



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
**Upper Hutt City Council**

## MANUAL OF

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# Policies

2023 - 2024



This manual is updated on an annual basis, and includes any new or revised policies which have been adopted by Council at that time.

#### LIST OF UPDATES

<b>Policy name</b>	<b>New or revised</b>	<b>Date of adoption</b>	<b>Date of entry to Policy Manual</b>
1.11 Elected Members Expenses and Allowances Policy	Revised	14 December 2022	14 November 2023
2.7 Policy on development contributions	Revised	3 May 2023	14 November 2023
2.14 Procurement Policy	Revised	14 December 2022	14 November 2023
6.4 Easter Sunday Trading Policy	Revised	20 September 2023	14 November 2023
6.7 Sustainability Stimulus Grant Policy	Revised	14 December 2022	14 November 2023
6.6 Local Approved Products Policy (LAPP)	Revoked	20 September 2023	14 November 2023

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# 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

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input.

In the case of a committee or subcommittee any issue, idea or matter raised in the public forum must fall within the terms of reference of that body.

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting which is open to the public. Each speaker during the public forum section of a meeting may speak for up to five minutes. No more than two speakers can speak on behalf of an organisation.

Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;

- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the speaker.

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

(Reference: Section 15 of Standing Orders)

## **1.3 Standing orders**

Local authorities must adopt Standing Orders for the conduct of their meetings. Standing Orders reflect the requirements of the Local Government Act, the Local Government Official Information and Meetings Act, and other legislation concerning the conduct of meetings. Council's current Standing Orders can be viewed here:

<https://www.upperhuttcity.com/Your-Council/How-we-work/Committee-membership>

## **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 approved by the Mayor (or in their 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 (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 Policy

### 1.9.1 Purpose

Upper Hutt City Council engages with our community every day and in many different ways. It can be a one-way simple communication to keep people informed, or it can be a two-way process of consultations or engagement.

The policy has been developed to provide certainty on:

- When and how Council will engage or consult with communities.
- What Council will take into account when deciding what is significant.
- When the community will have a direct opportunity to contribute to decision-making.

Our aim is to have the right conversation with the right people about the right issues before making significant decisions.

This policy outlines the types of things that you can expect to be consulted about, such as the key issues in the Long Term Plan and Annual Plan, a decision that will change a service that you expect and value, or something that will add cost to the ratepayer.

The policy guides Council's assessment of whether an issue or proposal is important (significant) to the community. It gives certainty and clarity that those important decisions will be treated in an agreed way with the community, and that Council will follow the local government rules of engagement and meet the purpose of local government:

*"to enable democratic local decision-making and action by, and on behalf of, communities..."*

*- Local Government Act 2002*

### 1.9.2 Scope

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. These include:

- 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;
- Council is required to act with urgency due to a crisis.

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.

Where Council makes a decision that is significantly inconsistent with this policy, the steps identified in s80 of the LGA will be applied.

### **1.9.3 Review of the Policy**

The Policy may be amended from time to time. Council will consider making amendments when we prepare a Long Term Plan (i.e. every three years).

Amending the policy requires consultation unless Council considers it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved, without consultation.

### **1.9.4 Application of the Significance and Engagement Policy**

This policy applies to any proposal or decision before the Council.

This policy is applied in two steps:

Step 1 – Determine the significance of the proposal/decision

Step 2 – Determine whether there is a requirement to engage or not (guided by the level of significance), and if so, the level of engagement.

Council will determine the appropriate time to make the above assessment – this may differ depending on the issue and the type of decision and process. Significance and engagement may be reassessed as a matter progresses.

#### **STEP 1 - DETERMINING THE DEGREE OF SIGNIFICANCE**

To determine the degree of significance of an issue, proposal or other matter Council must:

1. Assess the matter against the significance principles outlined below and
2. Apply the criteria to assess the degree of significance.

#### **SIGNIFICANCE PRINCIPLES**

Council will first assess the matter against the following principles:

- 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 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.

### SIGNIFICANCE AS A CONTINUUM

Significance can be thought of as a continuum. At one end are matters that are 'not important' (low or no significance) such as a minor technical amendment to a Council policy. At the other end of the continuum are matters deemed to be 'critical' (very high significance) such as a new project that requires substantial, discretionary funding, or a proposed policy change which may significantly change the application of a policy.



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

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

### CRITERIA TO ASSESS THE DEGREE OF SIGNIFICANCE

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

- a. Consistency with a prior decision or decisions
- b. Transfer of ownership or control of strategic assets
- c. Levels of public interest are known
- d. Community (as a whole or part)
- e. Level(s) of service provided by Council and Councils capacity
- f. Reversibility

g. Level of financial consequence

Council will assess the degree of significance of a proposal or decision on a case-by-case basis using the table below and determine the level of significance of a proposal or decision to be high, medium or low.

1. If the proposal or decision triggers two or more of the criteria which are under the high significance level column, the level of significance will be deemed to be **high** (i.e. the proposal or decision will be deemed significant).
2. If the proposal or decision triggers three or more criteria which are under the low significance level column, the level of significance will be deemed to be **low**.
3. If the level of significance of a proposal or decision is not deemed to be high (under clause 3) or low (under clause 4), the level of significance will be deemed to be **medium**.

Where the significance of a proposal or decision is unclear against any of the criterion, the Council will treat that criterion as being more rather than less significant.

### DETERMINING SIGNIFICANCE

	Criteria	High significance	Medium significance	Low significance
a.	Consistency with a prior decision or decisions (i.e. proposal or decision which is consistent with current policies and strategies).	Decision or proposal is significantly inconsistent.  (e.g. a decision or proposal that retires a Council adopted strategy)	Decision or proposal is consistent but with some notable variations.  (e.g. a decision or proposal contrary to a public places policy allowing restaurants to use entire width of public footpaths for outdoor entertainment)	Decision or proposal is consistent.  (e.g. adopting a public places bylaw to enforce a public places policy)
b.	Involves the transfer of ownership or control of strategic assets to or from the Council.	Majority transfer (i.e. more than 51% or transfer in its entirety).  (e.g. a full transfer of an asset)	Minority transfer  (e.g. a 30% share transfer of an asset)	Nominal or no transfer

## DETERMINING SIGNIFICANCE

	<b>Criteria</b>	<b>High significance</b>	<b>Medium significance</b>	<b>Low significance</b>
c.	Levels of public interest known.	High levels of public interest known  (e.g. the adoption of a psychoactive substance policy)	Moderate levels of public interest known  (e.g. adoption of an Event Sponsorship policy)	Low levels of public interest known  (e.g. adoption of an elected member support policy)
d.	The degree to which the issue affects the community or the city of Upper Hutt.	Impacts a large proportion of the community.  (i.e. a change in the rubbish collection timeframes)	Impacts a subgroup or groups within the community  (i.e. the creation of a neighbourhood playground)	Impacts an individual person or household  (i.e. the removal of a street tree)
e.	The extent to which a decision significantly alters the intended level of service provision for a group of Council activities, (including a decision to commence or cease any such group of activity), or significantly affects the capacity of Council in relation to any activity identified in the Long Term Plan.	Ceasing or commencing a service.  (i.e. the closure of a facility)	A more than nominal alteration of a service.  (i.e. the digitization of most hard copy books at the public libraries)	A nominal or no alteration of a service.  (i.e. the undertaking of a tender with a different contractor)
f.	Ability to reverse the decision.	Highly difficult  (e.g. constructing a purpose built building, or where Council is legally obliged or committed through contractual arrangements)	Moderately difficult  (e.g. adoption of a Speed Limit Bylaw)	Low difficulty  (e.g. a minor amendment to a policy)

## DETERMINING SIGNIFICANCE

	Criteria	High significance	Medium significance	Low significance
g.	Level of financial consequences in relation to unbudgeted operating cost or capital cost in the Long Term Plan.	<p>Unbudgeted operating cost(s) greater than <b>5%</b> of total expenses for the financial year of the proposal/decision</p> <p>(e.g. a \$3.1 M unbudgeted increase in lease costs)</p> <p><b>AND/OR</b></p> <p>Unbudgeted capital cost(s) greater than <b>1%</b> of total assets in the financial year of the proposal/decision</p> <p>(e.g. the construction of a <b>\$8.38 M</b> unbudgeted building)</p>		

### STEP 2 - DETERMINING ENGAGEMENT

To determine whether engagement is required on an issue, proposal or other matter, and if so the extent of engagement, Council will:

1. Assess the matter against the engagement principles outlined below and
2. Apply the 'Determining engagement' assessment

### ENGAGEMENT PRINCIPLES

- 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.

#### **DETERMINING ENGAGEMENT' ASSESSMENT**

	<b>Significance</b>	<b>Description</b>
1.	For matters of low degree of 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 degree of significance	<p>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.</p> <p>A formal resolution is to be obtained by presenting a report to Council, which addresses the requirements identified in the LGA s77-s81.</p> <p>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.</p>
3.	For all matters identified as having a high degree of significance	<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 issues, 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 operational guidelines in Schedule 1.</p>

	<b>Significance</b>	<b>Description</b>
4.	<ul style="list-style-type: none"> <li>Consider if the Special Consultative Procedure is appropriate</li> </ul>	<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 and required.</p> <p>If yes, then follow the Special Consultative Procedure in line with s83-87.</p>
5.	Consultation and/or engagement	Council will apply the principles of consultation (s82 of LGA) and use the operational guidelines in Schedule 1.

### 1.9.5 Strategic assets

Defined in s5 of the Local Government Act 2002, an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community. As the Significance and Engagement Policy sets out Council's preference about engagement on decisions relating to specific issues, including assets, Council is required to state what its Strategic Assets are at the time of adoption of this policy.

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 Centre
- Whirinaki Whare Taonga
- H<sub>2</sub>O 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
- Akatārawa 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.

## Schedule 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.

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 SPECTRUM OF PUBLIC PARTICIPATION

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world

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](http://www.iap2.org)

Council will consider engagement methods and tools relative to the level of significance. These will support community participation through an engagement spectrum approach, as set out in the following table.

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.

## Schedule 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 is in the hands of the public.
Examples of tools the Council might use Note: these tools may be applicable across many levels of engagement	<ul style="list-style-type: none"> <li>Email newsletter to local communities and networks</li> <li>Information flyers</li> <li>Public notices/info in local newspaper and on the Council website</li> <li>Use of social media</li> </ul>	<ul style="list-style-type: none"> <li>Formal submissions and hearings or the Special Consultative Procedure</li> <li>Focus groups</li> <li>Community meetings</li> <li>Online opportunities to submit ideas/feedback</li> <li>Rates inserts</li> <li>Display boards</li> </ul>	<ul style="list-style-type: none"> <li>Workshops</li> <li>Focus/ stakeholder group meetings</li> <li>Public meetings, drop-in sessions</li> <li>Online surveys/forums</li> <li>Displays at public venues</li> </ul>	<ul style="list-style-type: none"> <li>Pre-consultation</li> <li>Working groups (involving community experts)</li> <li>Community Advisory Groups (involving community representatives)</li> <li>Forums</li> </ul>	<ul style="list-style-type: none"> <li>Binding referendum</li> <li>Local body elections</li> <li>Delegation of some decision-making to a community</li> </ul>
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.

## Schedule 3

### What is the Special Consultative Procedure?

This is a formal consultation process that must be carried out in certain circumstances. The Council may also decide to use the special consultative procedure, if it wishes, for any other significant decisions.

The law requires us to use the Special Consultative Procedure for:

- Making, amending or revoking a bylaw<sup>1</sup>
- Adopting and amending our Long Term Plan
- Other acts if expressly required by laws

Under the Special Consultative Procedure we must:

- Develop a Statement of Proposal and if considered necessary, a Summary, and make them widely available
- Allow a minimum feedback period of one month
- Ensure people are given the opportunity to present their views to Council at a hearing

### Hearings and feedback

- Hearings will generally be held in Upper Hutt City Council Chambers, 838-842 Fergusson Drive, Upper Hutt.
- Council can allow any person to present their views to the local authority by way of audio link or audio-visual link.
- If we're asked to do so, Council may enable interpretation for/to New Zealand's other official languages - Te Reo Māori and New Zealand Sign Language, where practical.
- Following the conclusion of the consultation and/or engagement process, Council will be required to make a decision.
- Once a decision has been made, the community will be informed 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).

## Schedule 4

### DEFINITIONS

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<sup>1</sup> According to the Local Government Act 2002 Part 8 Section 156, the Council does not need to use the Special Consultative Procedure if the change is minor or a correction of an error which does not affect existing rights. In such case, the change can be made by resolution, publicly notified.

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.
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.
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.
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.
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 from Council before action can be taken.
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.
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.
Significance <sup>2</sup>	The degree of importance of an issue, proposal, decision, or matter, as assessed by Council, in terms of its likely impact on, and likely consequences for: <ol style="list-style-type: none"> <li>1. the district or region;</li> <li>2. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;</li> <li>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).</li> </ol>

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<sup>2</sup> As defined by the Local Government Act 2002.

Special Consultative Procedure	This is a formal process which enables the community to have a say on a significant decision. Council will take the community's views into account before making a decision. This is a more formal process than inviting feedback. There are rules about how we undertaken special consultation (see Schedule 3. Comments are treated as formal submissions which will be made publicly available and submitters can choose to present their views at a hearing before elected members.
Strategic aspirations	Refers to any high level, direction setting goal or document that Council aims to deliver, including the city vision priority areas, which represent the community outcomes for the city.
Strategic asset	An asset or group of assets as defined in LGA Schedule 5.

## **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.

# 1.11 Upper Hutt City Council Elected Members' Expenses and Allowances Policy 2022

## 1.11.1 Introduction

This policy covers the entitlement of elected members to allowances and contributions towards expenses. Each year the Remuneration Authority sets the remuneration and allowances for all elected members through the Local Government Members Determination. The payment of any or all allowances and expenses is at the discretion of the Upper Hutt City Council.

## 1.11.2 Commencement

The provisions of this policy take effect from 14 December 2022.

## 1.11.3 Review

Once every three years, in the year of local authority elections, Council will review the Elected Members' Expenses and Allowances Policy. Council will also make changes to the Policy each year based on the Local Government Members Determination that is issued by the Remuneration Authority. Council may also choose to make amendments as required.

## 1.11.4 Travel entitlements and allowances

### 1.11.4.1 VEHICLE-KILOMETRE ALLOWANCE

Council will pay a vehicle-kilometre allowance to elected members when the elected member is:

- attending meetings and workshops of external bodies, outside of Upper Hutt, to which the elected member has been appointed by Council, or
- attending meetings, conferences, training programmes, and other Council business, outside of Upper Hutt, where attendance by the member has been resolved by Council or authorised by the Mayor, or
- undertaking specified Council business, outside of Upper Hutt, pursuant to a resolution of Council or authorised by the Mayor.

Elected members are entitled to a vehicle-kilometre allowance when they are:

- not provided with a motor vehicle by Council, and
- travelling in a private vehicle for Council business, and
- travelling by the most direct route that is reasonable in the circumstances.

Eligibility for the vehicle-kilometre allowance commences from the elected member's primary place of residence until the conclusion of their Council business travel.

The vehicle-kilometre allowance will be paid at the maximum rate per kilometre as set out in the current Local Government Members Determination.



#### **1.11.4.2 CAR PARKING**

Elected members will be provided with parking spaces at the Council office for their use when on council business.

Parking costs are reimbursed when a carpark is not provided, and the elected member is acting on Council business.

#### **1.11.4.3 PUBLIC TRANSPORT**

Elected members who incur public transport charges, when on Council business, are entitled to reimbursement of the actual and reasonable cost of the travel.

### **1.11.5 Travel and attendance at conferences, seminars, training programmes, and other Council business**

Prior approval is required for all attendees.

All actual and reasonable costs associated with attendance at the conference, seminar, training programme, or other Council business will be reimbursed, including registration, travel, accommodation, and meals (excluding alcoholic beverages).

#### **1.11.6 ICT allowance**

Elected members are provided with a tablet computer for Council business use.

When used for Council business, elected members are entitled to be reimbursed for the cost of any ICT equipment, services and consumables (i.e., mobile phones, home landline, internet connection and printer consumables e.g., ink cartridges and paper).

A maximum of \$750 per annum may be claimed for the ICT allowance. Maximum amounts able to be paid for each type of claim are set out in the current Local Government Members Determination.

The ICT allowance will not be paid for any equipment, services or consumables already supplied by Council to elected members.

In addition, Council will provide a mobile telephone for the Mayor and pay for the full cost of the basic plan and reimburse the Mayor at half cost for basic landline costs and all council related calls. All personal calls made from the mobile phone are to be paid for by the Mayor.

#### **1.11.7 Fees relating to hearings**

An elected member who acts as the chairperson of a hearing is entitled to be paid a fee, as specified in the current Local Government Members Determination, per hour of hearing time.

An elected member who is not the chairperson of a hearing is entitled to be paid a fee, as specified in the current Local Government Members Determination, per hour of hearing time.

For any period of hearing time and preparation time that is less than one hour, the fee must be apportioned accordingly.

These fees are not payable to the Mayor or to an acting Mayor who is paid the Mayor's remuneration and allowances.

The definition of a hearing and hearing time is provided in the current Local Government Members Determination.

### **1.11.8 Childcare allowance**

A childcare allowance may be claimed in accordance with the current Local Government Members Determination for childcare while the elected member is engaged in Council business.

An elected member is eligible to be the paid childcare allowance in respect of childcare provided for a child only if:

- the elected member is a parent or guardian of the child, or is a person who usually has the responsibility for the day-to-day care of the child (other than on a temporary basis); and
- the child is aged under 14 years of age; and
- the childcare is provided by a person who:
  - is not a parent of the child or a spouse, civil union partner, or de facto partner of the elected member; and
  - does not ordinarily reside with the elected member; and
  - the elected member provides evidence satisfactory to the local authority of the amount paid for childcare.

The amount payable for the childcare allowance to an elected member must not total more than \$3,000 per annum

### **1.11.9 Payment**

Expense claims must be made monthly and will not be accepted if the claim is provided more than two months after the end of the financial year to which they relate.

Full original receipts or evidence of payment must be supplied, where appropriate.

Expense claims must be approved by the Mayor's Office, with more complicated claims referred to the Chief Executive for final approval.

# 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

Upper Hutt Library Bank Account

Business Premium Call Account

### 2.1.2 Position Holders

Any two of:

- Chief Executive
- Director of Asset Management and Operations
- Director of Strategy, Partnerships and Growth
- Chief Financial Officer
- Director of Community Services
- Director of Planning and Regulatory Services
- Financial Controller
- Management Accountant
- Team Leader Transactions

## 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 2: Financial Delegations and Chapter 3: 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 Rates Remission and Postponement Policy – including Policy on Remission and Postponement of Rates on Māori Freehold Land

### 2.5.1 Commencement

These policies were originally adopted by Upper Hutt City Council (Council) with effect on 1 July 2005, and the 2021 revisions will come into effect on 1 July 2021.

### 2.5.2 Interpretations and definitions

Unless the context requires otherwise, all interpretations and definitions relating to rates and associated terminology shall be the same as those in [the Local Government \(Rating\) Act 2002 \(LGRA\)](#), [Local Government Act 2002 \(LGA\)](#) and [Te Ture Whenua Māori Act 1993 \(TTWM\)](#).

These policies should be read in conjunction with the LGRA, LGA and TTWMA to give better context to their purpose and scope.

### 2.5.3 Purpose and extent of Policies

The objectives of these Policies are to enable Council to:

- act in a fair and reasonable way to help facilitate financial assistance and support for ratepayers,
- support other Council programmes and initiatives; and
- address certain anomalies.

These Policies apply to all rateable properties within the district of Upper Hutt City Council.

The Policies cover both the remission of rates, and the postponement of rates. There are objectives, conditions and criteria specific to each.

Remissions or postponements are only applicable to ratepayers identified in the Council's rating information database, not the occupant of the property.

Remissions or postponements are limited to rates set and assessed by the Council. Council collects rates on behalf of the Wellington Regional Council and has no authority to remit or postpone such rates other than by specific approval of that Council.

## 2.5.4 Decisions

Decisions on the remission or postponement of rates and penalties are delegated to Council Officers.

All delegations are recorded in Council's delegation manual.

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

## 2.5.5 Remission of rates

*NOTE: The term **remission** is used in this context to describe instances where rates and/or penalties for late or non-payment of rates, are not required to be paid by the ratepayer where they usually would be.*

*This does not happen in many instances, but is a fair and reasonable way to help facilitate financial assistance and support for ratepayers in certain cases.*

Council's rates remission policy considers the following:

- 1) Mandatory remissions
- 2) Rates remissions to promote sport, recreation, health and education
- 3) Rates and/or penalties levied in error
- 4) Rates remission on Māori Freehold Land
- 5) Remission of late-payment penalties
- 6) Remissions for Economic Development

### 2.5.5.1 MANDATORY REMISSION OF RATES

Council will remit mandatory remissions on rates as per Schedule 1, Part 1 of the LGRA.

The LGRA provides for rates remissions to certain categories of land. The schedules for the categories of land which are fully non-rateable and 50% non-rateable can be found under parts 1 and 2 in [Schedule 1 of the LGRA](#) respectively.

## 2.5.6 Rates remissions to promote sport, recreation, health and education

In addition to mandatory remissions Schedule 1 of the LGRA, under this policy, Council will also 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 ([Schedule 1, Part 2, clause 2](#)); or
- 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 of residents or any group or groups of residents of the district.

## 2.5.7 Remission of rates and/or penalties levied in error

Upon receipt of an application by a ratepayer, or if identified by Council, Council will remit rates and/or penalties where it is demonstrated that the rates or penalty was levied in error by Council.

## 2.5.8 Remissions of rates on Māori Freehold Land

The following policy clause is made in accordance with [s114 of the LGRA](#), and [s102 and s108 of the LGA](#) for the remission of all or part of the rates (including penalties for unpaid rates) on Māori freehold land. Māori freehold land is that which has the status set out in [Part 6, Te Ture Whenua Māori Act 1993](#).

The Upper Hutt City Council policy is that it will not remit rates on Māori freehold land. However, the conditions and criteria for the remission of rates stated within this policy will also apply to Māori freehold land, where applicable.

In explanation, Council is not aware of any land within Upper Hutt City which is held as Māori freehold land. Should the situation change, Council may consider any applications on a case-by case basis, and may review this policy.

## 2.5.9 Remission of late-payment penalties

### 2.5.9.1 OBJECTIVE

The objective of this policy is to enable Council to act fairly and reasonably when rates or penalties have not been received by the due date, in cases where the ratepayer is experiencing financial hardship.

Council reserves the right to impose conditions on the remission of late penalties.

The applicant should also be prepared to receive a legal charge to Council over the property, if required.

### 2.5.9.2 ELIGIBILITY CRITERIA

- a. Upon receipt of an application from the ratepayer, and subject to the following eligibility criteria, Council may remit a late-payment penalty where:
  - the ratepayer has a two-year history of regular payment of rates, and/or can demonstrate that the delay in payment is due to an extraordinary circumstance; or

- the ratepayer has entered into an agreement with 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.
- b. Each application will be considered on a case-by-case basis.

## **2.5.10 Rates remission for Economic Development**

This section of the Policy is divided into three categories:

- Business Development
- Strategic Economic Projects
- Subdivisions

These categories share the objectives of this section of the policy but have separate conditions and criteria.

### **2.5.10.1 OBJECTIVE**

The objectives for all three categories are to promote employment and economic development within the city by offering rates remission to:

- Assist new businesses to become established in the city
- Assist existing businesses in the city to expand and grow
- Assist in the establishment of significant initiatives which are of strategic economic value to the city
- Assist developers of subdivisions

## **2.5.11 Business Development**

### **2.5.11.1 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:

- a. 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.
- b. The number of new employment opportunities the development will create; Generally, development would be expected to create a minimum of at least 20 new full-time equivalent jobs.
- c. The amount of new capital investment the development will bring into the city; The amount of new investment should be at least \$1,000,000 (GST exclusive) 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:

- a. 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.
- b. The development protects or retains cultural aspects of the city e.g. maintains and protects a heritage building.
- c. The development adds new and/or visually attractive infrastructure/buildings to the city.
- d. 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 Strategy, Partnerships and Growth.

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

## **2.5.12 Strategic Economic Projects**

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, Council will have regard to the extent applications meet the following guidelines:

- a. The project will make an ongoing strategic economic contribution to the city.
- b. The project will create new and ongoing employment opportunities.
- c. The project will bring new capital investment to the city.
- d. The project will provide a point of difference for the city.

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

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



## 2.5.13 Subdivisions

Rate remissions for this category will be granted by the Director of Strategy, Partnerships and Growth 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 following formula.

The number of Lots (X) a granted remission will apply to, is determined by the formula:

$X = N - A$ , where:

- a.  $N$  = total Lots of Subdivision
- b. In the case that all Lots are Bare Land:

$A$  = the Lot with the highest valuation, or

$A$  = One of the Lots with the highest valuation when the highest valuation applies to more than one Lot, or

- c. In the case that one or more Lots are not Bare Land:

$A$  = all the Lots that are not Bare Land

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 of July following its grant.

The maximum duration of a remission will be two years, or when the Lot receiving the remission is sold, whichever is the sooner.

A remission may be transferred with Council’s consent.

### 2.5.13.1 CONDITIONS AND CRITERIA

1. This section of the policy applies to a developer of a subdivision. The term **subdivision** is defined below.
2. At least one Lot must be bare land, as defined below.
3. All Council’s fees and charges in respect of the resource consent for the subdivision must have already been paid before the remission can be granted.

Under this Policy, a **Subdivision** may be eligible if:

- a. Upper Hutt City Council has granted a Resource consent for it; and
- b. It creates no fewer than four additional Lots, as defined by the Policy; and
- c. No less than one Lot is defined as Bare Land in this Policy.

Under this Policy, **Bare Land** means any Lot that:

- a. does not have a building on it; or
- b. the building or buildings are constructed in satisfaction of a condition of the subdivision Resource Consent; or
- c. there is an existing building and a condition of the subdivision Resource Consent requires that the building or buildings be demolished, removed or relocated; or
- d. the Lot is zoned residential under the District Plan and any building on the Lot is not a dwelling; or
- e. the Lot is zoned other than residential under the District Plan and the building is not a permitted use for the Lot under the District Plan.

## 2.5.14 Rates Postponement

*NOTE: The term **postponement** is used in this context to describe instances where Council has agreed with the ratepayer that rates are paid by an agreed date or dates which is later than the normal due date.*

*This does not happen in many instances, but is a fair and reasonable way to help facilitate financial assistance and support for ratepayers in certain cases.*

Council's rates postponement policy considers the following:

- Financial hardship
- Māori Freehold Land

## 2.5.15 Postponement due to financial hardship

### 2.5.15.1 CONDITIONS

#### **Payment plan arrangements**

If ratepayers are suffering from financial hardship, in the first instance Council will try to work with them to consider if a **payment plan arrangement** scheme is a suitable way to address payment of their rates. One or more instalments may be paid in smaller amounts over a period of time, where such arrangements have been agreed to between Council Officers and the ratepayer.

Where this is not possible, ratepayers may apply for a postponement of rates. Applications will generally only be considered when applicants are unable to pay their rates because of personal circumstances, and have tried all other avenues to fund their rates.

Council will give due consideration to postponement if the financial hardship has been caused by an unforeseen emergency or Civil Defence event,

Each application will be considered on a case-by-case basis.

The applicant should also be prepared to receive a legal charge to Council over the property, if required.

#### **Government rate rebate**

If the ratepayer is eligible for the government rate rebate, an application for this rebate should be completed before any rates are postponed by Council for that year.

In order to be considered for assistance by Council, the applicant must demonstrate to Council's satisfaction that the ratepayer has taken all steps necessary to claim any central government benefits or allowances the ratepayer is properly entitled to receive to assist with the payment of rates.

#### **2.5.15.2 ELIGIBILITY CRITERIA**

- a. Upon receipt of an application from the ratepayer, and subject to the following criteria, Council may postpone rates where either:
- 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 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.

The following criteria will be used to determine financial hardship, and the applicant must provide evidence to support their claim for financial hardship and therefore postponement:

For residential or standard category\* ratepayers and all other categories except business category, evidence could be the following:

- loss of employment; and/or
- a significant reduction in income; and/or
- qualification for a mortgage "holiday" from the bank; and/or
- other 3<sup>rd</sup> party evidence that demonstrates significant difficulty to pay rates

For business category\* ratepayers, evidence could be the following:

- a significant reduction in revenue from the business, over a recent period; and/or
- qualification for a Government emergency financial support package, such as an emergency wage subsidy scheme; and/or
- other 3<sup>rd</sup> party evidence of financial hardship caused by unforeseen circumstances or events; and/or
- qualification for a mortgage or loan "holiday" from the bank.

\*NOTE: The categories applicable to rateable properties are as defined in the Funding Impact Statement for the financial year.

Rates may be postponed from the original due-date for up to a maximum period of either:

- 6 months for residential/standard category and all other categories except business ratepayers
- 12 months for business category ratepayers

The period of postponement will be determined by Council staff on a case-by-case basis.

The ratepayer **must** make arrangements to repay outstanding rates by the end of the postponement period.

- The maximum amount that can be postponed for any one instalment for any one rating unit under all categories except for business category will not exceed \$1,000.
- The maximum amount that can be postponed for any one instalment for any one rating unit under the business category will not exceed \$5,000.

Any outstanding rates still owing at the end of the agreed postponement period will be subject to penalties.

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

## 2.5.16 Postponement of rates on Māori Freehold Land

The following policy clause is made in accordance with s115 of the LGRA and s102 and s108 of the LGA, for the postponement of all or part of the rates on Māori freehold land. Māori freehold land is that which has the status set out in [Part 6, Te Ture Whenua Māori Act 1993](#).

The Upper Hutt City Council policy is that it will not postpone rates on Māori freehold land. However, the conditions and criteria for the postponement of rates provided for within this policy will also apply to Māori freehold land, where applicable.

In explanation, Council is not aware of any land within Upper Hutt City which is held as Māori freehold land. Should the situation change, Council may consider any applications on a case-by-case basis, and may review this policy.

## 2.6 Revenue and Financing Policy

### 2.6.1 Introduction

Under [section 102 of the Local Government Act 2002](#) (LGA), all local authorities must adopt a Revenue and Financing Policy (RFP).

The RFP provides details of Council's policies for the funding of operating and capital expenditure and provides predictability and certainty about sources and levels of funding available to Council. It clearly and transparently explains the rationale for, and the process of, selecting various tools to fund each significant activity of Council.

The application of the RFP is reflected in the Funding Impact Statement for a particular financial year. To understand the rating impact of the policy it must be read in conjunction with the Funding Impact Statement.

### 2.6.2 Requirements of the LGA

Adopting a RFP is a requirement of the LGA and the LGA outlines the components that must be included in a RFP. As per the LGA the RFP must include the local authority's policies in respect of the funding of operating expenses and capital expenditure from sources listed. A RFP must also show how the local authority has, in relation to the sources of funding identified, complied with section 101(3)

states that the funding needs of the local authority must be met from sources determined appropriate by the local authority, following consideration of (for each activity to be funded):

1. the community outcomes to which the activity primarily contributes
2. the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals
3. the period in or over which those benefits are expected to occur
4. the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity
5. the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities.

Additionally, the overall impact of any allocation of liability for revenue needs on the community must be considered.

## 2.6.3 Policy statement

### **FUNDING OF OPERATIONAL EXPENDITURE**

Where expenditure does not create a new asset for future use, or extend the lifetime or usefulness of an existing asset, it is classed as operating expenditure. Operating expenditure pays for Council's day-to-day operations and services, from maintaining local roads and providing street lighting to looking after parks and issuing building consents and liquor licenses.

Council funds operating expenditure from the following sources:

- General rates
- Targeted rates
- Fees and Charges
- Interest and dividends from investments
- Borrowing
- Grants and subsidies
- Other sources including lease income, cash reserves, restricted or special funds, surpluses from previous financial years.

Council may choose to not fully fund operating expenditure in any particular year, if the deficit can be funded from operating surpluses in the immediately preceding or subsequent years.

Council has determined the proportion of operating expenditure to be funded from each of the sources above, and the method for apportioning rates and other charges.

### **FUNDING OF CAPITAL EXPENDITURE**

Capital expenditure is the spending on creation of a new asset, or extending the lifetime of an existing asset. Capital expenditure can also be incurred to improve the level of service provided by the asset.

Council funds capital expenditure from the following sources:

- General rates
- Targeted rates
- Borrowing
- Proceeds from asset sales
- Development contributions
- Financial contributions
- Grants and subsidies
- Other including restricted or special funds, surpluses from previous financial years.

Council funds the renewal of assets, and new capital expenditure items from borrowings. Council's cumulative objective is to maintain a relatively uniform annual cost over time.

Loan funding is an appropriate funding mechanism to enable the effect of peaks in capital expenditure to be smoothed and also to enable the costs of major developments to be borne by those who benefit from the asset. This is known as the 'intergenerational equity principle' and means the costs of maintaining or improving any asset should be recovered from those that benefit over the period the benefits of that expenditure accrue. This is particularly relevant for assets as the assets provide benefits over their entire life which is long term.

## 2.6.4 Policy development process

In developing the RFP and determining the appropriate funding sources for each activity, Council considered a range of factors including assessing each activity against the principles laid out in the LGA. The factors considered are described below.

### COMMUNITY OUTCOMES (COS)

These are outcomes that a local authority aims to achieve in meeting the current and future needs of communities for good-quality infrastructure, local public services, and performance of regulatory functions. The LGA requires Councils to identify the community outcomes to which each activity contributes when determining funding sources.

For each activity, the RFP lists the outcomes to which the activity primarily contributes. The community outcomes are noted below.

TAIAO  
Environment

PAPŌRI ME TE AHUREA  
Social and Cultural

ŌHANGA  
Economy

TŪĀPAPA  
Infrastructure



We're immersed in natural beauty. We care for and protect our river, our stunning parks, and our natural environment.



We celebrate our whānau, heritage, and culture.  
  
We're a caring, safe, and healthy community.



We're a city of opportunity. We attract new investment and offer opportunities for people and businesses to prosper.

Our city centre is alive, attractive, and vibrant.



We have reliable and efficient networks and infrastructure that support our city.

### **DISTRIBUTION OF BENEFITS**

The LGA requires costs to be allocated in respect to where benefits lie. In assessing the distribution of benefits for each activity, Council considered whether the benefits flowed to the city as a whole (public benefit), to individuals (users or exacerbators), or to identifiable parts of the community (parts of the community or specific group/s within the community like rural or business groups). This is discussed in the activity analysis section.

### **PERIOD OF BENEFITS (INTERGENERATIONAL EQUITY)**

Council must also consider intergenerational equity, the principle that costs of any expenditure should be recovered over the time that the benefits of the expenditure accrue. This principle applies particularly to capital expenditure and results in infrastructural costs being spread more evenly across the life of the asset and the different ratepayers who benefit from it. Intergenerational equity issues arising in relation to capital expenditure and investments are discussed in the policy statement section of this policy. As operational expenditure is funded annually (except where borrowing is used to fund operational expenditure with a long term benefit) there are no intergenerational equity issues to be considered and therefore the period of benefit is not discussed in the activity analysis section.

### **EXACERBATOR PAYS**

Council must assess the extent to which each activity is undertaken to remedy the negative effects of the actions or inactions of an individual or group. It is important to note that the actions themselves may not be negative or "bad" but they may have negative effects on the whole community.

This principle is particularly relevant to Council's regulatory functions and other activities taken to mitigate the adverse effects on the environment. The principle suggests that Council should, where practical, recover costs directly from the individual or group that contributes to the deterioration of a situation or to a cost that is a direct result of their actions. This principle is discussed for relevant activities in the activity analysis section.

### **COSTS AND BENEFITS**





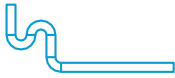




This consideration includes transparency, accountability, and some assessment of the cost efficiency and practicality of funding a particular activity separately.

Transparency and accountability are most evident when an activity is distinctly funded. This allows rate payers, or payers of user charges, to see how much money is being raised for and spent on the activity. However, funding every activity on such a distinct basis would be administratively complex.

Council agreed that the level of activities presented in the activity analysis section of this policy is the best balance between transparency and administrative costs. The merit of identifying and accounting for each activity separately from other activities enables the following:

1. More transparent disclosure and accountability of projects and funding to the Upper Hutt community
2. Greater opportunity for the Upper Hutt community to have input on decisions, proposals, issues and matters through consultation
3. Identification of how the activity contributes to the achievement of COs and service delivery goals through detailed understanding and planning
4. Improved monitoring of the activity in terms of how well Council is achieving its COs annually
5. Identification of costs required to support the activity in terms of time involved planning, monitoring, accounting, reporting and administration.

Council delivers its operations and carries out services under nine groups of activities.

 Leadership	 Community and recreation	 Economic development
 Water supply	 Wastewater	 Stormwater
 Land transport	 Sustainability	 Planning and regulatory

For the purposes of this RFP, and for the reasons noted above, the nine groups of activities are further broken down into 23 activities/functions.

### **OVERALL IMPACT OF THE FUNDING MECHANISMS SELECTED**

Following the consideration of the five matters discussed above, the benefits of each activity become apparent. Once this consideration is complete and indicative cost allocations compiled, the final step in Council's process of developing this policy has been to consolidate the results of the activity analysis and consider the overall impact of any allocation of liability for revenue needs on the community. The impact is assessed on the current and future interests of the community.



## **BENEFITS ALLOCATION AND FUNDING MECHANISM**

For each activity, Council allocated appropriate funding mechanisms based on where benefit for each activity lies. The benefit and funding mechanism allocation is included in the ‘analysis of activities and funding conclusions’ section of this policy.

### **2.6.5 Use of funding mechanisms**

Funding sources available to a local authority are set out in the LGA and the (LGRA). For funding mechanisms used by Council a description of the funding source and how it is applied is provided below.

#### **GENERAL RATES**

The General Rate is set under of the LGRA. It has been used to fund the activities:

- Leadership
- City planning
- Parks and reserves
- Subsidised land transport
- Environmental health
- H2O Xstream
- Non-subsidised land transport
- Liquor licensing
- Library
- Water supply
- Parking enforcement
- Whirinaki Whare Taonga
- Wastewater
- Building control
- Property
- Stormwater
- Animal control
- Akatārawa Cemetery
- Sustainability
- Community services
- Economic development
- Waste
- Emergency management

General rates are calculated on the capital value of all rateable properties in the city and assessed on a differential basis.

Council agreed that for activities where a city benefit was identified, funding for that benefit through a differential general rate would be the most efficient, equitable and transparent method. The general rate is an appropriate funding source for a city-wide benefit. The differential categories for the general rate are discussed in the following section. This reasoning has not been repeated throughout the rest of the policy unless Council has made an exception to it for an activity.

Under differential rating, all land (which may be a rating unit or part of a rating unit) is allocated to one or more of the following categories<sup>3</sup>:

#### **Residential or Standard**

A rating unit or part rating unit will be allocated to the *Standard* category to the extent that it does not meet all of the criteria for inclusion in any other category.

#### **Residential High Value**

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<sup>3</sup> Differential categories have changed from the previous RFP. *Rural High Value* is removed, the scale is removed from *Residential High Value* and a new category, *Corrections Facility*, is introduced.

A rating unit or part rating unit will be allocated to the *Residential High Value* category for rating purposes if it contains a single dwelling only and has a capital value of \$1,200,000 or more and:

- is situated in a residential zone; or
- is situated in a rural zone and has an area of less than 30ha; or
- is situated in any other zone, and has an area of less than 30ha and is being used, principally, for a residential activity.

### **Business**

A rating unit or part rating unit in the Business zone or in the Special Activities zone will be allocated to the

#### **Business category for rating purposes, unless:**

- it has been allocated to the *Utilities* category; or
- it has been allocated to the *Standard* category (or the *Residential High Value*) because it is being used, principally, as a single residential dwelling (used principally for private residential purposes).

A rating unit or part rating unit will be allocated to the *Business Category* for rating purposes if it is situated in a residential, rural or open space zone and has not been allocated to the *Utilities* category but is being used, principally, for a business activity.

- where the business activity is the principal activity on a rating unit, the whole rating unit will be allocated to the *Business* category;
- where the business activity is not the principal activity on a rating unit, but takes place in a physically discrete part of the rating unit, that part will be allocated to the *Business* category.

For the purposes of this definition, the following **are not** business activities:

- farming activities
- intensive animal farming
- forestry
- Wellington Racing Club

The following **are** business activities:

- commercial sawmills and timber yards
- farm products processing plants
- retail nurseries and garden centres
- veterinary hospitals and clinics

### **Utilities**

Regardless of zoning and notwithstanding that it may meet the requirements for inclusion in another category, a rating unit or part rating unit will be allocated to the *Utilities* category for rating purposes to the extent that:

- it is owned or operated by a utility operator and is being used, principally, as part of the utility infrastructure; and
- it is identified as a utility in the Upper Hutt City District Valuation Roll.

### **Three Waters Utility**

A rating unit or part rating unit will be allocated to the *Three Waters Utility* category for rating purposes to the extent that it:

- Meets the criteria in Utilities, and
- It is used solely for the purpose of:
  - Draining stormwater, or
  - Draining wastewater from Upper Hutt city and its district into the bulk sewer line, or
  - Supplying potable water to Upper Hutt city and its district, but not used to carry water directly from the reservoirs owned by Greater Wellington Regional Council.

### **Rural**

A rating unit or part rating unit will be allocated to the *Rural* category for rating purposes to the extent that:-

- it is situated in a rural zone; and
- has an area of 30 ha or more.

If the Council is satisfied that:

- the same ratepayer is recorded as owner of more than one rating unit; and
  - all the rating units are situated in a rural zone; and
  - are being used as one property principally for a farming activity; and
  - the rating units have a combined total area of 30 ha or more.
- then rating units will all be allocated to this category for rating purposes.

### **Corrections Facility**

A rating unit will be allocated to this category if it is used primarily by the Department of Corrections for the housing of inmates under their care.

These categories are based on the use the land is put to and are defined as above.

- All categories are allocated a differential based on a factor of 100 for the *Standard* differential category. The factors for each differential will be defined annually in the Funding Impact Statement of the Annual Plan for that financial year. However, more generally:
- Where different parts of a rating unit fall into different categories, the rating unit will be apportioned accordingly.
- Using *Standard* as a base:

- the *Rural* category's rating differential will be set lower
- *Business, Utilities and Corrections Facility* rating differential will be higher.
- *Residential High Value* differential will be set lower.

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. Activities identified by Council as benefiting *Rural* less include Animal Control, Liquor Licensing, Environmental Health, Parking Enforcement, and Parks and Reserves.

The *Business, Utilities, and Corrections Facility* differentials will be set higher than the *Standard* category in consideration of the benefits of Council services derived by these categories and that the overall benefits of well-maintained Council services and facilities and a thriving community on these categories is high. There are also services such as Parking Enforcement and Economic Development which accrue additional benefits to the ***Business category***.

The *Residential High Value* differential is set lower than the *Standard* category to prevent properties in these categories from assuming a disproportionate rates burden. Council agrees there should be a limit to how much of the general rate burden is borne by the higher residential properties as the benefit of Council activities does not increase equally with house value.

## 2.6.6 Targeted rates

A targeted rate is set under sections 16 or 19 of the LGRA and has been used to fund the activities Water Supply, Wastewater, and Stormwater.

A targeted rate is used according to the RFP when Council considers a targeted rate would enable a higher transparency in funding allocation for an activity, or Council considers that a targeted rate is fairer due to specific benefit groups/categories being able to be identified.

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. Targeted rates will be assessed against the rating units owned by the ratepayers who are to benefit

## 2.6.7 Fees and charges

Fees and charges will be used where the level of benefit can be isolated to specific users or beneficiary or exacerbators of the service/activity can be distinctly identified. User fees represent the fairest method to seek a contribution from identified beneficiaries/exacerbators. The RFP includes the percentage of fees and charges Council aspires to collect for the relevant activity.

The percentage is decided giving due consideration to the affordability of those fees. The actual fees and charges collected by Council will vary depending on a number of external factors.

## 2.6.8 Interest and dividends from investments

Council receives limited interest from cash investments. Any interest received can be used to offset the rate required in the year received. Any dividends received can also be used to offset rates.

## **2.6.9 Borrowing**

Council uses borrowing for capital expenditure. Council may use borrowing for operational expenses where the expense contributes to a longer term outcome. Borrowing is managed by the provisions of Council's Treasury Risk Management Policy (TRMP). Funding mechanisms to fund capital development are set out within the TRMP. Council may be obliged to utilise overdraft facilities and/or loan funding in order to carry out essential repairs and restore core services and operations in the event of a major civil emergency.

### **2.6.10 Proceeds from asset sales**

Funds from asset sales are applied first to offset borrowing in the relevant activity from which the asset was sold and secondly for repayment of existing term debt.

### **2.6.11 Development contributions and financial contributions**

Development contributions are to be used as a funding source for capital expenditure resulting from growth for community facilities, in accordance with Council's Development Contributions Policy. Council will continue to use Resource Management Act (RMA) based financial contributions in some circumstances.

### **2.6.12 Grants and Subsidies**

Each year Council receives funding from Waka Kotahi NZ Transport Agency as part of the overall replacement and renewal programme for the city's roading infrastructure.

Council pursues other grant and subsidy funding available from central government wherever it is considered appropriate.

### **2.6.13 Other**

Other funding sources used include lease income, cash reserves, surplus from previous financial periods and special/restricted funds.

#### **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.

For capital surpluses, the amount retained will be carried forward to fund the associated capital expenditure. For operational surpluses, the amount retained will go to an operational reserve to offset rates in future periods.

#### **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 Council's equity that are subject to special conditions of use, whether under statute or accepted as binding by 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.
- 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.

## 2.6.14 Definition of SUIP

SUIP is an acronym for 'separately used or inhabited part' of a rating unit. For the purposes of the RFP, the definition of SUIP is set out in Council's Funding Impact Statement.

## 2.6.15 Analysis of activities and funding conclusions

The table below summarises how the operating expenditure associated with each of the Council's activities are funded through applying the requirements of section 101(3) of the LGA, with more detail following. More explanation for each activity follows this summary table. The description of each activity can be found in Council's Long Term Plan.

Activity	Funding Sources			
	General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
Leadership	100%	0%	0%	0%
Subsidised land transport	49%	0%	0%	51%
Non-subsidised land transport	95%	0%	5%	0%
Water supply	0%	80%	20%	0%
Wastewater	0%	90%	10%	0%
Stormwater	0%	100%	0%	0%
Sustainability	100%	0%	0%	0%
Waste	70%	0%	0%	30%
City planning	60%	0%	40%	0%
Environmental health	70%	0%	30%	0%

Activity	Funding Sources			
	General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
Liquor licensing	30%	0%	70%	0%
Parking enforcement	20%	0%	80%	0%
Building control	25%	0%	75%	0%
Animal control	20%	0%	80%	0%
Community services	90%	0%	0%	10%
Emergency management	100%	0%	0%	0%
Parks and reserves	80%	0%	20%	0%
H2O Xstream	55%	0%	45%	0%
Library	85%	0%	15%	0%
Whirinaki Whare Taonga	100%	0%	0%	0%
Property	80%	0%	20%	0%
Akatārawa Cemetery	20%	0%	80%	0%
Economic development	100%	0%	0%	0%

Special funds can be used to fund up to 100% of projects (this is not repeated throughout the individual activity analysis)

## Leadership

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

The activity is completely for public good and for the benefit of all of Upper Hutt City. Benefits of effective strategy, policy development, good governance and representation and the monitoring of Council activities and performance is of benefit to the entire city.

### FUNDING MECHANISMS OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
100%	0%	0%	0%

The most appropriate method of funding for this activity is 100% general rate. There is no scope for user fees nor a mechanism to fund for the national/regional benefit of the activity.

## Subsidised land transport<sup>4</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



TŪĀPAPA  
Infrastructure

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

The city's land transport network is part of the national and regional transport network. Efficient and sustainable development of the network within the city contributes to the economic and social wellbeing of the entire nation as it is used by travellers, goods transporters, and others who may not live in the city.

All residents and properties within the city can be identified as direct beneficiaries of the service as provision of roads enables access and transport to people and organisations within the city. The wellbeing benefits

<sup>4</sup> This is a change from the previous RFP. *Land transport* has been split into *Subsidised land transport* and *Non-subsidised land transport*.



of maintaining efficient transport facilities accrue to all residents in one way or another and it is a public benefit.

#### Funding mechanism of the activity

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
49%	0	0	51%

National benefit is funded through Waka Kotahi NZ Transport Agency subsidy, Council resolved that the city wide benefit (public benefit) would be most efficiently and transparently funded through the general rate.

### Non-subsidised land transport<sup>5</sup>

#### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



TŪĀPAPA  
Infrastructure

#### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Maintenance of transport services to provide for convenience and pedestrian safety has a city wide benefit in that all residents use or visit the urban centre. Users of particular services gain immediate benefits while using the service e.g., parking, but the service is generally available to the public. Other users/ applicants are those requiring Corridor Access Requests to carry out public road works in Upper Hutt.

#### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
95%	0%	5%	0%

Council resolved the most transparent and efficient manner to fund the activity is through the general rate and a small proportion of fees and charges for where specific user benefits accrue (like corridor access requests).

<sup>5</sup> This is a change from the previous RFP. Land transport has been split into Subsidised land transport and Non-subsidised land transport. The funding allocation for Non-subsidised land transport has also changed.

## Water supply

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy



TŪĀPAPA  
Infrastructure

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

All residents and properties connected to or able to connect to the supply system have been assessed as a direct beneficiary of the service (specific group).

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
0%	80%	20%	0%

As the majority of the benefit of the Water Supply activity is to those who are connected to or are able to connect to the reticulated water supply, Council resolved that about 80% of the total cost of the activity should be through two targeted rates applied to these properties (including all SUIPs):

- 20% for fire protection purposes, set per dollar on a capital value basis.
- Around 60% for the general water supply service, through a uniform annual charge.

The targeted rates apply to 'serviced properties' connected to the water supply. If the rating unit can be, but is not supplied with water and is situated within 100 metres of any part of the water works, it is deemed a 'serviceable property' and 50% of the full charges will be made.

The remaining revenue required to provide the general water supply, is through user charge, based on the quantity of water used, as calculated by watermeters installed on the properties concerned and authorised by the Water Supply Bylaw, and specified in the Schedule of Fees and Charges.

## Wastewater

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



TŪĀPAPA  
Infrastructure

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Sewer collection and treatment reduces the possibility of health problems such as the spread of communicable diseases resulting from open sewer or inadequate septic tank facilities, the benefits benefit can vary depending on demand. High users include premises with multiple pans.

Individual users connected to or able to connect to the reticulated system can be identified as direct beneficiaries of the service as well as those needing to dispose of trade waste.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
0%	90%	10%	0%

Council resolved the most efficient, transparent, and effective manner for funding this activity is mostly through a targeted rate, by way of uniform annual charge, 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 property (including all SUIP).

A charge will be set for the first pan or urinal and for every second pan or urinal thereafter. In addition Council will assess schools on a formula basis, outlined in Council's Funding Impact Statement.

Each residential property and SUIPs are deemed to have one pan or urinal per SUIP, such that only one charge will be made per property or SUIP, irrespective of the number of pans or urinals.

10% of the Wastewater activity is funded through fees and charges (trade waste charges, levied at businesses).

## Stormwater

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Properties and SUiPs identified as benefiting from the Stormwater activity are those within the Upper Hutt Urban Drainage District (the details of which are contained in the Funding Impact Statement for the financial year) and the public in general. Stormwater activity offers both immediate benefits for those connected to the system as well as ongoing benefits for the wider community in terms of reduced flooding and protection of other property through flooding. Properties in built up areas tend to either directly access the stormwater system or put pressure on the system due to their proximity to the system. Urbanisation results in the establishment of significant impervious surfaces such as rooves, roads, and other hard surfaces that cover the land. These surfaces prevent rainfall from soaking into the ground and cause impacts related to the increased stormwater runoff from those surfaces. Impervious surfaces also convey contaminants into the stormwater network.

City-wide benefits arising from the Stormwater activity include general public health benefits and roads remaining passable during times of heavy rain and flooding.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
0%	100%	0%	0%

Council resolved that the most effective, equitable, and transparent method to fund the Stormwater activity is through a targeted rate.

The targeted rate is to be levied on capital value for all rating units within the Upper Hutt Urban Drainage District (the details of which are contained in the Funding Impact Statement for the financial year).

A differential is applied to the targeted rate where ‘*Business*’ properties are set higher than other properties in consideration of the higher benefit derived by businesses of the stormwater network.

## Sustainability<sup>6</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



<sup>6</sup> This is a change from the previous RFP. *Sustainability* has been split into *Sustainability* and *Waste*.

TAIAO  
Environment

PAPŌRI ME TE AHUREA  
Social and Cultural

TŪĀPAPA  
Infrastructure

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Achieving a more sustainable community benefits the entire city of Upper Hutt as well as the country.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
100%	0%	0%	0%

There is no funding available at the national level for this activity. Given the benefit of this activity to all residents, Council resolved to fund sustainability fully through the general rate. Council will seek to obtain grants where possible.

## Waste<sup>7</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural



TŪĀPAPA  
Infrastructure

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Provision of services provide benefit to the entire city as well as individual users derived from access to the landfill and the community recycling station, and in maintaining public health standards. All residents of the city benefit from general advice and education provided as part of this activity and in having a clean, litter free environment.

Effective waste management provides not only environmental, but economic benefits as well, that accrue to the nation as a whole. Effective and appropriate disposal of solid waste helps protect public health and the environment for all New Zealanders.

### FUNDING MECHANISM OF THE ACTIVITY

<sup>7</sup> This is a change from the previous RFP. *Sustainability* has been split into *Sustainability* and *Waste*.

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
70%	0%	0%	30%

Since all residents benefit from provision of this service, Council resolved a combination of general rate and the Waste Levy to be the most efficient, effective, and transparent funding mechanism available to this allocation.

## City Planning<sup>8</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

There is a city-wide benefit to District Plan administration through ensuring that the sustainable management of physical and natural resources are developed in a planned and organised way. Sustainable land use and growth planning seeks to uphold and protect outcomes that are important to the entire city. Every resident and ratepayer in the city has the opportunity to be involved in Council's planning processes.

Individuals and specific groups benefit from specific information or resource consents, which enables them to carry out certain developments.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
60%	0%	40%	0%

Council resolved the most efficient, effective and transparent funding of this activity is to have the city-wide benefit funded through the general rate and the user benefit funded through fees and charges.

<sup>8</sup> Funding allocation for this activity has changed from the previous RFP.

## Environmental health<sup>9</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Environmental Health delivers city-wide benefits by ensuring minimum health standards, such as premises being licensed and safe, healthy and hygienic for the public to use, and providing advice and education. Noise control services also contribute to healthy living.

Individuals and organisations applying for a licence to operate under specific regulations are the direct beneficiaries of this service. There is also a cost involved in responding to the actions of offenders. This includes investigating complaints, non-compliance with licenses and regulations and prosecution of offenders.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
70%	0%	30%	0%

Council resolved fees and charges should cover 30% of the funding for this activity. Some of the user/applicant benefit is funded through the general rate as not all costs are able to be recovered through fees and charges.

## Liquor licensing<sup>10</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



<sup>9</sup> Funding allocation for this activity has changed from the previous RFP.

<sup>10</sup> This is a change from the previous RFP. Gambling has been removed from Liquor Licensing.

### **DISTRIBUTION OF BENEFITS OF THE ACTIVITY**

Council acknowledge there is some city wide benefit through ensuring licences are complied with, sellers of alcohol have certain qualifications etc., which contributes towards public safety and well-being. General advice and education is also provided. The majority of the benefit of this activity is to those requiring liquor licensing. A small exacerbator cost exists through responding to actions of offenders such as through investigating complaints, non-compliance with licences and regulations and prosecution of offenders.

### **FUNDING MECHANISM OF THE ACTIVITY**

<b>General Rate</b>	<b>Targeted Rate</b>	<b>Fees and Charges</b>	<b>Grants and Subsidies</b>
30%	0%	70%	0%

Council resolved that the majority of this activity should be funded through fees and charges to capture the large user benefit and the exacerbator portion. Some of the user/applicant benefit is funded through the general rate as not all costs are able to be recovered through fees and charges due to liquor licensing fees being set by law and not covering the full administration cost. City-wide benefit is also captured through the general rate.

## **Parking enforcement<sup>11</sup>**

### **COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO**



PAPŌRI ME TE AHUREA  
Social and Cultural

### **DISTRIBUTION OF BENEFITS OF THE ACTIVITY**

The Parking enforcement activity has a large element of individuals exacerbating the need for the activity through parking inappropriately. Businesses in the CBD and the public in general benefit from this activity through having parking available throughout the day and through not having vehicles inappropriately parked throughout the wider city. There is also a safety benefit through the checking of warrants of fitness.

### **FUNDING MECHANISM OF THE ACTIVITY**

<sup>11</sup> Funding allocation for this activity has changed from the previous RFP.



General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
20%	0%	80%	0%

As a large amount of the activity is the result of action from individuals, it is appropriate the majority of funding for the activity is through infringement fees levied at the offenders. The general rate is used to fund the benefit to businesses and the general public.

## Building control

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

The activity is mandatory and the city-wide benefit is through ensuring minimum building standards are met and that buildings are safe for use. Individuals and groups applying for a building consent, inspection, compliance certificates, and advice are the direct beneficiaries of this service. There are some costs incurred through responding to the actions of offenders. This includes costs associated with non-compliance with consents and building warrants of fitness.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
25%	0%	75%	0%

Council resolved that the most efficient, effective and transparent method to fund this activity is through the general rate for the city-wide benefit and the rest through fees and charges levied at individuals.

## Animal control

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural

**DISTRIBUTION OF BENEFITS OF THE ACTIVITY**

The city-wide benefit is derived from general advice given to the public, education, and public safety. Individuals applying for and maintaining dog registration and receiving education are the direct beneficiaries of this service. There is some cost associated with responding to the actions of offenders. This includes investigating complaints, impounding animals, and prosecuting offenders.

**FUNDING MECHANISM OF THE ACTIVITY**

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
20%	0%	80%	0%

Council resolved the most efficient, effective and transparent manner to fund this activity is to capture the user/applicant and exacerbator components through fees and charges. The benefit to the city from public safety is captured through funding from the general rate.

**Community services<sup>12</sup>**

**COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO**



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

**DISTRIBUTION OF BENEFITS OF THE ACTIVITY**

This activity has city-wide benefit in promoting an informed, connected, safe, healthy, and resilient community. Having a central and neutral service providing encouragement, advice, facilitation, information, coordination, and training benefits everyone.

<sup>12</sup> This is a change from the previous RFP. Activation has been merged into Community Services.

There is user/applicant benefit to participants in events and activities and to sports, leisure, and cultural groups as well as to sponsors advertising at particular events.

#### FUNDING MECHANISM OF THE ACTIVITY.

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
90%	0%	0%	10%

Council resolved that a safe, healthy and strong community is a vital outcome for the whole city to achieve, and therefore the majority of the activity should be funded through the general rate.

As this activity meets national government priorities and objectives, it is appropriate that some funding comes from grants and subsidies.

## Emergency management

#### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

#### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

Emergency Management has been assessed to have an element of national/regional benefit, by way that this service provides safety and general wellbeing to the national public under a national civil defence and emergency management network. Emergency Management is considered to have a high city-wide benefit for the safety and wellbeing of all people within the city.

#### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
100%	0%	0%	0%

Council is expected to contribute resources to carry out emergency management operations. Central government will assist with the reimbursement of costs in the event of an actual emergency; however, the ongoing operation of the service is the responsibility of Council. As this activity benefits the whole city, Council resolved that the general rate is the most appropriate funding mechanism.

## Parks and reserves

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

There is a large city-wide benefit to this activity as the benefits of providing recreational spaces and facilities for the community is of benefit to the entire city. There is some community specific benefit involved as those living in urban areas may derive more benefit from them than those in rural areas. User/applicant benefit arises from groups gaining exclusive access of a facility either for an ongoing or a short amount of time and the small exacerbator cost arises from increased maintenance requirements where facilities have been harmed in some way.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
80%	0%	20%	0%

The most appropriate funding for the majority of the activity was resolved to be the general rate. Where groups have exclusive use of a facility, fees and charges are obtained.

## H<sub>2</sub>O Xtream<sup>13</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

<sup>13</sup> Funding allocation for this activity has changed from the previous RFP.

## DISTRIBUTION OF BENEFITS OF THE ACTIVITY

There is some regional benefit from this activity as people travel from around the region to visit H<sub>2</sub>O Xtream. This activity is assessed to have a benefit to the wider city as anyone wanting to use the facility has access to it. It provides for leisure, training or health needs of the entire city and builds a safe and healthy community through opportunities to enjoy aquatic exercise. There is also city-wide benefit arising through the promotion of the city, and the attraction of visitors to Upper Hutt.

Individual users, clubs, schools and sponsor advertising onsite are direct beneficiaries of the service.

## FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
55%	0%	45%	0%

As those using and advertising at the facility benefit from its availability some funding through user fees and charges is appropriate. The city-wide and regional benefit is most appropriately funded through the general rate.

## Library

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

## DISTRIBUTION OF BENEFITS OF THE ACTIVITY

The Library activity provides a degree of benefit to the wider city as a whole relating to enhancing the knowledge and skills of the population and through providing enjoyment. Benefits also include the promotion of knowledge building, social interaction, and the provision of services to people with special needs.

Borrowers, information seekers, and users of other library services are the direct beneficiaries of the activity. Exacerbators are those damaging or losing books.

## FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
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85%	0%	15%	0%
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Council resolved the general rate to be the most appropriate, efficient, and transparent funding tool for the city- wide benefit of the activity. Although the user benefit for this service is high, funding this allocation fully through fees and charges would be detrimental to usage as it would make fees prohibitively high for users. Additionally, Council has resolved to not charge overdue fines. Council has an obligation to provide free membership to library services for Upper Hutt residents. Therefore, Council resolved to partly fund the user benefit through the general rate with 15% of the activity funded through fees and charges.

## Whirinaki Whare Taonga

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

The city benefits from this activity through the creation of a community with a strong identity through providing access to a venue where people can express themselves through the arts and performance, as well as through physical leisure activities.

Users of the facility, including performers, exhibitors, individuals, businesses, schools, groups, organisations, and sponsors are direct beneficiaries of this function.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
100%	0%	0%	0%

Council resolved that funding of this activity through the general rate is the most appropriate method in order to enable general access to this service, regardless of personal circumstance.

## Property

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

This activity is assessed to have some city-wide benefit as the land and buildings are retained and maintained by Council either with strategic intent or as investments which provide benefit to the city as a whole. There is user benefit through lessees and users of property.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
80%	0%	20%	0%

Council resolved fees and charges to be the most efficient and transparently lawful method of funding for the user benefit of this activity. However, the Civic Centre housing Council employees and the Council Chambers is for public good. Therefore, Council resolved for the majority of this activity to be funded through the general rate.

## Akatārawa Cemetery

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



TAIAO  
Environment



PAPŌRI ME TE AHUREA  
Social and Cultural

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

This activity is assessed to provide a degree of benefit to the wider city as a whole. City-wide benefit results from the promotion of public health and sanitary disposal of the deceased. It also contributes to the cultural wellbeing of all people in the city. The direct benefit of this service is to the friends and families of the deceased.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
20%	0%	80%	0%

Council resolved user fees and charges to be the most efficient, effective and transparently lawful method to fund the user benefit allocation and the general rate as the most appropriate method to fund the city-wide benefit.

## Economic development<sup>14</sup>

### COMMUNITY OUTCOMES THE ACTIVITY CONTRIBUTES TO



PAPŌRI ME TE AHUREA  
Social and Cultural



ŌHANGA  
Economy

### DISTRIBUTION OF BENEFITS OF THE ACTIVITY

There is an element of national/regional benefit that results from attracting visitors to the city. New Zealand as a whole and particularly the region will benefit from services and events which attract overseas and local visitors. The visitor industry has a city-wide benefit as it gives effect to the economic development and employment in the city as a whole. Attracting more people and businesses into Upper Hutt ensures its ongoing vitality and a thriving business community is important to the wellbeing of the city as a whole.

### FUNDING MECHANISM OF THE ACTIVITY

General Rate	Targeted Rate	Fees and Charges	Grants and Subsidies
100%	0%	0%	0%

There is no funding mechanism for the national/regional benefit of the activity. Although some sectors 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. As a thriving business community and city, promotion is vital to city wellbeing, Council resolved that all of this activity would be funded through the general rate.

<sup>14</sup> This is a change from the previous RFP. Business Development has been merged into Economic Development.



## 2.7 Policy on development and financial contributions

### Introduction

#### 2.7.1 Purpose of the policy

1. Population and business growth create the need for new subdivisions and developments, and these place increasing demands on the assets and services provided by Council. As a result, significant investment in new or upgraded assets and services is required.
2. The purpose of the Policy is to ensure that a fair, equitable, and proportionate share of the cost of that infrastructure is funded by development. Upper Hutt City Council intends to achieve this by using:
  - Development contributions under the Local Government Act 2002 (LGA) to help fund growth related capital expenditure on transport and district wide benefiting community infrastructure in the city; and
  - Financial contributions under the Resource Management Act 1991 (RMA), primarily to help fund growth related reserve and local leisure facilities, such as playgrounds.
3. Upper Hutt City Council does not charge development contributions for water, wastewater, or stormwater.

#### 2.7.2 Navigating this document

4. The Policy outlines Council's approach to funding development infrastructure via development contributions and financial contributions. The Policy has three main parts:
  - Part 1: Policy operation
  - Part 2: Policy background and supporting information
  - Part 3: Catchment maps for the development contribution charges

##### **Part 1: Policy Operation**

5. Part 1 provides information needed to understand if, when, and how development contributions and financial contributions will apply to developments. It also explains peoples' rights and the steps required to properly operate the Policy.
6. The key sections of Part 1 are:
  - The charges
  - Liability for development contributions
  - When development contributions are levied
  - Determining infrastructure impact
  - Review rights
  - Other operational matters

- Summary of financial contributions
- Definitions

## **Part 2: Background and Supporting information**

7. Part 2 provides the information needed to meet the accountability and transparency requirements of the LGA for the Policy, including explaining Council's policy decisions, how the development contribution charges were calculated, and what assets the development contributions are intended to be used towards.
8. The key sections of part 2 are:
  - Requirement to have the Policy
  - Funding summary
  - Funding policy summary
  - Catchment determination
  - Significant assumptions of the Policy
  - Cost allocation
  - Calculating the development contribution charges
  - Schedule 1 Growth related assets and development contribution calculations summary

## **Part 3: Catchment Map**

9. Part 3 provides the catchment map that show where the local development contribution charges in the Policy apply.

## **2.7.3 Part 1: Policy Operation**

### Development Contributions

#### **THE CHARGES**

10. There is a district wide catchment for transport and community infrastructure development contributions, plus eight local transport catchments with additional transport charges. The local catchments are mapped in Part 3 of the Policy.
11. The related development contribution charges per Equivalent Household Unit (EHU) for each activity are in Table 1. See the *Determining infrastructure impact* section below for an explanation of an EHU.
12. For each infrastructure activity and catchment for which development contributions are required, the development contribution payable is calculated by multiplying the number of EHUs generated through the development by the charge for that activity. This is then aggregated for all activities to give the total charge.
13. For example, a development in an area subject only to the district wide charges that creates three additional residential lots will pay three times the district wide community infrastructure and transport charges. The total development contributions payable in this case would be \$25,743 (i.e. 3 x \$8,581).

14. A three-lot rural residential development in the Katherine Mansfield extension catchment will pay three times the residential development total for that catchment, which also includes the district wide charges. The total development contributions payable in this case would be \$52,584 (i.e. 3 x \$17,528).
15. These charges may be adjusted for inflation annually in line with the Producers Price Index outputs for Construction, as permitted by sections 106 (2B) and (2C) of the LGA. The latest charges will be published on Council's website [www.upperhuttcity.com](http://www.upperhuttcity.com).

Table 1: Development contribution charge per EHU on 1 July 2023 (GST inclusive)<sup>15</sup>

<b>Development contribution per EHU</b>				
	Transport	Community Infrastructure (residential development only)	Non-residential development total (including all district wide charges)	Residential <sup>16</sup> development total (including all district wide charges)
District wide	\$2,382	\$6,199	\$2,382	\$8,581
Alexander Road catchment	\$776	\$0	\$3,158	\$9,357
Akatarawa Roding catchment	\$11,144	\$0	\$13,525	\$19,724
Kaitoke Roding catchment	\$11,587	\$0	\$13,969	\$20,168
Mangaroa Roding catchment	\$6,187	\$0	\$8,569	\$14,768
Katherine Mansfield extension (includes Mangaroa contribution)	\$8,947	\$0	\$11,329	\$17,528

<sup>15</sup> GST has been applied at the rate of GST as at 1 July 2023 (15%). Should the rate of GST change, the charges will be adjusted accordingly. The GST exclusive charge per activity can be found in Schedule 1.

<sup>16</sup> Includes rural residential development.

Swamp Road (East) (combined Mangaroa and Katherine Mansfield extension contributions)	\$8,947	\$0	\$11,329	\$17,528
Swamp Road (West) (includes Mangaroa and Katherine Mansfield Drive extension contributions)	\$23,702	\$0	\$26,083	\$32,282

## 2.7.4 Liability for development contributions

16. If subdividing, building, or otherwise undertaking development in Upper Hutt City, development contributions may need to be paid.
17. In some circumstances, development contributions may not apply or may be reduced. Further information on these circumstances can be found in the sections, when development contributions are levied, credits, and limitations on imposing development contributions.
18. Financial contributions may also be required in some cases. This is discussed later in the Policy.
19. Development of new infrastructure sometimes means that areas not previously liable for a development contribution become so. For example, building on a bare section in a subdivision may be liable for development contributions whereas previously constructed houses on the same subdivision were not.
20. Council officers will be available to help resolve any uncertainty about development contribution liabilities.

## 2.7.5 When development contributions are levied

21. Once an application for a resource consent, building consent, or certificate of acceptance has been made with all the required information, the normal steps for assessing and requiring payment of development contributions are.

### TRIGGER

We assess the development for development contributions



### NOTICE

We issue a formal notice of requirement



### INVOICE

We issue an invoice requiring payment



### PAYMENT

Development contributions are paid

22. These steps are explained in more detail below.

### **Trigger for requiring development contributions**

23. Council can require development contributions for a development upon the granting of:
  - A resource consent.
  - A building consent or certificate of acceptance.
24. Council will generally require development contributions at the earliest possible point (i.e. whichever consent or certificate is granted first). For new developments, the resource consent is often the first step in the process and therefore the first opportunity to levy development contributions. Where development contributions were not assessed (or only part assessed) on the first consent or certificate for a development this does not prevent the Council assessing contributions on a subsequent consent or certificate for the same development. This approach is the same for all charges in all catchments.
25. Development contributions will be assessed under the Policy in force at the time the application for resource consent, building consent, or certificate of acceptance was submitted with all required information.

### **Assessment**

26. On receiving an application for resource consent, building consent, or certificate of acceptance, Council will check that:
  - (A) The development (subdivision, building, land use, or work) generates a demand for community or network infrastructure; and
  - (B) The effect of that development (together with other developments) is to require new or additional assets or assets of increased capacity in community or network infrastructure; and
  - (C) Council has incurred or will incur capital expenditure to provide appropriately for those assets. This includes capital expenditure already incurred by Council in anticipation of development.
27. Council has identified the assets and areas that are likely to meet the requirements of (B) and (C). Assets are outlined in Schedule 1 (Past and future assets funded by development contributions). For many of these, the impact is district wide. Part 3 (Development contribution catchment maps) outlines where there are local charges related to the impact of development in these areas.
28. Consequently, it is likely that development contributions will be required for most developments if they meet the requirements in (A). However, Development contributions may be waived or reduced if:
  - A resource consent or building consent does not generate additional demand for any community facilities (such as a minor boundary adjustment); or
  - One of the circumstances outlined in the section *Limitations on imposing development contributions* apply; or
  - Credits apply as outlined in the *Credits* section.
29. If a subsequent resource consent (excluding a change to conditions of an existing resource consent), building consent, or certificate of acceptance is sought, a new assessment may be undertaken using the Policy in force at that time. Any increase or decrease in the number of EHUs, relative to the original assessment, will be calculated and the contributions adjusted to reflect this.

30. This means Council will require additional development contributions where additional units of demand are created, and development contributions for those additional units of demand have not already been required.
31. Examples of where these would be needed, include:
- Minimal development contributions were levied on a commercial development at subdivision or land use consent stage as the type of development that will happen will only be known at building consent stage.
  - Development contributions levied at the subdivision or land use consent stage were for a small home, but the home built is larger or is subsequently extended.
  - The nature of use has changed, for example from a low infrastructure demand commercial use to a high infrastructure demand commercial use.

### Notice

32. A development contribution notice will normally be issued when a resource consent, building consent, or certificate of acceptance is granted. In some cases, the notice may be issued or re-issued later. The notice is an important step in the process as it outlines the activities and the number of EHUs assessed for development contributions, as well as the charges that will apply to the development. It also triggers rights to request a development contributions reconsideration or to lodge an objection (see the section on *Review rights* below).
33. If multiple consents or authorisations are being issued for a development, a notice of requirement may be issued for each. However, where payments are made in relation to one of the notices, actual credits will be recognised for the remaining notices.
34. Development contributions notices do not constitute an invoice, taxable supply information, or an obligation to pay for the purposes of the Goods and Services Tax Act 1985. An invoice will be issued at the time of supply. The time of supply will be the earlier of Council issuing an invoice to the applicant in accordance with table 2, or payment of the development contributions.

### Invoice

35. An invoice for development contribution charges will be issued to provide an accounting record and to initiate the payment process. The timing of the invoice is different for different types of consents or authorisations (see Table 2).

Table 2: Invoice timing

	Invoice timing
<b>Building consent</b>	At granting of the building consent
<b>Certificate of acceptance</b>	Prior to issue of a certificate of acceptance
<b>Resource consent for subdivision</b>	At the time of application for a certificate under section 224(c) of the Resource Management Act 1991. An invoice will be issued for each stage of a

	development for which 224 (c) certificates are sought, even where separate stages are part of the same consent
<b>Resource consent (other)</b>	At granting of the resource consent, or for retirement villages developments prior to issue of code compliance certificates for each stage.

36. Despite the provisions set out above, if a development contribution required by Council is not invoiced at the specified time as a result of an error or omission on the part of Council, the invoice will be issued when the error or omission is identified. The development contributions remain payable.

### Payment

37. Development contributions must be paid by the due dates in Table 3.

Table 3: Payment due date

	Payment due date
<b>Building consent</b>	20th of the following month (after the issue of the invoice)
<b>Certificate of acceptance</b>	Prior to issue of a certificate of acceptance
<b>Resource consent for subdivision</b>	Prior to release of the certificate under section 224(c) of the Resource Management Act 1991 (the 224(c) certificate) for each stage
<b>Resource consent (other)</b>	20th of the following month (after the issue of the invoice), or for retirement village developments, prior to issue of code compliance certificates for each stage.

38. On time payment is important because, until the development contributions have been paid in full, Council may:

- Prevent the commencement of a resource consent.
- Withhold a certificate under Section 224(c) of the RMA.
- Withhold a code compliance certificate under Section 95 of the Building Act 2004.
- Withhold a service connection to the development.
- Withhold a certificate of acceptance under section 99 of the Building Act 2004.

39. Where invoices remain unpaid beyond the payment terms set out in the Policy, Council will start debt collection proceedings, which may involve the use of a credit recovery agent. Council may also register the development contribution under the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

### 2.7.6 Determining infrastructure impact

40. In order to have a consistent method of charging for development contributions, the Policy is centred around the concept of an equivalent household unit or “EHU” for infrastructure. In other words, an

average household in a standard residential unit and the demands they typically place on community facilities. Table 4 summarises the demand characteristics of an EHU.

**Table 4: EHU demand measures**

Activity	Unit of measurement	demand per EHU
<b>Community Infrastructure</b>	People in residence	2.5 people
<b>Transport</b>	Trips per day	8 trips per day

### **Residential development**

41. In general, the number of EHUs charged is one per new allotment or residential unit created, although lower assessments can apply in some cases for minor and small residential units.
42. When calculating the number of EHUs for a residential subdivision, Council will adjust the assessment to account for any:
  - Credits relating to the site (refer to the *Credits* section below).
  - Allotment which, by agreement, is to be vested in Council for a public purpose.
  - Allotment required as a condition of consent to be amalgamated with another allotment.
43. Retirement village units (per unit) and aged care rooms (per room) will be assessed as 0.3 EHUs for transport and community infrastructure. Retirement village ancillary facilities will not be assessed separately for development contributions if those facilities are for the exclusive use of the residents and their guests (i.e. not open to the public).
44. Visitor accommodation units will be assessed as 0.5 EHUs for each service including community infrastructure.

### **Minor and small residential units**

45. Council will permit lower assessments for minor or small residential units in relation to:
  - Building consents or certificate of acceptance.
  - Subdivision or land use consents where information is provided by the applicant that demonstrates that a minor or small residential unit(s) will be provided, to the satisfaction of Council. Council may enter into agreements with developers or landowners to give effect to a minor or small residential unit assessment and bind the applicant to any conditions that accompany the assessment.
46. For subdivisions, Council will assess each allotment as 1 EHU and may agree to postpone payment by the person undertaking the subdivision until a building consent is issued for an allotment. At that time, Council will adjust the assessment and the payment required accordingly. See the section on *Postponement*.
47. Such assessments are guided by the parameters outlined in Table 5.

Table 5: Small residential unit (RU) assessment guidance



	MINOR RU	SMALL RU	STANDARD RU
No. of bedrooms*	1	2	3 or more
EHU Discount (all services)	50%	25%	Nil
Proportion of EHU Payable for all charges	0.5	0.75	1

\* A definition of bedroom is provided in the definitions

48. Should additional bedrooms be proposed to a minor or small residential unit that has been assessed under this section, Council will require additional development contributions in line with Table 6.

Table 6: Small residential unit (RU) extension assessment guidance (EHUs)

TYPE OF EXTENSION	TOP OF PROPORTION REQUIRED	TOTAL PROPORTION REQUIRED
Extend minor RU to a small RU	0.25	0.75
Extend minor RU to a standard RU	0.5	1
Extend small RU to a standard RU	0.25	1

### Non-Residential development

49. Non-residential subdivisions, land uses, or building developments are more complicated as they do not usually conform with typical household demands.

50. Council does not charge non-residential development contributions for community infrastructure. For transport, Council makes a household “equivalent” assessment based on the characteristics of the development and demand loadings likely to be placed on transport. To provide consistency, the demand measures in Table 4 for transport have been converted for assessing non-residential developments based on gross floor area (Table 7). Council will use these rates for determining EHUs for non-residential developments unless it seeks or accepts a special assessment.

Table 7: EHU per 100 m<sup>2</sup> GFA

Development Type	Transport
Industrial	4
Commercial	3
Retail	6.0
Other non-residential	Special assessment

51. If no proper assessment of the likely demand for activities is able to be carried out at the subdivision consent stage, a development contribution based on one EHU will be charged for each new allotment created and Council will require an assessment to be carried out at the building consent stage. This later assessment will credit any development contributions paid at the subdivision consent stage.

### **Special assessments**

52. Developments sometimes require a special level of service or are of a type or scale which is not readily assessed in terms of EHUs – such as a service stations. In these cases, Council may decide to make a special assessment of the EHUs applicable to the development. Council may initiate this process or may consider a request by the developer, in writing, to make a special assessment prior to a development contribution notice being issued.
53. In general, Council will evaluate the need for a special assessment for one or more activities where it considers that:
  - (A) The development is of relatively large scale or uses, such as a supermarket; or
  - (B) The development is likely to have less than half or more than twice the demand for an activity listed in Table 7 for that development type; or
  - (C) A non-residential development does not fit into an industrial, retail, or commercial land use and must be considered under the other category in Table 5.
54. The demand measures in Table 4 will be used to help guide special assessments.
55. Where the special assessment is requested by the developer, the onus is on the applicant to prove (on the balance of probabilities) that the actual increased demand created by the development meets the requirement of criteria (B) above.
56. Any application for a special assessment must be accompanied by the fee payable to recover the Council's actual and reasonable costs of determining the application. The fee will be assessed at the time of application. Council may levy additional fees to meet Council's actual costs, should the actual costs be materially higher than the initial assessment.
57. If a special assessment is undertaken, Council may require the developer to provide information on the demand for community facilities generated by the development. Council may also carry out its own assessment for any development and may determine the applicable development contributions based on its estimates.

### **Credits**

58. Credits are a way of acknowledging that the lot, home or business may already be connected to, or lawfully entitled to use, one or more Council services, or a development contribution has been paid previously. Credits can reduce or even eliminate the need for a development contribution. Credits can only be used for development on the same site and for the same service for which they were created.
59. A credit is given for the number of EHUs paid previously or assessed for the existing or most recent prior use of the site. This is to recognise situations where the incremental demand increase on infrastructure is not as high as the assessed number of units of demand implies.

60. The number of EHU credits available will be calculated by applying the criteria in the above paragraph except where what is being considered is residential allotments existing as at 1 July 2023 – these are deemed to have a credit of one EHU.

61. Examples where credits will arise are illustrated in table 8.

Table 8: Credit examples

Situation	Credits
Re-development of six residential allotments into a commercial office block	6 EHUs credits, i.e. one for each of the existing residential allotments
Infill residential subdivision of existing allotment into two allotments.	1 EHU credit, i.e. one for the original allotment. Development contributions payable on 1 EHU
Residential development of existing CBD site with 400 m <sup>2</sup> GFA commercial building (200m <sup>2</sup> footprint) into eight unit title apartments	Transport: 12 EHUs credits (400 m <sup>2</sup> GFA x 3 EHUs per 100 m <sup>2</sup> )

## 2.7.7 Review rights

62. Developers are entitled under the LGA to request a reconsideration or lodge a formal objection if they believe Council has made a mistake in assessing the level of development contributions for their development.

### Reconsideration

63. Reconsideration requests are a process that formally requires Council to reconsider its assessment of development contributions for a development. Reconsideration requests can be made where the developer has grounds to believe that:

- The development contribution levied was incorrectly calculated or assessed under the Policy; or
- Council has incorrectly applied the Policy; or
- The information Council used to assess the development against the Policy, or the way that Council has recorded or used that information when requiring a development contribution, was incomplete or contained errors.

64. To seek a reconsideration, the developer must:

- Lodge the reconsideration request within 10 working days of receiving the development contribution notice by emailing it to (emailaddressstocome@uhcc.govt.nz).
- Use the reconsideration form (found on [www.upperhuttcity.com](http://www.upperhuttcity.com)) and supply any supporting information with the form.
- Pay the reconsideration fee at the time of application, as set out in Council's Schedule of Fees and Charges.

65. Applications with insufficient information or without payment of fee will be returned to the applicant, with a request for additional information or payment.
66. Once Council has received all required information and the reconsideration fee, the request will be considered by a panel of a minimum of two, and a maximum of three, staff. The panel will comprise staff that were not involved in the original assessment. Before reaching decision, the panel will consider all of the information supplied by the applicant and will consider and apply the requirements of the Policy, along with any other information that the panel considers is relevant to the reconsideration request. The result of a reconsideration decision may confirm the original assessment or increase or decrease the amount required.
67. Council will notify the applicant of its decision within 15 working days from the date on which Council receives all required relevant information relating to the request (including additional information sought by Council).
68. No reconsideration request will be accepted by Council if it is received after the 10 working day period above, or if an objection has already been lodged under section 199C of the LGA. The applicant will receive written notice if the request for reconsideration cannot be made for one of these reasons. Council reserves the right to reconsider an assessment if it believes an error has been made.

### **Objections**

69. Objections are a more formal process that allow developers to seek a review of the Council's decision. An application for reconsideration does not prevent the applicant from also filing an objection under section 199C of the LGA.
70. A panel of up to three independent commissioners will consider the objection. The decision of the commissioners is binding on the developer and the Council, although either party may seek a judicial review of the decision.
71. Objections may only be made on the grounds that Council has:
  - Failed to properly take into account features of the development that, on their own or cumulatively with those of other developments, would substantially reduce the impact of the development on requirements for community facilities in the district or parts of the district; or
  - Required a development contribution for community facilities not required by, or related to, the development, whether on its own or cumulatively with other developments; or
  - Required a development contribution in breach of section 200 of the LGA; or
  - Incorrectly applied the Policy to the development.
72. Schedule 13A of the LGA sets out the objection process. To pursue an objection, the developer must:
  - Lodge the request for an objection within 15 working days of receiving notice to pay a development contribution, or within 15 working days of receiving the outcome of any request for a reconsideration; and
  - Use the objection form (found on [www.upperhuttcity.com](http://www.upperhuttcity.com)) and supply any supporting information with the form; and
  - Pay a deposit.

73. Objectors are liable for all costs incurred in the objection process including staff arranging and administering the process, commissioner's time, and other costs incurred by Council associated with any hearings such as room hire and associated expenses, as provided by section 150A of LGA. However, objectors are not liable for the fees and allowances costs associated with any Council witnesses.

## 2.7.8 Other operational matters

### Refunds

74. Sections 209 of the LGA states the circumstances where development contributions must be refunded, or land returned. In summary, Council will refund development contributions paid if:
- The resource consent:
    - lapses under section 125 of the RMA; or
    - is surrendered under section 138 of the RMA; or
  - The building consent lapses under section 52 of the Building Act 2004; or
  - The development or building in respect of which the resource consent or building consent was granted does not proceed; or
  - Council does not provide the community or network infrastructure for which the development contributions were required.
75. Council will also provide refunds where overpayment has been made (for whatever reason).
76. Where the Council refunds a development contribution, it may retain a portion of the contribution equivalent to the costs incurred by the Council in assessing, requiring, and refunding the charges.

### Limitations on Imposing Development Contributions

77. Council is unable to require a development contribution in certain circumstances, as outlined in section 200 of the LGA, if, and to the extent that:
- It has, under section 108(2)(a) of the RMA, imposed a condition on a resource consent in relation to the same development for the same purpose; or
  - The developer will fund or otherwise provide for the same community or network infrastructure; or
  - A third party has funded or provided, or undertaken to fund or provide, the same community or network infrastructure.
  - 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. However, the Council may require another development contribution to be made for the same purpose if the further development contribution is required to reflect an increase in the scale or intensity of the development since the original contribution was required.
78. In addition, Council will not require a development contribution in any of the following circumstances:

- Non-residential building work for which a building consent is required and is either less than \$20,000 exclusive of GST in value, or less than 10m<sup>2</sup> of gross floor area, unless the building consent is for a change of use.
- In relation to any dwelling, replacement development, repair or renovation work generates no additional demand for community infrastructure or transport.
- The conversion of an existing unit developments into unit titles. This does not apply to any building consents required as part of any changes to the existing units, which will still be assessed to determine if development contributions are applicable.
- A building consent is for a bridge, dam (confined to the dam structure and any tail race) or other public utility.
- The application for a resource or building consent, authorisation, or certificate of acceptance is made by the Crown.

### **Postponement**

79. Postponement of development contribution payment will only be permitted at Council's discretion and only where a bond or guarantee equal in value to the payment owed is provided.
80. The request for postponement must be made at the time a resource consent or building consent is granted. Bond or guarantees:
- Will only be accepted from a registered trading bank.
  - Shall be for a maximum period of 24 months, beyond the normal payment date set out in the Policy, subject to later extension as agreed by Council.
  - Will have an interest component added, at an interest rate of 2 percent per annum above the Reserve Bank 90-day bank bill rate on the day the bond document is prepared. The bonded sum will include interest, calculated using the maximum term set out in the bond document. If Council agrees to an extension of the term of the guarantee beyond 24 months, the applicable interest rate will be reassessed from the date of the Council's decision and the guaranteed sum will be amended accordingly.
  - Shall be based on the GST inclusive amount of the contribution.
81. At the end of the term of the guarantee, the development contribution (together with interest) is payable immediately to Council.
82. If the discretion to allow a bond is exercised, all costs for preparation of the bond documents will be met by the applicant.

### **Development Agreements**

83. Council may enter into specific arrangements with a developer for the provision and funding of infrastructure under a development agreement, including the development contributions payable, as provided for under sections 207A-207F of the LGA. For activities covered by a development agreement, the agreement overrides the development contributions normally assessed as payable under the Policy.

### **Remissions**

84. Council may remit all or part of a development contribution at its complete discretion. Council will only consider exercising its discretion in exceptional circumstances. Applications made under this part will be considered on their own merits and any previous decisions of Council will not be regarded as binding precedent.
85. Any request for remission must be made in writing and set out the reasons for the request. The request must be made:
- within 15 working days after Council has issued a notice for the development contribution payable; and
  - before the development contribution payment is made to Council.
  - Council will not allow retrospective remissions of development contributions.
86. Council delegates to the CEO, in conjunction with the Chair of the Finance and Performance Committee, with authority to delegate to officers, the authority to make a decision on a request for remission.
87. When considering a request for remission, Council will take into account:
- The purpose of Development Contributions, Council's financial modelling, and Council's funding and financial policies.
  - The extent to which the value and nature of the works proposed by the applicant reduces the need for works proposed by Council in its capital works programme.
  - Any other matter(s) that Council considers relevant.

#### **Supporting development of Māori land**

88. Development contributions shall not apply to developments to Marae, urupa, and wahi tapu sites or to Māori freehold land or Māori customary land, as defined by the Te Ture Whenua Māori Act 1993, for:
- Not for profit social, culture, ora, or educational centre developments.
  - Kāinga kāumatua or papakāinga.
89. For the avoidance of doubt, this remission does not apply to such land for commercial, industrial, or retail developments or to residential developments that do not qualify as papakāinga or kāinga kāumatua.

### **2.7.9 Financial contributions**

Relationship between financial contributions and development contributions

90. The financial contributions and development contributions in this Policy are separate charges and are used to fund separate categories of expenditure by Council.
91. Financial contributions can be required under the RMA in line with the provisions in the District Plan. Broadly, the financial contribution provisions within the District Plan, together with changes proposed under the Intensification Planning Instrument notified in July 2022, require:
- Financial contributions for reserve and leisure facilities (summarised further below).

- Financial contributions towards, or obligation to undertake at a developer's cost, specific network infrastructure upgrades arising from a development to accommodate any specific effects. This is only levied if required because a development generates specific upgrade requirements, and the need for any contribution is assessed on a case-by-case basis. For example, an obligation to upgrade the road frontage or a contribution may be imposed in lieu of a consent condition to undertake the work directly. They may also be used to offset any adverse effect(s) of a specific development to ensure positive effects on the environment.
  - Developers to undertake and meet the costs of the infrastructure within a development or subdivision.
92. Development contributions can be required under the LGA and are used to help fund planned and budgeted capital expenditure related to growth for the activities and assets listed in the development contributions schedule of assets in this Policy (Schedule 1). Development contributions are used to address wider network impacts arising from multiple developments for community infrastructure and transport.
93. The two systems are complementary and there is no cross-over in funding or double dipping, consistent with the intention of section 200 of the LGA.

#### **Reserve and Leisure Facility Contributions**

94. There is a long history of requiring subdividers of land to provide land or money for the purpose of providing public open space as reserves. Reserves are generally required as part of the subdivision process as they provide open space and recreation facilities and opportunities necessary to cater for additional demand generated and also to protect and enhance amenity values. As communities continue to grow in size and population there is a need to provide recreation and open space to meet their needs and requirements:
95. The District Plan has a financial contribution equal to 4% of the market value of each additional allotment created or 4% of market value of the net site area identified for each additional residential unit on a site.
96. The District Plan describes these as reserve and leisure facilities. However, the application of this funding stream is only for reserves and local leisure facilities, such as playgrounds. Community wide community infrastructure for growth such as the expansion of H2o Extreme is funded via development contribution. The District Plan will be updated in time to reflect this.
97. Reserve and leisure facility contributions may also be used for:
- The protection and conservation of amenity values, and the life supporting capacity of ecosystems and waterbodies.
  - The provision of access to identified rivers, streams or lakes.
  - The protection of historical, scientific, cultural or aesthetic values of landscape features, landforms, places or buildings

### **2.7.10 Definitions**

98. In the Policy, unless the context otherwise requires, the following applies:

**Accommodation unit** has the meaning given in section 197 of the LGA.



**Activity** means the provision of facilities and amenities within the meaning of community or network infrastructure for which a development contribution charge exists under the Policy.

**Actual increased demand** means the demand created by the most intensive non-residential use(s) likely to become established in the development within 10 years from the date of application.

**Aged care room** means any dwelling unit in a “rest home” or “hospital care institution” as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001

**Allotment (or lot)** has the meaning given to allotment in section 218(2) of the Resource Management Act 1991.

**Asset management plan** means Council plan for the management of assets within an activity that applies technical and financial management techniques to ensure that specified levels of service are provided in the most cost-effective manner over the life-cycle of the asset.

**Bedroom** means any habitable space within a residential unit capable of being used for sleeping purposes and can be partitioned or closed for privacy including spaces such as a “games”, “family”, “recreation”, “study”, “office”, “sewing”, “den”, or “works room” but excludes:

- any kitchen or pantry;
- bathroom or toilet;
- laundry or clothes-drying room;
- walk-in wardrobe;
- corridor, hallway, or lobby;
- garage; and
- any other room smaller than 6m<sup>2</sup>.

Where a residential unit has any *living* or *dining* rooms that can be partitioned or closed for privacy, all such rooms except one shall be considered a bedroom.

**Capacity life** means the number of years that the infrastructure will provide capacity for and associated EHUs.

**Catchment** means the areas within which development contributions charges are determined and charged.

**Commercial activity** means any activity associated with (but not limited to): communication services, financial services, insurance, services to finance and investment, real estate, business services, central government administration, public order and safety services, tertiary education provision, local government administration services and civil defence, and commercial offices.

**Community facilities** means reserves, network infrastructure, or community infrastructure as defined by the LGA, for which development contributions may be required.

**Community infrastructure** means:

- Land, or development assets on land, owned or controlled by the Council for the purpose of providing public amenities; and

- Includes land that the Council will acquire for that purpose.

**Council** means Upper Hutt City Council.

**Development** means any subdivision, building, land use, or work that generates a demand for reserves, network infrastructure, or community infrastructure (but does not include the pipes or lines of a network utility operator).

**District** means the district of Upper Hutt City Council.

**Equivalent household unit (EHU)** means demand for Council services, equivalent to that produced by a nominal household in a standard residential unit.

**Gross floor area (GFA)** means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured:

- where there are exterior walls, from the exterior faces of those exterior walls;
- where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;
- where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.

See National Planning Standards 2019. <https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf>

**Industrial activity** means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

**LGA** means the Local Government Act 2002.

**Network infrastructure** means the provision of transportation (roading), water, wastewater and stormwater infrastructure.

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

**Non-residential development** means any development that falls outside the definition of residential development in this Policy.

**Papakāinga** means housing and ancillary communal activities (including social, cultural, educational, and recreational activities) for tangata whenua of the land being developed.

**Policy** means this Development and Financial Contributions Policy.

**Reserves** means land for public open space and improvements to that land needed for it to function as an area of usable green open space for recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside (including landscaping, sports and play equipment, walkways and cycleways, carparks, and toilets). In the Policy, reserve does not include land that forms or is to form part of any road or is used or is to be used for stormwater management purposes.

**Residential development** means the development of land and buildings for any domestic/living purposes for use by people living on the land or in the buildings.

**Residential unit** means building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

See National Planning Standards 2019. <https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf>

**Retail activity** means any activity trading in goods, equipment or services that is not an industrial activity or commercial activity.

**Retirement unit** means any dwelling unit in a retirement village, but does not include aged care rooms in a hospital or similar facility.

**Retirement village** has the meaning given in section 6 of the Retirement Villages Act 2003.

**RMA** means the Resource Management Act 1991.

## Part 2: Policy Details

### 2.7.11 Requirement to have a policy

99. Council is required to have a policy on development contributions and financial contributions as a component of its funding and financial policies in its Long-term Plan (LTP) under section 102(2)(d) of the LGA. The Policy meets this requirement.

### 2.7.12 Funding summary

100. Council plans to incur \$144.5m (before interest costs) on infrastructure partially or wholly needed to meet the increased demand for community facilities resulting from growth. This includes works undertaken in anticipation of growth, and future planned works. Of this cost, approximately 24 percent will be funded from development contributions. Including interest costs, the total amount to be funded is \$48.9M.

101. Table 9 provides a summary of the total costs of growth-related capital expenditure and the funding sought by development contributions for each activity. A breakdown by activities and catchment is available in Schedule 1.

**Table 9. Total cost of capital expenditure for growth and funding sources (GST exclusive)**

	Community Infrastructure	Transport	Total
Total capex	\$94,290,352	\$50,169,517	\$144,459,869
Growth capex	\$19,433,442.55	\$21,601,285	\$41,034,728
DC funded capex	\$19,433,442.55	\$14,613,561	\$34,047,004

Total capex proportion funded by development contributions	21%	29%	24%
Capex proportion funded from other sources*	79%	71%	76%
Total amount to be funded by development contributions (inc interest)	\$30,418,150	\$18,455,697	\$48,873,847

\* None of this growth expenditure is funded by financial contributions under the Resource Management Act 1991.

### 2.7.13 Growth infrastructure

102. Council's growth forecasts (see the section *projecting growth*) are used to derive a programme of infrastructure works. Future elements of this programme (and associated costs) are identified in the Council's Long-Term Plan (LTP), and in Schedule 1 of this Policy. In some cases, Council has undertaken past works to support forecast growth and these are also listed in schedule 1. All or part of the costs of these projects can be funded from Development contributions.

103. When determining whether a project or programme is growth related and therefore should be included in this Policy, Council asks whether growth:

- Is an important driver for the works. This is usually the case for projects that have been specifically designed for growth capacity upgrade purposes.
- Influences the scope or capacity of the proposed work. This is often the case for improvements, upgrade and renewal works that also increase infrastructure capacity and takes account of the impact on infrastructure of continuing growth within the city.

104. The proportion of the costs of these projects or programmes that are attributable to growth is determined in line with the approach outline in the *cost allocation* section of this Policy.

### 2.7.14 Funding policy summary

#### Funding growth expenditure

105. Population and business growth create the need for new subdivisions and development, and these place increasing demands on the assets and services provided by Council. Accordingly, significant investment in new or upgraded assets and services are required to meet the demands of growth – as noted in the previous section.

106. The Council has decided to fund these costs from:

- Development contributions under the LGA for planned expenditure on transport and district wide benefiting community infrastructure.

- Financial contributions under the Resource Management Act 1991 for reserves and local leisure facilities.

107. In forming this view, Council has considered the matters set out in section 101(3) of the LGA within its Revenue and Financing Policy, and within the Policy for each activity.

108. The Revenue and Financing Policy is Council's primary and over-arching statement on its approach to funding its activities. It outlines how all activities will be funded, and the rationale for Council's preferred funding approach.

109. In addition, Council is required under section 106(2)(c) of the LGA to explain within the Policy why it has decided to use development contributions and financial contributions to fund capital expenditure relating to the cost of growth for each activity. This explanation is below. There are no material differences for this assessment for different activities funded by development contributions, so this assessment applies equally to each activity. However, growth costs for some transport related projects and programmes may be subsidised by Waka Kotahi (New Zealand Transport Agency), reducing the proportion of growth costs funded by development contributions to 49%.

110. Council uses financial contributions for funding the cost of growth-related reserves and local leisure facilities. Reserve financial contributions achieve many of the same benefits and outcomes as development contributions but are simpler to administer.

#### **Community outcomes (section 101(3)(a)(i))**

111. Council has considered whether development contributions and financial contributions are an appropriate source of funding considering each activity, the outcomes sought, and their links to growth infrastructure. Council has developed four outcomes to help achieve our vision - we have an outstanding natural environment, leisure, and recreational opportunities, and we are a great place for families to live, work, and play.

- Environment - We're immersed in natural beauty. We care for and protect our river, our stunning parks, and our natural environment.
- Social and Cultural - We celebrate our whānau, heritage, and culture. We're a caring, safe, and healthy community.
- Economy - We're a city of opportunity. We attract new investment and offer opportunities for people and businesses to prosper. Our city centre is alive, attractive, and vibrant.
- Infrastructure - We have reliable and efficient networks and infrastructure that support our city

112. To enable these outcomes, infrastructure must be provided and maintained to a high level of service, and investment is made to ensure growth is catered for. This growth is much better able to be accommodated if additional funding through development contribution is possible, rather than levelling all cost on existing ratepayers. As a dedicated growth funding source, development contributions also offer funding through which we can deliver on our vision and outcomes for new communities.

#### **Other funding decision factors (sections 101(3)(a)(ii) – (v))**

113. Council has considered the funding of growth-related community facilities against the following matters:

- The distribution of benefits between the community as a whole, any identifiable part of the community, and individuals, and the extent to which the actions or inaction of particular groups or individuals contribute to the need to undertake the activity.
- The period in or over which those benefits are expected to occur.
- The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities.

114.A summary of this assessment is below.

Table 10: Other funding decision factors

<p><b>Who Benefits / whose act creates the need</b></p>	<p>A significant portion of Council’s work programme over the Long Term Plan period and next 30 years is driven by development or has been scoped to ensure it provides for new developments. The extent to which growth is serviced by, and benefits from an asset or programme as well as how much it serves and benefits existing ratepayers is determined for each asset or programme in line with the requirements of section 197AB(c) of the LGA.</p> <p>Council believes that the growth costs identified through this process should be recovered from development, as this is what creates the need for the expenditure and /or benefit principally from new assets and additional capacity. Where and to the extent that works benefit existing residents and businesses, those costs are recovered through rates.</p> <p>The <i>Catchment determination</i> section below outlines how Council determined the catchments for development contributions in the Policy.</p> <p>Using financial contributions for reserves and local leisure facilities has a similar impact.</p>
<p><b>Period of benefit</b></p>	<p>The assets constructed for development will last for a very long time and provide benefits and capacity for developments now and developments in the future. In many cases, the “capacity life” of such assets spans decades.</p> <p>Development contributions allow development related capital expenditure to be apportioned over the capacity life of assets. Developments that benefit from the assets will contribute to its cost, regardless of whether they happen now or in the future. This helps ensure that growth now and later contributes a fair share to those assets.</p> <p>Financial contributions for reserves and local leisure facilities have a similar affect by distributing the cost of providing for growth over time so that current and future developments that benefit contribute.</p>
<p><b>Funding sources &amp; rationale</b></p>	<p>The cost of supporting development in Upper Hutt is significant, whereas the cost of establishing a development contributions system is relative low cost. Development contributions and financial contributions are transparent and send clear signals to the</p>

**including rationale for separate funding**

development community about the cost of growth and the capital costs of providing infrastructure to support that growth.

The use of additional local catchments for roading 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.

Council also considers that allocating the full cost of growth to development is fairer to existing ratepayers, and helps ensure economic efficiency. By not imposing the burden of growth costs on existing ratepayers, rates income is also able to be used to advance Council's other activities. These activities contribute in a wide range of ways to improving current and future community outcomes.

Consequently, council consider that the benefits to the community are significantly greater than the cost of policy making, calculations, collection, accounting and distribution of funding for development and financial contributions.

**Overall impact of liability on the community (section 101(3)(b))**

115. Council has also considered the impact of the overall allocation of liability on the community. In this case, the liability for revenue falls directly with the development community. Council considers that the level of development and financial contributions are affordable and are not out of step with those required by other councils. The highest charges represent less than 6% of the median house price in Upper Hutt City. Consequently, Council does not consider it likely that there will be an undue or unreasonable impact on the social, economic, and cultural wellbeing of this section of the community. Nor are the charges expected to divert private sector investment from Upper Hutt on any significant scale.

116. Ensuring adequate sources of funding is also 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).

117. Moreover, shifting development costs onto ratepayers is likely to be perceived as unfair and would significantly impact the rates revenue required from existing residents - who do not cause the need, or benefit directly from the growth infrastructure, needed to service new developments.

118. Overall, Council considers it fair and reasonable, and that the social, economic and cultural interests of the district's communities are best advanced through using development contributions and financial contributions to fund the costs of growth-related capital expenditure for community facilities.

**2.7.15 Catchment determination**

119. When setting development contributions, Council must consider how it sets its catchments for grouping charges by geographic areas. The LGA gives Council wide scope to determine these catchments, provided that the Council consider the factors listed in section 101(3) of the LGA and:

- The grouping is done in a manner that balances practical and administrative efficiencies with considerations of fairness and equity; and

- Grouping by geographic area avoids grouping across an entire district wherever practical.

120. Council has determined that there will be a district wide catchment for significant district wide community infrastructure and major road or intersection upgrades. Upper Hutt is not a large city, and all new developments will benefit from the projects included in the district-wide catchment. To disaggregate the costs of this projects to catchment level would require different portions of growth capacity to be assigned to different catchments. Without a very detailed amount of information (that the Council does not have available), this would be an arbitrary exercise and likely result in some catchments paying less or more than is fair. Using the district wide catchment is a practical way of addressing this, and ensures fairness across all catchments.

121. The Council has retained several local transport catchments associated with localised road upgrade programmes. The benefit of these upgrades programme is very localised, so local catchments are appropriate.

## 2.7.16 Significant assumptions of the policy

### Methodology

122. In developing a methodology for the development contributions in the Policy, Council has taken an approach to ensure that the cumulative effect of development is considered across each catchment.

### Planning horizons

123. A 30-year timeframe has been used as a basis for forecasting growth and growth-related assets and programmes. This is set out in Council's asset management plans.

### Projecting growth

124. Upper Hutt City has experienced high population and steady economic growth in recent years, and this growth is forecast to continue. The Wellington Regional Housing and Business Development Capacity Assessment figures indicate steady population growth in the district.

125. Using forecasts adapted from the HBA as a base, the key assumptions on future growth are: <sup>17</sup>

- Years 2021-2033:
  - Population growth in the district of around 18%, or around 8,300 people.
  - Residential unit growth in the district of around 18%, or around 3,300 residential units.
  - Development of non-residential GFA of around 1,000 m<sup>2</sup> per annum rising to around 1,900 m<sup>2</sup> per annum.
- Years 2033-2053:
  - Population growth in the district of around 13,700 people from 2033.
  - Residential unit growth in the district of around 5,500 residential units from 2033.
  - Consistent development of non-residential GFA of around 1,900 m<sup>2</sup> per annum.

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<sup>17</sup> This includes the required competitiveness margin under the National Policy on Urban Development.



126. A household forecast is in table 11.

Table 11: Household forecasts by area <sup>2</sup>

	<b>Households 2021</b>	<b>Households 2023</b>	<b>Households 2033</b>	<b>Households 2043</b>	<b>Household 2053</b>
<b>Upper Hutt North</b>					
Akatarawa	261	261	427	491	543
Birchville-Brown Owl	1,437	1,452	1,541	1,649	1,757
Mangaroa	762	764	869	976	1,065
Maoribank	1,332	1,393	1,499	1,583	1,741
Te Marua	400	407	428	454	485
Totara Park	1,178	1,187	1,226	1,259	1,299
Total	5,370	5,464	5,989	6,411	6,889
<b>Upper Hutt Central</b>					
Clouston Park	994	1,016	1,134	1,249	1,374
Ebdentown	1,240	1,286	1,420	1,546	1,716
Elderslea	1,388	1,401	1,522	1,644	1,762
Upper Hutt Central	233	237	575	908	1,180
Wallaceville	1,160	1,199	1,314	1,411	1,548
Total	5,015	5,140	5,966	6,759	7,581
<b>Trentham Riverstone</b>					
Brentwood	887	907	1,020	1,147	1,278
Poets Block	1,010	1,026	1,163	1,306	1,445
Riverstone Terraces	676	697	752	763	802
Trentham North	1,404	1,441	1,570	1,684	1,830

	Households 2021	Households 2023	Households 2033	Households 2043	Household 2053
Trentham South	563	606	971	1,272	1,577
Total	4,540	4,676	5,476	6,172	6,932
<b>Upper Hutt South</b>					
Heretaunga	1,076	1,105	1,432	1,624	1,821
Pinehaven	790	793	1,032	1,193	1,325
Silverstream	1,439	1,458	1,664	2,121	2,516
Total	3,305	3,356	4,128	4,937	5,662
<b>Total Upper Hutt City</b>	<b>18,230</b>	<b>18,636</b>	<b>21,559</b>	<b>24,279</b>	<b>27,065</b>

### Best available knowledge

127. Development contributions are based on projects and programmes previously undertaken, future works proposed in Council's Long Term Plan and/or Asset Management Plans, and projected estimates of future growth. These are all based on the best available knowledge at the time of preparation. As better information becomes available the Policy will be updated, generally through the Annual Plan process.

### Capacity lives

128. The capacity lives for projects and programme within the Policy are approximated to the closest decade that they provide for growth, being 10 years, 20 years or 30 years. Projects that do not provide capacity for development within the period 2021-2031 are not included in this Policy.

### Cost of Infrastructure

129. Future capital expenditure costs used in this Policy are based on the forecast costs in the LTP, Upper Hutt City Council Asset Management Plans, latest cost estimates, or actual costs. There are Past project costs (schedule 1) derived from Annual Reports and will be updated at least every three years.

130. Interest costs are added to the above to account of the costs of borrowing (see *Funding Model* section below) and third part funding is deducted (such as Waka Kotahi subsidies).

131. As better information becomes available the Policy will be updated.

### Key risks/effects

132. There are two key risks associated with administering development contributions, and the resulting effects are:

- That the growth predictions do not eventuate, resulting in a change to the assumed rate of development. In that event, Council will continue to monitor the rate of growth and will update assumptions in the growth and funding predictions, as required.
- That the time lag between expenditure incurred by Council and development contributions received from those undertaking developments is different from that assumed in the funding model, and that the costs of capital are greater than expected. This would result in an increase in debt servicing costs. To guard against that occurrence, Council will continue to monitor the rate of growth and will update assumptions in the growth and funding models, as required.

### **Service assumptions**

133. That methods of service delivery, and levels of service, will remain substantially unchanged and in accordance with Council's Long Term Plan and asset management plans.

### **Funding model**

134. A funding model has been developed to calculate development contribution charges under the Policy. It accounts for the activities for which contributions are sought, the assets and programmes related to growth, forecast growth and associated revenue. The funding model embodies several important assumptions, including that:

- All capital expenditure estimates are inflation adjusted and GST exclusive.
- The levels of service (LOS) / backlog and renewal portions of each asset or programme will not be funded by development contributions. See the *Cost allocation* section below.
- The growth costs associated with an asset are spread over the capacity life of the asset and any debt incurred in relation to that asset will be fully repaid by the end of that capacity life.
- Interest expenses incurred on debt accrued will be recovered via development contributions and shared equally over the capacity life of each asset.

## **2.7.17 Cost allocation**

135. Council must consider how to allocate the cost of each asset or programme between three principal drivers – growth, level of service /backlog, and renewal. It must also account for the requirement in section 197AB(1)(c), being to ensure the allocations are determined according to, and be proportional to, the persons who will benefit from the assets to be provided (including the community as a whole) as well as those who create the need for those assets.

136. Council's general approach to cost allocation is summarised as:

- Where a project provides for and benefits only growth, 100% of a project's cost is attributed to growth. To qualify for this, there would have to be no renewal element or material level of service benefit or capacity provided for existing residents and businesses.
- If a project provides for growth and LOS or renewal, capacity share will be used wherever possible. Failing that, an estimate/proxy of this based on a future beneficiary split approach.

137. For particularly large and expensive projects, Council may undertake a specific cost apportionment assessment that differs from the general approach outlined above if better information is available.

## 2.7.18 Calculating the development contribution charges

138. This section outlines how the development contribution charges were calculated in accordance with section 203 and schedule 13 of the LGA.

### Process

139. The steps needed to determine growth, growth projects, cost allocations, and to calculate the development contributions charges are summarised in Table 12.

Table 12: Summary of development contribution charge calculation methodology

Step	Description / comment
1. Forecast growth	Council estimates potential land supply and likely take up of that land. The estimates help provide household and business growth forecasts up to 2053 years. See the Projecting Growth section above for further information.
2. Identify projects required to facilitate growth	Develop the works programme needed to facilitate growth. In some cases, Council may have already undertaken the work. The programme in the Policy relates to projects within the period 2021-2031.
3. Determine the cost allocation for projects	The cost of each asset or programme is apportioned between renewal, growth, and LOS/backlog in accordance with the approach outlined in the cost allocation section of the Policy.  Schedule 1 of the Policy outlines the amount required to fund growth from development contributions for each of these assets or programmes.
4. Determine growth costs to be funded by development contributions	Council determines whether to recover all of the growth costs identified in step 3 from development contributions, or whether some of the growth costs will be funded from other sources. As noted earlier, Council generally intends to recover all growth costs via development contributions except where Waka Kotahi subsidies cover some of the cost.
4. Adjust for inflation and interest costs	The growth costs from step 4 are inflation adjusted if they are future works. Council then estimates the interest cost (or interest accrued) for the programme for each catchment over the period that the programme provides for growth and is paid off (called capacity life).
5. Divide DC funded growth costs by capacity lives	The growth costs from step 4 are divided by the estimated capacity life (defined in EHUs) to provide an EHU charge for each future and past asset, and for interest.
7. Sum all per asset charges	For each catchment and activity, add up the per EHU asset, programme, or interest charges to provide a total development contribution charge.  For each activity and catchment, development contributions fund the programme on an aggregated basis.

### Summary of calculations

140. Schedule 1 provides information on each asset or programme including the information and summarises the calculation of the development contribution charge for each activity/catchment.

## 2.7.19 Schedule 1 – Growth related assets and development contribution calculation summary

Schedule 1 outlines capital expenditure on asset or programmes attributable to new growth in accordance with section 201A of the LGA and provides a summary of the development contribution calculations. All figures exclude GST and future costs are inflation adjusted.

### Community Infrastructure

Asset or programme name	Description	Total cost \$	% Funded by DCs	% Funded from other sources	DC funded Cost \$	Recoverable Growth / Capacity Life (EHUs)	Development Contribution Charge
<b>District Wide</b>							
Rail Corridor Cycleway	Off-road shared path between the Upper Hutt CBD and Silverstream	5,753,722	30%	70%	1,726,117	5643	306
Maidstone Sports Hub	Multiuse sporting and recreation facility at Maidstone Park	33,545,005	20%	80%	6,709,001	5643	1,189
H2O Xtream Upgrade	Upgrade and expansion of H2O Xtream including new junior leisure pool, new hydrosides and new office spaces. Upgrades to include the existing plant, pool hall and reception	54,991,624	20%	80%	10,998,325	5643	1,949
DC interest costs			100%	0%	10,984,707	5643	1,947
<b>Total</b>					<b>30,418,150</b>		<b>5,389</b>

## Transport

Asset or programme name	Description	Total cost \$	% Funded by DCs	% Funded from other sources	DC funded Cost \$	Recoverable Growth / Capacity Life (EHUs)	Development Contribution Charge \$
<b>District Wide</b>							
Fergusson /Ward/Whakatiki intersections	Upgrade intersections to provide more capacity	4,866,796	40%	60%	1,946,718	6,808	286
Silverstream Bridge Upgrade (NZTA 51% UHCC 49%)	New bridge, providing more capacity to network and better links to State Highway 2	28,848,728	15%	85%	4,240,763	6,808	623
Gibbons/ Main Investigation Construction	Upgrade intersection to provide more capacity	6,962,989	40%	60%	2,785,195	6,808	409
Totara Park Bridge Widening	Widen bridge approach to State Highway 2 to provide additional land and capacity	2,562,780	50%	50%	1,281,390	6,808	188
DC interest costs			100%	0%	3,842,136	6,808	564
Total					14,096,203		2,071

Local Catchments							
Alexander Road catchment	Provision of pedestrian and lighting facilities	518,290	100%	0%	518,290	7,684	67
Akatarawa Roding catchment	Targeted seal widening of Akatarawa Road	1,336,331	67%	33%	\$901,117	93	9,690
Kaitoke Roding catchment	Targeted seal and shoulder widenings	624,724	100%	0%	624,724	62	10,076
Moonshine Hill Road	Targeted seal and shoulder widening of Moonshine Hill Road	2,420,129	7%	93%	164,730	17	9,690
Mangaroa Roding catchment	Seal and shoulder widenings, mainly on Whiteman's Valley Road	1,452,600	100%	0%	1,574,483	270	5,380
Katherine Mansfield Drive extension (including Mangaroa contribution)	Road and seal extensions linking and improving Katherine Mansfield Drive	165,600	100%	0%	165,600	69	2,400 (7,780 including Mangaroa contribution)
Swamp Road (East) (including Mangaroa and Katherine Mansfield extension contributions)	See above	0	-	-	-	-	7,780 (Mangaroa and Katherine Mansfield extension contributions)
Swamp Road (West)	Formation of part of Swamp Road	410,550	100%	0%	410,550	32	12,830 (20,610 including Mangaroa and Katherine Mansfield

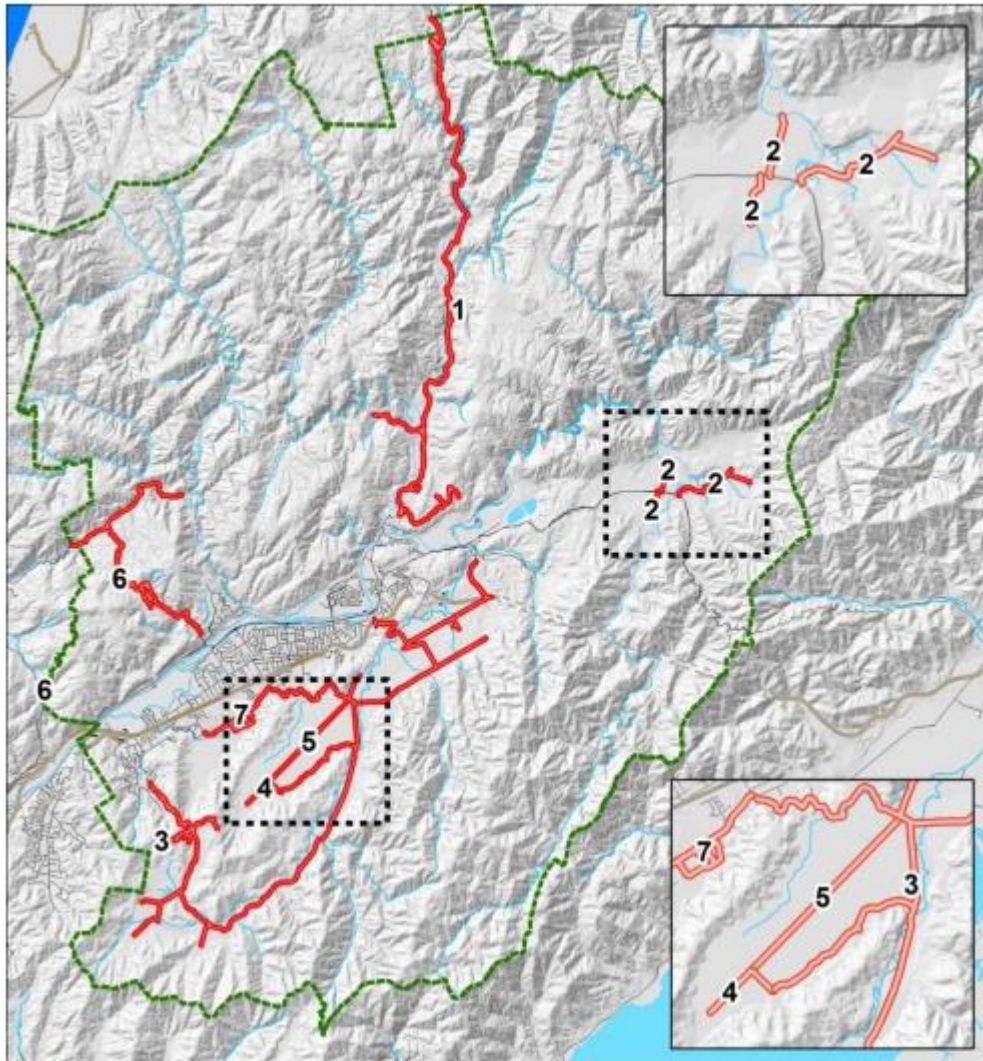


(including Mangaroa and Katherine Mansfield Drive extension contributions)							Drive extension contributions)
Total (individual catchments)					4,313,894		

## 2.7.20 Part 3: Catchments Map

District wide charges apply to all developments in the district.

The below map outlines the boundaries of the transport catchments within which additional development contributions will apply.



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

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

6	Moonshine Hill Road	<ul style="list-style-type: none"> <li>• Moonshine Hill Road</li> <li>• Moonridge Road</li> <li>• Bulls Run Road</li> <li>• Mount Cecil Road</li> </ul>
7	Alexander Road catchment	<ul style="list-style-type: none"> <li>• Alexander Road</li> <li>• Dante Road</li> <li>• George Daniels Drive</li> <li>• Thomas Neil Crescent</li> <li>• William Duran Drive</li> <li>• Du Pont Lane</li> </ul>

## 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 a Council resolution passed at a Council meeting held on 29 June 2022:

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	1 September
2	1 December
3	1 March
4	1 June

## 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 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.

## **2.12 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.

### **2.12.1 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.

## **2.13 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.

## 2.14 Procurement Policy (Updated December 2022)

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

Version 2, adopted December 2022, to be reviewed annually.

### 2.14.1 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. As a spender of ratepayer money it is important that the Council is prudent. This policy provides consistency, accountability, and guidance on how the Council manages procurement services. 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.

This Policy incorporates the Government Procurement Rules (fourth edition), the **Rules**, published by the Ministry of Business, Innovation & Employment | Hikina Whakatutuki, which should be read in conjunction with this Policy. A link to the Rules is included at the end of this policy for reference.

### 2.14.2 Purpose

This policy is intended to be a flexible framework to be used for a range of procurement activity from simple and low risk to complex and high risk.

This policy's key objective is to drive a consistent and transparent approach to spending public money.

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

1. Emphasise the importance of broader outcomes and commitment to achieve positive and sustainable cultural, environmental, social and economic outcomes from procurement and contract management activities.
2. Contributing to the achievement of Council's strategic goals as encompassed in the five priority areas – Environment, Community, City Centre, Economy and Infrastructure Strategy.
3. Value for money.
4. Transparency and fairness, irrespective of the value of the procurement.
5. Accountability.
6. Recognise the Treaty of Waitangi

### 2.14.3 Legislative context

The principal legislative guidance for procurement is in s10(1)(b) of the Local Government Act 2002 (**LGA**) which reads:

*The purpose of local government is...to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*

And “good quality” means: efficient, effective, and appropriate to present and anticipated future circumstances.

The LGA gives further guidance at s14(1)(a) which provides that:

*...in performing its role...a local authority should (i) conduct its business in an open, transparent, and democratically accountable manner; and (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner...*

Council seeks to achieve ‘best value’ and carry out its work in an efficient and effective manner by the implementation of this Policy.

## **2.14.4 Scope of this procurement policy**

This Policy and the Rules reflect current procurement good practice.

All Council employees and, contractors<sup>18</sup> must comply with this policy and apply the Rules to any procurement on behalf of Council except that this Policy is not applicable to:

1. The employment of staff under employment contracts issued by the People and Capability team.
2. The acquisition or leasing of land or buildings (but this does not include design, construction, renovation, or refurbishment of land or buildings or complex transactions involving land and buildings all of which are subject to the policy).
3. Circumstances where there is compelling justification to depart from the procurement process and the reasons are recorded and approved by the Chief Executive.
4. Investments, borrowing, and other similar financial transactions.
5. Transport infrastructure works to which New Zealand Transport Agency | Waka Kotahi is contributing funding and which its procurement processes have been applied.

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.

All procurement of any kind must be undertaken in compliance with the Delegations Manual.

Procurement which does not trigger the financial thresholds set out in this Policy may be exempt (in whole or part) from the Rules as set out below.

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<sup>18</sup> Contractor refers to individuals or third parties contracted to undertake process on behalf of the Council



## 2.14.5 Applying this Policy

**All procurement** should be conducted with reference to the following five principles of procurement. The Principles are in plain English to make it easier for both agencies and suppliers to understand and apply:

1. Plan and manage for great results
2. Be fair to all suppliers
3. Get the right supplier
4. Get the best deal for everyone
5. 5. Play by the rules

### **PLANNING**

When planning procurement projects we will:

- use processes that are proportionate to the size, complexity and risks involved in the contract to get the best outcomes
- make sure we have up to date knowledge about the market and the effect our procurement has on it
- involve suppliers early in the process to explain our needs, learn about them and explore opportunities for new solutions before going to market
- consider subcontracting opportunities in big projects, so small and medium enterprises can grow their business capability
- ensure financial approval aligned in accordance with the Delegations Policy (at least in principle) before going to market.

### **SOURCING**

When we buy goods/services/works, we will:

- purchase from All of Government panel arrangements or existing supply contracts if they can meet our requirements
- give all suppliers a full and fair opportunity to compete
- choose suppliers that have demonstrated their ability to meet our requirements and offer the best value-for-money over the lifetime of the goods/services/works, taking into account:
  - all the costs of ownership over that lifetime
  - suppliers' ability to deliver what we need at a fair price and on time
  - the social, environmental and economic effects of the deal
  - suppliers' ability to provide their plan to reduce greenhouse gas emissions (GHG) within their business activities

- suppliers' ability to provide GHG data on a regular basis showing GHG reduction from their business activities
- have an agreement in place approved by our legal advisors before the supplier starts delivering goods/services/works.

### **CONTRACT MANAGEMENT**

To get the best from our suppliers, we will:

- set clear performance measures, then monitor and manage the contract against them
- encourage and recognise suppliers for delivering great results
- work with suppliers to ensure on-going value (social, economic and environmental), savings and improvements for both entities.

### **MEETING EXPECTATIONS**

To build effective relationships with suppliers we will:

- treat them all fairly and with respect
- be consistent, transparent, fair and accountable in the way we work
- be clear about what we require and how we will assess them before going to market
- give sufficient response time for our requests
- protect their commercially sensitive information and intellectual property
- offer a debrief to unsuccessful bidders
- pay invoices promptly.

### **PLAYING BY THE RULES**

Our decisions and practices must be able to withstand public scrutiny at all times. Throughout our procurement activities we will:

- clearly record our planning, processes and decisions so they can easily be audited
- document and manage conflicts of interest
- identify risks and get the right person to manage them
- act lawfully, ethically and responsibly.

## **2.14.6 Rule exceptions, including financial thresholds**

This section sets out limited exceptions or amendments to the Government Procurement Rules.

Where a rule is optional, the reasons for not applying it should be documented as part of the procurement process.

## GENERAL EXEMPTIONS OR AMENDMENTS TO THE GOVERNMENT PROCUREMENT RULES

1. The maximum total estimated value thresholds in Rules 6 and 7 do not apply and instead the financial thresholds in this Policy apply.
2. Rules 11 and 12 (which specify types of procurement not covered by the Rules) do not apply; those matters are dealt with by this Policy.
3. Rule 13 (requirement to openly advertise) applies but Council is not required to use the Government Electronic Tenders Service (GETS), although it may if it wishes to or is otherwise required to (for example, by Waka Kotahi).
4. Rules 22 and 53 and 53 (relating to reporting to MBIE) do not apply.
5. Rule 34 (minimum timeframes) is recommended but optional.
6. Rules 35 to 37 and 48 (relating to the use of GETS) do not apply unless GETS is used.
7. Rules 58 to 60 (all of government arrangements) are optional. If procuring through an all of government panel, syndicated Government contract, or Government common capability contract, no additional procurement process is required by this Policy continues to apply.
8. Rule 64 (consultation with Treasury on procurement of infrastructure > \$50m) is optional.

## FINANCIAL THRESHOLDS

Low-value procurement does not always justify an open and competitive advertised tender approach.

The total estimated value of a procurement should be calculated in accordance with Rule 8 of the Government Procurement Rules.

Procurement arrangements must not be structured or divided at any stage to fall under the thresholds to avoid tendering.

An open and competitive process is optional for purchases under these values.

## GENERAL PROCUREMENT OF GOODS/SERVICES/OTHER WORKS

<b>TOTAL ESTIMATED VALUE</b>	<b>EXEMPTION TO GOVERNMENT PROCUREMENT RULES</b>
\$0 - \$20,000	Government Procurement Rules do not apply.
\$20,001 - \$99,999	Partly exempt from Rule 14 (open advertising). Closed tender allowed.
\$100,000	Rule 14 applies in full: Open and competitive tender required.

### Construction contracts

<b>TOTAL ESTIMATED VALUE</b>	<b>EXEMPTION TO GOVERNMENT PROCUREMENT RULES</b>
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\$0 - \$50,000	Government Procurement Rules do not apply.
\$50,001 - \$499,000	Partly exempt from Rule 14 (open advertising). Closed tender allowed.
\$500,000	Rule 14 applies in full: Open and competitive tender required.

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.

### 2.14.7 All of government contracts

In order to drive procurement efficiencies Council will utilise All-of- Government panel contracts, syndicated Government contracts, and Government common capability contracts unless there is good reason not to, with reference to the purposes of this Policy, such reasons to be documented in a procurement plan and approved by the Chief Executive.

### 2.14.8 Integrity

Council's procurement processes are subject to scrutiny and must therefore be conducted according to appropriate ethical and probity<sup>19</sup> 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.

### 2.14.9 Sustainability

The Council has a Sustainability Strategy goal and action plan to be a carbon neutral organisation by 2035. Environment is one of the Council's four community outcomes (Rautaki Whakauka 2020: <https://uhccgovtnz.sharepoint.com/sites/dochub/refdocs/Sustainability%20Strategy%202020.pdf> ) Council will support the market for environmentally responsible products and services.

Environmental Sustainability should be considered when procuring any goods, services, and all 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

<sup>19</sup> 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

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.

Contract terms will reflect the supplier organisation Climate change responsibilities and actions.

## **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, it's 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.

### **2.14.10 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:

1. 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.
2. Provide evidence that health and safety issues have been incorporated into purchasing and design decisions where applicable.

### **2.14.11 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 Strategy 2020

## 2.14.12 References

Office of the Auditor General; Procurement Guide for public entities [2008]

<https://oag.parliament.nz/2008/procurement-guide/docs/procurement-guide.pdf>

Ministry of Business, Innovation and Employment; Government Procurement Rules Fourth Edition [2019]:

[Government Procurement Rules - Rules for sustainable and inclusive procurement](#)

Public service Commission and OAG – conflicts of interest in the public sector

<https://www.publicservice.govt.nz/resources/conflicts-of-interest/>

Standards of Integrity and Conduct [2007] - <https://www.publicservice.govt.nz/resources/code/>

# 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

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.

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. 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.

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 “”

## 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**

1. Stormwater drains serving a property are the responsibility of the property owner. This includes the full cost of maintenance and repairs.
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. Where a private stormwater drain connects to a soak pit, the soak pit is also private and is the property owner's responsibility.
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
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 215m<sup>3</sup> 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 restrictions<sup>20</sup>**

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.

## **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)

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<sup>20</sup> 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.



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 Corporate energy management policy**

### **3.18.1 Objective**

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

### **3.18.2 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.

## **3.19 Graffiti policy**

### 3.19.1 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.

### 3.19.2 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.

### 3.19.3 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 CBD<sup>21</sup>.
- 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

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<sup>21</sup> The CBD (or city centre) boundaries are defined within the District Plan.

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 paint<sup>22</sup> 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 removal<sup>23</sup>
- 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

### 3.19.4 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.

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

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

- 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.

### **3.19.5 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.

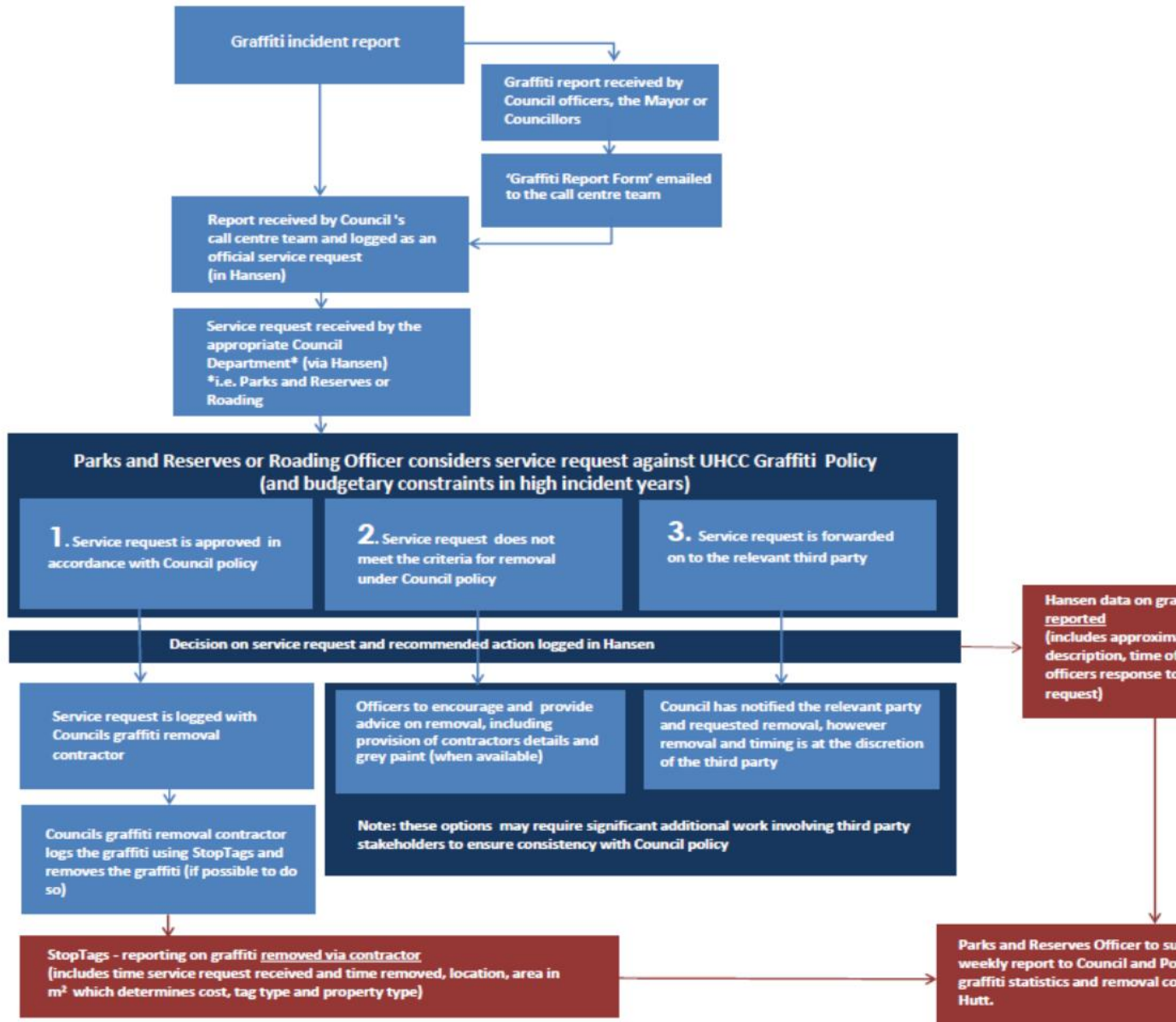
### **3.19.6 Operational Procedures**

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].

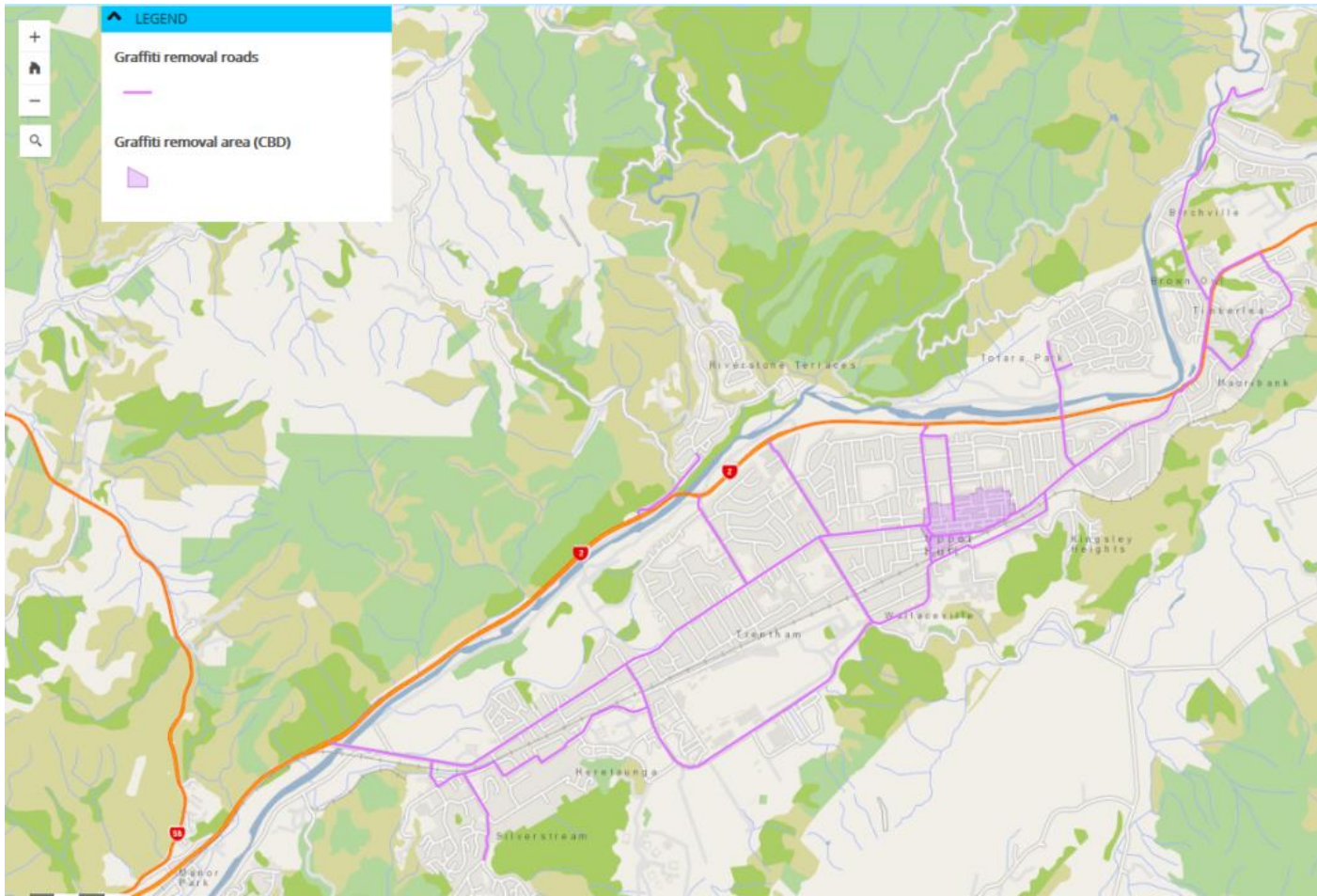
### **3.19.7 Definitions**

- 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.



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 (Kaupapa here mo ngā Kuri)

### 4.2.1 Commencement and Objectives

The [Dog Control Act 1996](#) (DCA) came into force on the 1 July 1996, with the objectives of:

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

Council adopted this Policy on 3 August 2022 in accordance with section 10 of the DCA.

This Policy is enforced through use of the Upper Hutt City Council [Dog Control Bylaw 2004](#) (Bylaw) and the DCA.

This Policy applies to all dogs and their Owners in the district of Upper Hutt City Council (Council).

## 4.2.2 Intent

The intent of this Policy is to keep dogs as a positive part of the lives of people in Upper Hutt by:

- adopting measures to minimise the problems caused by dogs,
- protecting dogs from harm, and ensuring their welfare,
- maintaining balanced opportunities for owners to exercise their dogs in public places.

## 4.2.3 Definitions

In this Policy, unless the context otherwise requires:

**DCA** means the [Dog Control Act 1996](#), and includes all amendments enacted.

**Bylaw** means the Upper Hutt City Council [Dog Control Bylaw 2004](#).

**Council** means Upper Hutt City Council and any authorised officer.

**Dangerous Dog** means any dog which Council has classified as such, under [section 31](#).

**Nuisance** refers to the dictionary definition, being a *person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists*.

**Menacing Dog** means any dog which Council has classified as such under [section 33A](#) of the DCA, or shows characteristics typically associated with the dog's breed or type as listed in [Schedule 4](#) of the DCA.

**Property** means the place or places where the dog is normally kept.

**Other working dog** means any working dog as defined in [section 2](#) of the Dog Control Act 1996, other than a Disability Assist Dog or Police Dog.

**Zone** means a zone established under the Council's District Plan.

**Disability Assist Dog, District, Dog Control Officer, Dog Ranger, Infringement Offence, Neutered Dog\*, Owner, Private way, Probationary Owner, Private way, Public Place, Register, Registration year, Veterinarian and Working Dog** have the same definitions as those found in section 2 of the [Dog Control Act 1996](#).

*ADVISORY NOTE\*: The DCA defines 'neutering' as a dog that has been spayed or castrated; but does not include a dog that has been vasectomised.*

## 4.2.4 Registration, Classes and Fees

### Registration

All dogs MUST be registered with the Council, in accordance with s36 of the DCA.

The dog registration year runs from 1 July through to 30 June.

From 2 August, registrations not submitted and paid for in full will be subject to a late-payment fee not exceeding 50% of the fee that was payable on 1 July.

Owners registering a new dog part-way through the registration year will need to pay a pro-rata amount based on the number of complete months left in that registration year.

### **Registration Fee Classes**

Council uses a range of different fee classifications for dog registrations. A range of reduced registration fees are used to actively support and promote good dog ownership.

The amount charged for different registration classes also takes into account the amount of time and resources Council is likely to use in order to manage these types of dogs.

Dogs may be registered using the following registration classes:

- a. General registration of a complete dog (J)
- b. General registration of a neutered dog (N)
- c. Responsible owner of a complete dog (SO)
- d. Responsible owner of a neutered dog (SN)
- e. Disability assist dog (GD)
- f. Police dog (PD)
- g. Other working dog (WD)
- h. Dangerous dog, as classified under the DCA (K).

### **Fees**

Annual registration fees for each registration class, plus 'late payment' fees, can be found on the Council's [webpage](#).

This page also details fees relating to impounding and other dog control activities.

### **Notes**

1. Registrations relating to neutered dogs must be accompanied by a certificate from a Veterinarian as proof of this.
2. Registrations for a Responsible Dog Owner (SO or SN) must have applied for and met all the necessary requirements under section 7 of this Policy.

### **Transitional provisions.**

This Policy includes some changes to the previous Policy's registration classes. To facilitate this:

1. All dogs registered during the registration year of 1 July 2022 to 30 June 2023 may use the registration classes as outlined in the previous 2020 version of this Policy.
2. All dogs registered on or after 1 July 2023 will need to register using a suitable registration class under this 2022 version of the Policy. For clarification:
  - this no longer includes Rural dogs (RD); and
  - Responsible Owners (SO and SN) will need to have met all criteria under section 7 of this Policy for the previous 12 consecutive months.

## 4.2.5 Revenue

The dog control programme is principally funded by registrations and other dog fees on a 'user-pays' basis. This is to avoid the cost of the programme having to be covered by general rates.

All money received is only spent for the purposes of dog control and management, which includes:

- a. dog control, including enforcement of the laws and patrols;
- b. investigating complaints and incidents;
- c. the operation of the impounding facilities;
- d. administering and maintaining the dog register.

## 4.2.6 Keeping more than two dogs

Unless authorised by Council, no more than two dogs over the age of three months may be kept on the following properties:

- a. A property in a rural zone with an area of 1,000m<sup>2</sup> or less, or
- b. Any property in any zone other than a rural zone.

An Owner can apply for permission to allow additional dogs on a Property by completing and submitting the application form (available on the Council's website or from Reception) along with the necessary non-refundable application fee.

Council, at their discretion, may approve a permit where they are satisfied that:

- ✓ the Property is suitable to house an additional dog; and
- ✓ the Owner is already a registered Responsible Owner; and
- ✓ there is no history of upheld dog related complaints or substantiated objections from the occupants of properties adjacent to where the permit has been applied for, or such occupants would reasonably have sufficient grounds to object to another dog being kept on the Property; and
- ✓ the addition of another dog will likely not cause a problem.

NOTE: Every additional dog must be applied for and permitted, as above.

The decision on whether or not to approve an application will be made by the staff member charged with making such decisions in the Council's Manual of Delegation.

Applicants will be advised of the outcome in writing.

Anyone not satisfied with this decision may appeal the matter to the Council's [City Development Committee](#).

## 4.2.7 Responsible Dog Owners

To be classed as a 'Responsible Dog Owner', Owners must submit an application form along with a non-refundable assessment fee to demonstrate that they have met all of the following criteria for the previous 12-consecutive months:

- register the dog on-time, each year (before 2 August);
- keep the dog securely contained within the Property, while allowing people access to a door of the residence on the Property without encountering the dog, or have signs erected on or near the front entrance of the Property alerting people to the presence of the dog.
- adequately control the dog in public;
- have not had any dog impounded more than once within the last 12 months;
- have not been issued with any infringement notice within the last 12 months;
- have never received a conviction for an offence under the DCA;
- have not had a dog classified as Menacing or Dangerous because of its observed behaviour, or have been classified as a Probationary owner or been disqualified from owning a dog;
- All dogs under the Owners care are kept in accordance with the welfare requirements under section 4.2.8 of this Policy.

Council staff will assess each application, and may need to inspect the Property in question to help determine if they believe it meets all of the necessary requirements.

The decision on whether or not to approve an application will be made by the staff member charged with making such decisions in the Council's Manual of Delegation.

Applicants will be advised of the outcome in writing.

Council will revoke a person's status as a Responsible Owner if at any time they breach or fail to satisfy any of the above criteria.

## 4.2.8 Minimum standards for the welfare and keeping of dogs

The Owner of any dog must take all steps reasonably necessary to ensure the dog receives proper care and attention, and is given:

- proper and sufficient food and water; and
- a hygienic kennel, of a sufficient size to allow the dog to freely move, stretch out, stand up, or recline, and which offers sufficient dry shelter, including adequate warmth and shade; and
- sufficient space and adequate exercise.

### 4.2.9 Barking and Howling

Council reserves the right to apply a practical and pragmatic approach to certain instances of barking or howling, which might include such occasions as when the dog has been distressed by fireworks, parties or other loud noises.

Officers may also take into consideration where instances take place over a period of several days/nights rather than a one-off incident.

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

- continuous barking and/or howling:** for 10 minutes or more in any one-hour period; or
- intermittent barking and/or howling:** of more than five barks at a time which is repeated on average every half-hour during a daytime period, or more than one bark at a time which is repeated on average every hour over a night-time period; and
- the barking must be considered **loud enough to be heard beyond the dog owners' Property** causing persons to wake at night.

The Owner of any dog found to be causing a nuisance by persistent and loud barking or howling, following a complaint to Council and verified by a Dog Control Officer, must take all reasonable steps to prevent the dog(s) from creating such a nuisance.

Any Owner who has been issued with a notice to remove a barking dog from their property:

- may, within seven days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice; and
- has the right to [object to the notice](#), and have their objection heard by Council, under section 20 of this Policy.

### 4.2.10 Fouling in Public Places

Any Owner of a dog which fouls in a public place or on land or premises other than that occupied by the Owner, must remove the dog waste immediately and dispose of it responsibly.

### 4.2.11 Dogs in Public Places

All Owners **must** use or carry a leash with them **at all times** when in a Public place or Private way.

All dogs (except working dogs whilst working) **must** be kept on a leash or harness, and under control or securely tied-up in **the following Public places at the specified times:**

- all streets zoned as residential, commercial and industrial in the Upper Hutt City Council District Plan - at all times;
- Birchville Park and Te Haukaretu Park - at all times
- all playgrounds - at all times;
- all parks - while Council approved activities are in progress.

Dogs may be exercised **off-leash** in public areas outside the restricted areas and times specified above, provided they are under control at all times, and do not annoy, harass or cause a nuisance to any other users of the Public place or Private way.

Dogs may also be exercised off-leash in **places designated as dog exercise areas**. Details of these areas can be found in Schedule 1 of this Policy. From time to time, Council may, by resolution, add, amend or remove such designated dog exercise areas, having first considered such matters as are listed in section 10(4) of the DCA

Dogs are not permitted in **places designated as dog-free areas**. Details of these areas can be found in Schedule 2 of this Policy.

#### 4.2.12 Impounding of dogs

Impounded dogs will not be released unless they are registered, and all fees and charges have been paid.

Any and all costs incurred by Council in the impounding and care of dogs may be passed on to the Owner.

Sustenance fees are charged on a daily basis, for dogs being kept in the pound facility.

All fees will be set by the Council annually, and can be found on the Council's webpage.

Impounding fees will increase for second and subsequent impounding within any 12-month period from the date of the first impounding. The aim of this is to help discourage repeat offences, and Owners are encouraged to investigate the root cause of the problem, such as inadequate fencing etc.

Impounded dogs will need to be microchipped and registered before release, in accordance with [section 69A](#) of the DCA.

#### 4.2.13 Probationary Owners

Council may classify a person as being a Probationary Owner for a period of up to 24 months, in accordance with section 21 of the DCA.

As a result of being classified as a Probationary Owner, the Owner must satisfy requirements under sections 23, 23A and 24 of the DCA.

An Owner who has been classified as a Probationary Owner has the right to object to the classification, and have their objection heard by Council, under section 20 of this Policy.

#### **4.2.14 Disqualification of owners**

Council may disqualify a person from owning any dog, according to [section 25 of the DCA](#).

Council may choose not to disqualify the Owner if it is satisfied that the circumstances of an infringement offence(s) are such that either disqualification is not warranted, or Council may instead classify the person as a Probationary owner under section 13 of this Policy.

Disqualified Owners must dispose of all dogs they own within 14 days of being disqualified, and cannot own any more dogs for up to five years, as determined by Council.

An Owner who has been disqualified has the right to [object to the classification](#), and have their objection heard by Council, under section 17 of this Policy.

#### **4.2.15 Dangerous Dogs**

Council may classify a dog as being a Dangerous dog in accordance with [section 31](#) of the DCA.

If a dog is classified as Dangerous, the Owner must satisfy all requirements under section 32 and section 36A of the DCA.

The Owner of a dog which has been classified as Dangerous has the right to object to the classification, and have their objection heard by Council under section 17 of this Policy.

#### **4.2.16 Menacing dogs**

Council may classify a dog as being a Menacing dog in accordance with section 33A or section 33C of the DCA because of its behaviour or breed.

If a dog has been classified as a Menacing dog because of its behaviour, the Owner must satisfy all requirements under section 33E and section 36A of the DCA.

If a dog has been classified as a Menacing dog because of its breed (in whole, or in part), the Owner must satisfy requirements under section 33E, with the exemption of section 33E(1)(b), and section 36A of the DCA.

The Owner of a dog which has been classified as Menacing has the right to object to the classification, and have their objection heard by Council, under section 18 of this Policy.

If the dog is confirmed as Menacing, the muzzling requirement must remain, but the Council may determine whether or not the dog must be neutered. To help make this decision, the Council's Hearing Committee may consider factors such as:

- a. the nature of the incident which has caused the dog to be classified as 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.



## 4.2.17 Objections to classification, notices or orders

An Owner can object to a decision made by Council regarding:

- classification as a probationary owner,
- disqualification from owning a dog,
- classification of a Dangerous dog,
- classification of a Menacing dog,
- a notice to remove a barking dog from their property,
- an instruction to muzzle their dog.

The Owner can object to such a decision in writing, and can also request that they be heard by Council in support of their objection. Following a meeting to deliberate this, Council will then inform the Owner in writing as to their decision and the reasons for it.

## 4.2.18 Infringement Notices and Fees

A Dog Control Officer can issue an infringement notice under [section 66 of the DCA](#) and infringement fees for offences listed in [Schedule 1](#) of the DCA.

## Schedule 1 – Designated Dog Exercise Areas

## Schedule 2 – Designated Dog-free Areas

# 4.3 Dangerous and Insanitary Buildings Policy 201724

## 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.

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<sup>24</sup> 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.

## 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.

### 4.3.2.1 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
- 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 Policy<sup>26</sup>**

### **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 charges<sup>25</sup>
- 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:

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<sup>25</sup> 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.

- 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 2018<sup>26</sup>.

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.

### 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.

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<sup>26</sup> 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.

#### **4.4.4 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 Strategy, Partnerships and Growth functions

## 5.1 Gambling Venues Policy (Class 4 gaming machines and TAB)

### 5.1.1 Commencement

This policy combines the Class 4 gaming machine venues and TAB New Zealand venues policies which were adopted by Upper Hutt City Council in 2004 and revised in 2007, 2010, 2013, and 2016.

The 2020 revision comes into effect on 17 September 2020 and replaces all previous versions. It is intended to operate for a further three years and be reviewed by Council by no later than 2023.

### 5.1.2 Introduction

Upper Hutt City Council (Council) is required under legislation to adopt a policy for class 4 gaming machine (“Pokies”) venues and TAB New Zealand venues. This policy covers requirements for both.

Class 4 gaming machines and venues are regulated under the Gambling Act 2003, and TAB venues are regulated under the Racing Industry Act 2020.

### 5.1.3 Statutory framework

#### **GAMBLING ACT 2003**

The Gambling Act 2003 (GA) came into force on 18 September 2003. It requires Councils to adopt a class 4 gaming machines venue policy. The policy must say whether or not gaming machine venues can be established in the city, and if so where they may be located, subject to compliance with any District Plans, standards or any issued resource consent. In addition, the policy may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 gaming machine venue.

The GA also requires that Councils must review their class 4 gaming venue policy within three years of the adoption of the policy, and then review this every three subsequent years. The review must consider whether the social impacts of and risk of harm from gambling requires greater regulation. Furthermore, after the Gambling (Gambling Harm Reduction) Regulations 2004 came into force, Councils must consider whether to include a relocation policy.

#### **RACING INDUSTRY ACT 2020**

The Racing Industry Act 2020 (RIA) came into force on 1 August 2020. It requires Councils to adopt a TAB venue policy. The policy must say whether TAB venues can be established in the City, and if so where they may be located, subject to compliance with any District Plans, standards or any issued resource consent

The RIA also requires that Councils must review their TAB venue policy within three years of the adoption of the policy, and then review this every three subsequent years. The review must consider whether the social impacts of and risk of harm from gambling requires greater regulation.

### **5.1.4 Policy objectives**

Council supports the primary purposes of the GA which are to:

- control the growth of gambling,
- authorise some gambling and prohibit the rest,
- facilitate responsible gambling,
- ensure that money from gambling benefits the community,
- facilitate community involvement in decisions about the provision of gambling.

The objectives of this policy are to:

- ensure that the Council and Community have an influence over the provision and location of new gambling venues in the city,
- ensure that the provision of class 4 gaming machines is not the primary purpose of these venues,
- ensure that gaming machines and TABs are located in venues where there is a degree of supervision and control of those using them, in order to help reduce the risk of problem gambling,
- minimise the harm to the community caused by gambling, and
- allow the Community to have access to gambling venues for entertainment purposes, and to benefit from the proceeds which they generate.

### **5.1.5 Definitions**

For this policy, unless the context otherwise requires, the following term definitions apply:

Class 4 gaming venue means a place at which class 4 gaming machines (also known as Pokies) are located, or for the purposes of application, at which it is proposed that gaming machines be located.

Primary activity means the activity primarily associated with and promoted by the venue.

TAB New Zealand or TAB NZ means the body established by section 54 of the RA to conduct racing betting, sports betting, or other racing or sports betting under the RIA.

TAB venue means premises owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sports betting services under the RIA.

Unsuitable class 4 venue has the same meaning as section 4 of the Gambling (Harm Prevention and Minimisation) Regulations 2004.



## 5.1.6 Requirements for venues

An operator wanting to establish a new venue, or to increase the number of class 4 gaming machines that may be operated at an existing venue, must first gain consent from Council before they can apply for a licence from the Department of Internal Affairs.

A Class 4 gaming machine and/or venue application for Council consent under this policy must satisfy all of the requirements in clauses 6.1 to 6.4, and provide payment of the application fee. Consent will not be given to any venue defined as 'unfit' under section 4 of the [Gambling \(Gambling Harm Prevention and Minimisation\) Regulations 2004](#).

A TAB venue application for Council consent under this policy must satisfy the applicable requirements in clauses 6.1 and 6.6, and provide payment of the application fee.

The application process is detailed in section 7.

### 5.1.6.1 LOCATION OF CLASS 4 OR TAB VENUES

New class 4 gaming and TAB venues may only be established within the Upper Hutt City business commercial zones, as set out within the Upper Hutt District Plan.

Applications for new class 4 gaming machines or venues will not be consented if the venue's location is within 100m of any existing class 4 gaming venue, or kindergarten, early childhood centre, kōhanga reo, school, or other community facility.

### 5.1.6.2 PRIMARY ACTIVITY OF CLASS 4 GAMING VENUES

The primary activity of any class 4 gaming venue must be:

- the sale of alcohol or, the sale of alcohol and food where the venue is subject to an alcohol licence (not being an off-licence or a bring-your-own licence) for a hotel, tavern, bar, chartered club or club licence; or
- the sale of alcohol where the alcohol licence for the venue is an on-licence or club licence.

Consent will not be granted for a new venue at which the primary activity is associated with family dining (such as cafés and restaurants), family activities (such as cinemas) or children's activities.

### 5.1.6.3 MAXIMUM NUMBER OF GAMING MACHINES ALLOWED AT A CLASS 4 GAMING VENUE

Applicants must refer to and comply with sections 92 – 94 of the Gambling Act 2003 which control the maximum number of gaming machines permitted at a given venue.

### 5.1.6.4 RELOCATION AND TRANSFER OF CLASS 4 VENUES

Where an existing licenced class 4 gaming venue is ceasing to operate, Council will consider, at its own discretion, applications to allow the transfer of its current venue conditions to another location if:

- the application meets requirements 6.1 to 6.4 of this policy; and,
- all class 4 gaming machines will be, or have been, removed from the current venue; and,
- the new venue is operated by the same corporate society which operated the existing venue; and,

- the new venue will have no more than the number of class 4 gaming machines as the current venue, subject to any restrictions applicable under the Gambling Act 2003.

The merging of existing venue conditions is not permitted.

#### **5.1.6.5 SIGNAGE FOR CLASS 4 GAMING AND TAB VENUES**

All gambling venues advertising signs must comply with section 8A.3 of the Upper Hutt City Council Operative District Plan 2004.

#### **5.1.6.6 OPERATION OF CLASS 4 GAMING VENUES**

Class 4 gaming venues must be operated subject to the following conditions:

- gaming machines must not be visible from the footpath, street, road or highway,
- gaming machines must be in a separate location from any family activities,
- gaming rooms must be well lit, preferably by natural light, and have clocks within easy view of machines, if not on the actual machines,
- details on the staff training programme, particularly related to problem gambling, must be provided on request,
- the holder of a class 4 gaming licence must display at the class 4 gaming venue all information required by section 82 of the GA, and this must be clearly accessible to the public.

### **5.1.7 Consent process**

#### **5.1.7.1 APPLICATIONS**

Applications for Council consent must be made on the Council's application form and must provide the following:

- 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,
- the number of gaming machine currently licenced in the premises,
- 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,
- 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 gaming venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

Establishment of a class 4 gaming venue is subject to the above consideration at the discretion of Council.

#### **5.1.7.2 APPLICATION FEE**

The application fee is set by Upper Hutt City Council and includes consideration of:

the cost of processing the application;

the cost of monitoring consents; and

the cost of triennially reviewing the class 4 gaming and New Zealand Racing Board venues policy.

The application fee will be reviewed by Council each year as part of its Schedule of Fees and Charges review.

## **5.2 Sculpture guidelines**

### **5.2.1 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.

### **5.2.2 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.

### **5.2.3 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:

#### **5.2.3.1 STEP 1**

Applicant prepares application package, including items identified on the 'Sculpture in public places - checklist form'.

Applicant requests a meeting of the Sculpture Advisory Panel and submits application.

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.

### **5.2.3.2 STEP 2**

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.

Applicant provides a copy of all items identified on the 'Sculpture in public places - checklist form' to Council to support the application.

## **5.2.4 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.

## **5.2.5 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.

#### **5.2.5.1 QUORUM**

Three members.

#### **5.2.5.2 MEETING FREQUENCY**

Dependant on need.

### **5.2.6 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'.

### **5.2.7 Application requirements:**

1. a completed 'Sculpture in public places checklist form', available from:
  - a. the website 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.

### **5.2.8 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.

### **5.2.9 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.

### **5.2.10 Guidelines Review**

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

## 5.3 Economic Development Stimulus Policy<sup>27</sup>

### 5.3.1 Purpose

This policy seeks to stimulate economic growth within Upper Hutt by encouraging development that provides employment and economic benefit to the city, as well as by supporting building upgrades to elevate the presentation and structural safety of commercial/industrial building stock in Upper Hutt.

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

- a. rates grant;
- b. building and resource consent fee grant;
- c. earthquake strengthening incentive grant;
- d. retrofit incentive grant; and
- e. relocation and new building incentive grant.

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 and visitor expenditure, increased economic benefit to the community, 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. The policy acknowledges the importance of the city centre<sup>i</sup> to the economic prosperity of Upper Hutt, and makes particular provision for development which will enhance and activate this part of the city.

### 5.3.2 Upper Hutt City Council - Economic Development Stimulus Incentives

Incentive 1: rates grant
<p>For new developments and building conversions that will not generate an income stream whilst construction is taking place, Council may provide a grant to cover the relevant property rates requirement<sup>i</sup>. The grant would cover rates for the duration of the construction, with a maximum of one year<sup>ii</sup>.</p> <p>A reduction on rates - for a maximum of one year following the revaluation of the developed property, for new developments and conversions that meet the criteria set by the Rates Remission Policy for Economic Development, but are unable to meet the qualifying timeline. Policy for Economic Development.</p>
Incentive 2: building and resource fee grant

<sup>27</sup> 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



Council seeks to create employment by refunding the Council portion of building and resource consent charges on commercial and/or industrial developments that involve the construction, erection or conversion of any building(s) intended to be used for industrial, commercial or administrative purposes, and expected to create additional new full-time equivalent jobs<sup>iii</sup>

Council may refund the Council portion of building and resource consent charges on new and/or renovated developments in the city centre that have a mix of commercial space and/or ground floor retail with high density residential apartments above<sup>iv</sup>.

Incentive 3: earthquake strengthening incentive grant

Council may provide a grant of up to 30% of the value of the work, up to a maximum amount of \$20,000, towards building strengthening work that results in the building achieving a final seismic strength rating 34% New Building Standard (NBS) or greater<sup>v</sup>.

Council may provide a grant of up to 50% of the value of the work, up to a maximum amount of \$40,000, towards building strengthening work that results in the building achieving a final seismic strength rating 67% New Building Standard (NBS) or greater<sup>v</sup>.

Applications for this grant may also be entitled to have the related building consent fee waived.

Incentive 4: retrofit incentive grant

Council may provide the following financial incentive for exterior improvements to existing buildings:

a. Exterior retail/commercial facade improvements – within the city centre. For exterior storefront improvements (visible from the street or footpath only) with a value over \$2000, Council may contribute up to 50% of the costs up to \$2,500.

Council may provide one of the following financial incentives (for one year only) to retrofit<sup>vi</sup> existing buildings:

Commercial property retrofits - within the city centre. For retrofits with a total cost over \$5,000 in value, up to 25% of costs to an allocation of up to \$15,000.

Commercial property retrofits - within the city centre. For retrofits with a total cost over \$60,000 in value, up to 40% of costs to an allocation of up to \$40,000.

Commercial property retrofits (small) - city wide. For small to medium retrofits with a total cost over \$40,000 in value which will employ 3 or more FTE's, an allocation of up to \$10,000.

Commercial property retrofits (medium) - city wide. For businesses retrofitting an existing site, with a total cost over \$40,000 in value and, which will employ between 10 and 30 FTE's (with an existing or new tenancy contract signed) - an allocation of up to \$20,000.

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<sup>vii</sup> (with an existing or new tenancy contract signed) – an allocation of up to \$50,000.

Incentive 5: relocation and new building costs incentive grant

Council may provide one of the following financial incentives to relocate a new or expanding business in Upper Hutt<sup>viii</sup>:

Small relocations - Council may 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 or that are expanding in Upper Hutt, to employ between 3 – 10 FTE's (and have signed a tenancy contract).

Medium relocations - Council may 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, or that are expanding in Upper Hutt, to employ between 10 – 30 FTE's (and have signed a tenancy contract).

Large relocations - Council may 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, or that are expanding in Upper Hutt, to employ over 30 FTE's (and have signed a tenancy contract) or it is a significant retail store<sup>vii</sup>.

Council may provide one of the following financial incentive to construct a new building:

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 may 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.

- 
- I. For the purposes of this policy, 'city centre' refers to the operating zone of a business, where its activity is accepted by Council to make sufficient direct positive impact on the CBD as defined in the Upper Hutt City Council District Plan.
  - II. The grant amount will be to the nearest hundred, without exceeding the total general rates owing for the year. Grant amounts will depend on the level of funding left in the stimulus fund.
  - III. Applications for building and consent fee grants will be considered on a case by case basis, to ensure that the level of employment created by the development justifies the incentive.
  - IV. While the focus of this incentive is to encourage mixed use within the city centre, Council may also consider applications for mixed use outside of the city centre on a case by case basis.
  - V. 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 city centre. Applications for buildings not within the city centre will be considered on a case by case basis, at the discretion of Council. NBS refers to 'New Building Standard'.
  - VI. 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.
  - VII. 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.
  - VIII. For relocations within Upper Hutt, factors will be considered as follows:

- a. Whether a business is expanding, integrating or consolidating;
- b. Whether the panel considers it will add to a retail sector or a particular section of the city centre; or
- c. Whether the panel considers it will add to the dynamism of the city centre.

### **5.3.3 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.

### **5.3.4 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.

### **5.3.5 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. 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.

### 5.3.6 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. 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 financial year.
- e. A Council resolution is required before any form of relief can be granted for applicants proposing to receive \$95,000 and over.
- f. All appeals are required to go through a Policy Committee Meeting.

### 5.3.7 Conditions

- a. In granting funds 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, the applicant will be liable for resource and building consent charges as per usual.
- e. Grant amounts will only be paid on presentation of quotes and corresponding invoices.
- f. All applications (excluding consent fee and rates grant 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 may 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 will only be allocated to the specific property/lot being developed.

- i. 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.
- j. Grant recipients will provide the Council with specific business information, if requested, to assist the Council in assessing the impact of the Economic Development Stimulus Policy. This information may be requested for up to five years from receipt of the grant, and will relate to the ongoing contribution of the business to the Upper Hutt economy, relating to capital investment and employment contribution to the city.

## **5.4 Easter Sunday Trading Policy for Upper Hutt**

### **5.4.1 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.

### **5.4.2 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.

### **5.4.3 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.

### **5.4.4 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— a. a private home where the owner or occupier's effects are being sold (by auction or otherwise); or b. 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 c. 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).

## 5.4.5 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.

## 5.4.6 Schedule A: Map of the Upper Hutt District



## 5.5 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](mailto: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 10 pages, will be charged at 10c for each page after the first 10 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' (issued 18 March 2002) for guidance in addressing any issues not covered above.

## **5.6 Event Fund Disbursement Policy**

### **5.6.1 Commencement**

This policy came into effect on 22 September 2021 and replaces all previous versions.

It is intended to operate for a further 5 years and be reviewed by Council no later than 2026.

### **5.6.2 Introduction**

Upper Hutt City Council provides an annual Event Fund to support a diverse range of events that contribute to the local economy, enhance the City's vibrancy, have an environmental conscience, and provide cultural, safe, and accessible experiences that are of value to locals and visitors alike. This focus aligns with Council's Long Term Plan.

Event organisers may make an application to the annual contestable fund, which is assessed by Council for its alignment to the Events Strategy 2021-2026.

Events that are assessed to meet the fund criteria will be granted support by Council to aid in the successful delivery of the event and achieve the agreed outcomes.

See related document: Upper Hutt City Council Events Strategy 2021-2026

### **5.6.3 Purpose**

The purpose of this Policy is to document the guidelines for administering the contestable pool of funds, to support a limited number of events each year.

### **5.6.4 Scope and exclusions**

This Policy applies to the administration of the Event Fund.

### **5.6.5 Authority of the policy**

- This Policy is issued under the authority of the Chief Executive of UHCC (Upper Hutt City Council) and will be reviewed and amended, at least every 5 years or sooner, if required.
- This policy is implemented under the purview of the Director Strategy, Partnerships and Growth by the Communications and Marketing Manager.



## 5.6.6 Policy Statements

### Event Categories

To make sound support and investment decisions Council have identified four event categories, each with its own unique assessment criteria weighted to achieve desired outcomes. The categories are:

- Signature Events
- Large Events
- Regional Events
- Local Community Events

#### Signature Events

Council will take a partnership approach and support Signature Events. A Signature Event is one that aligns strongly with the Event Strategy 2021-2026 strategy objectives. Opportunities to secure a Signature Event will not come along every day, but when they do, Council may choose to provide increased support and/or investment to secure the opportunity and reap the benefits accompanying this event for the City.

Measurable key performance indicators will be set, and reporting requirements put in place to monitor delivery of progress and ensure Council support and investment is protected.

If at any time the City is not hosting a Signature Event, the Marketing and Promotions team will actively seek opportunities to present to Council for consideration.

These events will:

- Attract a minimum of 20,000 attendees for a free public event, or 10,000 for a ticketed or niche event
- Demonstrate a combined social and economic ROI of 20:1 or greater
- Have an existing out-of-town audience who would be attracted to attend
- Have the potential to attract positive regional, national and/or international media coverage
- Demonstrate a national promotional reach
- Align with Upper Hutt City Council and HuttValleyNZ's brand positioning

*NOTE:*

1. *Signature Event funding decisions are made by a resolution of Council.*
2. *The Signature Event category is included in the Policy to present the full range of event types, however they are treated on a case-by-case basis and not as part of the annual Event Fund round.*
3. *The remaining three event categories are administered by Council Officers by way of this Policy.*

#### Large Events

Attract at least 5,000 attendees; Demonstrate a combined social and economic ROI of 10:1 or greater; Have the potential to attract local and/or regional media coverage.

### **Regional Events**

Be regionally significant; Have a physical presence in Upper Hutt and provide opportunities for Upper Hutt's community and/or local businesses and organisations; Demonstrate a combined social and economic ROI of 10:1 or greater; Have the potential to attract local and/or regional media coverage.

### **Local Community Event**

Encourage active community participation and engagement, therefore getting locals and visitors to try new things and discover new places; Supporting the growth of local talent, as well as local businesses and organisations to benefit from events; A strong emphasis on Kaitiakitanga – guardianship of the land. Events that protect, enhance, and celebrate our City's natural environment; Generate positive legacy outcomes that benefit future generations.

## **5.6.7 Process**

- The funding round is open for applications submitted electronically between 1 June and 30 June each year. Applications for Large, Regional and Local Community Events will be considered for events taking place during the fiscal year from 1 July – 30 June.
- At the end of the Event Fund period on 30 June, all applications are reviewed using Event Fund Assessment Criteria (6.3), Support Value Guidelines (6.4), along with consideration of the Upper Hutt events landscape at the time to make a decision on the level of financial and non-financial support Council can offer.
- A funding decision document is reviewed and approved by the Director, Strategy, Partnerships and Growth. Council is informed of applications approved and granted through regular reporting processes.
- Decisions are communicated to applicants. Within three months of the event date, the applicant can submit an itemised invoice to the Council for the amount approved.
- All associated assessment criteria will be reviewed as part of the Policy review or earlier if required to ensure best practice, continued alignment with Councils Long Term Plan and supporting strategies. Any updates to criteria or Policy will require Council approval.

## **5.6.8 Event Fund Assessment Criteria**

At a minimum, all events receiving support from Council must:

- Support Councils Long Term Plan and principles identified in the Events Strategy 2021-2026
- Build a sense of community or city pride
- Commit to reasonable environmentally sustainable practices
- Demonstrate a good fit with the existing events calendar by way of event date, geographical spread, and event type/offering
- Take advantage of and highlight existing city infrastructure and/or natural assets

- The Event Fund Assessment Criteria will be used to determine how well events align with the Event Strategy 2021-2026. This process removes bias from the assessment of applications. Information contained in the applications will be scored against the comprehensive criteria:
- Will the event increase local spend in the city?
- Will the event increase overnight visitors to the city?
- Will the event increase day visitors to the city?
- Will the event increase positive awareness of the city?
- Will the event use local or regional based suppliers/organisations?
- Will the event add strength to Upper Hutt City Council and HuttValleyNZ's brand positioning?
- Will organisers pitch stories of their event to media?
- Will the event increase foot traffic within the city centre?
- Will the event directly attract investment into the city?
- What is the estimated number of event attendees?
- How many members of the community are going to be actively involved in the delivery of the event experience?
- Will the event attract attendees to venue that is under-utilised or has recently been invested in?
- Does the event provide experiences or opportunities to attendees that are not already available in the city?
- Are there partnering and/or sponsorship opportunities provided by the event for local organisations?
- Will use local talent (amateur or professional) be utilised in the delivery of the event?
- Is the event free or ticketed?
- If ticketed, is the cost reasonable and does it deliver value for money for Upper Hutt residents?
- To meet community preferences, is the event any of the following?
  - Is the event of significance to the community?
  - Does the event make a commitment to zero waste?
  - Will the event have a waste minimisation plan with measurable/reportable results?
  - Will the event support the use of public transport?
  - Will the event educate attendees in some way about kaitiakitanga or the environment?
  - Will the event provide any tangible legacy outcomes?
  - Will the event provide any in-tangible legacy outcomes?

- Will the event utilise Council, Community or Corporate assets in a mutually beneficial way?
- Does the event help deliver a Council service?
- Will the event take place during the off-season (May-November)?

### 5.6.9 Support Value Guidelines

Once the event is assessed, the Support Value Guidelines will be used to determine the appropriate level of funding. Support can take the form of financial support, Council Officer time (valued at \$50/hour), use of Council channels (at value) and venue hire (at value).

Assessed at		Very low	Low	Slightly low	Slightly high	High	Very high
Signature Event	Cash Investment	NA	NA	NA	By negotiation	By negotiation	By negotiation
	Support Investment	NA	NA	NA	By negotiation	By negotiation	By negotiation
Large Event	Cash Investment	NA	\$200-\$1000	\$1000-\$2500	\$2500-\$4000	\$4000-\$7500	\$5000-\$10000 (max)
	Support Investment	NA	\$500>	\$1000>	\$2000>	\$2500>	\$5000>
Regional Event	Cash Investment	NA	\$200-\$1000	\$1000-\$2500	\$2500-\$4000	\$4000-\$5000	\$5000-\$7500 (max)
	Support Investment	NA	\$500>	\$1000>	\$2000>	\$2,500>	\$500>
Local Community Event	Cash Investment	\$250>	\$200-\$1000	\$1000-\$2000	\$2000-\$3500 (max)	NA	NA
	Support Investment	\$250>	\$500>	\$1000>	\$2000>	NA	NA

### **5.6.10 Terms and Conditions for Event Fund Recipients**

- Event Support applications can only be received from legal entities; this excludes local and central government entities.
- Funding cannot be granted retrospectively.
- Council will not grant money for wages, salaries, capital works, asset purchases, underwriting, or event management and professional fees.
- Only one application can be considered for any single event during the funding year/period.
- If the post-event report is not submitted by the deadline the applicant will not be eligible for event funding the following year.
- Repeat applications for annual events may be scored lower to make way for new emerging events and to encourage events to become financially sustainable.
- If a higher than usual number of Event Support Applications are received, a reassessment of the Support Value Guidelines may be temporarily undertaken.
- Applicants who receive funding, qualify for other funding, or a project which is eligible to receive direct funding from central government, will not normally be considered.
- Fundraising events will not normally be considered for funding.
- Council may, at its discretion, decline any events not in keeping with the purpose of this Fund or Long Term Plan.

### **5.6.11 Reporting for Event Fund recipients**

Each event that is successful in receiving event support from Council is required to submit a post-event report within six weeks of the last day of the event. The purpose of the report is to:

- Review the overall success of the event against the outcomes defined in the Event Fund Application and subsequent Event Fund Acceptance Form
- Determine key recommendations for future event support by Council
- Review the economic and social return on Council's support investment

Minimum reporting requirements for all events:

- Overview of the event experience that was delivered
- Attendance/participation numbers
- How the event supported Council's Events Strategy 2021-2026 vision and objectives
- Recommendations for improvement/future growth
- The social impacts/legacy outcomes achieved
- Marketing reach and highlights

- How community, local talent, suppliers, businesses and/or organisations were involved and benefited
- Details of actions to protect the environment
- How Council's support was acknowledged pre, during and post event

Additional reporting requirements for all events provided support to the value of \$5,000<:

- Breakdown of demographics, particularly local vs visitors for attendees
- Data and anecdotal examples that demonstrate social outcomes
- Media coverage and reach
- Details of zero waste and/or waste minimisation practices implemented, as well as landfill diversion rates achieved
- If legacy outcomes where sought, detail results and/or progress of this at time of reporting

## 5.7 Sustainability Stimulus Grant Disbursement Policy 2022

### 5.7.1 Purpose

1. The purpose of this Policy is to enable Council to:
  - a) Stimulate investment in sustainable practices or projects within Upper Hutt; and
  - b) Provide financial assistance thorough the provision of Grant; and
  - c) Assess Grant applications in a transparent, fair and reasonable way; and
  - d) Monitor the performance of the programme on an ongoing basis.
2. This Policy applies to all applications to the Grant.
3. This Policy should be read in conjunction with the UHCC Sustainability Strategy 2020 to give better context to the purpose and scope.

### 5.7.2 Commencement

4. The Sustainability Stimulus Grant Disbursement Policy (Policy) was adopted by Upper Hutt City Council (Council) with effect on 22 September 2021 and was revised on 14 December 2022. The 2022 revision comes into effect immediately and replaces all previous versions.
5. The Policy will be reviewed every three years from the date of adoption or as required.

### 5.7.3 Definitions

6. Unless the context requires otherwise, all interpretations and definitions relating to associated terminology shall be the same as those in the UHCC Sustainability Strategy 2020.

**Sustainability Stimulus Grant (Grant)** means a funding program that will contribute to projects that align with the goals of the Sustainability Strategy.

**Sustainability Stimulus Grant Disbursement Panel (Panel)** means a panel of Elected Members who will convene and grant funds where appropriate.

**Sustainability Strategy Goals** can be read in full in the UHCC Sustainability Strategy.

### 5.7.4 Eligibility Criteria

7. All applications, to be considered as eligible, must:
  - A. Meet the eligibility criteria; and
  - B. Be submitted to Council by the closing date.
8. All applicants must be able to demonstrate that their project or activity will be advantageous to Upper Hutt.
9. All applicants must be able to demonstrate that their project or activity aligns with one or more of the UHCC Sustainability Strategy goals.
10. An applicant will not be considered if they have applied for the same project more than three times.
11. All applicants will be required to show commitment to the longevity of the project in Upper Hutt, to the Panel's/ Council's satisfaction.

### 5.7.5 Assessment Criteria

12. Each application/project will be assessed on the basis of its meeting one or more of the following criteria:
  - A. **Carbon reduction** for example, total energy/carbon savings.
  - B. **Biodiversity** enhancement for example, area of land enhanced, number of volunteers.
  - C. **Water conservation** for example, improvement to waterways, amount of water saved.
  - D. **Resilient Communities** for example, number of households that will benefit.
  - E. **Leadership** for example, the number of people that will be positively impacted through innovative change.

F. **Waste** for example, how many kilograms of waste will be diverted from landfill.

G. **Education and Engagement** for example, how many people will be involved in the project, and how many people will it reach.

H. **Transport** for example, the amount of emissions that will be saved.

13. The assessment criteria are aligned with the goals in Council's Sustainability Strategy.
14. Weighting will be given to projects or initiatives that have the biggest impact to the criteria above.
15. Greater weightage will be given to projects that meet more than one criteria.

### 5.7.6 Conditions

16. Each application will be considered on a case-by-case basis.
17. Applicants will provide the Panel with specific information, if requested, to assist in assessing suitability for the Grant.
18. Applicants will provide Council with specific information if requested, to assist Council in measuring the impact and success of the Grant. This information may be requested up to five years from receipt of the grant and will relate to the ongoing contribution to the Strategy's Goals, and the advantages delivered to Upper Hutt.
19. Council is under no obligation to distribute any amount of Grants to any applicant. The final decision to grant funding belongs to Council and is binding.
20. In approving grant funds under this policy, Council may, at its discretion, specify and impose conditions on applications. Applicants will be required to agree to these conditions and to return any payments if the conditions are not met.
21. If an application has been approved but the associated works do not commence within twelve months of the approval date, Council approval will expire and funding will be forfeited. Funding may then be made available to other applications.
22. Funds awarded are not transferable and will only be allocated to the specific project as it has been approved.
23. Applicants will need to demonstrate the origin and amount of other sources of funding as part of the application process.
24. Consideration of emerging opportunities that do not fall within the remit of this policy may be considered by the Panel on a case-by-case basis. The presentation of any such applications to Council will be at the discretion of the Chief Executive, and Director of Strategy, Partnerships and Growth.
25. The minimum amount of funding which can be granted to an application is \$5,000. The maximum amount of funding which can be granted to an application is \$100,000 during any financial year.
26. Applicants may be awarded up to 40% of the cost of a project or initiative, up to a maximum of



\$100,000. The Panel may use their discretion to award Grant applications over the 40% threshold if the project or initiative has significant benefit/s to the community and/or environment (as determined by the Panel).

27. All applications must be accompanied by formal quotes before approval can be given.
28. No applications will be accepted retrospectively of the project being commenced.
29. Recipients of funds must provide impact an impact assessment on the completion of the grant.

### **5.7.7 Assessment Process**

30. Applications will be assessed by the Panel.
31. All applications must be made in writing for the Panel to assess using the provided application form.
32. All applications will be assessed for suitability, and ranked against the following criteria:
  - I. Alignment to the Sustainability Strategy Goals.
  - J. Advantage to Upper Hutt.
33. Funds will be allocated from a contestable fund, as decided by the Panel. The decision whether or not to award funding and the amount given will be at the discretion of the Panel in every case. 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.

### **FUNDING ROUNDS**

34. Council will run one initial funding round for the Grant during each financial year. Any unused funds will be reallocated into a second funding round within the same financial year. Any further un-committed funds may be carried forward to the next financial year, at the discretion of Council.

35. Opening and closing dates and the amount of funds available for each funding round will be advertised on the Council's website.

\*NOTE: All financial figures in this Policy are expressed as GST exclusive.

## **PAYMENT**

Grant payments will typically be made after evidence of project progress or completion has been presented. The final timing of the payment will be at the discretion of council.

### **5.7.8 Grant allocation**

#### **WHO CAN APPLY?**

Businesses, organisations or individuals that can show their project or initiative will advantage Upper Hutt in relation to the Sustainability Strategy Goals.

#### **WHAT IS EXCLUDED?**

Funding will not be allocated to projects from Government Agencies. Including schools and education facilities, as well as those listed on [www.govt.nz/organisations](http://www.govt.nz/organisations)

Funding will not be allocated to Events.

Funding will not be allocated to operational costs of an organisation, including but not limited to staffing costs, marketing expenses, training, and insurances.

### **5.7.9 Monitoring**

The Policy will be monitored and reported on an annual basis for its performance and effectiveness (delivery) using the following metrics:

- k. Number of projects approved, which would not have proceeded without assistance from the Grant.
- l. The outcomes for the Upper Hutt community (e.g. tonnes of CO2e avoided and water conservation).

# 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\* are as follows:

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

\* Reviewed annually

5. 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.
6. 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:

1. indirect programme costs or running costs for organisations involved in community support work
2. projects which enhance existing community support programmes where additional resources are required
3. 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:

1. applicants must show a strong need for the service, programme or event and wide community benefit
2. there must be demonstrated need for the additional funding
3. applicants should be able to show substantial volunteer involvement and self-help
4. 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 H<sub>2</sub>O Xtream policies**

All policies relating to H<sub>2</sub>O 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 H<sub>2</sub>O 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 , 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.

## 6.7 Child Protection Policy (Kaupapa Here Tiaki Tamariki)

### 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 commits to the role of Child Protection Coordinator. This role has operational 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 [Oranga Tamariki](#), and/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 the Council's Director of Community Services and Executive Leadership Team in all matters relating to child protection concerns.

### 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 roles may receive additional training in recognising and responding to child protection concerns as required. For this and other definitions refer to in Appendix 1.

### 6.7.4 Upper Hutt City Council's recruitment procedure

Section 21 of the [Children's 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 [Children's \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#) set out in the New Zealand Government's official Children's Action Plan.

### **Safety checks (Police vetting)**

All new Children's workers (even if they are not new to the employer but are newly appointed to this role) must be safety checked before they commence employment.

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.

Any applicant for a Children's 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. Information about the core worker exemption process is available at

<https://www.orangatamariki.govt.nz/assets/Uploads/Working-with-children/Childrens-act-requirements/Core-Worker-Exemption-Guide.pdf>

Any Upper Hutt City Council staff member or contractor whose role fits the Act's definition of a Children's worker must be safety checked at least once every three years.

Results of staff and applicant safety checks are held confidentially in the performance and capability office and are not supplied to any third party.

## **6.7.5 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, Section 15 of the Oranga Tamariki 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 the chief executive or a constable”*.

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.



## Appendix 1 Definitions

In this Policy, unless the context otherwise requires:

The terms **Child**, **Children's worker** and **Core worker**, **Children's services** are defined in [sections 5](#) and 24 of the Children's Act 2014. The following summaries of the above terms are provided for information purposes only:

**Child** means a person under the age of 18.

**Children's worker** means 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** means 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** means 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.

NOTE: The following services and projects operated by Council meet the definition of a **children's service** provided in the Act:

- H2O Xtream recreation programmes
- H2O Xtream holiday programmes
- H2O Xtream swimming lessons
- H2O Xtream 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** is defined in [Section 2](#) of the [Oranga Tamariki Act 1989](#). As a summary, it means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.

The following terms expand on this as a guideline for staff to refer to if they have child protection concerns.

**Physical abuse** means any act or acts that result in the physical harm of a child. It may include, but is not restricted to

- Bruising, cutting, hitting, beating, biting, burns/scalds, causing abrasions, strangulation, shaking, suffocation, drowning, poisoning or fabricated or induced illness.

**Safety check** means a safety check undertaken in accordance with [section 31 of the Act](#).

**Sexual abuse** means 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** means 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:

- Physical neglect – failure to provide appropriate living conditions, hygiene, food and clothing
- Medical neglect – not taking care of health needs, including not following up injuries and missing medical appointments
- Educational neglect – lack of normal stimulation in early years, allowing chronic truancy, failure to engage children in education
- Emotional neglect – being unresponsive to a child’s basic need for emotional interaction and support, includes rejection
- Lack of supervision and guidance – inadequate supervision to ensure the child’s safety, lack of guidance about risks

Neglect can be deliberate or unintentional.

## 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 H<sub>2</sub>O Xstream staff manuals including; *Customer Service Manual, Health and Safety Manual, H<sub>2</sub>O Xstream Policy Manual, Emergency Action Plan Manual, Poolside Risk Management Plan* and *H<sub>2</sub>O Xstream Holiday Programme Policy and Procedures Manual*
- *Staff Manual*
- *Library Staff Manual*
- *Library customer behavioural expectation policy*
- *OSCAR Programme Supervision Manual (Oscar NZ)*
- [Safeguarding children \(Tiakina ngā tamariki\)](#) training resources

## Appendix 3 Procedures 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 Oranga Tamariki 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

## 6.8 Smokefree Upper Hutt Policy

### 6.8.1 Introduction

Upper Hutt City Council is taking a leadership role to ensure that Upper Hutt:

- is a healthy community;
- has a healthy natural environment with clean air, water and land; and
- has a built environment that is attractive, safe, and healthy.

Smokefree outdoor public places contribute toward further de-normalising smoking in Upper Hutt and achieving the goal of a Smokefree Aotearoa 2025. The Smokefree Aotearoa goal is that fewer than 5 percent of New Zealanders will be smokers by 2025. The government approach is that this will be achieved by:

- protecting children from exposure to tobacco marketing and promotion;
- reducing the supply of, and demand for tobacco; and
- providing the best possible support for quitting.

### 6.8.2 Objectives

Further denormalise smoking for children and young people by reducing its visibility in public places;

Contribute to improved health and wellbeing by reducing smoking and the impacts of second-hand smoke.

### 6.8.3 Approach

The Smoke-free Environments Act 1990 prohibits smoking in workplaces and certain public areas, but smoking is not illegal.

Smokefree Upper Hutt contributes to making our city increasingly smokefree. The policy discourages smoking in outdoor public places in Upper Hutt primarily through signage, promotion and marketing, education, and engagement with stakeholders and communities.

## 6.8.4 Smokefree spaces in Upper Hutt

- a. Within 20 metres of all parks, reserves and sportsgrounds
- b. Within 20 metres of all children’s playgrounds, including skateparks
- c. Council-run or Council funded events
- d. Bus stops and shelters
- e. Train stations
- f. Within nine metres of outdoor public areas around Council buildings and facilities
- g. Outdoor dining and drinking areas on footpaths
- h. Outdoor public areas in the city centre<sup>28</sup>
- i. Taxi ranks

## 6.8.5 Vaping

Vaping products, also known as e-cigarettes, are devices that produce a vapour by heating a solution (e-liquid). Council, through its publicity and communication, asks that people not vape in smokefree spaces or at smokefree events. Signage will include a ‘no vaping’ message where appropriate.

## 6.8.6 Implementation

The policy will be delivered as per the implementation plan, taking a cross-Council approach and working with external partners as appropriate particularly in regard to education and engagement.

The focus for signage is firstly on areas where children and families congregate or socialise, and areas where smoking rates are high. Implementation of the policy includes signage and messaging in Te Reo Māori.

For bus stops, bus shelters, and train stations, Council will work with Greater Wellington Regional Council and other partners to add and renew signage.

## 6.8.7 Review

The implementation of the policy will be reviewed by December 2021, with an official review of the policy by July 2023.

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<sup>28</sup> The city centre refers to the CBD as defined by the Liquor Bylaw

# 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 , and .

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. We will treat people fairly and with respect, ensuring equality of access to opportunities, and understanding, appreciating and realising the benefits of individual differences.

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 has procedures in place to deal with complaints of discrimination.

## 7.1.4 Practices

We will ensure that all human resources and employment related policies and practices incorporate the principles of equal and equitable employment opportunities.

All Council communications related to human resource practices will 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.

## 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 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 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, 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.

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 and Remuneration of Directors to Council Organisations

### 8.1.1 Commencement and review of this Policy

This Policy was last adopted by a Council resolution on 4 May 2022.

It is intended to be reviewed no later than five years from this date, and within every subsequent five years thereafter, unless a subsequent review is deemed appropriate by the Chief Executive.

### 8.1.2 Purpose and Scope

The purpose of this policy is to set out, in accordance with section 57 of the [Local Government Act 2002](#) (LGA), an objective and transparent process for the:

- a. identification and considerations of the skills, knowledge and experience required of directors to a Council Organisation (CO); and
- b. appointment of directors to a Council Organisation; and
- c. remuneration of directors of a Council Organisation.

NOTE: This Policy will apply to all CO's.

NOTE: All CCO's and CCTO's are a specific type of CO.

NOTE: the constitution, trust deed, or lease agreement with a CO may also provide additional requirements for the appointment and remuneration of Directors, which will apply in addition to the requirements of this Policy.

### 8.1.3 Principles

The following principles underpin this policy:

appointments will be made on the basis of merit, with the key objective of selecting the best person for the role and fit within the Board.

the appointment process will be objective, transparent and accountable

Council will, whenever practicable, publicly notify proposed appointments to give all residents of Upper Hutt an opportunity to apply.

## 8.1.4 Definitions

The terms **Council Organisation (CO)**, **Council-Controlled Organisations (CCO's)** and **Council-Controlled Trading Organisations' (CCTO's)** are defined in section 6 of the LGA.

The following summaries of these terms are provided for information purposes only:

**Council Organisation (CO)** is an umbrella term for any organisation in which Council has a voting interest or the right to appoint a director, trustee or manager (however described). This is a wide-ranging definition, covering many bodies. All CCO's and CCTO's are CO's.

**Council-Controlled Organisation (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, however described.

**Council-Controlled Trading Organisation (CCTO)** is a CCO that operates a trading undertaking for the purpose of making a profit.

**Director**, in this Policy, shall apply to directors, trustees, managers, or office holders of a Council Organisation, however described.

## 8.1.5 Selection and appointment of Directors to CO's

The power to appoint Directors for all CO's lies directly with Council, unless delegated by Council.

The various reasons for the appointment of Directors by Council to CO's may mean that a wide range of attributes for appointees will be desirable.

The CO may 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 other cases, Council will prepare a specification identifying the desired skills, knowledge and experience of the appointee and will call for nominations by advertisement.

In all other cases the procedure to be followed is as follows:

### 8.1.5.1 SKILLS CRITERIA

It is expected that the CO will provide 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 organisation, including its constitution or Trust deed and future directions
- b. the strategic objectives of the organisation 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 foreseeable future.

#### **8.1.5.2 APPOINTMENT**

Appointments may be made to CO's for various reasons, including the following:

1. to provide a means of monitoring where Council has made a grant to the CO,
2. to enable Council involvement where the Organisation's activity is relevant to Council,
3. to agree to a request from the Organisation that Council appoint a representative.

Unless 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 'Skills criteria')
- 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.

Where the constitution or Trust deed of the organisation so provides, Council will make the appointment on the recommendation of the organisation.

Council, in making the appointment, will consider whether nominated persons have the required skills, knowledge and experience to guide the organisation and contribute to the achievement of the organisation's objectives.

All candidates having the appropriate skills, knowledge and experience may be eligible for appointment, and the Council's decisions will be made on merit. One factor for consideration may be whether candidates are residents of Upper Hutt.

#### **8.1.5.3 REMUNERATION**

Anyone appointed by Council to be a Director (however described) of any CO will be entitled to receive the remuneration (if any) offered by it.

Any elected members appointed to be a director of a CO by Council (as a Council representative) will not be remunerated separately, outside of the usual elected member remuneration.

#### **8.1.5.4 LENGTH OF TENURE AND RE-APPOINTMENT**

##### **Length of tenure**

All appointments will specify the term of the appointment.

Council may determine the length of tenure prior to the appointment. If an elected member/ Councillor is appointed by Council to be a director of a CO typically the tenure will be to the end of the local government electoral term.

Council may decide that, to prevent unwanted vacancies occurring during an election period, the appointment of an elected member/ Councillor may extend beyond the end of a local government triennium, and in such cases will last until the first ordinary meeting of the new triennium.

##### **Reappointment**

In relation to a Council-Controlled Organisation, Directors may be reappointed to a Board for a second term and, where there is a compelling reason, a director may be appointed for further periods. Second and third terms are not automatic, and Council will make its decision based on the organisation's business needs, the availability of candidates for the role (including the incumbent), the incumbent's performance, and the make-up of the Board.

If a reappointment is made without having first completed the process outlined above, Council will record in the minutes of the meeting at which the appointment is made the reasons for not having followed that process.

##### **8.1.5.4.1 Removal of Directors**

Directors appointed to an organisation by Council are in the role at the pleasure of Council. Council may terminate a Director's appointment at any time by way of written notice.