Special funds	Up to 100% of projects.
General rates	Balance of development costs, up to 100%.

2.6.4.19 EXPRESSIONS WHIRINAKI ARTS AND ENTERTAINMENT CENTRE

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Expressions activity:</p> <ul style="list-style-type: none"> • the public in general; • centre users, including performers and exhibitors, individuals, businesses, schools, groups and organisations; and • sponsors.
Timeframe of benefits	<p>The Expressions Whirinaki Arts and Entertainment Centre offers immediate benefits for users.</p> <p>There are ongoing benefits in terms of creating a community with a strong identity by providing good access to a venue where people can express themselves through the arts and performance, as well as through physical leisure activities.</p>
Need for activity	<p>The community has requested a facility that provides for outstanding cultural, arts, recreation and leisure opportunities.</p>

FUNDING ANALYSIS

Costs and benefits of funding activity distinctly	As Council has chosen to fund most of the construction costs of the venue on behalf of the community, is responsible for maintenance and replacement of the built asset, and provides substantial grant funding to the contractor for operational costs, it is important that the community is able to see what costs are involved.
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Impact of funding mechanism on community wellbeing	<p>Rates funding is appropriate to enable general access to this service, regardless of personal circumstances.</p> <p>Where people gain particular benefits, for example from attending particular events, it is the responsibility of the Expressions Whirinaki Arts and Entertainment Trust to set appropriate charges.</p> <p>The life of the venue, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Should the population of Upper Hutt grow, then development contributions may be used to cover additional development required to meet the needs of the larger population.</p>
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The following funding sources are proposed for Council funding in relation to the Expressions Whirinaki Arts and Entertainment Centre:

FUNDING SOURCE	OPERATIONAL GRANT AND ASSET MAINTENANCE*
General rates	100%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions (including sponsorship)	By negotiation for particular facilities /assets
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
Borrowing	Cost attributed to inter-generational benefit
Special funds	Up to 100% of projects
General rates	Balance of development costs, up to 100%

* Note that funding for the Expressions Whirinaki Arts and Entertainment Centre relates to the operational grant made by Council and the costs of maintaining the asset. While the Expressions

Whirinaki Arts and Entertainment Centre Trust receives operational grant funding from Council, it is responsible for generating additional income from other sources, including venue hire and sponsorship.

2.6.4.20 PROPERTY

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Property activity:</p> <ul style="list-style-type: none"> • users of Council property; and • the public in general.
Timeframe of benefits	<p>Property offers both immediate benefits for users and ongoing benefits for the wider community.</p>
Need for activity	<p>Most of Council's property is held for strategic purposes:</p> <ul style="list-style-type: none"> • Some properties are required for future public works, and may be rented out in the interim. • Some properties have been owned historically by Council and have benefit for the public e.g. the Cityline bus depot and Harcourt Holiday Park • Some properties are used as community buildings for use by community oriented organisations.
Costs and benefits of funding activity distinctly	<p>As Council has chosen to purchase land for its strategic value, it is important for the community to see what costs are involved.</p> <p>Where private benefit is being derived by particular individuals and businesses, it is important to show that rents cover the cost of holding and maintaining the asset, to the maximum extent possible in the specific circumstances.</p>
Impact of funding mechanism on community wellbeing	<p>Council needs to make strategic land purchases in order to meet the future needs of the community.</p> <p>In order that land purchased for future use is not a burden on today's community, it is important to use such assets now to recover the maximum amount possible of the cost of holding the land until when it is needed.</p>

The following funding sources are proposed for Property:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Rental charges	Up to 100%
Rates	Up to 100%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions	Up to 100% of projects
Special funds	Up to 100% of projects

2.6.4.21 AKATARAWA CEMETERY

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the Cemetery activity:</p> <ul style="list-style-type: none"> • users of the Akatarawa Cemetery; and • the public in general.
Timeframe of benefits	The Cemetery offers both immediate and ongoing benefits for users and the wider community.
Need for activity	<p>Council is legally required to provide for interment services, therefore it is appropriate to secure land and develop it ready for use through the general rate.</p> <p>As people choose to use the Akatarawa Cemetery when they or their loved ones die, it is appropriate to recover these costs from the user.</p> <p>The community place a high value on the standard to which the Cemetery is maintained.</p> <p>As income is not controllable it is appropriate to use general rates to ensure the standard is met.</p>
Costs and benefits of funding activity distinctly	As this activity is funded from user charges, it is important for the community to see what costs are involved.
Impact of funding mechanism on community wellbeing	Council considers it is appropriate to use rate funding to make the Cemetery available for use now and in the future, and for users to cover the costs of their use.

The following funding sources are proposed for Akatarawa Cemetery:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
Rates	Up to 40%
Fees and charges	Up to 100%
Special funds	Up to 100% of expenses or projects

FUNDING SOURCE	PROPORTION OF CAPITAL DEVELOPMENT COST
User contributions	By arrangement
Special funds	Up to 100% of projects
Borrowing	Cost attributed to inter-generational benefit
General rate	Balance of development cost, up to 100%

2.6.4.22 CITY PROMOTION/VISITOR INDUSTRY

FUNDING ANALYSIS	
Distribution of benefits	<p>The following people and groups benefit from the City Promotion activity:</p> <ul style="list-style-type: none"> the public in general; users of the Visitor Information Centre, including visitors to Upper Hutt; and those people, groups, businesses and organisations involved with particular activities, events and promotions.
Timeframe of benefits	<p>City Promotion offers both immediate and ongoing benefits for users and the wider community.</p>
Need for activity	<p>The community has identified a need for Council to become more actively involved in facilitating the promotion of Upper Hutt.</p> <p>Businesses and other organisations recognise the value of events sponsorship and collaboration with others to attract more visitors in to Upper Hutt. It is appropriate to seek contributions from those that benefit, and to charge where particular services are required e.g. temporary road closure.</p> <p>No similar service is available within the private or community sectors.</p> <p>Visitors and residents also want to know about what is going on in Upper Hutt, what they can do and where they can go.</p>

FUNDING ANALYSIS

Costs and benefits of funding activity distinctly	As Council has chosen to be active in city promotion on behalf of the community, it is important that they are able to see what costs are involved in providing this service. For the user charges, it is important to be able to identify and recover appropriate charges.
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Impact of funding mechanism on community wellbeing	City Promotion involves the direct provision of information and promotion services, and also an investment in attracting more people and businesses in to the city to ensure its ongoing vitality. General rates are therefore appropriate to use.
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The following funding sources are proposed for city promotion/visitor industry:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rate	95% - 100%
Other sources	0% - 5%
Special funds	Up to 100% of expenses or projects

2.6.4.23 BUSINESS TRANSFORMATION AND INSIGHT

FUNDING ANALYSIS

Distribution of benefits	<p>The following people and groups benefit from the Business Transformation and Insight activity:</p> <ul style="list-style-type: none"> • the public in general; • the business community in general, including potential businesses; • central city businesses; and • visitors.
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Timeframe of benefits	The benefits of this activity are immediate and ongoing.
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Need for activity	The community has identified a need for Council to become more actively involved in facilitating promotion of the city and economic development in general. No similar service is available within the private or community sectors.
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Costs and benefits of funding activity distinctly	<p>As Council has chosen to be active in business development on behalf of the community, it is important that the community is able to see what costs are involved in providing this service.</p> <p>Although some individuals or groups obtain particular benefits from the services provided, these benefits are not material when compared to the benefits generated for the community as a whole.</p>
Impact of funding mechanism on community wellbeing	<p>A thriving business community is important to the wellbeing of the city as a whole, both now and for the future.</p> <p>For that reason Council does not seek to recover any of the cost of this activity from user charges.</p>

The following funding sources are proposed for Business Transformation and Insight:

FUNDING SOURCE	PROPORTION OF OPERATIONAL COST
General rates	95 - 100%
Other sources	0% - 5%
Special funds	Up to 100% of expenses or projects

2.6.5 Rating System

2.6.5.1 RATING SYSTEM

General rates are calculated on the capital value of all rateable properties in the City and assessed on a differential basis in accordance with Council's Differential Rating policy.

Under differential rating, all property is allocated to one of the following differential rating categories namely:

- Standard(residential)
- High value residential
- Business
- Utility
- Rural
- High value rural

These categories are based on zoning or usage of the land. Under differential rating, all property is allocated to one of the differential rating groups. This is based on zoning/usage, and a differential, based on a factor of 100 for the standard differential group.

2.6.5.2 TARGETED RATES

2.6.5.2.1 Water

A targeted rate, by way of a set rate per dollar on a capital value basis, is proposed to meet 20% of the revenue required for water supply. This component is identified as being required for fire protection purposes, and is assessed upon each separately used or inhabited portion of a rating unit, which is connected to the water supply (“a serviced property”).

A further targeted rate, by way of a uniform annual charge, is proposed to be assessed against each separately used or inhabited portion of a rating unit to which water is supplied (“a serviced property”) to provide 60% of the revenue needed for the general water supply service.

For both targeted water rates, if a rating unit can be, but is not supplied with water and is situated within 100 metres of any part of the water works, (“a serviceable property”) a charge of 50% of the full charge will be made.

Note for completeness: Water is a valuable resource for which Council is accountable and for this reason water supplied for significant business purposes or extraordinary supply will be assessed on a user pays basis (rather than as a rate). The actual charge will be set based on the quantity of water used, as calculated by water meters installed on the properties concerned. This is authorised by the Water Supply Bylaw and specified in the Schedule of Fees and Charges.

2.6.5.2.2 Stormwater

This rate is assessed, differentially, on the capital value of all rating units within that part of the city of Upper Hutt that benefits from the provision of stormwater drainage and flood protection services.

The differentials are:

- business
- other

These categories are defined in the Funding Impact Statement of the Council’s Annual Plan for the current financial year.

2.6.5.2.3 Wastewater

A targeted rate will be set on each water closet (pan) or urinal connected to a public sewage drain. The charge will be assessed on a scale of charges in accordance with the number of water closets (pans) or urinals at present on each separately used or inhabited part of a rating unit.

A whole charge will be set for the first pan or urinal on each separately used or inhabited part of the rating unit and a half charge for every additional pan or urinal thereafter. In addition Council will assess schools on a formula basis, in recognition of their lower level of occupancy during the year.

2.6.5.2.4 Other targeted rates

From time to time it is necessary for Council to provide activities, services or facilities that only, or primarily, benefit specific ratepayers or small groups of ratepayers therefore Council may set a targeted rate to provide such activities, services or facilities. The targeted rates will be assessed

against the rating units owned by the ratepayers who are to benefit. Special targeted rates, when set will be named by the specific activity, service or facility they are set to provide.

2.6.6 Differential Rating Policy

2.6.6.1 GENERAL RATES

The Council will take into account the matters in section 101(3)(a) and (b) when applying the system of differential rating to the general rate with particular emphasis on:

- the overall impact of the latest general revaluation of the city.
 - the Council's desire to ensure, in general, that the amount of the general rate to be derived from each differential category, continues to be about the same share, relative to the other categories, as in the past
 - differences in the benefits received, and in the demands placed upon, the services provided by the Council for different categories of properties
- the period in or over which those benefits are expected to occur
 - the principles and considerations identified by Council as relevant in its analysis of funding of the various activities it undertakes

For the purposes of the differential rating system for the general rate, all rating units in the district of Upper Hutt City shall be allocated to one of the following categories:

- Standard(residential)
- High value residential
- Business
- Utility
- Three waters utilities
- Rural
- High value rural

The above categories and the factors for each differential will be defined annually in the Funding Impact Statement section of the Annual Plan for the current financial year.

Where different parts of a rating unit fall into different categories, the rating unit will be apportioned accordingly.

An important objective of the Council's differential rating system is to provide reasonable stability in the amount of the general rate on the relevant part of each rating unit with the effect that the total proportion of rates from each category will remain approximately the same.

Using Standard as a base, the Rural category's rating differential will be set lower, Business and Utilities higher, with a scale applying to Residential High Value and Rural High Value to prevent land in these categories from assuming a disproportionate rates burden.

Generally, the Rural category's rating differential will be set lower than the Standard category's differential because of the perceived distance of land in this category from Council services.

The Business and Utilities differential will be set higher than the Standard category in consideration of the overall impact of rates liability on the community.

2.6.6.2 STORMWATER

For the purposes of the differential rating system for the stormwater rate, all liable rating units in the district of Upper Hutt City shall be allocated to one of the following categories:

- Business
- Other

The use of differentials enables Council to target a sector which places a higher demand on the stormwater system.

The above categories and the factors for each differential will be defined annually in the Funding Impact Statement section of the Annual Plan for Council's current financial year.

2.6.7 Interpretation

In this Policy:

“District Plan” means the UHCC District Plan operative from 1 September 2004.

“Rating Unit” means a rating unit for the purposes of the Rating Valuations Act 1998.

“Ratepayer” has the same meaning as in Section 10 of the Local Government (Rating) Act 2002.

“Separately used or inhabited part” as required under the Local Government Act 2002 this is defined in Council's Funding Impact Statement.

“Zoning” is determined by reference to the District Plan.

This Policy has been drafted with reference to the District Plan. Terms and expressions used in it are intended to have the same meanings as in the District Plan.

Allocation to a category or group for differential rating purposes is subject to a right of objection as set out in Section 29 of the Local Government (Rating) Act 2002. Valuations are subject to a right of objection under the Rating Valuations Act 1998.

2.7 Policy on development contributions⁵

2.7.1 Introduction

This document sets out the Council's policy on development contributions under the Local Government Act 2002 (LGA). The Council is required under section 102(2) of the LGA to adopt a policy on development contributions or financial contributions.

⁵ Revision of the Development Contributions Policy occurred during the development of the Long Term Plan 2018 – 2028 and was adopted at the Extraordinary Council Meeting 27 July 2018

Section 197 of the LGA defines a development contribution as a contribution provided for in a development contribution policy of a territorial authority; and calculated in accordance with the methodology; and comprising:

- money; or
- land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993, unless that Act provides otherwise; or
- both.

The purpose of development contributions is to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term. Development contributions may be required in relation to developments if the effect of the development is to require new or additional assets or assets of increased capacity and, as a consequence, the territorial authority incurs capital expenditure.

As required by section 198(2A), development contributions required by the Council will be consistent with the policy in force at the time that the application for a resource consent, building consent, or service connection was submitted accompanied by all the required information.

This policy has been drafted to meet the requirements for development contribution policies set out in sections 106, 197-211, and Schedule 13 of the LGA. Broadly speaking the policy:

- identifies the Council activities which will be funded by development contributions (at this stage, only roading in eight specified roading catchments and water and wastewater infrastructure in one catchment specified for this purpose);
- summarises the capital expenditure on these activities that the Council expects to incur as a result of growth in the district from 2016 to 2043
- states the proportion of that capital expenditure that will be funded by development contributions, and the rationale for using this method of funding;
- describes conditions and criteria applying to exemption from, remission, postponement, and refund of development contributions and the process for reconsideration of development contributions;
- specifies the level of contribution payable in different parts of the City (catchments) the Council has defined;
- specifies when a development contribution will be required.

More specifically, the policy:

- provides for the Council to take development contributions to fund capital expenditure on roading in eight specified catchments. This expenditure is required to address the effects on roading infrastructure of increased traffic in those catchments resulting from household growth or, in the case of the Alexander Road catchment, resulting from commercial development;

- provides for the Council to take development contributions to recoup capital expenditure on reticulated water supply and wastewater networks in the Mangaroa catchment, which it has already incurred in anticipation of growth;
- for information purposes only, signals the Council's intention in the future to widen the policy to recoup the cost to the Council of providing capacity in roading, water supply, wastewater and stormwater networks for areas of new (greenfields) and infill subdivision.

This development contribution policy is distinct from, and should be read alongside, the provisions in the Upper Hutt District Plan regarding financial contributions under the Resource Management Act 1991. As well as requiring development contributions under the LGA and financial contributions under the Resource Management Act 1991, the Council will continue to seek to avoid, remedy, or mitigate adverse effects of subdivision and development through appropriate conditions of resource consent imposed under sections 108 and 220 of the Resource Management Act 1991.

2.7.2 Growth in Upper Hutt

The population of Upper Hutt City at the last census in 2013 was 40,179. Upper Hutt's population has grown in recent years, and statistical analysis tells us this will continue. Population growth can be variable – especially over a long time period – so it is logical to consider a range within which future growth could occur. Current Statistics New Zealand predictions are for the population to grow to between 46,400 and 52,600 by 2043 based on a medium and high population projection respectively.

The Council commissioned BERL to forecast both population and housing projections specific to Upper Hutt for the period 2013-2043, using the data from Statistics New Zealand but incorporating economic factors into the growth scenario. This gives what is likely to be a more realistic projection of the changes Upper Hutt will face in the future, and adds a regional perspective to the Statistics NZ data. Taking these factors into account, BERL has provided a moderated population projection of 49,400 by 2043. For the purposes of this policy, the Council has assumed that growth in the Upper Hutt City will result in a 2043 population figure that is somewhere between the Statistics NZ medium projection (46,400) and the forecast from BERL (49,400).

Correspondingly, there has been significant growth in the number of households in the City over the past decade, which has resulted in a reduction of residential occupancy rates. If current demographic trends continue, by 2031 household size is predicted to fall from a current average of 2.6 people per household to around 2.47 people per household.

Based on the medium growth scenario outlined above, projections indicate that between approximately 19,600 (Statistics NZ medium projection) and 20,800 (forecast from BERL) dwellings will be required in Upper Hutt at 2043. This is an increase of between 3,300 to 4,500 from 2013.

Even without population growth, household growth results in increased demand for Council-provided infrastructure. In particular, greenfields subdivision on the perimeters of the urban area, and continuing subdivisions to create rural residential lifestyle blocks, result in pressure for the Council:

- in the case of new greenfields subdivision, to provide adequate water supply, wastewater and stormwater disposal and roading infrastructure to service those subdivisions;
- in respect of rural residential lifestyle properties, to upgrade existing rural roads to accommodate increased traffic generated by subdivision and development of those properties.

New greenfields subdivision in particular also creates a demand for the provision of reserves, open space and leisure facilities in the vicinity of the new subdivision. The Council will continue to address this demand through financial contributions in the form of land, money, or both, taken in accordance with the provisions of the Upper Hutt District Plan and the Resource Management Act 1991.

Other activities undertaken by the Council include the provision of civic and recreational facilities such as halls, libraries, the aquatic centre H²O Xtream and the Expressions Arts and Entertainment Centre. Existing civic and recreational facilities are considered to be reasonably accessible to all residents of the district. Without population growth, it may be unnecessary to provide more of these facilities, or to increase the capacity of existing facilities. On the other hand, even with a stable population there may be a demand for improved levels of service in relation to civic and recreational facilities: but this would normally be funded out of rates. Accordingly this policy does not provide for a development contribution in relation to civic and recreational facilities.

In addition to greenfields and rural residential subdivision, there is also infill development of urbanised parts of the City. The impact of infill development on Council infrastructure is currently less significant than other forms of development because of the spare capacity that still exists in water supply, wastewater and roading infrastructure serving the urban area. However this will be reviewed for projected growth. There is no spare capacity in the Council's stormwater disposal infrastructure, but the vast majority of projected capital expenditure on stormwater infrastructure currently relates to improving the level of service (including the level of flood protection) provided by that infrastructure rather than increasing the capacity of the network for growth. For these reasons this policy does not currently provide for the Council to recover development contributions from infill subdivision and development in the urban area.

The Council will continue to require any adverse effects of infill subdivision and development to be addressed through appropriate conditions of resource consent, including works and services conditions imposed under section 108(2)(c) of the Resource Management Act 1991. In some circumstances this may involve undertaking off-site works and services to address the impact of the subdivision and development on Council infrastructure.

2.7.3 Funding the costs of growth

Because the Council provides reserves, roading, wastewater, stormwater, and water supply infrastructure to the population of Upper Hutt on an on-going basis, household growth imposes costs on the Council in terms of providing new items of infrastructure, or increasing the capacity of existing infrastructure, to meet the needs of these new households.

Assuming it would be unacceptable for the Council not to provide reserves, roading and reticulated services to new households, the real choice is between on one hand funding growth costs through development contributions and/or financial contributions; and on the other hand funding these costs through general funding mechanisms such as borrowing and rates. Funding

the cost of a development through development contributions and financial contributions is seen as the more equitable way of allocating costs between those responsible for the Council incurring those costs, and any others who benefit from the Council's capital expenditure.

2.7.4 Capital expenditure in response to growth

Section 106(2)(a) of the LGA requires the Council's development contributions policy, in relation to the purposes for which development contributions may be required, to summarise and explain the total cost of capital expenditure identified in the LTP or identified under clause 1(2) of Schedule 13 of the LGA that the Council expects to incur to meet the increased demand for community facilities resulting from growth. Community facilities are defined in section 5 of the LGA, including reserves, network infrastructure (which includes roads, water, wastewater, and stormwater collection and management), and community infrastructure. Refer to the glossary to this policy for a full list of defined terms.

Section 106(2)(b) requires the development contributions policy to state the proportion of that total cost of capital expenditure that will be funded by development contributions and other sources of funding. In addition, section 106(2)(d) requires each activity for which a development contribution will be taken to be identified, along with the total amount of development contribution funding sought for that activity.

At this stage the only activities for which the Council will require development contributions are roading in the eight catchments specified in this policy and, in a single catchment (Mangaroa), water supply and wastewater. The information required under sections 106(2)(a), 106(2)(b) and 106(2)(d) is provided in the following table:

2.7.4.1 28-YEAR ESTIMATED TOTAL CAPITAL EXPENDITURE AND FUNDING FOR GROWTH

	Total cost of capital works	Other sources of funding	Total improved level of service component	Total growth component	Amount to be funded through development contributions
Roading in specified catchments	\$15,504,967	Rates/loans	\$8,853,279	\$6,651,688	\$5,377,934
Wastewater and water in Mangaroa catchment	\$1,969,975	Rates/loans	\$922,871	\$1,047,104	\$1,047,104

The Council intends in future years to widen the scope of this policy to allow for the taking of development contributions recover a fair, equitable and proportionate portion of the cost of providing capacity in roading, stormwater, water supply and wastewater infrastructure in areas of greenfields and infill subdivision.

2.7.5 Rationale for funding growth through development contributions

Section 106(2)(c) of the LGA requires the development contributions policy to explain why the Council has determined to use development contributions as a funding source, by reference to matters referred to in section 101(3) of the LGA.

2.7.5.1 COMMUNITY OUTCOMES

The Long Term Plan identifies five strategic priority areas for Upper Hutt city. The provision of roading infrastructure in the eight catchments specified, and the provision of wastewater and water infrastructure in the Mangaroa catchment (in each case funded through development contributions) aligns with all five of Upper Hutt's strategic priority areas.

2.7.5.2 DISTRIBUTION OF BENEFITS

The Council considers it appropriate that development contributions are required to fund the addition of capacity in roading, wastewater and water supply networks. The benefits of this additional capacity accrue to the residents of the new households generating the demand for that capacity via development contributions paid by developers which can be passed on through section prices to the residents of the new households. By contrast, existing landowners gain no benefit from the addition of capacity to existing networks that adequately meet their needs: accordingly they should not be required to fund the addition of that capacity through rates.

The cost of maintaining or improving levels of service provided by Council infrastructure to the existing population has been stripped out of the capital expenditure to be funded from development contributions, as this expenditure does not benefit developers or new households who will be bearing the cost of development contributions.

2.7.5.3 THE PERIOD IN WHICH BENEFITS ARE EXPECTED TO OCCUR

The benefits of capital expenditure to accommodate the effects of growth are likely to accrue beyond the 28-year timeframe of the capital expenditure identified in the development contributions policy, given the longevity of roads and wastewater and water supply networks. Nevertheless a 28-year period is seen as an adequate planning timeframe for the purposes of this policy as it correlates with the Council's land use strategy.

2.7.5.4 EXTENT TO WHICH INDIVIDUALS CONTRIBUTE TO A PARTICULAR ACTIVITY

The need to install additional capacity in Council-provided roading, wastewater and water supply networks is caused by those undertaking subdivision and development in the district resulting in the creation of new lots, household units and business demand. Accordingly it is appropriate for the costs of installing additional growth related capacity to be passed on through development contributions payable by developers on the granting of resource or building consents.

2.7.5.5 COSTS AND BENEFITS OF FUNDING THE ACTIVITY DISTINCTLY FROM OTHER ACTIVITIES

Development contributions can be imposed at relatively little cost, with the major costs lying in the preparation of a suitable methodology for the assessment of contributions. The benefits of funding the addition of capacity in Council infrastructure to meet the effects of growth through development contributions include greater transparency through quantifying the cost of growth to the Council in terms of providing additional infrastructure (roads, and wastewater and water supply networks), and then passing on that cost to developers through development contributions. The use of catchments also aids transparency by signalling the variations in the cost of providing infrastructure according to the characteristics of the particular locality and the nature of the works required.

2.7.5.6 OVERALL IMPACT OF ANY ALLOCATION OF LIABILITY FOR REVENUE NEEDS OF THE COMMUNITY

Ensuring adequate sources of funding is central to meeting the current and future needs of the community for good-quality local infrastructure. Funding the cost of providing increased capacity in Council infrastructure through development contributions ensures equity between existing residents and those responsible for the Council incurring these additional costs (and who benefit from that expenditure).

Council has decided that the rural roading development levy should be imposed only on subdivision and in respect of each new lot created. The Council has decided not to implement a proposal to impose a levy at the building consent stage, for a new dwelling, because it considers that those people owning rural land and intending to build are already paying through rates for services.

Council has set a cap on development contributions for rural roading in recognition of the potentially high individual new allotment costs arising from the difficult topography and limited potential for further subdivision within certain rural catchments and as they do not wish to stifle such development.

2.7.6 Activities for which development contributions will be required

2.7.6.1 ROADING

Council funded capital works associated with the provision of a safe and efficient roading network in the following roading catchments (refer to the map at the end of this policy for the location and boundaries of these catchments):

- Akatarawa Road
- Kaitoke
- Mangaroa
- Katherine Mansfield extension
- Blue Mountains
- Moonshine Hill Road
- Alexander Road
- Swamp Road

2.7.6.2 WATER AND WASTEWATER

Council funded capital works associated with the provision of reticulated water supply and wastewater networks in the Mangaroa catchment (refer to the table at the end of this policy for the location and boundaries of this catchment).

2.7.7 How development contributions have been calculated

Section 201(1)(a) of the LGA requires the development contributions policy to include, in summary form, an explanation of and justification for the way each development contribution in the schedule to the policy is calculated.

In summary, each contribution (apart from the Alexander Road catchment roading contribution, and the Mangaroa water and wastewater contribution: see below) has been calculated in accordance with the methodology set out in Schedule 13 of the LGA, and then in respect of certain contributions applying an upper “cap”, as follows:

2.7.7.1 STAGE 1:

The Council has first, within each catchment, estimated the potential development of new lots/household units likely to be created under the existing zoning provisions of the District Plan, and found this compatible with predicted uptake over the next 28 years. This is based on existing trends in population and household growth and the development potential of each catchment.

2.7.7.2 STAGE 2:

It has, within each catchment, identified the total cost of the capital expenditure it expects to incur on roading over the next 28 years (this figure is drawn from the Council's asset management documentation and is referred to in the Council's Long Term Plan). Capital expenditure in this context refers to the council contribution towards growth related cost and doesn't include contributions from third parties which are deducted before the development contribution is calculated.

2.7.7.3 STAGE 3:

It has identified the share of that capital expenditure attributable to growth. This involves identifying whether the "driver" for individual items of capital expenditure (projects) is improvement in levels of service, the provision of additional capacity, or a mixture of both; and then aggregating the expenditure attributable to providing additional capacity on individual projects into a single figure for each catchment (the "growth component"). The Council intends the entire growth component to be funded out of development contributions. However if existing residents do derive some benefit then the cost attributable to that benefit is not included in the development contribution calculation.

2.7.7.4 STAGE 4:

In each catchment the Council has divided the growth component by the projected number of new lots/households units in that catchment to derive a per lot/household unit contribution.

2.7.7.5 STAGE 5:

Having assessed a theoretical development contribution per additional lot/household unit, Council then considered the overall impact of such a contribution on the community, and modified the requirements for rural roading development contributions by:

1. Resolving to levy development contributions at the building consent stage only in Industrial zones. Council will only impose the levy on new rural lots created by subdivision.

2. Resolving to place a cap on the maximum levy payable in the Moonshine Hill road and Akatarawa road catchments at \$9,690 and noting that in the other catchments the property owner will pay the actual levy assessed.

The Mangaroa water and wastewater contribution has been calculated in the same way, with the exception that at stage 2 above, instead of apportioning the cost of future capital works attributable to growth over the next 28 years the Council has, in reliance on section 199(2) of the LGA, apportioned the cost of capital expenditure already incurred in anticipation of growth (see the table in section called 'Schedule of Development Contributions' below).

The Alexander Rd roading contribution has also been calculated in a similar way to the methodology set out in section called 'How Development Contributions have been calculated' stages 1 to 5 above. The difference is that at stage 1, instead of estimating the number of new lots/household units likely to be created over the next 28 years, because this is an area of anticipated commercial/industrial growth rather than residential growth, the Council has estimated the amount of developed commercial floor space. This has led to the basic unit of demand in this catchment being each additional 100m² of developed floor space created. Under stage 4, the Council has then divided the growth component of capital works in the Alexander Rd catchment amongst the amount of new floor space anticipated, to arrive at a contribution of \$276/each additional 100m² of developed floor space created.

The Council is required to adopt the methodology for calculating development contributions set out in Schedule 13 of the LGA; and considers it to be an appropriate way to fund the impact of household growth and, in the Alexander Road catchment commercial development, on the Council's infrastructure.

2.7.8 Significant assumptions

Section 201(1)(b) of the LGA requires the development contributions policy to state significant assumptions underlying the calculation of the schedule of development contributions. This must include an estimate of potential effects, if there is significant uncertainty as to the scope and nature of those effects.

2.7.8.1 POPULATION AND HOUSEHOLD GROWTH PROJECTIONS

The Council has relied on projections of households and population growth, as it is required to do under the LGA. In particular the Council has assumed that over the 28 year period identified in this policy, the population of Upper Hutt is expected to increase from an estimated 41,200 at 2013 up to between 46,400 to 49,400 by 2043 and that over that period, the number of rateable properties will grow between 3,300 - 4,500. Assumptions have also been made about the increase in household units in each of the roading catchments, and the Mangaroa water and wastewater catchment, over the 28 year period identified in this policy.

2.7.8.2 COST OF INDIVIDUAL ITEMS OF CAPITAL EXPENDITURE

The Council has used the best information available at the time of developing this policy to estimate the cost of individual items of capital expenditure on roading that will be funded in whole or in part out of development contributions. It is likely that actual costs will differ from estimated costs due to factors beyond the Council's ability to predict such as changes in the price of raw materials, labour etc. and the timing of capital works.

The Council will review its estimates of capital expenditure at least every 3 years when it reviews this policy.

2.7.8.3 INFLATION

All figures are in today's dollars and development contributions have been adjusted in accordance with the note under Accounting Assumptions in the Council's LTP.

2.7.9 Exemption, remission, postponement and refund of development contributions

2.7.9.1 EXEMPTIONS

In accordance with section 200 of the LGA, the Council will not require a development contribution if, and to the extent that:

- a. It has, under section 108(2)(a) of the Resource Management Act 1991, imposed a condition on a resource consent in relation to the same development for the same purpose; or
- b. The developer will fund or otherwise provide for the network infrastructure to which the development contribution relates;
- c. The Council has already required a development contribution for the same purpose in respect of the same building work, whether on the granting of a building consent or a certificate of acceptance, unless the further development contribution is required to reflect an increase in the scale or intensity of the development since the original contribution was required; or
- d. A third party has funded or provided, or will fund or provide, the same infrastructure.

2.7.9.2 THE EXEMPTIONS ABOVE DO NOT PREVENT THE COUNCIL FROM:

- a. accepting from a person, with that person's agreement, additional contributions for network infrastructure; or
- b. requiring a development contribution if:
 1. income from the following is being used or will be used to meet a proportion of the capital costs of the network infrastructure for which the development contribution will be used:
 - rates
 - fees and charges
 - interest and dividends from investments
 - borrowings
 - proceeds from asset sales; or
 2. a person required to make the development contribution is also a ratepayer in the territorial authority's district or has paid or will pay fees or charges in respect of the facilities.

2.7.9.3 REMISSION AND POSTPONEMENT

The Council will not usually remit or postpone payment of a development contribution but reserves its right to do so in an exceptional case.

2.7.9.4 REFUNDS

The Council will refund a development contribution to the consent holder or to his or her personal representative in the circumstances set out in section 209 of the LGA, namely:

- a. If the contribution was taken upon the granting of a resource consent, the resource consent lapses under section 125 of the Resource Management Act 1991 or is surrendered under section 138 of that Act; or
- b. If the contribution was taken upon the granting of a building consent, the building consent lapses under section 52 of the Building Act 2004; or
- c. The development or building in respect of which the resource consent or building consent was granted does not proceed; or
- d. The Council does not provide the network infrastructure for which the development contribution was required.

2.7.10 Reconsiderations and objections

2.7.10.1 RECONSIDERATION OF REQUIREMENT FOR DEVELOPMENT CONTRIBUTIONS

At the request of a person required to make a development contribution (applicant) the Council will reconsider that requirement if the applicant considers that:

- a. the development contribution was incorrectly calculated or assessed; or
- b. the Council incorrectly applied the development contribution policy; or
- c. the information the Council used to assess the development against the development contribution policy, or the way this information was recorded or used was incomplete or contained errors.

A request for reconsideration must be made within 10 working days after the date on which the applicant receives notice from the Council of the level of development contribution that the council requires.

An applicant may not apply for reconsideration if the applicant has already lodged an objection under section 199C and Schedule 13A of the LGA 2002.

A request for reconsideration must be made in writing to the Council and identify the basis on which the reconsideration is sought together with, as appropriate, the legal and evidential grounds in support of the application for reconsideration.

The Council may, within 10 working days of receiving the request for reconsideration, request further information from the applicant to support the grounds stated in the reconsideration request.

The Council will proceed to determine the request for reconsideration if:

- a. it has, in its view, received all required information relating to the request; or
- b. the applicant refuses to provide any further information requested by the Council (as set out above).

The Council will make its decision on a reconsideration request without convening a hearing.

In all cases, the Council will give written notice of the outcome of its reconsideration to the applicant within 15 working days after:

- a. the date the application for reconsideration is received, if all required information is provided in that application; or
- b. the date the application for reconsideration is received, if the applicant refuses to provide further information; or
- c. the date the further information is received from the applicant.

A person who requested reconsideration may object to the outcome of the reconsideration in accordance with section 199C.

2.7.11 Schedule of development contributions

2.7.11.1 LEVEL OF CONTRIBUTIONS – ROADING

The development contributions for roading payable for each additional unit of demand created are shown in the tables below:

ADDITIONAL LOTS

Roading catchment	Growth component of 28 year capital works projects*	Total units of demand (Additional lots expected)	Growth component * per additional lot	Development contribution charged * (per additional lot)
Akatarawa Road	\$1,336,331	93	\$14,370	\$9,690
Kaitoke	\$624,724	62	\$10,076	\$10,076
Mangaroa	\$1,574,483	270	\$5,380	\$5,380
Moonshine Hill Road	\$892,500	17	\$52,500	\$9,690
Katherine Mansfield Drive extension (including Mangaroa contribution)	+\$165,600	50	\$7,780	\$7,780
Swamp Road (West) (including Mangaroa and Katherine Mansfield Drive extension contributions)	+\$410,550	32	\$20,610	\$20,610
Swamp Road (East) (including Mangaroa and Katherine Mansfield extension contributions)	\$0 ##	37	\$7,780	\$7,780

(## Developer to provide roading east of Katherine Mansfield Drive Extension / Swamp Road junction)

ADDITIONAL FLOOR AREA

Roading catchment	Growth component of 20 year capital works projects*	Total additional developed floor area	Development contribution* (per 100m ² of additional floor area)
Alexander Road	\$518,290	192,100 m ²	\$270

* GST exclusive

2.7.11.2 LEVEL OF CONTRIBUTIONS – WATER AND WASTEWATER

The development contribution for water and wastewater payable for each additional unit of demand created in the Mangaroa catchment is shown in the table below:

Water and wastewater catchment	Growth component of 20 year capital works projects^	Total units of demand (additional lots/ household units)	Development contribution* (per additional lot or household unit)
Mangaroa	\$1,047,104	59	\$17,747

^Capital expenditure already incurred by the Council in anticipation of growth

* GST exclusive

2.7.11.3 WHEN DEVELOPMENT CONTRIBUTIONS WILL BE REQUIRED - ROADING

Development contributions will be imposed upon the granting of a resource consent for subdivision that authorises the creation of one or more additional lots in the catchments listed below:

- Akatarawa Road
- Kaitoke
- Mangaroa
- Katherine Mansfield extension and Swamp Road
- Blue Mountains
- Moonshine Hill Road

In accordance with section 208 of the LGA, until a development contribution has been paid the Council may:

- In the case of a subdivision, withhold a certificate under section 224(c) of the Resource Management Act 1991; or
- Development contributions will be imposed upon the granting of building consent to create an additional 100m² or more of developed floor space (if not already imposed on the granting of resource consent) in the catchment listed below: Alexander Road

In accordance with section 208 of the LGA, until a development contribution has been paid the Council may withhold a code compliance certificate under section 95 of the Building Act 2004 or certificate of acceptance under section 99 of Building Act 2004.

2.7.11.4 WHEN DEVELOPMENT CONTRIBUTIONS WILL BE REQUIRED – WATER AND WASTEWATER

A development contribution for water and wastewater in the Mangaroa catchment will be required:

- upon the granting of a resource consent for subdivision or development that authorises the creation of one or more lots or household units in the Mangaroa catchment; or
- upon the granting of a building consent regarding the creation of one or more household units in the Mangaroa catchment; or
- upon the Council granting an authorisation for a existing lot or existing household unit in the Mangaroa catchment to connect to the Council's water supply or wastewater system.
- in accordance with section 208 of the LGA, until a development contribution has been paid the Council may:
 - in the case of a contribution required upon the granting of subdivision consent, withhold a certificate under section 224(c) of the Resource Management Act 1991; or
 - In the case of contribution required upon the granting of resource consent for a development, prevent the commencement of the resource consent under the Resource Management Act 1991; or
 - In the case of a contribution required upon the granting of building consent, withhold a code compliance certificate under section 95 of the Building Act 2004 or certificate of acceptance under section 99 of Building Act 2004; or
 - In the case of a contribution required upon the granting of an authorisation to connect to the Council's water supply or wastewater system, withhold a connection to that system

2.7.12 Glossary

IN THIS POLICY:

Allotment has the meaning given to it in section 218(2) of the Resource Management Act 1991, and lot has the same meaning.

Community facilities means reserves, network infrastructure, or community infrastructure for which development contributions may be required in accordance with section 199 of the LGA.

Community infrastructure means the following assets when owned, operated, or controlled by a territorial authority:

- a. community centres or halls for the use of a local community or neighbourhood, and the land on which they are or will be situated:
- b. play equipment that is located on a neighbourhood reserve:
- c. toilets for use by the public.

Development means:

- a. any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work that generates a demand for reserves, network infrastructure, or community infrastructure; but
- b. does not include the pipes or lines of a network utility operator.

Development contribution means a contribution:

- a. provided for in a development contribution policy of a territorial authority; and
- b. calculated in accordance with the methodology; and
- c. comprising:
 - money; or
 - land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993, unless that Act provides otherwise; or
 - both.

Development contribution policy means the policy on development contributions adopted under section 102 of the LGA.

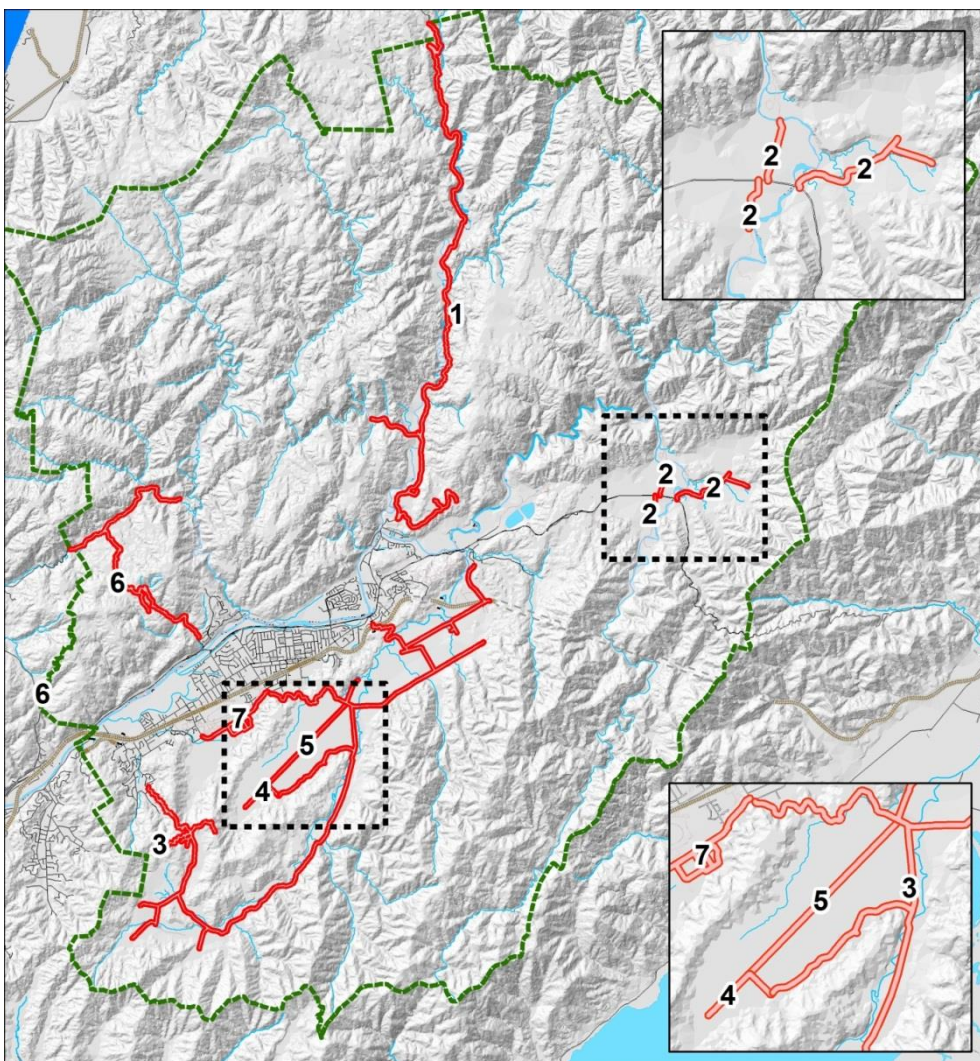
Methodology means the methodology for calculating development contributions set out in Schedule 13 to the LGA.

Network infrastructure means the provision of roads and other transport, water, wastewater, and stormwater collection and management.

Network utility operator has the meaning given to it by section 166 of the Resource Management Act 1991.

Service connection means a physical connection to a service provided by, or on behalf of, the Council.

2.7.13 Catchments



AREA	COMMENTS
<p>1 Akatarawa Roding catchment</p>	<ul style="list-style-type: none"> • Akatarawa Road • Crest Road • Karapoti Road
<p>2 Kaitoke Roding catchment</p>	<ul style="list-style-type: none"> • Gilbert Road • Kiwi Ranch Road • Marchant Road • Kaitoke Waterworks Road

AREA	COMMENTS
<p>3 Mangaroa Roding catchment</p>	<ul style="list-style-type: none"> • Whitemans Valley Road • Colletts Road • Flux Road • Gorrie Road • Leonards Road • Maymorn Road • Wallaceville Road • Parkes Line Road • Mangaroa Valley Road • Mangaroa Hill Road • Katherine Mansfield Drive • Johnsons Road • Kakariki Way • Russells Road • Sierra Way • TVL Road
<p>4 Katherine Mansfield extension and Swamp Road West</p> <p>Levy includes Mangaroa contribution.</p>	<ul style="list-style-type: none"> • Cross Valley link to Swamp Road from the south end of the original Katherine Mansfield Drive • Progressive upgrading of Swamp Road West (within valley floor to the west of its junction with the Cross Valley Link.)
<p>5 Katherine Mansfield extension and Swamp Road East</p> <p>Levy includes Mangaroa contribution.</p>	<ul style="list-style-type: none"> • Cross Valley link to Swamp Road from the south end of the original Katherine Mansfield Drive • Construction of Swamp Road East (within valley floor to the west of its junction with the Cross Valley Link) to be completed by Developers

AREA	COMMENTS
6 Moonshine Hill Road	Resource consent levy from the following roads <ul style="list-style-type: none"> • Moonshine Hill Road • Moonridge Road • Bulls Run Road • Mount Cecil Road
7 Alexander Road catchment	Building consent levy from development within the Business Industrial zone, including <ul style="list-style-type: none"> • Alexander Road • Dante Road • George Daniels Drive • Thomas Neil Crescent • William Duran Drive • Du Pont Lane
8 Mangaroa water and sewerage catchment	Resource consent or building consent or authorisation to collect levy from lots connecting to the water and sewerage reticulation in Maymorn Road, from the pump station outside 1060 Maymorn Road to Parkes Line Road, and Parkes Line Road to and including McLaren Street.

2.8 Policy: Restrictions on expenditure

2.8.1 Land Transport Management Act 2003

Contract works that are refunded under the subsidised roading programme with a contribution from the National Roding Fund are required to comply with the requirements of the NZTA's Procurement Manual (2010) and the Hutt Valley Procurement Policy (Appendix F). To qualify for NZTA funding the work must fall within one of the categories described in the NZTA's Planning Programming and Funding Manual (2008).

2.8.2 Other Contracts

Any contract for the supply of goods or services likely to involve the Council in expenditure or financial commitment for a total sum of \$100,000 or more will be undertaken by competitive

tendering unless exceptional circumstances exist and authority is given for dispensing with competitive tendering.

2.8.3 Exceptional Circumstances

It is recognised that in a limited range of exceptional circumstances it may not be practicable or desirable to undertake a contract by competitive tendering.

Reasons for dispensing with competitive tendering include but are not limited to one or more of the following:

- a. urgency
- b. the specialised nature of goods or services; or
- c. existing/recent contracts, which require extension or form the basis of a negotiated contract.

2.8.4 Authority to Dispense with Competitive Tendering

A decision to dispense with competitive tendering, where the expenditure or financial commitment is likely to be for a total sum of \$250,000 or more, may be made by the Contracts Group Subcommittee.

A decision to dispense with competitive tendering where the expenditure or financial commitment is likely to be for a total sum of \$100,000 or more, but less than \$250,000 may be made by the Chief Executive.

2.8.5 Alternative to Competitive Tendering

If warranted by the exceptional circumstances of the case and approved, the contract may be undertaken by negotiation with a specific provider of goods or services.

2.8.6 Decision to be in writing

Every decision made to dispense with competitive tendering, and if applicable, to undertake a contract by negotiation, shall be recorded in writing, shall specify the reasons for the decisions and shall be signed by the approved.

2.8.7 Policy of Buying Locally

All things being equal, preference is to be given to local tenderers.

2.9 Instalment rating

The following system of instalment rating was adopted by Council by resolution passed at an extraordinary Council meeting held on 09 June 2010 (M.P.96):

1. **THAT** Council agree to stop the current two cycle rates instalment arrangements and include a one cycle arrangement (as per the table below) in the rates resolution for financial years from 2010-2011 onwards
2. **THAT** instalments due and payable dates are as follows:

Instalment	Due Date
1	31 August
2	31 October
3	15 January
4	28 February
5	30 April

2.10 Differential rating system

The Differential rating system is contained in the Revenue and Financing Policy, in the latest Council Long Term Plan, with definitions contained in the Funding Impact Statement of the latest Long Term Plan or the latest Annual Plan.

2.11 Rate remission and postponement policies

Council's Rates Remission Policy has three heads; General Remissions Policy, Policy on Remissions and Postponement and Rates Remissions Policy for Economic Development. There are objectives, conditions and criteria specific to each head.

2.11.1 General Remissions Policy

In addition to mandatory remissions under Part 1 of Schedule One of the Local Government (Rating) Act 2002, that it is Council policy to grant a 30% remission on all rates and uniform charges levied on:

- a. land owned or occupied by or in trust for any society or association of persons, whether Incorporated or not, and used principally for games or sports other than racing, trotting and dog racing (First Schedule, Part 2, clause 2)
- b. land owned or occupied by or in trust for any society or association or persons, whether incorporated or not, whose object or principal object or one of whose principal objects is to promote generally the arts or any purpose of recreation, health, education or instruction for the benefit or residents or any group or groups of residents of the district.

The schedules for categories of non-rateable land which are fully non-rateable and those categories which are 50% non-rateable are found in Schedule One of the Local Government (Rating) Act 2002.

2.11.2 Policy on Remission on Postponement

2.11.2.1 OBJECTIVE

To enable the Council to act fairly and reasonably when rates have not been received by the due date.

2.11.2.2 CONDITIONS AND CRITERIA

1. Upon receipt of an application by a ratepayer, or if identified by the Council, Council may remit or postpone rates or penalties where it is demonstrated that the rates or penalty has been levied because of an error by the Council.
2. Upon receipt of an application from the ratepayer, and subject to the qualification below, the Council may remit a penalty where:
 - the ratepayer has a two-year history of regular payment of rates or can demonstrate that the delay in payment is due to an extraordinary circumstance

OR

 - the ratepayer has entered into an agreement with the Council for the payment of rate arrears, and that agreement is being complied with

OR

 - the ratepayer has set up automatic payments set at such a level that the annual rates are paid over the financial year.
3. Upon receipt of an application by a ratepayer, or if identified by the Council, Council may postpone rates or penalties where it is demonstrated that the rates or penalty that have been levied are causing extreme financial hardship to the ratepayer.

Applications under these criteria will generally only be considered when applicants:

- A. are unable to pay their rates because of personal circumstances
- B. have tried all other avenues to fund their rates
- C. have no significant assets
- D. are prepared to receive a legal charge to the Council over the property.

2.11.2.3 CONDITIONS

The Council reserves the right to impose conditions on the remission or postponement of rates or penalties.

2.11.2.4 DECISIONS

Decisions on the remission or postponement of rates and penalties are delegated to Council Officers. All delegations are recorded in the Council's delegation manual.

2.11.3 Rates Remissions Policy for Economic Development⁶

This section of the Policy is divided into two categories; Business Development and Subdivisions. These categories share the objectives of this section of the Policy but have separate conditions and criteria.

2.11.3.1 OBJECTIVE

To promote employment and economic development within the city by offering rates remission to:

- a. Assist new businesses to become established in the city.
 1. Assist existing businesses in the city to expand and grow.
- b. Assist in the establishment of significant initiatives which are of strategic economic value to the city
- c. Assist developers of sub-divisions.

2.11.4 Business Development

2.11.4.1 CONDITIONS AND CRITERIA

This category of the policy applies to commercial and/or industrial development that involves the construction, erection or alteration of any building or buildings, fixed plant and machinery, or other works intended to be used for industrial, commercial or administrative purposes.

In considering applications for remission Council will have regard to the extent applications meet the following guidelines:

1. The development is of importance for the future economic development of the city. This may be demonstrated by the scale, type or nature of the development.
2. The number of new employment opportunities the development will create. Generally development would be expected to create a minimum number of new full-time equivalent jobs (as defined in the Funding Impact Statement* of Council's current Annual Plan).
3. The amount of new capital investment the development will bring into the city. The amount of new investment should be not less than a minimum amount (as defined in the Funding Impact Statement* of Council's current Annual Plan) unless the business falls within the criteria identified below. Consideration will be given to the extent that the new development would increase the rating base.

Council may be willing to consider cases where the business does not meet the guidelines as outlined above, when the development is of importance for the future economic development of the city and any of the following may apply:

1. The business demonstrates a long term commitment to remain and operate in the city. Property ownership or a long-term lease of property may be accepted as a proof of commitment.

⁶ This policy was reviewed and adopted by Council as part of the Annual Plan 2017-2018

2. The development protects or retains cultural aspects of the city e.g. maintains and protects a heritage building.
3. The development adds new and/or visually attractive infrastructure/buildings to the city.
4. It is likely that any remission granted would provide encouragement or impetus to proceed with the development.

The presentation of any such applications to Council will be at the discretion of the Chief Executive and Director of Business and Business Development Services.

The discretion of Council will apply in every case and simply meeting the criteria does not create any entitlement to rates relief.

2.11.5 Strategic economic projects

2.11.5.1 CONDITIONS AND CRITERIA

This category of the policy applies to large, complex projects. They will be of a similar or greater scale to developments considered under the Business Development category. Projects in this category will generally involve multiple parties plus significant initial financial commitments and will not immediately achieve financial self-sufficiency.

In considering applications for remission the Council will have regard to the extent applications meet the following guidelines:

1. The project will make an ongoing strategic economic contribution to the city
2. The project will create new and ongoing employment opportunities
3. The project will bring new capital investment to the city
4. The project will provide a point of difference for the city

The presentation of any such application to the Council will be at the discretion of the Chief Executive. All applications will require Council approval.

The discretion of the Council will apply in every case and simply meeting the criteria does not create any entitlement to rates remission. The Council at its absolute discretion will determine the amount, type and duration of any rates remission granted and may impose such additional or special conditions as it make think fit in any particular case.

2.11.6 Subdivisions

Rate remissions for this category will be granted by the Director of Corporate Services in accordance with their delegation and the Chief Executive will have delegated authority to determine questions of Policy interpretation if they arise.

A remission under this category is of the general rates only and will be applied to the Lot or Lots identified in accordance with the formula in the Funding Impact Statement. Under this Policy Lot means an interest in land, created by a subdivision, which will have a new computer register issued for it. However, it is not an interest in land that is amalgamated with another Lot so that it does not have a separate computer register and therefore is not an “additional Lot”.

Once granted, a remission will be effective from the 1st day of July following its grant.

The maximum duration of a remission will be the maximum number of rating years as defined in the Funding Impact Statement or when the Lot receiving the remission is sold whichever is the sooner.

A remission may be transferred with Council's consent.

2.11.6.1 CONDITIONS AND CRITERIA

1. This section of the policy applies to a developer of a sub-division; subdivision is defined in the Funding Impact Statement.
2. At least one Lot must be bare land, as defined in the Funding Impact Statement.
3. In considering a subdivision for remission Council will determine whether it meets all the following criteria:
 - It complies with the policy, conditions and criteria in paragraphs 1 and 2 above, and
 - It is a subdivision as defined in the Funding Impact Statement, and
 - That all of Council's fees and charges in respect of the resource consent for the subdivision are paid.

2.12 Policy on distribution of rates funding surpluses

That any distribution of rates surpluses be made in accordance with the following priorities:

2.12.1 Water Rates

Any surpluses are to be used in the following priority:

1. smoothing the fluctuation in the bulk water levy
2. debt repayment
3. non-recurring capital works
4. in the application of the surplus for items 1-3 above, the funds applied are limited to one-third of the total surplus available.

2.12.2 Stormwater Rates

Any surpluses are to be used in the following priority:

1. debt repayment
2. non-recurring capital works
3. general stormwater expenditure.

2.12.3 Wastewater Rates

Any surpluses are to be used in the following priority:

1. debt repayment
2. non-recurring capital works
3. general wastewater expenditure.

General Rates

Any surpluses are to be used in the following priority:

1. maintain a minimum balance of \$500,000 for working capital requirements
2. one-off major capital expenditure
3. debt repayment or investment.

2.13 Disaster recovery funding

The following policy was adopted by Council at its meeting held in December 1993 on the recommendation of its Policy and Planning Committee [M.P. 369, 1 December 1993]:

THAT in view of the requirements for a disaster recovery plan; Council resolves that the total of its special funds shall not be reduced below the sum of \$2.5M except with the express prior approval of the Council.

2.14 Fraud Policy

The Upper Hutt City Council is committed to a zero tolerance policy in relation to fraud. All allegations or suspicions of fraud will be investigated.

2.14.1 Principles

1. For the purposes of this policy, the term 'fraud' includes theft, misappropriation and/or any other fiscal irregularities
2. The Chief Executive will assign responsibility for the investigation of any alleged or suspected fraud
3. All investigations of alleged or suspected fraud involving employees will be undertaken in terms of the current policy contained in the staff manual
4. How Council will meet its responsibilities in respect of the Protected Disclosures Act 2000 is described in the current policy in the staff manual
5. Any investigation into alleged or suspected fraud not involving staff will be conducted on a confidential basis and will respect the principles of natural justice
6. The Council will pursue the recovery of lost money or other property wherever possible and practicable

7. Council will maintain appropriate systems of internal control to mitigate the risk of fraudulent activity

The Chief Executive will report on:

1. the actions and impacts of all investigations of cases of alleged or suspected fraud
2. all cases of alleged or suspected fraud for which investigations have not been completed.

This reporting will be to both Council and the external auditors.

2.15 Risk Management Framework

The Upper Hutt City Council Risk Management Framework was adopted at a Full Council Meeting on 28 June 2017 and is available on request. Included in the policy are operational procedures.

2.16 Procurement Policy

TO BE USED BY ALL EMPLOYEES, CONTRACTORS AND CONSULTANTS WHEN PROCURING GOODS AND SERVICES.

Version 1, adopted by Council 13 December 2017, to be reviewed annually.

2.16.1 Introduction

Procurement plays an important role in how Upper Hutt City Council (the Council) delivers its strategies and our work towards delivering our vision for the city. The Council is a significant buyer of goods and services and the way we manage our expenditure and spend public money has an impact in the local economy and can affect the Council's performance and reputation.

2.16.2 Purpose

The purpose of this policy is to ensure that all Council procurement occurs within the parameters of public sector policy, rules and guidelines.

This policy provides clarity to the Council employees on the essential procurement policy rules that must be observed at all times and the specific requirements that apply to Council's procurement activity.

2.16.3 Compliance with the procurement policy

This procurement policy and the Procurement Guide reflect current Government requirements and international procurement good practice. Inherent in the procurement process are options which allow tailoring to suit individual requirements. All Council employees and, contractors⁷ must comply with this policy and the associated Procurement Guide whenever a procurement exercise is undertaken unless:

⁷ Contractor refers to individuals or third parties contracted to undertake process on behalf of the Council

- there is compelling justification to depart from the procurement process and the reasons are recorded and approved by a person with the appropriate financial delegation; and

Approval has been given by a member of the Executive Management Team or a Divisional Manager with the appropriate financial delegation accepting the reasons for non-compliance

2.16.4 Policy statement

This procurement policy is to inform the Council employees and contractors of the appropriate requirement when undertaking procurement for the Council, with particular consideration to:

- Contributing to the achievement of Council's strategic goals as encompassed in the five priority areas – Environment, Community, City Centre, Economy and Infrastructure Strategy.
- Value for money.
- Transparency and fairness, irrespective of the value of the procurement.
- Accountability.
- A sustainable procurement approach.

2.16.5 Scope

This procurement policy covers all procurement entered into by employees and contractors for goods and services on behalf of Council. All employees and contractors must follow the Procurement Guide associated with this policy.

All procurement processes relating to transport infrastructure works which claim financial assistance from the New Zealand Transport Agency (NZTA) must comply with the Procurement Manual for activities funded through the National Land Transport Programme and the Hutt City Council and Upper Hutt City Council joint procurement strategy.

It is a policy that:

- All expenditure contributes to Council's vision, strategies, goals and objectives.
- All contracts for good and services (excluding construction related contracts) with a total value of \$100,000 (excluding GST) or more will be openly tendered unless there is an approved exemption.
- All contracts for construction related activities with a total value of \$500,000 (excluding GST) or more will be openly tendered unless there is an approved exemption.
- Procurement processes for transport infrastructure works must comply with the Procurement Manual for activities funded through the National Land Transport Programme.
- All expenditure generates value for money for Council and communities through structured procurement.
- All open tenders will be advertised in the local newspaper and/or on the Government

- Electronic Tendering Service (GETS)⁸ website and/or Tenderlink⁹.
- All procurement should be transparent and fair to all potential suppliers, irrespective of the value of the procurement.
- All tenders will be evaluated in accordance with Council's Procurement Guide.
- Before goods are purchased or services are engaged, a contract must exist or a purchase order (for direct purchase only).
- All contracts will be managed and monitored in accordance with the Procurement Guide
- The assumption is that the accountability for managing and monitoring the contract lies with the business unit which procured the goods and services.
- All procurement related approvals must be undertaken by a manager with the appropriate financial delegation unless that manager has received prior approval from either a member of the Executive Management Team or a Divisional Manager to exceed their financial delegation in particular cases.

This policy is not a “how-to” procurement guide. In order to make it easy for Council to comply with this policy and achieve its business outcomes, support and guidance is available through the Procurement Guide and supporting templates.

2.16.6 Employment contracts / contractors / consultants

This policy does not apply to employment contracts including fixed term employment contracts. Assistance should be sought from Performance and Capability staff with regards to employment contracts.

This policy does apply to the engagement of consultants and contractors not engaged as employees.

2.16.7 Five principles of procurement

All employees, contractors and consultants must have due regard to five principles of procurement when procuring goods and services, including construction and infrastructure related services, for or on behalf of Council. The Principles are in plain English to make it easier for both agencies and suppliers to understand and apply. The five principles of Government Procurement are:

- Plan and manage for great results
- Be fair to all suppliers
- Get the right supplier
- Get the best deal for everyone
- Play by the rules

⁸ GETS is a free online service designed to promote open, fair competition in the New Zealand Government market and meet international trade agreement commitments to provide information about New Zealand Government business opportunities.

⁹ Tenderlink is a commercial e-tendering network used by the public and private sectors.

2.16.8 Financial thresholds

Council is required to conduct an open tender for contracts for goods and services with a value of \$100,000 NZD¹⁰ or more, for the total life of the contract. The threshold to conduct an open tender for construction related contracts is \$500,000 NZD or more for the total life of the contract. Contract values must not be structured or divided at any stage to fall under the thresholds to avoid tendering.

An open and competitive process can be used for purchases under these values. The financial threshold for the procurement of general goods and services is as follows:

TOTAL VALUE OF CONTRACT	PROCUREMENT ACTIVITY
\$0 - \$20,000	Direct purchase
\$20,001 - \$99,999	Three written quotes or closed tender
\$100,000	Open and competitive tender

The financial threshold for procurement activity relating to construction is as follows:

TOTAL VALUE OF CONTRACT	PROCUREMENT ACTIVITY
\$0 - \$50,000	Direct purchase
\$50,001 - \$499,000	Three written quotes or closed tender
\$500,000	Open and competitive tender

Before goods are purchased or services are engaged, a purchase order (for direct purchase only) or a written contract must exist.

The financial delegations outlined in the Manual of Delegations must be adhered to when conducting any procurement process. All requests to procure goods and services must be authorised by a person holding the appropriate financial delegation for the total life of the contract.

2.16.9 All of government/syndicated/panel contracts

The Council will utilise the All-of- Government Panel, Syndicated Contracts and Council's own panel contracts if there are contracts in place that can meet their needs unless there is a good reason not to.

¹⁰ Refer the *Ministry of Business, Innovation and Employment: Government Rules of Sourcing* [2013] (endorsed by Cabinet (CAB Min 913) 10/4A), Rule 7(b)

2.16.10 Integrity

Council's procurement processes are subject to scrutiny and must therefore be conducted according to appropriate ethical and probity¹¹ standards.

Council is committed to dealing with suppliers in a fair and equitable way. All employees and contractors must act and be seen to be acting in a fair, open and unbiased manner when involved in any aspect of procuring goods and services.

2.16.11 Sustainability

Where practical and feasible, Council will support the market for cost-effective, environmentally responsible products and services.

Environmental Sustainability should be considered when procuring goods, services, and construction projects over the value of \$50,000.

Examples of how environmental sustainability should be applied and assessed are provided below:

SUPPLIER

Request to see the environmental credentials of the supplier/s. This might be certifications they hold, waste management and minimisation processes, a corporate responsibility programme, sustainability of supply chain, any existing sustainability practices, and whether they have an internal Environmental Management System.

PROJECTS

- Request that the supplier identifies the project's significant environmental impacts and demonstrates how their design or controls will mitigate these impacts. For example, preventing contaminants from entering the stormwater, waste minimisation processes, use of fuel and energy efficient plant and machinery.
- Require an Environmental Management Plan for all contracts where there is a potential for environmental harm.

PRODUCTS

- Environmental standards are specified for particular products. For example, FSC or PEFC accreditation for timber and paper, and MEPS labelling for white ware.
- Request to see specific environmental credentials of a given product. For example, its recycled content, its recyclability, its carbon footprint, and use of less energy intensive processes.
- Where significant environmental hotspots are known in the product's life cycle, consideration is given to brands or products that perform better on these elements. For example, avoiding procurement of products containing arsenic.

¹¹ In the context of a procurement process, probity means a defensible process which is able to withstand internal and external scrutiny – one which achieves both accountability and transparency and provides tenderers with fair and equitable treatment – Office of the Auditor General

2.16.12 Health and safety

Council's Health and Safety requirements must be considered before entering into the procurement process. As part of the procurement process Council is required to actively manage risk associated with any new or modified buildings or structures, equipment, material, services or work processes introduced into the workplace as follows:

- Consult with relevant health and safety personnel (including contractors) in the purchase or implementation of new or modified, buildings or structures equipment, material, services or processes.
- Provide evidence that health and safety issues have been incorporated into purchasing and design decisions where applicable.

2.16.13 Related internal documents

- Code of Conduct
- Conflicts of Interest Policy
- Gift and Hospitality Policy
- Financial Delegations Policy
- Procurement Guide
- NZTA Procurement Manual
- Hutt City Council and Upper Hutt City Council Joint Procurement Strategy
- Health and Safety Manual
- Sustainability framework

2.16.14 References

- Office of the Auditor General; Procurement Guide for public entities [2008]
- Ministry of Business, Innovation and Employment; Government Rules of Sourcing [2014]
- State Services Commission; Walking the Line: Managing Conflicts of Interest – Conflicts of Interest in the Public Service
- State Services Commission; Standards of Integrity and Conduct [2007].

Chapter 3 – Policies relating to Asset Management and Operations functions

SEE CHAPTER 2 (2.7) FOR THE POLICY ON DEVELOPMENT CONTRIBUTION POLICY

Roading

3.1 Requirement for underground services

It is a condition of the issue of a building consent for any new dwelling on any allotment that is permitted to have more than one dwelling on it, that all electrical and telecommunication services to the new dwelling are to be placed underground from the street supply.

3.2 Boundary fences on rural roads

In the case of all rural subdivision applications, existing roadside fences, unless required by the Director of Asset Management and Operations to be relocated to the road reserve boundary, for safety, capacity, access to utility services or maintenance reasons, may remain on their existing alignment provided that:

- a. a survey is to be submitted showing the location of the fence relative to the road reserve boundary and carriageway
- b. the maximum encroachment onto the road reserve is not to exceed that of the existing roadside fence at the time of application for subdivision
- c. no trees are to be planted, no structures are to be erected or sight-lines obstructed within the occupied road reserve
- d. when the occupier is notified that the road reserve is required by Council, the occupier must relocate the fence to the legal road boundary at their cost, within the time, being not less than three months, stipulated in the notice.

3.3 Advanced direction signs

Prior to the erection of any large advance direction sign, discussions will take place with any property owners adjoining possible sites to obtain an agreement as to the positioning of the sign. If an agreement cannot be reached then in the interests of traffic safety, the site of the sign will be in accordance with guidelines as set down in the Land Transport Rule – Traffic Control Devices 2004 including any subsequent amendments.

3.4 Policy for erection of directional signage

3.4.1 The purpose of directional signs is to guide visitors and those unfamiliar with the area to and around the city, leaving them with the impression of a well-managed and friendly place.

All directional signs, may only be erected with Council approval.

3.4.2 Once Council approval is obtained the following types of signs will be erected and maintained at the Council's cost:

- early childhood education facilities
- primary schools (public)
- intermediate schools (public)
- secondary schools (public)
- tertiary education providers (public)
- New Zealand Army
- Rimutaka Prison
- churches
- camping grounds
- Council offices
- recreation facilities (Te Marua Speedway, golf courses, shooting ranges, etc. but not for minor activities if included on a signposted park or reserve)
- parks and reserves
- voluntary attractions (Silverstream Railway, vintage machinery etc.)
- industrial and commercial areas
- Central Business District
- rural areas (Mangaroa, Whitemans Valley, Akatarawa etc.)
- Information Centre
- Police station from within the CBD
- public toilets
- marae
- other cities/districts (Kapiti, Lower Hutt, Masterton etc.)
- Citizens' Advice Bureau

3.4.3 Once Council approval is obtained the following types of signs must be erected at the sign owner's cost but they will be maintained* at the cost of the Council:

- early childhood education facilities and day-care (private)
- primary schools (private)
- intermediate schools (private)
- secondary schools (private)
- tertiary education providers (private)

- retirement villages
- hotels
- motels and similar
- medical centres
- tourist attractions (Staglands, Moss Green Gardens etc.)

*Maintenance includes sign straightening and cleaning.

3.4.4 The owners of the types of signs listed under paragraph 3.4.3 are required to:

- Pay:
 - all supply and erection costs
 - full replacement costs if the sign requires replacement
- Only erect signs in Council approved locations
- Obtain Council approval of both the sign's materials and colours
- remove signs immediately after the commercial entity ceases to exist
- comply with the District Plan and Signs Bylaw as required.

3.5 Vehicle crossing policy

3.5.1 Definition

A vehicle crossing is defined as extending between the property boundary and the kerb or edge of the seal line.

Vehicle crossings shall be installed by and at the cost of the property owner.

3.5.2 New properties

In accordance with s.335 of the Local Government Act 1974 and clause 8 of the Public Places Bylaw all new properties, where a change of use has occurred, shall have a new vehicle crossing installed prior to the issue of the Code of Compliance Certificate under the Building Act 2004 if a building consent has been issued under that Act.

3.5.3 Existing properties

In regards to vehicle crossings constructed prior to January 1993 which incorporate the footpath – Council will pay for reconstruction of the footpath section of the vehicle crossing if it has been damaged, provided the property owner replaces the remainder of the vehicle crossing to Council's current standard. Once Council has upgraded the footpath section to the vehicle crossing standard, the property owner is responsible for future maintenance of the whole crossing.

3.5.4 Crossing profile

Where grounding of a vehicle is caused by a vehicle crossing profile not suitable for the vehicle being used, then replacement of the crossing with a suitable profile is the responsibility of the property owner. Such responsibility shall extend to altering driveways and footpaths where it is necessary to lower these to achieve satisfactory access. Alterations to footpaths shall comply with the New Zealand Standard NZS4121, Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons. If after considering all options, satisfactory entrance to the property can still not be obtained without lowering of the carriage shoulder, then provided road safety and services are not compromised, Council will locally modify the road shoulder at Council's expense.

3.5.5 Street resurfacing

Where it is possible that vehicle crossings could be affected by resurfacing, Council will, prior to resurfacing of the carriageway, check for visual signs of grounding and determine crossing profiles. Where resurfacing will cause grounding on existing crossings that comply with Council's current standard, Council will carry out such modifications to either the vehicle crossing or the road carriageway to prevent grounding from occurring. This policy is not retrospective.

Where road reconstruction is proposed that involves kerb and channel and/or shoulder reconstruction, Council will as far as practical and economic improve the access to properties where grounding is a problem.

3.5.6 Street drains

No vehicle crossing is to be constructed over a street storm water sump. Where the vehicle crossing is required to be in the location of the storm water sump the property owner must contact Council to request the sump be relocated. Sumps will only be relocated if it does not compromise the street drainage.

Any relocation of a street sump to accommodate a vehicle crossing will be carried out by Council's contractor but full costs will be recovered from the property owner.

3.6 Policy for the installation of footpaths

The criteria used to set and review the forward works programme are:

3.6.1 The road is classified urban

Footpaths will be installed on at least one side of all urban roads. In these circumstances, urban roads are classified as being roads with a speed limit of 70km/h or less servicing residential, commercial or industrial properties.

An exception to this rule is that where a rural road provides a link between urban areas, or to activities such as recreational or sporting facilities likely to attract pedestrians within a reasonable walking distance (e.g. Alexander Road), a footpath should be considered.

3.6.2 Pedestrian demand

Where a road has footpath on only one side, construction of a new footpath on the opposite side of the road will be considered where there is significant benefit to pedestrians in doing so. This benefit could include:

- reducing the number of times pedestrians need to cross a busy road, which can both improve safety for pedestrians and reduce delays to motorists
- providing a direct link to a location or activity likely to generate pedestrian traffic (e.g. a school, retirement village, etc.)
- providing a direct link between facilities (e.g. a bus stop and a suburban shopping area).

3.6.3 Acceptance by the residents

Prior to commencing the work at any site, consultation is carried out with the residents across whose frontage the footpath is to be constructed. This will be done as part of the preparation of the draft Annual Plan for the year when the work is to be carried out. This is done to ensure that the current residents find the construction of the footpath acceptable. Generally the work will only proceed if a simple majority of adjacent residents agree.

An exception to this rule is that where the work is required for public safety, access for the elderly or a similar reason; and there were therefore significant benefits to the greater community, then the community benefits would need to be weighed against the objections of individual residents.

When the current residents reject the proposal, it is moved to the end of the current forward programme. Doing so allows future consultation to determine whether circumstances or demand has changed.

3.6.4 Request from residents

The need for a new footpath on any urban road previously not programmed will be reviewed upon receipt of a request from a member of the public to do so.

3.7 Residential letterbox location

Where the entrance to a property is of such a gradient so as to make it unsafe for a cycle to stop, turn and exit to service a letter box situated on the property boundary then the letter box can be relocated into the road reserve as follows:

1. If there is a footpath between the road kerb and the property boundary line then the letterbox may be relocated no closer to the kerb line than 0.5 metres behind the rear (property side) of the footpath.
2. If there is no footpath then the letterbox may be sited no closer than 0.5 metres towards the property boundary, measured from the back (property side) of the kerb.
3. Prior to the erection of any letterbox within the road reserve the property owner must check for any underground services. Should any services be damaged by the installation of the letter box then the property owner will be held liable for all costs to restore these services.

This concession is a last resort and Council expects that every endeavour will be made to find a suitable location outside of the road reserve where ever possible.

Should the location of any letterbox be considered a road safety hazard then Council will require it to be relocated at no cost to Council.

Council will also not accept any responsibility for damage caused to any letterbox that is situated within the road reserve no matter what the cause.

3.8 Excavations within the carriageway

The city has adopted the “National Code of Practice for Utilities Access to the Transport Corridor” as a means of controlling the activities within the Transport Corridor throughout the city.

In accordance with the guidelines, a supplement of “Local Conditions” has been produced that covers the entire Hutt Valley. This means that persons carrying out excavations within the carriageway in either Hutt City or Upper Hutt City are working to the same conditions.

Under this code, any person wishing to make an excavation within the carriageway must obtain a “Works Approval Notice” (WAN) from Council.

The WAN can be obtained by registering with the Before U Dig website and completing the request for service plans and ticking the excavation box. This will automatically lodge a “Carriageway Access Request” (CAR) which, when approved will be responded to with a Works Authority Notice (WAN). No work is to proceed unless a WAN has been received. The only exception to this is for emergency work when a retrospective CAR is to be lodged.

There is no charge to register with “Before U Dig”

3.9 Mobility parking

In recognition that it can take mobility card holders longer to get to their destination than able bodied persons the time limits on all mobility car parks are to be extended as detailed below:

Mobility card holders can park on any marked mobility car park within Upper Hutt City for twice the marked time restriction up to a maximum of 120 minutes. That means that the time limits will be extended as follows:

P15 maximum time 30 minutes

P30 maximum time 60 minutes

P60 maximum time 120 minutes

P120 maximum time 120 minutes

It should be noted that this policy does not apply to any mobility car parks contained within any private car park as these are outside the control of Council.

3.10 Solid waste

3.10.1 Solid waste management plan

Residents within the urban and rural area of Upper Hutt and for businesses in the central business district of the city (CBD) shall have the availability of a weekly Council managed “on demand” refuse collection service. Collection days are listed on the Council’s website.

3.10.2 Conditions of collection (applicable to both urban and rural collections)

There is no refuse or recyclables collection service available to industrial properties.

Only official Upper Hutt City Council refuse bags available from local retailers will be collected. The official refuse bag for Upper Hutt City Council is plastic at present (however Council is looking at alternatives to the current “single use” plastic bag).

Refuse bags are to be placed at the kerbside/edge of carriageway prior to 7.30am on morning of collection.

In October 2011 Council adopted the ‘Councils of the Wellington Region Waste Management and Minimisation Plan 2011 – 2017. This plan was revised and the Waste Management and Minimisation Plan 2017 – 2023 was adopted by Council in August 2017.

3.10.3 General

Council continues its association through the Hutt Valley Services Committee with the Hutt City Council and supports the efficient utilisation of the Silverstream Landfill consistent with objectives and principles contained within the adopted Waste Management Minimisation Plan.

3.11 Water services

Note: The Upper Hutt City Council provides services for water supply, sanitary waste water and storm water purposes through Wellington Water Limited which is a council controlled organisation. The physical delivery of services is undertaken by consultants and contractors engaged by Wellington Water Limited.

3.11.1 Blocked (sewer) house drains

The following procedure is to be followed in the event of a blocked sewer drain:

1. Contact the Upper Hutt City Council phone (04) 527 2169 (24 hours) who will transfer the call to Wellington Water Limited.
2. On receiving the call, Wellington Water Limited officers will determine through discussions with the property owner, whether the blockage is in the sewer main or within the owner’s drain. If the main is blocked, Wellington Water Limited officers will organise the necessary remedial work.

3. However, if the sewer main is not blocked, the property owner will be notified and required to engage a drain layer to clear the blockage.
4. If the drain layer suspects that the blockage is caused by a defect outside the property boundary the plumber/drainlayer shall clear any blockage and use a CCTV camera to inspect the drain and submit a copy of the recording to Wellington Water Limited. If a public drain defect is the cause of the blockage, Council will reimburse the property owner for reasonable plumber/drainlayer costs.
5. If there is a defect (e.g. tree roots growing through a joint) in the sewer connection and the defect is between the junction to the main and the boundary, the drainlayer shall clear the blockage. The drainlayer shall then advise Council (during normal working hours) to arrange for a combined inspection by the drain layer and Wellington Water Limited staff.
6. Subject to clause 8, if this defect is the cause of the blockage, Council may reimburse the property owner for reasonable drain layer's costs.
7. If however, there is no obvious defect in the sewer connection outside the boundary or at the junction to the main, the property owner shall be responsible for all costs incurred in clearing the blockage.
8. Costs are the responsibility of the property owner except if the defect is due to damage from a Council tree.

3.12 Blocked (stormwater) house drains

3.12.1 Stormwater drains serving a property are the responsibility of the property owner. This includes the full cost of maintenance and repairs.

3.12.2 All stormwater property drains are private for the complete length of the drain, including that in the legal road and adjacent properties. Maintenance, including replacement, is the responsibility of the property owner served by the drain.

3.12.3 Where a private stormwater drain connects to a soak pit, the soak pit is also private and is the property owner's responsibility.

3.12.4 Note: The Public drain means any one or more of the following:

- a kerb outlet
- a stormwater main
- a public drain (open)
- stormwater main

3.12.5 The following procedure is to be followed in the event that a property stormwater drain is blocked.

1. Check to see if the stormwater goes to a soak pit (given that the majority of Upper Hutt is built on river gravels, soak pits are a common form of stormwater drainage in some parts of the city). The soakpit may be blocked and require cleaning or rebuilding.
2. Check that the kerb outlet is free by pushing something (e.g. drainage rods) along the pipe from the outlet. The property owner is responsible for the condition of a stormwater connection (or kerb outlet) outside the property boundary, and the clearing of the connection.
3. Check the pipe through to the Public Drain by flushing, drainage rods or CCTV inspection.
4. If it is suspected the blockage is in the Public Drain, request that Council's maintenance contractor inspect the Public Drain by contacting the Upper Hutt City Council, phone (04) 527 2169 (24 hours).
5. During office hours the caller will be transferred through to the Wellington Water Limited call centre, who manages the stormwater services in the Wellington region. Wellington Water Limited will contact the maintenance contractor to carry out the necessary inspection of the Public Drain and any remedial work. If the blockage is found to be caused by a blocked Public Drain, Council will reimburse the property owner for reasonable plumber/drainlayer costs.
6. If the stormwater Public Drain is blocked, the maintenance contractor will carry out the necessary remedial work. However, if the Public Drain is not blocked, the property owner will be notified and will be required to engage a plumber/drainlayer to rectify the problem.

3.13 Water conservation policy

THAT Council use its best endeavours to minimise the Unaccounted for Water (UFW).

THAT education and advertising programmes be established with the objective of reducing the average annual consumption per dwelling to 215m³ pa.

THAT Council confirms the policy of installing and maintaining a meter at the consumer's cost on all commercial, industrial, non-rateable and rural properties serviced.

THAT the policy of replacing extraordinary supply meters up to and including 50mm diameter every ten years be adopted, with meters larger than 50mm diameter to be checked for accuracy every three years with maintenance work or replacement of the meter carried out whenever meters have errors of more than 3.9% at the minimum flow period, all at the cost of the consumer as owner of the meter.

THAT the existing practice of replacing inappropriate water meters when they are identified at the cost of the consumer be confirmed.

THAT minimum night flow surveys are carried out whenever monitoring of area meters and reservoir outlet meters indicates a need.

THAT all applications for LIM's (Land Information Memoranda) and PIM's (Project Information Memoranda) be advised that Council prefers the installation of dual flush toilets, reduced flow shower roses, water efficient appliances and hot water systems designed to minimise water consumption.

THAT the policy of advertising and enforcing the hosing restrictions and water supply bylaws be continued.

THAT the present practice of requiring all new subdivisional areas of significance to install bulk meters be continued.

THAT for any new residential subdivision of up to six [6] Lots a water meter is required on one [1] of those lots for monitoring purposes. For six [6] Lots or more one [1] water meter is required for the first six [6] Lots and then one [1] per ten [10] Lots thereafter.

3.14 Water conservation – garden watering restrictions¹²

In the interests of conservation and responsible management Council will use measures to manage the water supply; measures will include the imposition of water restrictions in accordance with the Upper Hutt City Council Water Supply Bylaw 2008.

Watering restrictions apply for 12 months of the year.

During this time, a single garden watering system or sprinkler or soaker hose or an unattended hose may be used at each premise between 6am – 8am and 7pm – 9pm on alternate days.

People living in even-numbered properties can water on even-numbered days of the month (i.e. based on the date) and people living in odd-numbered properties can water on odd-numbered days.

Further water restrictions may be imposed by Council in times of drought or water shortage.

3.15 Maintenance of Heretaunga drain

Council is responsible for the removal of obstacles, scrub and vegetation in the flow path of the Heretaunga drain that prevent the drain from fulfilling its function of carrying adequate flows, to maintain maximum flow capacity.

The individual property owners are responsible for the maintenance of that part of the Heretaunga drain that runs through their property, including but not limited to the following:

1. provision of support to the banks or structures on or near the banks of the drain
2. removal and maintenance of trees and other foliage on or near the banks of the drain
3. reinstatement of damage to the banks or structures on or near the banks of the drain which arises from erosion caused by the natural action of the flow of water in the drain
4. fencing of the drain.

¹² Note: Council resolved to amend this policy at a Council Meeting held 9 August 2017. The change relates to odd and even numbered homes watering on odd or even dates of the month. Previously even numbered homes could water gardens on Wednesday, Friday, and Sunday, and odd numbered homes on Tuesday, Thursday, and Saturdays.

Parks and reserves

3.16 Rentals for leases and licences to occupy Council land

The following Policies were adopted by the Council at its meeting on 24 May 1995 on the recommendation of the Policy and Planning Committee (MP 117, 17.5.95)

THAT the annual rentals for leases and licences to occupy Council land be based on the overall true costs less a fixed subsidy

THAT the proposed rentals shown on the table attached to the report be progressively introduced over a three year period commencing from the date of the Council resolution and/or applied at the next rent review

THAT leases and licences to occupy be renewed as they fall due for a period of five years with rental calculated on the basis detailed in the report.

The report referred to is at pages 37-49 of the agenda for the Policy and Planning Committee meeting held in 17 May 1995.

3.17 Tree removal policy for trees on Council land

The following documents the existing policies applied when requests are received from residents for the removal of a particular tree on Council land.

The request is received and a full on-site assessment of the tree is carried out detailing the following:

1. identification of the tree
2. full description on its – age, height, spread, health, form etc.
3. its location in relation to the complainant
4. identification of any physical damage caused by the tree to either the roading infrastructure, private property or underground services
5. a full assessment of the alleged nuisance and the severity of the effects.

Develop a solution that will (where possible) alleviate the problem. This often includes pruning, crown reduction, removal of branches, the pruning of roots etc. In some situations it may not be possible to carry out the remedial work to solve the problem and in such a case removal of the tree may be the only option. A judgment must therefore be made in these situations as to whether the problem is severe enough to warrant removal.

In general, trees are removed from the Council property for the following reasons:

- the tree is causing or is likely to cause danger to the life, health or property of the applicant or any person residing with the applicant

- the tree is damaged beyond repair and would be unlikely to develop into an atypical form
- the tree is diseased and is likely to die
- the tree is inappropriately placed and is likely to or is causing undue damage to underground services (namely sewer and stormwater pipes) and/or the roading infrastructure
- the tree is obstructing a view which diminishes the value of a property
- any other undue interference with the reasonable enjoyment of land for residential purposes.

With regard to the above reasons, the first three points (one, two and three) would result in the immediate removal of the tree. However, in considering whether to remove a tree based on points four, five and six, consideration is given to factors such as; the extent of the damage, the cost of repairs, the cost of on-going maintenance, the potential for further damage to occur, the availability of alternative solutions, the extent of severity of the effects on the enjoyment or value of the property, including the loss of views.

These costs and effects are then balanced against the following factors:

- the general interest of the public in maintaining an aesthetically satisfying environment
- the desirability of protecting public areas containing trees
- the value of the tree as a public amenity
- any historical, cultural or scientific significance of the tree.

3.17.1 Summary

In developing the current policy, reliance has been placed on New Zealand common law practice, as described in an article prepared by Gerard Kilpatrick, a partner in the Auckland Lawlink firm Webster Malcolm & Kilpatrick which appeared in the November 1994 edition of Lawlink (a newsletter published by a group of Law firms located throughout New Zealand). Mr Kilpatrick concluded his article by saying:

‘You will see that the law is loaded in favour of the tree. A mere wish for a tree to be removed is insufficient – there needs to be hardship caused by undue obstruction of a view, or actual or potential danger to health.’

The existing policy on tree removal recognises and gives effect to the common law in New Zealand relating to trees, and balances the needs of individuals against the needs of the wider community.

3.18 Smoke free policy in parks and open spaces

THAT all Council managed playgrounds, sports grounds, parks, reserves and the lawn area at the rear of H2O Xstream, be subject to the smoke free policy as outlined below, and that the policy be adopted and included in the Manual of Policies

THAT the policy be educational as opposed to penal in seeking compliance.

That all Council managed sports grounds, playgrounds and parks and reserves are deemed and promoted as smoke free areas.

That the public be encouraged through signage and publicity to maintain a clean, healthy environment in areas that are primarily used by young people for sporting and recreation activity.

3.19 Corporate energy management policy

3.19.1 Objective

To reduce the Upper Hutt City Councils energy bill to the lowest practical level while still meeting operational needs of the business.

3.19.2 Policy

The Upper Hutt City Council will give due regard to the efficient use of energy and by minimising consumption to reduce both expenditure and environmental impact.

The Upper Hutt City Council is currently a party to the 'all of Government' procurement of energy but will continuously review energy consumption across the business looking for greater efficiency and lower use. This will also include investigating and implementing opportunities for renewable energy options as it becomes practical to do so.

3.20 Graffiti policy

3.20.1 Background

- a. Upper Hutt City Council has no formal legislative obligation to remove graffiti from public places or private property; however there is an expectation that graffiti removal falls under Council's legislative responsibilities to develop and maintain community infrastructure, and enhance the quality of the city environment.
- b. Section 11A of the Local Government Act 2002 (LGA) states that in performing its role, a local authority must have particular regard to the contribution that libraries, museums, reserves, recreational facilities, and other community infrastructure make to its communities. In fulfilling this role, the LGA states that local authorities should take into account the social, economic, and cultural interests of people and communities and the need to maintain and enhance the quality of the environment.
- c. It is clear from public feedback in the community survey and via other mediums that graffiti is an important issue for our community.
- d. Graffiti detracts from our sense of community safety and pride, the attractiveness of our public facilities and spaces, and the image and perception of Upper Hutt for locals and visitors. This undoubtedly has an impact on economic development by deterring existing and potential investors and residents.

- e. As such, Council has always made an effort to remove graffiti from public spaces (excluding pedestrian accessways), placing a particular emphasis on the CBD zone (as defined in the District Plan) and public amenities like parks and reserves.

3.20.2 Objectives

The objectives of this policy are to:

- a. Define Council's responsibilities with respect to graffiti removal within Upper Hutt City boundaries
- b. Identify the areas which are high priority for graffiti removal within city boundaries
- c. Define the criteria which must be met before Council will take responsibility for removing graffiti.

3.20.3 Graffiti removal criteria

Council will undertake removal of graffiti that is removable at an acceptable cost (as determined by the Director of Asset Management and Operations) within the city boundaries according to the below identified priority zones and responsibilities.

Priority zones:

- a. Remove graffiti, on public or private property, which is clearly visible from the street or footpath in the CBD¹³.
- b. Remove graffiti, on public or private property (road fences), which is clearly visible from the street or footpath as listed in Appendix 2. Remove graffiti from suburban shopping villages and within 50 metres on the same road outside of the city centre, which is clearly visible from the street or footpath.
- c. Remove graffiti automatically from Council owned infrastructure such as signage, buildings footpaths, fences etc.
- d. Remove graffiti from school frontages and within 50 metres on the same road, which is clearly visible from the street or footpath.

Council responsibilities:

- a. Remove all graffiti in the above identified priority zones within 48 hours of it being reported on weekdays (i.e. Monday to Friday).
- b. Supply owners of private property outside of the 'priority zones' with paint¹⁴ to cover up graffiti if budget allows.
- c. Refer reports of graffiti vandalism on private property and assets outside the priority zone to the property owner for processing and removal.
- d. Refer reports of graffiti vandalism on private assets owned by infrastructure providers to the owners for processing and removal¹⁵

¹³ The CBD (or city centre) boundaries are defined within the District Plan.

¹⁴ Council will only supply paint that it receives free Paint matching is beyond council resources to provide.

- e. Encourage private individuals to take responsibility for removing graffiti on their property not in the 'priority zones' and supply them with paint to do so if available.
- f. Encourage community groups, business and private individuals to take responsibility for removing graffiti in public spaces not in the 'priority zones' and supply them with grey paint to do so if budget allows.
- g. Keep robust records of all reported graffiti city wide, and provide the police with access to this data.
- h. Provide a report on graffiti crime in Upper Hutt to the local police on a monthly basis

3.20.4 Conditions

- a. The Council officer responsible for graffiti removal is able to deviate from the criteria (and remove graffiti outside the 'priority zones') only if:
 - The graffiti contains content which violates commonly accepted standards of decency; or
 - The presence of graffiti is likely to generate wide spread public complaint.
- b. Although the criteria contained in Clause 4a of this policy may be applicable to an instance of graffiti vandalism reported to Council, this does not mean the Council officer will or must agree to remove the graffiti.
- c. Graffiti on private property will only be removed with the owner's consent (this excludes front fences). Council will first concentrate on removal by chemicals and secondly by painting over the graffiti section only. The contractor will attempt to colour match the correct paint/stain to the best of his/her ability. It is not Council's responsibility to repaint the whole wall/fence.

3.20.5 Budget

- a. The budget for graffiti removal will be set annually under Asset Management and Operations operational budgets as part of either the Long Term Plan or Annual Plan process.
- b. The budget for the delivery of a 'Graffiti Prevention Strategy' will be set as part of the Long Term Plan Process every three years.

The budget allocation will be treated as follows:

- a. Any budget remaining under the Asset Management and Operations 'graffiti removal' line at the end of the financial year will be considered for 'carry over' to the following year in case of an unexpected increase in removal costs.
- b. In the event of any significant and unanticipated budget variance, Councillors will be advised via the Asset Management and Operations Director's report to the City Services Committee, and additional funds will be sought if necessary.
- c. Graffiti removal budgets will be reviewed every year as part of the Annual Plan process to ensure they are sufficient to cover costs based on average monthly spending over the past financial year.

15 These providers include Wellington Electricity, Chorus, Telecoms providers, Electricity providers, Kiwirail, Greater Wellington Regional Council and other infrastructure service companies.

3.20.6 Operational Procedures

Council’s detailed procedures for dealing with graffiti vandalism are set out in a document called ‘Graffiti Policy – Operating Procedure’ [operative from 1 October 2014].

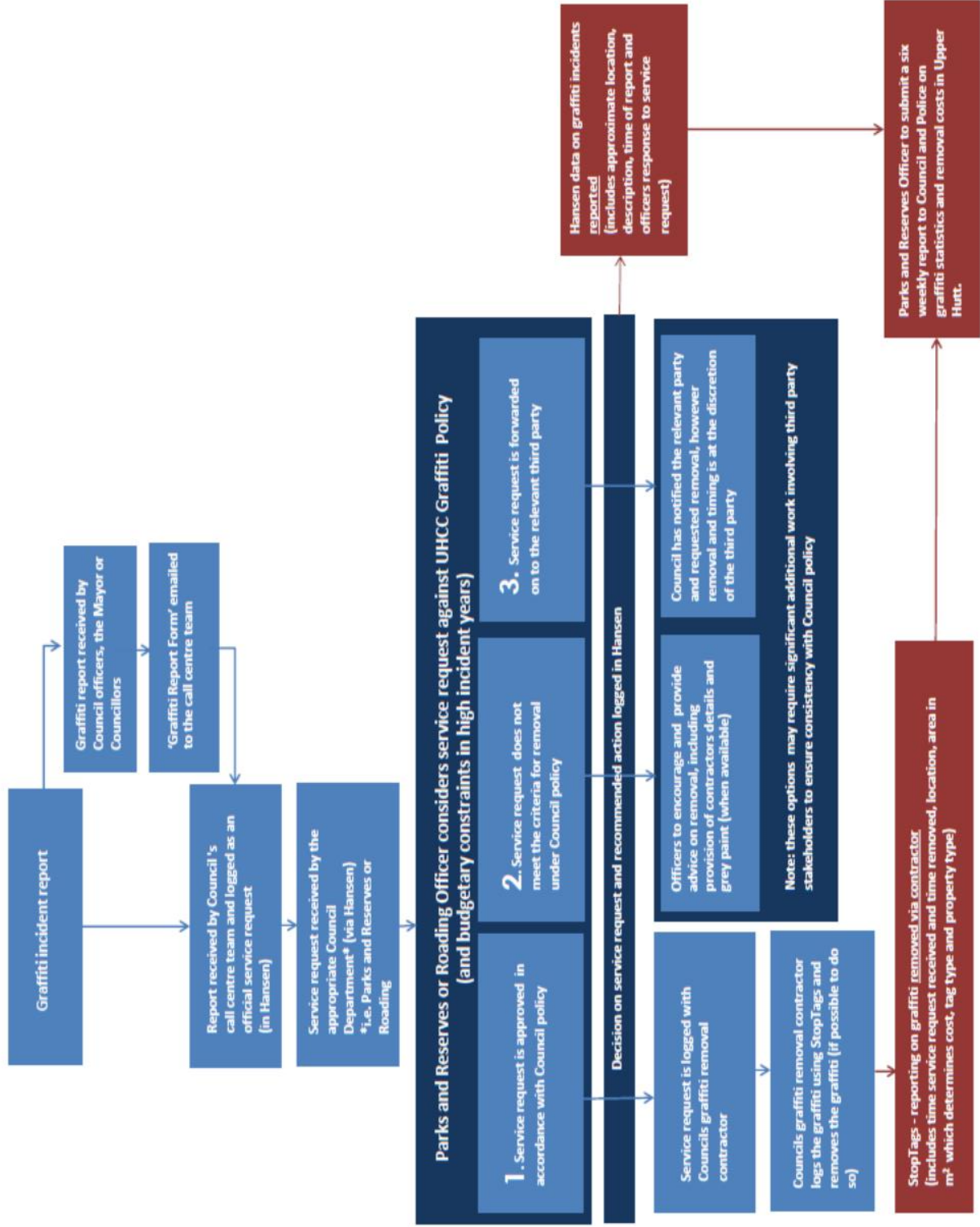
3.20.7 Definitions

- a. Council means the Upper Hutt City Council
- b. district means the district of the Upper Hutt City Council
- c. graffiti means damage to, or defacement of, any building, structure, road, tree, property, or other thing by writing, drawing, painting, spraying, or otherwise marking it with a recognised tag or symbol.
 - without lawful authority; and
 - without the consent of the occupier or the owner or any other person in lawful control
- d. private land means land other than land belonging to the Crown or a local authority, or to an agency or instrument of the Crown or a local authority
- e. property includes a building, structure, road, paved surface, or object of any kind
- f. public place has the meaning given to it by section 2 of the Summary Offences Act 1981
- g. remove, in relation to graffiti removed by Council, includes erasing or covering up graffiti, which can be erased or covered up, with the most suitable removal agent (erasing) paint (covering up) and does include colour matching. This policy definition also excludes removal of etching.
- h. “Commonly held standards of decency” is a term used by the broadcasting standards authority to describe content that is not illegal but ‘a majority of people would agree was in bad taste’. As such, our definition of the term includes content which:
 - contains explicit sexual material (including jokes or comments); or
 - portrays, encourages or incites violence; or
 - features swear-words; or
 - deliberately attacks on an individual in a manner that could be considered bullying; or
 - contains slanderous content; or
 - contains racist language or jokes; or
 - portrays, encourages or incites illegal activity; or
 - portrays, encourages or incites discrimination on the basis of ethnicity, creed, appearance, age, religion, gender, marital status, status with regard to national origin, physical or mental disability, and sexual orientation; or
 - compromises the safety or security of the public or public systems.

Adopted by the Upper Hutt City Council on 24 September 2014.

Reviewed September 2016.

Appendix 1: Graffiti Policy Operating Procedure



Appendix 2: Map showing graffiti removal areas/roads in Upper Hutt



Chapter 4– Policies relating to Planning and Regulatory Services functions

4.1 Parking enforcements

The purpose of the Parking Enforcement policy is to promote free access to and through the Central Business District. To achieve this Council will educate motorists on time share parking, both in the city centre and in the shopping parades (listed below), and will enforce both parking time limits and the No Stopping and Double Parking rules.

- a. Fergusson Drive Tararua shops (near Twiglands)
- b. Fergusson Drive Silverstream shops (near Railway station)
- c. Ward Street/McLean Street (corner and Railway shops)
- d. Ward Street/Miro Street (and opposite Heretaunga College)
- e. Silverstream Village Centre (on street)
- f. Camp Street – Trentham shops
- g. Akatarawa Road – Brown Owl shops

In the interests of road safety, stationary vehicle offences may be enforced throughout the district of Upper Hutt.

4.2 Dog control policy

4.2.1 Interpretation

“**ACT**” means the Dog Control Act 1996, and includes all amendments.

“**GUIDE DOG**” means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog.

“**HEARING EAR DOG**” means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog.

“**WORKING DOG**” means:

1. any guide dog, hearing ear dog or companion dog as defined in the Act;
2. any dog:
 - a. kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or

- b. kept solely or principally for the purposes of herding or driving stock; or
- c. kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- d. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - i. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - ii. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the function, duties, and powers of that Service; or
 - iii. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- e. owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- f. declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

“DANGEROUS DOG” means any dog the authority has reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife due to sworn evidence, owner admitting their dog is dangerous or the owner has been convicted of an offence under section 57A(2).

“MENACING DOG” means any dog the authority considers may pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to observed or reported behaviour OR shows characteristics typically associated with the dog’s breed or type listed in Schedule 4 of the Act.

“NEUTERED DOG” means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

“OWNER”, in relation to any dog, means every person who:

1. owns the dog; or
2. has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
3. the parent or guardian of a person under the age of 16 years who:
 - a. is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

- b. is a member of the parent or guardian’s household living with and dependant on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

“**RESPONSIBLE OWNER POLICY**” will apply to any owner of a dog who:

1. applies for RESPONSIBLE OWNER STATUS and has their application approved; and
2. controls his or her dog; and
3. whose dog is securely contained within the property while allowing people access to a door of the residence on the property without encountering their dog or has signs erected on or near the front entrance of the property alerting people to the presence of the dog; and
4. registers his or her dog by the appropriate due date (1 August of each registration year or before the dog is three months of age); and
5. has not had a dog impounded more than once within the last twelve months; and
6. has not been issued with an infringement notice within the last twelve months; and
7. has never received a conviction for an offence under the Act; and
8. has not had a dog classified ‘menacing’ or ‘dangerous’ because of observed behaviour, where the classification has not been rescinded; and
9. who ensures that any outside kennels are weatherproof and maintained in a hygienic manner.

“**RURAL DOG**” means a dog that is kept or usually kept on a property in one of the rural zones including the rural lifestyle zone, under Council’s District Plan.

4.2.2 Introduction

The Dog Control Act 1996 came into force on the 1st July 1996.

1. to make better provision for the care and control of dogs:
 - a. by requiring the registration of dogs; and
 - b. by making special provision in relation to dangerous and menacing dogs; and
 - c. by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
2. to make provision in relation to damage done by dogs.

Under the Act, Council is required to adopt a policy on dogs covering the following matters:

- a. identifying public places where dogs are allowed access
- b. bylaws made under the Act

- c. fees
- d. classifying owners as probationary
- e. disqualifying owners from owning dogs
- f. the issuing of infringement notices
- g. The Policy can include any other details as the territorial authority thinks fit. When adopting a policy on dogs, the Council must have regard to the following matters:
- h. the need to minimize danger, distress and nuisance to the community generally; and
- i. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- j. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- k. the exercise and recreational needs of dogs and their owners.

These matters have been considered in the development of this Policy.

4.2.3 Restriction on the number of dogs

The maximum number of dogs over the age of three months to be kept firstly, on any property having an area of 1,000 m² or less, situated in any rural zone and secondly, on any other property in the city, is two.

Council has delegated authority to its Director of Planning and Regulatory Services to grant exemptions from this policy in certain circumstances.

An exemption may be granted to owners to whom the Responsible Owner Policy applies, if their property is fully fenced to the satisfaction of the Director of Planning and Regulatory Services and subject to the written consent of owners and occupiers of neighbouring properties stating that they have no objection to the keeping of more than the permitted number of dogs on that property. Applications for an exemption should be made using the relevant form.

Every additional dog must be applied for and an exemption approved by the Director of Planning and Regulatory Services.

Any person not satisfied with a decision by the Director of Planning and Regulatory Services, or who believes that the neighbours' consent referred to above has been unreasonably withheld, may refer the matter to the appropriate Council Committee for a final determination.

4.2.4 On leash controlled areas and off leash dog exercise areas

All dogs except working dogs in public places are to be controlled by being kept on a leash or harness at all times that they are in a public place, other than those places designated as dog exercise areas.

All dogs in public places, except working dogs that are working, are to be controlled by being on a leash or harness in the following areas, and at the times stipulated:

- a. all streets zoned as residential, commercial and industrial in the Upper Hutt City Council District Plan at all times;
- b. all playgrounds at all times;
- c. all sports fields while a sporting event is in progress;
- d. all parks while Council approved activities are in progress; and
- e. Birchville Park and Te Haukaretu Park at all times.

4.2.5 Fouling in public places

Every person, while having in his or her care or control, any dog which fouls any public place with faecal matter, is required to remove such faecal matter immediately. The faecal matter is to be disposed of responsibly.

4.2.6 Confinement

Bitches in season are to be effectively confined during the whole of that period, but adequately exercised.

4.2.7 Diseased Dogs

No person owning or having control of any mangy or otherwise diseased dog, shall take the same into any public place or permit such dog to remain there. The owners of dogs with these conditions are to be responsible for the proper treatment of their animals.

4.2.8 Impounding or removal of dogs from a property

Any dog found on any land or premises other than the property of its owner may be impounded except where it is under the control of its owner.

The occupier or person in charge of any land or premises may seize any dog that comes onto their land or premises and deliver it to the owner or a Dog Control Officer for impounding.

A Dog Control Officer will remove and impound a barking dog following non-compliance with a notice, where he or she has received a further complaint and considers it is still causing distress to any person.

A Dog Control Officer may seize and impound a dog which is believed to be unregistered or where the owner has not complied with menacing dog classification requirements.

A Dog Control Officer may seize and impound a dog, which is on land or premises occupied by its owner, if it is not under the direct control of a person or confined in such a way that it cannot freely leave the premises.

Impounding fees will be set by the Council annually. Additional impounding charges will be made for a second and third impounding in any twelve [12] month period from the date of the first impounding. Sustainance fees are charged for dogs being kept in the pound facility.

No dog will be released from the pound unless it is registered, and all fees and charges have been paid. Any dog born after 1 July 2006 that is impounded must be microchipped prior to release. Any dog born prior to 1 July 2006 only requires microchipping at its second or subsequent impounding.

An unregistered dog may not be released to any person without first being implanted with a microchip.

As soon as practicable after any dog which is wearing a current registration label or disc has been impounded, or where the owner of the dog is known through some other means, the owner will be given written notice that the dog has been impounded and that unless the dog is claimed and any fees paid within seven [7] days of the receipt of that notice, it will be re-homed, sold, destroyed or otherwise disposed of in such manner as Council sees fit.

4.2.8.1 DOG CONTROL ACT 1996 | SECTION 63(3)

Where the owner of the dog is not known and cannot be identified from the dog registration label, disc or microchip number, Council may, after seven [7] days, re-home, sell, destroy or otherwise dispose of the dog in such manner as it sees fit.

Impounded dogs will not be released to any individuals or organisations for the purpose of testing or vivisection.

4.2.9 Minimum standard for accommodation dogs

Every owner shall, in respect of every dog in the care of that owner:

- a. provide adequate kennelling or other housing so sited as to ensure adequate shade, warmth and dry conditions, and of a sufficient size to allow the dog to freely move, stretch out, stand up or recline (where kennels are outside they are to be weatherproof and maintained in a hygienic and nuisance free condition)
- b. provide proper care and attention, sufficient food and water, and adequate exercise.

4.2.10 Barking

The owner of any dog found to be causing a nuisance by barking persistently and loudly, following a complaint to Council and verified by a Dog Control Officer will be required to take all reasonable steps to prevent that dog from creating a nuisance by barking.

Barking is unlikely to be considered a nuisance unless the following criteria are met:

- a. continuous barking/howling: for ten [10] minutes or more in any one hour period
- b. response barking: more than five [5] barks at a time which is repeated on average every one half hour during a daytime period or once per hour on average over a night time period
- c. in addition the barking must be considered loud enough to be heard beyond the dog owners' property causing persons to wake at night.

In the event that the owner cannot or will not take all reasonable steps to prevent the dog from causing a nuisance by barking, the Dog Control Officer will issue the owner a notice to remove the dog from the property. If that notice is not complied with, the Dog Control Officer will remove the dog from the property and impound it, where he or she has received a further complaint and considers it is still causing distress to any person.

4.2.11 Classification of Probationary Owners

Where any person is convicted of any offence (not being an infringement notice) under the Act or has received three infringement notices in 24 months, Council will classify that person as a probationary owner for a period of 24 months.

The probationary classification has the following effects:

- a. the owner is not allowed to own any other dogs than were owned at the time the classification was made
- b. the owner must dispose of any unregistered dogs
- c. the owner must undertake training approved by Council

A probationary owner has the right to object to the classification and have their objection heard by Council.

4.2.12 Disqualification of owners

Any owner convicted of an offence under the Act or who has received three infringement notices within a continuous period of 24 months can be immediately disqualified from owning any dog. A probationary owner who is convicted of a further offence or receives three further infringement notices can be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

4.2.13 Classification as Dangerous Dog

Under the Act the Council shall classify as a dangerous dog:

- a. any dog in respect of which the owner has been convicted of an offence under [section 57A(2)]; and
- b. any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; and
- c. any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

In addition to all other obligations, the owner of any dog that is classified as dangerous must:

Dog Control Act 1996 | section 32(a)

- a. keep the dog in a securely fenced portion of the owners property that is not necessary to enter to obtain access to at least one door of any dwelling on the property
- b. ensure the dog is muzzled in any public place
- c. ensure the dog is neutered
- d. not dispose of the dog to any other person without the written consent of Council

The owner has the right to have the classification reviewed through a Council Hearing.

The owner has a right to have the classification reviewed through a Council hearing.

4.2.14 Classification as menacing dog

Under the Act a dog may be classified as menacing due to its breed or behaviour. Council will where appropriate classify dogs as menacing.

In addition to all other obligations, the owner of any dog that is classified as menacing must:

- a. ensure the dog is muzzled in any public place
- b. ensure the dog is microchipped within 1 month of classification
- c. if classified under section 33A of the Act (classification by deed) ensure the dog is neutered within 1 month of classification

The owner has the right to have the classification reviewed through a Council Hearing, and if confirmed as 'menacing' the muzzling requirement must remain, but the Council may determine whether or not the dog must be neutered. In exercising its discretion the Council's Hearing Committee may have regard to:

- a. the nature of the incident which has caused the dog to be classified menacing;
- b. whether the owner is a registered breeder;
- c. whether due to medical or age concerns the dog should not be neutered in accordance with a written recommendation from a vet.

4.2.15 Objection to dog or owners classification of owners objecting to notices to remove a barking dog from a property or against a muzzle order

An owner requesting to be heard in support of a written objection to classification or a notice to remove a barking dog from their property or an instruction to muzzle their dog will have the objection heard by Council.

On determining an objection, Council shall give written notice of its decision and the reasons for it, to the owner within seven days of such hearing.

4.2.16 Microchipping of dogs

Where a dog is classified as dangerous, or menacing, or was born after 1 July 2006 and it is registered for the first time or is impounded for a second time, the owner must provide permanent identification of the dog by arranging for the dog to be properly implanted with an approved microchip.

4.2.17 Fees and charges

Council will operate a registration fee system that provides for fee reductions and incentives that encourage dog owners to take a responsible attitude to ownership.

The registration fees structure allows for rebates for the following:

- a. rural dogs
- b. responsible owner policy
- c. prompt payment
- d. neutered dogs
- e. rehomed dogs

Notes

1. The prompt payment rebate is allowed if the fee is paid by 1st August in the year it is due. In addition, all owners registering a rehomed dog, which has been impounded, will qualify for the prompt payment rebate.
2. Applications for neutered or spayed dogs are to be accompanied by a certificate from a Veterinary Surgeon as verification.
3. The Responsible Owner Policy fee classification is available to an owner who meets the definition of the Responsible Owner Policy in the Interpretation section of this Policy.

The owner must apply for Responsible Owner Status and agree to meet the requirements of the Responsible Owner Policy.

People applying for Responsible Owner Policy classification will have their properties inspected to ensure that they meet the requirements of the Policy.

4.2.18 Revenue

The Council's dog control function is fully funded from the revenue derived from dog fees and charges.

All money received from this source is to be expended only for the purposes of dog control.

The principal purposes to which this money is to be put are:

- a. dog control, including enforcement of the laws and patrols
- b. attending complaints and incidents

- c. the operation of the impounding facilities
- d. keeping the Dogs Register and associated administration.

4.2.19 Infringement Notices

Council will use the infringement notice system and fee levels provided for in the Act. The fees outlined are as at 21 March 2011 and are subject to change to comply with any amendment made to the infringement fees in the Dog Control Act 1996 or by regulations.

Except in the case of unregistered dogs, or dog attacks, infringement notices will only be issued after a dog owner has failed to respond to a Council requisition.

4.2.19.1 BRIEF DESCRIPTION OF OFFENCE AND INFRINGEMENT FEE

Wilful obstruction of Dog Control Officer or Dog Ranger	\$750
Failure or refusal to supply information or wilfully providing false particulars	\$750
Failure to supply information or wilfully providing false particulars about dog	\$750
Failure to comply with any bylaw authorised by the section	\$300
Failure to comply with effects of disqualification	\$750
Failure to comply with effects of classification of dog as dangerous dog	\$300
Fraudulent sale or transfer of dangerous dog	\$500
Failure to comply with effects of classification of dog as menacing dog	\$300
Failure to implant microchip transponder in dog	\$300
False statement relating to dog registration	\$750
Failure to register dog	\$300
Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
Failure to advise change of dog ownership	\$100
Failure to advise change of address	\$100
Removal, swapping, or counterfeiting of registration label or disc	\$500
Failure to keep dog controlled or confined	\$200
Failure to keep dog under control	\$200
Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter, and to provide adequate exercise	\$300
Failure to carry leash in public	\$100
Allowing dog known as dangerous to be at large unmuzzled or unleashed	\$300

4.2.20 Bylaws

A bylaw will be adopted that gives effect to this policy.

4.3 Dangerous and Insanitary Buildings Policy 2017¹⁶

4.3.1 Introduction and background

The Dangerous and Insanitary Buildings Policy was adopted by the Council on 9 August 2017 in accordance with the new requirements of the Building (Earthquake-Prone Buildings) Amendment Act 2016. Under this Act Councils are required to remove reference to earthquake-prone buildings in their local policies. This policy formerly addressed earthquake-prone buildings in its earlier form as the Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006.

4.3.2 Policy approach

4.3.2.1 POLICY PRINCIPLES

The Council has noted the requirements of the Building (Earthquake-Prone Buildings) Amendment Act 2016 in regard to earthquake-prone buildings which reflect the government's new national policy approach to this matter. Accordingly, the scope of this policy has been revised to be limited to dangerous and insanitary buildings.

4.3.2.2 OVERALL APPROACH

Dangerous and insanitary buildings will be dealt with in the same way as the Council already deals with these buildings - by responding to complaints received from the public and advice received from Fire and Emergency New Zealand.

4.3.2.3 IDENTIFICATION PROCESS

The Council will respond to building complaints received from the public and to advice received from Fire and Emergency New Zealand and then investigate and assess the condition of the building.

4.3.2.4 ASSESSMENT CRITERIA

The Council will assess dangerous and insanitary buildings in accordance with sections 121 and 123 of the Building Act 2004 respectively.

4.3.2.5 TAKING ACTION ON DANGEROUS AND INSANITARY BUILDINGS

The Council, on being satisfied that a building is dangerous or insanitary will:

- a. advise and liaise with owners of buildings identified as dangerous or insanitary to determine action to be taken
- b. liaise with the Fire Service to discuss the proposed action when notification has been received from the Fire Service of a dangerous building
- c. where it is considered measures are necessary to avoid immediate danger or to fix insanitary conditions, the Council will use the powers given in section 129 of the Building Act 2004

¹⁶ Council authorised the Director, Planning and Regulatory Services to make the changes necessary to the current adopted Earthquake-prone, Dangerous and Insanitary Buildings Policy 2006 to remove all provisions relating to earthquake-prone buildings, including minor consequential changes to the wording of the Policy at the Ordinary Council Meeting 9 August 2017.

- d. in the case of a building that, due to its structural condition is considered to be dangerous because it is likely to collapse, in whole or in part, potentially causing injury to occupants or persons in areas adjacent to the building, immediate evacuation, the fencing off of the building, shoring up of structures and the preparation and implementation of a Temporary Protection Plan to ensure security (fire and vandalism) of any vacant buildings will be required
- e. on being advised of conditions that are alleged to be insanitary within the provisions of section 123 of the Building Act, the buildings will be inspected and a determination made as to whether action is required under section 124 or 129 of the Act. [Note: Provisions exist in the Health Act 1956 to deal with nuisance conditions related to certain matters associated with housing under Section 29(f) overcrowding likely to be injurious to health or section 42 because of insanitary conditions likely to cause injury to the health of persons or are dwellings unfit for human habitation]
- f. give owners information about the right of appeal in respect of such notice

4.3.2.6 PRIORITIES

Priority for action will be decided after investigation of complaints and Fire Service notifications are complete.

4.3.2.7 HERITAGE BUILDINGS – SPECIAL CONSIDERATION AND CONSTRAINTS

When considering heritage buildings under the Dangerous and Insanitary Buildings Policy, account will be taken of:

- a. the importance of recognising any special traditional and cultural aspects of the intended use of a building
- b. the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

When dealing with dangerous and insanitary heritage buildings, the Council will ensure the development of special and appropriate management and planning for heritage buildings to ensure, where possible, risk mitigation for the protection of heritage fabric and values. The skills of suitably qualified professionals with heritage expertise will be engaged to advise and recommend actions.

4.4 Residential Stimulus Policy¹⁷

4.4.1 Objective

To encourage higher density residential development in Upper Hutt by remitting the development charges listed below:

- Resource consent charges
- Building consent charges¹⁸

¹⁷ The Residential Stimulus Policy was adopted by Council at an Extraordinary Council Meeting on 27 June 2018, along with the adoption of the Long Term Plan 2018 – 2028

- Reserve fund contributions

Remissions granted will be up to 100% of the charges levied by Upper Hutt City Council (Council), and for up to a maximum period of two years following granting remissions.

4.4.2 Development charges conditions and criteria

For developments to be eligible for remissions of development charges, they must meet the following criteria:

- A1 In the Central Business District (as defined in the District Plan maps) and be:
- a. A new residential development of at least three dwellings, at a density greater than the minimum net site area requirement for the Residential zone
 - b. A conversion of a building to an apartment development with three or more apartments
 - c. A new development with a mix of apartment and commercial with three or more apartments
 - d. A conversion/redevelopment of an existing building to a mix of apartment and commercial with three or more apartments.
- A2 In the Residential (Centres Overlay) Areas (as defined in the District Plan maps) and be:
- a. A new residential development of at least three dwellings, at a density greater than the minimum net site area requirement for the Residential zone
 - b. A conversion/redevelopment of an existing building to a mix of medium or high density residential space with three or more dwellings.
- B Be subject to the Residential (Centres Overlay) Area Design Guide.
- C Have resource and building consent lodged after 1 July 2018¹⁹.

A new residential development of at least three dwellings, at a density greater than the minimum net site area requirements for the Residential Zone in the Residential Zone (as defined in the District Plan maps), but not in the Residential (Centres Overlay) Areas, may be eligible for development charges remissions at the discretion of the Director, Planning and Regulatory Services, Upper Hutt City Council. These developments must still meet criteria B and C above.

¹⁸ Includes the cost of any external expertise sought by Council when assessing a resource or building consent and the cost of any hearing, but excludes the cost of the building research levy paid to BRANZ or the Ministry of Business, Innovation and Employment fees. These must still be paid by developers.

¹⁹ For the avoidance of doubt development charge remissions will not apply to sites that have previously obtained resource or building consent for a similar development, or applications that were lodged or approved before 1 July 2018.

4.4.3 Definitions

For the purposes of this policy:

- **development** means construction of dwellings, or one or more buildings, requiring one or more building and resource consents that, as a body of work, occurs within a similar timeframe, and that stands alone as a complete activity in and of itself
- **apartment development** means an existing building, or a new building, or new building extension, comprising attached residential dwelling units.

This policy does not exclude the potential for more than one development to occur on the same site.

Remissions granted will be up to 100% of the development charges levied by Council. External charges levied by BRANZ and MBIE associated with a building consent are excluded from this policy and will be payable by the developer.

4.4.4 Conditions

In granting remissions under this policy, Council may, in its sole discretion, specify certain conditions. Applicants will be required to agree in writing to these conditions and to pay any remitted charges if the conditions are violated.

4.4.5 Application process

Applications must be made in writing using an application form determined by Council. Applications must be made in sufficient time to be considered prior to the commencement of construction. Preferably, applications should be made at the time resource consent requests are lodged.

Applications must be supported by the information specified in the application form. In considering applications, Council may decide to seek independent verification of any information provided with an application.

Applications qualifying for development charges remissions are allocated from an annual contestable fund and will be granted on a first come first served basis until the fund has run out.

4.4.6 Payment of development charges

Until such time as an application for a remission of Council's development charges has been approved under this policy and all relevant consents have been granted, applicants will remain liable for any charges and fees covered by this policy as per usual. Charges and fees will be remitted once approval has been granted and all relevant consents are granted.

Should a consent not be approved for remission, the applicant will be liable for resource and building consent charges and reserve fund contributions as per usual.

If the applicant is a company a Guarantor may be required. This could be a director/s of the company.

4.4.7 Liability should construction not commence within two years

Should construction of a development not commence within two years of being granted remissions, the remission of development charges provided under this policy shall no longer apply. At that stage, all fees and charges will be fully payable for the development as per usual.

If the applicant is a company the Guarantor may be liable for repayment of any remitted charges.

Should construction of a development not commence within two years of being granted remissions the remission of rates provided under this policy shall no longer apply.

Commencement of construction will be deemed to have occurred when the activity for which a resource and building consent has been issued, is substantially underway and progressing.

4.4.8 Delegations

Applications for a remission of development charges for will be decided by the Director, Planning and Regulatory Services, Upper Hutt City Council, including specifying any conditions.

4.4.9 Exclusions

This policy shall not apply to Council's development.

This policy may not apply to sites where Council has:

- Provided infrastructure that would otherwise have to be provided by the developer, or
- Otherwise provided financial input to allow the development to occur, for example adopted a Plan Change.

Whether or not remissions apply in these circumstances will be at the discretion of the Director of Planning and Regulatory Services, Upper Hutt City Council.

The development charges do not relate to charges for resource consent or building consent variations unless Council has expressly given its prior written consent to such a remission.

This policy does not apply to:

- Commercial developments (except where a joint commercial and residential development is proposed)
- Rest homes / retirement villages
- Visitor accommodation.

No applications will be backdated and remissions will only be allocated to the specific property/lot being developed.

Chapter 5 – Policies relating to Business Transformation and Insight functions

5.1 Class 4 Gaming Venue Policy

Adopted by the Upper Hutt City Council in April 2016.

Note: This policy does not cover the establishment of TABs, only the Class 4 gaming machines within the TAB.

5.1.1 Introduction

Under the Gambling Act 2003, pubs and clubs are covered by Class 4 licensing provisions. An operator wanting to establish a new venue or to increase the number of machines that may be operated at an existing venue must gain consent from the territorial authority. Council consent is required as the first stage of the process to gain a Class 4 Venue licence from the Department of Internal Affairs.

5.1.2 Objective of this policy

- to ensure the Council and the community has influence over the location of new Class 4 Gambling Venues within the city
- to allow the community to have access to gambling venues for entertainment purposes and to benefit from the proceeds
- to recognise the issue of problem gambling and take appropriate steps to reduce it, particularly through the facilitation of responsible gambling
- to manage the growth of gaming machines within the district
- to encourage clarity regarding the past distribution of gambling funds.

5.1.3 Where and how Class 4 Gambling Venues may be established

Section 101(4) of the Gambling Act 2003 notes that a territorial authority may have regard to any relevant matters, including the following, when determining its Gambling Venues Policy:

1. the characteristics of the district and parts of the district
2. the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities
3. the cumulative effects of additional opportunities for gambling in the district
4. how close any venue should be permitted to be to any other venue
5. what the primary activity at any venue should be.

Gambling venues may be established within Upper Hutt City business commercial zones, subject to:

- it being a Racing Board Venue²⁰ or a venue at which the primary activity of the venue is for sporting or recreational activities within a licensed chartered club; or for the sale of liquor, or for food and liquor, in premises which have an “on” licence for a bar, hotel or tavern (excluding premises that are cafes and restaurants)
- machines being in a separate location from family activities
- games rooms being well lit, preferably by natural light, and having clocks within easy view of machines (if not on the actual machines)
- provision of details on the staff training programme, particularly related to problem gambling
- provision of details outlining the policies and programmes in place for the distribution of funds
- Trust/Corporate Society application forms being clearly accessible to the public (keeping in mind that children are not permitted to enter gaming rooms)
- meeting application and fee requirements
- gaming machines must not be visible from the footpath, street, road or highway
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005²¹.

In addition, Council will take into consideration the proximity of any new or relocating venue to an existing Class 4 Gambling or Racing Board Venue;

Establishment of a Class 4 Gambling Venue that is subject to the above consideration will be at the discretion of Council.

NB: Part 2, Section 113 of the Gambling Act 2003, notes that key persons must not be involved in certain activities or decisions pertaining to the distribution of net proceeds from Class 4 Gambling venues, i.e. bar staff and/or patrons must not influence the way gambling proceeds are allocated²².

5.1.4 Numbers of gambling machines to be allowed

- Venues that did not hold a licence on 17 October 2001 are restricted to a maximum of 9 gaming machines.
- Venues that have been without a licence for 6 months or more are restricted to 9 gaming machines.

²⁰ As determined by the Racing Act 2003.

²¹ To note, a requirement of the Control of Advertising Signs Bylaw 2005 is that anybody using sandwich board signs on footpaths must first obtain Council Consent.

²² A key person who knowingly allows a venue to contravene Section 113 of the Gambling Act 2003 is liable to a fine not exceeding \$10,000.

- Venues, held a licence on 17 October 2001 and that have not been without a licence for 6 months or more may apply to increase the number of machines operated at a venue, up to a maximum of 18.
- Ministerial approval is required if a venue wants to increase machine numbers to:
 - A maximum of 30 at any existing venue where two or more clubs want to merge
 - A maximum of 18 machines for new club venues.

5.1.5 Cap on the number of gaming machines

The maximum number of gaming machines permitted per venue is set by the Gambling Act 2003. The maximum number of gaming machines permitted within Upper Hutt is set by the Council.

The number of electronic gambling machines in Upper Hutt City shall be capped at 174 for the duration of this policy.

5.1.6 Harm Prevention and Minimisation Regulations 2004

As at October 2005, all new gaming machines are required to have design features that provide the player with information:

- on game characteristics, including the odds of winning a game and the average amount of money paid out per machine (compared to how much goes in);
- on individual player information, including the duration of play, the amount of money the player has spent and net wins and losses during the session of play;
- that interrupts play at irregular intervals, not exceeding 30 minutes, to provide information of the duration of play and the net wins and losses.

From 1 July 2009, all gaming machines are required to have design features (as identified above) that provide player information on game characteristics, individual play (e.g. amount spent and duration) and the current time.

5.1.7 Transfer of existing Class 4 Gambling Venue Conditions

Where an existing Class 4 Gambling Venue is ceasing to operate, the Council may, at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the existing policy.

Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:

- the existing venue must be ceasing to operate as a Class 4 Gambling venue;
- the new venue must be operated by the same corporate society operating the existing venue;
- the new venue must be in a similar geographic location as the existing venue;
- the new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and

- the merging of existing venue conditions and transferred venue conditions is not permitted.

5.1.8 Applications

Applications for Council consent must be made on the approved application form provided and must provide:

- name and contact details for the applicant
- venue details, including trading name and street address of premises proposed for the Class 4 licence
- contact details for management staff
- proposed number of additional gaming machines
- the number of gaming machine currently licenced in the premises
- a floor plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and the location of clocks and windows within the games room
- details of how the proposal complies with the Council's Gambling Venues Policy
- evidence of the liquor licence(s) applying to the premises
- a copy of the staff training programme, including information on how to spot and offer prescribed information to problem gamblers
- the application fee
- documentation outlining the policies and programmes in place for the distribution of funds
- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

5.1.9 Application fees

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venues Policy.

The application fee will be reviewed by Council each year as part of the Annual Plan Fees and Charges review.

5.2 New Zealand Racing Board (including Tab) Venue Policy

Adopted by the Upper Hutt City Council in April 2016

5.2.1 Introduction:

Under the Racing Act 2003, when the New Zealand Racing Board wants to establish a new and/or relocating venue it must gain consent from the territorial authority.

NOTE:

1. This policy does not deal with TABs in pubs and clubs.

5.2.2 Objective of this policy

- to ensure the Council and the community has influence over the location of new and/or relocating Racing Board Venues within the city
- to allow the community to have access to gambling venues for entertainment purposes;
- to manage the growth of gambling within the district.

5.2.3 Where and how New Zealand Racing Board (including TAB) venues may be established

Part 6A of the Racing Act 2003 notes that a territorial authority may have regard to any relevant matters (including the following) when determining its Racing Board Venue Policy:

- the characteristics of the district and parts of the district
- the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities
- the cumulative effects of additional opportunities for gambling in the district
- the social impact of gambling within the territorial authority district
- the location of new racing board venues.

New Zealand Racing Board (including TAB) venues may be established within Business Commercial zones²³, subject to:

- meeting application and fee requirements;
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005.

²³ As set out within the Upper Hutt City District Plan.

In addition, Council will take into consideration the proximity of any new or relocating venue to an existing Class 4 gambling or racing board venue;

Establishment of a racing board venue that is subject to the above consideration will be at the discretion of Council.

5.2.4 Applications

Applications for Council consent for new and/or relocating Racing Board Venues must be made on the approved application form provided and must provide:

- name and contact details for the applicant
- venue details, including trading name and street address of premises proposed for the Racing Board Venue
- contact details for management staff
- the application fee
- the number of gaming machines currently licenced in the venue
- proposed number of additional gaming machines
- a floor plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and the location of clocks and windows within the games room
- details of how the proposal complies with the Council's Gambling Venues Policy
- a copy of the staff training programme, including information on how to spot and offer prescribed information to problem gamblers;
- documentation outlining the policies and programmes in place for the distribution of funds
- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

5.2.5 Application Fees

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application
- the cost of monitoring consents
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venue Policy.

The application fee will be reviewed by Council each year as part of the Annual Plan Fees and Charges review.

5.3 Sculpture guidelines

5.3.1 Introduction

Any proposal to install a sculpture within Upper Hutt on public land is required to follow a two-step process. It must first receive approval from the Sculpture Project – Community Advisory Panel (Sculpture Advisory Panel) in respect of artistic merit and secondly it must be approved by Council in respect of location, safety and consent requirements. Both the approval process and requirements are outlined within these guidelines.

5.3.2 Scope

All sculpture installations on publicly owned land, whether permanent or temporary, must go through the approval process. This includes publically and privately funded sculpture, applications requesting public funding for sculpture (including Creative Communities Funding), and sculpture commissioned by the Upper Hutt City Council.

‘Sculpture’ in respect of this policy includes any physical art-form that has a 3-dimensional appearance. I.e. this excludes murals, paintings etc.

‘Public land’- means publically owned land within the boundaries of Upper Hutt City.

5.3.3 Process on where and how sculptures can be established

The process for gaining Council approval to install a sculpture on public land is as follows:

5.3.3.1 STEP 1

- a. Applicant prepares application package, including items identified on the ‘Sculpture in public places - checklist form’.
- b. Applicant requests a meeting of the Sculpture Advisory Panel and submits application.
- c. Council convenes a meeting of the Sculpture Advisory Panel.

If given approval by the Sculpture Advisory Panel, the applicant can move to step 2.

The applicant must return to the Sculpture Advisory Panel for re-approval should any significant change occur in the proposed scope, materials, design, or location of the sculpture after step 1 approval has been gained. The Sculpture Advisory Panel and Council officers will determine whether re-approval is necessary.

5.3.3.2 STEP 2

- a. Applicant receives a letter from the Chair of the Sculpture Advisory Panel noting the Panel’s approval of the sculpture, subject to Council approval. Applicant requests a Council departmental approval of the proposal. The applicant must obtain written approval, and resource/building consents where required, from the following departments:
 - Asset Management and Operations Department – location and structure approval (in respect of sculpture strength, stability and structural soundness, size, fixtures, possible

safety or obstruction concerns, site lines, traffic implications, underground services impact, lighting requirements etc.)

- Planning and Regulatory Services Department – building consent and resource consent approval.
- b. Applicant provides a copy of all items identified on the ‘Sculpture in public places - checklist form’ to Council to support the application.

5.3.4 Final approval

An application is deemed to be approved if the applicant has received written approval from the Sculpture Advisory Panel, the Asset Management and Operations Department, the Planning and Regulatory Services Department and building and or resource consents if required.

5.3.5 Sculpture project - Community Advisory Guidelines

All public sculpture projects proposed within the city of Upper Hutt must be reviewed and approved by the Sculpture Advisory Panel. The Panel’s purpose is to make recommendations to the Council, concerning the acquisition, placement and presentation of high quality visual art on public land throughout Upper Hutt.

The panel is comprised of the following representatives: Chair (Director of Business Transformation and Insight), one from Orongomai Marae, the curator from Expressions Whirinaki Arts and Entertainment Centre (or the Exhibitions Officer in the event the curator is unavailable), and two Upper Hutt community representatives with arts knowledge. Three members must be present for a decision to be valid. The Director of Business Transformation and Insight may appoint additional members to provide arts expertise as required. Advisory members do not have voting rights.

The Sculpture Advisory Panel will review the application and evaluate it with regard to the following:

1. artistic merit (this is the primary consideration - the quality and impact of the work needs to make an enduring contribution to Upper Hutt’s urban landscape)
2. appropriateness of the proposed site
3. compatibility in scale, material, form and content of the work with the surrounding area
4. relationship within the city’s collection (which strives for diversity in style, scale, media and artists)
5. structural and surface soundness, including safety considerations and inherent resistance to theft, vandalism, and weathering
6. feasibility, professional experience and likelihood of artist’s ability to complete the proposed work
7. adherence of and commitment to Upper Hutt City Council’s vision and objectives
8. a level of enrichment for the Upper Hutt Community and recognition that it may represent a reflection of Upper Hutt to the wider region

9. the sculpture should respond to and fit in with the Upper Hutt landscape and elements, whilst also being tactile, durable and safe
10. the proposed location of the sculpture, which may represent a potential point of/for observation, which may cause public congestion and/or provide additional opportunities for education, interpretation or narrative

5.3.5.1 QUORUM

Three members.

5.3.5.2 MEETING FREQUENCY

Dependant on need.

5.3.6 Preparation of the application

Final approval of all applications rests with the Sculpture Advisory Panel. Prior to final approval the applicant must first compile the required items listed on the 'Sculpture in public places - checklist form'.

5.3.7 Application requirements:

1. a completed 'Sculpture in public places checklist form', available from:
 - a. the website www.upperhuttcity.com or
 - b. Corporate Planner
 - Upper Hutt City Council
 - Civic Administration Building
 - Private Bag 907
 - Upper Hutt 5140
2. detailed drawings of the proposed work including dimensioned elevations and plans
3. specification of all materials to be used, including colour palette and engineering specifications and drawings for all components
4. a site plan indicating proposed location and scale
5. specification of the foundation, specific to the agreed site, including a description of fixing methods and necessary equipment to be required for installation, i.e. a footing and foundation plan
6. a lighting schedule (if required)
7. relevant consultant(s) reports (e.g. an engineer's report) on all structural elements of the proposed work including maintenance requirements
8. a schedule of any consultants and proposed subcontractors

9. coloured, scale illustrations of the work graphically superimposed on coloured photographs of the site from at least two different angles (optional)
10. an indicative budget of all costs associated with fabricating and installing the proposed sculpture, including artist's fee, material and fabrication costs, consultant fees, earthworks and foundation construction, transport and storage costs if any, insurance (up to completed installation of the sculpture), lighting, landscaping and any other installation costs
11. confirmation that copyright on the finished sculpture will be held by Upper Hutt City Council, or in the event this is not possible, agreement to a clause in the commissioning contract that the sculpture is not to be repeated in the Wellington region
12. the résumé of the artist and examples (slides, photographs, models, etc.) of previous work, including a sample of other public art projects if available. Applicants must exhibit their ability to complete the project within the outlined budget, schedule and guidelines.

Prior to advancing to step 2, provision of a sculpture approval letter from the Chair of the Sculpture Advisory Panel.

5.3.8 Responsibilities/Conditions

1. The applicant is responsible for monitoring the application's progress through the review process, as well as all phases of the design and execution of the work.
2. All structures must be erected at the cost of the applicant, unless otherwise agreed by Council. If an applicant has applied for a grant to pay for the structure, it is advised that the grant amount requested also include installation of the structure.
3. For any applications requesting grant funding, it must be noted on the application that regardless of funding being approved, final sculpture approval is subject to approval from the Sculpture Advisory Panel and Upper Hutt City Council (in respect of location, safety and consent requirements).
4. All structures on public land would be vested in Council as an asset, hence all ongoing maintenance and insurance would be the responsibility of Council.
5. As a condition of approval for any new sculpture, Council reserves the right to remove it at any time, for any reason, in particular, in respect of safety, changes to the cityscape, access to utility services and maintenance reasons.
6. In the event that a sculpture is to be removed, if possible, contact is to be made with the artist/donator in regards to its future location/purpose.

5.3.9 Guidance

For those requesting Council guidance as to the look and feel of any new sculpture for Upper Hutt, they are to be referred to the Sculpture Advisory Panel, the Upper Hutt Vision, and the Arts Culture and Heritage Strategy.

5.3.10 Guidelines Review

These guidelines will be reviewed in conjunction with the development of the Arts, Culture and Heritage Policy.

5.4 Economic Development Stimulus Policy²⁴

5.4.1 Purpose

This policy seeks to stimulate economic growth within Upper Hutt by encouraging development that provides employment and GDP growth, as well as by supporting building upgrades to elevate the presentation and structural safety of Upper Hutt premises.

It proposes to do this through provision of the following incentives:

- a. reduction and remission of rates;
- b. building and resource consent fee waivers;
- c. retrofit and relocation incentives; and
- d. earthquake strengthening grants.

It is considered that by providing a stimulus incentive the future flow on benefits will be significant, such as an increased rating base, increased local employment opportunities, increased local expenditure, increased GDP, a wider business offering, and improved local skills. Council also seeks to increase safety, reduce risk, encourage repair and refurbishment of buildings, and limit building vacancies by providing an incentive to encourage the strengthening of earthquake-prone buildings.

5.4.2 Upper Hutt City Council - Economic Development Stimulus Incentives

<p>Incentive 1: rates remissions and reduction</p> <ol style="list-style-type: none"> a. For new developments and building conversions that will not generate an income stream whilst construction is taking place, Council will provide a grant to cover the relevant property rates requirement¹. The grant would cover rates for the duration of the construction, with a maximum of one year¹. To be eligible applicants must meet the criteria set by the Rates Remission Policy for Economic Development. b. A reduction on rates - for a maximum of three years following the revaluation of the developed property, for all developments and conversions that meet the criteria set by the Rates Remission Policy for Economic Development.
<p>Incentive 2: fee waivers</p> <ol style="list-style-type: none"> a. Council seeks to create employment by waiving building and resource consent charges on all commercial and/or industrial developments that involve the construction, erection or conversion of

²⁴ Reviewed 21 October 2015, adopted 4 November 2015. Reviewed again during the development of the Long Term Plan 2018 – 2028, and adopted at the Extraordinary Council Meeting 27 June 2018

<p>any building(s) intended to be used for industrial, commercial or administrative purposes, and expected to create additional new full-time equivalent jobsⁱⁱⁱ</p> <p>b. Council will waive building and resource consent charges on all new and/or renovated developments in the CBD that have a mix of retail/commercial space and high density residential apartments.</p>
<p>Incentive 3: earthquake strengthening incentive</p>
<p>Council will provide a grant of 10% of the value of the work, up to a maximum amount of \$15,000, towards building strengthening work^{vi}.</p> <p>Applications for this grant will also be entitled to have the related building consent fee waived.</p>
<p>Incentive 4: retrofit incentive</p>
<p>Council will provide the following financial incentive for exterior improvements to existing buildings:</p> <p>a. Exterior retail/commercial facade improvements – within the CBD. For exterior storefront improvements (visible from the street or footpath only) with a value over \$5000, Council will contribute \$2,500.</p> <p>Council will provide one of the following financial incentives (for one year only) to retrofit^{vii} existing buildings:</p> <p>b. Commercial property retrofits - within the CBD. For retrofits with a total cost over \$20,000 in value, a maximum allocation of \$5,000.</p> <p>c. Commercial property retrofits - within the CBD. For retrofits with a total cost over \$40,000 in value, a maximum allocation of \$10,000.</p> <p>d. Commercial property retrofits - within the CBD. For retrofits with a total cost over \$70,000 in value, a maximum allocation of \$30,000.</p> <p>e. Commercial property retrofits (small) - city wide. For small to medium retrofits with a total cost over \$70,000 in value, a maximum allocation of \$10,000.</p> <p>f. Commercial property retrofits (medium) - city wide. For businesses retrofitting an existing site, with a total cost over \$70,000 in value and, which will employ between 10 and 30 FTE's (with an existing or new tenancy contract signed) - a maximum allocation of \$20,000.</p> <p>g. Commercial property retrofits (large) - city wide. For businesses retrofitting an existing site, which will either employ over 30 FTE's or it is a significant retail store^{viii} (with an existing or new tenancy contract signed) - a maximum stimulus allocation of \$50,000.</p>
<p>Incentive 5: relocation and new building costs incentive</p>
<p>Council will provide one of the following financial incentives to relocate to a new building:</p> <p>e. Small relocations - Council will contribute \$5,000 or 50% of the total cost (whichever is lessor) towards relocation costs for businesses that are not already located in Upper Hutt that employ between 3 – 10 FTE's (and have signed a tenancy contract).</p> <p>f. Medium relocations - Council will contribute \$15,000 or 50% of the total cost (whichever is lessor) towards relocation costs for businesses that are not already located in Upper Hutt that employ between 10 – 30 FTE's (and have signed a tenancy contract).</p> <p>g. Large relocations - Council will contribute \$30,000 or 50% of the total cost (whichever is lessor) towards relocation costs for businesses that are not already located in Upper Hutt that employ over 30 FTE's (and have signed a tenancy contract) or it is a significant retail store^{viii}.</p> <p>Council will provide one of the following financial incentive to construct a new building:</p> <p>h. New commercial/industrial building construction. For new commercial/industrial building construction, with a total construction cost over \$750,000 (as evidenced by quotes and corresponding invoices), Council will contribute \$30,000 towards the build. Proof of a signed tenancy/lease agreement with a business employing more than 5 FTE's, such agreement being for a period of not less than two years, that is acceptable to Council, is required prior to Council approval being granted.</p>

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- i. Depending on the funds available, this will be discussed with the applicant at the time.
 - ii. The grant amount will be to the nearest thousand, without exceeding the total rates owing for the year. Grant amounts will depend on the level of funding left in the stimulus fund. Grants will be paid via two instalments (the first half upon lodging the building consent application and the remaining half upon completion of the build, or the year's end, whichever is sooner).
 - iii. Applications for fee waivers will be considered on a case by case basis, to ensure that the level of employment created by the development justifies the incentive.
 - iv. As identified within the UHCC District Plan.
 - v. While the focus of this incentive this to encourage mixed use within the CBD, Council will also consider applications for mixed use outside of the CBD on a case by case basis.
 - vi. In order to be eligible the building must be listed on Upper Hutt City Council's 'Register of earthquake prone buildings' and be located within the Upper Hutt CBD. Applications for buildings not within the CBD will be considered on a case by case basis, at the discretion of Council.
 - vii. Retrofitting: refers to the addition of fixed attributes, assets, or features to older systems. I.e. to install, fit, replace, adapt, or modify an existing building, shop, equipment, device or system with updated parts or systems.
 - viii. Significant retail stores include those that have the ability to retain local expenditure by filling a perceived void in the marketplace and/or by increasing visitor expenditure by being a destination in itself.

5.4.3 Additional incentives

There are some applications that can also apply to the Rates Remission Policy for Economic Development. Whilst the Rates Remission Policy has a set criteria, Council will consider all applications on a case by case basis.

5.4.4 Our goal

Council is committed to operating in a business friendly manner and being open to support any opportunity that will increase employment growth. As a Council we are committed to breaking down the perceived barriers, and being solution-focused for all those who choose to build here.

Our promise is to:

- use the legislative processing timelines as guidelines only and always try to improve on these;
- keep the customer informed in an efficient and responsive manner, whilst providing consistent, reliable high quality customer contact, regardless of the communication channel; and
- provide a 'can do' culture across all divisions of Council.

Council will also support local business development via business liaison and information and will seek to attract new businesses whilst promoting the assets of Upper Hutt.

5.4.5 Criteria

This policy applies to commercial/industrial and/or residential property development that involves the construction, erection or conversion of any building or buildings, fixed plant and machinery, or other works intended to be used for industrial, retail, commercial, mixed or administrative purposes. Specific eligibility specifications have been included under each incentive, where applicable.

Consideration of emerging opportunities that do not fall within the remit of this policy will be considered by Council on a case by case basis, having regard to the purpose of this policy, and such matters as the direct or indirect impact on the attractiveness and/or vibrancy of the CBD, and/or the direct or indirect number of jobs created or retained in Upper Hutt.

Council reserves the right to decline an application based on what it offers to the community and/or degree of consistency with relevant Council plans, policies or strategies.

Council seeks to add a diverse range of specialty retail stores to the city centre with products that are likely to attract additional retail patronage to the CBD. Council also seeks to positively influence the retail/commercial quality in Upper Hutt.

Retail stores that do not enhance the diversity, vibrancy and/or quality of the total retail mix within the CBD will not be viewed favourably and Council reserves the right to decline such applications at its discretion.

5.4.6 Process

- a. Potential applicants are encouraged to verbally discuss any proposed applications with Council's Economic Development Manager, prior to lodging a formal application.
- b. Once Council feedback is gained, as to the viability of meeting the criteria, applications must be made in writing.
- c. Rates relief, fee waivers and grants are allocated from a contestable fund and the amount of relief given will be at the discretion of Council in every case.
- d. Decisions on stimulus applications (including specifying any conditions) will be delegated to a committee made up of the Mayor, the Chair of the Policy Committee and the Chief Executive. The exception to this delegation is with applications over \$95,000 in any one year.
- e. A Council resolution is required before any form of relief can be granted for individual applications proposing to receive \$95,000 and over.
- f. All appeals are required to go through a Policy Committee Meeting.

5.4.7 Conditions

- a. In granting remissions under this policy, Council may, at its discretion, specify certain conditions. Applicants will be required to agree in writing to these conditions and to pay any remitted charges if the conditions are violated.
- b. Should construction of a development not commence within one year of being granted building consent, the remission of charges and fees provided under this policy shall no longer apply. At that stage, all fees and charges will be fully payable for the development as per usual.
- c. Earthquake strengthening, retrofit and relocation incentive payments will be paid upon completion of the works and/or following staff movement, respectively.
- d. Should an application not be approved for remission, the applicant will be liable for resource and building consent charges as per usual.

- e. Fee waivers and grant amounts will only be paid on presentation of quotes and corresponding invoices.
- f. All applications (excluding fee waiver and rates remission applications) must be accompanied by formal quotes before Council approval can be granted.
- g. Should an application be approved and the associated works DO NOT commence within six months of the approval date, then the Council approval will expire and the funding will be made available for other applications. Should the same application be presented to Council for approval again (and it is approved) it will be subject to a two month period before it expires. An applicant will not be permitted to reapply with the same application three times in a row.
- h. No applications will be backdated and grants/fee waivers will only be allocated to the specific property/lot being developed.
- i. Fee waivers and grants are allocated from a contestable fund and the amount of relief given will be on a first come first served basis until the fund has run out. All payments will be at the discretion of Council in every case. Developments that have received significant other contributions from Council would not be eligible.

5.5 Easter Sunday Trading Policy for Upper Hutt²⁵

5.5.1 Purpose

This policy enables shops in Upper Hutt to trade on Easter Sunday if they wish. This policy is made under subpart 1 of Part 2 of the Shop Trading Hours Act 1990 which provides Council with the power to establish a local policy giving shops the option to trade on Easter Sunday in the whole or parts of the Upper Hutt District.

5.5.2 Scope

This policy applies to the whole of the Upper Hutt District. This policy does not apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

5.5.3 Policy

1. Shop trading is permitted on Easter Sundays throughout the whole of the Upper Hutt District as defined by the map in Schedule A.
2. The choice to open rests with each individual shop. The Policy neither requires shops to open, nor does it require individuals to work on Easter Sunday.
3. Council recognises that Easter Sunday is a day of significance across New Zealand and some people may choose not to work on this day. Subpart 2 of Part 2 of the Shop Trading Hours Act 1990 includes a workers choice provision that outlines a shop employee's right to refuse to work on Easter Sunday.

²⁵ This policy was adopted at the Full Council Meeting held on 13 December 2017

5.5.4 Definitions

For the purpose of this policy:

Shop means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:

1. a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
2. a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
3. a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

District means the area of jurisdiction of the Upper Hutt City Council (see map below)

5.5.5 Review

Section 5C of the Shop Trading Hours Act 1990 requires that this policy must be reviewed no later than five years after the date on which it was adopted. It also provides that the Council may review this policy at any other time.

5.5.6 Map of Upper Hutt district



5.6 Official information statement

Requests for official information may be made to the Council in any of the following ways:

- verbally, to any Council officer at any Council office
- by telephoning (04) 527 2619 and the request may be made to the operator or any other officer
- by posting the request to the Upper Hutt City Council, Private Bag 907, Upper Hutt 5140
- by sending a fax to (04) 528 2652
- by email to askus@uhcc.govt.nz

If the request is made by an identifiable natural person seeking access to any personal information about that person, then such requests are not subject to any charge.

Where repeated requests are made in respect of a common subject, in any period up to eight weeks, requests after the first shall be aggregated for charging purposes.

Staff time will be charged, where the total time involved is in excess of one hour, after the first hour, at \$38.00 per half hour or part thereof.

Photocopying or printing, on standard A4 or foolscap paper, where the total number of pages is in excess of 20 pages, will be charged at 20c for each page after the first 20 pages.

All other charges incurred shall be fixed at an amount that recovers up to the actual costs involved. This will include:

- the provision of documents on computer disks
- the retrieval of information off-site
- reproducing a film, video or audio recording
- arranging for the applicant to hear or view an audio or visual recording
- providing a copy of any map, plan or other document larger than foolscap size.

A charge may be modified or waived at the discretion of the Chief Executive.

The charge may not include any allowance for:

- locating and retrieving information which is not where it ought to be
- time spent deciding whether or not access should be allowed and in what form.

A deposit may be required where the charge is likely to exceed \$76.00 or where some assurance or payment is required to avoid a waste of resources.

A record will be kept of any costs incurred. Wherever a liability to pay is incurred, the applicant will be notified of the method of calculating the charge and this fact noted on the record.

Council will refer to the Ministry of Justice Charging Guidelines for Official Information Act 1982 Requests (issued 18 March 2002) for guidance in addressing any issues not covered above.

Chapter 6 – Policies relating to Community and Recreation Services functions

6.1 Loans from amenities fund

Guidelines for loans from the fund are as follows:

6.1.1 Eligibility Criteria for Loans

1. Those bodies eligible to make applications for loans from the Council shall be those bodies which;
 - a. are non-profit making bodies constituted and, where applicable, registered so as to be legal “persons”
 - b. can show that they will provide or obtain funding (excluding loan finance) from a source other than the Amenities Fund of at least 65 percent of the project for which they are applying for a loan
 - c. are applying for a loan for the purpose of the provision of new or extension of existing facilities within the city, which will benefit the wider community
 - d. can demonstrate the ability to repay any Amenity Loan within a stipulated timeframe.
2. When considering an application for funding the Council shall take into account the factors listed below, but reserves the right to decline any application at its sole discretion:
 - a. the number of people and/or organisations to benefit from the project;
 - b. whether or not the project duplicates any existing facilities
 - c. the amount of contribution from the applicant.

6.1.2 Procedures for the making of loans

1. Every loan shall be by way of a written loan agreement and must be uplifted within six months of the date of approval, otherwise approval will lapse and further application will be required to be made
2. The Council may, at its discretion, require a qualifying body to provide security for a loan that it receives in accordance with this policy
3. Interest on the outstanding balance of any loan made shall be charged by the Council to the body receiving the loan. Interest rates applicable to every loan shall be notified to the borrower for the forthcoming year on or before the anniversary of the lending date. Interest shall be payable on annual instalments on each anniversary of the lending date. Every loan made shall contain an interest review clause permitting the interest rate to be varied during the term of the loan on the following anniversary of the lending date
4. The interest rates as at 30 September 20011* shall be a follows:

Year 1	0%
Year 2	1%
Year 3	2%
Year 4	3%
Year 5 and subsequent years	3%

* Reviewed annually

- The principal amount of every loan shall be repaid by the borrower to the Council in equal instalments during the term of the loan, the instalments to be paid on each anniversary of the lending date.
- The term and amount of any loan made from the Amenities Fund shall be determined by the Council.

6.2 Community grants

The purpose of the Community Grants Scheme is to support the development of a positive, healthy city by contributing financially to local organisations which strengthen the community support network in Upper Hutt.

The priorities for the funding are:

- indirect programme costs or running costs for organisations involved in community support work
- projects which enhance existing community support programmes where additional resources are required
- community driven initiatives for events or programmes which promote a sense of community or contribute to community well-being.

The criteria for the allocation of funding under this scheme is:

- applicants must show a strong need for the service, programme or event and wide community benefit
- there must be demonstrated need for the additional funding
- applicants should be able to show substantial volunteer involvement and self-help
- applicants must demonstrate an ability to access local sources of funding.

Note: Applicants who qualify for other funding or a project which is eligible to receive direct funding from central government will not normally be considered.

6.3 H²O Xtream policies

All policies relating to H²O Xtream are contained in the Poolside Staff Manual 2015. This manual is reviewed and updated annually. An audit of the manual takes place each year by NZ

Recreation Association pool-safe assessors. The Poolside Staff Manual is held on the H2O Xtream premises.

6.4 Library policies

A 'Collection Development Policy' is held at the library. This policy provides the guiding principles for the selection and ongoing management of the library's collections.

The Library also has a policy and procedures manual that is updated annually.

6.5 Community garden policy

6.5.1 Purpose of policy

The purpose of the community garden policy is to outline the role of Council in regard to community gardens on Council controlled parks and reserves. The policy describes the process to be followed prior to establishing a community garden. It also provides some parameters and areas for consideration prior to approving a licence to occupy public land for a community garden.

6.5.2 Definition of a community garden

A community garden is a small scale garden operated by a group or collective on public land for the purpose of growing plants, vegetables or fruit.

6.5.3 Role of council in relation to community gardens

Council will support community gardens in the following ways:

- Development of strategic relationships, encouraging collaboration between like-minded groups, residents and subject experts.
- Development and facilitation of a local network of community gardens to share information, knowledge and experience as well as reduce duplication of effort and minimise demand on community resources.
- Support groups (either established community groups or resident-led groups) to identify community garden needs, appropriate sites and funding opportunities.
- The provision of Council land where a case for a community garden has been established and a lead group has agreed to a licence to occupy.

6.5.4 Decision to grant a licence to occupy for a community garden

Requests for permission to develop a community garden on Council land should be made in writing to the Community Services department in the first instance. All proposals will be initially assessed by Community Services on a case by case basis in regard to sustainability and the level of community support. Once Community Services officers have approved the application they will liaise with Parks and Reserves and the applicant to identify suitable land and determine the

specific terms and conditions of the licence. Where appropriate the Manager of Parks and Reserves will then grant a Licence to Occupy.

Although permission to establish a community garden on Council land is at the discretion of Council officers, in exercising their discretion the following factors will be taken into consideration:

- the location of the proposed garden
- the purpose of the proposed garden
- the legal structure and objectives of the group proposing to manage the garden
- the benefit to the community
- the level of support required from Council for the garden to be viable and sustainable
- relevant plans, policies and legislation (such as the District Plan, asset plans, RMA, LGA, LTP, Reserves Act 1977 etc.)
- community consultation
- availability of public land
- any other matters Council officers consider relevant.

6.5.5 Licence to occupy process

Once permission to establish a community garden on Council land has been given, a Licence to Occupy agreement will be prepared and any specific requirements or conditions will be drafted on a case by case basis. Specific conditions will include, but are not limited to, the area being kept clean and presentable; appropriate access and security arrangements; noise restrictions; and any other such condition that the specific area may require as a result of community consultation.

The Parks and Reserves Manager has the authority to grant the Licence To Occupy arrangement. The Licence to Occupy will include monitoring and accountability arrangements, and the expected levels of compliance with terms and conditions. Council will be advised of these licenses and ongoing garden activity through reports to the City Services Committee. The Community Services Director will be responsible for these reports, and for the ongoing monitoring of the agreed terms and conditions. The Licence to Occupy will be time limited, and will be revoked in the event of non-compliance with the terms and conditions.

6.6 Local Approved Products Policy (LAPP)

6.6.1 Introduction

The Psychoactive Substances Act came into effect in July 2013. The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use these substances.

The Act gives local authorities the discretion to establish a “local approved products policy” (LAPP).

A LAPP can establish restrictions around the number and location of premises from which products approved by the Ministry of Health may be sold. Councils cannot create a LAPP that would result in an outright ban across the area.

6.6.2 Purpose of the policy

The purpose of Upper Hutt City Council’s Local Approved Products Policy is:

- to ensure that Council and the community have influence over the location and density of retailers of approved products in Upper Hutt City by providing a guide for the Psychoactive Substances Regulatory Authority when it considers licence applications
- to support the purpose and intent of the Psychoactive Substances Act 2013, to protect the health and minimise the harm to individuals who wish to use approved products
- to minimise the potential for adverse effects from the sale of psychoactive substances in residential areas and other inappropriate locations.

6.6.3 Content of policy

A local approved products policy may include policies on one or more of the following matters:

1. the location of premises from which approved products may be sold by reference to broad areas within the district
2. the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district
3. the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

6.6.4 Important Facts:

- Psychoactive products approved by the Ministry of Health are legal product.
- The regulation of premises selling approved products (including the location) is enforced by the NZ Police and the Ministry of Health.

- Licences will be issued by the Psychoactive Substance Regulatory Authority
- Council has no role in issuing of licences or enforcement.
- Under the Act, Council is unable to ban the sale of psychoactive products.
- In May 2014, The Psychoactive Substance Amendment Act came into effect. The effect of the Amendment Act was that all interim product approvals and all interim licences were revoked with immediate effect.
- The Ministry of Health is now assessing products that have a 'low risk of harm'.

6.6.5 Location of premises from which approved products may be sold

1. The location of premises from which approved products may be sold by reference to areas within the district is as follows:

Premises from which approved products may be sold must be located in Main Street in the Upper Hutt CBD and be no closer than 300 meters from another premise from which approved products are sold.

2. Proximity to sensitive sites:

The principle entrance of a premise from which approved products may be sold must not be located within 50 meters of the principle entrance of any of the following facilities:

- educational facility
- place of worship
- community facility
- licenced early childhood centre.

3. Requirements for premises from which approved products may be sold are:

- It is mandatory for licenced premises to install an approved CCTV camera that is connected to the Council Central Business District camera network.
- Adequate external lighting, as approved by Upper Hutt City Council, is installed to ensure that any CCTV footage is clearly visible at night.

6.6.6 Review

The Psychoactive Substances Act requires the Council to review this LAPP every 5 years. As this is a new policy with little local evidence of harm available at this point; the Council proposes to review the effectiveness of the LAPP in three years.

(Adopted at Extraordinary Council Meeting 5 March 2015)

6.7 Child Protection Policy

6.7.1 Policy objective

Upper Hutt City Council (Council) is fully committed to protecting the welfare of children. We recognise our responsibility to adopt best practice policies and procedures that will protect children from harm, abuse and exploitation, while also protecting our staff and volunteers.

The welfare of children is the primary concern of this policy and it is established on the principle that child protection is everyone's responsibility.

Council will support its staff to ensure they understand the policy and the impact of its implementation on Council procedures.

6.7.2 Child protection coordinator

This policy establishes the role of Child Protection Coordinator. This person has overarching responsibility for the application of Council's Child Protection Policy and oversight over all procedures that relate to child protection.

The Child Protection Coordinator will liaise with Child, Youth and Family or the New Zealand Police regarding child protection issues and can provide advice and support to team leaders and managers in dealing with child protection concerns.

The Child Protection Coordinator will report to Council's Director of Community Services and Corporate Management Team.

6.7.3 Procedure for dealing with child protection concerns

Council's Procedure for dealing with child protection concerns (attached as Appendix 3) provides all staff with clear guidelines and principles to follow.

The Procedure for dealing with child protection concerns is to be used in conjunction with existing procedures related to customer conduct, health and safety, and incident reporting.

Staff with 'children's worker' or 'core worker' roles may receive additional training in recognising and responding to child protection concerns as required.²⁶

6.7.4 Upper Hutt City Council's recruitment procedure

The Vulnerable Children Act 2014 (the Act) requires Council to conduct safety checks on all applicants for roles that would fit the Act's definition of a children's worker.

Council's human resource policies and procedures must be consistent with the advice for interpreting and applying the Act and the Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015 set out in the New Zealand Government's official Children's Action Plan.

²⁶ Refer to definitions in Appendix 1

6.7.5 Safety checks (police vetting)

From 1 July 2015 new ‘core workers’ (even if they are not new to the employer but are newly appointed to a ‘children’s worker’ role) must be safety checked before they commence employment.²⁷

If an applicant is not given clearance by Police, the offer of employment is automatically withdrawn (unless the applicant is granted a ‘core worker exemption’ as explained below).

Any Upper Hutt City Council staff member or contractor whose role fits the Act’s definition of a ‘children’s worker’ or ‘core worker’ must be subjected to a ‘safety check’ at least once every three years.

Upon adoption of this policy, any staff member whose role fits the Act’s definition of a ‘children’s worker’ or ‘core worker’, who has not already been subjected to a safety check that meets the requirements set out in the Act, must be reassessed²⁸.

Any applicant for a ‘children’s worker’ or ‘core worker’ role, who does not pass a safety check but possesses a ‘core worker exemption’ from the Ministry of Social Development, may be considered for the position.²⁹

Results of staff and applicant safety checks are held confidentially in the human resources office and are not supplied to any third party.

6.7.6 Confidentiality and information sharing

Council staff are required by law to respect the confidentiality of any information provided to them about child protection concerns.

However, the Children, Young Persons, and their Families Act 1989 allows for “any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived may report the matter to a social worker or police officer.”

Staff must not discuss child protection concerns or related incidents with anyone other than their team leader, manager or the Child Protection Coordinator, unless given permission to do so by their manager or the Child Protection Coordinator.

6.7.7 Appendix 1 - Definitions

Child

The Act defines a child as a person under the age of 18.

²⁷ The standards applicants must meet to be employed as children’s workers and core workers are outlined in section 32 of the Act and include; a clean criminal record, up to date registration/certification with any required industry organisations or licensing bodies etc., and good character references. Prospective employers must conduct a risk assessment to determine whether an applicant poses any risk to the safety of children before hiring them.

²⁸ Core workers must be assessed by July 2018 and general children’s workers by July 2019 – Upper Hutt City Council began this process in 2015 and is therefore in compliance with the Act at the date of the adoption of this policy.

²⁹ All information about the core worker exemption process is available at <http://childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/applying-for-a-core-worker-exemption/>

Children’s worker

The Act defines a ‘children’s worker’ as a person who works in, or provides, a regulated service, that involves regular contact with a child or children (other than with children who are co-workers) and this contact takes place without a parent or guardian of the child, or of each child, being present.

Core worker

The Act defines a ‘core worker’ as a children’s worker who is often or always the only children’s worker present, or is the children’s worker who has primary responsibility for, or authority over, the child or children present.

Children’s services

The Act defines ‘children’s services’ as services for children or young persons, services for adults that are related to children, and services for households with children that have the potential to significantly impact the wellbeing of the children.

The following services and projects operated by Council meet the definition of a children’s service provided in the Act:

- H²O Xstream recreation programmes
- H²O Xstream holiday programmes
- H²O Xstream swimming lessons
- H²O Xstream events
- Activation youth and children’s events and programmes
- Activation family and community events and programmes
- Community development projects
- All library services
- School travel planning service
- Road safety education service
- Environmental and community projects/programmes

Child abuse

Section 2 of the Children and Young Persons Amendment Act 1994 defines ‘child abuse’ as the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect or deprivation of any child or young person.

Council considers this definition and examples below as useful guidelines for staff to refer to if they have child protection concerns.

Physical abuse

Any act or acts that result in the physical harm of a child. It may include, but is not restricted to:

- Beating
- Biting
- Bruising
- Burning
- Causing abrasions
- Cutting
- Drowning
- Poisoning
- Strangulation
- Shaking
- Suffocation
- Fabricated or induced illness

Sexual abuse

Any act or acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not restricted to:

- Non-contact abuse such as exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.
- Contact abuse such as touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution.

Emotional/psychological abuse

Any acts or omissions that result in adverse or impaired psychological, social, intellectual and/or emotional functioning and development. It may include, but is not restricted to:

- Patterns of isolation, degradation, constant criticism or negative comparison to others.
- Isolating, corrupting, exploiting or terrorizing a child.
- Exposure to family or intimate partner violence.

Neglect

May include, but is not restricted to:

- Medical neglect – not taking care of health needs
- Neglectful supervision – leaving a child without someone safe looking after them
- Educational neglect – allowing chronic truancy, failure to engage children in education
- Emotional neglect – not providing comfort, attention or love

6.7.8 Appendix 2 - Related documents

Council's Child Protection Policy is to be used in conjunction with the following policies and procedures:

- Procedure for dealing with child protection concerns
- Human Resource policies and procedures including Complaints procedure and Incident reporting procedure
- Holiday Programme Policy and Procedures Manual
- All H2O Xtream staff manuals including: Customer Service Manual, Health and Safety Manual, H2O Xtream Policy Manual, Emergency Action Plan Manual, Poolside Risk Management Plan and H2O Xtream Holiday Programme Policy and Procedures Manual
- Staff Manual
- Library Staff Manual
- Library customer behavioural expectation policy
- OSCAR Programme Supervision Manual (Oscar NZ)

6.7.9 Appendix 3 - Procedure for dealing with child protection concerns

1. In an emergency situation staff should call the New Zealand Police or for an ambulance immediately. An emergency includes any situation where there is a serious and immediate threat to any person's safety or urgent medical assistance is required.
2. If a Council staff member has concerns for the welfare of a child, they should pass this information on to their team leader or manager.
3. Team leaders and managers are responsible for listening to this information and handling the child protection concern by assessing what action should be taken. The information should be recorded/written down stating the nature of the concern and subsequent actions taken. One of the follow-up actions may involve reporting the concern to Child, Youth and Family or Police.
4. Team leaders and managers are encouraged to contact Council's Child Protection Coordinator at any time for support and advice, and s/he may be able to assist them in contacting the appropriate authority.

5. If a Council staff member is provided with information about a child protection concern, they must Listen > Acknowledge > Act.

Listen

Allow the person to provide you with the information they have. Don't question them; just listen.

Acknowledge

Make sure they know you've heard and understood them. Be kind.

Act

Pass the information on to the appropriate person – for general staff this will be a team leader or manager, and for team leaders and managers, this may be the Child Protection Coordinator, a director, a social worker or police officer.

Further information for staff about child protection concerns

1. Team leaders and managers who have been provided with information about a child protection concern will pass this information on to Council's Child Protection Coordinator if necessary, and may be asked to complete an incident report form.
2. Staff may also have procedures for dealing with incidents that are specific to their department. Council's procedure for dealing with child protection concerns is to be used alongside existing procedures.
3. If anyone asks a staff member for information about a child protection concern or incident, this should be passed on to a team leader or manager. This includes requests from police officers and social workers.
4. The procedure for dealing with child protection concerns applies in all situations where there is a child protection concern, including, but not limited to:
 - When the concern relates to the conduct of a staff member
 - When the complainant is the victim
 - When the information is provided by a third party
 - When a staff member has witnessed something that makes them concerned for the safety or wellbeing of a child.

(Adopted at Extraordinary Council Meeting 29 June 2016)

Chapter 7 – Policies relating to Performance and Capability functions

7.1 Equal Employment Opportunities (EEO) Policy

7.1.1 Purpose

The Council's Equal Employment Opportunity (EEO) policy is intended to foster a culture within Council where the values of merit and fairness underpin all decisions relating to employment. The focus of this policy is to value diversity within the workplace and to create a work environment where all employees are given the opportunity to develop to their full potential.

7.1.2 Definition of Equal Employment Opportunity

EEO refers to the operation of the principle that no employee or applicant for employment, who is appropriately skilled and qualified, may be discriminated against on employment related matters due to some personal characteristic, belief or association that is irrelevant to the employment decision.

7.1.3 Guiding principles

Council will comply with its obligations under the Local Government Act 2002, Human Rights Act 1993 and Employment Relations Act 2000.

For any given employment decision – including recruitment and selection, training and development, promotion and remuneration, the decision will be based on the grounds of merit, skills and qualifications irrespective of age; race; colour; ethnic or national origins; sex; disability, religious, ethical or political beliefs; employment status; marital or family status; sexual orientation; or other personal characteristics that do not relate to skills or qualifications.

Council is committed to recognising and valuing different skills, talents and perspectives of employees.

There is on-going commitment to identify/eliminate discrimination barriers that cause or perpetuate inequality in employment.

All staff are made aware of Council's EEO policy and the principles of EEO and diversity.

Council will encourage the establishment of an EEO staff committee as a vibrant and active body that will be available to deal with complaints of discrimination and will have procedures in place to deal with such complaints.

7.1.4 Practices

Council will assess what appropriate action needs to be taken in regard to changes in employees' personal circumstances where the change is EEO related.

All Council communications related to human resource must not be inconsistent with the EEO policy.

Council will provide employees involved in the hiring of staff with information on recruitment and selection practices that support the Council's EEO policy.

The EEO committee will arrange an annual training session for management on a topic related to EEO.

The Council will report on the performance of the EEO policy on an annual basis.

The Council will review the EEO policy no later than 30 June each year.

7.2 Health and Safety Policy Statement

The Upper Hutt City Council (Council) is fully committed to a process of continuous improvement in order to achieve excellence in the management of health and safety in all of our workplaces. The Council recognises the positive impact that the values and benefits of enhanced health and safety brings to our organisation, our workers and our stakeholders.

Council will provide and maintain a safe working environment and actively manage risks associated with hazards identified in our workplaces. All reasonably practicable steps will be taken to prevent harm occurring to workers and other people at our sites and their health, safety and welfare will be actively promoted by:

- Identifying new and assessing and controlling all existing hazards and their associated risks in the workplace to which workers and others are or may be exposed;
- Providing information, training and equipment appropriate for controlling all hazards and their associated risks, particularly those hazards assessed as being significant and carrying high levels of risk;
- Ensuring all Council staff are adequately trained and supervised, and that our visitors are made aware of the Upper Hutt City Council Health and Safety requirements;
- Ensuring all contractors and suppliers are appropriately pre-qualified, selected and managed and are made aware of the Upper Hutt City Council Health and Safety requirements;
- Developing and maintaining comprehensive and effective plans for emergencies;
- Promptly and accurately recording all accidents and incidents in our workplaces, learning from them and taking all reasonably practicable steps to prevent recurrences;
- Complying with the provisions of the Health and Safety at Work Act 2015 and other legislation, Standards, Approved Codes of Practice and guidelines providing for the health and safety of all people carrying out work for or on behalf of Council and all visitors to Council.

Managers will consult with workers and encourage their involvement in matters related to health and safety. Whenever appropriate, worker participation and input will be sought to achieve the above initiatives.

Upper Hutt City Council is committed to actively managing worker accident claim and rehabilitation processes for Council staff when and if they are injured while at work.

All staff will meet their obligation to take all reasonably practicable steps to ensure their own and others' health and safety, and are encouraged to become actively involved in assisting managers achieve a healthy and safe workplace. Workers will co-operate and report hazards and other sub-standard conditions, accidents and near misses to their manager. They will further help in the management of identified risks by assisting in the implementation of any controls designed to reduce the effects that risks may have on them or any other worker.

7.2.1 Employer commitment

7.2.1.1 INTRODUCTION

Upper Hutt City Council (Council) is committed to providing and maintaining a safe and healthy workplace for all workers, volunteers and visitors by providing information, training and best practice management in order to realise this. The Council are of the belief that health and safety is a responsibility of all workers employed by, or contracted to carry out work on the Council's behalf. Systems and procedures have been developed to provide a structure by which health and safety can be effectively and systematically managed. These are based on the legislative requirements of the Health and Safety at Work Act 2015 and the NZS4801 Occupational Health and Safety Management Systems.

7.2.1.2 ROLES AND RESPONSIBILITIES

The HSWA 2015 states that the PCBU (Upper Hutt City Council) carries the responsibility for the primary duty of care that ensures the health and safety of workers and others affected by work carried out for and on behalf of the Council. This care requires the Council to take all reasonably practicable steps to ensure the safety of workers. Workers include employees, contractors, sub-contractors, employees of contractors & sub-contractors, employees of a labour hire company who are working for the business or undertaking, an apprentice or trainee, on outworker (including a homeworker), a person on work experience or a work trial, a volunteer worker and other persons defined as workers in regulations under the HSWA.

The CEO along with the members of the Council Executive Leadership Team (ELT) have 6 due diligence responsibilities to ensure that:

- They continuously learn about and keep up to date with work health and safety issues
- They understand the nature of, and work carried out by the organisation
- They know the risks that workers and volunteers may or are likely to face when working for the organisation
- They ensure that the organisation has appropriate resources and processes to eliminate or minimise risks to health and safety, and that the resources are implemented and used
- They ensure that the organisation has processes in place to communicate and consider information about work health and safety, and to respond to that information
- They check that the organisation has processes in place to comply with any duties and requirements under work health and safety law, and uses them.

Elected members of the Council do not have the same responsibilities as Officers of a PCBU to Council workers under the Local Electoral Act 2001 and cannot be charged for failure to carry out the due diligence responsibilities assigned to officers. They do however pledge support to the

CEO and ELT in their commitment to provide a safe workplace for all council workers and as workers of the PCBU themselves, hold a duty of care in that what they do or do not do does adversely affect the health and safety of others.

MANAGERS AND TEAM LEADERS

The following are specific duties and responsibilities relating to health and safety for managers. Performance relating to these duties will be reviewed annually as part of their regular performance evaluations. All managers are expected to achieve the following outcomes to the level appropriate to their position:

- Achieve a prompt response to all health and safety issues brought to their attention.
- Ensure health and safety discussions are held regularly with staff.
- Ensure regular workplace/department audits are completed to identify new risks and to maintain an up-to-date hazard & risk register.
- Understand accident reporting procedures and ensure all accidents and incidents are reported in a timely and accurate manner on the appropriate forms and when necessary, investigated.
- Ensure all plant, equipment, work processes and resources used in the performance of the work activities are suitable for their intended purposes, meet safety requirements and when necessary, able to be safely operated or used by workers of the Council.
- Attend training as required to ensure they have an understanding of and the ability to perform their delegated H&S responsibilities.
- Comply with the employer's codes of conduct and relevant operational procedures.
- Ensure safe systems of work are implemented to ensure risks are effectively managed and that all persons are trained (unless, when deemed appropriate, closely supervised by someone with such qualifications, skills and/or experience), competent and fit for the tasks they are likely to undertake.
- Ensure contractors and subcontractors for whom they are responsible receive appropriate induction to workplaces and that their H&S performance is monitored and audited on a regular basis.
- Accurately monitor and report injury trends, risk management strategies and other relevant health and safety issues within their span of control and report this to ELT.

To ensure that we are complying and maintaining this system, management will:

- Ensure new, and existing staff read and understand the relevant sections of this Manual that are applicable to the work they carry out during part of their induction and on an annual basis.
- Ensure the Manual is available and accessible to all new and existing workers and maintain records to reflect that staff have read and understood this Manual.
- Review this Manual and other documentation contained within the Health & Safety management system at least annually.
- Provide (PPE) personal protective equipment and clothing for use by workers as and when required ensuring that all workers are suitably trained in the use of the PPE that they may need to use.
- Remain aware and meet the requirements of legislation, regulations, approved codes of practice (ACOP'S) and industry best practice for all activities they have responsibility for managing.

7.2.1.3 WORKERS

A worker is described under the legislation as any person that carries out work in any capacity for a PCBU. This includes employees, contractors, sub-contractors, employees of contractors & sub-contractors, employers of a labour hire company who is working for the business or undertaking, an apprentice or trainee, an outworker (including a homeworker), a person on work experience or a work trial, a volunteer worker and other persons defined as workers in regulations under the HSWA.

It does not include a volunteer that does not meet the criteria to be treated as a volunteer worker.

Workers of the Council will not be permitted to perform any task, operate any machinery, or deal with any substance or material without holding the appropriate qualifications, knowledge, skills and/or prior experience (unless, when deemed appropriate, closely supervised by someone with such qualifications, skills and/or experience).

The HSWA makes clear that every worker must take all reasonably practicable steps to ensure:

- Their own safety while at work.
- That what they do or do not do does not adversely affect the health and safety of other person(s).
- They comply, so far as reasonably able with any reasonable instruction given by the PCBU so the PCBU can in turn comply with the HSWA and other regulations.
- That they comply with the PCBU's Health and safety policies, codes of conduct, procedures and processes that have been notified to them.
- That they assist with hazard identification, risk management and control of hazards as necessary and that they report all unsafe conditions without delay.
- All (PPE) personal protective clothing and equipment is correctly maintained, used and/or worn (as specified in procedures or instructions).
- All accidents and incidents are reported accurately and promptly to the appropriate person or manager.
- They know how and where to obtain first aid and medical assistance.
- Any health and safety issues or concerns are communicated to the appropriate manager so that they may be addressed as quickly and efficiently as possible.

All workers are to be aware of:

- The hazards they are likely to be exposed to in the workplace as well as the risks associated with those hazards. They will need to understand which controls or procedures will be used to mitigate the potential for harm or damage to themselves, workers, members of the public and others or to property and equipment.
- The emergency and evacuation procedures for their workplaces and any personal responsibilities they may have been tasked with should an event occur.
- Where all first aid resources, safety equipment and PPE are held relative to their specific workplaces and who is trained in the application of initial first aid.

7.2.1.4 WORKER APPRECIATION

To encourage worker participation and engagement, members of the H&S committee will determine during their 6 weekly meeting if there is any individual or group within the council that have been identified as displaying a high level of diligence toward Health & Safety matters within their specific environments.

If this is the case, the committee may decide to offer a suitable and motivational gift as a reward and incentive to others recognising their efforts.

Any recognition will be circulated to other council workers promoting the individual or group with the aim of positively increasing the awareness of “doing” general health & safety and improving the safety culture within the Council.

Chapter 8 – Policies relevant to external organisations

8.1 Appointment of directors to Council organisations

8.1.1 Purpose

The purpose of this policy is to set out, in accordance with section 57(1) of the Local Government Act 2002 ('the Act'), an objective and transparent process for:

- a. the identification and considerations of the skills, knowledge and experience required of directors to a Council organisation
- b. the appointment of directors to a Council organisation
- c. the remuneration of directors of a Council organisation.

8.1.2 Principles

The following principles underlie this policy:

- a. appointments will be made on the basis of merit
- b. the Council will follow corporate governance best practice
- c. the Council will, whenever practicable, publicly notify proposed appointments so as to give all residents of Upper Hutt an opportunity to apply.

DEFINITIONS

The term 'Council Organisation' (CO) is used in the context of the definitions set out in section 6 of the Act.

The Act also creates two sub-categories of CO's – 'Council-Controlled Organisations (CCO's) and 'Council-Controlled Trading Organisations' (CCTOs).

The Council has an interest in one CCO, namely the Expressions Arts and Entertainment Trust (Expressions). The Council does not have an interest in any CCTO.

The following are summaries of the definitions of CO, CCO and CCTO and are provided for information purposes:

Meaning of 'Council Organisation' (CO)

In broad terms a CO is an organisation in which the Council has a voting interest or the right to appoint a director, trustee or manager (however described). This is a wide-ranging definition, covering a large number of bodies.

Meaning of 'Council-Controlled Organisation (CCO)

A CCO is a CO in which one or more local authorities' control, directly or indirectly, 50% or more of the votes or have the right, directly or indirectly, to appoint 50% of the directors, trustees or managers (however described).

Meaning of 'Council-Controlled Trading Organisation (CCTO)

A CCTO is a CCO that operates a trading undertaking for the purpose of making a profit.

8.2 Council-Controlled Organisations (CCOs)

8.2.1 Introduction

- a. Expressions is the only CCO in which the Council has an interest.
- b. Expressions is both a charitable trust and a not-for-profit organisation.

8.2.2 Identification and appointment of trustees of expressions

The Expressions Trust Deed contains the following provisions relating to the identification and appointment of trustees:

“7.4 when exercising its power of appointment, the (Council):

- shall have regard to the need to have trustees with skills, qualifications and experience appropriate to the objectives of the Trust; and
- will call for nominations by public notice whenever the requirement to replace a trustee occurs; such notice is to include information as to the skills, qualifications and experience sought.

7.5 in addition, the (Council) will consult with the Friends of the Upper Hutt Community Art Centre Society Incorporated and shall have regard to any recommendations made by the Friends of the Upper Hutt Community Art Centre Incorporated in regard to the appointment of one of the trustees

7.6 a person appointed as a trustee shall hold office for the term specified in the Letter of Appointment, which term shall not be more than three years

7.7 a letter signed on behalf of the (Council) to the effect that a person has been appointed as a trustee for the term specified in the letter, or has been removed from office on or from the date specified in the letter, shall be conclusive evidence thereof”.

The Council will abide by the foregoing provisions in appointing trustees to Expressions”.

8.2.3 Identification and appointment of directors to other CCOs

If the constitution of the company or organisation so provides, the CCO will make a recommendation to Council as to the person to be appointed. The Council will act on the recommendation unless there are exceptional circumstances.

In all other cases the procedure to be followed is:

8.2.3.1 IDENTIFICATION

It is expected that the CCO will provide the Council with a specification of the skills, knowledge and experience required of appointees. If not then the Council will develop its own taking into account:

- a. the nature and scope of the CCO, including its constitution and future directions
- b. the strategic objectives of the CCO and the attributes, skills and knowledge required to deliver them
- c. the strategic skills of the current appointees and the required skills of all appointees
- d. any specific skill, knowledge and experience currently required or likely to be required in the near future.

8.2.3.2 APPOINTMENT

Unless the Council adopts a different process in any specific case, the selection and appointment process will usually involve:

- a. preparation of a specification as set out above (under 'Identification')
- b. advertising the position(s)
- c. approaching possible candidates
- d. establishing a selection panel to consider all applications and make recommendations to Council
- e. appointment(s) will be made by resolution in non-public business to protect the privacy of those involved.

8.2.3.3 REMUNERATION

Persons appointed by the Council to be directors, trustees or managers [however described] of any CCO will be entitled to receive the remuneration [if any] offered by it. If no remuneration is offered, such appointees as are Councillors will be entitled to receive normal Council meeting allowances.

8.3 Council Organisations (COs)

8.3.1 Introduction

The Council has non-controlling interest in three not-for-profit COs. They are:

1. Orongomai Marae Community Centre Trust
2. the Wellington Regional Economic Development Agency
3. Wellington Water Limited

Appointments might be made to other COs in future for any of a number of reasons, including the following:

1. to provide a means of monitoring where the Council has made a grant to the CO
2. to enable Council involvement where the COs activity is relevant to the Council
3. to accede to a request from the CO that the Council appoint a representative.

8.3.2 Identification of Directors of COS

The range of reasons for the appointment, by Council, of directors, trustees or managers [however described] to COs may mean that a wide range of attributes for appointees will be desirable.

Where the constitution of the CO so provides, the Council will make the appointment on the recommendation of the CO.

In other cases, the Council will prepare a specification identifying the desired skills, knowledge and experience of the appointee and will call for nominations by advertisement.

The Council, in making the appointment, will consider whether nominated persons have the required skills, knowledge and experience. Preference will be given to residents of Upper Hutt but all candidates having the appropriate skills, knowledge and experience will be eligible for appointment and the Council's decisions will be made on merit.

8.3.3 Remuneration

Persons appointed by the Council to be directors, trustees or managers [however described] of any CO will be entitled to receive the remuneration (if any) offered by it. If no remuneration is offered, such appointees as are Councillors will be entitled to receive normal Council meeting allowances.

Appendix 1: Upper Hutt City Council Committees Terms of Reference

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of Council functions, duties and powers to Council committees, panels and groups.

The delegations in these Terms of Reference are expressed in general terms. They are to be read together with the following propositions.

These Terms of Reference:

- do not delegate any function, duty or power which a statute (for example, clause 32 of Schedule 7 of the Local Government Act 2002) prohibits from being delegated; and
- are subject to Council's authority to elect to exercise any of the powers delegated in these Terms of Reference; and
- do not affect any delegation which the Council has already made or subsequently makes to a Council officer or other member of staff.

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Council

Membership: Mayor and all Councillors [11]

Meeting cycle: Council meets on a six weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)

Power to (being a power that is not capable of being delegated):

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Public Works Act 1981 or the Resource Management Act 1991 that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.

The principal standing committees

Policy Committee

Membership:	Mayor and all Councillors [11]
Meeting cycle:	Policy Committee meets on a six weekly basis
Quorum:	Six [6] members
Delegated authority:	Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Formulation of bylaws
- Economic development
- Gambling venues policies
- Investment policies
- Property
- Brothels policies
- Borrowing policies
- City planning
- Street naming
- Annual review of delegations and policies
- Wellington regional strategy
- City advocacy
- Election matters
- Elected members' remuneration
- Applications for community amenities loans
- Shared services
- Strategic investments
- Rates relief applications
- General policy matters.

Audit, Risk and Finance Committee

Membership: Mayor and five [5] Councillors

Meeting cycle: Audit, Risk and Finance Committee meets on a three [3] monthly basis

Quorum: Three [3] members

Delegated authority: Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Monitoring performance against financial and non-financial targets
- Consideration of financial reports
- Monitoring of debt recovery
- Policy matters dealing with the operation of Council's bank accounts
- Consideration of the scope, emphasis and timetable of the external audit
- Review draft annual financial statements with management and external auditors prior to submission to Council
- Consideration of reports from the external auditors
- Monitor action taken by management in response to auditor's reports
- Monitor corporate risk management
- Review significant accounting issues
- Review asset management plans
- Monitor general financial management and reporting issues.

City Services Committee

Membership: Mayor and six [6] Councillors

Meeting cycle: City Services Committee meets on a six [6] weekly basis

Quorum: Four [4] members

Delegated authority: Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Libraries
- Parks and reserves
- H²O Xtream
- Community support
- Recreation services
- Expressions Whirinaki Arts and Entertainment Centre
- City promotion and marketing
- Visitor services
- Business support services
- Emergency management
- Roding
- Waste management
- Wastewater disposal
- Stormwater disposal
- Water supply
- Parking facilities and enforcement
- Animal control
- Environmental health
- Bylaw enforcement
- Building enforcement
- Inspection and licensing services
- General services delivery matters.

Hearings Committee

Membership:	<p>A. The Mayor and five [5] Councillors (Elected Members) are the Committee members and form a pool from which all or some of the members of a specific sitting of the Hearings Committee (SHC) may be appointed.</p> <p>B. Members may also be individuals who are not Elected Members but are appointed from time to time for their specialist knowledge and skills.</p> <p>C. The Chair and members of the SHC are appointed from time to time by the Mayor in accordance with his delegation, the Policy on Use of Commissioners and Composition of Hearing Committees and Panels (Commissioners Policy), this Policy and after consulting the Director of Planning Regulatory Services.</p> <p>D. SHC's have three [3] members and must contain at least one [1] Elected Member. Therefore a Commissioner sitting along does not constitute a Hearing Committee.</p>
Meeting cycle:	Hearings Committee meets as required.
Quorum:	Three [3] members eligible to vote.
Delegated authority:	<p>To hear and make decisions on all matters coming before the Hearings Committee except the approval plan under clause 17 Schedule 1 of the Resource Management Act 1991. In the case of proposed plan changes the Hearings Committee has authority to hear and make recommendations to the Council.</p> <p>The Hearings Committee sub-delegates its authority to the Hearings Panel as recorded in the Hearings Panel.</p>

FUNCTION:

To conduct hearings and or make decisions when a Hearing Panel is expressly precluded from making a decision, arising from processes under:

- the Resource Management Act 1991 (RMA) (including direct referral requests under S87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- section 6 of the Fencing of Swimming Pools Act 1987
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Other committees

Chief Executive Committee

Membership:	Mayor and four [4] Councillors
Meeting cycle:	Chief Executive Committee meets as required.
Quorum:	Mayor and two [2] members

FUNCTION:

The Committee is responsible for carrying out performance reviews, setting performance measures and any other matters that relates to the employment of the Chief Executive, and to make recommendations to the Council.

The delegation to:

- Fund recruitment related expenses
- Select and appoint a recruitment agency as required
- Manage the selection process for the position of Chief Executive and determine the initial shortlist of candidates
- Interview and consider the candidates on the initial shortlist
- Recommend to Council a final shortlist of candidates for appointment to the position of Chief Executive.

Civic Awards Selection Panel

Membership:	Mayor and two [2] Councillors Two [2] community representatives
Meeting cycle:	Civic Awards Selection Panel meets as required.
Quorum:	Three [3] members (one of whom must be a Councillor)
Delegated authority:	To make the decisions.

FUNCTION:

This panel is responsible for assessing and selecting Civic Award recipients. Nominations are called for publically for people who carry out meritorious voluntary work within the community.

Civil Defence Emergency Management Group (Joint Committee)

Membership: One [1] member from Upper Hutt City Council

FUNCTION:

This joint committee is responsible for coordinating civil defence emergency management within the Wellington region.

Community Grants Committee

Membership: Three [3] Councillors

Meeting cycle: Community Grants Committee meets as required.

Quorum: Two [2] members

Delegated authority: To approve the funding applications.

FUNCTION:

To make recommendations to Council as to the allocation of grants to community and regional organisations in accordance with established criteria (Chapter 6, Part 6.2 of the Manual of Policies).

Creative Communities New Zealand Upper Hutt Arts Funding Assessment Committee

Membership:	Two [2] Councillors, one [1] local iwi representative, seven [7] community representatives, not Councillors. Note: Representatives are nominated according to the Creative Communities NZ scheme requirements. Council communicates directly with Orongomai Marae to nominate a local iwi representative. Nominations for community representatives are called for in the Upper Hutt Leader. The term of office is three [3] years with a maximum of two [2] consecutive terms. Community representatives are appointed by the existing assessment committee after the public nomination process.
Meeting cycle:	Creative Communities NZ UH Arts Funding Assessment Committee meets as required.
Quorum:	Five [5] members (one of whom must be a Councillor)
Delegated authority:	To determine applications and disperse funds.

FUNCTION:

To disperse the funds under the Creative Communities Upper Hutt Arts Fund (Creative New Zealand) scheme, in accordance with the scheme guidelines.

Emergency Committee

Membership:	Mayor and Councillors [11]
Meeting cycle:	Emergency Committee meets as required.
Quorum:	Two [2] members
Delegated authority:	Authority to make decisions on all matters coming before the committee as described in the function section of the terms of reference.

FUNCTION:

To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures for lack of a quorum of the full Council due to a pandemic or other natural disaster, except for those that:

- Have been delegated to staff
- Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

Hutt Valley Services Committee (Joint Committee)

This is a joint committee of the Upper Hutt and Hutt City Councils.

Membership: Each Council appoints four [4] members and an alternate member who may act in the event that a regular member is absent. The Chair alternates between the two Councils, with Hutt City Council appointing the Chair in odd numbered years, and the change taking place at the final meeting of each year.

Meeting cycle: Hutt Valley Services Committee meets quarterly or as required.

Quorum: Four [4] members (i.e. a combination of Upper Hutt City Council and Hutt City Council members)

Delegated authority: Nil.

FUNCTION:

To facilitate coordination and decision-making on combined council services in the Hutt Valley.

Consider and make recommendations to the two Councils on:

- The coordination of activities of the Upper Hutt City Council and the Hutt City Council in respect of matters affecting the Hutt Valley as a whole
- In particular, the coordination of the sewage disposal scheme, the Silverstream refuse landfill, Akatarawa Cemetery, dog control, environmental health and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be coordinated.

District Licensing Committee (DLC)

- Membership:
- A. The Mayor and five Councillors (Elected Members), together with one (1) external commissioner as Chair are the Committee members. The Elected Members form a pool from which two of the members of a specific sitting of the District Licensing Committee (DLC) may be appointed.
 - B. The members of a DLC, excluding the permanent Chair, are appointed from time to time by the Mayor in accordance with his Delegation, this Policy, the requirements of the Sale and Supply of Alcohol Act 2012 and after consulting the Director of Planning and Regulatory Services.
 - C. DLCs have either one (1) member or three [3] members.
 - D. Notwithstanding paragraph 1.13.2(c) a three (3) member DLC meeting will be reduced to two [2] members in Exceptional Circumstances.

Exceptional Circumstances are when:

- A. Prior to the start of a Committee meeting but after the appointment of the DLC members an appointed member cannot sit and cannot be replaced before the Committee meeting date, or
- B. When the DLC member becomes incapable of continuing to sit part way through a Committee meeting.

Meeting cycle: District Licensing Committee meets as required.

Quorum: Three [3] members when the composition is three members; except when the membership is reduced to two, [2] in accordance with paragraph 1.13.2(d) above, in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one (1) member when the composition is one (1) member.

- Delegated authority:
1. determine On Licences, Off Licences, Club Licences and Manager's Certificates
 2. determine renewals of On Licences, Off Licences, Club Licences and Manager's Certificates
 3. determine temporary authorities and Special Licences
 4. impose conditions or endorsements on licences or certificates and renewals of licences or certificates
 5. determine whether any hearings should be ex parte or on notice
 6. hold any hearing on behalf of the District Licensing Authority
 7. determine and grant exemption
 8. prepare any reports required by the Sale and Supply of Alcohol Act 2012
 9. vary, suspend or cancel any Special Licence
 10. suspend any licence for non-compliance with Public Health or Fire Precaution requirements in accordance with the Sale and Supply of Alcohol Act 2012.
 11. From 18 December 2013 authority to carry out the functions in Section 187 of the Sale and Supply of Alcohol Act 2012.

District Licensing Committee (DLC) cont.

FUNCTION:

This committee meets as and when required for the purpose of carrying out the functions prescribed by the Sale and Supply of Alcohol Act 2012 and its composition is prescribed by that Act. This committee has an external commissioner as Chair.

Legislation Committee

Membership: Six [6] members

Meeting cycle: Legislation Committee meets as required.

Quorum: Two [2] members

Delegated authority: To consider central government legislation and make submissions on behalf of Council when it deems it appropriate.

FUNCTION:

To consider central government legislation and make submissions on Council's behalf when it deems it appropriate.

Other decision making bodies

Contracts Group

Membership: Three [3] Councillors. An alternate member in the event of absence of a regular member is also appointed.

Meeting cycle: Contracts Group meets as required.

Quorum: Two [2] members

Delegated authority: Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

FUNCTION:

Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

Economic Development Stimulus Panel

Membership: His Worship the Mayor (Chair), Deputy Mayor, Chief Executive, Chair of the Policy Committee, Chair of the Audit, Risk and Finance Committee and Chair of the City Services Committee

Meeting cycle: Economic Development Stimulus Panel meets as required.

Quorum: Chief Executive and two [2] members

Delegated authority: Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

FUNCTION:

Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

Hearings Panel

The Hearings Panel is established to increase efficiency and streamline the processes relating to Resource Management Act 1991 (RMA), Reserves Act 1977, and Dog Control Act 1996, hearings and other statutory hearings the Council is obliged to hold. The Hearings Panel does not have a permanent membership or composition; it may consist of one (1) member or three (3) members. Membership and the composition of the Hearings Panel will be determined for specific hearings in accordance with this Policy, Council Delegations and the Policy on Use of Commissioners and Composition of Hearings Committees and Panels (Commissioners Policy).

When holding hearings, Hearings Panels will follow the same procedures that Hearings Committees follow.

Membership: The membership of a Hearings Panel (HP) is appointed from time to time and consists of either one [1] member or three [3] members unless there are Exceptional Circumstances when membership of a three [3] member Panel will be reduced from three [3] to two [2]

Exceptional Circumstances are when:

- Prior to the start of a hearing but after the appointment of the HP (Hearing Panel) members, an appointed member cannot sit and cannot be replaced before the hearing date, or
- When the HP member becomes unable to continue sitting part way through a hearing.

The specific members, including the chairperson, of an HP are appointed from time to time by the Mayor in accordance with his delegation, the Commissioners Policy, this Policy, and after consulting the Director of Planning and Regulatory Services.

Only an Elected Member who is a member of the Hearings Committee may be appointed to an HP but an HP does not have to include an Elected Member.

Members of an HP may be selected from the Hearings Committee or be individuals who are not Elected Members but are appointed to an HP for their specialist knowledge and skills.

Meeting cycle: Hearings Panel meets as required.

Quorum: Three [3] members - when the composition is three members, except when the membership is reduced to two [2] in accordance with paragraph 1.6.2 above in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one [1] member when the composition is one [1] member.

Delegated authority: The Hearings Panel will hear and decide or make recommendations on all matters coming within the Hearings Committee's delegated authority. The Hearings Panel will only hear and make recommendations on proposed plan changes when the hearing is to be presided over by a Commissioner sitting alone. For clarification when a Hearings Panel may only make a recommendation it will still conduct the hearing and make a recommendation to the Council and the Council will make the decision.

Hearings Panel cont

FUNCTION:

- To conduct hearings and make decisions or recommendations except where it is expressly precluded arising from processes under:
- the Resource Management Act 1991 (including direct referral requests under s87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- section 6 of the Fencing of Swimming Pools Act 1987
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Infringements Panel

Membership: Three [3] members appointed from time to time by the Chief Executive. An alternate member in the event of absence of a regular member is also appointed.

Meeting cycle: Infringements Panel meets as required.

Quorum: Two [2] members

Delegated authority: To review and determine infringements in relation to dog, parking and water.

FUNCTION:

To review and determine infringements in relation to dog, parking and water.

Sculpture Advisory Panel

Membership:	<p>Chair (The Director of Business Transformation and Insight)</p> <p>Two [2] community representatives</p> <p>One [1] Expressions Whirinaki Arts and Entertainment Centre representative</p> <p>One [1] Orongomai Marae representative</p> <p>The Director of Business Transformation and Insight may appoint additional members to provide arts expertise as required. Advisory members do not have voting rights.</p>
Meeting cycle:	Sculpture Advisory Panel meets as required.
Quorum:	Three [3] members
Delegated authority:	Authority to approve sculptures in accordance with the sculpture guidelines.

FUNCTION:

Authority to approve sculptures in accordance with the sculpture guidelines.

Sporting Chance Panel

Membership:	His Worship the Mayor, Director of Community Services, Recreations Services Manager and Team Leader Activation
Meeting cycle:	Sporting Chance Panel meets as required.
Quorum:	Three [3] members
Delegated authority:	Authority to determine the allocation of the Sporting Chance grant funds.

FUNCTION:

Authority to determine the allocation of the Sporting Chance grant funds.

Temporary Road Closures For Events Group

Membership:	Mayor and two [2] Councillors. An alternate member in the event of absence of a regular member is also appointed.
Meeting cycle:	Temporary Road Closures for Events Group meets as required.
Quorum:	Three [3] members
Delegated authority:	Noted as the function for the Group below.

FUNCTION:

Authority to close roads pursuant to Schedule 10 clause 11(e) of the Local Government Act 1974 subject to the following:

- That the road closures decision making body determines applications for event road closures when no objections are received or the objectors do not require a hearing; and
- That the road closures decision making body's decision is a unanimous decision.

Working/Steering Groups

- Arts and Heritage Working/Steering Group
- Business and Economic Development Working/Steering Group
- Sports and Recreational Working/Steering Group
- Environmental Working/Steering Group

Council membership on external organisations

Council appoints members to represent it on a number of external organisations, including the following:

Regional Transport Committee (Greater Wellington Region)

1 Member, 1 alternate

Orongomai Marae Community Centre Trust

1 Member

Hutt Valley Flood Management Subcommittee

3 Members

Rimutaka Hill Road Committee

2 Members

Zone 4 Local Government Association

2 Members

Safe Hutt Valley

2 Members

Wellington Regional Strategy Committee

1 Member, 1 alternate

Wellington Waste Forum

2 Members

Wellington Water Committee

1 Member, 1 alternate

Civil Defence Emergency Management Joint Committee (Wellington Region)

1 Member

Wellington Regional Amenities Fund Joint Committee

1 Member

Wellington Regional Waste Management and Minimisation Joint Committee

1 Member



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UPPER HUTT CITY

Manual of delegations

OPERATIVE FROM NOVEMBER 2018



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Chapter 1 – Policies and principles applying to delegations

Delegations are made with reliance on the following principles and policies and should be exercised in accordance with them.

1.1 Definitions

'Principle' – An overarching statement that guides policy. Can be used as an aid of interpretation where uncertainty arises.

'Policy' – A high level expression of how to achieve the principles and rules for the practical application of delegations.

1.2 Principles

- a. delegations are made specifically to the lowest appropriate level, but they may also be exercised by all Managers in a direct line above that position
- b. An exclusion to a financial delegations applies to all positions level with, or in a direct line above or below, the position the delegation is made to, unless specifically stated otherwise
- c. delegations are made directly to the position that will be exercising the authority as part of the role of the position and day-to-day responsibilities. All Managers in a direct line of authority above that named position will also be able to exercise that delegation
- d. delegations reflect the separate roles of governance and management
- e. significant (as defined by the Council's Policy on Significance) strategic, policy, governance and major financial decisions are matters for elected representatives. Operational matters are generally the responsibility of staff although certain types of decisions, such as changes to the district plan and funding decisions, are considered to be matters of policy. Council ultimately decides on where the balance lies
- f. delegations provide for clear accountability and reflect the lines of responsibility in the organisation
- g. generic principles and policies will apply to all delegations. Specific principles and policies may apply to governance delegations or delegations to the Chief Executive.

1.3 Policies

- a. all delegations are to be in writing

This Delegation Manual will record delegations made by Council or committee and sub delegations from the Chief Executive. All delegations not recorded in this manual must be forwarded in writing to the General Counsel for inclusion in the Delegations Register

- b. delegations are normally designated to defined positions, bodies or a specified class of position or bodies.

Delegations will not generally be made to named officers or persons so that currency is maintained and to enable a person acting in a position to exercise delegated functions. Generic delegations to e.g. group Managers are encouraged

- c. delegations are standardised, where possible, across classes of positions and bodies.

For example, where practical, all third tier Managers should have the same financial signing limits and HR authorities. The terms of reference for sub-committees, boards, working parties etc. should be broadly similar to other entities of the same class (differing only with regard to subject matter)

- d. where powers, duties or functions are delegated to a specific position, the same authority applies to any person acting in that specified position. By default the direct Manager of a person in a specified position may act on behalf of that person if they are unavailable and the deputy chairperson of a committee, subcommittee or board may act on behalf of chairperson if they are unavailable (but may not act in both roles on the same matter)

This provision allows for notified and non-notified absence of officers and chairpersons. Officers and deputy chairpersons will need to record in writing that they have exercised the delegated authority in an acting capacity

- e. the power to exercise a function that has been delegated is held by the entity or person that delegated it and also by any Manager in a direct line above a specified position to which a function has been delegated. However, such entities and persons should only exercise that function in cases where particular circumstances make that appropriate or when requested to do so by the delegation holder

To allow for clarity and consistency a function should generally be exercised by the entity or position that has been specifically delegated responsibility for that function. But there may be occasions where the circumstances of the case make it more appropriate for the delegator or a more senior position to carry out a function

- f. officer delegations must first be delegated by the Council, committee or other subordinate decision making body to the Chief Executive. This does not apply to powers or authorities where such delegation is prohibited by law
- g. the Chief Executive may delegate to any officers or persons

The Chief Executive can delegate to specified staff positions and other persons. If delegating to a person outside of Council extra care is to be taken to ensure that the person is appropriately qualified and suitable

- h. an entity or person in a specified position with delegated authority may seek advice from others on the exercise of that delegated authority in a particular case but ultimately must either exercise the power themselves or refer the matter back to the delegator or a Manager in the direct line above their position to exercise the power

In some circumstances, for example where there would be significant public interest in a matter or there is a potential conflict of interest, an officer or committee may decide not to make a decision and refer the matter back to the delegator or to a Manager in the direct line above their position

- i. unless expressly provided in law, delegation or rules, a decision made under the exercise of a delegated authority cannot be overturned by another holder of that delegation. A new decision may be made if additional information is received

Some legislation, including the Resource Management Act, allow for appeal of certain decisions. Unless the ability to appeal a decision has been expressly provided, a decision cannot be overturned by a person or body senior to the delegate. However, if additional information is received, a new decision can be made, although it still must be made only by those who have delegated authority.

- j. delegations should not be exercised where a conflict of interest or perceived conflict of interest exists.

A person with either a personal or prejudicial interest in a matter, or what would appear to be such an interest, must not be involved in decisions on that matter.

- k. an elected representative cannot exercise delegations as a Hearing Commissioner
l. a delegate may exercise any ancillary powers necessary to give effect to a given delegation.

For example, a delegation to undertake financial transactions of up to a specified limit would include the ability to negotiate price, terms and conditions, authorise the contract, sign the contract etc.

- m. where a matter has not been delegated, a decision on that matter must be made by Council. The General Counsel shall determine whether or not the matter is covered by a delegation.

Matters that do not appear to be delegated should be notified to the General Counsel so that consideration can be given to whether it is covered by some other delegation or if a new delegation is required.

- n. unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or Council.

For example, delegations may be required in relation to specific matters. These delegations would be limited to, for example, to the time span of the project or contract. Individual delegations do not have to be specifically revoked where a subsequent delegation is made, which alters or varies the previous delegation.

A matter must be referred to the General Counsel where:

- there is an apparent conflict of delegations;
 - the delegation is not clearly defined or does not appear to exist for a given matter; or
 - a delegate's ancillary powers need to be clarified.
- o. where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation the wording of the legislation will prevail
- p. officers are obligated to keep their managers, and where appropriate elected representatives, properly informed of activity arising within the scope of each officer's delegations.

Chapter 2 – Financial delegations

2.1 Authority to sub delegate

Council has authorised the Chief Executive and all Directors to sub delegate their financial delegations to other officers, subject to terms and restrictions as they see fit.

Note: A sub delegation is authorised by clause 32(3), Schedule 7 of the Local Government Act 2002.

2.2 Delegations by Council

2.2.1 The financial delegations are not limited to those amounts set out in clause 2.2.2 where:

- a. The contract is in a respect of a project where both the project and the project cost is approved and budgeted for under the Long Term Plan, Annual Plan or by a specific Council resolution, and
- b. The proposed contract will not result in the budgeted activity cost being exceeded, and
- c. The limits in clause 32 of Schedule 7 of the Local Government Act 2002, do not apply.

2.2.1A Notwithstanding paragraph 2.2.2, no financial delegation shall be used for:

- a. Borrowing money
- b. Purchasing or disposing of assets other than in accordance with the Long Term Plan.

2.2.2 All financial delegations are GST exclusive.

POSITION	MAXIMUM SUM PER CONTRACT (\$)	EXCLUSIONS*
Chief Executive	1,000,000	Borrowing
Director Asset Management and Operations	700,000	Real property purchases ¹
Chief Financial Officer	50,000	
Director Planning and Regulatory Services	50,000	
Director Business Transformation and Insight	50,000	
Director Community Services	50,000	
Performance and Capability Manager	10,000	

* In addition to the financial exclusion specified in clause 32 of Schedule 7 of the Local Government Act 2002 that excludes the delegation of power to purchase or dispose assets other than and in accordance with the Long Term Plan.

¹ Real property is land or property considered to be land

2.3 Sub delegations

DELEGATION BY	DELEGATION TO	LIMIT OF DELEGATION
CHIEF EXECUTIVE	Performance and Capability	
	Performance and Capability Manager	\$10,000
	Administration	
	Executive Assistant to the Chief Executive Corporate Management	\$5,000
	Executive Assistant to the Mayor	\$5,000
DIRECTOR ASSET MANAGEMENT AND OPERATIONS	Engineering consents	
	Consents Engineering Team Leader	\$10,000
	Consents Engineering Support	\$5,000
	Parks and Reserves	
	Parks and Reserves Manager	\$25,000
	Parks and Reserves Officer	\$5,000
	Horticultural Officer	\$5,000
	Parks and Properties Officer	\$5,000
	Roading	
	Roading Manager	\$25,000
	Senior Operations Engineer	\$5,000
	Roading Engineers	\$5,000
	Roading Inspector	\$5,000
	Developments Engineer	\$5,000
	Road Asset Engineer	\$5,000
DIRECTOR BUSINESS TRANSFORMATION AND INSIGHT	Policy and reporting	
	Strategic Policy Manager	\$10,000
	Senior Policy Advisor	\$500
	Engagement and Insight Manager	\$10,000
	Corporate Planner	\$500
	Corporate Communications Advisor	\$500
	Business Liaison	
	Economic Development Manager	\$10,000

	Retail and Business Liaison Officer	\$1,000
	Marketing and Promotions Manager	\$10,000
	Senior Advisor Marketing and Promotions	\$1,000
	Democratic Services	
	Democratic Services Advisor	\$5,000
	Administration	
	Administration Team Leader	\$10,000
	Customer services	
	Customer Service Team Leader	\$5,000
	Information systems	
	Information Systems Manager	\$20,000
	GIS Officer	\$2,000
DIRECTOR COMMUNITY SERVICES	Community development	
	Community Development Team Leader	\$2,000
	Community Development Advisors x3	\$500
	Library	
	Library Manager	\$15,000
	Access and Content Team Leader	\$10,000
	Access and Content Librarians x2	\$1,000
	Community Connections Team Leader	\$1,000
	Support and Administration Coordinator	\$2,000
	Assistant Administrator x2	\$500
	Service Delivery Team Leader	\$1000
	Community Engagement Coordinator	\$500
	Programmes and Services Coordinator	\$500
	Assistant Team Leader Children and Youth	\$500
	Recreation Services	

	Recreation Services Manager	\$15,000
	Recreation Services H²O	
	Assistant Manager Operations	\$5,000
	Marketing and Customer Engagement Team Leader	\$500
	Aquatics Team Leader	\$500
	Programme Assistant	\$500
	Recreation services Activation	
	Activation Team Leader	\$1,000
CHIEF FINANCIAL OFFICER	General Counsel	
	General Counsel	\$10,000
	Legal Services Administrator	\$500
	Finance	
	Finance Manager	\$10,000
	Rates Team Leader	\$2,000
	Management Accountant	\$1,000
DIRECTOR PLANNING AND REGULATORY SERVICES	Building control services	
	Building Control Services Manager	\$10,000
	Building Support Officer	\$500
	Compliance services	
	Compliance Services Manager	\$5,000
	Animal Control Officer	\$500
	Resource consents and compliance	
	Resource Consents and Compliance Manager	\$10,000
	Planning policy	
	Planning Policy Manager	\$20,000
	Senior Planner (Policy)	\$2,000
	Planner (Policy)	\$1,000

2.4 Authority to approve contract payments

All officers named in clauses 2.2 and 2.3 are also delegated authority to approve progress or other contract payments without limitation of amount, provided:

- a. the contract concerned has already been entered into by the Council;

- b. the contracts group or an officer is acting within their delegated authority;
- c. the payment is required to be made under contract;
- d. payment has been recommended by the appropriate consultant or officer (including the officer who is authorising payment); and
- e. the payment concerned is in the officers' area of responsibility.

2.5 Authority to approve payment of funds collected or held on behalf of other organisations.

All officers named in clauses 2.2 and 2.3 are also delegated authority to approve payments to other organisations where the funds involved have been collected by or are held by the Council on behalf of another organisation and payment is required by legislation or contract. The payment concerned must be within the officer's area of responsibility.

2.6 Purchasing Cards (P Cards)

Officers who are issued with Purchasing Cards (PCards) are authorised to use their PCard to spend up to the limit of their PCard, or their financial delegation, if they have a financial delegation, whichever is the lower, when the expenditure complies with the terms and conditions that apply to the issue of a PCard.

Chapter 3 – Functional delegations

3.1 Authority to sub-delegate

- a. unless the Council specifies to the contrary in respect of any particular appointment, all delegations include authority and power to sub delegate
- b. all delegations and sub delegations that are not recorded in this manual must be made in writing and forwarded to the General Counsel for recording in the Delegations Register at the first opportunity.

3.2 Delegations by Council to His Worship the Mayor

- a. **authority** to appoint any officer as Acting Chief Executive on either the request of the Chief Executive or because the Mayor deems it necessary because the Chief Executive is either absent or incapacitated.
- b. **authority** to operate the Mayoral Relief Fund
- c. **authority** to approve attendances of Councillors and Chief Executive, at seminars and training courses
- d. **authority** to make grants of up to \$200 to New Zealand sports representatives from the Community Grants Fund
- e. **authority** to approve funding from the Community Grants Fund for use of Council facilities and Expressions Arts and Entertainment Centre for training purposes by New Zealand representatives in sports and the arts
- f. After:
 1. Consultation with the Director, Planning and Regulatory Services, and
 2. Application of the Policy on Use of Commissioners and Composition of Hearings Committees and Panels (Commissioners Policy), and
 3. Application of the Hearings Committee and Hearings Panel Policies

authority to:

1. Determine the composition, number of members and type of members of a specific sitting of the Hearings Committee (SHC) or a Hearings Panel (HP), and
 2. Appoint a member or members, including a Chair, to the SHC or the HP, and
 3. Appoint members to a District Licensing Committee (DLC)
- g. **authority, to be exercised jointly with the Chief Executive**, to affix the common seal to any document in accordance with the policy
 - h. **authority, to be exercised jointly with the Chief Executive**, to execute Land on Line Authority and Instruction forms but only when the transaction is such that the Mayor and

Chief Executive would have authority under Upper Hutt City Council Standing Orders to affix the common seal if required.

3.3 Signing of cheques and bank transfers

The persons holding the following positions are authorised to approve withdrawals from the following accounts:

3.3.1 Accounts

Upper Hutt City General Bank Account

Upper Hutt City General Bank Account 3

Business Premium Call Account

3.3.2 Position Holders

Any two of:

- Chief Executive
- Director of Asset Management and Operations
- Director of Business Transformation and Insight
- Director of Community Services
- Chief Financial Officer
- Director of Planning and Regulatory Services
- Finance Manager
- Management Accountant
- Revenue Accountant

3.4 Payment authorisation

Payments for goods and services received may be authorised by the Chief Executive, a Director or the Manager responsible for the particular matter, provided that the supply of such goods or services has first been contracted for in accordance with the Council's policy or is required to be paid by law.

Chapter 4 – The Chief Executive

4.1 Chief Executive

4.1.1 Chief Executive

The Chief Executive is authorised to exercise every responsibility, duty or power that the Council has delegated to any other officer in addition to those responsibilities, duties or powers delegated directly to the Chief Executive.

In the absence of the Chief Executive, any officer appointed for the time being as Acting Chief Executive, is authorised to exercise every responsibility, duty or power that the Council has delegated to the Chief Executive either directly or via another officer.

4.1.2 Pandemic succession

THAT the following Council officers be appointed as Acting Chief Executive in the following order of precedence in the event of the Chief Executive being absent from work as a consequence of a pandemic:

1. Director of Planning and Regulatory Services
2. Director of Community Services
3. Director of Business Transformation and Insight
4. Director of Asset Management and Operations
5. Chief Financial Officer

4.1.3 In the event of a pandemic succession occurring that requires the activation of the Emergency Operating Centre (EOC), the schedule above may be affected by the unavailability of the EOC Controller and an Alternate Controller.

4.1.4 Staffing matters

	SUB DELEGATION BY CHIEF EXECUTIVE
The Chief Executive is responsible for employing all staff and negotiating their terms of employment (statutory responsibility).	Authority for employing staff, excluding Directors, and third tier Managers, has been delegated to all members of the Executive Leadership Team (ELT).
Authority to authorise staff training.	All members of ELT.
Authority to authorise staff attendances at conferences.	All members of ELT.

4.1.5 Delegation to facilitate Council borrowing generally

The Chief Executive has been delegated authority as follows:

- to negotiate and finalise the terms of a debenture, the appointment of a trustee, registrar and paying agent thereunder; and to execute (under seal) on behalf of the Council. This also includes the issue of stock certificates under the debenture in respect of the Council's existing indebtedness and all future obligations which are to be secured under the debenture as appropriate
- to give one or more certificates in respect of and as required under the debenture
- to engage agents such as brokers, registrars and paying agents, in accordance with the Treasury Risk Management Policy – including Liability Management and Investment Policy, to facilitate the operations of the Council in implementation of the Council's Treasury Risk Management Policy – including Liability Management and Investment Policy and entry into the debenture
- security may be offered under the debenture, in respect of any agreements with agents as the Chief Executive considers appropriate (other than as trustee under the debenture)
- the terms and conditions of appointment of agents will be as considered appropriate by the Chief Executive
- to negotiate and enter into master agreements and hedging transactions with any bank or other institution within the current overall borrowing limit
- to offer security under the debenture if the Chief Executive considers it appropriate
- to determine, finalise and approve the terms and conditions of any master arrangements and any security granted under the debenture
- to sub delegate powers, duties and discretions, under the resolutions above, to officers as the Chief Executive considers appropriate
- that the Chief Executive be hereby delegated authority to negotiate and agree the terms, interest rate payable by the Council, frequency of interest payments, timing of drawdown's, number of loans, facilities or issues of stock which make up the borrowings and all other terms and conditions of such loans or facilities or stock. This includes if such loans, facilities or stock will be secured under the Debenture Trust Deed, as may be necessary for obtaining such loans facilities or stock, and to execute any agreements, documents and certificates in respect of such loans, facilities or stock on behalf of Council in accordance with the Council's Treasury Liability Management and Investment Policy.

4.1.6 Bylaws

Appointed as an authorised officer under all Council bylaws and to undertake all actions and responsibilities on behalf of the Council under any Council bylaws, unless the Council's delegation of its power is specifically excluded.

Authority under clause 9.6.4 of the Upper Hutt City Council Water Supply Bylaw 2008 to determine when immediate action is required and to:

- make and lift water restrictions, and/or
- enact additional penalties in respect of water restrictions.

4.1.7 General

Authority to enter into tenancy agreements and leases, but not to sign deeds of leases, of Council buildings or land when:

- a. The agreement is on standard commercial terms and is for land that is not subject to the Reserves Act 1977; or
- b. The agreement may or may not be on standard commercial terms and is for Council owned land or buildings that are subject to the Reserves Act 1977 and the requirements of the Act have been satisfied.

Authority, to consent as an affected party and/or as a requiring authority to an application for consent under the Resource Management Act 1991 after applying and complying with the Council's Significance and Engagement Policy to the decision.

Authority to hear and to determine objections to fees imposed by the Council under the Resource Management Act 1991 when the fee objected to is \$20,000 plus GST or less.

Authority, to be exercised jointly with the Mayor, to affix the common seal to any document in accordance with Standing Orders.

Authority to be exercised jointly with the Mayor, to execute Land on Line Authority and Instruction forms but only when the transaction is such that the Mayor and Chief Executive would have authority under Upper Hutt City Council Standing Orders to affix the common seal if required.

Authority in the absence of His Worship the Mayor, to vote on Council's behalf at any General Meeting of Smartlinx3 Limited.

4.1.8 Local Government Official Information and Meeting Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges); and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

4.1.9 Performance and Capability delegations to Council staff

HR DELEGATIONS UPDATED 19 FEBRUARY 2018	APPROVAL LEVEL		
	CE	ELT	OTHER
Recruitment			
Approve advertising an existing position		✓	
Approve advertising a new position (increase in establishment)	✓		
Approve an increase in establishment (new position)	✓		
Approve appointment to a casual position		✓	
Approve appointment to a permanent/fixed term position up to FMT level		✓	
Approve appointment to a permanent/fixed term position FMT level and above	✓		
Performance Planning and Review			
Undertake performance plans and performance reviews			Team Leader or Manager of team
Learning and Development			
Approve learning and development		✓	
Leave			
Approve leave without pay up to 10 days		✓	
Approve leave without pay over 10 days		* ELT as a group	
Approve special leave		* ELT as a group	
Approve taking annual leave and sick leave within entitlements			Team Leader or Manager of team
Approve taking parental leave			Team Leader or Manager of team
Approve leave cash-up		✓	
Approve exceptional circumstances leave (as per staff manual)		✓	
Other employment			
Approve an employee undertaking other paid employment activities that has the potential to conflict with an employee's obligations to Council (as per staff manual)		✓	
Remuneration			
Approve remuneration annual review	✓		
Approve grade and salary range following job evaluation		* ELT as a group	
Approve higher duties allowance		✓	
Working Arrangements			
Approve flexible working arrangements		* ELT as a group	

ITEM	CE	ELT	OTHER
Disciplinary			
Initiate formal disciplinary action (in conjunction with Performance and Capability team)			Team Leader or Manager of team
Termination of employment	✓		
Ending Employment			
Accept resignation			Team Leader or Manager of team
Approve redundancy payment	✓		

Notes:

Executive Leaders Team (ELT) members:

Chief Executive

Chief Financial Officer

Director Business Transformation and Insight

Director Community Services

Director Planning and Regulatory Services

Director Asset Management and Operations

Performance and Capability Manager.

*ELT as a Group

This means ELT will discuss applications as a group (could be done via email) and make decisions whether to approve or decline to ensure consistency.

Chapter 5 – Asset Management and Operations Department

5.1 Director

5.1.1 Power to Delegate

The power to sub delegate is included in the delegations under this clause.

5.1.2 Local Government Act 1974

Authority, pursuant to section 348 of the Local Government Act 1974, to decline or grant applications for the creation of private roads or rights-of-way and to impose conditions when an application is granted.

Note: Authority to determine appeals must be determined by Hearings Committee/Hearings Panel. The applicant may appeal the determination within 14 working days of receiving Council's determination by giving written notice of the appeal.

Authority, to issue notices (relating to private drains) pursuant to section 459 of the Local Government Act 1974.

5.1.3 Local Government Act 2002

Appointment, as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002, including offences against bylaws made under the Act.

Authority, to appoint Enforcement Officers. The council has determined that there are no circumstances in which the council wishes to:

- a. limit or restrict the exercise or power; or
- b. impose conditions on the exercise; or
- c. prohibit, in specified circumstances, the exercise of the power; on the basis that the Director of Infrastructure Services will continue to implement auditable processes for the investigation of the background of officers prior to **their appointment and the issue of a written warrant.**

Authority

- a. pursuant to section 174 of the Local Government Act 2002 to enter upon private land
- b. pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise officers or other persons to enter upon private land.

Authority, to approve the issue of a written warrant, under the seal of the council, to every person (including contractors) who is required to enter private land to carry out their duties.

5.1.4 Local Government Official Information and Meeting Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges).
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

5.1.5 Roading

Authority, to exercise all the powers and functions of the Council pursuant to:

- a. the Traffic Control Devices Rule 2004 (Rule 54002); and
- b. Traffic Bylaw 2005.

Authority, to exercise the Council's powers in respect of roads set out in section 333 of the Local Government Act 1974 (authorising the construction or erection of such structures as dividing strips, markers and other devices for separating, guiding or warning traffic, intercepting glare or for any other purpose).

Authority, to approve encroachment licences where the encroachment is into a road or drainage reserve.

Authority, to take all actions authorised of a controlling authority by regulations 10 and 11 of the Heavy Motor Vehicle Regulations 1974.

5.1.6 Bylaws

Appointed as an authorised officer for the purposes of all of the Council's bylaws.

5.1.6.1 WATER SUPPLY BYLAW

- a. Authority to commence prosecutions under clause 10.4
- b. Authority to impose and notify restrictions to manage demand, high seasonal or other demands under Clause 9.6.3 of Council's Water Supply Bylaw 2008 in respect of such areas of the city and or such categories of properties during periods of such time as is determined to be necessary in the interests of conserving water.
- c. Authority, to exercise all the powers and functions of the Council pursuant to the Council's Water Supply Bylaw 2008 except authority under clause 9.6.4 to impose emergency restrictions and penalties.
- d. Authority to approve connections to the Council's drainage systems.
- E. Authority to approve the erection of non-inhabitable ancillary buildings over or adjacent to any public drain.

5.1.6.2 HUTT VALLEY TRADE WASTE BYLAW

- a. An authorised officer under the Hutt Valley Trade Waste bylaw
- b. **Authority** to appoint:
 - Trade Waste Officers for the purposes of the Council’s Trade Waste Bylaw; and
 - Enforcement Officers pursuant to sections 174 and 177 of the Local Government Act 2002, with power to enter onto private land under sections 171-173 while undertaking their responsibilities as Trade Waste Officers in the District of the Upper Hutt City Council.

5.1.6.3 HEALTH ACT 1956

Exercise all the Council’s powers, duties, functions and discretions under sections 69A-69ZZZE.

5.1.7 General

Authority, to make agreements on Council’s behalf with the owners/occupiers of adjoining properties regarding the construction and maintenance of boundary fences and contributions to the cost thereof.

Authority, to initiate prosecutions including the issue of infringement notices.

Authority, to withdraw prosecutions.

Authority, to release information to the media.

Authority, to determine on behalf of the Council that section 330 of the Resource Management Act 1991 applies, and take any actions and exercise any powers permitted by that section on behalf of the Council.

5.1.8 Delegation by Director Asset Management and Operations to organisations outside of the Council

Authority, to delegate to organisations outside of the council in accordance with Schedule 7 Clause 32(3) of the Local Government Act 2002.

5.1.9 Natural disaster

In the event of a natural disaster, such as an earthquake or a major storm, that causes significant disruption, the Emergency Operating Centre (EOC) will be activated. Currently the EOC Controller is the Director of Asset Management and Operations who will be responsible (‘Controller’) for the Upper Hutt EOC during the event.

In the absence of the Controller an Alternate Controller will run the EOC.

5.2 Roding Manager

5.2.1 Local Government Act 1974

Authority, to fix payments for and to issue notices relating to vehicle crossings pursuant to Section 335 of the Local Government Act 1974

Authority, to exercise the roding powers granted to the Council under the Local Government Act 1974 except for those powers that can only be exercised by Council resolution or cannot be exercised by an officer.

5.2.2 Utilities Access Act 2010

5.2.2.1 Authority, to act as the 'Road Corridor Manager' for the purposes of administering the requirements of the 'National Code of Practice for Utility Operators Access to Transport Corridors'.

Authority, to approve encroachment licences where the encroachment is into a road.

5.3 All Roding Staff

ALL ROADING STAFF MEANS:

**(SENIOR ROADING ENGINEER – OPERATIONS,
ROADING ENGINEER – OPERATIONS,
ROADING ENGINEER – RENEWALS,
ROADING INSPECTOR,
ROADING SAFETY CO-ORDINATOR/ADMINISTRATION OFFICER)**

Authority, to approve temporary road closures (excluding road closures under clause 11(e) of Schedule 10 of the Local Government Act 1974).

Authority, to approve temporary traffic control measures, including the provision of temporary speed restrictions and traffic advisory signs for works under their control or area of responsibility. This authority is subject to the staff member holding a current Site Traffic Management Supervisor (STMS) qualification at the appropriate level for the road where the work is being carried out.

5.4 Senior Roding Engineer - Operations

Authority, to impose temporary prohibitions of traffic pursuant to Clause 11 of Schedule 10 of the Local Government Act 1974 (excluding temporary prohibitions under clause 11(e)).

Authority, to issue permits for over dimensional loads to be moved on roads in Upper Hutt.

Authority, to issue permits of overweight loads to be moved on roads in Upper Hutt.

Authority, to issue notices pursuant to Section 355 of the Local Government Act 1974 (relating to the trimming of trees and foliage for road safety purposes).

5.5 Roading Engineer - Operations

Authority, to issue notices pursuant to Section 355 of the Local Government Act 1974 (relating to the trimming of trees and foliage for road safety purposes).

5.6 Developments Engineer

5.6.1 Resource Management Act

Authority, pursuant to Section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under Sections 332 [Inspection] and 333 [Survey] of the Act. The powers and responsibilities under section 332 are limited to Resource Management Act 1991 matters arising from or relating to the Upper Hutt City Council Code of Practice for Civil Engineering works.

5.6.2 Local Government Act 1974

Authority pursuant to Part 26 of the Local Government Act 1974 to exercise the Council's powers except those that can only be exercised by a Council resolution in relation to sewage and stormwater drainage.

5.6.3 Local Government Act 2002

Authority, pursuant to Sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the act or a Council bylaw or otherwise while undertaking any inspection or investigation on Council's behalf.

Authority, pursuant to Section 174 of the Local Government Act 2002, to conduct inspections as an authorised officer.

5.7 Roading Inspector

Authority, to control and approve the installation of services on or under roads by other agencies (eg electricity, gas, etc.) for the purposes of administering the requirements of the 'National Code of Practice for Utility Operators access to Transport Corridors'

Authority, to approve external contractors' and consultants' staff as 'Delegated Site Traffic Management Supervisors' in terms of the 'National Code of Practice for Utility Operators Access to Transport Corridors'.

5.8 Road Safety Co-Ordinator/Administration Officer

Authority, to issue permits for over dimensional loads to be moved on roads in Upper Hutt.

Authority, to issue permits for overweight loads to be moved on roads in Upper Hutt.

Authority, to approve external contractors' and consultants' staff as 'Delegated Site Traffic Management Supervisors' in terms of the 'National Code of Practice for Utility Operators Access to Transport Corridors'.

5.9 Site Traffic Management Supervisors Overseeing Temporary Traffic Control Measures on Roads in Upper Hutt

Authority, to approve temporary Traffic Management Plans (TMP) for temporary traffic control measures, including the provisions of temporary speed restrictions and traffic advisory signs for works under their control or area of responsibility (excluding TMPs containing road closures or work within the extents of the Upper Hutt city centre).

This approval is subject to:

- a. the work being carried out under an approved Traffic Management Plan.
- b. the person approving the temporary traffic control measures holding a current STMS qualification at the appropriate level for the road where the work is being carried out.
- c. the person approving the temporary traffic control measures being approved by the Upper Hutt City Council as a 'Delegated STMS' in terms of the 'National Code of Practice for Utility Operators Access to Transport Corridors'.
- d. the person approving the temporary traffic control measures complying with any specific conditions set out in their delegation.

5.10 Roading Asset Engineer

Authority, to issue permits for over dimensional loads for overweight loads to be moved on roads in Upper Hutt.

5.11 Parks and Reserves Manager

5.11.1 Public Places Bylaw

Authority to permit the erection of electrified or barb-wired fencing under Clause 13 of the Public Places Bylaw.

5.11.2 Land Owner

Authority, to approve Encroachment Licences where the encroachment is into Council land except road, drainage reserve or land subject to the Reserves Act 1977.

Authority, to authorise the issue of Trespass Notices in respect of any Council property.

Authority, to consent as landowner in respect of resource consents for adjoining properties.

Authority, to make agreements on the Council's behalf with the owners/occupiers of adjoining properties regarding the construction and maintenance of boundary fences and contributions to the cost thereof.

Authority, to enter into tenancy agreements and leases of Council land and buildings, but not sign the resulting deeds, but only if the applicable provisions of the Reserves Act 1977 are complied with and the following do not apply:

- a. those where the annual rental exceeds \$50,000; or
- b. the lease is for land that has not previously been leased by the Council on the proposed terms and conditions.

Authority, where the land is not subject to the Reserves Act, to lease to new tenants where the land/building has been previously leased and provided on similar terms and conditions to previous terms.

Authority, to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.

Authority to vary existing leases by:

- a. changing permitted use
- b. extending term
- c. changing of leased area
- d. consenting to building alterations
- e. allowing an assignment or sublease
- f. setting and reviewing charges
- g. waiving charges – Director

Authority, to initiate prosecutions including the issue of infringement notices.

Authority, to withdraw prosecutions or to waive infringement notices.

Authority, to carry out council's administration, management and control functions in respect of reserves for which the council is the administering body.

Authority, to approve use of reserves.

Authority, to approve or decline applications to remove trees from reserves, verges and other public areas.

5.11.3 Land subject to the Reserves Act

Authority to exercise all the powers delegated to the Upper Hutt City Council by the Minister of Conservation by delegation instrument dated 12 June 2013 but only when the discretion or power may be exercised or operated without a Hearing. (if a Hearing is required then the Hearing will be held by the Hearings Committee which will also have authority to make any decision and exercise or operate the discretion or power).

5.11.4 Parks and Property Officer

Authority to prohibit use of sports grounds and other reserves when necessary as a result of weather conditions or maintenance requirements.

Chapter 6 – Business Transformation and Insight Department

6.1 Director

6.1.1 Local Government Official Information and Meetings Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges); and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

6.1.2 Gambling Act 2003

Authority, in accordance with section 100 of the Gambling Act 2003, to:

- a. grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at any one Class 4 Gambling and TAB venue; or
- b. not grant a consent;
- c. reduce or waive fees for applications to the Council for consent under the Act.

6.1.3 General

Authority to release information to the media.

Authority to delegate to an officer authority to create, administer, post to, and moderate a social media account of Council, or that of a third party on behalf of Council, in accordance with the social media policy.

Authority to approve Waste Grants in accordance with the principals of the Zero Waste Fund.

Authority to approve grants under the Sustainable Business Grant Scheme.

6.1.4 Bylaws

Appointed as an Authorised Officer for the purposes of all of the Council's bylaws.

6.1.5 Sculpture Advisory Panel

Authority to appoint representatives to the panel and additional members as required.

6.1.6 Sub delegations

SUB DELEGATION BY DIRECTOR TO:	
Authority to approve non-commercial street stalls and street buskers (where no road stopping necessary).	Marketing and Promotions Manager Retail and Business Liaison Officer Advisor Marketing and Promotions Senior Advisor Marketing and Promotions
Authority to approve street appeals.	Marketing and Promotions Manager Retail and Business Liaison Officer Advisor Marketing and Promotions Senior Advisor Marketing and Promotions
Authority to approve use of community noticeboards.	Marketing and Promotions Manager Advisor Marketing and Promotions Senior Advisor Marketing and Promotions
Local Government Act 2002	
Authority , pursuant to section 171 and 174 of the Local Government act 2002, to enter any land or building, other than a dwelling-house, to monitor the impact of urban development on the nutrient levels within storm water on the Council's behalf.	Senior Policy Advisor Sustainability Officer Strategic Policy Manager
Authority to approve street buskers (where no road stopping is necessary)	Customer service staff

6.2 Electoral Officer

Pursuant to section 12 of the Local Electoral Act 2001, the Council has appointed Warwick Lampp of electionz.com as Electoral Officer for the Upper Hutt City Council.

6.3 Delegation to Engagement and Insight Manager

6.3.1 Local Government Official Information and Meetings Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges);and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

Chapter 7 – Community Services Department

7.1 Director

7.1.1 General

- a. **Authority** to authorise the issue of Trespass Notices in respect of any Council property.
- b. **Authority** to release information to the media.
- c. **Authority** to delegate to an officer authority to create, administer, post to, and moderate a social media account of Council, or that of a third party on behalf of Council, in accordance with the social media policy.

7.1.2 Library

SUB DELEGATION BY DIRECTOR TO:	
Authority to waive library fines.	Library Manager Team Leaders
Authority to approve exhibitions and the display of information at the library.	Library Manager Team Leaders
Authority to review the Mobile Library timetable.	Library Manager Team Leaders

7.1.3 H²O Xstream

SUB DELEGATION BY DIRECTOR TO:	
Authority to discount pool charges for special events, bulk bookings and corporate memberships.	Recreation Services Manager
Authority to determine H ² O Xstream activity programme charges (excluding charges for pool entry).	Recreation Services Manager

7.1.4 General

SUB DELEGATION BY DIRECTOR TO:	
Authority to authorise the issue of Trespass Notices in respect of the Council properties the Council officer manages.	Recreation Services Manager Assistant Manager Operations (H ² O Xstream) Library Manager Host Team Leader in respect of Library facilities Any police officer
Authority to approve street appeals.	Administration and Funding Officer

Chapter 8 – Finance, Legal, and Risk

8.1 Chief Financial Officer

8.1.1 Local Government Act 2002

Appointment, as from 1 July 2003, as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002 including offences against bylaws made under the Act.

8.1.1.1 AUTHORITY

- a. pursuant to section 174 of the Local Government Act 2002 to enter upon private land
- b. pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise other officers or other persons to enter upon private land.

The Council authorises the issue of a written warrant, or temporary warrant under the seal of the Council, to every person required to enter private land to perform their duties.

8.1.2 Local Government (Rating) Act 2002

- a. **authority** under the sections stated, to undertake on Council's behalf the powers and functions hereafter described:

s27(5)	Making decisions on whether to allocate a rating unit to more than one rating differential and determine the methodology for that decisions
s28(2)	Authority to make a decision on whether disclosure of the name of any person is necessary to identify a rating unit
s28(3)	Authority to determine the fee payable for being supplied a copy of Rating Information Database ('RID') data
s29	Authority to determine objections to the RID
s39	Authority to determine objections to rates records
s42(3)	Authority to fix interest rates to be charged on additional rates
s50	Authority to issue invoices based on previous year's rates
s54	Authority not to collect small amounts
s62	Authority to recover unpaid rates from persons other than owners
s63	Authority to commence proceedings for unpaid rates
s67	Authority to commence rating sale or lease provisions
s72	Authority to sell or lease by private treaty
s77-83	Authority to sell or lease abandoned land

- b. Delegations by Council to the Rates Team Leader

s35(b)	Authority to remove names from the RID
s40	Authority to correct errors in RIDs and rate records
s41	Authority to issue amended rates assessments
s48	Authority to issue rates invoices with the rates assessments
s52(2)	Authority to agree method of rate payments
s61(1)	Authority to recover unpaid rates from owner
s85 and 87	Authority to make decisions under the Rates Remission and Postponement Policies (see LTP 2012-22)

8.1.3 Rating Valuation Act 1998

Authority under the sections stated (below) to undertake on Council's behalf the powers and functions hereafter described:

section 14 and section 16	Authority to determine whether a new valuation will be provided upon request from an owner or ratepayer.
section 34(4)	Authority to determine to alter a valuation or decline to alter a valuation.

8.1.4 Other financial delegations

Authority to write off debt where the amount concerned is less than \$250.

SUB DELEGATION BY CHIEF FINANCIAL OFFICER TO:

Authority to invest Council funds in accordance with its Investment Policy.	Finance Manager
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Authority to authorise refunds of money paid to and held by Council as bonds, deposits, overpaid rates or in any other circumstances where the Council is obliged to refund monies held.	Finance Manager Senior Rates Officer (overpaid rates only)
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Authority to make payments of income tax, including PAYE on the salary of employees, GST and other taxes imposed on the Council and payable to the Inland Revenue Department.	Finance Manager
--	-----------------

Authority to make payments to the Greater Wellington Regional Council of rates collected on its behalf. Finance Manager

Authority to make payment to any other organisations on whose behalf Council is collecting money. Finance Manager

8.1.5 Bylaws

Appointed as an authorised officer for the purposes of all of the Council's bylaws.

8.1.6 Local Government Official Information and Meetings Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges); and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

8.2 Delegations to the General Counsel

8.2.1 Privacy Act 1993

Authority, under the Privacy Act 1993, to carry out the duties of the Privacy Officer.

8.2.2 Local Government Official Information and Meetings Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges); and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

8.2.3 General

8.2.3.1 AUTHORITY

- a. to enter, but not execute deeds, into tenancy agreements and leases of Council land and buildings but excluding:
 1. those where the annual rental exceeds \$50,000; and
 2. every lease which constitutes a new use of Council land.
- b. to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.

Authority to initiate prosecutions including the issue of infringement notices.

Authority to withdraw prosecutions and to waive infringement notices.

Authority to release information to the news media.

Authority to accept services of legal proceedings on behalf of Council.

Chapter 9 – Planning and Regulatory Services Department

9.1 Director

9.1.1 Local Government Act 2002

Appointment as an Enforcement Officer pursuant to section 177 of the Local Government Act 2002 in relation to any offence under the Local Government Act 2002 including offences against bylaws made under the Act.

This appointment includes the power:

- under section 165 to apply for a warrant, to enter private property, and
- section 178 to require information.

The power to appoint Council officers and members of organisations outside Council as Enforcement Officers is not limited.

Authority:

- a. pursuant to section 174 of the Local Government Act 2002 to enter upon private land.
- b. pursuant to clause 32(1) of Schedule 7 and section 174 of the Local Government Act 2002 to authorise other officers or other persons to enter upon private land.

The Council authorises the issue of a written warrant, under the seal of the Council, to every person who is required to enter private land to perform his or her duties.

9.1.2 Resource Management Act 1991

Authority to negotiate on the Council's behalf the settlement of any proceedings the Council is a party to in the Environment Court in respect of a Council decision on a Plan change or an application for consent under the Resource Management Act. This delegation may not be sub delegated.

Authority under the Resource Management Act 1991, to exercise all the functions, powers, duties and discretions of the Council pursuant to the Resource Management Act 1991 and any regulations made under that Act excluding:

- power to approve a policy statement or plan or any change of any policy statement or plan.
- the making of a recommendation to a Requiring Authority on a requirement of a designation (unless it is a minor alteration in accordance with section 181(3)) or a Heritage Order under Part VIII of the Act.
- the granting of a resource consent if a hearing is required.
- the decision to transfer consent applications direct to the Environment Court under section 87D of the Resource Management Act 1991.

- Decisions on requests under section 87D.

9.1.3 Local Government Official Information and Meetings Act 1987

Authority, under the Local Government Official Information and Meetings Act 1987, to determine:

- a. whether a request for information is to be refused; and/or
- b. whether a charge is to be imposed (and the amount – see Schedule of Fees and Charges); and/or
- c. whether a request for information should be transferred in accordance with the provisions of section 12.

9.1.4 Dog Control Act 1986

Authority to exercise all the functions, powers, duties and discretions of the Council pursuant to this Act and the Council's Dog Control Policy and Dog Control Bylaws excluding the hearing of owners objections to classification and notices under section 55.

9.1.5 Land Transport Act 1998

Authority to appoint temporary Parking Wardens (pursuant to section 128D, Land Transport Act 1998) from time to time to hold the position in the absence of a Compliance Services Officer.

9.1.6 Health Act 1956 and Food Act 2014

Authority to appoint environmental health officers:

- a. to exercise the powers and perform the duties of the Council pursuant to Part II of the Health Act 1956 within the district of Upper Hutt;
- b. to exercise the powers of an inspector under the Health Act 1956 and the Food Act 2014, including regulations made under the Food Act 2014; and
- c. to issue notices and closing orders pursuant to section 42 of the Health Act 1956.

9.1.7 Food Act 2014

Authority to exercise all the functions, powers, and discretions of the Council as a territorial authority pursuant to the Food Act 2014.

9.1.8 Sale and Supply of Alcohol Act 2012

From the Chief Executive (as secretary of the District Licensing Committee):

Authority to appoint a Secretary of the Upper Hutt District Licensing Committee to carry out all the duties and functions of a District Licensing Committee Secretary under the Sale and Supply of Alcohol Act 2012, except for the appointment of a Commissioner.

9.1.9 General

Authority

- a. to lease Council land and buildings but excluding;
 - 1. those where the annual rental exceeds \$50,000; and
 - 2. every lease which constitutes a new use of Council land.
- b. to renew leases and to review rentals of properties in accordance with the terms of the lease agreement and Council policy.

Authority to initiate prosecutions including the issue of infringement notices.

Authority to withdraw prosecutions and to waive infringement notices.

Authority to release information to the media.

9.1.10 Bylaws

Appointed as an authorised officer for the purposes of all of the Council's bylaws.

9.2 Resource Consents and Compliance Manager and Planning Policy Manager

9.2.1 Resource Management 1991

Authority under the Resource Management Act 1991 to process applications under the Act until dealt with and for that purpose to exercise all discretions vested in the Council by the Act including, in relation to resource consent applications, the power to approve (but not decline) controlled activity, restricted discretionary activity, discretionary activity and non-complying activity applications, but excluding those cases giving rise to significant scale, complexity or controversy and decisions on request under section 87D.

Authority pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [inspection] and 333 [Survey] of that Act.

Authority as an Enforcement Officer to issue and serve infringement notices and abatement notices.

9.2.2 Local Government Act 2002

Authority, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.2.3 Local Government 1974

Authority, pursuant to section 327A of the Local Government Act 1974, to determine applications to uplift building line restrictions, but only if the following conditions are met:

- a. the determinant agrees with the written opinion of the Director of Asset Management and Operations for the particular proposal
- b. every exercise of this delegation is to be reported back to Council

Note: In the event the application is declined the applicant may object to the determination within 14 working days of receiving Council's determination by giving written notice of the objection. The objection will be heard by the Hearings Panel.

9.2.4 Unoccupied Commercial Premises Bylaw

Authority under the Upper Hutt City Unoccupied Commercial Premises Bylaw to determine whether there has been a breach, make decisions, and exercise the Council's discretion.

9.2.5 Delegation in absence of Director, Planning and Regulatory Services

For any period where the Director of Planning and Regulatory Services is on leave or otherwise absent for a period exceeding one day, this delegation enables the Resource Consents and Compliance Manager and Planning Policy Manager to exercise all the functions, powers, duties and discretions of the Council pursuant to the Resource Management Act 1991 and any regulations made under that Act excluding:

- power to approve a policy statement or plan or any change of any policy statement or plan.
- the making of a recommendation to a Requiring Authority on a requirement of a designation (unless it is a minor alteration in accordance with section 181(3)) or a Heritage Order under Part VIII of the Act.
- the granting of a resource consent if a hearing is required.
- decisions on request under section 87D.

This applies for the period that the Director of Planning and Regulatory Services is on leave or otherwise absent only.

9.3 Senior Planner (Consents)

9.3.1 Resource Management Act 1991

Authority under the Resource Management Act 1991 to process applications under the Act until dealt with and for that purpose to exercise all discretions vested in the Council by the Act including, in relation to resource consent applications, the power to approve (but not decline) controlled activity, and restricted discretionary activity and discretionary activity applications, but excluding those cases giving rise to significant scale, complexity or controversy and decisions on requests under section 87D.

Authority pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

Authority as an Enforcement Officer to serve infringement notices and abatement notices.

9.3.2 Local Government Act 2002

Authority, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.4 Planner (Consents)

9.4.1 Resource Management Act 1991

Authority under the Resource Management Act 1991 to process applications under the Act until dealt with and for that purpose to exercise all discretions vested in the Council by the Act including, in relation to resource consent applications, the power to approve (but not decline) controlled activity and restricted discretionary activity applications, but excluding those cases giving rise to significant scale, complexity or controversy and decisions on requests under section 87D.

Authority pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

Authority as an Enforcement Officer to serve infringement notices and abatement notices.

9.4.2 Local Government Act 2002

Authority, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.5 Senior Planner (Policy) and Planner (Policy)

9.5.1 Resource Management Act 1991

Authority pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

9.5.2 Local Government Act 2002

Authority, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.6 Compliance Officer – Resource Management

9.6.1 Resource Management Act 1991

Authority, pursuant to section 38 of the Resource Management Act 1991 to exercise the powers and responsibilities of an Enforcement Officer under sections 332 [Inspection] and 333 [Survey] of that Act.

Authority as an Enforcement Officer to issue and serve infringement notices and abatement notices, and to take action in respect of complaints of excessive noise and smoke nuisance.

9.6.2 Local Government Act 2002

Authority, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.6.3 Unoccupied Commercial Premises Bylaw

Authority to inspect commercial buildings and to gather all evidence and information necessary to determine whether a building is in breach of the Upper Hutt City Unoccupied Commercial Premises Bylaw and what action should be taken.

9.7 Planning Commissioners

Authority to carry out the Council's functions in compliance within the terms of his or her appointment and the Council's 'Use of Commissioners – Resources Management Applications' policy.

9.8 Compliance Services Manager

9.8.1 Dog Control Act 1996 and Land Transport Act 1998

Authority to classify dogs as dangerous or menacing and to classify persons as probationary owners, pursuant to the Dog Control Act 1996.

Authority to appoint Dog Control Officers and Dog Rangers.

Authority to disqualify a person from being an owner of a dog under section 25 of the Dog Control Act 1996.

9.8.2 Health Act 1956 and Food Act 2014

Authority to act as an Enforcement Officer and enforce the Hazardous Substances and New Organisms Act 1996.

9.8.3 Regulations

Authority to act as an inspector for the purposes of Regulation 11, Amusement Devices Regulations 1978.

9.8.4 Sale and Supply of Alcohol 2012

Authority to act as an inspector under Section 197 of the Sale and Supply of Alcohol Act 2012.

9.8.5 General

Authority to issue and waive infringement notices but only under the Dog Control Act 1996, the Land Transport Act 1998, and bylaws that the Compliance Services Manager has enforcement responsibilities for.

9.8.6 Trade vehicle parking permits

Authority to issue permits allowing trade vehicles to park in the car parks adjoining a works site and exceed the time limit.

9.9 Environmental Health Officer (including Hutt City Council Environmental Health Officers contracted to Upper Hutt City Council)

9.9.1 Resource Management Act 1991

Authority as an Enforcement Officer to take action in respect of complaints of excessive noise and smoke nuisance.

Enforcement Officer under sections 38, 328, 322, 323(2), 327, 332, 333, 335 and 343(c) of the Resource Management Act 1991.

9.9.2 Local Government Act 2002

Authority, pursuant to sections 171, 172, 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.9.3 Sale and Supply of Alcohol Act 2012

Authority to act as an inspector under Section 197 of the Sale and Supply of Alcohol Act 2012.

9.9.4 Health Act 1956

The Environmental Officer has powers to issue cleansing orders under section 41 of the Health Act 1956.

9.9.5 Food Act 2014

A recognised Person and Verifier when this Act comes into place.

9.9.6 Various Acts

- Enforcement Officer under the Building Act 2004.
- Local Authority Inspector under the Food Act 2014.
- Enforcement Officer under sections 97, 100, 103, 104, 112, 119 and 136 of the Hazardous Substances and New Organisms Act 1996.
- Environmental Health Officer under the Health Act 1956.
- **Authority** to act as an inspector for the purposes of Regulation 11, Amusement Devices Regulations 1978.

9.10 Animal Control and Compliance Officers

9.10.1 All persons employed or appointed to act as Animal Control Officers and/or Compliance Officers are appointed as:

- Dog Control Officers under the Dog Control Act 1996.
- Litter Control Officers under the Litter Act 1979.
- Noise Enforcement Officers pursuant to sections 327 and 328 of the Resource Management Act 1991.
- Enforcement Officers under the Local Government Act 2002 in relation to any offence under that Act or any Council bylaw.
- Parking Wardens within the city of Upper Hutt pursuant to the Land Transport Act 1998.

9.10.2 These officers are also authorised:

- pursuant to section 222 of the Building Act 2004 and Section 174 of the Local Government Act 2002 to conduct inspections as authorised officers;
- pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf;
- pursuant to sections 356 and 356A of the Local Government Act 1974, to take possession of and remove abandoned motor vehicles from roads.

9.11 Appointment of authorised security personnel as dog rangers and (noise) enforcement officers

9.11.1 Dog Control Act 1996

Authorised security personnel are appointed as Dog Rangers pursuant to section 12 of the Dog Control Act 1996.

9.11.2 Resource Management Act 1991

Authority as Enforcement Officers under the Resource Management Act 1991 but only for the purposes of Section 327 and 328 (Noise Control) and for serving abatement notices relating to smoke nuisance.

Authority to issue abatement notices under Section 322 for unreasonable noise and have powers under Section 323(2) to seize noise source.

9.11.3 Local Government Act 2002

They are authorised, pursuant to sections 171, 172, 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

9.12 Residential Stimulus Policy

Determine applications, and impose conditions, for a remission of development charges under the Residential Stimulus Policy.

9.13 Delegations to building staff (including building staff from other Councils and building consultants contracted to Upper Hutt City Council)

9.13.1 Building Act 2004

The Building Control Services Manager and all persons employed or appointed to act as Senior Building Control Officers, Building Control Officers, and the Building Compliance Officer on behalf of the Council are authorised to exercise all the powers of the Council as a Territorial Authority and as a Building Consent Authority under the Building Act 2004, except that:

- a. compliance enforcement action, including the issue of notices or any of the Council's powers under sections 124 – 130 of the Building Act 2004, except with the prior approval of the Building Control Services Manager; and
- b. the Building Control Services Manager is not to commence any prosecutions except with the prior approval of the Director of Planning and Regulatory Services.

The Building Control Services Manager and all persons employed or appointed to act as Senior Building Control Officers, Building Control Officers, and the Building Compliance Officer are authorised, pursuant to section 222 of the Building Act 2004 and section 174 of the Local Government Act 2002, to conduct inspections as authorised officers.

The Building Control Services Manager, Senior Building Control Officers, and the Building Compliance Officer are also authorised pursuant to section 371 of the Building Act 2004 to exercise the powers and responsibilities of an Enforcement Officer to issue and serve infringement notices under section 372 of that act.

9.13.2 Amusement Devices Regulations 1978

Authority to the Building Control Services Manager to act as an inspector for the purposes of Regulation 11, Amusement Devices Regulations 1978.

9.13.3 Local Government Act 2002

The Building Control Services Manager, Senior Building Control Officers, Building Control Officers, and the Building Compliance Officer are authorised, pursuant to sections 174 and 177 of the Local Government Act 2002, to enter onto private land while investigating any offence under the Act, or a Council bylaw or otherwise undertaking any inspection or investigation on the Council's behalf.

NOTE: Building Control Officers and the Building Compliance Officer should be able to inspect and investigate [leading to an infringement] per section 222 of the Building Act 2004.

Appendix 1: Upper Hutt City Council Committees Terms of Reference

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of Council functions, duties and powers to Council committees, panels and groups.

The delegations in these Terms of Reference are expressed in general terms. They are to be read together with the following propositions.

These Terms of Reference:

- do not delegate any function, duty or power which a statute (for example, clause 32 of Schedule 7 of the Local Government Act 2002) prohibits from being delegated; and
- are subject to Council's authority to elect to exercise any of the powers delegated in these Terms of Reference; and
- do not affect any delegation which the Council has already made or subsequently makes to a Council officer or other member of staff.

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Council

Membership: Mayor and all Councillors [11]

Meeting cycle: Council meets on a six weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)

Power to (being a power that is not capable of being delegated):

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Public Works Act 1981 or the Resource Management Act 1991 that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.

The principal standing committees

Policy Committee

Membership:	Mayor and all Councillors [11]
Meeting cycle:	Policy Committee meets on a six weekly basis
Quorum:	Six [6] members
Delegated authority:	Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Formulation of bylaws
- Economic development
- Gambling venues policies
- Investment policies
- Property
- Brothels policies
- Borrowing policies
- City planning
- Street naming
- Annual review of delegations and policies
- Wellington regional strategy
- City advocacy
- Election matters
- Elected members' remuneration
- Applications for community amenities loans
- Shared services
- Strategic investments
- Rates relief applications
- General policy matters.

Audit, Risk and Finance Committee

Membership: Mayor and five [5] Councillors

Meeting cycle: Audit, Risk and Finance Committee meets on a three [3] monthly basis

Quorum: Three [3] members

Delegated authority: Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Monitoring performance against financial and non-financial targets
- Consideration of financial reports
- Monitoring of debt recovery
- Policy matters dealing with the operation of Council's bank accounts
- Consideration of the scope, emphasis and timetable of the external audit
- Review draft annual financial statements with management and external auditors prior to submission to Council
- Consideration of reports from the external auditors
- Monitor action taken by management in response to auditor's reports
- Monitor corporate risk management
- Review significant accounting issues
- Review asset management plans
- Monitor general financial management and reporting issues.

City Services Committee

Membership: Mayor and six [6] Councillors

Meeting cycle: City Services Committee meets on a six [6] weekly basis

Quorum: Four [4] members

Delegated authority: Nil.

FUNCTION:

Considers and makes recommendations to Council about:

- Libraries
- Parks and reserves
- H²O Xtream
- Community support
- Recreation services
- Expressions Whirinaki Arts and Entertainment Centre
- City promotion and marketing
- Visitor services
- Business support services
- Emergency management
- Roothing
- Waste management
- Wastewater disposal
- Stormwater disposal
- Water supply
- Parking facilities and enforcement
- Animal control
- Environmental health
- Bylaw enforcement
- Building enforcement
- Inspection and licensing services
- General services delivery matters.

Hearings Committee

Membership:	<p>A. The Mayor and five [5] Councillors (Elected Members) are the Committee members and form a pool from which all or some of the members of a specific sitting of the Hearings Committee (SHC) may be appointed.</p> <p>B. Members may also be individuals who are not Elected Members but are appointed from time to time for their specialist knowledge and skills.</p> <p>C. The Chair and members of the SHC are appointed from time to time by the Mayor in accordance with his delegation, the Policy on Use of Commissioners and Composition of Hearing Committees and Panels (Commissioners Policy), this Policy and after consulting the Director of Planning Regulatory Services.</p> <p>D. SHC's have three [3] members and must contain at least one [1] Elected Member. Therefore a Commissioner sitting along does not constitute a Hearing Committee.</p>
Meeting cycle:	Hearings Committee meets as required.
Quorum:	Three [3] members eligible to vote.
Delegated authority:	<p>To hear and make decisions on all matters coming before the Hearings Committee except the approval plan under clause 17 Schedule 1 of the Resource Management Act 1991. In the case of proposed plan changes the Hearings Committee has authority to hear and make recommendations to the Council.</p> <p>The Hearings Committee sub-delegates its authority to the Hearings Panel as recorded in the Hearings Panel.</p>

FUNCTION:

To conduct hearings and or make decisions when a Hearing Panel is expressly precluded from making a decision, arising from processes under:

- the Resource Management Act 1991 (RMA) (including direct referral requests under S87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- section 6 of the Fencing of Swimming Pools Act 1987
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Other committees

Chief Executive Committee

Membership:	Mayor and four [4] Councillors
Meeting cycle:	Chief Executive Committee meets as required.
Quorum:	Mayor and two [2] members

FUNCTION:

The Committee is responsible for carrying out performance reviews, setting performance measures and any other matters that relates to the employment of the Chief Executive, and to make recommendations to the Council.

The delegation to:

- Fund recruitment related expenses
- Select and appoint a recruitment agency as required
- Manage the selection process for the position of Chief Executive and determine the initial shortlist of candidates
- Interview and consider the candidates on the initial shortlist
- Recommend to Council a final shortlist of candidates for appointment to the position of Chief Executive.

Civic Awards Selection Panel

Membership:	Mayor and two [2] Councillors Two [2] community representatives
Meeting cycle:	Civic Awards Selection Panel meets as required.
Quorum:	Three [3] members (one of whom must be a Councillor)
Delegated authority:	To make the decisions.

FUNCTION:

This panel is responsible for assessing and selecting Civic Award recipients. Nominations are called for publically for people who carry out meritorious voluntary work within the community.

Civil Defence Emergency Management Group (Joint Committee)

Membership: One [1] member from Upper Hutt City Council

FUNCTION:

This joint committee is responsible for coordinating civil defence emergency management within the Wellington region.

Community Grants Committee

Membership: Three [3] Councillors

Meeting cycle: Community Grants Committee meets as required.

Quorum: Two [2] members

Delegated authority: To approve the funding applications.

FUNCTION:

To make recommendations to Council as to the allocation of grants to community and regional organisations in accordance with established criteria (Chapter 6, Part 6.2 of the Manual of Policies).

Creative Communities New Zealand Upper Hutt Arts Funding Assessment Committee

Membership:	Two [2] Councillors, one [1] local iwi representative, seven [7] community representatives, not Councillors. Note: Representatives are nominated according to the Creative Communities NZ scheme requirements. Council communicates directly with Orongomai Marae to nominate a local iwi representative. Nominations for community representatives are called for in the Upper Hutt Leader. The term of office is three [3] years with a maximum of two [2] consecutive terms. Community representatives are appointed by the existing assessment committee after the public nomination process.
Meeting cycle:	Creative Communities NZ UH Arts Funding Assessment Committee meets as required.
Quorum:	Five [5] members (one of whom must be a Councillor)
Delegated authority:	To determine applications and disperse funds.

FUNCTION:

To disperse the funds under the Creative Communities Upper Hutt Arts Fund (Creative New Zealand) scheme, in accordance with the scheme guidelines.

Emergency Committee

Membership:	Mayor and Councillors [11]
Meeting cycle:	Emergency Committee meets as required.
Quorum:	Two [2] members
Delegated authority:	Authority to make decisions on all matters coming before the committee as described in the function section of the terms of reference.

FUNCTION:

To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures for lack of a quorum of the full Council due to a pandemic or other natural disaster, except for those that:

- Have been delegated to staff
- Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

Hutt Valley Services Committee (Joint Committee)

This is a joint committee of the Upper Hutt and Hutt City Councils.

Membership: Each Council appoints four [4] members and an alternate member who may act in the event that a regular member is absent. The Chair alternates between the two Councils, with Hutt City Council appointing the Chair in odd numbered years, and the change taking place at the final meeting of each year.

Meeting cycle: Hutt Valley Services Committee meets quarterly or as required.

Quorum: Four [4] members (i.e. a combination of Upper Hutt City Council and Hutt City Council members)

Delegated authority: Nil.

FUNCTION:

To facilitate coordination and decision-making on combined council services in the Hutt Valley.

Consider and make recommendations to the two Councils on:

- The coordination of activities of the Upper Hutt City Council and the Hutt City Council in respect of matters affecting the Hutt Valley as a whole
- In particular, the coordination of the sewage disposal scheme, the Silverstream refuse landfill, Akatarawa Cemetery, dog control, environmental health and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be coordinated.

District Licensing Committee (DLC)

Membership:	<p>A. The Mayor and five Councillors (Elected Members), together with one (1) external commissioner as Chair are the Committee members. The Elected Members form a pool from which two of the members of a specific sitting of the District Licensing Committee (DLC) may be appointed.</p> <p>B. The members of a DLC, excluding the permanent Chair, are appointed from time to time by the Mayor in accordance with his Delegation, this Policy, the requirements of the Sale and Supply of Alcohol Act 2012 and after consulting the Director of Planning and Regulatory Services.</p> <p>C. DLCs have either one (1) member or three [3] members.</p> <p>D. Notwithstanding paragraph 1.13.2(c) a three (3) member DLC meeting will be reduced to two [2] members in Exceptional Circumstances.</p> <p>Exceptional Circumstances are when:</p> <p>A. Prior to the start of a Committee meeting but after the appointment of the DLC members an appointed member cannot sit and cannot be replaced before the Committee meeting date, or</p> <p>B. When the DLC member becomes incapable of continuing to sit part way through a Committee meeting.</p>
Meeting cycle:	District Licensing Committee meets as required.
Quorum:	Three [3] members when the composition is three members; except when the membership is reduced to two, [2] in accordance with paragraph 1.13.2(d) above, in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one (1) member when the composition is one (1) member.
Delegated authority:	<ol style="list-style-type: none"> 1. determine On Licences, Off Licences, Club Licences and Manager's Certificates 2. determine renewals of On Licences, Off Licences, Club Licences and Manager's Certificates 3. determine temporary authorities and Special Licences 4. impose conditions or endorsements on licences or certificates and renewals of licences or certificates 5. determine whether any hearings should be ex parte or on notice 6. hold any hearing on behalf of the District Licensing Authority 7. determine and grant exemption 8. prepare any reports required by the Sale and Supply of Alcohol Act 2012 9. vary, suspend or cancel any Special Licence 10. suspend any licence for non-compliance with Public Health or Fire Precaution requirements in accordance with the Sale and Supply of Alcohol Act 2012. 11. From 18 December 2013 authority to carry out the functions in Section 187 of the Sale and Supply of Alcohol Act 2012.

District Licensing Committee (DLC) cont.

FUNCTION:

This committee meets as and when required for the purpose of carrying out the functions prescribed by the Sale and Supply of Alcohol Act 2012 and its composition is prescribed by that Act. This committee has an external commissioner as Chair.

Legislation Committee

Membership: Six [6] members

Meeting cycle: Legislation Committee meets as required.

Quorum: Two [2] members

Delegated authority: To consider central government legislation and make submissions on behalf of Council when it deems it appropriate.

FUNCTION:

To consider central government legislation and make submissions on Council's behalf when it deems it appropriate.

Other decision making bodies

Contracts Group

Membership:	Three [3] Councillors. An alternate member in the event of absence of a regular member is also appointed.
Meeting cycle:	Contracts Group meets as required.
Quorum:	Two [2] members
Delegated authority:	Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

FUNCTION:

Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

Economic Development Stimulus Panel

Membership:	His Worship the Mayor (Chair), Deputy Mayor, Chief Executive, Chair of the Policy Committee, Chair of the Audit, Risk and Finance Committee and Chair of the City Services Committee
Meeting cycle:	Economic Development Stimulus Panel meets as required.
Quorum:	Chief Executive and two [2] members
Delegated authority:	Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

FUNCTION:

Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

Hearings Panel

The Hearings Panel is established to increase efficiency and streamline the processes relating to Resource Management Act 1991 (RMA), Reserves Act 1977, and Dog Control Act 1996, hearings and other statutory hearings the Council is obliged to hold. The Hearings Panel does not have a permanent membership or composition; it may consist of one (1) member or three (3) members. Membership and the composition of the Hearings Panel will be determined for specific hearings in accordance with this Policy, Council Delegations and the Policy on Use of Commissioners and Composition of Hearings Committees and Panels (Commissioners Policy).

When holding hearings, Hearings Panels will follow the same procedures that Hearings Committees follow.

Membership: The membership of a Hearings Panel (HP) is appointed from time to time and consists of either one [1] member or three [3] members unless there are Exceptional Circumstances when membership of a three [3] member Panel will be reduced from three [3] to two [2]

Exceptional Circumstances are when:

- Prior to the start of a hearing but after the appointment of the HP (Hearing Panel) members, an appointed member cannot sit and cannot be replaced before the hearing date, or
- When the HP member becomes unable to continue sitting part way through a hearing.

The specific members, including the chairperson, of an HP are appointed from time to time by the Mayor in accordance with his delegation, the Commissioners Policy, this Policy, and after consulting the Director of Planning and Regulatory Services.

Only an Elected Member who is a member of the Hearings Committee may be appointed to an HP but an HP does not have to include an Elected Member.

Members of an HP may be selected from the Hearings Committee or be individuals who are not Elected Members but are appointed to an HP for their specialist knowledge and skills.

Meeting cycle: Hearings Panel meets as required.

Quorum: Three [3] members - when the composition is three members, except when the membership is reduced to two [2] in accordance with paragraph 1.6.2 above in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one [1] member when the composition is one [1] member.

Delegated authority: The Hearings Panel will hear and decide or make recommendations on all matters coming within the Hearings Committee's delegated authority. The Hearings Panel will only hear and make recommendations on proposed plan changes when the hearing is to be presided over by a Commissioner sitting alone. For clarification when a Hearings Panel may only make a recommendation it will still conduct the hearing and make a recommendation to the Council and the Council will make the decision.

Hearings Panel cont

FUNCTION:

- To conduct hearings and make decisions or recommendations except where it is expressly precluded arising from processes under:
- the Resource Management Act 1991 (including direct referral requests under s87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- section 6 of the Fencing of Swimming Pools Act 1987
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Infringements Panel

Membership: Three [3] members appointed from time to time by the Chief Executive. An alternate member in the event of absence of a regular member is also appointed.

Meeting cycle: Infringements Panel meets as required.

Quorum: Two [2] members

Delegated authority: To review and determine infringements in relation to dog, parking and water.

FUNCTION:

To review and determine infringements in relation to dog, parking and water.

Sculpture Advisory Panel

Membership:	<p>Chair (The Director of Business Transformation and Insight)</p> <p>Two [2] community representatives</p> <p>One [1] Expressions Whirinaki Arts and Entertainment Centre representative</p> <p>One [1] Orongomai Marae representative</p> <p>The Director of Business Transformation and Insight may appoint additional members to provide arts expertise as required. Advisory members do not have voting rights.</p>
Meeting cycle:	Sculpture Advisory Panel meets as required.
Quorum:	Three [3] members
Delegated authority:	Authority to approve sculptures in accordance with the sculpture guidelines.

FUNCTION:

Authority to approve sculptures in accordance with the sculpture guidelines.

Sporting Chance Panel

Membership:	His Worship the Mayor, Director of Community Services, Recreations Services Manager and Team Leader Activation
Meeting cycle:	Sporting Chance Panel meets as required.
Quorum:	Three [3] members
Delegated authority:	Authority to determine the allocation of the Sporting Chance grant funds.

FUNCTION:

Authority to determine the allocation of the Sporting Chance grant funds.

Temporary Road Closures For Events Group

Membership:	Mayor and two [2] Councillors. An alternate member in the event of absence of a regular member is also appointed.
Meeting cycle:	Temporary Road Closures for Events Group meets as required.
Quorum:	Three [3] members
Delegated authority:	Noted as the function for the Group below.

FUNCTION:

Authority to close roads pursuant to Schedule 10 clause 11(e) of the Local Government Act 1974 subject to the following:

- That the road closures decision making body determines applications for event road closures when no objections are received or the objectors do not require a hearing; and
- That the road closures decision making body's decision is a unanimous decision.

Working/Steering Groups

- Arts and Heritage Working/Steering Group
- Business and Economic Development Working/Steering Group
- Sports and Recreational Working/Steering Group
- Environmental Working/Steering Group

Council membership on external organisations

Council appoints members to represent it on a number of external organisations, including the following:

Regional Transport Committee (Greater Wellington Region)

1 Member, 1 alternate

Orongomai Marae Community Centre Trust

1 Member

Hutt Valley Flood Management Subcommittee

3 Members

Rimutaka Hill Road Committee

2 Members

Zone 4 Local Government Association

2 Members

Safe Hutt Valley

2 Members

Wellington Regional Strategy Committee

1 Member, 1 alternate

Wellington Waste Forum

2 Members

Wellington Water Committee

1 Member, 1 alternate

Civil Defence Emergency Management Joint Committee (Wellington Region)

1 Member

Wellington Regional Amenities Fund Joint Committee

1 Member

Wellington Regional Waste Management and Minimisation Joint Committee

1 Member



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