



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

AGENDA

Extraordinary Council

3.00 pm Wednesday 22 September 2021

To be held remotely via audio-visual link (Zoom)

Members His Worship the Mayor Mr W N Guppy (Chair)

Cr H Swales (Deputy Chair)

Cr D M Bentley

Cr C B G Carson

Cr J B Griffiths

Cr P E Lambert

Cr A McLeod

Cr H Newell

Cr S P Taylor

Cr T M Ultra

Cr D V Wheeler

Have your say

At the discretion of the meeting, members of the public may speak to any issue, idea, or matter falling within the Council/Committee's terms of reference. If you do wish to speak, it is preferable to let us know by midday of the immediate working day prior to the meeting. This can be done by either emailing askus@uhcc.govt.nz or by phoning 04 527 2169.

Agenda reports may be inspected at the following offices during business hours:

- Civic Centre reception, 838 – 842 Fergusson Drive, Upper Hutt
- Upper Hutt Central Library, 844 Fergusson Drive, Upper Hutt
- Pinehaven Library, Corner Jocelyn Crescent and Pinehaven Road, Upper Hutt

The Council's purpose, objectives and membership can be found in the [UHCC Terms of Reference](#) document.

Extraordinary Council

Public Business | 3.00 pm, Wednesday 22 September 2021

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16. **Public Exclusion**
 Resolution as follows required:
 That the public be excluded from the following parts of the proceedings of this meeting,
 namely:
17. **Confirmation of Public Excluded Council Minutes**
18. **Adoption of Public Excluded Committee Minutes**
19. **Willis + Bond Business Campus Development**
20. **Chief Executive’s Report**

That the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

(A)	(B)	(C)
General subject of each matter to be considered.	Reasons for passing this resolution in relation to each matter.	Ground under section 48(1) for the passing of this resolution.

Confirmation of Public Excluded Council Minutes	Section 7(2)(c) To protect the privacy of natural persons, including that of deceased natural persons and; Section 7(2)(a) To protect information subject to an obligation of confidence.	Section 48(1)(a)
Adoption of Public Excluded Committee Minutes	Section 7(2)(c) To protect the privacy of natural persons, including that of deceased natural persons and; Section 7(2)(a) To protect information subject to an obligation of confidence.	Section 48(1)(a)
Willis + Bond Campus Development	Section 7(2)(i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) section 7(2)(i)	Section 48(1)(a)
Chief Executive's Report	The withholding of information is necessary to protect the privacy of natural persons [Section7(2)(a)]	Section 48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the meeting in public are as specified in Column B above.



MINUTES

Report of a meeting of COUNCIL, held on WEDNESDAY 28 JULY 2021 commencing at 4.30 pm

Present: His Worship the Mayor Mr W N Guppy (Chair) Deputy Mayor Cr H Swales (Deputy Chair), Cr D M Bentley, Cr C B G Carson, Cr J B Griffiths, Cr P E Lambert, Cr A R McLeod, Cr H Newell, Cr S P Taylor, Cr T M Ultra, and Cr D V Wheeler

Public Business

His Worship the Mayor opened the meeting in **Council Chambers, Civic Centre, 838-842 Fergusson Drive, Upper Hutt** as advertised. However, noting that public attendance exceeded the Chambers' capacity, he advised that the meeting would be adjourned and reconvened in a larger facility.

The meeting adjourned at 4.31 pm and reconvened at 4.40 pm in **The Gillies Group Theatre, Whirinaki Whare Taonga, 836 Fergusson Drive, Upper Hutt**.

1. Apologies

All members were present.

2. Declarations of Interest

There were no declarations of interest.

3. Public Forum

John Raffan spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, and tabled the document appended as [Attachment 1](#).

Harold Cuffe spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, and tabled the presentation appended as [Attachment 2](#).

Ashley Barker, on behalf of several Akatarawa Valley residents who were unable to attend, spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

RESOLVED:

C 210401 (2)

“That the period of time allowed for Public Forum be extended beyond 30 minutes, in accordance with Standing Order 15.1.”

Moved Cr McLeod / Cr Griffiths

CARRIED

Shona Bradley spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, and tabled the document appended as [Attachment 3](#).

Sonali James, on behalf of the Upper Hutt Rural Residents Association (UHRRA), spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

Keith Budd, also on behalf of UHRRA, spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

Mary Redington spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, and tabled the document appended as [Attachment 4](#).

Mary Beth Taylor spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, and tabled the document appended as [Attachment 5](#).

Anthony Adamson spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

Noeline Berkett spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

John Hill spoke to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*.

Deputy Mayor Swales, in relation to Item 4: *Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity*, tabled, on behalf of Phil Thomson, the document appended as [Attachment 6](#).

4. Notice of Motion: Plan Change 48 – Tiaki Taiao – Ecosystems and Biodiversity

Cr Lambert moved his Notice of Motion.

That Council confirm an instruction to the Chief Executive to pause all further pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 - Tiaki Taiao until Council instructs otherwise.

Moved Cr Lambert / Deputy Mayor Swales

Cr Carson, with the support of Cr Lambert, then proposed the following amendment:

That Council confirm an instruction to the Chief Executive to pause all further pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 - Tiaki Taiao until the Government issues the National Policy Statement on Indigenous Biodiversity.

That Council confirm an instruction to the Chief Executive to pause all further pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 - Tiaki Taiao until the Government issues the National Policy Statement of indigenous biodiversity.

Moved Cr Carson / Cr Bentley

LOST

The Chair then returned to the original Notice of Motion.

That Council confirm an instruction to the Chief Executive to pause all further pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 - Tiaki Taiao until Council instructs otherwise.

Moved Cr Lambert / Deputy Mayor Swales

LOST

RESOLVED:

C 210402 (2)

"That Council confirm an instruction to the Chief Executive to continue pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 - Tiaki Taiao until the Government issues the National Policy Statement on Indigenous Biodiversity."

Moved Cr Taylor / Cr Newell

CARRIED

Cr McLeod abstained from the vote.

Item of business not on the agenda which cannot be delayed

Proposed submission on the Exposure Draft of the Natural and Built Environments Bill 2021

RESOLVED:

C 210403 (2)

"That Council:

- (i) receives this Report,*
- (ii) approves the recommended submission on the Exposure Draft of the Natural and Built Environments Bill 2021,*
- (iii) authorises Officers to correct any minor editorial, typographical, arithmetic and formatting errors that may be identified, and,*
- (iv) instructs officers to lodge the submission."*

Moved His Worship the Mayor / Cr Swales

CARRIED

5. Confirmation of Council Minutes

a) Report of a meeting of Council held on 9 June 2021

RESOLVED:

C 210404 (2)

"That the minutes of the Council meeting held on 9 June 2021, be confirmed as a true and correct record."

Moved His Worship the Mayor / Cr McLeod

CARRIED

b) Report of an Additional Council meeting held on 29 June 2021

RESOLVED:

C 210405 (2)

"That the minutes of the Additional Council meeting held on 29 June 2021 be confirmed as a true and correct record."

Moved His Worship the Mayor / Cr Swales

CARRIED

6. Adoption of Committee Minutes

- a) Report of a meeting of the City Development Committee held on 30 June 2021

RESOLVED:

C 210406 (2)

"That Council receives the minutes of the meeting of the City Development Committee held on 30 June 2021 with the exception of Item 4 and adopts the recommendations contained therein."

Moved Cr Wheeler / Cr Bentley

CARRIED

RESOLVED:

C 210407 (2)

"That in respect of Item 4, Council receives the minutes of the meeting of the City Development Committee held on 30 June 2021 and adopts the recommendations contained therein."

Moved Cr Wheeler / Cr Bentley

CARRIED

- b) Report of the Finance and Performance Committee meeting held on 7 July 2021

RESOLVED:

C 210408 (2)

"That Council receives the minutes of the meeting of the Finance and Performance Committee held on 7 July 2021 and adopts the recommendation contained therein."

Moved Cr Carson / Cr Griffiths

CARRIED

- c) Report of the Policy Committee meeting held on 14 July 2021

RESOLVED:

C 210409 (2)

"That Council receives the minutes of the meeting of the Policy Committee held on 14 July 2021 and adopts the recommendations contained therein."

Moved Cr Griffiths / Cr McLeod

CARRIED

The meeting adjourned at 6.40 pm and reconvened 6.43 pm.

- d) Report of the Traffic Committee meeting held on 19 July 2021

RESOLVED:

C 210410 (2)

"That Council receives the minutes of the meeting of the Traffic Committee held on 19 July 2021 and adopts the recommendations contained therein."

Moved His Worship the Mayor / Cr Lambert

CARRIED

7. Receiving of other Committee Minutes

a) Report of a meeting of the Hutt Valley Services Committee held on 11 June 2021

RESOLVED:

C 210411 (2)

"That the minutes of the meeting of the Hutt Valley Services Committee held on 11 June 2021 with the exception of Item 5 be received."

Moved Cr Newell / His Worship the Mayor

CARRIED

RESOLVED:

C 210412 (2)

"That in respect of Item 5, the minutes of the meeting of the Hutt Valley Services Committee held on 11 June 2021 be received."

Moved Cr Newell / His Worship the Mayor

CARRIED

8. Deliberations Report – Proposed Menzshed Lease Public Consultation

RESOLVED:

C 210413 (2)

"That Council:

- (i) receives this report,*
- (ii) approves the recommended responses to submitters who provided feedback as part of the public consultation on this matter, included as Attachment 1 to the report, and,*
- (iii) agrees to proceed with issuing the lease, subject to the conditions resolved at the Policy Committee meeting of 2 September 2020, being met."*

Moved Cr Griffiths / Cr Carson

CARRIED

9. Road Naming – Public and Private Roads

RESOLVED:

C 210414 (2)

"That Council:

- (i) receives the Road Naming – Public and Private Roads Report,*
- (ii) approves the name for the new road as Rewarewa Way, as identified in Attachment 1 to the report, and,*
- (iii) approves the names for the new access lots as Nīkau Lane (Lot 42) and Thornbury Lane (Lot 44), as identified in Attachment 1 to this report."*

Moved Cr Griffiths / Cr Swales

CARRIED

10. District Licensing Committee – Update to Terms of Reference

RESOLVED:

C 210415 (2)

“That Council:

- (i) receives the report entitled Updating the Terms of Reference for the District Licensing Committee;*
- (ii) notes that the Council, in considering any appointment to the DLC membership list, must consider (s192 of the Act) whether each appointee has experience relevant to alcohol licensing matters. The guidance from Taituarā (SOLGM), as outlined in appendix 3, provides good practice guidance on essential and desirable knowledge, skills, and experience for DLC chairs, commissioners, and members:

 - a. Te Tiriti o Waitangi/ the Treaty of Waitangi,*
 - b. Law and legal processes,*
 - c. Sale and Supply of Alcohol Act 2012*
 - d. Hearings*
 - e. The community**
- (iii) Adopts the new Terms of Reference for the District Licensing Committee (DLC) as contained in Attachment 1 to this report, which includes information on the DLC’s membership, meeting cycles, quorum, delegated authority, and functions.”*

Moved Cr Swales / His Worship the Mayor

CARRIED

11. Manual of Delegations 2021 - 2022

RESOLVED:

C 210416 (2)

“That Council:

- (i) receives the Manual of Delegations 2021 - 2022 report,*
- (ii) notes the proposed changes to the Manual of Delegations, and,*
- (iii) adopts the revised Manual of Delegations 2021 - 2022 and make it operational from 1 August 2021.”*

Moved Cr Swales / His Worship the Mayor

CARRIED

12. Schedule of Documents Sealed

RESOLVED:

C 210417 (2)

"That Council receives the Schedule of Documents Sealed and confirms the actions recorded therein, and approves the fixing of the Common Seal to all relevant documents in connection with decisions reported in respect of any of the foregoing and following items."

Moved His Worship the Mayor / Cr Griffiths

CARRIED

13. Public Exclusion

RESOLVED:

C 210418 (2)

"That the public be excluded from the following parts of the proceedings of this meeting, namely:

14. Confirmation of Public Excluded Council Minutes

15. Adoption of Public Excluded Committee Minutes

That the general subject of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter, and the specific ground under Section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) for the passing of this resolution, are as follows:

(A)	(B)	(C)
<i>General subject of each matter to be considered.</i>	<i>Reasons for passing this resolution in relation to each matter.</i>	<i>Ground under section 48(1) for the passing of this resolution.</i>
<i>Confirmation of Public Excluded Council Minutes</i>	<i>Section 7(2)(c) To protect the privacy of natural persons, including that of deceased natural persons and; Section 7(2)(a) To protect information subject to an obligation of confidence.</i>	<i>Section 48(1)(a)</i>
<i>Adoption of Public Excluded Committee Minutes</i>	<i>Section 7(2)(c) To protect the privacy of natural persons, including that of deceased natural persons and; Section 7(2)(a) To protect information subject to an obligation of confidence.</i>	<i>Section 48(1)(a)</i>

This resolution is made in reliance on Section 48(1) of LGOIMA and the particular interests protected by Section 7 of the Act, which would be prejudiced by the holding of the relevant part of the meeting in public, are as specified in Column B above".

Moved Cr McLeod / Cr Griffiths

CARRIED

The meeting moved into public excluded at 6.58 pm, and concluded at 7.02 pm.

Mayor Mr W N Guppy
CHAIR

Supporting the Motion from Councillor Paul Lambert

Submission to Council 28 July 2021

Ki te Koromatua o tēnei Kaunihera tēnā koe.

Ki ngā Kaikaunihera tēnā koutou.

Ki ngā tangata kua tai mai nei ki te tautoko ngā kaikorero tēnā koutou.

Ki a tātau katoa kei te mihi, kei te mihi, kei te mihi.

My name is John Raffan, I am a long term resident/ratepayer living at 2172 Akatarawa Road. I stand before you today to speak, on behalf of the residents of the upper Akatarawa Valley, in support of the Motion from Councillor Lambert to pause all further pre-consultation with residents/ratepayers from Monday 2 August 2021 on Plan Change 48 -Tiaki Taiao until Council instructs otherwise.

Firstly I would like to make a general comment. The Significant Natural Areas (SNA) and Landscape provisions in Draft Plan Change 48 (PC48) appear to be largely modelled (and in some cases are identical) to the SNA and Landscape provisions in the Proposed Porirua District Plan. Those provisions are still only part way through the public process, with many submissions having been made on them. The UHCC PC48 process should be delayed to avoid the same issues coming up and having to be raised by the community and addressed in an expensive time consuming process.

Now I wish to focus on the potential impact of the Special Amenity Landscape proposed for the Akatarawa Valley. Other speakers will talk about the potential impact of the SNA. In considering this Motion I would like Councillors to consider the following:

1. There has never been any consultation with residents/ratepayers over Plan Change 48. We had a series of Workshops at Staglands where Council staff presented a fait-acompli. Also, these workshops were at the resident/ratepayers request.
2. At these Workshops residents/ratepayers were misled regarding Special Amenity Landscapes (SAL). We were told that they would only have a minor impact. Two weeks ago we found out that the impact of the proposed SAL rules in the Akatarawa Valley would have more impact on the sixty properties than the SNA rules. See the included picture. Council staff knew of this in 2018 through the Isthmus Landscape Assessment Report (2018).
3. At no time has there been any mention of Outstanding Natural Features and Landscapes (ONF) prior to the draft NFL - Natural Features & Landscapes document being published.
4. Very few of the sixty resident/ratepayers were advised of the release of the draft papers on SNA and SAL/ONF and the need to provide submissions by the 9th of August 2021. In fact the only people who were notified were those who had a site visit relating to SNA, and even some of those were not notified. Communication from Council over this whole issue has been abysmal. Consultation (in the real sense) has been non-existent. We feel that this is rule making by stealth.
5. The term "Akatarawa Pass" has no historic meaning or rationale– it appears to be a word coined for the purpose of PC48, which is insincere when the context is that the

Supporting the Motion from Councillor Paul Lambert

element being proposed for protection is supposed to be of high intrinsic value to the community.

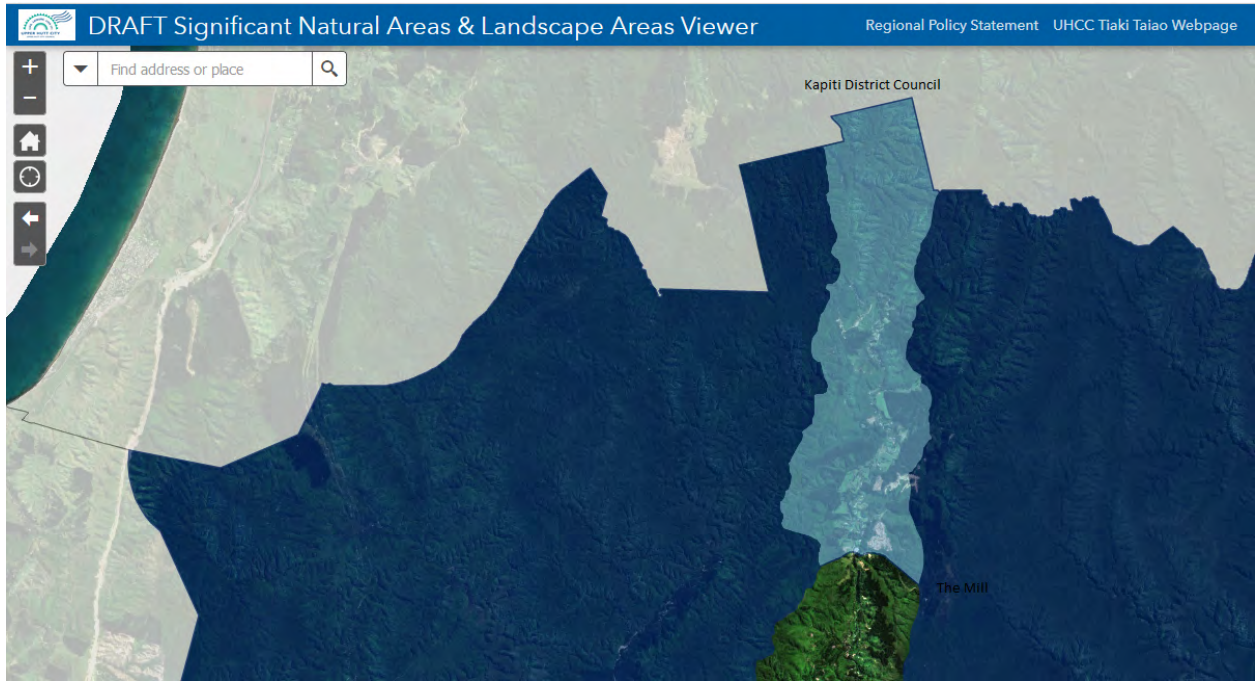
6. There is no rationale provided in the Isthmus Landscape Assessment Report (2018) explaining why the “Akatarawa Pass” SAL overlay is proposed where it is, including where it starts at the southern end along Akatarawa Road.
7. The Akatarawa Pass SAL overlay includes properties that have an industrial character, and working farms and lifestyle blocks that should not be “locked up” on the basis that they are valued by the community. They also do not have the values claimed in the Landscape Assessment.
8. The Council has the discretion (not “must”) to include SALs in the District Plan. Policy 27 of the Regional Policy Statement states that the Council “may” include SALs in its Plan. There is therefore no directive to include the SAL provisions. The SAL provisions are flawed and should be removed entirely from PC48.
9. The Akatarawa Valley is no different in nature and use than Whitemans Valley, Mangaroa Valley, and Kaitoki. Therefore I ask you why inflict these draconian rules on Akatarawa Valley residents/ratepayers.
10. There is no rationale for the SAL and ONF overlay restricting the number and size of buildings, as many current and potential sites for buildings are not viewed from a public space.
11. The limit of one 50m² building in an ONF is unworkable and unreasonable.
12. The exemption on size of what constitutes a building is unreasonable. Many properties have multiple small structures, including firewood sheds, pump houses and workshops etc.
13. As I said earlier there are approximately sixty properties in the SAL zone. These are working/lifestyle properties. The impact on property values will be severe. None of the other SAL zones in Upper Hutt are of a similar nature. If you must have a SAL zone in the Akatarawa Valley then put it up past Fern Valley similar to the Remutaka SAL zone.

In conclusion I ask Council to direct the Chief Executive that, as well as pausing the current PC48 work, in the interim period to start meaningful discussions with resident/ratepayers, as has been done with other Councils in the country, on how we might protect our indigenous flora and fauna without these draconian rules. Let us have some constructive workshops. We do not want to be back here in six months still facing the same issues.

He aroha nui ki a koutou mo tā koutou wa ki te korero ki a koutou e pa ana tēnei mea tino motohake.

Tēna koutou, tēna koutou, tēna koutou katoa.

Supporting the Motion from Councillor Paul Lambert



I am happy for this submission to be tabled.

Presentation to Council on Plan Change 48 - Tiaki
Taiao - Ecosystems and Biodiversity

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Presenter: Harold E. Cuffe, Ph.D.

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07/2013 - Immigrated to New Zealand
10/2017 - Daughter Avery Born
01/2020 - Emptied Retirement Accounts to Invest in Nature

**Received mortgage for a bare 20ha plot:
60% Native Bush
39% Pine Forest
<1% Council Approved Build Site**

13

07/2013 - Immigrated to New Zealand
10/2017 - Daughter Avery Born
01/2020 - Emptied Retirement Accounts to Invest in Nature



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Possum Hunting

16



Possum Hunting

17



Possum Trapping



Staglands' Council SNA Workshop:

- Nothing to worry about - day-to-day activities preserved
- SALs meant to target large scale developments (but no details)
- No public forum for questions that was promised.



Natural Features & Landscapes Activity Standard 2.2.a

2. Buildings and structures within Special Amenity Landscapes must comply with the below:
- a. A maximum of one building, structure or residential unit per site; and
 - b. Not exceed a reflectance value no greater than 30% within Groups A, B or C within BS5252 standard colour palette for the exterior finish of the building or structure.

Natural Features & Landscapes Activity Standard 2.2.a

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But what is a building? Maybe this just refers to serviced houses or factories...

Building Act 2004 - Section 8(1)(a):

8 Building: what it means and includes

(1) In this Act, unless the context otherwise requires, building -

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(a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and...

Building Act 2004 - Section 8(1)(a):

8 Building: what it means and includes

(1) In this Act, unless the context otherwise requires, building -

²² (a) means a temporary or permanent movable or immovable structure

(including a structure intended for occupation by people, animals, machinery, or chattels); and...

Under PC48, so long as Avery's playhouse stands, that is our 1 permitted building

Thankfully, there is a regressive exception made for the affluent to build their sheds and playhouses:

23	<p>All Zones</p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Compliance with NFL-R2.1 is not achieved; or 2. The activity is located within ONFL#2 – Tararua. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard; and 2. The matters of NFL-P6 and NFL-P7. <p>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</p> <p>An assessment by a suitably qualified landscape architect to assess the proposal against the characteristics and values of the Outstanding Natural Feature and Landscape or Special Amenity Landscape.</p>	27
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Thankfully, there is a regressive exception made for the affluent to build their sheds and playhouses:

<p>All Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Compliance with NFL-R2.1 is not achieved; or 2. The activity is located within ONFL#2 – Tararua. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard; and 2. The matters of NFL-P6 and NFL-P7. <p>Note: Applications under this rule must provide the following in addition to the standard information requirements pursuant to s88(3) of the RMA:</p> <p>An assessment by a suitably qualified landscape architect to assess the proposal against the characteristics and values of the Outstanding Natural Feature and Landscape or Special Amenity Landscape.</p>	<p>28</p>
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How many hundreds or thousands of dollars will my little daughter need to save her playhouse from being demolished if PC48 is notified?

- 1 This example is just one of many problems with the draft rules
- 2 The approach has been collaborative, in so much as we divulged our fears, and they were adopted
- 3 The provisions do not allow for reasonable use (Section 85 of the RMA is applicable here)
- 4 SALs are not required by the RMA
- 5 What is the justification for just 1 building?
- 6 Significant harm to individuals - no compensation
- 7 Awful Homeowners Association that no resident I know wants: One resident remarked: What next, the colour of our letterboxes?

- 1 This example is just one of many problems with the draft rules
- 2 The approach has been collaborative, in so much as we divulged our fears, and they were adopted
- 3 The provisions do not allow for reasonable use (Section 85 of the RMA is applicable here)
- 4 SALs are not required by the RMA
- 5 What is the justification for just 1 building?
- 6 Significant harm to individuals - no compensation
- 7 Awful Homeowners Association that no resident I know wants: One resident remarked: What next, the colour of our letterboxes?

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Please work with us not against us to form a pragmatic agreement we can all live with. Pause PC48.

UPPER HUTT DRAFT PLAN CHANGE 48 - SNAs AND LANDSCAPES

Public forum notes – Shona Bradley

Introduction

1. My name is Shona Bradley. I own a 4ha lifestyle block at 1945 Akatarawa Road known as “the Woolshed”, a few doors up the road from the old sawmill and firewood depot. I am a lawyer with around 25 years’ experience, specialising in the RMA. I have worked in private practice, and for the past 14 ½ years I have worked for the Department of Conservation. If it goes ahead in its current form, my property will be affected by both the SNA and Special Amenity Landscape (SLA) provisions of PC48.
2. I support efforts to protect and maintain biodiversity. However, I do not support the imposition of draconian rules, particularly those that impose costs and uncertainty on landowners and restrict land uses or require resource consent for no or minimal environmental gain. Nor do I support a framework of rules that purport to be for the benefit of the community, yet which have been developed without going through a proper process of engagement and ground truthing with those members of the community who are directly affected by it. I therefore support Councillor Lambert’s Notice of Motion to suspend the PC48 process.

The PC48 process

3. The PC48 process so far has alienated many affected landowners. Many are confused not only by the process, but by what has been said to them by Council staff, and what the actual impact of the draft rules and maps in PC48 is.
4. Done properly, the Council could have brought along landowners with it. Many landowners have however lost trust in the Council, and we have lost confidence in the Council’s ability to deal with planning matters such as SNAs and Landscapes in a competent, fair, honest, open and inclusive manner.
5. The SNA and Landscapes work was started some time ago, with the Wildlands draft report having been completed in October 2018, and the Isthmus report being completed in March 2018. Yet, the Council chose not to start sharing its work or engaging with landowners until the latter part of 2020, some two years after it had the reports in its hands.
6. In some cases, there has still been no direct engagement with affected landowners. That is in spite of the number of sites identified as SNA is in fact being relatively small – as the Wildlands SNA report notes (page 16), most of the 100 sites identified as SNA is public land, and if you do the sums, there are no more than 83 sites in private ownership.
7. There has been no active engagement with the community at all on the Landscape components of PC48, and no ground truthing. These issues were “parked” at the workshops earlier in the year, and the only reason given to me when I asked why the SAL has been proposed for some of the properties along Akatarawa Road is that “it is pretty”.
8. In my view the errors and shortcomings in both the process and the content of PC48 warrant the Council starting again, and getting it right from the start. The Council needs to regain the trust and confidence of the community, and improve its systems to ensure the process is

undertaken properly. If the Council did that, and brought landowners along with it, the result would be far better, less expensive, and less time-consuming.

9. Under the current situation, the Council has shifted the onus of getting things right onto the landowners. The onus in fact sits with the Council to get it right, and land owners should not be required to engage in expensive, time-consuming and stressful processes to address the Council's shortcomings.

Timing and the model used for the PC48 rules framework

10. The second key point I want to make is that the SNA and Landscape provisions in PC48 appear to be largely borrowed from the SNA and Landscape provisions in the Proposed Porirua District Plan (**PPDP**). This even goes so far as using the same naming pattern – ECO-P1, NFL-O1 etc., and using terms defined in that proposed plan, but which are not found in the Upper Hutt District Plan (e.g. “residential unit” in Rule NFL-S2).
11. It does not make sense to me to replicate the effort, time and cost of undertaking a process based on proposed provisions which have largely been “copied and pasted” from the PPDP when those provisions are still being tested through the public process (including not yet having been heard at Council level), and which have had hundreds of submissions (and inevitably appeals) to be worked through.
12. I also think that the Council should learn from other examples where a different approach of working collaboratively with landowners has been taken. For example Marlborough, and Lower Hutt which has been reported on recently.¹

The content of PC48 and impacts on landowners

13. In its current form, PC48 would arguably prevent affected landowners' land from being able to be reasonably used, and would place an unfair and unreasonable burden on them. This should be of some concern to the Council, given the provisions of section 85 of the RMA.
14. The scope of the permitted activities and the standards applying to them in PC48 are highly restrictive, and in my view it is unreasonable to require costly expensive expert assessments, applications and processing costs for activities that do not have any material effect on biodiversity and/or landscape values.

The SAL maps and draft rules

15. First, I note that the Council is not required to include SALs in its District Plan. As the reports say, Policy 27 of the Regional Policy Statement states that the Council “may” include SALs in its Plan. There is no directive to include SAL provisions, and in any event, the rules in PC48 go far beyond what the draft objectives and policies seek to achieve.
16. One of the key restrictions in SAL areas in PC48 is that only one building per site will be permitted across all zones (NFL-R2.1 and NFL-S2.2), and that single building needs to be of a certain colour palette (which effectively excludes white and very light colours (refer 4Sight report for PC50, page 7). I note that this restriction is in fact reserved for the ONF areas under the PPDP, and does not apply to SALs there.

¹ See <https://www.scoop.co.nz/stories/print.html?path=AK2104/S00072/voluntary-conservation-thriving-in-lower-hutt.htm>

17. This aspect of PC48 in particular would make most if not all properties subject to these overlays non-compliant. Our properties have multiple structures that would be caught by the rules (the definition of “building” being wide), including houses, garages, carports, workshops, implement sheds, glasshouses, shadehouses, firewood sheds, and pump houses.
18. There is also no rationale for restricting the number of permitted buildings, and they are not always visible from a public space. In fact, if you look at the “Akatarawa Pass” SAL overlay, you will see that where it starts at 1877 Akatarawa Road (**see attached map, point 3**), the overlay area includes properties with many buildings visible from the road, including the firewood/mill depot and other industrial type buildings. It doesn't however include properties back down the road where the houses and other buildings are not visible from the road. There is no immediately obvious reason at all for the Akatarawa Pass SAL overlay to be placed where it has been.
19. The situation is also arguably perverse – if the so called “Akatarawa Pass” landscape is valued by the community for its qualities – which include properties with multiple buildings and developed areas on them - then to seek to limit the number of buildings on each property to one, is quite frankly ridiculous and void of any logic or reality.
20. Also, just down the road the Council is promoting more buildings through PC50 which has just been notified, and which provides for two residential units and minor residential units on a site in the General Rural zone. This approach is supported by a different set of landscape architects from those used for PC48 (see 4Sight Consulting report).
21. There are other SAL areas identified in the overlap maps where there is already established housing development. Similar issues would inevitably apply to these landowners as well.

SNAs

22. I would finally like to share with you my personal experience with the SNA process so far. I am aware that others in the community have had similar experiences, and some have experienced a complete lack of engagement by the Council. As it is quite lengthy, I have set this out as **Appendix 1**. I would be happy to provide copies of emails etc if Councillors would like them.
23. In summary:
 - We have had old man gorse (which had been cleared after the aerial photos used by Wildlands were taken) mapped as SNA on my and my immediate neighbour's property. I assume this is because it shows up as green on the aerial maps used, and I am concerned about other properties that may well have the same issue.
 - I attended a workshop on SNAs, and registered to have an ecologist come onto my property to ground truth the “Akatarawa River” SNA.
 - I had a Wildlands ecologist on site categorically agreeing with me the riverbank on my property is not SNA, but the opposite has been reflected on the amended SNA map – this is still shown as SNA with no change to that part of it (**see attached map, points 1 and 2**);
 - I immediately raised this with the Council, but while my email was acknowledged, nothing has been changed as a result;

- I have been written to by the Council by letter earlier this month advising that I did not engage in the process; and
 - I have been emailed by the Council at the same time thanking me for my engagement.
24. This is not just my experience. I have been told by other landowners who are affected by PC48, and equally disillusioned by the process, that they have had no engagement with the Council at all, no letters, no site visits when they asked for one, and misinformation about the effect of the landscape provisions etc.
25. This does not represent a proper, sound, or fair process.

What should the Council do to address these issues?

26. I support Councillor Lambert's motion that the Council pause the current PC48 process. Or that it abandon the PC48 process altogether, and leave it until further work has been done to address the concerns that the community has raised. For example, the District Plans has been operative since 2004 and is long overdue for full review. This would give the Council the time it needs to get it right, from the start.
27. I would also like to suggest that the Council undertake a review of the processes that have been followed regarding the engagement that has occurred with landowners, including:
- Why the Council staff and consultants did not engage earlier with landowners, given work started by consultants in early 2018 at the latest;
 - How it occurred that many affected landowners have not had any direct engagement at all with Council staff;
 - How it has occurred that landowners have received conflicting messaging;
 - What other models the Council could adopt to protect indigenous biodiversity and important landscape values, such as Hutt City and Marlborough.
28. Such a review should be shared with landowners in draft and be available for public feedback, and the public should be invited to engage in an alternative process to PC48 if the Council agrees there is merit in such an approach.
29. As I have noted, the process followed for PC48 has not been fair or open. This has damaged relationships, the Council's reputation, and ratepayers' confidence and trust in the Council. The Council should show some good will to the community, and either pause the process while it decides how to move forward in a constructive and collaborative manner, or abandon PC48 altogether.



APPENDIX 1**My experience with the proposed “Akatarawa River” SNA on my property**

1. I first became aware of the Council’s work on SNAs and Landscapes (and a mooted future plan change) when I received a letter with a map and some information from the Council in September 2020 advising that this work was underway. Several of my neighbours did not receive this letter, although their properties were also identified for inclusion as an SNA of SAL/ONF, and this caused a lot of angst and frustration in our community.
2. We asked for a meeting with the Council, but ended up with some Council staff and consultants attending some “workshops”. At the workshops we were invited to register for a visit from an ecologist to “ground truth” the SNA overlay on our properties. There was nobody from the Council prepared to engage on the Landscape issues at all.
3. I registered for an ecologist’s visit, as the “Akatarawa River” SNA overlay covers part of my property. At that time I was prepared to assist the Council through the use of my time and providing access onto my property to get the SNA mapping right. To this end, I wanted to also ensure that areas included as SNA on the overlay maps which were in fact areas of predominately exotic vegetation, grass and weeds with no/very little native vegetation, were not included as SNA.
4. An ecologist came out on site in January 2021 and we had a look at the river banks. We looked at the riverbanks on my property. One (the true right bank) had virtually no indigenous vegetation, although it had been covered in old man gorse when the aerial photos used for the Wildlands assessment several years earlier had been taken, but since cleared. The ecologist told me that the SNA was for the river itself as it has threatened and at risk fauna present, and the overlay should be amended to remove the “green” bit which was of course gorse in the first place.
5. I also pointed out the area on the riverbank of the next-door property at 1937 Akatarawa Road that had been included as SNA, but which was also old man gorse which had been cleared since the aerial photo was taken several years previously.
6. We also looked at the true left bank of the river, which is also virtually devoid of indigenous vegetation and instead hosted by exotic trees and weeds– the ecologist took one look and said this definitely isn’t an SNA.
7. In mid-March 2021 I received an email from a Council Planning Administration Officer attaching a report from the ecologist which recommended only the right (gorse-removed) bank be removed from the SNA overlay on my property, but not for the left bank.
8. I emailed straight back pointing out that the left bank SNA area should also have been pulled back to exclude the area that wasn’t actually a SNA (as the ecologist had said on site), and asking that the map be amended accordingly.
9. I received an email back advising my email would be passed on to the Council’s lead planner, but I heard nothing further.

10. PC48 has been released without the necessary changes to correct the mapping so that the area the Wildlands ecologist advised me is not an SNA on my property is still included as an SNA.
11. To rub salt into the wound, I received a letter from the Policy Planning Manager advising that unfortunately the Council “did not hear from” me, but had engaged with other landowners and undertook 87 site visits etc, so was going ahead with “sharing” PC48.
12. In the same week I received an email thanking me for my feedback, and advising that Councillors had decided to proceed with PC48.



<https://www.scoop.co.nz/stories/AK2104/S00072/voluntary-conservation-thriving-in-lower-hutt.htm>

Voluntary Conservation Thriving In Lower Hutt

Monday, 5 April 2021, 4:59 am

Press Release: Wainuiomata Rural Community Association Inc

The Environment Court has recently closed the application of Forest & Bird Society that sought to reintroduce Hutt City Council's withdrawn proposal for Plan Change 46. The proposed plan change was to apply restrictive "Significant Natural Area" restrictions on over 1200 private properties in Lower Hutt under s.6C of the Resource Management Act 1991. The failure of the Forest and Bird application confirms and reinforces the Council's 2018 eventual decision to work collaboratively with private property owners and support their efforts to protect and enhance indigenous biodiversity after an extended period of dispute with local landowners.

Since the Plan Change 46 proposals were withdrawn by the Council on 29 November 2018:

The PC 36 Environment Court case has protected indigenous biodiversity within all residential zones. Property owners must obtain a resource consent from Council to materially remove any indigenous vegetation.

Council has been actively working with a representative group of property owners on how best to support voluntary private efforts.

The Council established a process and budget for property owners to apply for Council support through "Indigenous Biodiversity Grants".

Over 100 property owners applied for grants. So far 56 applications have been actioned. In addition plants have been sourced and distributed.

Separately, several private property owners have established QE2 Trust "forever protected" covenants over biodiversity on their properties. These areas are monitored by the trust, which funds pest control and protective measures such as fencing

Extensive pest control by long-serving volunteers has continued.

A local landowner, Diana Clark has facilitated the collaboration with property owners. "It wasn't easy to get started after all the bad feeling generated in 2018. But Council's promise that information collected from grant applicants would not be used to identify properties for further SNA proposals restored some trust. Since then good progress has been made. Budget allocations already exist for two further years and a further round of grant applications is about to open."

Deputy Chair of WRCAI, Craig Innes stated 'The process carried out by Council in 2018 to target private landowners was deeply flawed. It was also unnecessary as about 60% of Lower Hutt's total land area is publicly owned.'

A significant proportion of the total public land is covered with natural vegetation. Urban reserves such as sports grounds only make up a small proportion of the total district. So protecting and enhancing environmental values on public land, supplemented by voluntary conservation efforts, delivers conservation outcomes few cities in New Zealand or elsewhere can match”.

Authorised by Craig Innes, WRCA Deputy Chair, wainuiomata.rural@gmail.com

Craig Innes is Deputy Chair of WRCAI and experienced with land classification and mapping.

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VIII. WIDE CLEARANCE REQUIREMENTS TO EXCLUDE SUBSTANTIALLY IDENTICAL VEGETATION:

The permitted distance from a building to remove indigenous vegetation should remain at the very least at 4m. The wording should make it clear that the distance specified refers to the distance, including any overhanging branches or canopy

The wording of ECO-R1 is much more restrictive than the previous provisions for removal of indigenous vegetation within a SNA (previously a SVS).
 The previous permitted activity to remove vegetation within 4m of a building has been reduced to 3m.
 Imposes a totally unreasonable restriction on the amount of natural light that can enter a building.
 Imposes a much more significant fire risk.
 Contravenes FENZ's guidance on a five perimeter around a building even more than previously (10m is their recommendation).
 The previous wording was "Trimming or removal of indigenous vegetation including overhanging branches or canopy that is within 4.0 metres from the walls of a...building". By no longer making it clear that the distance specified is from overhanging branches or canopy, it may be interpreted as being the distance to the trunk of a tree, in which case the branches or canopy will be touching the building in the case of large indigenous trees.

Oppose

Michael Wood 25.2

Amend provision:
 "a. The trimming or removal of indigenous vegetation is to:

[...]

w. Maintain, upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by ~~Resource Consent~~ any Statutory Authority or ~~an~~ their approved contractor in accordance with the Porirua City Council Track Standards Manual (Version 1.2, 2014) and where no tree with a trunk greater than 15cm in diameter (measured 1.4m above ground) is removed;

[Not specified, refer to original submission]

Supports this provision as it enables the trimming and removal of indigenous vegetation for the purpose of ensuring the safe and efficient operation of any formed public road. Seeks that part a.iv of the provision be amended to include Statutory Authorities as the provision is currently limited to Porirua City Council (PCC) only. It is unclear why the provision is limited to PCC given there is no effects reason to do so. Notes that their interpretation of the provision is that the "formed width of the road" is not just limited to the seal and includes gravelled areas and barriers that form part of the formed road.

Support in part

Waka Kotahi NZ Transport Agency 82.118

It is agreed that the proposed rule to allow removal of exotic trees as a permitted use without the need for permits/consents etc for safety and environmental management

Support

Ryan Family Trust 138.7

Specific provision/matter	Submitter name	Submission point number	Position	Reasons	Decisions requested
ECO-R2	Greater Wellington Regional Council	137.53	Oppose	<p>and to allow the encouragement of regeneration of native species by natural process without the need for costly plantings in their place.</p> <p>Rule ECO-R2 makes the removal of any non-indigenous vegetation a permitted activity in SNAs. This is not appropriate in those areas and the rule should be removed. The removal of pest plants is already permitted under rule ECO-R3.2(a)(ii). Any non-indigenous plants within SNAs that are not pest plants may provide significant habitat for indigenous biodiversity such as birds, bats and lizards. This understanding is recognised in section 6(c) of the Act which directs the protection of the "significant habitats of indigenous faunas" not the significant indigenous habitats of indigenous fauna. Familiar examples of non-indigenous vegetation providing significant habitats for indigenous species in New Zealand include shag roosting and nesting colonies in coastal and riverine macrocarpa trees; willows, poplars, and other non-indigenous trees providing roosting habitat for bats; kiwi feeding and nesting within non-indigenous pine plantations; and non-indigenous grassland providing habitat for indigenous lizards. Non-indigenous vegetation within SNAs should be protected and any removal assessed as per the removal of indigenous vegetation regulated under the rules in this Chapter.</p>	Delete ECO-R2
ECO-R2	Director-General of Conservation	126.19	Amend	<p>Exotics within SNA's may provide habitat for threatened species and their value should not be assumed as low. Removal of exotic species may be more broadly appropriate with specific mention of weed varieties and with understanding of what unique values identified led to the SNA's classification.</p> <p>Exotic vegetation within in SNA can contribute to the values of the SNA. Removal can have adverse effects on the values of the SNA.</p>	Rule needs to be more specific to recognise that in SNA's classified for values relating to fauna that exotic species may be providing significant habitat. Suggest removal of low value exotic vegetation is enabled by ECO-R3
ECO-R2	Royal Forest and Bird Protection Society	225.168	Oppose	<p>Exotic vegetation within in SNA can contribute to the values of the SNA. Removal of</p>	Delete ECO-R2
ECO-R2	Queen Elizabeth the Second National Trust (QEII)	216.30	Amend	<p>Exotic vegetation within in SNA can contribute to the values of the SNA. Removal of non-indigenous vegetation should only be a permitted activity where there is no adverse effect on indigenous biodiversity values in that SNA.</p>	Amend as follows: 1. Activity status: Permitted
ECO-R2	Waka Kotahi NZ Transport Agency	82.119	Support	<p>Supports a permitted activity status for the removal of non-indigenous vegetation within a Significant Natural Area. This will enable the safe and efficient operation of the transport network.</p>	Where: a. The works have no adverse effects on the indigenous biodiversity values in the Significant Natural Area. Retain as notified.
ECO-R3	Queen Elizabeth the Second National Trust (QEII)	216.31	Amend	<p>Activities under this rule should be subject to standards that would apply different levels of control to different levels of effects. The matters of discretion should not be limited to specific ECO policies, instead we submit this should simply canvas all effects on the SNA</p>	Amend as follows: Matters of discretion are restricted to: Effects on the values of the Significant Natural Area that matters of ECO-R2; and

Plan Change 48 – Ecosystems and Biodiversity

Chair

I wish to table the following submission

My name is Mary Redington and I am here to speak in support of the Motion by Councilor Paul Lambert that Council instruct the Chief Executive to **Pause the work of Council staff in relation to Plan Change 48.**

I speak as a representative of the Redington Family who own property in the Akatarawa Valley more precisely they own over 260 hectares, a significant amount of which is affected by these proposed changes.

This land has been in the private ownership of the Redington Family since Roger Redington purchased the land back in the 1950's. Roger developed the block as a farm forest over many years, culminating in him being awarded Farm Forester of the year in 2012.

Why are we asking that the work of council staff be suspended by Council?

Reasons:

1. The whole question of whether this land grab by government will proceed is presently in question. Given the NPSIB – **National Policy Statement for Indigenous Biodiversity**, is still not confirmed Council should suspend further work in this area.
2. Upper Hutt Council staff have already expended a significant amount of time and money, while leaving the private landowners pretty much in the dark until recently. Further work will simply prove to be a further waste of rate payer's money.
3. **Consultation was promised** by Council staff. The Redington Family as one of the larger land holders in the Akatarawa Valley have largely been left out of the process to-date.
4. The present time frames simply do not allow us to properly address the issues these changes require. We received our first piece of correspondence from Council late last year and replied immediately to the Council Planning Division requesting we be kept in the loop via email. Since then, we have had no correspondence as requested by email from Council.
5. Why do we need a pause at this point?
 - i. Ours is a significant forest block which is now ready for harvest. My husband and his brothers planted the forest themselves and later pruned and thinned it. The tracks and skid sites are all established as the land has been harvested before.

- ii. Our pine forest is in the pre- 1990 classification under the ETS Scheme thus considered by government as existing forest so not eligible for on-going carbon credits. This means the landowners need to continue to harvest the land on an ongoing basis for the land to retain its productivity. The classification of the land as **Special Amenity Landscape - SAL** and **Significant National Area - SNA** will override the ETS Scheme and render the land valueless as a forest.
- iii. The draft plan lines for the **Significant National Area - SNA** on Redington Property take in a block of pine trees my husband planted himself 30 years ago, a large area of eucalyptus and **Roger and Daphne Redington's Arboretum** planted back in the 1970s and 1980. None of these are native. Please see attached details for Arboretum planting.
- iv. The whole concept of allowing the public or any other group the right to access private land goes completely against private property rights. We need to wait and see what the government **National Policy Statement for Indigenous Biodiversity NPSIB** contains before Council push ahead with something this significant for landowners.
- v. I feel sure, if you allow this work to move forward it will ultimately be overturned in the Court as much of the land the Council staff has identified in the Akatarawa Valley will simply not meet the definitions that ultimately will be determined by the Environment Court

Mary Redington
On behalf of the
Redington Family Trust and the Chilly Brook Family Trust
Emails: redforest@xtra.co.nz and mredington@willislegal.co.nz

Copy will be sent from mredington@willislegal.co.nz prior to meeting to be held on 28 July 2020.

CHILLY BROOK ARBORETUM PLANTINGS

Listed the main species on the walking track – from West to East

Latin Name	Date Established	Common Name
Euc Delagatensis	1972	
Pinus Radiata	1973	
Acacia Melanoxyton	1970	Blackwood
Larix Decidua	1976	European Larch
Laris Kemperferii	1978	Japanese Larch
Sequoia Sempervivons	1978 – 82	
Pseudotsuga Menziesii	1983	Douglas Fir
Tsuga Canadensis	1982	Hemlock
Cupressus Arizonica	1983	Arizona Cypress
Sequoia Sempervivons	1972	Coast Redwood
Sequoia Dendron	1986	
Picea Omorica	1987	Serbian Spruce
Pinus Pinea	1974	
Pinus Colterii	1974	Big Cone Pine
Pinus Nigra	1974	
Pinus Pinaster	1970	Maritime
Leyland Cypress	1973	
Leyland Cypress Mxd x P. Smaile	1990	
Deodar Cedar	1986	
Pinus Sylvestrus	1977	Scots Pine
Thusa Plicata	1984	Western Red Cedar
Cryptomeria Japonica	1981	Japanese Cedar
Picea Sitchensis	1981	Sitka Spruce
Metasequoia Glyptostroboides	1987	Dawn Redwood

UHCC Council Meeting 28 July 2021 - Mary Beth Taylor

Item 4 –PC48 Notice of Motion – Cr Lambert

No more SNA delays!

“We are going to have to make some very tough decisions.” Mayor Guppy

“There will be winners and there will be losers. This time the environment must be the winner.”

“Tiaki Taiao means taking care of our environment and natural heritage.” PC48

SNA Process in Upper Hutt - DP 2004 – Chapter 12 Landscape and Ecology 12.7 Criteria for items to be included on the future Schedule of Significant Natural Areas

This 12.7 has been sitting at the back of Chapter 12 of the DP for more than 17 years. Our council has been dragging its heels. During this interval the lack of UHCC action on the SNA's has allowed Planners to issue several consents that have resulted in damage to the environment and to certain developers in our city. The SNA guidelines are urgently needed to avoid further environmental damage and allow landowners to apply for support to protect and restore the ecologically important areas on their land.

SNA Process in Upper Hutt - Current

Since September 2020 we've been engaging with landowners and the wider community to discuss the important natural areas, native bush and landscapes in Upper Hutt (Plan Change 48) in more detail.

Big thanks to those who took the time to engage with us and provide feedback during the first round of engagement. We:

- Received 216 enquiries
- Carried out 87 site visits
- held 12 meetings at Council
- Attended 6 community meetings

Many of the initial draft SNA areas have been amended following site visits undertaken during the first round of engagement. This reflects a thoughtful process and high degree of sensitivity to land owners views and a lot of consultation to get the balance right.

To qualify sites need to:

- be a natural ecosystem that is no longer commonplace; or
- have biological or physical features that are scarce or threatened; or
- have diverse ecology, species and physical features; or
- connect ecosystems or habitats for rare indigenous species; or

- have significance to Tangata Whenua; or
- be dominated by natural elements, patterns and processes in order to be considered outstanding natural features and landscapes; or
- be highly valued by the community with dominant natural elements, patterns and processes but where the landscape is clearly modified by human activity, to be considered a special amenity landscape.

No more SNA delays!

Links to important relevant information to support continued SNA work by UHCC

GWRC LTP June 2021

[Greater Wellington Regional Council Annual Report 2018/2019 \(gw.govt.nz\)](https://www.gw.govt.nz/annual-report/2018-2019)

RNZ article 10 June with important background information around SNA's

<https://www.rnz.co.nz/news/national/444466/significant-natural-areas-snas-what-you-need-to-know>

The draft National Policy Statement on Indigenous Biodiversity to be gazetted by the end of 2021

<https://environment.govt.nz/acts-and-regulations/national-policy-statements/proposed-nps-indigenous-biodiversity/>

UHCC Plan Change 48 SNA's

<https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/District-Plan/PC-48>

UHCC Operative District Plan 2004

<https://www.upperhuttcity.com/files/assets/public/districtplan/operative-district-plan/operative-district-plan-combined.pdf>

Pages 141, 142 Early SNA work signalled in 2004

“Criteria for items to be included on the future Schedule of Significant Natural Areas”

UHCC Sustainability Strategy 2020

https://www.upperhuttcity.com/files/assets/public/yourcouncil/strategies/sustainability-strategy_20200805_web.pdf

Page 7 (supporting legislation at central and regional government levels)

Page 26 (Goal 2: We will prioritise protecting and enhancing our natural environment)

Page 27 (Actions 2.1 to 2.5)

From: Phil Thomson <thomsonp@actrix.co.nz>
Sent: Wednesday, July 28, 2021 12:18 AM
To: Wayne Guppy <Wayne.Guppy@uhcc.govt.nz>
Cc: Ian McLauchlan <ian.mclauchlan@gibsonsheat.com>; steven@forestdevelopers.co.nz <steven@forestdevelopers.co.nz>; CR Dave Wheeler <Dave.Wheeler@uhcc.govt.nz>; CR Steve Taylor <Steve.Taylor@uhcc.govt.nz>; CR Hellen Swales <Hellen.Swales@uhcc.govt.nz>; paul.lambert@uhcc.nz <paul.lambert@uhcc.nz>; tracy.ultra@uhcc.govt.nz <tracy.ultra@uhcc.govt.nz>; CR Angela McLeod <angela.mcleod@uhcc.govt.nz>; CR Heather Newell <Heather.Newell@uhcc.govt.nz>; CR Chris Carson <Chris.Carson@uhcc.govt.nz>; CR Blair Griffiths <Blair.Griffiths@uhcc.govt.nz>; CR Dylan Bentley <Dylan.Bentley@uhcc.govt.nz>
Subject: Significant Natural Areas

Hi Wayne

As you know I am a Trustee of the Glenbridge Trust owners of the Creed Estate in Whitemans Valley. The Estate is a large 1500 acre block of land embracing the Huia and Narrowneck catchments. The Trustees have worked hard to make effective use of the property while ensuring that areas with genuine Significant Natural features are protected. A large area is planted in plantation forestry which is covered by a Joint Venture arrangement with our neighbour Steven Coulston. The property is also utilised for other economic activities involving licensing arrangements with our commercial partners. We have negotiated licensing arrangements with Comvita NZ Limited to place beehives on the property and the New Zealand Ammunition Company currently has ammunition Storage bunkers on the property.

When we received advice from the Council last year concerning the Significant Natural Areas exercise the Trustees were shocked to learn the over 80 Percent of the Creed Estate had been designated SNA. This designation was done without any prior discussion with us or visits being made to the property. Others have been shocked to find that large areas of their land have also been designated SNA. As far as I am aware none of the properties have been assessed properly for biodiversity and special significance.

The so called Council consultation process has been a sad unprofessional joke. It is extremely concerning that the Council seems set on pushing SNA forward and making changes to the District Plan to facilitate implementation. What the Council is doing seems to come out of the totalitarian party playbook – effectively forced removal of landowner's property rights – a massive land grab. It seems likely that the changes to the District Plan will place strict controls over land use and force landowners to pay large amount of money to try and get Council permission to use their land.

Not surprisingly the SNA work undertaken by Councils elsewhere in New Zealand is attracting huge and growing opposition from landowners and the rural communities. They feel very strongly that the Councils are on a mission and are ignoring their very real and growing concerns.

The Trustees of the Glenbridge Trust of which I am one are resolved to work constructively with others affected by the Council's seeming blind charge to strip property owners of their rights to utilise their land effectively for environmentally sustainable productive activities.

We are responsible people who have no wish at all to damage genuine Significant Natural Areas – quite the contrary.

Much of the land which has been designated by the Council as Significant Natural Areas on the Creed Estate is in fact land that has reverted from pasture land to Scrub including Gorse and Tawhini. Other areas captured by SNA have long been infested with introduced species Barbery, Budlia, Sycamore, Holly and wilding pines. In the overall scheme of things the mix of vegetation types does not comprise unique or significant Natural vegetation cover.

Regrettably if the Council continues to press ahead ignoring the very genuine concerns of landowners it seems that the already fractured relationship with the Council will further undermine trust and will result in steps needing to be taken to fight for our rights through the Courts. The way this matter has been handled by the Council to date does not reflect well on the Mayor and Councillors who have been elected by the people of Upper Hutt to serve us fairly. The Council is not dealing with this matter fairly or with proper consideration for the impacts on the numerous landowners affected by their actions. SNA will inevitably have massive impacts on the values of numerous properties and will stifle development without sound justification.

While clear guidance has yet to be given by Central Government the Upper Hutt Council should refrain from introducing planned changes to the District Plan concerning Significant Natural Areas and you and the Councillors must listen to and have full regard to the concerns of the people you have been elected to serve.

Yours sincerely

Phil Thomson

Trustee

Glenbridge Trust



Minutes

Extraordinary Council

Report of a Meeting held at 4.30pm on Tuesday 17 August 2021 in the Council Chamber,
838-842 Fergusson Drive, Upper Hutt

Present: His Worship the Mayor Mr W N Guppy (Chair), Deputy Mayor Cr H Swales (Deputy Chair), Cr C B G Carson, Cr D M Bentley, Cr J B Griffiths, Cr P E Lambert, Cr H Newell, Cr T M Ultra, and Cr D V Wheeler

Apologies: Crs A R McLeod and S P Taylor

Public Business:

1. Apologies

RESOLVED:

EC 210501

"That the apologies received from Crs McLeod and Taylor be accepted and leaves of absence granted".

Moved Cr Griffiths / Cr Bentley

CARRIED

2. Declarations of Interest

There were no updates.

3. Public Forum

RESOLVED:

EC 210502

"That the emails received from Ian Price and Dr Abbie Spiers be received as tabled documents".

Moved Mayor Guppy / Cr Newell

CARRIED

The emails from Mr Price and Dr Spiers are appended as [Attachments 1](#) and [2](#) to the minutes respectively.

Jason Durry - representing Silver Stream Railway - spoke to Item 5, *Infrastructure Acceleration Fund: Expressions of Interest Application* on the subject of the Silverstream Spur, and tabled the document appended as [Attachment 3](#) to the minutes.

Rhys Lloyd - representing Silver Stream Railway - spoke to Item 5, *Infrastructure Acceleration Fund: Expressions of Interest Application* on the subject of the Silverstream Spur.

Heather Blissett spoke to Item 5, *Infrastructure Acceleration Fund: Expressions of Interest Application* on the subject of the Silverstream Spur.

RESOLVED:**EC 210503**

"That the period allowed for Public Forum be extended".

Moved Mayor Guppy / Deputy Mayor Swales

CARRIED

Mary Beth Taylor spoke to Item 5, *Infrastructure Acceleration Fund: Expressions of Interest Application* on the subject of the Silverstream Spur, and tabled the document appended as Attachment 4 to the minutes.

Harry Kent spoke to Item 5, *Infrastructure Acceleration Fund: Expressions of Interest Application* on the subject of the Silverstream Spur.

4. Public Exclusion**RESOLVED:****EC 210504**

"That the public be excluded from the following part of the proceedings of this meeting, namely:

5. Infrastructure Acceleration Fund: Expressions of Interest Application

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific ground under section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) for the passing of this resolution is as follows:

(A)	(B)	(C)
GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
<i>Infrastructure Acceleration Fund: Expressions of Interest Application</i>	<i>The withholding of information is necessary to protect information where the making available of the information would disclose a trade secret.</i>	<i>section 48(1)(a)(i)</i>

This resolution is made in reliance on section 48(1) of LGOIMA, and the particular interest protected by section 7 of the Act, which would be prejudiced by the holding of the relevant part of the meeting in public, is as specified in Column B above".

Moved Cr Griffiths / Cr Newell

CARRIED

The Chair declared the meeting closed at 5.41pm.

Mayor W N Guppy
Chair

From: Ian Price <classicmad@xtra.co.nz>

Sent: Monday, 16 August 2021 12:31

To: UHCC <UHCC@uhcc.govt.nz>

Subject: Upper Hutt city meeting

I am disappointed and more than a bit frustrated the the Mayor and councillors continue to hide behind the cloak of secrecy to make important decisions that change the future of our city.

Nobody wants the Silverstream Spur changed, it's is part of the natural woodland that up to a few weeks ago the council was hard out petitioning to control to stop the public cutting down trees in the town. Now they want to benefit from the change of land ownership, cut down many large natives on the land that is designated the Kiln st extension.

I own the property that runs along side of this road. There has been no information shared with the residents.

It feels as though councillors are just interested in making a name for them selves and lining 1 companies pockets!

This meeting undermines the honesty and integrity of the council.

Open the meeting to all and have an honest debate.

Kind Regards

Ian Price

From: Abbie Spiers <ramblers.song@gmail.com>
Sent: Tuesday, 17 August 2021 11:02 AM
To: UHCC <UHCC@uhcc.govt.nz>
Subject: Please table this message at today's Extraordinary Meeting 4.30pm re Infrastructure applications

To Council members & staff at UHCC,

I am writing to strongly encourage UHCC to fully protect the Silverstream Spur in its entirety from housing and roading development, and preserve it as an aesthetically pleasing and ecologically important component of our (once-called) Town Belt and 'green gateway' to Upper Hutt.

This includes rejecting any planned application today to the Infrastructure Acceleration Fund concerning the Spur, as this has not been subject to any formal public consultation to date and I believe there is no real public mandate for it. I also believe the developer has other options to access the Guildford land (also known as the Southern Growth Area) if required, and it will not be necessary or appropriate for public money to be spent on roading through the Spur.

Please note that I fully support other efforts by UHCC to apply to the Infrastructure Fund for housing developments and infrastructure improvement in Upper Hutt, as long as the housing is located along the existing rail/transport corridors and the CBD. I agree we urgently need more cohesive, truly sustainable communities within walking distance of train stations and shops/medical/other facilities. Therefore I support all efforts by UHCC to genuinely provide safe, warm, sustainable housing for low- to medium-income households in Upper Hutt's CBD and along the existing rail corridor.

Tracking people hundreds of metres up the Spur and into the hills will not result in sustainable housing within walking distance of existing transport routes, and will do little for community cohesiveness and climate change mitigation efforts in our region. In addition, a suburban or urban-scale road on the Spur will destroy the canopy cover and open the area to edge effects such as infiltration of pest species and weeds, thereby reducing the effectiveness and potential of the Spur as an ecological reserve and corridor to adjacent forest areas (including Guildford Timber Company's newly-named Silverstream Forest). Therefore, I believe a venture like that has no place being funded by public money.

Thankyou for the opportunity to comment today.
Kind regards,
Abbie

Dr Abbie Spiers
Writing, research, professional communication
ph 027 6150352
email ramblers.song@gmail.com

Firstly thank you to whoever it was in this room or building that made this meeting happen today, when it was heard this application being made in relation to the Silverstream Spur, I understand it was being pushed from some quarters that there should not be any meeting to discuss the application, meaning the public would not know anything at all, it seems the same people who made sure the public knew have also made sure that the public get the chance to participate, even though it has been limited to this segment only. Fortunately the community recognised it had to do something quick, so thank you also to everyone who has turned out today to make a stand against this last minute "trade secret" application.

Other councils have released information relating to their applications, yet UHCC have chosen to (reluctantly) hold a public excluded deliberation siting that it will reveal a "trade secret". This and the unprecedented publicity that has followed on Council's social media shows just how contentious this issue is amongst both its own staff and elected members, and most importantly the community who will have to live with the consequences.

This idea of a road on the Silverstream Spur has long been an ambition of the Guildford Timber Company since the idea of a road to access the proposed subdivision on the spur in the late 1970's which they submitted at that time would be perfect to get to their patch of dirt. To refresh your memory, it was this council that said it did not want a road and houses on the spur. Council were one of the only parties objecting to that plan back in the day, so thank you to those people who fought to overturn that decision, they did such a fantastic job and we owe it to them to continue to protect the legacy they gave us. This means that GTC have had 40+ years to get their act together to design their subdivision without using the spur, knowing and admitting that they have plenty of other options to access their land like the logging trucks do currently. Yet here we are the day before this lottery closes, and the council are considering a "trade secret" application from these same people. The community have been shut out of these discussions, being told they have to wait till next month to find out anything. Why does the community and its thoughts on this matter get treated with such disdain? The interests of one company seem to be more important than the thousands of people who have spoken out against this proposal. The only sensible thing that the council has to do is to tell GTC they will have to wait until the people has been properly consulted like they have been promised, and because they have been bumbling around for 40 years, then another few months of waiting will not cause any harm. The public will appreciate this chance, after being shut out of some many other opportunity's regarding the Spur (PC49 is just another example) and will certainly lessen this chances of this looking like it's a predetermined outcome.

Finally in my last tabled document I outlined some of the research I have been undertaking on the council's involvement in the Spur, and shared some of my findings for your information. I also mentioned that I had made a request for further information, giving your staff exact details of what I was looking for, including the dates of the meetings, item numbers, descriptions , basically as much information as I was reasonably able to give, to try and make their job as easy as possible. That request was made on the 31st of May, and here we are on the 17th of August and I have still not received the information I am seeking. Aside from mentioning the information is outstanding on the Silver Stream Railway website where the information is being collated and published, I have not pushed the issue terribly hard, on the basis that I need to wait my turn in the queue. However the 20 days outlined in the LGOIMA has well and truly passed now, in fact it has been 55 working days since that request was made and even though it was going to be sorted "tomorrow" even that was 29 days ago. So I make this request to you, to sort this out, stop looking like you are deliberately trying to hide this information and get it to me as requested. I have had to follow the rules to get this information, its time you did. I will start this coming weekend on revealing how bad the council process has been for me if I do not have at least an explanation on what the holdup is by then. My contact details are below if anyone wants to reach out and help me with this. There is no point in trying to hide it, these things always come out in the end.

Thank you

Jason Durry

gm@silverstreamrailway.org.nz

UHCC Extraordinary Meeting 17 August 2021 MB Taylor

Infrastructure Acceleration Fund Application

Premature – Presumptuous - Perilous

“How can you commit to building a road through the Silverstream Spur without public approval? The Spur is not available for development.”

1/1/2021
Spur is 'out of scope' for IAF funding for two reasons:

1. PC50 – Spur removed – due to pending public consultation
2. PC49 – Out of Scope due to pending public consultation
 - a. **“There is uncertainty over the future development form of this area, and how the growth area will be addressed. Due to the uncertainty over this area and the direction from Council, the zoning of this area is considered to be out of scope and will be considered in a future PC.”**
3. In line with these two Council decisions the Spur must be removed from the IAF application for the same reason. It is 'out of scope'.

Criteria for IAF based on NPS UD

1. 'walkable cities'
2. Affordable housing
3. Along existing public transport corridors
4. 200 dwellings
5. access to amenities and opportunities
6. Alignment with wider government objectives such as good urban planning, partnerships with iwi and Māori and **transition to a net zero emissions economy.**
7. **“... successful projects weighted toward bringing on multiple, affordable new homes quickly and in the right places; in urban centres as well as in the regions,”** Megan Woods said.
8. **Application for GTC funding does not meet 6/7 IAF Criteria**

Other land use legislation and controls to consider

1. NPS Indigenous Biodiversity to be finalised end of 2021
 - a. The NPSIB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity, ie Spur
2. PC 48 – SNA = 20% of Spur
 - a. Public seeking ecological reassessment of the Spur under the re-launch of PC48
3. SAL Special Amenity Landscape = 20% of Spur

4. PC50 – gives effect to NPS UD criteria
5. UHCC Natural Hazards Map – High Slope Risk throughout Spur
6. UHCC Sustainability Strategy: Goal 2 “We will prioritise protecting and enhancing our natural environment.”
 - a. Action 2.1 Evaluate opportunities to protect and enhance existing biodiversity and focus on regeneration, reforestation and enhancement soil health, native flora and fauna.
 - b. Action 2.2 Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape.
 - c. Action 2.3 Council building projects to consider opportunities that add value to our natural environment from the outset and have enduring positive effects. A Sustainability design review will be presented to decision-makers prior to final approvals for projects.
7. IPCC update – max. 10 years to avoid worst of climate change
 - a. 15 August 2021 ‘The Guardian’

https://www.theguardian.com/environment/2021/aug/15/its-now-or-never-scientists-warn-time-of-reckoning-has-come-for-the-planet?CMP=tw_t_a-environment_b-gdneco&fbclid=IwAR34d56xyF4YOCIBCYbdLi7expsG6t-VSZTjkbpyf-mjLBSbtayUoKSiQ

Other options for seeking IAFunds

1. Suggestion from Planner Ike: Submit to Kainga Ora a plan for intensive inner city comprehensive development such as the ‘Peoples’ Place’.
 - a. Extend to include Cobb&Co, NZTA WOF site, Beaurepairs.
 - b. Use Economic Stimulus Policy to relocate industrial businesses out of central city to allow for central housing.
2. Overbridge for cyclists and pedestrians over rail line and Fergusson Drive to link Silverstream with St Pats with SH2
3. Re-configure roading for merging traffic off SH2 and Easter Hutt Road at Silverstream
4. St Pats College Silverstream apartment village
5. Papakainga village near Orongomai Marae

Final word on funding projects – Please limit risk

UHCC recent poor history on managing budgets and funding for projects.

- Elite Sports Hub – \$13.4 million over budget
- Maidstone Max – over budget by ??
- Silverstream culvert project - \$15 million over budget?
- How are the budgets for the big 2021 LTP projects looking? H2Oxtreme? Civic centre full upgrade?
- Who pays for the budget failures? Who is responsible for the risk?



TE REO O TE TAIAO | Giving Nature a Voice

Upper Hutt Branch

Save Our Hills



**SILVER STREAM
RAILWAY**
HERITAGE RAILWAY

“Together - Saving Silverstream Spur for future generations”

To: Hon. Dr Megan Woods

Cc: Hon. Chris Hipkins

12 August, 2021

Dear Sir/Madam,

By way of introduction, we are three community organisations – Forest & Bird Upper Hutt Branch, Save Our Hills, and Silver Stream Railway – who have recently come together to express our concerns collectively and lobby Upper Hutt City Council (UHCC) to protect the Silverstream Spur, a prominent Upper Hutt landmark, from development as part of the Southern Growth Area.

We represent a significant number of people in our local community. Both the members of our groups and those in the wider community who have attended our public meetings have signed our three petitions (these garnered thousands of signatures each), and have written submissions in support of the Spur to UHCC. Over 15% of submissions Council received during the recent UHCC Long Term Plan consultation also included submissions in support of protecting and restoring the Spur. Most recently, we obtained 95 signatures at a local public meeting to give us a mandate to speak and lobby on the community's behalf.

We are contacting you directly concerning the Infrastructure Acceleration Fund (IAF) because we have tried extensively and repeatedly to raise our concerns with UHCC concerning the Spur and its future but we have been unable to make our voices heard, and we believe public consultation processes are being denied while decisions continue to be made apace. We believe (through informal sources rather than any public information or consultation) that UHCC is intending to make a joint application with the developer of the proposed Southern Growth Area to apply for IAF funding for a road over the Spur, and this is why we are writing to you with great urgency.

We would like to stress that we are not anti-development! We fully support well-planned, sustainable, in-fill / brownfield or greenfield developments in Upper Hutt along the existing road/rail corridor, and all efforts by UHCC, Central Government or others to urgently provide more housing, especially for low- and moderate-income households. We fully support the Infrastructure Acceleration Fund initiative to help address some of the underlying barriers to getting more of this type of housing built in Upper Hutt, and throughout New Zealand.

We do not, however, support development on the Silverstream Spur. The Spur is publicly owned land that was originally purchased to be part of the green Town Belt of Upper Hutt. Its terrain is extremely steep and rugged, and it has important aesthetic and ecological functions (existing, and potential after native reforestation) that housing or roading would permanently disrupt. The Spur is also a vital noise/fire/steam buffer for the Silver Stream Railway's longstanding heritage railway activities. There is a significant risk this 150-year old railway line and much-loved, 60-year old heritage business will be unable to operate if the Spur is developed.

We also have concerns about the proposed Southern Growth Area. We would like to see more information about the proposed development and some public consultation before any additional public funds are committed to it. We feel that the Southern Growth Area may be too distant (in distance and altitude) from existing road and rail corridors to provide truly sustainable and accessible housing for low- to moderate-income households. We think it is inappropriate of UHCC to push housing and/or roading through the Spur when we have much better options elsewhere in Upper Hutt to build suitable housing and truly cohesive, sustainable communities.

We understand, Hon Dr Megan Woods, that this is a local issue and you and your colleagues may consider our concerns (as listed above) should be directed to UHCC rather than yourselves. However, we are genuinely struggling in Upper Hutt to have our voices heard. All of our submissions to UHCC concerning the Spur were excluded from Council's Long Term Plan deliberations a few months ago and considered 'irrelevant' (despite the Southern Growth Area being mentioned in the Plan). Recent efforts to obtain another opportunity for public consultation were defeated when UHCC excluded the Spur from consultations about upcoming Plan Change 49 Open Space, deeming it 'out of scope'. UHCC repeatedly assures us that the Upper Hutt public will be fully consulted on the issue of the Southern Growth Area and the Silverstream Spur, yet we have not had such an opportunity in five years now, and decisions continue to be made by UHCC (including a Memorandum of Understanding being signed to swap the Spur with other land owned by the developer), and Council expenditure committed.

We are aware that initial IAF applications are due on Wednesday 18 August, and we've heard whispers, as mentioned earlier, that UHCC plans to submit one concerning roading on the Spur, and the Southern Growth Area. UHCC appears to have left it to the last minute to inform the public in any way about the IAF applications it intends to submit, however it is apparently calling an Extraordinary meeting on Tuesday 17 August at 4.30pm. There is not yet an agenda publicly available for this meeting, but if it contains mention of the Spur or the Southern Growth Area we will attend, as this will be our first possible 'formal' opportunity to be heard on this issue. Noting, of course, that an Extraordinary meeting, called at such short notice, is a grossly inadequate mechanism for public consultation by local government.

In summary, if the IAF receives an initial application from UHCC concerning roading or housing development on Silverstream Spur, seeking to provide access to the proposed development in the Southern Growth Area, we urge you to include in your deliberations our genuine and urgent concerns regarding the inadequate (e.g. non-existent) public consultation on this particular issue in Upper Hutt. We urge you instead to consider funding other applications that seek to provide more sustainable housing development (accessible and 'walkable' communities) along the existing road/rail corridor in Upper Hutt, and/or greater in-fill of existing suburbs and Upper Hutt CBD.

You are most welcome to contact either one of our organisations, or the undersigned, for further discussion on this issue. You are also most welcome to distribute this letter to individuals or agencies involved with the IAF as you see fit.

We thank you for your time and attention.

Kind regards,

Forest & Bird Upper Hutt Branch: upperhutt.branch@forestandbird.org.nz

Save Our Hills: helpsaveourhills@gmail.com

Silver Stream Railway: gm@silverstreamrailway.org.nz



MINUTES

Report of a meeting of the CITY DEVELOPMENT COMMITTEE, held remotely via audiovisual link (Zoom) on WEDNESDAY 18 August 2021 commencing at 4.30 pm

Present: Cr D V Wheeler (Chair), Cr P E Lambert (Deputy Chair), His Worship the Mayor Mr W N Guppy, Cr D M Bentley, Cr A R McLeod, and Cr T M Ultra.

In Attendance: Cr H Newell.

1. Apologies

There were no apologies.

2. Declarations of Interest

There were no updates to the register of interest.

3. Public Forum

There were no speakers under public forum.

4. Dog Control Policy and Practices Report: 2020/21

RESOLVED:

CDC 210501

“That the Committee recommends that Council receives the report entitled Dog Control Policy and Practices Report: 2020/21.”

Moved Cr Wheeler / Cr Lambert

CARRIED

5. Director’s Report: Community Services

RESOLVED:

CDC 210502

“That the Committee recommends that Council receives the report entitled ‘Directors Report: Community Services’.”

Moved Cr Wheeler / Cr Lambert

CARRIED

6. Director’s Report: Planning and Regulatory Services

RESOLVED:

CDC 210503

“That the Committee recommends that Council receives the report entitled ‘Director’s Report: Planning and Regulatory Services’.”

Moved Cr Wheeler / His Worship the Mayor

CARRIED

7. Director’s Report: Strategy, Partnerships and Growth

RESOLVED:

CDC 210504

“That the Committee recommends that Council receives the report entitled ‘Director’s Report: Strategy, Partnerships and Growth’.”

Moved Cr Wheeler / His Worship the Mayor

CARRIED

8. Director’s Report: Asset Management and Operations

RESOLVED:

CDC 210505

“That the Committee recommends that Council receives the report entitled ‘Director’s Report: Asset Management and Operations’.”

Moved Cr Wheeler / His Worship the Mayor

CARRIED

The Chair declared the meeting closed at 5.49 pm.

Cr D V Wheeler
Chair



Minutes

Risk and Assurance Committee

Report of a Meeting held on Wednesday 25 August 2021 at 2pm via audio-visual means ('Zoom')

Present: Cr S P Taylor (Chair), Deputy Mayor H Swales (Deputy Chair), His Worship the Mayor Mr W N Guppy, Cr D M Bentley, Cr C B G Carson, Cr J B Griffiths, and Ms S Brownlie (Independent Member)

In Attendance: Crs P E Lambert and D V Wheeler

RESOLVED:

RAAC 210501

"That Crs Lambert and Wheeler be granted speaking rights".

Moved Cr Taylor / Cr Griffiths

CARRIED

1. Apologies

All members were in attendance.

2. Declarations of Interest

There were no updates.

3. Public Forum

There were no speakers.

4. Health and Safety Report

RESOLVED:

RAAC 210502

"That the Committee recommends that Council receives the report entitled Health and Safety Report".

Moved Cr Bentley / Ms Brownlie

CARRIED

5. Audit Management Report on Consultation Document for the LTP 2021-2031

RESOLVED:

RAAC 210503

"That the Committee recommends that Council receives the Audit Management Report on Consultation Document for the LTP 2021-2031".

Moved Deputy Mayor Swales / Cr Bentley

CARRIED

6. Final Audit Management Report for the LTP 2021-2031

RESOLVED:

RAAC 210504

"That the Committee recommends that Council receives the Final Audit Management Report for the 2021-2031 LTP".

Moved Cr Carson / Mayor Guppy

CARRIED

7. Representation Letter to Audit NZ for the Audit of the LTP 2021-2031

RESOLVED:

RAAC 210505

"That the Committee recommends that Council receives the representation letter for the audit of the 2021-2031 LTP".

Moved Cr Taylor / Cr Griffiths

CARRIED

8. Audit Fee Proposal Annual Report 2021 and 2022

RESOLVED:

RAAC 210506

"That the Committee recommends that Council receives the report on the Audit Fee Proposal for the 2021 and 2022 Annual Report".

Moved Cr Carson / Ms Brownlie

CARRIED

9. Interim Audit Management Report for the 2020-2021 Financial Year

RESOLVED:

RAAC 210507

"That the Committee recommends that Council receives the Interim Audit Management Report for the 2020-2021 Financial Year".

Moved Deputy Mayor Swales / Cr Bentley

CARRIED

10. Impact Assessment of Public Benefit Entity Financial Reporting Standard 48: Service Performance Reporting

RESOLVED:

RAAC 210508

"That the Committee recommends that Council receives the report entitled 'Impact Assessment of Public Benefit Entity Financial Reporting Standard 48: Service Performance Reporting'".

Moved Deputy Mayor Swales / Cr Griffiths

CARRIED

11. Legislative Compliance Report

RESOLVED:

RAAC 210509

"That the Committee recommends that Council receives this Legislative Compliance Report".

Moved Mayor Guppy / Cr Bentley

CARRIED

12. Mayor and Chief Executive's Expenses Report

RESOLVED:

RAAC 210510

"That the Committee recommends that Council receives the Mayor and Chief Executive's Expenses Report to 30 June 2021".

Moved Cr Griffiths / Deputy Mayor Swales

CARRIED

13. Revised Treasury Policy Report

RESOLVED:

RAAC 210511

"That the Committee recommends that Council:

- i. receives the Revised Treasury Policy Report; and;*
- ii. approves the revisions to the Treasury Liability Management and Investment Policy".*

Moved Cr Carson / Mayor Guppy

CARRIED

14. Treasury Report

RESOLVED:

RAAC 210512

"That the Committee recommends that Council receives the Treasury Report".

Moved Ms Brownlie / Deputy Mayor Swales

CARRIED

15. Strategic Risk Management Report

RESOLVED:

RAAC 210513

"That the Committee recommends that Council:

- i. receives the Risk Management Report; and;*
- ii. agrees to the change in wording of SR 6 and the resulting amended residual risk".*

Moved Cr Carson / Cr Griffiths

CARRIED

16. Public Exclusion

RESOLVED:

RAAC 210514

"That the public be excluded from the following part of the proceedings of this meeting, namely:

17. Audit New Zealand Enquiries of Governance

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific ground under section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) for the passing of this resolution, is as follows:

(A)	(B)	(C)
GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
<i>Audit New Zealand Enquiries of Governance</i>	<i>The withholding of information is necessary to protect information which is subject to an obligation of confidence.</i>	<i>section 48(1)(a)(i)</i>

This resolution is made in reliance on section 48(1) of LGOIMA, and the particular interest protected by section 7 of the Act, which would be prejudiced by the holding of the relevant part of the meeting in public, is as specified in Column B above”.

Moved Cr Taylor / Mayor Guppy

CARRIED

The Chair declared the meeting closed at 3.44pm.

Cr S P Taylor
Chair



Minutes

Finance and Performance Committee

Report of a Meeting held on Wednesday 25 August 2021 at 4.30pm via audio-visual means ('Zoom')

Present: Cr C B G Carson (Chair), Cr D M Bentley (Deputy Chair), His Worship the Mayor Mr W N Guppy, Deputy Mayor Cr H Swales, Cr J B Griffiths, Cr P E Lambert, Cr A R McLeod, Cr H Newell, Cr S P Taylor, Cr T M Ultra, and Cr D V Wheeler

1. Apologies

All members were in attendance.

2. Declarations of Interest

There were no updates.

3. Public Forum

There were no speakers.

4. Draft Annual Non-Financial Performance Report 2020-2021

RESOLVED:

FAPC 210501

"That the Committee recommends that Council receives the report entitled 'Draft Annual Non-Financial Performance Report 2020-2021'".

Moved Cr Newell / Mayor Guppy

CARRIED

5. Carryovers Report

RESOLVED:

FAPC 210502

"That the Committee recommends that Council:

- i. receives the report entitled 'Carryovers Report';*
- ii. resolves that the Chief Executive be given authority to carry over unutilised funding for the items listed as carryovers on the attached Schedule (Attachment 1 to the report), based on his assessment of the financial position and status of each item as at 30 June 2021;*

- iii. *rescinds the Policy on the 'Distribution of Rates Funding Surpluses' with immediate effect; and;*
- iv. *adopts the proposed process with regard to operational reserves”.*

Moved Cr Carson / Cr Newell

CARRIED

6. Loan Funding Requirements Report

RESOLVED:

FAPC 210503

“That the Committee recommends that:

- i. *Council borrows up to \$63,444,203 (the borrowed sum), being a maximum amount for the purposes stated in the Council’s 2021-2031 Long Term Plan for the financial year ended 30 June 2022, and maintains and utilises an overdraft facility (the overdraft), and may repay and redraw under that facility, for the Council’s cashflow management up to a maximum outstanding at any time under such facility of \$600,000;*
- ii. *the Chief Executive be hereby delegated authority to negotiate and agree the terms, interest rate payable by the Council, frequency of interest payments, timing of drawdowns, number of loans, facilities or issues of stock which make up the Borrowed Sum and the Overdraft and all other terms and conditions of such loans or facilities or stock including whether such loans, facilities or stock will be secured under the Debenture Trust Deed, as may be necessary for the obtaining of such loan facilities or stock, and to execute any agreements, documents, and certificates in respect of such loans, facilities or stock on behalf of the Council in accordance with the Upper Hutt City Council Treasury Risk Management Policy;*
- iii. *the Chief Executive be hereby delegated authority to approve all transactions contemplated by the documents required to facilitate the financing of the Borrowed Sum and the Overdraft;*
- iv. *in the event the terms and conditions of the Borrowed Sum loan require the Council to subscribe to Borrower Notes, the Chief Executive is authorised to borrow in addition to the Borrowed Sum, the minimum amount necessary to enable the Council to subscribe to the number of Borrower notes required by the terms and conditions of the loan so that the net amount advanced to the Council equals the Borrowed Sum;*
- v. *Council authorises the Chief Executive to negotiate and enter suitable Forward Rate Agreements and any security arrangements required by the other party to the Forward Rate Agreement to manage the interest rate risk of the Borrowing in accordance with the Treasury Risk Management Policy;*
- vi. *the authorities delegated to the Chief Executive under Recommendations (ii) and (iii) above are also delegated to the Chief Executive to enable the drawdown of any subsequent loans necessary to facilitate the continued financing of the Borrowed Sum and no additional resolution is necessary; and;*
- vii. *the Chief Executive be authorised to sub-delegate powers, duties and discretions, delegated to him under the resolutions above, to members of the Council’s Executive Leadership Team, as he considers appropriate”.*

Moved Cr Carson / Cr Lambert

CARRIED

7. Financial Management Report (Rate Funding Statement) as at 30 June 2021

RESOLVED:

FAPC 210504

“That the Committee recommends that Council receives the report entitled ‘Financial Management Report (Rate Funding Statement) as at 30 June 2021’”.

Moved Cr Newell / Cr Taylor

CARRIED

8. Public Exclusion

RESOLVED:

FAPC 210505

“That the public be excluded from the following part of the proceedings of this meeting, namely:

9. Debtors Report as at 31 July 2021

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific ground under section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) for the passing of this resolution is as follows:

(A)	(B)	(C)
GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
<i>Debtors Report as at 31 July 2021</i>	<i>The withholding of information is necessary to protect the privacy of natural persons.</i>	<i>section 48(1)(a)(i)</i>

This resolution is made in reliance on section 48(1) of LGOIMA, and the particular interest protected by section 7 of the Act, which would be prejudiced by the holding of the relevant part of the meeting in public, is as specified in Column B above”.

Moved Cr McLeod / Cr Griffiths

CARRIED

The Chair declared the meeting closed at 5.26pm.

Cr C B G Carson
Chair



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

Extraordinary Council | 22 September 2021

Guildford Timber Company MoU conclusion and further steps in relation to the Southern Growth Area

Purpose of report / Te Pūtake

1. Update Council about development in the Southern Growth Area (**SGA**), including in particular:
 - a. The end of discussions relating to a land swap with Guildford Timber Company (**GTC**).
 - b. The end of discussions relating to the sale of any Council land to GTC.
 - c. Further steps the Council is taking together with GTC to explore funding options for the development of an infrastructure corridor (including a road) connecting Kiln Street to the SGA.
2. Seek Council approval to formalise the conclusion of the Memorandum of Understanding between Council and GTC relating to a land swap by sending a letter.

Recommendations / He Tūtohunga

3. It is recommended that Council:
 - (i) receives the report entitled *Guildford Timber Company MoU conclusion and further steps in relation to the Southern Growth Area*; and;
 - (ii) approves the Chief Executive immediately sending a letter to GTC formalising the conclusion of the MoU and ending discussions with GTC about a land swap or sale of land on the Silverstream Spur.

Background / Papamuri

4. Discussions with GTC about development in the Southern Growth Area have been ongoing since 2007.
5. In March 2016 Council and GTC entered into a non-binding agreement (*attached*) setting out a shared intention to exchange GTC land on the Silverstream/Pinehaven hills for a 35 hectare (more or less) block of land known colloquially as the Silverstream Spur owned by Council (the **MoU**).
6. The MoU explained the intention of the parties to work cooperatively and share information with the goal of swapping land to enable development.
7. Recently, discussions between Council and GTC also canvassed the possibility of Council selling land for a road on the Silverstream Spur to GTC instead of the previously discussed land swap.
8. Both the proposed land swap and the sale of land for a road are no longer of interest to either GTC or the Council, and this report seeks approval to conclude the MoU.

9. GTC and Council have now applied for central government funding through the Expressions of Interest stage of Kainga Ora's Infrastructure Acceleration Fund (IAF) for funding of an infrastructure corridor on approximately 2.5ha of the Silverstream Spur to enable the Southern Growth Area development.

Significance and Engagement Assessment / Te Tino Aromatawai

10. Assessment of decision to conclude the MoU and associated land swap or sale on the Silverstream Spur against significance criteria set out in Council's Significance and Engagement Policy:

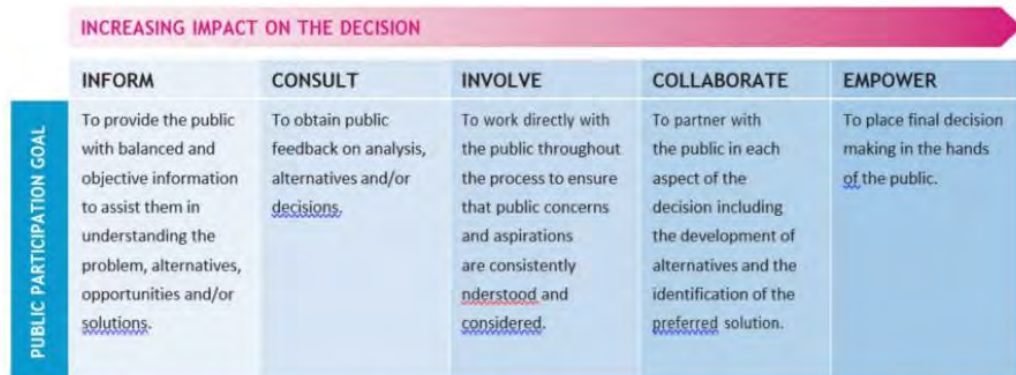
A	Consistency with a prior decision or decisions	Consistent. Council decision through the Land Use Strategy development process and more recent Wellington Regional Growth Framework development process has identified the SGA as an area of future development. Conclusion of the MoU is not inconsistent with those decisions but marks the end of one possible approach to fulfilling those objectives.
B	Does the decision involve transfer of ownership or control of a strategic asset	No.
C	Level of public interest	Moderate. Silverstream Spur is of significant interest to a portion of the community.
D	Proportion of community affected.	Community unaffected by decision to conclude MoU. Strategic intent to develop the SGA remains.
E	Extent to which the decision impacts the level of service provided by Council and Council's capacity	No effect on Council service levels or capacity.
F	Reversibility	This decision will end the current MoU sale/swap process but discussions about the SGA are ongoing.
G	Level of financial consequence	None.

11. Additional significance and engagement considerations:

- a. In response to public interest in development of the Southern Growth Area information relevant to this topic has been available since 26 March 2021 on the Council's website.
- b. The Southern Growth Area has been subject to consultation when it was included in the UHCC Land Use Strategy 2016 – 2043 and also when included in the Regional Growth Framework which has also been consulted on recently.
- c. Council officers have had ongoing discussions with interested parties.
- d. Any development proposal for the Southern Growth Area will be subject to the ordinary Resource Management Act processes (likely a plan change followed by resource consent(s) but may be resource consent only in some circumstances).

12. Conclusion on significance and engagement:

- a. For the reasons set out in the assessment above, particularly the level of community interest, the decisions proposed by this paper are of **medium significance**.
- b. Having determined significance, Council applies the IAP2 Spectrum of Public Participation and its own engagement guidelines:



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- c. Formalisation of the concluding of the MoU does not require further consultation.
- d. Council should **make a formal resolution** before taking action, and should **inform the community once a decision is made**.

Financial and Resourcing / Mahere Pūtea

13. Concluding the MoU as contemplated by this Report has no financial impact at this time.

Legal and Risk / Ture and Tūraru

14. There is a risk that the Southern Growth Area will become unavailable for development, however Council's and GTC's interests continue to be aligned and the collaborative working relationship between them continues as well.

Discussion and Options / Te Matapaki Me Ngā Kōwhiringa

15. Council's intent in entering into the MoU was to enable residential development in the Southern Growth Area.
16. The Southern Growth Area is a residential expansion region which was first identified in the Council's Land Use Strategy 2016-2045 and now forms part of the Wellington Regional Growth Framework. The Framework sets out growth plans for the wider Wellington Region as required by the National Policy Statement on Urban Development.
17. At a meeting with Council officers and representatives of GTC on 17 April 2021 a discussion was had as to an alternative to the land exchange contemplated by the MoU, that GTC purchase a part of Silvestream Spur to allow it to construct a road into the Southern Growth Area and included residential development along the roading corridor.
18. On 23 March 2021 Government announced the IAF, to be administered by Kainga Ora. The fund opened for submission of Expressions of Interest on 30 June to 18 August 2021.

19. At a meeting with Council officers and representatives of GTC on 6 July 2021 GTC proposed, as an alternative to the purchase of a smaller parcel of the land on the Silverstream Spur, that Council and GTC advance an application to the IAF to fund access to the Southern Growth Area via the construction of a road/infrastructure corridor.
20. The MoU has no ongoing value to the parties. A land swap, or alternative sale of land, is no longer contemplated.
21. It is open to the Council to leave the MoU in place. It has no legal effect.
22. However, given public interest in the process of opening the Southern Growth Area for development it is Council officials' view that finalising the MoU is appropriate.

Included attachments / Ngā Āpitihanga

23. [Attachment 1. Memorandum of Understanding between GTC and Council March 2016](#)

Date of report: 9 September 2021

Report writer:

Guy Smith

General Counsel

Approved by:

Peter Kelly

Chief Executive

**MEMORANDUM OF UNDERSTANDING
RELATING TO LAND EXCHANGE**

The Guildford Timber Company Limited (GTC)

and

Upper Hutt City Council (UHCC)

("The Parties")

2177042_6

MEMORANDUM OF UNDERSTANDING

1. BACKGROUND AND PURPOSE OF MEMORANDUM

- 1.1. This memorandum sets out undertakings and principles agreed between The Guildford Timber Company Limited (GTC) and Upper Hutt City Council (UHCC) relating to a proposed series of related matters and transactions which, at its core, involves a land exchange between the parties.
- 1.2. The land subject to the proposed land exchange is as follows:
 - 1.2.1. Part of the land currently owned by GTC and its wholly owned subsidiary company located on the ridge southwest of Silverstream and Pinehaven which is to be transferred to UHCC, shown marked 'A' on the plan attached as Appendix 1.
 - 1.2.2. The land currently owned by UHCC known as 'Silverstream Spur' which is located at the lower end on the ridge southwest of Silverstream and Pinehaven which is to be transferred to GTC, shown marked 'B' on the plan attached as Appendix 1.
 - 1.2.3. The balance of the land currently owned by GTC and its wholly owned subsidiary company located on the ridge southwest of Silverstream and Pinehaven which is to be retained by GTC, shown marked 'C' on the plan attached as Appendix 1.
- 1.3. This memorandum is framed in the context of ensuring that the land exchange transactions will either involve or facilitate the following:
 - 1.3.1. Provide access to land owned by GTC and its wholly owned subsidiary company to create the opportunity to subdivide and develop the land for residential purposes;
 - 1.3.2. Help ensure that UHCC meets the long term direction and priorities for urban development and growth set out in the Land Development Strategy Upper Hutt;
 - 1.3.3. Enable access to UHCC land to facilitate the opportunity for new public reserve land to be created/developed;

MEMORANDUM OF UNDERSTANDING

- 1.3.4. Provide protection and enhancement of the forest cover for the purposes of stormwater control and management of the Pinehaven Stream catchment;
 - 1.3.5. Ensure protection of the hill backdrop and forest cover which strongly contributes to the landscape character of the area; and
 - 1.3.6. Provide the opportunity for new public reserve land that would foster natural and heritage values, as well as provide strategic opportunity for the area to become an outdoor recreation attraction.
- 1.4. The purpose of this memorandum is:
- 1.4.1. To provide the Parties with an opportunity to express their mutual intention regarding the proposed land exchange transactions but without legally committing to these transactions until such time as the Parties have had an opportunity to carry out further investigations;
 - 1.4.2. To outline the development aspirations of GTC and the responsibility of UHCC in relation to its respective obligations under the overarching legislation, particularly the Local Government Act 2002, the Resource Management Act 1991 and the Reserves Act 1977; and
 - 1.4.3. To set out how the Parties will establish and maintain a positive, co-operative and enduring relationship.
- 1.5. The Parties share a mutual interest and benefit in achieving these overarching goals.

2. NON-BINDING MEMORANDUM

- 2.1. UHCC and GTC acknowledge and agree that:
- 2.1.1. the terms of this memorandum do not constitute an offer which is capable of acceptance by any party; and
 - 2.1.2. this memorandum constitutes a statement of intent but is not intended to create binding legal relations or constitute or form

MEMORANDUM OF UNDERSTANDING

part of any legally binding contract or representation having legal effect.

3. FURTHER NEGOTIATION

3.1. The Parties will use this memorandum as the starting point for further investigation and the basis for negotiating substantive binding legal documentation that will carry out the mutual intention of the Parties as expressed in this memorandum. As such, the parties agree to pursue their mutual intention for a period of not less than 18 months following signing of this memorandum.

3.2. To this intent, the Parties agree to:

- 1.1.1. work cooperatively and in good faith;
- 3.2.1. provide relevant information to the other party upon request;
- 3.2.2. provide reasonable access to a party's land and personnel to the other party;
- 3.2.3. meet regularly to discuss relevant issues and negotiate appropriate outcomes; and
- 3.2.4. abide by the relationship principles set out in clause 5.1 of this memorandum.

4. INTENTION OF THE PARTIES

4.1. The intention of the Parties regarding the land exchange outlined in this memorandum, as well as the post transfer actions that will be required prior to the development of a District Plan Change to rezone land identified as Site C, is as follows:

- 4.1.1. GTC is the owner of Site A and wishes to transfer this land into UHCC ownership. UHCC is to take ownership of Site A and be responsible for maintenance costs associated with its ongoing upkeep and subsequent rating requirements.
- 4.1.2. UHCC is the owner of Site B (commonly known as the 'Silverstream Spur') and wishes to transfer this land into GTC ownership. GTC is to take ownership of Site B and be

MEMORANDUM OF UNDERSTANDING

responsible for maintenance costs associated with its ongoing upkeep and rating requirements.

- 4.1.3. GTC will retain ownership of Site C and will continue to be responsible for the land and for maintenance costs associated with its ongoing upkeep and rating requirements.

4.2. In reaching this understanding, the Parties have sought to address:

- 4.2.1. That Site B will be used, at least in part, to provide access to the wider residential development proposals on Site C and that Site A will be used for public open space purposes (such as a park).
- 4.2.2. GTC access arrangements to Site B from Council-owned land adjoining the Kiln Street paper road.
- 4.2.3. UHCC access arrangements to Site A from the Council-owned land adjoining Kiln Street paper road.
- 4.2.4. The recognition by GTC and UHCC of the prominence of Silverstream Spur (Site B) in the Pinehaven and Silverstream settings, particularly its potential contribution to visual, landscape and recreational amenity. GTC and UHCC acknowledge that re-zoning for residential purposes of Site B needs to take these values into account.
- 4.2.5. The commitment of UHCC to commence a District Plan Change process to rezone Site C and parts of Sites B for residential purposes.
- 4.2.6. The recognition by UHCC that possible adverse effects of urban growth which cannot practically be avoided, remedied or mitigated within Site C have the potential to be offset by the wider environmental and community benefits including reserves and other amenities which will be gained through formalising Site A as public land.
- 4.2.7. GTC's long association with the area and recognise GTC's sense of stewardship towards the land subject to this memorandum.

MEMORANDUM OF UNDERSTANDING

5. RELATIONSHIP PRINCIPLES

5.1. GTC and UHCC agree to the following relationship principles in implementing this memorandum:

- 5.1.1. working in a spirit of co-operation;
- 5.1.2. ensuring early engagement on emergent issues in concerning the land;
- 5.1.3. operating on a 'no surprises' basis;
- 5.1.4. acknowledging that the relationship is an evolving, not prescribed, one;
- 5.1.5. respecting the independence of the Parties and their individual mandates, roles and responsibilities;
- 5.1.6. acknowledging that Parties benefit from working together and sharing their vision, values, knowledge and expertise; and
- 5.1.7. the highest level of collaborative engagement.

6. CAPACITY

6.1. In relation to the proposed land exchange transaction referred to in this memorandum, UHCC is acting in its capacity as owner of the Site B land only. Nothing is implied as to issue of consents or other permissions required from UHCC or any other statutory or regulatory body, and all required statutory processes must be complied with in relation to the proposed land exchange.

MEMORANDUM OF UNDERSTANDING

Executed as an agreement.

Date: 4 - 3 - 2016

Upper Hutt City Council by:

W.M. Guppy
.....
Signature of authorised person

WAYNE GUPPY
.....
Name of authorised person (print)

MAYOR
.....
Office held

Chris Upton
.....
Signature of authorised person

Chris Upton
Chief Executive
.....
Name of authorised person (print)

.....
Office held

The Guildford Timber Company Limited
by:

Ralph Goodwin
.....
Signature of authorised person

Ralph Goodwin
.....
Name of authorised person (print)

Director
.....
Office held

The Guildford Timber
Company

2.3.2016

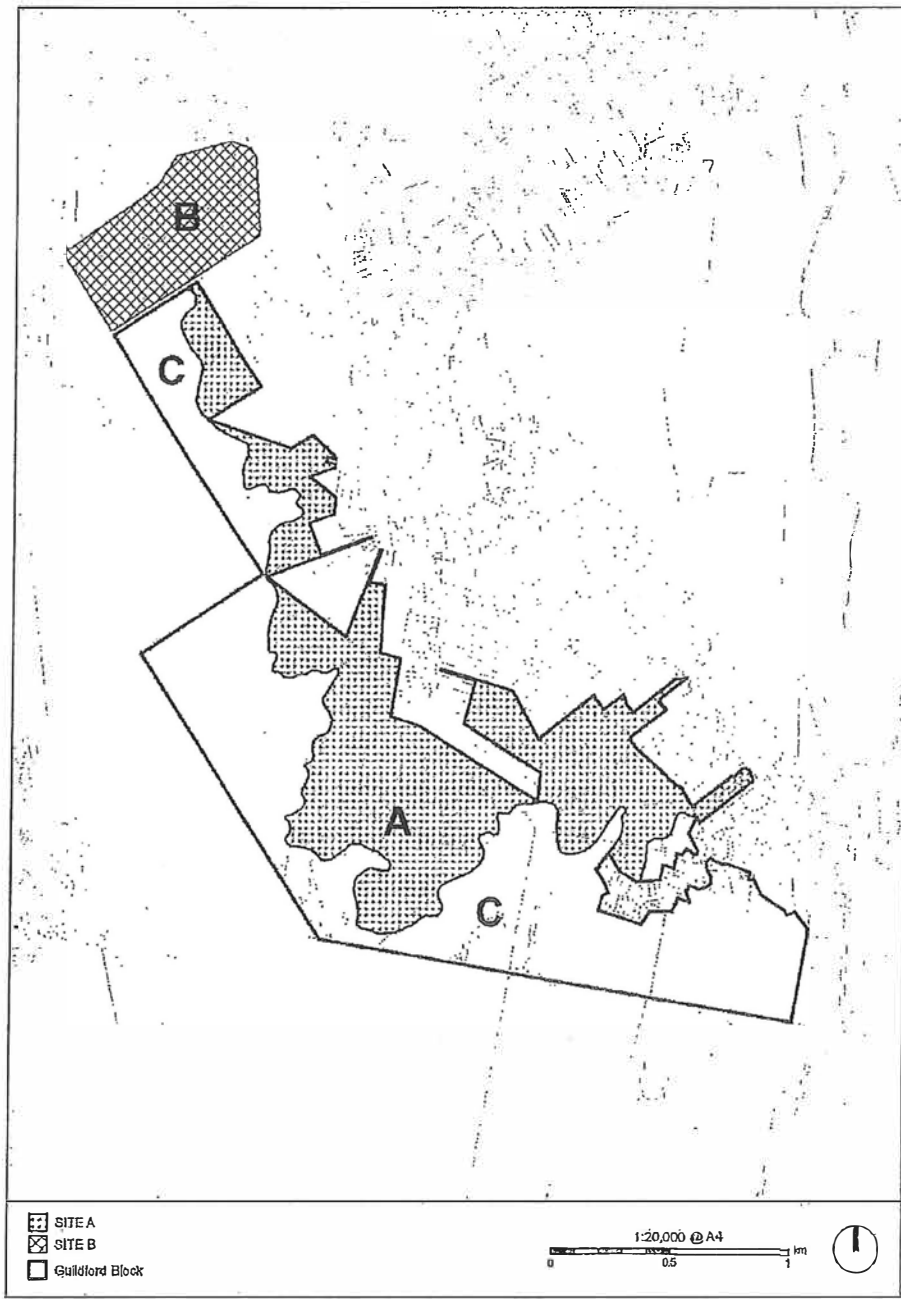
MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

APPENDIX 1

Land subject to this Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING



POTENTIAL LAND TRANSFER SITES



Extraordinary Council | 22 September 2021

Briefing on the Three Waters Reform

Purpose of Report / Te Pūtake

1. The purpose of this report is to:
 - a. inform Council of the Government's three waters reform (Reform) announcements in June - July 2021, along with the specific data and modelling Council has received to date, and the implications of the revised three waters reform proposal (Proposal); and
 - b. enable Upper Hutt City Council (Council) to ask any questions/ provide feedback regarding the Proposal.

Recommendations / He Tūtohunga

2. That Council:
 - a. **notes** the Government's 30 June and 15 July 2021 Three Waters Reform announcements,
 - b. **notes** officer's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the RFI and WICS modelling processes,
 - c. **notes** the analysis of three waters service delivery options available to Council at this time provided in Appendix 5,
 - d. **notes** that a decision to support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA), which prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don't know) about the Government's preferred option,
 - e. **notes** that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA,
 - f. **notes** that the Government intends to make further decisions about the three waters service delivery model after 30 September 2021,
 - g. **notes** that it would be desirable to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process,
 - h. **requests** the CEO to give feedback to the Government on the following areas of the Government's proposal that Council has concerns about or needs more information on-
 1. Governance and representation
 - (a) Local voice
 - Included towards provision of service diluted under governance model

- Ability to get recognition on service delivery issue far removed from WSE
 - (b) Protection from privatisation
- 2. Prioritisation of Investment
 - (a) Including alignment growth
 - (b) Wider community outcomes,
 - (c) Local issues
- 3. Financial impacts and asset transfer
 - (a) Package for local government
 - (b) Impact of stranded overheads
- 4. Impacts on Local Government from wider sector reforms
- 5. Pace of the reforms which might lead to rushed decision making without comprehensive consideration of consequences
- 6. Transition, including workforce and capability.
- 7. Community engagement/consultation and the associated costs; and,
 - i. **notes** that the CEO will report back further once further information and guidance from Government has been received on what the next steps look like and how these should be managed.

Background / Papamuri

3. Following the serious campylobacter outbreak in 2016 and the Government's Inquiry into Havelock North Drinking Water, central and local government have been considering the issues and opportunities facing the system for regulating and managing the three waters (drinking water, wastewater, and stormwater).
4. The focus has been on how to ensure safe drinking water, improve the environmental performance and transparency of wastewater and stormwater network and deal with funding and affordability challenges, particularly for communities with small rating bases or high-growth areas that have reached their prudential borrowing limits.
5. The Government's stated direction of travel has been for publicly-owned multi-regional models for (with a preference for local authority ownership). The Department of Internal Affairs (DIA), in partnership with the Three Waters Steering Committee (which includes elected members and staff from local government) commissioned specialist economic, financial, regulatory and technical expertise to support the Three Waters Reform Programme and inform policy advice to ministers.
6. The initial stage (Tranche 1 - MOU, Funding Agreement, Delivery Plan and RFI process) was an opt in, non-binding approach. It did not require councils to commit to future phases of the reform programme, to transfer their assets and/or liabilities, or establish new water entities. The 2020 indicative reform programme and then anticipated next steps can be found in **Attachment 1**.
7. Council completed the RFI process over Christmas and New Year 2020/21 and the Government has used this information, evidence, and modelling to make preliminary decisions on the next stages of reform and has concluded that the case for change has been made. Details of this case for change is contained in **Attachment 2**.

Government's June and July 2021 announcements and information releases

8. In June 2021 a suite of information was released by Government that covered estimated potential investment requirements for New Zealand, scope for efficiency gains from transformation of the three waters service and the potential economic (efficiency) impacts of various aggregation scenarios.¹
9. In summary the modelling indicated a likely range for future investment requirements at a national level in the order of \$120 billion to \$185 billion. The indication is that the average household cost for most councils on a standalone basis will be between \$1910 and \$8690 by 2051. It also estimated these average household costs could be reduced to between \$800 and \$1640 per household and efficiencies in the range of 45% over 15-30 years if the reform process went ahead.
10. An additional 5,800 to 9,300 jobs and an increase in GDP of between \$14b to \$23b in (Nett Present Value, NPV terms over 30 years were also forecast.
11. As a result of this modelling, the Government has decided to:
 - establish four statutory, publicly-owned water services entities that own and operate three waters infrastructure on behalf of local authorities. Shown in **Attachment 2**
 - establish independent, competency-based boards to govern
 - set a clear national policy direction for the three waters sector, including integration with any new spatial / resource management planning processes
 - establish an economic regulation regime
 - develop an industry transformation strategy.
12. The proposed safeguards against privatisation can be found on page 26 of the DIA's summary of the case for change. Both DIA and LGNZ have produced two page national overviews contained in **Attachment 3**.
13. On 15 July, in partnership with LGNZ under a [Heads of Agreement](#)², the Government announced a package of \$2.5 billion to support councils to transition to the new water entities and to invest in community wellbeing.
14. This funding is made up of a 'better off' element (\$500 million will be available from 1 July 2022 with the investment funded \$1 billion from the Crown and \$1 billion from the new Water Services Entities) and 'no council worse off' element (available from July 2024 and funded by the Water Services Entities).
15. The "better off" funding can be used to support the delivery of local wellbeing outcomes associated with climate change and resilience, housing and local placemaking, and there is an expectation that councils will engage with iwi/Māori in determining how to use their funding allocation. The detail of the funding (including expectations around the use of reserves) and the full list of allocations are in **Attachment 4**.
16. Conditions associated with the package of funding have yet to be worked through.

¹ This information, including peer reviews and the Minister's briefing can be accessed at: <https://www.dia.govt.nz/Three-Waters-Reform-Programme> and [release-of-second-stage-evidence-base-released-june-2021](#).

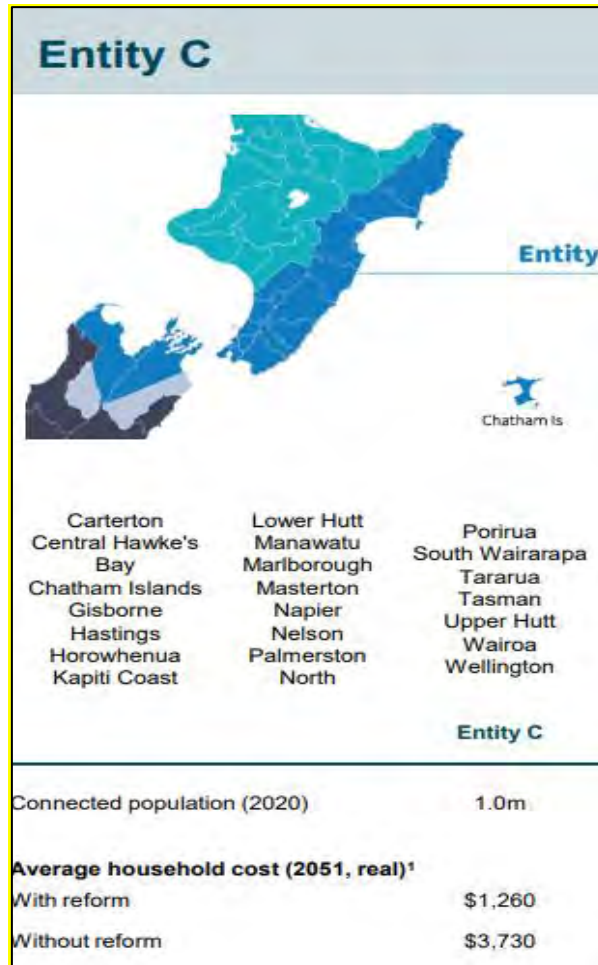
² [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/heads-of-agreement-partnering-commitment-to-support-three-waters-service-delivery-reform.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/heads-of-agreement-partnering-commitment-to-support-three-waters-service-delivery-reform.pdf)

17. In addition to the funding announcements, the Government has committed to further discussions with local government and iwi/Māori until the end of September 2021 on:
- the boundaries of the Water Service Entities
 - how local authorities can continue to have influence on service outcomes and other issues of importance to their communities (eg chlorine-free water)
 - ensuring there is appropriate integration between the needs, planning and priorities of local authorities and those of the Water Service Entities
 - how to strengthen the accountability of the Water Service Entities to the communities that they serve, for example through a water ombudsman.
18. As a result, the original timetable for implementing the reform (outlined in **Attachment 1**) and for councils to consult on a decision to opt-in (or not), no longer applies.
19. Risks and difficulties of making a decision to opt-in or not in the absence of details, is included in further sections of this report.
20. Next steps are expected to be announced after 31 September 2021, which would include the timeframes and responsibilities for any community or public consultation.
21. It is also important to note that the Government has not ruled out legislating for an “all-in” approach to reform to realise the national interest benefits of the reform.
22. On the assumption that the reform goes ahead, it is anticipated that councils will continue to deliver water services until at least early 2024 and council involvement in transition will be required throughout.

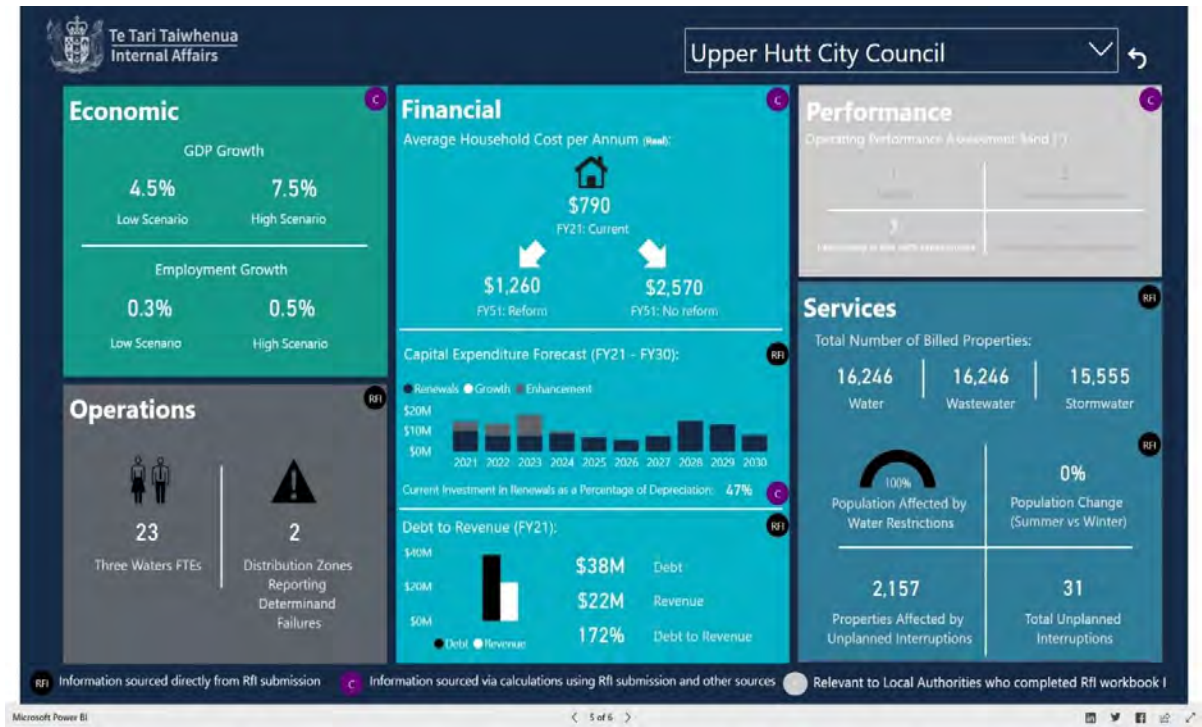
Council specific information and analysis

23. While the Government and LGNZ consider that national case for change has been made, each council will ultimately need to make a decision based on its local context.
24. Councils do not have a national interest test for their decision making. Councils are required to act in the interests of their communities and the community’s wellbeing (now and into the future), provide opportunities for Māori to contribute to their decision-making processes, ensure prudent stewardship and the efficient and effective use of its resources in the interests of the district or region (including planning effectively for the future management of its assets) and take a sustainable development approach³.
25. Council currently delivers three waters through Wellington Water, which is a Council Controlled Organisation (CCO).
26. Upper Hutt City Council has been placed in **WSE C**, along with 20 other local authorities. This is illustrated in the following diagram:

³ See for example sections 5 and 14 of the LGA.



27. The proposed “better off” funding allocated to Upper Hutt City Council from central government is \$18m. However, the Wellington Water shareholder Councils are required to share this funding with Greater Wellington Regional Council, which means that it is anticipated that the net funding allocation for Upper Hutt City Council will be \$16.7m.
28. There is likely to be “no worse off” funding available to Upper Hutt City Council, which will be used to offset some of the stranded overheads that will remain once the 3 Waters are transferred to the new water entity. The amount that will be received for the “no worse off” funding will need to go through a due diligence process with central government before it is finalised.
29. Our dashboard looks like this:



30. It, and the dashboards of other councils, can be accessed on this site⁴.

31. Debt -



⁴<https://app.powerbi.com/view?r=eyJrIjojOGE1OTJlYWUtZDZkNy00YWZjLTgzN2EtOTY1MzQxNGM5NzJmIiwidC16ImY2NTIjYTVjLWZjNDctNGU5Ni1iMjRkLTE0YzK1ZGYxM2FiYjY9>

32. WICS Comparisons to UHCC 2021-31 LTP

Household cost per Annum	WICS Modelling- Council		WICS - Entity C
	2031	2051	2051
Household Charge (Uninflated)	\$2,251	\$2,570	\$1,260

Water services entity option shows a lower charge per household

Investment - uninflated	WICS Modelling- Council		UHCC - 2021 LTP		WWL - RFI Unconstrained	Comments
	2031	2051	2031	2051	2031	
Total investment required	\$370,058,678	\$1,222,659,665	\$88,922,295	\$522,712,566	\$180,554,273	WWL included their budget request in the RFI for the LTP which assumed we had no budget/debt limitations The WICs modelling is significantly higher than WWL's modelled investment needs for UHCC
Levels of service and Growth	\$156,413,677	\$469,241,032	\$17,007,687	\$124,366,706	\$104,287,328	
Total Renewals/Capital	\$193,002,389	\$579,007,166	\$71,914,608	\$398,345,860	\$76,266,945	

Item	WICS - Council	RFI	Comments
Asset Value (2020)	\$1,230,347,636	Low: \$635,916,257 High: \$1,477,017,361	Depreciation is significantly different - WICS modelling based on the high level assets with a smaller asset lifes
Depreciation (2020)	\$19,300,239	\$8,045,151	

Item	WICS Modelling- Council		UHCC - RFI
	2031	2051	2031
Total Debt	\$193,085,333	\$442,111,837	\$121,423,178
Total Revenue	\$73,941,858	\$176,714,853	\$22,251,490
Debt to Revenue	261%	250%	546%

Not a relevant comparison - Water debt/Income only

33. Our own information demonstrates that there is moderate investment required over the next 10 years of our Long Term Plan and out across 30 years in our infrastructure strategy, underpinned by assumptions that regulatory standards will tighten and that there will be more monitoring and enforcement in the future.
34. However, there will be works required to meet future standards which are largely unknown and will not be able to be quantified with any degree of accuracy until further information from the regulator is available to be assessed.
35. Initial assessment of financial position from Council modelling of the Long Term Plan without the Three Waters (excluding better off and no worse off funding) -
- Balance sheet – reduction in assets of circa \$430m.
 - Debt – reduction in debt of \$61m – improving net debt ratio (moves from a max debt of 275% to 251%) [limit is 280% with credit rating].
 - Costs with and without reforms –
 - i. increase in costs due to "stranded overheads" - ranges from \$2.6m in year 4 to \$3.4m in year 10 (including inflation).
 - ii. This will impact the general rate once the "no worse off" funding ceases.
36. Stranded overheads relate to costs that are currently partially allocated to the 3 waters such as Support Services Costs (Finance, IT, Democratic Services, etc.) and part of the costs for staff that spend part of their time managing the 3 waters i.e., Director of Asset Management and Operations etc.
37. Limitations of the assessment and analysis:
- Significant amount of data and assumptions used
 - WICS Model is based on RFI information which has since changed through the LTP process
 - WICS Model is limited in flexibility to amend inputs to align with LTP
 - Although not 100% accurate, the analysis is "directionally correct"

- Prudence ratios remain in compliance apart from Balanced Budget which improves but still does not balance due to depreciation not being funded.
38. On balance our initial assessment is that UHCC will be financially better off
39. It is important to note that at this stage it is not possible to fully test the projections as the standards for Aotearoa/New Zealand out to 2051 are not known, although it is reasonable to assume that there will be greater community and mana whenua expectations around environmental performance and quality, tougher standards to meet for water quality (drinking and receiving environment) and that monitoring, compliance and enforcement will be greater than it is now.
40. This affects both operational and capital expenditure (costs will go up), including the number of staff (or contractors) that Wellington Water will need to ensure Council outcomes for water and community and legal requirements are met.
41. There is always a level of uncertainty and therefore risk around assumptions and forecasts, whether prepared by us for our LTPs or by others such as Government to facilitate policy decisions, such as the current Three Waters Reform process.
42. We consider that it would not be a good use of Council's limited resources to spend time and money on a detailed review of the assumptions and modelling.
43. To assess whether the proposed better off and no worse funding to Council is sufficient Council needs further information on the conditions that will be associated with that funding. For the purposes of the options analysis, it is assumed that this funding would provide Council with an opportunity to address a range of issues and opportunities to improve community wellbeing in partnership with mana whenua and the communities Council serves.

Options available to Council for three waters service delivery

44. This section provides a high-level overview of feasible options available to Council in order to compare these with the Government's proposed reforms model. This has been developed for the Wellington region.
45. This options analysis has been informed by advice from the Local Government New Zealand, Taituarā, and Te Tari Taiwhenua Internal Affairs guidance⁵ and our risk framework and policy. It provides an overview of the potential impact of reform and other practicable options (both today and in the future) in terms of service, finance and funding, economic development and growth, workforce, delivery and capability and social, cultural and environmental wellbeing.
46. Four feasible options have been considered:
- Option A – Government reforms proposal
 - Option B – Wellington Water model at higher level of service (effectively the status quo or do minimum option)
 - Option C – asset transfer to an enhanced Wellington Water type model
 - Option D – Council delivery of water services
47. **Attachment 5** contains an analysis of the four options – key benefits and risks with each. At this stage this assessment is indicative only and detailed analysis has not been undertaken.

⁵ <https://www.lgnz.co.nz/assets/Three-Waters-Guidance-for-councils-over-the-next-eight-weeks-FINAL.pdf>

48. Broadly speaking, the risks associated with the Government reforms proposal are:

- Stranded Overheads
- Loss of Customer Experience
- Speed of Change - an increase in mistakes
- Lack of Business Confidence
- Staff Retention
- Transition Team – would help but will require resourcing, staff workloads
- Deferred Decision Making - development projects to stall.
- Community Uncertainty - owners continue to call Council delays in resolving faults.
- Poor Transition Management - cause delays and confusion over responsibility exposing Council to liabilities and affecting continuity of service delivery.
- Liability for Environmental Damage - Lack of clarity for monitoring environmental impacts may expose Council to liabilities

49. It is also important to note that law currently prohibits Council deciding to opt-in to the current proposal (given section 130 of the LGA, which prevents councils from divesting their ownership or interest in a water service except to another local government organisation such as a Council Controlled Organisation).

50. **Do-nothing** - While the do-nothing option is conceptually always an option, the reality is that Council needs to continue to deliver its water, wastewater and stormwater responsibilities. Doing nothing is therefore not a practicable option and has not been assessed.

Transition

51. Managing transition risks to the Government's proposed model are likely to pose a greater challenge for Council and others in its grouping, of the risks associated with the Government proposal. If the Government's proposal were to proceed, effective management of the transition by Council, Government and partners will be critical.

52. Current considerations, in addition to funding for backfilling and / preparing for change, are:

- support for three waters workers – including:
 - if a staff members role is primarily three waters related, an automatic transfer to the new Water Services Entity in a similar role on the same salary at the same location with the same conditions
 - advice, including Employee Assistance Programmes, legal and union representation
- the need to increase staffing levels to implement the transition, continue business as usual and deliver current and increased infrastructure investment
- staff and contractor retention in a time of uncertainty (and competition for resources)
- the speed of change and the risk of mistakes and service interruptions
- stranded overheads and the no worse off element of the funding package
- asset transfers and valuations
- existing contracts and contractors and any residual liabilities
- development and financial contributions

53. What isn't clear (but will be worked through, as has been indicated by DIA) is:

- where the bulk of managerial and support staff (eg communications, financial, asset management) will be located, although the presumption is that they will be (at least notionally in post COVID flexible working world) located in the regional headquarters of the Water Services Entities
- what the principles and any threshold would be for a staff member that does some three waters related work (say 50% of their time) and whether it would be their choice to move to the Water Services Entity and the implications for their employment situation
- if all three water services are included and will transfer at the same time

Council decision making and consultation

54. Part 6 of the LGA, sections 76 to 90, provide the requirements for decision making and consultation, including the principles of consultation and information that needs to be provided including the reasons for the proposal and the reasonably practicable options.
55. In particular, section 76 requires that in making a significant decision, which a decision on the future management and or ownership of three waters assets will be, councils must comply with the decision-making provisions. This is a 'higher bar' than the "promote compliance with" that applies for ordinary decisions.
56. Section 79 gives Council discretion to decide how the above Part 6 requirements are met including the extent of analysis done etc. Therefore, while a decision could be challenged, a judicial review is unlikely to be successful unless the decision made by council was manifestly unreasonable, the process was flawed or the decision was beyond its powers (as given in law, ie the council did not act within the law).
57. However, despite section 79 of the LGA, a decision to transfer the ownership or control of a strategic asset from the council (or to it) must explicitly be provided for in the council's Long Term Plan (and have been consulted on specifically in its consultation document).
58. Council's existing LTP and the consultation information and process used to develop it will not suffice to meet this test, as Council did not itself have adequate information on the options and the implications earlier this year when it consulted on the LTP. An LTP amendment and commensurate consultation process on the ownership and governance arrangements and asset transfers proposed would be necessary.
59. There are also provisions in the LGA that relate to unlawful decisions to sell or dispose of assets, which can be investigated by the Auditor-General.⁶
60. Given the Government's 8 week period of engagement with mana whenua and councils, request for councils to give feedback on the proposal, identify issues and solutions uncertainty around next steps, including whether the reform may become mandatory or legislative change will remove legal barriers to opting in it would be premature to make a decision to opt out of the reform process and may expose the Council to litigation risk.
61. A Government Bill to progress the reforms could address the issues raised above, for example removing the section 130 requirements has explicitly been raised.
62. At this stage no decision is required on future delivery arrangements. Based on the analysis in this report, Council should wait until it has further information before consulting on and/or making a decision on the Government's proposal.
63. It is recommended that the Council therefore notes the options canvassed in this report, the [high-level] analysis of them and the information and decisions that are yet to be made.

⁶ See sections 43 to 47 of the LGA.

64. If reform is not made mandatory, to ensure sufficient information is available to meet requirements of Council decision-making, staff will further develop the analysis of options (based on further information from the Government, advice on next steps, and regional discussions) prior to Council decision making and consultation on future water services delivery. Whether this is ultimately required will be dependent on where the Government gets to with the reform process and the decisions it makes after 30 September 2021.

Information that the Council requires or potential solutions to outstanding issues that it would like to convey to Government

65. At a recent workshop, Council also considered the following as the main issues it wanted to raise with the government regarding the 'Three Waters Reform'.
- a. Governance and representation
 1. Local voice
 2. Included towards provision of service diluted under governance model
 3. Ability to get recognition on service delivery issue far removed from WSE
 4. Protection from privatisation
 - b. Prioritisation of Investment
 1. Including alignment growth
 2. Wider community outcomes,
 3. Local issues
 - c. Financial impacts and asset transfer
 1. Package for local government
 2. Impact of stranded overheads
 - d. Impacts on Local Government from wider sector reforms
 - e. Pace of the reforms which might lead to rushed decision making without comprehensive consideration of consequences
 - f. Transition, including workforce and capability.
 - g. Community engagement/consultation and the associated costs
66. Are there any other specific information needs, issues or solutions that the Council would like staff to convey to the DIA. Council feedback from today's meeting will be provided by the Chief Executive to DIA prior to the end of September 2021.

Conclusion

67. While there is uncertainty about the future steps in the Government's reform proposal, and current legislative impediments to it, the current eight-week period gives Council the opportunity to understand the information it has received (and will continue to receive) from the RFI and modelling processes.
68. It also provides an opportunity for Council to understand its potential options, including the financial, workforce and sustainability impacts for Council and the wider economic, social and cultural implications of each option, using the guidance that has been issued. It also provides an opportunity to engage in discussions with other councils in its entity grouping, share information and ask questions and propose solutions to issues it sees to Government and LGNZ.

69. All of this information will be useful to inform future decision making by both council and Government and consultation and engagement with mana whenua and communities.
70. This report does not commit to the council to a decision relating to that reform. Instead it provides initial analysis of the reform proposals for Council's information and highlights the uncertainties around information and next steps.
71. As mentioned earlier, Council is not required to consult at this time as provided for in section 8 of this report. Further advice regarding any future consultation requirements will be provided after September 2021.

Included Attachments / Ngā Āpiti hanga

72. [Attachment 1: Background to the Three Waters Reform programme](#)
73. [Attachment 2: The Government's case for change and proposal 2021](#)
74. [Attachment 3: DIA and LGNZ two page summary](#)
75. [Attachment 4: Funding to invest in the future of local government and community wellbeing](#)
76. [Attachment 5: Options and analysis](#)

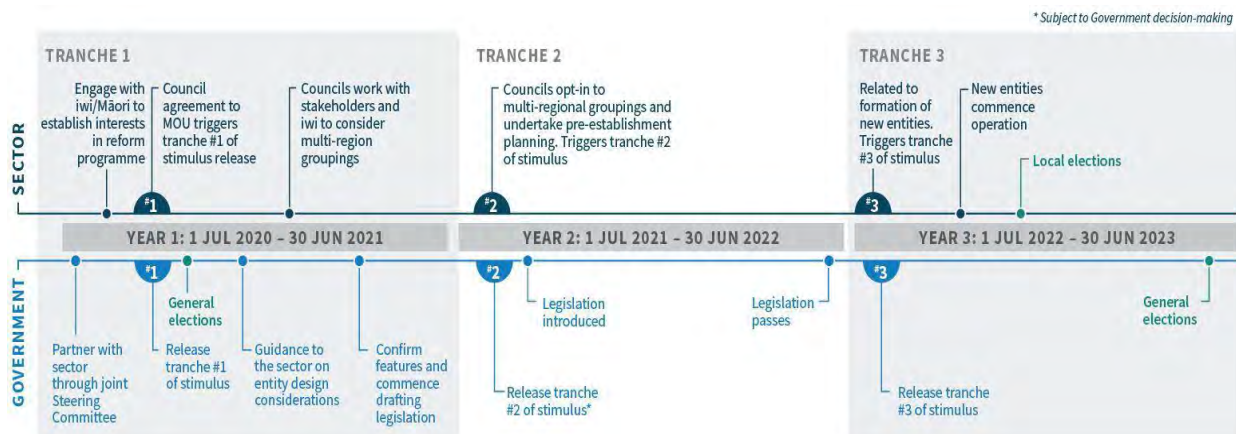
Date of report: 10 September 2021

Report writer:
Vibhuti Chopra
Director of Strategy, Partnerships and Growth

Approved by:
Peter Kelly
Chief Executive

Background to the Three Waters Reform programme (including Taumata Arowai information and Indicative Reform Programme)

- In July 2020, the Government launched the Three Waters Reform Programme to reform local government three waters service delivery arrangements, with the following objectives:
 - improve the safety, quality, and environmental performance of water services
 - ensure all New Zealanders have access to affordable three waters services
 - move the supply of three waters services to a more financially sustainable footing, and address the affordability and capability challenges that currently exist in the sector
 - improve transparency about, and accountability for, the delivery and costs of three waters services
 - improve the coordination of resources and unlock opportunities to consider New Zealand's water infrastructure needs at a larger scale and alongside wider infrastructure and development needs
 - increase the resilience of three waters service provision to both short and long-term risks and events, particularly climate change and natural hazards
 - provide mechanisms for enabling iwi/Māori rights and interests.
- The 2020 indicative timetable for the full reform programme is provided below. It was always subject to change as the reforms progressed, future Government budget decisions and Councils were advised that any further tranches of funding would be at the discretion of the Government and may depend on progress against reform objectives.



- Also in July 2020 the Government announced an initial funding package of \$761 million to provide a post COVID-19 stimulus to maintain and improve water three waters infrastructure, support a three-year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new Waters Services Regulator.
- Following initial reports (that used publicly available council information) from the Water Industry Commission for Scotland (WICS), between October 2020 and February 2021, (all) 67 councils participated in the Government's Request for Information (RfI) on council's three waters assets, including future investment requirements. In return they received what was known as Tranche 1 stimulus funding (under a MoU and funding agreements with Government) for operating or capital expenditure that supported the reform objectives, economic recovery through job creation and maintaining, increasing and/or accelerating investment in core water infrastructure delivery, renewals and maintenance.
- In line with Government policy, Taumata Arowai became a new Crown entity in March 2021 and will become the dedicated water services regulator when the Water Services Bill passes, expected to be in the second half of 2021 (the Select Committee is due to report back on 11 August 2021). They will oversee and administer, and enforce a new, expanded and strengthened drinking-water regulatory system, to ensure all New Zealand communities have access to safe drinking water. They will also provide oversight of the regulation, management, and environmental performance of wastewater and storm-water networks, including promoting public understanding of that performance.

6. An overview of local authority obligations under the Bill is provided below. The Bill provides for a range of compliance and enforcement tools including compliance orders, enforceable undertakings, infringement offences, and criminal proceedings, which can be taken against council officers (but not elected officials).
7. Taumata Arowai will have the authority to prepare standards and rules that water suppliers (such as councils) must comply with. Their initial working drafts are available online¹ and are currently being updated. Consultation will occur later this year. Guidance to support the operational compliance rules is also being developed and will be available when the rules are consulted on.
8. It is anticipated that monitoring, compliance and enforcement of standards will increase substantially on the status quo with the passing of the Water Services Bill and as Taumata Arowai begins to operate. It is also likely that the drinking water standards and their coverage (including non-Council water suppliers) and environmental standards will become more rigorous over time. This creates risks for council in meeting future standards and mana whenua and community aspirations (such as greater investment required than currently planned, risk of enforcement action).

Water Services Bill obligations of local authorities

Table 2 from [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/transforming-the-system-for-delivering-three-waters-services-the-case-for-change-and-summary-of-proposals-30-june-2021.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/transforming-the-system-for-delivering-three-waters-services-the-case-for-change-and-summary-of-proposals-30-june-2021.pdf)

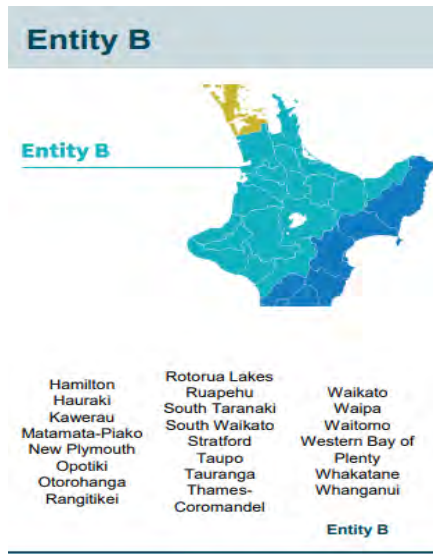
Local authorities as suppliers of water services	General obligations of local authorities
<ul style="list-style-type: none"> • Duty to provide safe drinking water and meet drinking water standards, and clear obligations to act when water is not safe or fails to meet standards • Key provisions include: <ul style="list-style-type: none"> ○ Suppliers need to register with Taumata Arowai ○ Local authority suppliers will need a drinking water safety plan and a source water risk management plan ○ Water suppliers must give effect to Te Mana o te Wai • Taumata Arowai will have significant compliance and enforcement powers, including powers to direct suppliers and enter into enforceable undertakings with suppliers • Officers, employees and agents of suppliers will have a duty to exercise professional due diligence • Complying with these new requirements is expected to require significant capital and operating expenditure by local authorities (including paying levies to Taumata Arowai for operation of the regulatory system) 	<ul style="list-style-type: none"> • Local authorities will have a duty to ensure communities have access to drinking water if existing suppliers face significant problems in complying with drinking water standards including: <ul style="list-style-type: none"> ○ Requirements to work with suppliers and consumers to identify solutions ○ Intervention responsibilities if a supplier is unable to meet standards, including potentially taking over management and operations of private or community supplies • In rural communities, this could represent a significant risk (contingent liability) for local authorities • Local authorities will be required to make assessments of drinking water, wastewater and sanitary services to ensure communities have access to safe drinking water • Local authorities will need to assess drinking water services available to communities at least once every three years, including private and community supplies (excluding domestic self-supplies)

¹ www.taumataarowai.govt.nz/for-water-suppliers/

Government's 'case for change' and proposal 2021

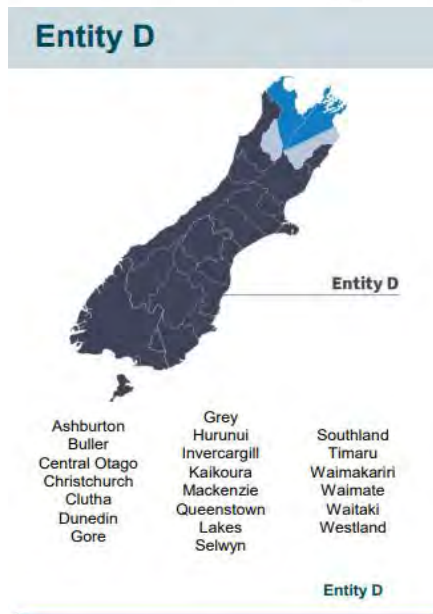
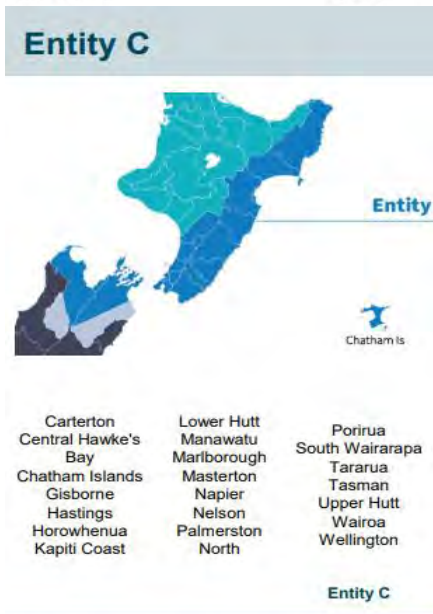
1. Full report here [case for change](#)
2. The modelling has indicated a likely range for future investment requirements at a national level in the order of \$120 billion to \$185 billion, an average household cost for most councils on a standalone basis to be between \$1910 and \$8690 by 2051.
3. It also estimated these average household costs could be reduced to between \$800 and \$1640 per household and efficiencies in the range of 45% over 15-30 years if the reform process went ahead.
4. The efficiencies noted are underpinned by evidence across a range of countries based on joined up networks (the conclusion is that 600,000 to 800,000 connections achieve scale and efficiency), greater borrowing capability and improved access to markets, procurement efficiencies, smarter asset management and strategic planning for investment, a more predictable pipeline and strengthened benchmarked performance, governance and workforce capabilities.
5. The [briefing to the Minister](#) notes that this "investment is what WICS has estimated is necessary for New Zealand to meet current United Kingdom levels of compliance with EU standards over the next 30 years, which in its assessment (and confirmed by Beca) are broadly comparable with equivalent New Zealand standards."
6. However, this is caveated as a conservative estimate that does not take into account iwi goals and aspirations, higher environmental standards or performance standards that are anticipated in future legislation, uncertainties in asset lives, seismic and resilience risk, supply chain issues, and the current workload to manage and deliver improvements as well as address renewal backlogs.
7. For councils with non-council drinking water suppliers in their areas there is additional risk if they are unable to consistently provide safe drinking water to their consumers, including the potential for council to have to take on the water supply. Council operating on expired consents or with consent renewals in the next 15 years also face uncertainty over the standards they will need to meet in the future and therefore the level of investment that needs to occur.
8. Councils could also add to the above list of uncertainties and challenges, their business as usual workload, the workload associated with delivering on stimulus packages and associated with responding to other government reform initiatives such as reform of the Resource Management Act, and general workforce retention and attraction issues, which are exacerbated by public sector competition for talent and skills.
9. The modelling indicated that between one and four water services entities would provide the most efficiencies and reduce costs to individual households.
10. When this is added to
 - a. known variations across the nation in water suppliers' compliance with drinking standards, including permanent and temporary boil water notices
 - b. evidence of poor health and environmental outcomes, including expired resource consents for wastewater treatment plants (and the need for 110 of these plants to go through the resource consenting process in the next 10 years)
 - c. stormwater overflows and other challenges
 - d. climate change
 - e. Te Tiriti obligations and the need to uphold Te Mana o te Wai
 - f. the size and scale of current service delivery units and workforce issues
 - g. the obligations and responsibilities that councils (and other water suppliers) will face when the Water Services Bill and associated regulations are enacted
 - h. the Government has concluded that the status quo is not sustainable and that the [case for change](#) has been made.

11. The four entities are shown below



Entity A	
Connected population (2020)	1.7m
Average household cost (2051, real)¹	
With reform	\$800
Without reform	\$2,170

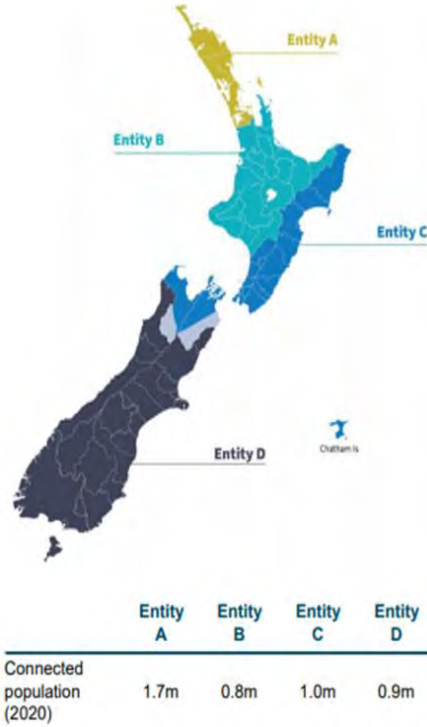
Entity B	
Connected population (2020)	0.8m
Average household cost (2051, real)¹	
With reform	\$1,220
Without reform	\$4,300



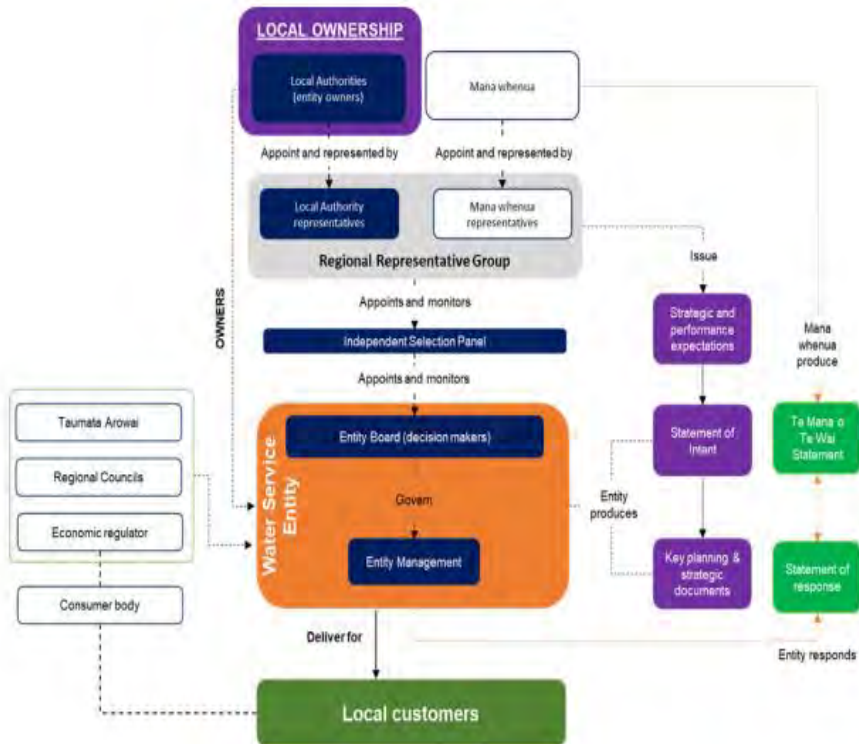
Entity C	
Connected population (2020)	1.0m
Average household cost (2051, real)¹	
With reform	\$1,260
Without reform	\$3,730

Entity D	
Connected population (2020)	0.9m
Average household cost (2051, real)¹	
With reform	\$1,640
Without reform	\$4,970

12. The four entities in the national context, their proposed boundaries (which may yet change) and the



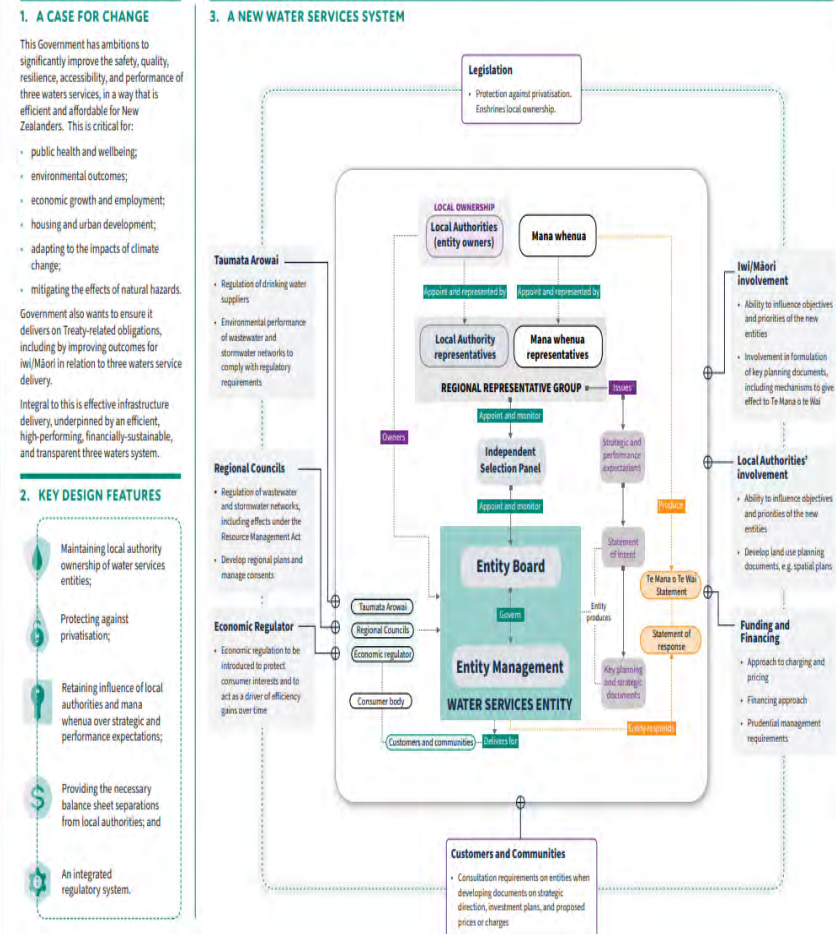
proposed structure for the system are as foll



Attachment 3 – DIA two-page summary

A new system for three waters service delivery

DIAGRAM 1
JUNE 2021



4. OBJECTIVES FOR THE CROWN/MĀORI RELATIONSHIP

Enabling greater strategic influence to exercise rangatiratanga over water services delivery.

- 1 Integration of iwi/Māori rights and interests within a wider system.
- 2 Reflection of a holistic te ao Māori perspective.
- 3 Supporting clear account and ensure roles, responsibilities, and accountability for the relationship with the Treaty partner.
- 4 Improving outcomes at a local level to enable a step change improvement in delivery of water services for iwi/Māori.

5. A PARTNERSHIP-BASED REFORM

Government will continue to work in partnership with iwi/Māori and local authorities.

A large scale communication effort is required to ensure local government support reform.

Further decisions are yet to be taken by Cabinet on the arrangement for transition to, and implementing, the new system.

A new system for three waters service delivery

The number and boundary of entities needs to balance scale with other factors

DIAGRAM 2
JUNE 2021

1. FACTORS CONSIDERED TO DETERMINE NUMBER AND BOUNDARIES

A range of factors have been analysed to help determine how many entities there should be, and their boundaries:

- 1 Potential to achieve scale benefits from a larger water service delivery entity to a broader population/customer base.
- 2 Alignment of geographical boundaries to encompass natural communities of interest, belonging and identity including rohe/taiao.
- 3 Relationship with relevant regulatory boundaries including to enable water to be managed from source to the sea - ki uta ki tai.

Applied economic analysis, informed by international evidence, provides further confidence that each entity would need to serve a connected population of at least 600,000 to 800,000 to achieve the desired level of scale.

The preferred approach is to create four new water services entities, and to enable all communities to benefit from reform.

2. PROPOSED BOUNDARIES

Government has agreed to a preferred set of entity boundaries. However, the Government remains interested in continuing discussions with local government and iwi/Māori most affected by the proposed boundary choices, in particular:

- 1 South Island entity: Whether there should be a single entity covering the whole of the South Island, or instead take an approach that uses the Ngāi Tahu ikaika.
- 2 Taranaki region: Which entity would include the Taranaki region, taking into account ki uta ki tai, whakapaanga connections, and economic geography/community of interests.
- 3 Haurangi Gulf: Whether to include other districts surrounding the Haurangi Gulf, enabling a more integrated approach to the management of the Haurangi Gulf marine catchment.

The map highlights the recommended boundaries.

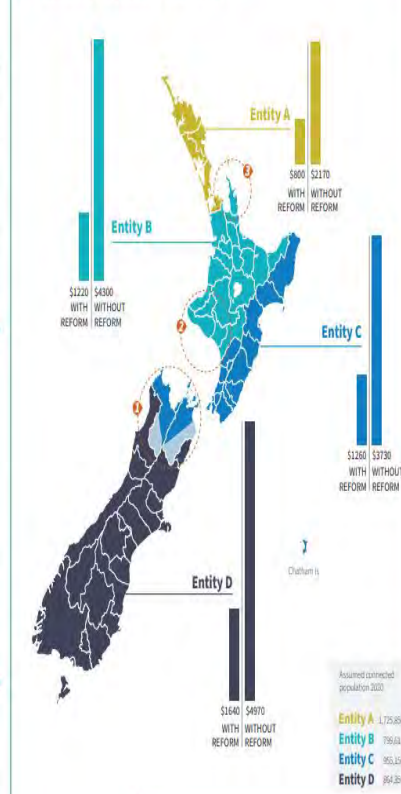
3. OUR INTENTION IS THAT ALL COMMUNITIES BENEFIT FROM REFORM

Latest estimates indicate that the amount of investment required to:

- provide for future population growth
- replace and refurbish existing infrastructure
- upgrade three waters assets to meet drinking water and environmental standards

is in the order of **\$120 billion to \$185 billion** over the next 20 to 40 years

4. PROJECTED HOUSEHOLD COSTS 2051



The figures presented above for household bills with and without reform are based on average household annual bills by region for three waters services in 2021, including GST, based on analysis by the Water Industry Commission for 2021.

Household average figures presented for household accounts are not intended to account for the wide variation between council's pricing policies. The weighted average figure reflects the provision of the connected customer base within each basin or water supply region, and is not intended to represent any individual customer.

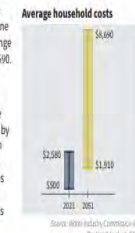
Source: Cabinet Three Waters Reform Economic Impact Assessment 2021

5. POTENTIAL IMPACTS

Difference in household costs

Average household costs for most councils on a standalone basis in 2051 are likely to range from between \$1,910 to \$8,600.

The scale of investment required between now and 2051, would require average household costs to increase by between three to 13 times in real terms for rural councils, between two and eight times for provincial councils and between 1.5 and seven times for metropolitan councils.



Current household costs

Current there are a wide range of current (2019) average household costs.

	LOW	HIGH	MEDIAN	MEAN
Metro	\$500	\$1,920	\$1,050	\$1,120
Provincial	\$610	\$2,550	\$1,120	\$1,300
Rural	\$210	\$2,580	\$1,340	\$1,390

Current costs are not necessarily a good reflection of what funding is required to meet the full costs of economic depreciation (that is, to provide resources for asset maintenance and renewal).

Potential economic impact of reform

The economic impact assessment estimates the impact of a material step up in investment in connection with reform, relative to the level of investment that might be expected in the absence of reform.

Change relative to counter-factual, 2022-2051

Net change in GDP p.a. over 30 years	▲ 0.3% to 0.5%
Present value increase in GDP	▲ \$14b to 23b
Average increase in FTEs	▲ 5,850 to 9,260
Increase in average wages	▲ 0.2% to 0.3%
Present value increase in taxes	▲ \$4b to \$6b

LGNZ two-page summary

THREE WATERS 101.

**We are.
LGNZ.**
Te Kāhui Kaunihera o Aotearoa.

The Government is proposing major reform of New Zealand's drinking water, wastewater and stormwater system. Here LGNZ synthesises the issues, the opportunities and what it means for local government.

1. What's the problem?

Councils currently own and operate three waters services, which cover drinking water, wastewater and stormwater. More investment is needed in water infrastructure to meet the environmental and public health aspirations of our communities. The Government has estimated that dealing with 30 years of systemic failure will require an investment of more than \$18b over the next 30 years.

This scale of investment would be extremely challenging for councils to fund on their own. Climate change will only exacerbate this challenge.

 Significant investment needed in water infrastructure

 Councils can't carry future costs

 The current system lacks:

- Economic regulation
- Consistent data collection
- Enforcement of standards

2. Government's proposed solution

The Government has told us it wants to deliver water services more cost effectively. It also wants to deliver them in an equitable and sustainable way.

It proposes changing the whole system:

 A new water regulator called Taumata Arowai

 A smaller number of large, specialist water service entities

 Water services are delivered on a significantly larger scale

 Water entities remain publicly owned

 Water services providers meet standards or face significant penalties for noncompliance

 Entities have strong strategic links to councils and mana whenua

3. Impact on councils

The Government's proposal would mean significant change to the delivery of water services. For a start, councils would shift their focus from delivery to kaitiakitanga of water services. Requirements on local authorities to ensure safe drinking water for private and community supplies would transfer to new entities.

For most councils, removing water-related debt from their balance sheets would improve their financial position. It would potentially create more opportunity to focus on delivering wellbeing to their communities.

 Three waters kaitiakitanga focus

 Water-related debt removed from balance sheet


 Increased capacity to borrow to fund community services

LOCAL GOVERNMENT CAN HELP SHAPE THREE WATERS REFORM.

**We are.
LGNZ.**
Te Kāhui Kaunihera o Aotearoa.

What's important to the sector in this reform?

 Everyone has access to safe drinking water and the same level of three waters service.


 Infrastructure and systems are resilient and well-funded.

 Three waters are delivered in partnership with iwi.

 Delivery is responsive to climate change.


 Catchments are managed from the mountain to the sea.

 Districts retain high-paying, skilled jobs.

 Any transition is well-managed and people are looked after.

 Local voices are heard and local priorities are responded to.

What the sector needs from central government

 Transparency about the process and what's on the table.

 A robust transition plan that makes sure the benefits of reform are delivered.

 Government to support councils so they can keep delivering. This means makes sure councils are economically sustainable without water.

 A fair deal, including that councils are not financially worse off, and that communities are better off.

 To support and grow effective local democracy.

 That any new system reflects the relationship with mana whenua under Te Tiriti o Waitangi

LGNZ is working for councils

Our work on Three Waters is guided by the principle that we need to seize any opportunity to create the best possible outcome for local government.

We're using our influence to work with the Government on a model that better includes the perspective of our communities. Representatives from local government are helping to steer this work and pose the hard questions. We are also actively working with government on what a package to go with reforms might look like. We'll work to optimise this package before decisions are made.

Find out more

We encourage you to stay informed and up to date of the reforms as they evolve. We'll be with you every step of the way. Here's where you can start:

Read what DIA has published: www.dia.govt.nz/three-waters-review

Check out the info on our website: www.lgnz.co.nz

Get in touch if you have questions: feedback@lgnz.co.nz



We know there's not universal agreement on the case for change. But to meet councils' own RFI projections, spending across New Zealand as a whole would need to increase by 50 percent annually for the next 10 years. With strong regulatory enforcement, the picture would be very different for councils, creating difficult trade offs if large investments are required to meet water standards.

Funding to invest in the future of local government and community wellbeing

1. On 15 July, in partnership with LGNZ under a [Heads of Agreement](#)¹, the Government announced a package of \$2.5 billion to support councils to transition to the new water entities and to invest in community wellbeing.
2. The **'better off' element**: an investment of **\$2 billion** into the future for local government and community wellbeing.
 - The investment is funded \$1 billion from the Crown and \$1 billion from the new Water Services Entities. \$500 million will be available from 1 July 2022. The funding has been allocated to territorial authorities (which includes unitary authorities)² on the basis of a nationally formula that takes into account population, relative deprivation and land area.
 - The funding can be used to support the delivery of local wellbeing outcomes associated with climate change and resilience, housing and local placemaking, and there is an expectation that councils will engage with iwi/Māori in determining how to use their funding allocation.
3. The **'no council worse off' element**: an allocation of up to around \$500 million to ensure that no local authority is in a materially worse position financially to continue to provide services to its community as a direct result of the reform.
 - This element is intended to ensure the financial sustainability of councils and address reasonable costs and financial impacts associated with the transfer of assets, liabilities and revenues to new water services entities.
 - Up to \$250 million is available to meet the unavoidable costs of stranded overheads and the remainder for other adverse impacts on financial sustainability of territorial authorities (including future borrowing capacity).
 - Of this \$250 up to \$50 million is allocated to Auckland, Christchurch and Wellington Water councils, the remainder is available to other councils.³ This funding is not available until July 2024 and is funded by the Water Services Entities.
4. The package is in addition to the \$296 million announced in Budget 2021 to assist with the costs of transitioning to the new three waters arrangements. The Government will “meet the reasonable costs associated with the transfer of assets, liabilities and revenue to new water services entities, including staff involvement in working with the establishment entities and transition unit, and provision for reasonable legal, accounting and audit costs.”⁴
5. The Government is also encouraging councils to use accumulated cash reserves associated with water infrastructure for this purpose. There are likely to be practical limitations on a council’s ability to do this set by councils’ own financial strategy and policies (including conditions on the use of the reserves ie targeted reserve funds must be used for the purpose they were collected for in the first instance e.g. if collected for capital works).
6. There are also political and / or community acceptance challenges with this approach - if the assets are transferred under a voluntary or mandatory process the reserve balances are expected to be used to invest those funds in the communities that paid for them, consistent with the conditions under which they were raised rather than pooling as a general fund. Councils and communities are unlikely to embrace using these funds instead to enable the transition.

¹ [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/heads-of-agreement-partnering-commitment-to-support-three-waters-service-delivery-reform.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/heads-of-agreement-partnering-commitment-to-support-three-waters-service-delivery-reform.pdf)

² Please note that any allocation to Greater Wellington Regional Council (the only regional council affected by the proposed changes) is not clear at this stage.

³ Due to their size and in the case of Wellington Water and Auckland’s WaterCare having already transferred water service responsibilities (to varying degrees)

⁴ 15 July 2021 FAQ [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/three-waters-reform-programme-support-package-information-and-frequently-asked-questions.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/three-waters-reform-programme-support-package-information-and-frequently-asked-questions.pdf)

7. The proposed national allocations are as follows:

Council	Allocation
Auckland	\$ 508,567,550
Ashburton	\$ 16,759,091
Buller	\$ 14,009,497
Carterton	\$ 6,797,415
Central Hawke's Bay	\$ 11,339,488
Central Otago	\$ 12,835,059
Chatham Islands	\$ 8,821,612
Christchurch	\$ 122,422,394
Clutha	\$ 13,091,148
Dunedin	\$ 46,171,585
Far North	\$ 35,175,304
Gisborne	\$ 28,829,538
Gore	\$ 9,153,141
Grey	\$ 11,939,228
Hamilton	\$ 58,605,366
Hastings	\$ 34,885,508
Hauraki	\$ 15,124,992
Horowhenua	\$ 19,945,132
Hurunui	\$ 10,682,254
Invercargill	\$ 23,112,322
Kaikoura	\$ 6,210,668
Kaipara	\$ 16,141,395
Kapiti Coast	\$ 21,051,824
Kawerau	\$ 17,270,505
Lower Hutt	\$ 38,718,543
Mackenzie	\$ 6,195,404
Manawatu	\$ 15,054,610
Marlborough	\$ 23,038,482
Masterton	\$ 15,528,465
Matamata-Piako	\$ 17,271,819
Napier	\$ 25,823,785
Nelson	\$ 20,715,034
New Plymouth	\$ 31,586,541
Opotiki	\$ 18,715,493
Otorohanga	\$ 10,647,671
Palmerston North	\$ 32,630,589
Porirua	\$ 25,048,405
Queenstown Lakes	\$ 16,125,708
Rangitikei	\$ 13,317,834
Rotorua Lakes	\$ 32,193,519
Ruapehu	\$ 16,463,190

Selwyn	\$ 22,353,728
South Taranaki	\$ 18,196,605
South Waikato	\$ 18,564,602
South Wairarapa	\$ 7,501,228
Southland	\$ 19,212,526
Stratford	\$ 10,269,524
Taranua	\$ 15,185,454
Tasman	\$ 22,542,967
Taupo	\$ 19,736,070
Tauranga	\$ 48,405,014
Thames-Coromandel	\$ 16,196,086
Timaru	\$ 19,899,379
Upper Hutt	\$ 18,054,621
Waikato	\$ 31,531,126
Waimakariri	\$ 22,178,799
Waimate	\$ 9,680,575
Waipa	\$ 20,975,278
Wairoa	\$ 18,624,910
Waitaki	\$ 14,837,062
Waitomo	\$ 14,181,798
Wellington	\$ 66,820,722
Western Bay of Plenty	\$ 21,377,135
Westland	\$ 11,150,183
Whakatane	\$ 22,657,555
Whanganui	\$ 23,921,616
Whangarei	\$ 37,928,327
Total	\$ 2,000,000,000

Options and Analysis

UHCC AND WELLINGTON REGIONS OPTIONS ANALYSIS FOR THREE WATERS REFORM

Options available to Council for three waters service delivery

1. This section provides a high-level overview and analysis of feasible options available to Council in order to compare these with the Government's proposed reforms model.
2. This options analysis has been informed by advice from the Local Government New Zealand, Taituarā, and Te Tari Taiwhenua Internal Affairs **guidance**¹ and our risk framework and policy. It provides an overview of the potential impact of reform and other practicable options (both today and in the future) in terms of service, finance and funding, economic development and growth, workforce, delivery and capability and social, cultural and environmental wellbeing.
3. Four feasible options were considered:
 - Option A – Government reforms proposal
 - Option B – Wellington Water model at higher level of service (effectively the status quo or do minimum option)
 - Option C – asset transfer to an enhanced Wellington Water type model
 - Option D – Council delivery of water services

Option A - Government proposal

4. This option is as outlined in the report above. Under this option, Council would be in water services entity C, a publicly owned water services entity (WSE) that owns and operates three waters infrastructure on behalf of councils, mana whenua and communities.
5. The ownership and governance model is a bespoke model, with councils listed in legislation as owners, without shareholdings or financial interests, but an advocacy role on behalf of their communities. Iwi/Māori rights and interests are also recognised and representatives of local government and mana whenua will sit on the Regional Representative Group who issue a Statement of Strategic and Performance Expectations and receive a Statement of Intent from the Water Services Entity. Entities must also consult on their strategic direction, investment plans and prices / charges.
6. The proposed reforms model represents a very significant change process to address fundamental issues of future standards and affordability. Implementation of this model will require ongoing decisions by Government and legislative change followed by 5-10 years for the proposed WSE to develop a maturity model and realise the anticipated benefits of the reforms.

Key benefits of Option A	Key risks and issues with Option A
<ul style="list-style-type: none"> • Potentially very significant efficiency gains through scale, procurement, governance, capability, economic regulation • Increased financial capacity / borrowing • Increased affordability of water services • Ability to respond to water regulation • Reduction in Council's current risk profile including compliance risk and the risk of not meeting standards 	<p>Aspects of the model remain unclear at this time and could lead to risks or sub-optimal outcomes:</p> <ul style="list-style-type: none"> • Governance and oversight, including the role of Iwi / Māori across such a large geographical area and multiple interests and owners • Protections from future privatisation • Prioritisation of investment including: local needs, alignment with growth and wider community outcomes

¹ <https://www.lgnz.co.nz/assets/Three-Waters-Guidance-for-councils-over-the-next-eight-weeks-FINAL.pdf>

	<ul style="list-style-type: none"> • Financial impacts on Council including debt transfer and the details of the package for local government • Impacts on local government from wider sector reforms • Transition including impacts on communities through the change process, workforce and capability • Benefits realisation, including stated efficiency gains
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Option B Wellington Water model at higher level of service

7. Option B is effectively the status quo option whereby Wellington Water Limited continues as a CCO to deliver three waters services for the six shareholding councils.
8. This model would need to respond to the proposed changes in the regulatory environment, including increased investment to ensure compliance with drinking water and environmental standards. It would also need to respond to the oversight and expectations of a potential future economic regulator.
9. This option requires making assumptions about
 - the future regulatory requirements. This would apply the assumptions underpinning the WICS modelling and the Government’s proposal and draft/emerging standards and compliance regimes e.g. those coming from Taumata Arowai as well as early assessment from WWL.
 - the ability of non-Wellington Water drinking water supplies to meet standards and requirements and the risks to Council and Wellington Water in relation to these
 - Increased Council investment to meet both regulatory requirements and network requirements
10. Any changes to levels of service or material changes to the cost of service would require consultation and an LTP amendment (or consultation on those changes as part of the next LTP 2024-34 and potentially later ones). These would need to be agreed and aligned across the WWL shareholder councils.

Key benefits of Option B	Key risks and issues with Option B
<ul style="list-style-type: none"> • Lowest risk option in short term • Less disruption from transition to communities through the change process, workforce and capability • Responds to increased regulatory requirements • Known option with established workforce, oversight and governance • Greater Council control and more certainty over local infrastructure integration (planning and delivery) with land use plans and council objectives 	<ul style="list-style-type: none"> • Does not address the fundamental drivers for change of affordability, efficiency gains and costs to community = longer term risk • Ongoing challenges of alignment between council investment / affordability and required levels of investment • Potential for future change to be imposed by government • Unforeseen future impacts on councils and WWL from new water regulation and economic regulation • Loss of capability and capacity from WWL to WSE if these are established elsewhere in NZ

Option C - Asset transfer to enhanced Wellington Water model

11. This option would build upon Option B by including aspects of the Government's reform model whereby three waters assets would be transferred to an enhanced Wellington Water type CCO entity.
12. This type of model was identified as a potential option through the Wellington City Council Mayoral task force report² and through the Hawkes Bay councils three waters review business case process³.
13. Depending on how this option was developed, it may allow for some form of balance sheet separation from Council to enable greater borrowing and investment. This would however most likely require some form of legislative change to enable this.
14. Significant further analysis and buy-in from the shareholder councils would be required to develop and then implement this model. This would include working through similar aspects of the Government's model that have been identified as unknowns or potential risks above.

Key benefits of Option C	Key risks and issues with Option C
<ul style="list-style-type: none"> • Potentially lower risk option (relative to Government reform) in the short term • Builds on known WWL model with established workforce, oversight and governance • Potentially less disruption from transition to communities through the change process, workforce and capability • Greater Council control and more certainty over local infrastructure integration (planning and delivery) with land use plans and council objectives <p>Potential to realise similar types of benefits to Option A:</p> <ul style="list-style-type: none"> • Efficiency gains through scale, procurement, governance, capability, economic regulation • Financial capacity / borrowing • Increased affordability of water services • Ability to respond to water regulation 	<p>Significant further work would be required to develop this model which raises a range of risks and challenges. This would need to include consideration of:</p> <ul style="list-style-type: none"> • How to address the fundamental drivers for change of affordability, efficiency gains and costs to community • Buy-in, capability and capacity to manage and govern this process as a major change programme • Governance and oversight model, including the role of Iwi / Māori • Asset and debt transfer and borrowing model • Costs to households and systems for charges • Potential or future process for further councils to join this model (e.g. wider Wellington region, Horowhenua, Tararua) • Legislative changes and government buy-in required to enable the model • Process requirements and timeframe including consultation • Potentially lower benefits than Option A due to smaller scale

Option D - Council to deliver three waters

15. Council could also opt to deliver three waters services itself / through a contracted model / through a mixed model of in-house and contracted services. This might include contracts with a WSE or other councils.

² [Water - Mayoral Taskforce – Three Waters - Wellington City Council](#)

³ [Morrison-Low-Report-ofHB-Three-Waters-Review.pdf \(hb3waters.nz\)](#)

16. This model would require the shareholder councils to agree to wind up WWL (WWL would also need to be wound up under Option A) or for the Council to withdraw from this model.
17. This model would present a range of challenges and risks to Council given the interconnected nature of the Wellington three waters system and that Council has effectively transferred capacity and capability for water functions to Wellington Water Limited.

Key benefits of Option D	Key risks and issues with Option D
<ul style="list-style-type: none"> • Potential for more council control of aspects of three waters – investment, delivery, alignment with wider planning and outcomes 	<ul style="list-style-type: none"> • Does not address the fundamental drivers for change of affordability, efficiency gains and costs to community • Council liable for regulatory requirements and oversight from Taumata Arowai • Unknown implications of economic regulator on Council <p>Complexities of establishment:</p> <ul style="list-style-type: none"> • Winding up or opting out of WWL • Developing drinking water supply agreements from GWRC (or WSE) owned assets • Commercial arrangements with other councils – such as for transfer and treatment of wastewater and stormwater • Rebuilding of internal three waters capability and capacity • Council's capability and capacity to manage and govern this process as a major change programme in relation to other priorities



Extraordinary Council | 22 September 2021

Sustainability Stimulus Grant Disbursement Policy

Purpose of report / Te Pūtake

1. The purpose of this report is to present the draft Sustainability Stimulus Grant Disbursement Policy (draft Policy).

Recommendations / He Tūtohunga

2. It is recommended that the Council:
 - (i) Receives the Sustainability Stimulus Grant Disbursement Policy report;
 - (ii) Adopts the Sustainability Stimulus Grant Disbursement Policy (Appendix 1);
 - (iii) Adopts Terms of Reference for the Sustainability Stimulus Grant Disbursement Panel (Appendix 2);
 - (iv) Agrees for staff to include any changes resulting from this meeting to the Sustainability Stimulus Grant Disbursement Policy or the Terms of Reference.

Background / Papamuri

3. Council's [Sustainability Strategy](#) puts Upper Hutt City Council in a leadership role to drive enhancements to Upper Hutt's overall emissions output, community engagement, and sustainability.
4. The decision to introduce a Sustainability Stimulus Grant was made with the adoption of the Long Term Plan (LTP) in June 2021.

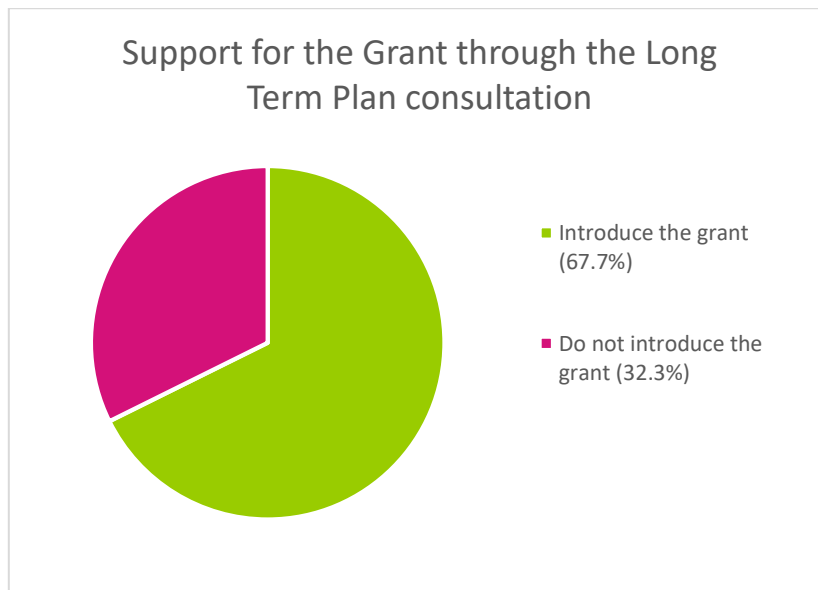
Discussion & Options / Te Matapaki Me Ngā Kōwhiringa

5. Council had indicated in the LTP 2021 consultation that a policy for the disbursement of grants would be prepared after Council took the decision to introduce the Sustainability Stimulus Grants (depending on feedback from the community for the introduction).
6. It was not considered advisable to develop a policy for disbursement of the grants if the community did not have an appetite for the introduction of the Sustainability Stimulus Grant.
7. Through the LTP 2021 consultation process there was good support for the introduction of the grants.
8. As part of implementation of the Sustainability Stimulus Grants decision, staff have developed a draft 'Sustainability Stimulus Grants Disbursement Policy' (draft Policy) for discussion and adoption by Council. The draft Policy is based on feedback received from councillors at a workshop in August 2021 and is included as **Appendix 1** of this report.

9. The policy contains information on the purpose, criteria, conditions and assessment process for grant allocation and monitoring. It will be reviewed every three years.
10. The draft Policy states that the sustainability stimulus grants will be approved by a Panel of elected members. This report includes the recommended terms of reference for the Sustainability Stimulus Grant Disbursement Panel (**Appendix 2**).
11. The panel is modelled on the existing grant panels at Council with the proviso that any grants over \$50,000 will be recommended by the Panel to Council/ Policy Committee for approval.

Significance and Engagement Assessment / Te Tino Aromatawai

12. The Council consulted with the community on the introduction of Sustainability Stimulus Grant, through the Long Term Plan 2021 -31 consultation process.
13. Through the consultation, introduction of the Sustainability Stimulus Grant received strong support as outlined in the following graph:



Graph: Results from the LTP consultation. Of 860 responses, 582 (67.7%) of responders supported the grant; 278 (32.3%) did not support the grant.

14. Council had indicated during the LTP consultation that a policy containing conditions and criteria for disbursement of grants would be developed, if the grants were introduced.
15. The decision to adopt the Sustainability Stimulus Grant Disbursement Policy, as requested through this report, is in line with Council's commitment on the introduction of the grant.
16. Assessment of this decision against Council's Significant and Engagement Policy shows the level of significance of the decision to be low, and therefore no further engagement is required to make the decision. Information on the Policy will be provided to the community.

Sustainability / Rautaki Whakauka

17. This Policy aligns with the goals of the Sustainability Strategy by supplying the opportunity to support all eight goals of the Strategy.

Financial & Resourcing / Mahere Pūtea

18. \$100,000 per year for the first three years of the Long Term Plan have been budgeted for.
19. Funding will be allocated by the Panel, as outlined in the Policy (Appendix 1).

Legal & Risk / Ture & Tūraru

20. There are no legal implications at this time.

Included appendix / Ngā Āpitianga

21. [Appendix 1: Draft Sustainability Stimulus Grant Disbursement Policy](#)
22. [Appendix 2: Terms of Reference - Sustainability Stimulus Grant Disbursement Panel](#)
23. [Appendix 3: Sustainability Strategy 2020](#)

Date of report: 13 September 2021

Report writer:

Kylie Robinson
Sustainability Officer

Reviewed by:

Rob Thomas
Strategic Policy Manager

Approved by:

Vibhuti Chopra
Director Strategy Partnerships and Growth

Appendix 1

Draft Sustainability Stimulus Grant Disbursement Policy

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 through 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.

Commencement

4. The Sustainability Stimulus Grant Disbursement Policy (Policy) was adopted by Upper Hutt City Council (Council) with effect on [TBC: DD Month Year].
5. The Policy will be reviewed every three years from the date of adoption.

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 2020.

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 2020 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.

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 2020.
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

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.
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.

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. Applicants may present their application in person at the Grant Hearing.
32. All applications will be assessed for suitability, and ranked against the following criteria:
 - A. Alignment to the Sustainability Strategy Goals.
 - B. Advantage to Upper Hutt.
33. Decisions on Grant applications up to \$50,000 will be delegated to the Panel. The Panel reserve the right to make the final decision with regards to Grant disbursement.
34. Applications requesting over \$50,000 to any one applicant, in any one financial year will require Council approval through a resolution. The Panel will make a recommendation to Council/ Policy Committee, and they reserve the right to make the final decision regarding Grant Disbursement.
35. Funds will be allocated from a contestable fund. The decision whether or not to award funding and the amount given will be at the discretion of the Panel or Council 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

36. 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.
37. Opening and closing dates for each funding round will be advertised on the Council's website www.upperhuttcity.com.
38. The total amount of funding available to be granted is \$100,000* per year, for three years beginning 2021/2022 financial year.

*NOTE: All financial figures in this Policy are expressed as GST exclusive.

PAYMENT

39. 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.

Grant allocation

WHO CAN APPLY?

40. 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?

41. 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
42. Funding will not be allocated to Events.
43. Funding will not be allocated to operational costs of an organisation, including but not limited to staffing costs, marketing expenses, training, and insurances.

Monitoring

44. The Policy will be monitored and reported on an annual basis for its performance and effectiveness (delivery) using the following metrics:
 - A. Number of projects approved, which would not have proceeded without assistance from the Grant.
 - B. The outcomes for the Upper Hutt community (e.g. tonnes of CO₂e avoided and water conservation).

Appendix 2: Terms of Reference

Sustainability Stimulus Grant Disbursement Panel

Membership:	Three Councillors <i>Mayor Guppy. TBC, TBC</i>
Meeting Cycle:	Meets as required upon the closure of the funding round.
Quorum:	Two members
Delegated Authority:	To approve funding applications up to \$50,000

Function:

Authority to approve sustainability stimulus grant applications up to the value of \$50,000.

Applications over \$50,000 and up to \$100,000 will be recommended by the Panel to the Policy Committee/Council for consideration and approval.



Rautaki Whakauka | 2020 Sustainability Strategy



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Welcome

Upper Hutt is our home and a place that belongs to all of us. As a community it's where we live and where we come together to learn and grow. It's where we play sport, swim in Te Awa Kairangi, support our local businesses and celebrate our growing diversity.

We want future generations to be able to enjoy all the great advantages that come from making Upper Hutt home. That's why we have developed our Sustainability Strategy, to map out how Council and the community can work together to create a green, sustainable and economically resilient city and environment now, and into the future.

How we achieve that ultimate goal is subject to a diverse range of opinions. Our job as a Council has been to bring all of those opinions around the table and map out with our community the best way forward. That is what we believe we have been able to do with this strategy.

In consultation with our community we have outlined the best way forward for our city, but we can't do this alone. We need the community to come together to deliver on the goals that have been set for Council and our city through this strategy.

Doing our bit towards ensuring a stable natural environment is an important part of our strategy, but

it's not the only part. Of course we need to meet the environmental needs of the community, New Zealand and indeed the world, and make sure we reduce our emissions, but we also need to make sure our community is resilient, and our social needs are met.

A key part of creating a resilient community through our strategy is empowering our community to be able to provide for itself. We know our people need a thriving Upper Hutt economy with the kinds of jobs that enable our people to live their best lives, but one that also ensures the natural characteristics that make our region so unique are maintained. The strategy outlines how we can achieve that.

I'd like to thank the Upper Hutt community and Climate Change focus groups for their participation and ideas in putting this strategy together. I am confident we can continue to find ways to grow in partnership with our environment.

There's plenty to do.



Wayne Guppy

KOROMATUA | MAYOR



Introduction

Upper Hutt prides itself on its beautiful parks, birdlife, open spaces, and being a great place to live. This Sustainability Strategy is targeted towards ensuring that the legacy of Upper Hutt's liveability and environment will not only continue, but regenerate and improve for future generations.

Becoming more sustainable will mean reducing the impact we're having on the environment, while ensuring people can live decent lives with a good standard of living. As a community, we need to be resilient to events that impact us, and adaptable to the bigger changes that will permanently alter the conditions we live in.

A healthy environment is critical to the functioning of our society and economy. Globally and locally, however, the environment is under pressure from human activities: pollution of air, water and land, the depletion of finite natural resources, and the decline and loss of whole species and ecosystems. Of these recognised human-caused pressures, climate change is the most urgent.

While it may seem that Upper Hutt, and even New Zealand, does not have the same scale of sustainability and climate change problems faced by countries with larger populations, economies and industries, we are not immune to global impacts. The issues are the same, as is our responsibility as kaitiaki to take care of the Earth and its biodiversity and resources. Our actions now become our legacy for future generations.

Scientific evidence regarding climate change is clear; we need to act now, and accelerate our actions quickly. Globally, human emissions of greenhouse gases must be halved by 2030 and brought to net zero by 2050 to have a chance of avoiding the worst scenarios. In order to mitigate and adapt to climate change, we need to look ahead and analyse the long term benefits and implications of our decisions and actions.

The review of the 2012 Sustainability Strategy signifies a new beginning for this significant work; a substantial cultural and institutional change is required to meet the goals we have outlined. We may be the smallest city in the country, but that doesn't mean we don't think big or can't make a big difference.

As a community, we need to unite; Council must further partner with the community, local groups and businesses, and central and local government to create a positive future. This Strategy will shape the actions that will determine our future. We are aiming for progress, not perfection; the Strategy will set us on the path and be reviewed in three years' time. There is significant work needed to benchmark and better understand how sustainable Upper Hutt is now, and how far we have to go. This information will be used to improve and focus the Strategy when it is next reviewed.

The Sustainability Strategy has been developed with input from the Upper Hutt City Council Climate Change Focus Groups, and our wider community. By taking time to engage with Upper Hutt's future, you are focusing on creating a better place for us and future generations to live.

Background

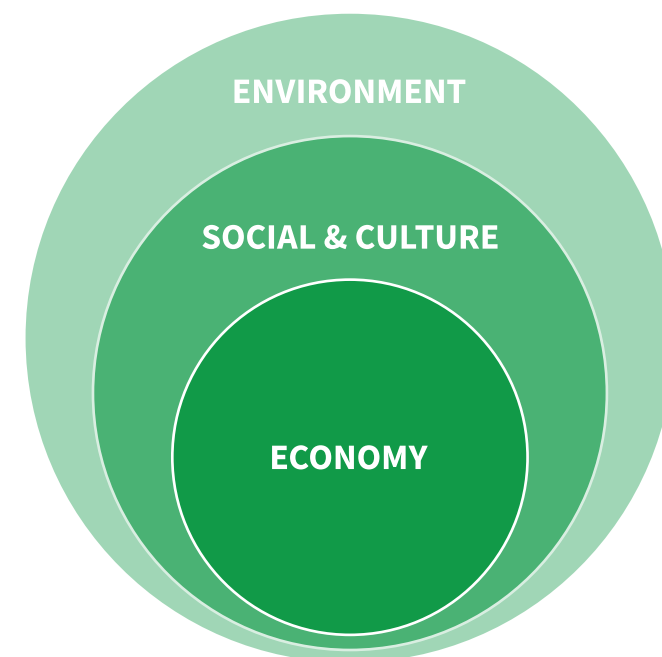
What is *sustainability*?

For the purpose of this Strategy, the following definition of sustainability will be used:

*'To meet the needs of the present, without compromising the ability of future generations to meet their own needs.'*¹

Sustainability is a complex subject, with wide reaching implications across the biosphere, society and communities at a range of levels. It can be viewed as humanity's target goal of human-ecosystem equilibrium. To be sustainable, is to ensure a given activity or resource can be maintained indefinitely at a certain rate or level.

The natural environment is the key to sustainability. It underpins everything, including society, culture and economy, as demonstrated by the below diagram. Society does not exist without a healthy functioning and viable environment. An economy is a sub-system of human society; it occurs when people interacting with each other and the natural environment create and exchange things that people value. An economy cannot exist without human society or the environment.



The three nested dependencies model of sustainability, showing environment underpinning social and culture, which underpins economy.²

Sustainability is, therefore, about ending unsustainable activities in a manner to ensure everyone's long term environmental, social, cultural and economic needs are met.

Planet Earth's natural systems and processes have limits to the amount of pollution that can be absorbed, and the number of resources that can be provided. When limits are exceeded, there are negative implications on both human and eco-system health. For example, introduced substances can be dispersed in a way that is difficult or impossible to reverse, such as micro plastics and chemicals and resources can collapse for long periods, or even permanently, such as fish stocks and fresh water.

Beyond the bio-physical definitions, unsustainable activities also include those that prevent people living with dignity and reaching their potential, such as a lack of access to clean water, nutrition, shelter, education, healthcare and employment. 'Sustainable development' is the process leading us to the point of sustainability and ensuring that all people everywhere, now and in the future are able to get what they need to live a good life.

The final key concept to sustainability is preserving cultural identity and continuity; connecting people to each other, to the past, and to the future.

Currently, global industrialised civilisation is unsustainable - billions of people do not have their basic needs met. Environmental limits are also being reached and creating irreversible effects that will impact the wellbeing and potential of future generations. At the same time, a minority of people are consuming resources far in excess of what is required to meet their needs.

Unsustainable activities must end at some point. The way and time that the activities end, and the consequences for future generations, are largely dependent on the choices we make—as individuals, as society, and as a species.

What is resilience?

Resilience is the capacity of something being able to resist and/or recover from forces that would otherwise change it into another state. It is often thought of in terms of a community's ability to recover after a natural disaster, which requires built infrastructure that can cope with extreme conditions and resources to be available to quickly repair damage and restore 'normality'. To be resilient when the forces prompting change become stronger requires increasing levels of effort; for example,

increasing extreme weather events and sea level rise as a result of climate change. In this context, a strategy of resisting all change is unsustainable, and adaptation to cope with the new circumstances is needed.

In the context of Planet Earth, resilience refers to the Earth's ability to 'bounce back' from destructive human activities. Since the Industrial Age the state of the Earth has been changed drastically by humans in many areas and in many ways. Globally, the planet is struggling to cope with the excess extraction of resources and adverse impacts of human activities.

The challenge of achieving sustainability involves making deliberate choices about what to change, what to retain and strengthen and how best to adapt, rather than just reacting to events as they occur and trying to maintain an unsustainable quo at all costs.

What is meant by *biodiversity*?

Biodiversity is the variety of life forms present in an area, including species of animals and plants and the terrestrial and aquatic habitats and ecosystems and the ecological complexes of which they are a part. It includes the environmental fabric that makes up Upper Hutt, such as the trees, plants, animals, insects, fish and their complex and interconnected habitats.

How is the economy considered?

Our local economy is an integral part of Upper Hutt, and we need to ensure we are preparing for the approaching post-carbon economy to ensure stability. Poor environmental quality in turn affects economic growth and wellbeing by lowering the quantity and quality of resources. Future economic growth cannot be to the detriment of the environment.

Whole communities benefit from people working, shopping and socialising close to home—funds spent within the local economy have a 'multiplier benefit' as they circulate. Time saved by not commuting improves community participation, families and wellbeing. Changing workforce habits to create smaller, local hubs will not only benefit the Upper Hutt community, it will help reduce our impact on the environment with reduced transport and infrastructure requirements.



Real Steel, Railway Avenue



Remutaka Cycle Trail



Maidstone Park

SUSTAINABLE DEVELOPMENT GOALS



How do the United Nations Sustainable Development Goals fit in?

The United Nations have defined 17 key Sustainable Development Goals,³ broadly categorised as social, economic and environmental goals. As a country, New Zealand has made a commitment to take ownership and establish a framework to achieve the goals. We have taken these into account when defining our sustainability goals and principles at a community level.

Sustainability legislation and strategies

This Strategy will be supported by a suite of legislation, policy statements, plans, strategies, and reviews developed at central and regional government levels. These are intended to provide a nationwide and regional overview of environmental concerns, issues and solutions for local Council sustainability policy development. Our Council will need to incorporate relevant aspects of these into this Strategy and related strategies, plans and policies. These tools include:

- ④ Climate Change Response (Zero Carbon) Amendment Act 2019
- ④ Waste Minimisation Act 2008
- ④ Resource Management Act 1991⁴
- ④ Regional Policy Statement for the Wellington region 2013 (Greater Wellington)
- ④ National Policy Statement for Freshwater Management 2014⁴
- ④ Proposed National Policy Statement for Highly Productive Land⁵
- ④ Draft National Policy Statement for Indigenous Biodiversity 2019⁶
- ④ Proposed Natural Resources Plan 2019 (Greater Wellington)
- ④ New Zealand Biodiversity Strategy 2020⁷

About this Strategy

Strategy is the approach to achieving long term goals and overcoming barriers, especially under conditions of uncertainty. It is knowing where to go, why, and how to get there. This Sustainability Strategy belongs to the people of Upper Hutt. While Council will implement aspects, it is key that the community get behind and adopt the principles of the Strategy to drive it forward. It will help create a secure, stable future for the next generation.

The purpose of this Strategy is to define our approach to sustainability. It will state our long term goals and identify the critical factors to overcome the barriers. It is based on our current situation, with an assessment of our strengths and weaknesses, and a clear view of how to take these into account as we progress.

Vision	The overarching, aspirational description of where we want to be long term and what we want our future to look like.
Goals	Focused, practical, tangible aims—the end towards which our efforts are directed, including the steps that will move us towards achieving our vision.
Principles	Our basic starting points and approaches to decision making—the way we will conduct our actions, including the essential values on which they are based.
Actions	The ‘doing.’ What we are doing to make strides towards achieving our goals and Vision.
Measurement	How we evaluate our progress to ensure we’re on track towards achieving our goals and vision.

Our vision

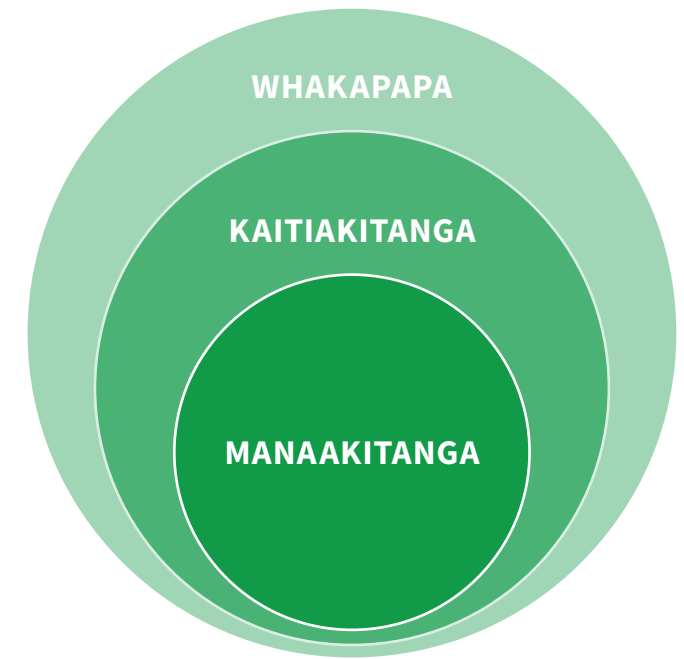
The vision of our Sustainability Strategy is:

*‘Upper Hutt is a resilient and adaptable city that identifies, confronts,
and finds solutions to issues impacting on our four well-beings
to ensure future generations can live a good life here.’*

Te Ao Māori view of sustainability

Māori have a distinct view of sustainability, with accountability to whānau, hāpu and iwi to ensure there is a reduced risk to present and future generations. There is a framework of three core Māori values for Council to adhere to when considering sustainability: Whakapapa, Kaitiakitanga and Manaakitanga. The most important of these is Whakapapa, which underlies everything.

Whakapapa	Genealogy; to lay one thing upon another; descent. It is the foundation of the Māori world view. This is the genealogical descent of all living things from Ranginui (sky father) and Papatūānuku (earth mother) to their children, who became the atua (deities) of the various domains (e.g. the earth, sky, sea, forests), and created the plants and animals within. They are the original kaitiaki (guardian) and their mana or authority to exercise this role is handed down through Whakapapa.
Kaitiakitanga	Acting to preserve and maintain taonga (treasures); ensuring safety in all activities. The exercise of guardianship by tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources. This includes the ethic of stewardship and being mindful of the impact of behaviours and giving back to the land.
Manaakitanga	Behaving in ways that elevate others; showing respect, consideration and aroha (love and compassion) toward others; generosity and fulfilling reciprocal obligations.



Whakapapa underlies kaitiakitanga, which underlies manaakitanga.



Māori adhere to the holistic view that innovation and learning is limitless. Having shown significant cultural and social resilience in the face of political, economic and cultural marginalisation since European settlement, Māori resilience and adaptation is an important part of the present and future.

‘Kaupapa Māori’ is a term used to explain the key concepts that explain the Māori belief system regarding the natural environment. Pivotal to the ideals of kaupapa Māori is whakapapa. Māori belief dictates people are stemmed from Māori gods Ranginui and Papatūānuku, so the relationship between people and the environment is prevalent in the everyday ways in which we connect to our natural environment.

Māori developed kaupapa (principles) and tikanga (actions) with regards to the relationship between people and the health of the environment, and to maintain a sense of identity. Whakapapa binds people and the environment together; they become united, and there is a sense of duty to look after the environment.

Whakapapa, is the basis for Kaitiakitanga. Kaitiakitanga is based on the concept that people are descended from Papatūānuku, rather than being ascendant to her (western view). Kaitiakitanga promotes a relationship of reciprocity; people do not ‘own’ the earth’s resources, rather they have ‘user rights’ and a duty of care.

For tangata whenua to be able to practice Manaakitanga, the health of the environment is imperative. For example, local foods are always included when hosting guests; the environment must be secure in order to grow local food, and ensure Māori have access to traditional mahinga kai.

Therefore, it is essential to Māori culture that we look after our environment for the good of future generations. Council will give effect to the Te Ao Māori view of Sustainability in its decision making processes.

Te Manawa | The Heart

Carved by Dave Te Hira, Te Rarawa

Expressions Whirinaki Arts and Entertainment Centre

Issues for Upper Hutt

Upper Hutt City faces a number of issues relating to sustainability. The severity and impacts of the issues will determine how jeopardised the long term sustainability of the city will be, including our way of life and that of future generations.

Climate change

Climate change brings direct and indirect challenges. Direct challenges include the rapid reduction of emissions and adapting to the direct impacts of a changing climate. Indirect challenges include global economic upheaval and human migration away from the worst affected areas.

Human activities are producing heat-trapping greenhouse gases that are heating the Earth, including the use of fossil fuels, the destruction of carbon sinks, such as forests, wetlands and soils, and the increased development of industrial agriculture. The consequences for the living world are already extremely serious, and are predicted to worsen until at least mid-century.

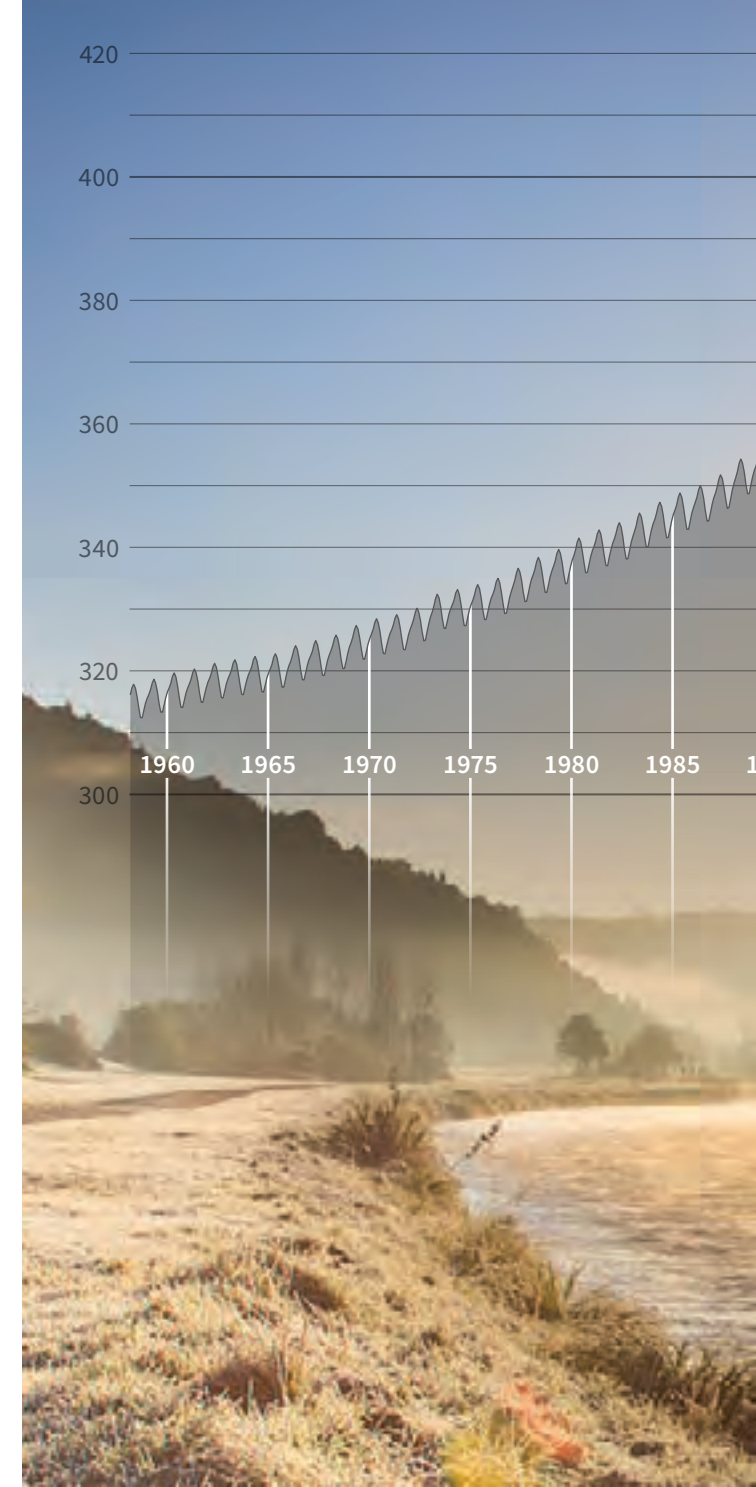
Carbon dioxide levels in the atmosphere are still growing at a faster rate each year (see figure below). If action is taken to cut global emissions of human-caused greenhouse gases by 50% by 2030 and to net zero by 2050, further heating, and even more extreme changes, may be avoided in the latter part of the century.

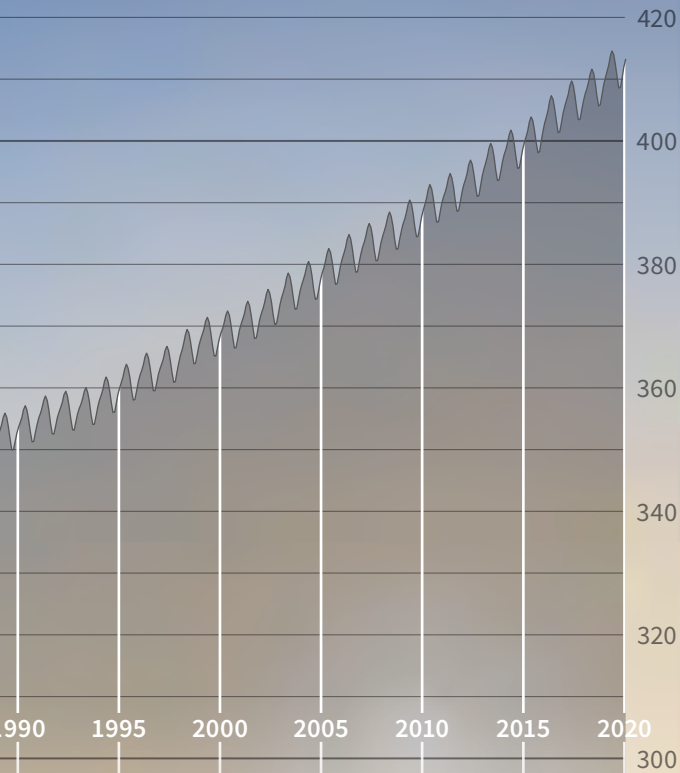
Locally, climate change challenges for Upper Hutt include

- Increased likelihood of flood events (Te Awa Kairangi/Hutt River) affecting economy, lifestyle and transport.
- Population increase as people move away from coastal areas subject to rising sea levels.
- Increased costs relating to how we manage the effects on our indigenous biodiversity.

The Keeling Curve is one of the most compelling pieces of scientific evidence; it shows the accumulation of carbon dioxide (CO₂) in our atmosphere over 50 years, as monitored at Mauna Loa Observatory in Hawaii since 1958.⁸

Carbon dioxide concentration (parts per million) Appendix 3





Te Awa Kairangi | Hutt River

Water quality and quantity

Water quality is declining globally and supplies are becoming depleted. This is caused by over-extraction and the reduction of snow and glaciers due to global warming which, in turn, reduces river flows in summer when water is needed the most. Human activities can drastically affect water quality, including de-forestation (leading to soil erosion and sedimentation), rural land use (e.g. intensively farming), agro-chemical use, urban development, industrial use, sewage and storm water discharges and irrigation (leading to increased leaching of contaminants to ground waters and aquifers).

Generally, the rivers and tributaries in Upper Hutt have good water quality. As a valued resource, however, the water available for use is fully allocated when river flows are low.⁹ Low flows in summer lead to the growth of toxic algae, and puts pressure on aquatic life. Pollution of Te Awa Kairangi/Hutt River in Upper Hutt has a cumulative effect when combined with other sources downstream, causing more acute problems in Lower Hutt, and Wellington Harbour. This results in some areas being unswimmable during periods in the summer months; toxic algae poses health risks to dogs.

In addition, we cannot ignore the water impacts from products imported to Upper Hutt, such as food and clothing. These have a significant 'water footprint' with regards to the quantity of water it took to make them, plus the water pollution that can result from production practices.

Biodiversity and land use

Humans utilise land and water for their own purposes, including building places to live, cultivation for food production, food harvest (e.g. fishing, aquaculture), construction material production (e.g. forestry, mining) and building roads and railways for transport. These purposes result in replacing natural landscapes and species with their own, and disrupting, destroying and displacing species and original ecosystems and habitats.

The advent of agriculture, including deliberate land use change by humans around 10,000 years ago, triggered an ongoing period of mass extinctions that has intensified in the last 50 years. There has been a massive reduction in wild animals, as the number of humans and domesticated animals more than doubled.

Invasive introduced pest species also pose a particular threat to biodiversity, and have been devastating to New Zealand's native flora and fauna. The integrity of natural ecosystems is essential for the overall health of the environment and resilience

to extreme events. For example, wetlands provide protection from flooding, remove pollutants from water and absorb carbon from the atmosphere. In Upper Hutt, nearly all of the original native forest cover and wetlands have been removed, and native forests have been replaced with exotic plantations, buildings, roads and grazing land. Our indigenous biodiversity is under continuous threat from introduced predators and this has impacts on our economy, society and culture, including the controversial use of toxic poisons.

Restoring ecosystems and preserving and enhancing biodiversity is crucial to achieving sustainability.

Population and growth

The impact of human activities increases in scale with population, the average affluence, and the efficiency of technologies. There are feedback effects, including improved efficiency leading to greater affluence and improved technology spurring population growth in certain circumstances.

Globally, affluence (measured by gross domestic product), population and environmental impacts are all growing, even as technologies become increasingly efficient. This means that focusing solely on improving technology, as a means to achieve sustainability, is not a viable solution. Constraining the physical scale of human activities is vital to reducing impacts.

Upper Hutt will be under increasing population pressure as people migrate from abroad and within New Zealand as a result of climate impacts, such as sea level rise. Adopting more compact urban form, and adapting lifestyles that result in less consumption, will be essential to accommodate new residents while restoring, preserving and enhancing the environment and quality of life.



Maternity sculpture, Upper Hutt Station



Kaitoke Regional Park | Photo courtesy: Jennifer Curtis

Waste

Waste is polluting our air, our land, our lakes, rivers, coasts and oceans, and contributes 5% to New Zealand’s greenhouse gas emissions.¹⁰ Despite increased awareness of the negative impacts of waste on our environment, our disposal to municipal landfills increased by 48% in the last decade.¹¹

Upper Hutt aligns with this national trend and joins the nation in growing concern over waste issues. The 2019 Colmar Brunton survey found that the build-up of plastic in our environment is the biggest concern for New Zealanders (72%).

Locally, this concern is manifested in the increasing popularity and consequent stress put on the rates-funded community recycling station, which has struggled to cope with the increasing demand for recycling infrastructure.

In order to lessen the impact waste is having on our environment, Upper Hutt needs to transition from a linear economy—the current ‘take-use-waste’ model—to a circular model that values resources by reusing, reducing, and recycling.

Understanding the social landscape is as important as understanding the physical landscape when it comes to waste management.

Opportunities for Upper Hutt

Scientific developments and the natural systems that support human activities present an opportunity to become more sustainable and avoid worst outcomes. There are many practical options and resources available to us right now and we need to pursue these and explore further initiatives and opportunities.

Zero Carbon Act (Climate Change Response Amendment Act 2019)

The Zero Carbon Act established a target for emissions reduction in New Zealand, a framework for managing our progress via a series of five-yearly carbon budgets, and the new, independent Climate Commission. The Act provides increased certainty to individuals and organisations regarding where the country is going with carbon reduction, and introduces the crucial concept of a fixed environmental limit that we all must work within. It requires Government to set out emission reduction plans for the country in response to the Climate Commission's recommendations.

'Billion trees' funding

Provided they represent a permanent change of land use, new forests remove carbon dioxide from the atmosphere and provide a host of other sustainability benefits. As part of its carbon reduction plans, Government has adopted a target of planting one billion trees by 2028. Half of this will be achieved by commercial foresters, and Government is providing funding to spur projects to plant the other half. The aim is for approximately one third of the billion trees to be native species. Projects for environmental restoration on any land, public or private, are potentially eligible.



Moonshine Bridge



Fraser Crescent School



Centrewalk, Main Street



Maoribank Park



Upper Hutt Station underpass



Rimutaka Street, Trentham



Timberlea



Tawai Street, Trentham

Carbon storage

Growing trees and lessening development footprints provides permanent carbon storage. The growth rate of exotic trees, such as pine and gum trees, is faster than native trees but, in the long term native trees outperform exotics. There are good opportunities in Upper Hutt for increasing tree cover, including planting native trees to preserve, restore and enhance ecologically-damaged habitats.

Wetlands are carbon sinks, and there are good opportunities to protect and restore them.

Active and public transport and better urban design

Greater use of transport modes such as walking, cycling, various forms of e-mobility and public transport, can improve health, ease congestion, lower emissions and free space in urban areas for people and nature. These modes need to be prioritised in transport planning and urban design decisions so they are more convenient, safer, affordable and easier than travelling by private vehicle.

Better consideration of different transport modes into transport design will increase their attractiveness and encourage people to use them more.

Denser development in the right places will mean more people can access the amenities they need without requiring a vehicle. Car-share schemes can supplement active and public transport and make the option of not owning a car more viable and attractive.

If done well, people will use sustainable transport modes more, without it being seen as any kind of sacrifice. It will also create a more interesting, vibrant and attractive urban environment, particularly having fewer vehicles on roads.





Upper Hutt Station

Sustainable and water sensitive urban design (WSUD)

WSUD is a land planning and engineering design approach which integrates the urban water cycle, including storm water, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal.

In addition, other sustainability approaches could be applied to improved urban design and housing.

Electric vehicles (EVs)

While private car travel can be reduced through a shift to active and public transport modes, this does not offer a complete solution. Road transport of all kinds would have to be completely decarbonised to stop its contribution to the climate crisis.

Battery-electric drive systems, especially when combined with a greater use of renewable electricity, offer alternatives to light passenger vehicles and many commercial vehicles. The technology, particularly battery size, efficiency, capacity and pricing, is rapidly improving. However, it needs to be adopted more quickly to fulfil its potential in achieving climate goals, and avoiding wasted investment and resources in conventional fossil-fuelled vehicles.

Renewable energy and electrification

Although around 85% of New Zealand’s electricity supply is renewable, only about 40% of its total energy use is, as transport and many forms of heating rely heavily on fossil fuels. Emissions can be dramatically lowered by converting more energy uses to electricity (for

example, by using EVs and heat pumps), but renewable electricity generation must also be increased at the same time. This combined approach is essential to achieving carbon reduction goals.

Ecological footprinting

Ecological foot printing is defining the area of productive land and water required to support an individual’s lifestyle, activities and assimilation of generated wastes; in other words, measuring the human demand on nature.¹² It is estimated using simple questions about their home, daily habits, travel choices, diet, spending habits and income. The overall sustainability of an individual’s lifestyle can be assessed by multiplying their footprint in hectares by the global population, and dividing by the total productive land available on planet Earth. The result is the number of ‘Earths’ needed if everyone lived like the person in question.

Ecological foot printing is a useful means of communicating a complex topic to the general public as it encompasses many environmental issues, such as resource depletion, carbon emissions, waste and other pollution. It also shows the user the importance and impact of different lifestyle changes, and vividly demonstrates issues of sustainability and equity.

Empowering communities

Communities contain a diverse range of knowledge, resources and skills that can be brought to bear on the challenges facing them. Communities often do this spontaneously, strengthening social bonds to work together, and thereby becoming more sustainable and resilient.

The National ‘Neighbours Day Aotearoa’¹³ initiative is a good example of this.



Hayley—Take Me Back



March Madness: Kaushal—Mayfair Café

Principles

The principles are what the strategy is based on to ensure success.

- A. Full integration across Council:** It is imperative that this Strategy does not exist in silo. The sustainability goals and principles must be woven into all council policies, plans, decisions, grants and papers. Every facet of Council has a role to play in a united approach.
- B. Council will partner with the community:** On its own, Council cannot achieve the scale and goals that this Strategy demands. While Council will lead the work, partnering with the community, experts, and businesses will be critical in moving forward to achieve results.
- C. Education, information and understanding:** Council will strive to ensure the community have the resources to be educated on what the issues are, and what they can do to address them.
- D. Change.** Change will be embraced as we move forward with the Strategy.
- E. Long term, big picture thinking:** Council will make decisions by considering the long-term impacts as we move towards achieving our Vision.
- F. Te Tiriti o Waitangi:** Under the Treaty of Waitangi, the Crown pledged stewardship for the whenua. This must be respected by making good and sustainable land and water use decisions that ensure the ongoing care and health of land, sea and air.



Photo courtesy: Woodland Trails Dog walking

Sustainability Goals

The goals of this Sustainability Strategy are:

1. Council will be a carbon neutral organisation by 2035.

Upper Hutt City Council will commit to ensuring it is a carbon neutral organisation by 2035. We will lead the way, share what we learn and encourage locals to reduce their personal carbon footprints along the way.

2. We will prioritise protecting and enhancing our natural environment.

The natural environment is involved in everything you eat, touch, breathe, drink, and use. We will ensure that we protect and regenerate our natural environment.

3. We will have a good quality and sufficient water supply.

Quality water is essential. In terms of quantity and quality, we will make sure we have a sufficient water supply.

4. Our community will be resilient, adaptable and inclusive.

As a community, we will work to build a stronger society, to ensure everyone is included and no one is left behind. Our people and systems will be able to manage in difficult times and be able to recover and thrive in changing circumstances.

5. Upper Hutt City Council will be a leader in the community on sustainability issues.

Council will actively and openly seek opportunities to take a leading role in the community on sustainability and be a strong advocate for positive change at the regional and national level.

6. We will reduce waste.

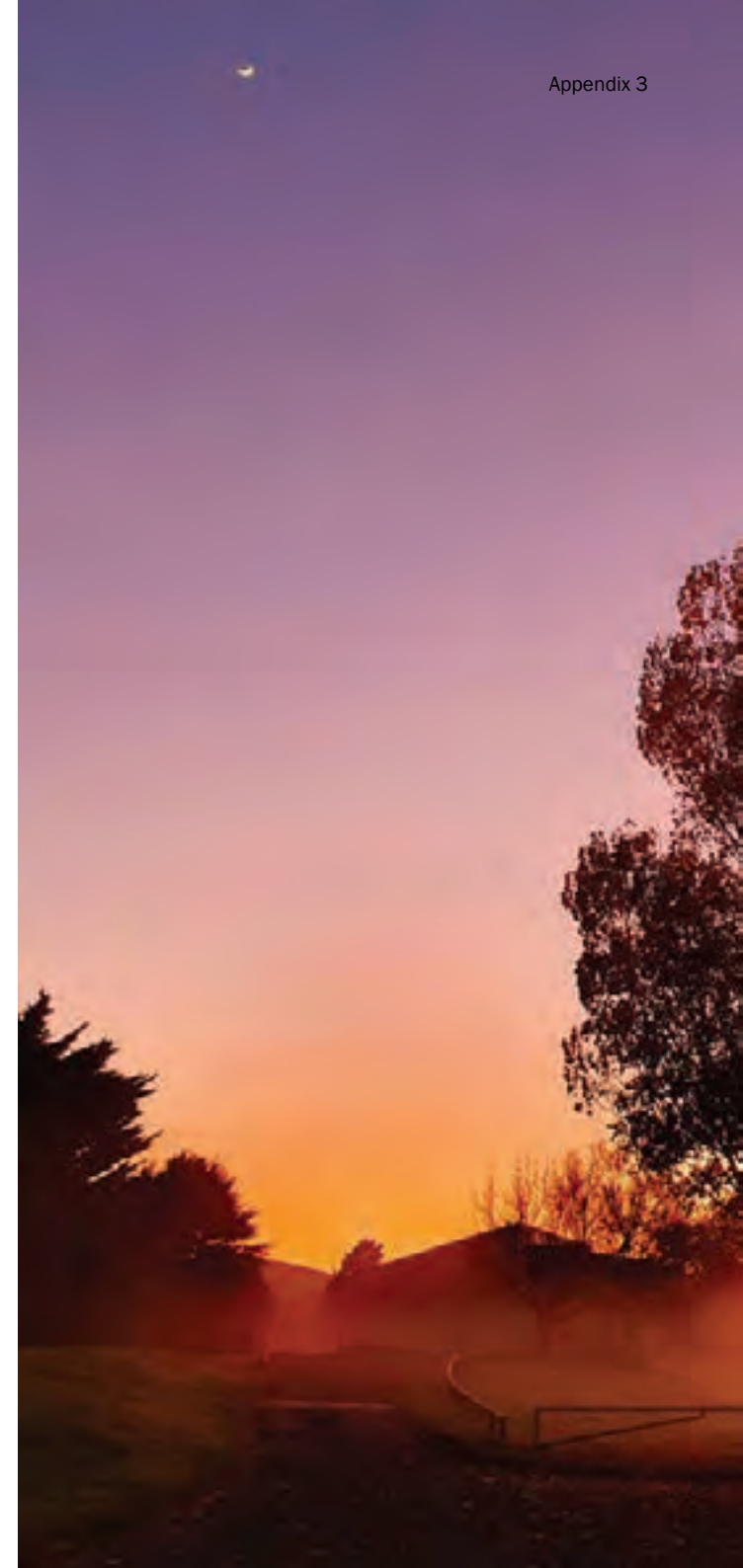
By cultivating a waste minimisation culture, Council will work to improve the quality of Upper Hutt's waste data, set targets, actively work to reduce the amount of waste that gets sent to landfill, and enable more recycling of used resources. Council will also ensure our recycling systems are robust enough to cope with demand.

7. Our community will be engaged and informed on sustainability issues.

It is important to ensure that the community have the tools, resources, and information available to make good choices and understand the consequences of their decisions. Council and the community will make changes and move forward together.

8. We will encourage low carbon transport.

We will actively promote walking, biking, use of public transport and the reduction of high-carbon vehicle use.



Baseline, measurement, and targets

Sustainability is a journey—we know the direction which will likely make us more sustainable, but we don't necessarily know the final destination. While there is a wealth of environmental data already available, we need to establish a set of baseline indicators specifically relevant to Upper Hutt, including measures of the impacts of our residents activities in terms of the carbon and ecological 'footprints' that include imported goods and services. Only then will we have a better understanding of how much improvement is needed to get our levels of environmental impact down to acceptable levels, and what changes we need to make to address societal and economic issues that impact the environment.

This is not a justification for inaction. While we will be seeking immediate improvement across key areas, such as carbon emissions, we will refine our action plans once our understanding has improved through the collection and analysis of data.

Carbon neutrality

GOAL 1 Council will be a carbon neutral organisation by 2035.

Becoming carbon neutral is fundamental for any future focused organisation and the community it serves.

Carbon emissions are a key indicator of unsustainable practice. Not only is reducing carbon the right thing to do as a leader in the community and good global citizen, it also makes good business sense.

The first step in becoming a carbon neutral Council by 2035 will be to understand Council's emissions profile, while at the same time working on reducing emissions. Once we have identified and benchmarked our key emissions sources we can make plans to reduce our reliance on fossil fuels and our overall impact.

Council will work to reduce our emissions internally within the organisation and externally within the community. As we learn more, we will keep the community informed of ways to reduce their personal carbon footprints which, in turn, will reduce the carbon footprint of Upper Hutt and the Wellington region.

We will ensure decarbonisation is promoted in all Council contracts, such as waste collection and transport.



Upper Hutt Central Library





Civic Centre



H2O Xtream

ACTIONS

- 1.1 Measure and understand the emissions profile of Council.
- 1.2 Measure and understand the emissions profile of Upper Hutt and the wider Wellington region community.
- 1.3 Develop and implement an energy and carbon reduction plan for Council to ensure it is a carbon neutral organisation by 2035.
- 1.4 Develop an energy and carbon reduction plan to inform, support and promote to the Upper Hutt community to reduce their carbon footprint.
- 1.5 Incorporate sustainability considerations in new asset investment decision-making to ensure carbon impacts are taken into account.

MONITOR

- Annual updates through the Annual Plan.

Our natural environment

GOAL 2 We will prioritise protecting and enhancing our natural environment.

Our natural environment and biodiversity play a critical role in maintaining our healthy, well-functioning society.

Upper Hutt is growing, which brings a unique set of challenges. Population growth, economic and social development, and urban sprawl can all cause significant degradation to the environment. Healthy ecosystems combat climate change and provide security, food, shelter, and a home to wildlife. There is also a significant link between spending time in nature, and positive mental health of people. Unfortunately, our environment and biodiversity are currently declining at an accelerated rate due to increased population and human interference.

Te Awa Kairangi/Hutt River and its tributaries is a significant ecosystem and habitat for the many species of fish, animals and plants. The water quality is managed by Greater Wellington Regional Council (GWRC) and while Upper Hutt is not the only community that feeds into the River, we must do our part to ensure the River is healthy. Council will continue to partner with GWRC and the community to work towards better health of Te Awa Kairangi and its tributaries.

We are fortunate to have wonderful birdlife and biodiversity in and around the city. We will look for opportunities to integrate, regenerate and enhance biodiversity within our community to enhance overall wellbeing.





Birchville Dam

ACTIONS

- 2.1 Evaluate opportunities to protect and enhance existing biodiversity, and focus on regeneration, reforestation and enhancement of soil health, native flora and fauna.
- 2.2 Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape.
- 2.3 Council building projects to consider opportunities that add value to our natural environment from the outset and have enduring positive effects. A Sustainability design review will be presented to decision-makers prior to final approvals for projects.
- 2.4 Advocate for the preservation, restoration and enhancement of waterways, wetlands and aquifers.
- 2.5 Work with Greater Wellington Regional Council and other partners to maintain, protect and restore biodiversity and ecological habitats of Upper Hutt waterways.

MONITOR

- Monitor awareness through the Annual Survey.
- Annual updates through the Annual Plan.

Water

GOAL 3 We will have a good quality and sufficient water supply.

A continuous supply of quality water is essential for all life forms. We will make sure we maintain security of supply and ensure we have enough quality water to meet the needs of the Upper Hutt community.

Water is the key to healthy living, productive land and economic growth for Upper Hutt. Acknowledging that Te Awa Kairangi/Hutt River and its tributaries are Upper Hutt's lifeblood, our growing population is putting more pressure on our current water supply and systems. At times, some waterways are subject to significant environmental pressure due to sediment, pollution, over-abstraction of water and insufficient water flow.

Consideration of good soil health will be taken into account in managing quality water supply. Rebuilding soil carbon and organic matter are also key elements to maintaining clean water, reducing runoff, erosion, maintaining quality water sources and improving water storage.

Water supply is a multi-faceted and complex issue, involving many considerations and challenges. We need to ensure safe drinking water, manage demand, manage waste water and its emissions, maintain the integrity of the infrastructure network and minimise water leakage whilst at the same time ensuring the environmental integrity of water sources.



Twin Lakes, Te Marua



Harcourt Park



H2O Xtream

ACTIONS

- 3.1 Council will manage water demand and use, ensuring that this is monitored, measured and communicated to the community.
- 3.2 Council will consider initiatives to take pressure off reticulated water supplies.
- 3.3 Develop a water campaign to inform the community about the individual and collective responsibility around the pollution of waterways and conservation of fresh water resources.
- 3.4 Continue to review and address overflow and integrity issues to the infrastructure and pipe network as they are identified.

MONITOR

- 🕒 Annual updates through the Annual Plan.

Our community

GOAL 4 Our community will be resilient, adaptable and inclusive.

Being resilient, adaptable and inclusive are key foundations of a stable society.

As a community, our wellbeing is intrinsically connected to, and dependent on, individuals, societal connections and support systems within the matrix of our lives and lifestyles. Consequently, it is logical that we put measures in place to encourage opportunities to connect with each other and grow together. Resilient communities are safe, stable, interconnected, and able to react and recover innovatively and quickly from volatile economic, social, political, and environmental changes. Inclusive communities empower society and ensure no one is left behind. By working towards meeting basic needs, individuals live with dignity and actively engage and contribute; this leads to a prospering society.

We need to work together to build a stronger community. We will empower our youth, work to eliminate poverty, increase civic participation, and endeavour to ensure our residents have access to fulfilling jobs that stimulate the economy without unnecessarily compromising the environment.



Tina's Dumplings



March Madness: Upper Hutt Community Rescue



March Madness: Māoribank School

ACTIONS

- 4.1 Evaluate how resilient Upper Hutt households are to withstand extreme events and circumstances.
- 4.2 Evaluate where the social, cultural and economic needs are within the community.
- 4.3 Work towards new developments being more resilient.
- 4.4 Council to support local businesses to become more resilient and adaptable.
- 4.5 Boost civic participation and advocate for approaches that are reflective of diversity.
- 4.6 Investigate opportunities to develop critical thinking, communication and leadership skills of youth / rangitahi through a Youth Strategy.
- 4.7 Promote safe, healthy resilient communities equipped and engaged to be self-supporting in times of need.
- 4.8 Promote inter-generational connections and projects and communities working together.
- 4.9 Encourage and support the development of food security initiatives.
- 4.10 Inform the community about being prepared for extreme circumstances.

MONITOR

- Annual updates through the Annual Plan.

Leading by example

GOAL 5 Upper Hutt City Council will be a leader in the community on sustainability issues.

Upper Hutt City Council is in a unique position for leadership in sustainability. Not only is Upper Hutt the smallest city in New Zealand, the Council is one of the few City Councils that will not encounter direct risks from sea level rise or coastal erosion.

On behalf of our community, Council will actively look for opportunities to further strengthen our sustainable position and act on these. Council will also lobby central and regional government on sustainability issues that will affect us in the long and short term.

We will ensure sustainability is considered throughout all Council decisions, policies, plans, projects, grants and papers. Sustainability will be proactively and inherently embedded in Council culture.



Volunteer tree planting with Upper Hutt Forest and Bird



ACTIONS

- 5.1 Apply a sustainability decision framework to Council considerations, decision processes and long term outcomes.
- 5.2 Create, explore and pursue opportunities to be a sustainability leader and advocate on sustainability issues.
- 5.3 Support local and national environmental initiatives where appropriate.
- 5.4 Plan for future sustainable growth of Upper Hutt and the wider Wellington region.
- 5.5 Council to advocate for cost-effective, efficient and sustainable solutions.

MONITOR

- 🕒 Annual updates through the Annual Plan.

Waste reduction

GOAL 6 We will reduce waste.

Waste disposal has detrimental environmental repercussions and is currently ineffective at reducing waste generation, reuse and alternative use. Disposal services are primarily focused on enabling disposal rather than reducing need. As a community, we need to get better at reducing our consumption, minimising our waste generation and recycling what we can.

As part of the Wellington Region Waste Management and Minimisation Plan (WMMP), we have agreed to improve our contribution to the regional waste targets. By reducing our waste, we reduce the amount of methane, air and water pollution, and also reduce space requirements for landfill.





ACTIONS

- 6.1 Improve the quality of Upper Hutt's waste data.
- 6.2 Evaluate how we are tracking alongside the WMMP action plan.
- 6.3 Develop and implement a diversified and robust recycling system to cope with current and future demand.
- 6.4 Implement methods to encourage behaviour change and reduce the waste output of the Upper Hutt community.
- 6.5 Evaluate initiatives to reduce waste disposal to landfill, including provision of green waste and food waste recycling.
- 6.6 Encourage and support a circular economy.

MONITOR

- Monitor awareness through the annual survey.
- Annual updates through the Annual Plan.

A community on board

GOAL 7 Our community will be engaged and informed on sustainability issues.

Community engagement is crucial to ensure progression on sustainability issues. The science is clear - we must act now and do better.

In order to make progress it is imperative we partner with the community. Sustainability issues are not something that can be solved by local government or legislation alone – everyone has a role to play. There is a significant amount of misinformation, confusion, and lack of clarity around sustainability issues, and what will help make a difference. We will do our best to ensure the community is educated on both Upper Hutt, regional and global sustainability issues and climate change.



Upper Hutt Forest and Bird volunteers



ACTION

- 7.1 Evaluate and implement means by which Council can help inform the community about sustainability issues and climate change.
- 7.2 Identify sustainability projects and opportunities which the community and Council can work together on, partner with, and foster engagement and progress.
- 7.3 Develop and implement a community campaign to encourage resource conservation, including water, energy and waste reduction.
- 7.4 Consider how the United Nations Sustainable Development Goals (SDGs) apply to Upper Hutt and this Strategy.
- 7.5 Communicate our progress to the community.

MONITOR

- 🕒 Annual updates through the Annual Plan.

Better transport solutions

GOAL 8 We will encourage low carbon transport.

Upper Hutt is increasingly becoming a satellite commuter city, many residents choosing to live distant to their workplace and commute. The Upper Hutt lifestyle, open spaces and environmental benefits provide a welcome and attractive landscape to live, recreate and raise families.

Increasing use of private vehicles is a consequence of this and road congestion and delays are increasing at peak commute times. Providing better transport options, especially low carbon options, and encouraging initiatives to travel less will improve health and wellbeing, reduce emissions and improve lifestyle.

As a sustainability leader we will actively promote walking, biking, and use of public transport.

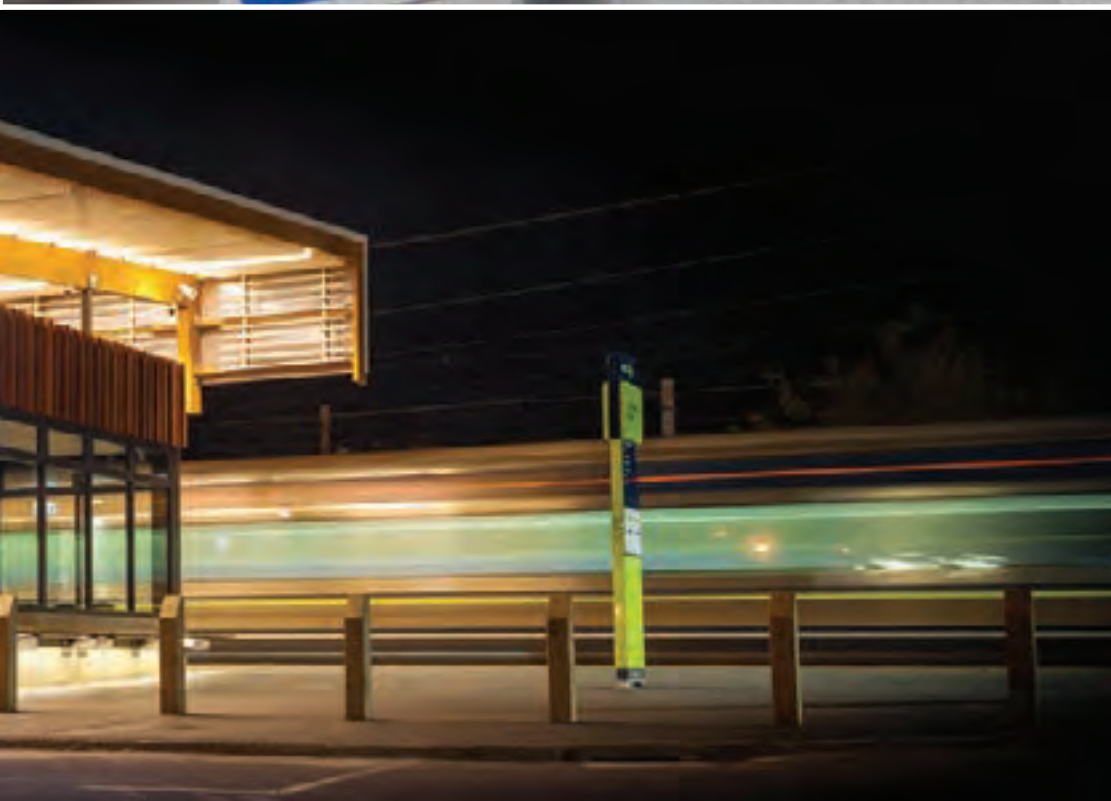


Fergusson Drive, Silverstream





EV charging station, Lion Court



ACTION

- 8.1 Expand and maintain safe walking, cycling and other low carbon transport mode networks.
- 8.2 Explore options for reducing vehicle use in the city centre and promotion of foot traffic.
- 8.3 Advocate for low carbon transport secure storage at train and bus hubs.
- 8.4 Ensure adequate EV chargers are available throughout the city.
- 8.5 Commit to lowering the carbon footprint of the transport used in Council work.
- 8.6 Continue to advocate for cost-effective, reliable and efficient public transport systems.

MONITOR

- Annual updates through the Annual Plan.
- Monitor through the annual survey.

Appendix 1: Planning

Timeframes of actions and measures will be confirmed as part of the Long Term Plan development.

1 | Council will be a carbon neutral organisation by 2035.

- 1.1 Measure and understand the emissions profile of Council.
- 1.2 Measure and understand the emissions profile of Upper Hutt and the wider Wellington region community.
- 1.3 Develop and implement an energy and carbon reduction plan for Council to ensure it is a carbon neutral organisation by 2035.
- 1.4 Develop an energy and carbon reduction plan to inform, support, and promote to the Upper Hutt community to reduce their carbon footprint.
- 1.5 Incorporate sustainability considerations in new asset investment decision-making to ensure carbon impacts are taken into account.

2 | We will prioritise protecting and enhancing our natural environment.

- 2.1 Evaluate opportunities to protect and enhance existing biodiversity and focus on regeneration, reforestation and enhancement of soil health, native flora and fauna.
- 2.2 Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape.
- 2.3 Council building projects to consider opportunities that add value to our natural environment from the outset and have enduring positive effects. Sustainability design review will be presented to decision makers prior to final approvals for projects.
- 2.4 Advocate for the preservation, restoration and enhancement of waterways, wetlands, and aquifers.
- 2.5 Work with Greater Wellington Regional Council and other partners to maintain, protect and restore biodiversity and ecological habitats of Upper Hutt waterways.

3 | We will have a good quality and sufficient water supply.

- 3.1 Council will manage water demand and use, ensuring that this is monitored, measured, and communicated to the community.
- 3.2 Council will consider initiatives to take pressure off reticulated water supplies.
- 3.3 Develop a water campaign to inform the community about the individual and collective responsibility around the pollution of waterways and conservation of fresh water resources.
- 3.4 Continue to review and address overflow and integrity issues to the infrastructure and pipe network as they are identified.

4 | Our community will be resilient, adaptable and inclusive.

- 4.1 Evaluate how resilient Upper Hutt households are to withstand extreme events and circumstances.
- 4.2 Evaluate where the social, cultural, and economic needs are within the community.
- 4.3 Work towards new developments being more resilient.
- 4.4 Council to support local businesses to become more resilient and adaptable.
- 4.5 Boost civic participation and advocate for approaches that are reflective of diversity.
- 4.6 Investigate opportunities to develop critical thinking, communication, and leadership skills of youth / rangitahi through a Youth Strategy.
- 4.7 Promote safe, healthy resilient communities equipped and engaged to be self-supporting in times of need.
- 4.8 Promote inter-generational connections and projects and communities working together.
- 4.9 Encourage and support the development of food security initiatives.
- 4.10 Inform the community about being prepared for extreme circumstances.

5 | Upper Hutt City Council will be a leader in the community on sustainability issues

- 5.1 Apply a sustainability decision framework to Council considerations, decision processes and long term outcomes.
 - 5.2 Create, explore and pursue opportunities to be a sustainability leader and advocate on sustainability issues.
 - 5.3 Support local and national environmental initiatives where appropriate.
 - 5.4 Plan for future sustainable growth of Upper Hutt and the wider Wellington region.
 - 5.5 Council to advocate for cost-effective, efficient and sustainable solutions.
-

6 | We will reduce waste.

- 6.1 Improve the quality of Upper Hutt's waste data.
 - 6.2 Evaluate how we are tracking alongside the WMMP action plan.
 - 6.3 Develop and implement a diversified and robust recycling system to cope with current and future demand.
 - 6.4 Implement methods to encourage behaviour change and reduce the waste output of the Upper Hutt community.
 - 6.5 Evaluate initiatives to reduce waste disposal to landfill, including provision of green waste and food waste recycling.
 - 6.6 Encourage and support a circular economy.
-

7 | Our community will be engaged and informed on sustainability issues.

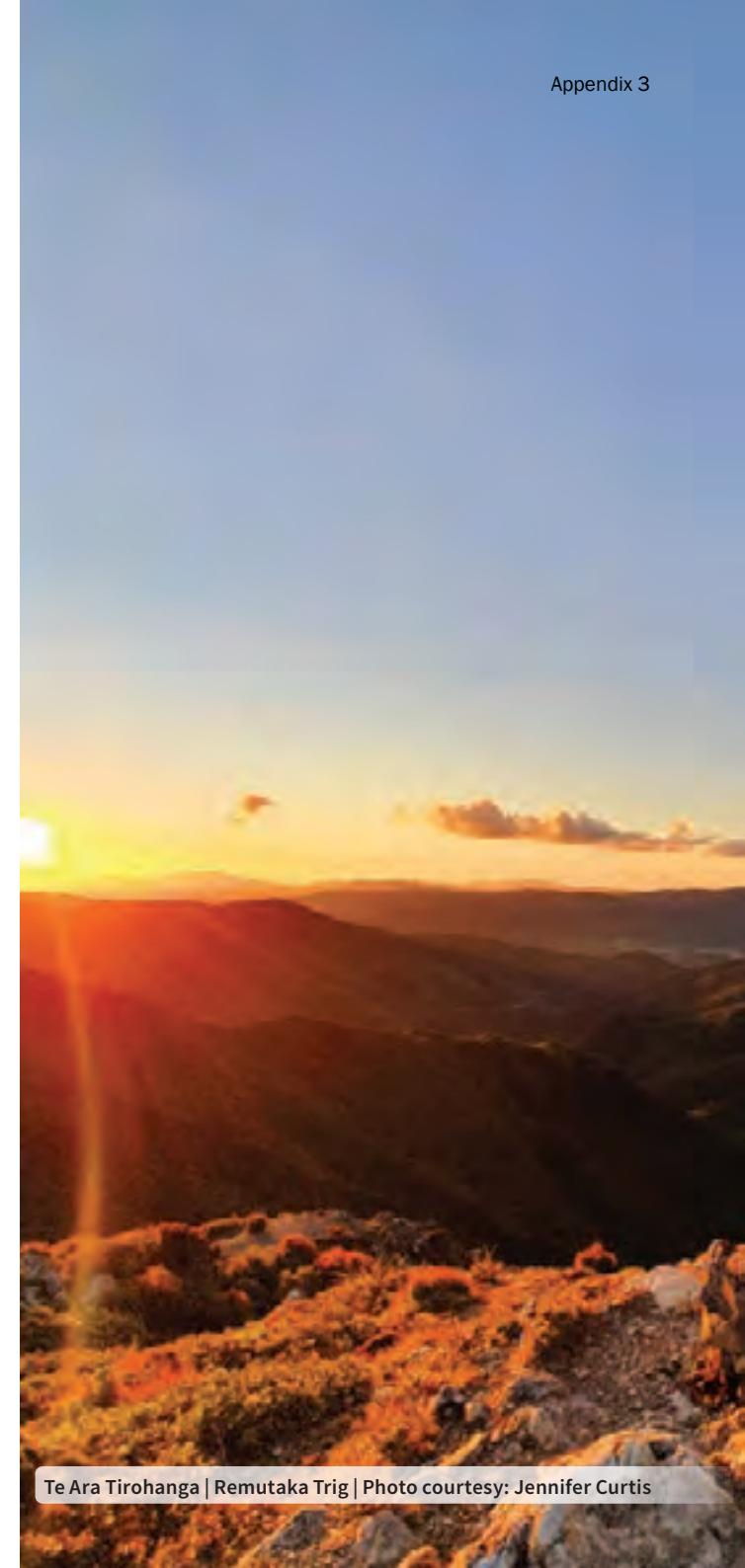
- 7.1 Evaluate and implement means by which Council can help inform the community about sustainability issues and climate change.
 - 7.2 Identify sustainability projects and opportunities which the community and Council can work together on, partner with and foster engagement and progress.
 - 7.3 Develop and implement a community campaign to encourage resource conservation, including water, energy and waste reduction.
 - 7.4 Consider how the United Nations Sustainable Development Goals (SDGs) apply to Upper Hutt and this Strategy.
 - 7.5 Communicate our progress to the community.
-

8 | We will encourage low carbon transport

- 8.1 Expand and maintain safe walking, cycling and other low carbon transport mode networks.
 - 8.2 Explore options for reducing vehicle use in the city centre and promotion of foot traffic.
 - 8.3 Advocate for low carbon transport secure storage at train and bus hubs.
 - 8.4 Ensure adequate EV chargers are available throughout the city.
 - 8.5 Commit to lowering the carbon footprint of the transport used in Council work.
 - 8.6 Continue to advocate for cost-effective, reliable and efficient public transport systems.
-

Appendix 2: Glossary

Adaptation	Adaptation to climate change involves using new, practical methods to adapt to the challenges, impacts and consequences of climate change, such as drought, heat waves, sea level rise.
Biodiversity	The variety of life forms present in an area, including species of animals and plants and the terrestrial and aquatic habitats and ecosystems and the ecological complexes of which they are a part.
Carbon neutral	No carbon emissions are being produced from a product/service e.g. zero-carbon electricity could be provided by a 100% renewable energy supplier.
Carbon zero	Some emissions are still being generated by a building/process these emissions are being offset somewhere else making the overall net emissions zero.
Climate change	The 'catch-all' term for the shift in worldwide weather phenomena associated with an increase in global average temperatures.
Fossil fuel	A natural energy source formed hundreds of millions of years ago from the remains of dead plants and animals, such as coal, gas and petroleum. When they are burned, they create greenhouse gas emissions.
Greenhouse gas emissions	The gasses that are released by our daily activities that cause global warming. Activities include travel, food and heating.
Mitigation	Reducing impacts on climate change and global warming by reducing the greenhouse gasses in the first place.





Resilience

The capacity of something being able to resist and/or recover from forces that would otherwise change it into another state.

Sustainability

To meet the needs of the present, without compromising the ability of future generations to meet their own needs.

Sustainable development

The process leading us to the point of sustainability and ensuring that all people everywhere, now and in the future are able to get what they need to live a good life.

Water abstraction

The process of taking or extracting water from a natural source (rivers, lakes, groundwater aquifers, etc.) for various uses, from drinking to irrigation, treatment, and industrial applications.

Appendix 3: Notes

- Page 4
1. Brundtland Report, 1987.
 2. www.dartmouth.edu/~cushman/courses/engs41/Mark%20Borsuk's%20version%20of%20course/Lectures/Lecture13_ENGS41_post.pdf
-
- Page 7
3. <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>
 4. Currently under review.
 5. Consultation closed; likely to take effect mid-2020
 6. Currently under consultation.
 7. Currently being developed following consultation on design proposals in 2019.
-
- Page 12
8. <https://www.nationalgeographic.org/encyclopedia/keeling-curve/>
-
- Page 13
9. <http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Proposed-Plan/Waterallocation.pdf>
-
- Page 15
10. MFE, 2019.
 11. MFE Waste Levy consultation document, 2019.
-
- Page 20
12. <https://www.footprintnetwork.org/>
 13. <https://www.neighboursday.org.nz/>
-



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

Extraordinary Council | 22 September 2021

National Land Transport Funding Decision for 2021-2024

Purpose of report / Te Pūtake

1. To advise Council of the final New Zealand Transport Agency (NZTA) decision on funding for Upper Hutt City Council in the 2021-2024 National Land Transport Programme (NLTP).

Recommendations / He Tūtohunga

2. It is recommended that the Committee that the report be received.

Explanation of Terminology

3. For each programme the NZTA decision is stated in the terms the total value of the work. Of the total programme value the NZTA share is 51%. Where there is reduced funding, the NZTA reduction is their 51% share of the total reduction stated.
4. It should also be noted that all funding applications to NZTA are required to include allowance for inflation over the three year period (i.e. the approved amount is the maximum amount that can be claimed over the next three years), but that it is a bulk allocation for the three years (i.e. any annual values are indicative).
5. To avoid confusion, unless otherwise stated all costs in this report are total cost to deliver the work.

Maintenance, Operations and Renewals

6. Upper Hutt City Council submitted a bid for \$20,247,425.
7. In May 2021 NZTA provided indicative funding approval of \$18,100,000. This was reduction of \$2,147,425, and represented a funding shortfall to Council of \$1,095,187 (the NZTA share). At the time the Council was in the process of approving the Long Term Plan, and committed to funding the shortfall in order to ensure that Upper Hutt roads continued to be maintained to the appropriate level.
8. NZTA have now advised that they have approved a work programme of \$20,300,000. This means that Maintenance, Operations and Renewals has been 100% funded for the coming three years.

Road Safety Promotion

9. Upper Hutt City Council submitted a bid for \$478,912. This included an increase of \$27,000 p.a. to increase the level of service.

10. During the development of the NLTP New Zealand Transport Agency advised that to be considered the application needed to be revised. Their requirements were that only a base programme equal to the funding level for the previous three years (with allowance for inflation) be submitted under Road Safety Promotion, and that any additional funding be submitted as an enhanced programme under the Low Cost – Low Risk Programme in the Road to Zero (R2Z) category. As a result a revised funding application was submitted for \$397,133.
11. NZTA have now advised that they have approved \$397,133.

Low Cost – Low Risk

12. Funding from the Low Cost – Low Risk category covers the following programmes from the Upper Hutt City Council Long Term Plan.
 - Minor Safety Improvements
 - Arterial Cycleways
 - Rural Road High Priority Safety Projects
 - Rural Bridges Seismic Upgrades
 - New Footpaths
 - Rural Shared Paths
 - Eastern Hutt Rail Bridge Drainage Improvements
 - Road Safety Promotion
13. NZTA funded the LC-LR programme under three activity classes: Road to Zero; Local Road Improvements; and Walking and Cycling Improvements. Some of the UHCC programmes include projects from more than one NZTA activity class. For example, Rural Road High Priority Safety Projects included two projects that met the NZTA Road to Zero criteria, with the balance to be funded through Local Road improvements.
14. Upper Hutt City Council submitted a bid for \$ 12,823,831 for the 2021-2024 LTP period. This included \$81,779 for Road Safety Promotion.
15. NZTA have advised funding for 2021-2024 as follows:

ACTIVITY CLASS	APPLICATION	APPROVED	SHORTFALL
Road to Zero (R2Z)	\$581,779	\$0	-\$581,779
Local Road Improvements	\$5,773,357	\$1,101,000	-\$4,672,357
Walking and Cycling Improvements	\$6,468,695	\$5,486,000	-\$982,695
TOTAL	\$12,823,831	\$6,587,000	-\$6,236,831

16. As no R2Z funding has been provided, the increase to the Road Safety Programme has not been funded.
17. NZTA has made an additional change to the Low Cost – Low Risk Programme for 2021-2024. While previously this was funded and approved at a programme level, and local authorities were able to reprioritise the work during the three year period, approval is now by individual project within each activity class and it is not possible to move funding between activity classes, or to reprioritise projects without NZTA approval. While the funding has been allocated, the projects to be approved have not yet been confirmed.
18. There is a meeting between UHCC Officers and NZTA on the 16th of September to discuss and confirm the programme of projects to be included.

Major Projects

19. There are five LTP projects included in the NLTP. To meet funding requirements three of these projects have been bundled together in the application as phases of a programme covering corridor improvements to Fergusson Drive between Silverstream and the CBD. The projects are
- 1. Activity Management Plan Improvements 2021-2024
 - 2. Totara Park Bridge widening
 - Fergusson Drive Arterial Link Improvements
 - 3. Gibbons-Fergusson-Main Intersections
 - 4. Ward-Whakatiki-Fergusson Intersections
 - 5. Silverstream Bridge replacement
20. A meeting was held between UHCC Officers and NZTA on the 13th of September to discuss what the funding status of these major projects was within the 2021-2024 NLTP.
21. Activity Management Plan Improvements 2021-2024 is currently being considered and is likely to be approved shortly.
22. Totara Park Bridge widening has not been approved, However, after further discussions NZTA have asked for additional information and have advised that they will look at whether it can be added if other projects fail to progress.
23. Fergusson Drive Arterial Link Improvements will probably be funded. Initial approval will be for the first phase, which is the preparation of a business case. The results of the business case assessment will determine the funding of the construction phases.

Next Steps

24. The current funding levels will require a review of the work that can be delivered during the next LTP period. A report will be prepared for the next meeting outlining the options available.

Date of report: 13 Sep 2021

Reporter writer:

Patrick Hanaray
Roading Manager

Approved by:

Geoff Swainson
Director Asset Management and Operations



Extraordinary Council | 22 September 2021

Update to the Wellington Regional Leadership Committee Joint Committee Agreement

Purpose of report / Te Pūtake

1. To seek Council's agreement on proposed changes to the Wellington Regional Leadership Committee Joint Committee Agreement (the Agreement) including the Joint Committee's Terms of Reference.

Recommendations / He Tūtohunga

2. It is recommended that Council:
 - (i) **receives** the *Update to the Wellington Regional Leadership Committee Joint Committee Agreement* report;
 - (ii) **notes** that on 3 March 2021, this council approved the Wellington Regional Leadership Committee Joint Committee Agreement and the Council's entry into it and appointed and established the Wellington Regional Leadership Committee (WRLC) as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 on the terms set out in the Joint Committee Agreement;
 - (iii) **notes** that since the Agreement was approved by each of the ten councils partners to the WRLC there have been some changes in circumstance and direction that require a change to this Agreement ([Attachment 1](#) contains the report detailing this);
 - (iv) **notes** that at its meeting of 1 July 2021, the WRLC agreed to a series of changes to the Agreement ([Attachment 2](#)).
 - (v) **notes** that, under the Local Government Act 2002, each council that is party to the Agreement must approve the updated Agreement.
 - (vi) **approves** the Wellington Regional Leadership Committee Joint Committee Agreement dated July 2021 ([Attachment 3](#)).

Discussion and Options / Te Matapaki Me Ngā Kōwhiringa

3. The Wellington Regional Leadership Committee Joint Committee (WRLC JC) was established under Clause 30A Schedule 7 of the LGA, with the Agreement being signed by all 10 member Councils.
4. The Committee's constituent Councils are the Greater Wellington Regional Council (GWRC), the eight Territorial Local Authorities within GWRC's boundaries, and the Horowhenua District Council.
5. Subsequent to the Agreement being signed a number of changes and improvements were identified by the WRLC JC at its meeting on 1 July 2021. The changes and reasons for the change are noted in a report to the WRLC appended to this report as [Attachment 1](#).

6. A *tracked changes* version of the Agreement, containing the changes is appended as [Attachment 2](#), with a '*clean version*' incorporating the proposed changes being appended to this report as [Attachment 3](#).
7. Council needs to consider and approve the updated WRLC JC Agreement and Terms of Reference appended in [Attachment 3](#).

Significance and Engagement Assessment / Te Tino Aromatawai

8. Officers have assessed the decision sought in accordance with Council's *Significance and Engagement Policy* (the Policy).
9. Whilst acknowledging that the topics of relevance to the Joint Committee will generate public interest, staff have determined that the proposal to update the Agreement is of low significance and therefore does not trigger a need for consultation.

Sustainability / Rautaki Whakauka

10. There are no sustainability considerations of the proposal at this time.

Financial and Resourcing / Mahere Pūtea

11. There are no financial and/or resourcing considerations of the proposal at this time.

Legal and Risk / Ture and Tūraru

12. There are no legal and/or risk considerations at this time.

Included attachments / Ngā ĀpitiHanga

13. [Attachment 1. Proposed Amendments to WRLC Agreement – Covering Report \(a report considered by the Joint Committee\)](#).
14. [Attachment 2. Wellington Regional Leadership Committee Joint Committee Agreement July 2021 \(proposed changes track changed\)](#).
15. [Attachment 3. Wellington Regional Leadership Committee Joint Committee Agreement July 2021 \('clean version' with proposed changes incorporated\)](#).

Date of report: 14 September 2021

Report writer:

Andrew Buchanan
Senior Governance Advisor

Approved by:

Vibhuti Chopra
Director Strategy, Partnerships and Growth

Wellington Regional Leadership Committee
1 July 2021
Report 21.272



For Decision

PROPOSED AMENDMENTS TO THE WELLINGTON REGIONAL LEADERSHIP COMMITTEE AGREEMENT AND TERMS OF REFERENCE

Te take mō te pūrongo

Purpose

1. To outline proposed amendments to the Wellington Regional Leadership Committee (the Committee) Agreement and Terms of Reference for consideration of the Committee.

He tūtohu

Recommendations

That the Committee:

- 1 **Agrees** to the recommended changes to the Agreement and Terms of Reference, being:
 - a. amend the section on limited voting rights by deleting the two Horowhenua based iwi and the Horowhenua District Council from this list and delete the accompanying table.
 - b. reflect the decision made at a meeting of the Mayors of Wairarapa and Wairarapa iwi/mana whenua organisations and the subsequent letters that were sent on 3rd March 2021 regarding Wairarapa iwi/mana whenua representation on the Joint Committee.
 - c. enable both iwi and crown/cabinet members to appoint an alternate who, in exceptional circumstances, could attend the Committee meetings as a member.
 - d. Include the ability for the Committee to adopt its own schedule of meetings.
- 2 **Agrees** to:
 - a. invite a small number of Members of Parliament to attend Committee meetings from time to time.
 - b. establish regular briefings for local Members of Parliament to provide them with information on the activity of the WRLC and for them to ask questions.
- 3 **Advises** the preferred option for accounting for Observers in the Agreement and Terms of Reference.
- 4 **Advises** any other changes to be recommended to the Agreement and Terms of Reference.

- 5 **Notes** that, if required, an updated Agreement and Terms of Reference will be brought to the next meeting of the WRLC for endorsement before being considered at meetings of each member Council.

Te tāhū kōrero/Te horopaki Background/Context

2. The Committee is a Joint Committee established under section 30A of the Local Government Act 2002 (LGA).
3. Clause 30A of Schedule 7 of the LGA provides that a local authority may not appoint a Joint Committee unless it has reached agreement with every other local authority or public body that is to appoint members of the committee.
4. This agreement was made in early 2021 by each of the ten councils who are party to the Agreement who formally agreed to appoint and establish the Wellington Regional Leadership Committee as a Joint Committee under clause 30 (1) (b) of Schedule 7 of the Local Government Act 2002 on the terms set out in the Joint Committee Agreement. This Agreement is attached as Attachment 1.
5. The Agreement provides for all partners including iwi and the Crown to sign the Agreement and Terms of Reference.
6. Subsequent to the Agreement being signed off by each council, a number of possible changes and improvements to the Agreement have been identified.
7. Any update to the Agreement and Terms of Reference will need to be signed off individually by all ten councils at a Council meeting and so it would be prudent to identify all possible changes to the Agreement and Terms of Reference at one time.
8. This paper outlines changes that have been identified to date and why these are proposed. Joint Committee members and their organisations may have other changes they would like considered also.

Te tātaritanga Analysis

9. The possible changes to the Agreement are identified below including the initial thinking related to the clause in the Agreement and the reason for proposing a change.

Membership voting on different part of the WRLC programme and agenda.

10. The section "*Expectations around member voting based on Committee programme and agenda*" in both the Agreement and the Terms of Reference was initially written to identify that aspects related to regional economic development would not include the Crown or those from Horowhenua (i.e. would only be local government and iwi from the Greater Wellington Region).
11. As work on both the Wellington Regional Growth Framework and Regional Economic Development have progressed, it has been clearer that with housing, transport and economic development being intrinsically linked, it would make sense for Horowhenua based members of the WRLC to be able to participate and vote on all matters of the

WRLC responsibilities – that is the Wellington Regional Growth Framework, regional economic development, and regional economic recovery.

12. Therefore it is recommended that the section on limited voting rights be amended to delete the two Horowhenua based iwi and the Horowhenua District Council and that the accompanying table also be deleted from both the Agreement and Terms of Reference.

Iwi membership

13. The Agreement and Terms of Reference as attached has the following iwi/mana whenua membership noted:
 - A person nominated by Rangitāne O Wairarapa Inc (Rangitāne O Wairarapa) and appointed by the Administering Authority.
 - A person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa) and appointed by the Administering Authority.
14. Following a meeting sponsored by the Mayor of Masterton and attended by the three Wairarapa Mayors, and iwi and rununga members from both Rangitāne and Ngāti Kahungunu, it was agreed that in terms of invitations to join the Joint Committee, invitations would be sent to:
 - Rangitāne Tu Mai Rā Trust and
 - Both Ngāti Kahungunu ki Wairarapa Trust and Ngāti Kahungunu ki Wairarapa Tamaki Nui ā Rua Settlement Trust, for them to select a nominee from one of these entities.
15. It is recommended that the Agreement and the Terms of Reference be amended to reflect the decision outlined in point 14 above and the subsequent letters that were sent on 3rd March 2021.

Alternates

16. The Agreement and Terms of Reference allows for the relevant local authority Mayor or Chair to appoint an alternate who, in exceptional circumstances where the Mayor or Chair is not able to attend a Committee meeting, is entitled to attend that Committee meeting as a member of the Committee (and appointed by the relevant local authority).
17. There is no ability under the current Agreement and Terms of Reference for iwi or the Crown/cabinet members to appoint an alternate.
18. It is recommended that the Agreement and the Terms of Reference be amended to enable both iwi and Crown/cabinet members to appoint an alternate who, in exceptional circumstances could attend Committee meetings as a member.
19. The definition of “exceptional circumstances” will be determined by the Committee.

Local Members of Parliament

20. There has been discussion regarding the ability for local Members of Parliament to attend Committee meetings and the extent to which they could participate in the WRLC meeting. This is to enhance political understanding and enable local champions within Government.

21. A number of initial options have been considered as part of this paper in case the option/s agreed required a change to this Agreement and Terms of Reference.
22. The options discussed are below, noting that there may also be other options.
 - a. Formally invite a small number of Members of Parliament to attend Committee meetings. They could speak in public comment and/or be asked to speak on a topic but would not be entitled to speak during the debate or vote. This would not require any changes to the Agreement and Terms of Reference.
 - b. Establish regular briefings for local Members of Parliament to provide them with information on the activity of the WRLC and for them to ask questions. This would not require any changes to the Agreement and Terms of Reference.
23. It is recommended that the Committee agrees to the suggestions in point 22 a. and b. above.

Adopting schedule of meetings

24. To make the process of adoption of the schedule of meetings for the Committee clearer the Agreement and Terms of Reference for the WRLC could include the ability for this Committee to adopt its own schedule of meetings.
25. It is recommended that the Agreement and Terms of Reference be amended to include the ability for the WRLC to adopt its own schedule of meetings.

Observers

26. The Agreement and Terms of Reference allow for a category of membership being "Observers". Particular Observers are currently listed in the Agreement and Terms of Reference – they are listed by organisation name. This is consistent with the Terms of Reference of other Joint Committees.
27. Observers currently have speaking rights but do not have voting rights.
28. People/organisations can speak at Committee meetings by either attending and speaking in public comment, undertaking a presentation on a topic as agreed by the Chair and/or by presenting on a particular paper on the agenda.
29. As any amendments to the Agreement and Terms of Reference need to be signed off by each council, it would be prudent to agree during this round of amendments, what the Agreement and Terms of Reference should say about Observers.
30. Possible ways to cover this are:
 - a. Include generic commentary regarding Observers and their role, speaking rights etc but do not list any. This could provide for Observers with speaking rights or no speaking rights.
 - b. Include generic commentary regarding Observers and their role, speaking rights etc and name key Observer organisations e.g. Urban Growth Partner organisations such as Ministry of Housing and Urban Development, Kainga Ora and Waka Kotahi. This could provide for Observers with speaking rights or no speaking rights.

- c. Do not make any changes and keep the Observer commentary and organisations in the Agreement and Terms of Reference as it currently is. This could provide for Observers with speaking rights or no speaking rights.
 - d. Remove the Observer category from the Agreement and Terms of Reference
31. It is recommended that the Committee agree their preferred option for accounting for Observers in the Agreement and Terms of Reference.

Ngā hua ahumoni

Financial implications

32. There are minimal financial implications regarding the recommendations in this paper. We will require legal input to update the Agreement and Terms of Reference.

Te hiranga

Significance

33. Officers considered the significance (as defined by part 6 of the Local Government Act 2002) of these matters, taking into account Greater Wellington's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers consider these matters are of low significance, due to their administrative matter.

Te whakatūtakitaki

Engagement

34. Engagement has been undertaken with the Senior Staff Group and the CEO Group for the Joint Committee on this matter. With the timing of the CEO meeting, any changes from the recommended changes in this paper will be tabled at the Joint Committee meeting.

Ngā tūāoma e whai ake nei

Next steps

35. If the Committee agrees to changes to the Agreement and Terms of Reference, officers will:
- a. Get legal input to update the Agreement and Terms of Reference
 - b. Provide a draft of an updated document to the Senior Staff Group and CEO Group for feedback
 - c. Table, if required, an updated Agreement and Terms of Reference to the next Committee meeting.
 - d. Once approved by the Committee, work with each of the ten partner councils to get the updated Agreement and Terms of Reference to individual council meetings for signoff.

Ngā āpitihanga**Attachment**

Number	Title
1	WRLC Agreement and Terms of Reference

Ngā kaiwaitohu**Signatories**

Writer	Kim Kelly, Programme Director Wellington Regional Growth Framework
Approver	Luke Troy – Kaiwhakahaere Matue Rautaki/General Manager, Strategy

Wellington Regional Leadership Committee

Joint Committee Agreement

July 2021

Wellington Regional Leadership Committee

Joint Committee Agreement

Purpose

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

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

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

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

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

~~Some of the parties to the Joint Committee are not intended to have any input or responsibility in respect of particular Joint Committee programmes. On this basis, it is expected that those members of the Joint Committee who represent those parties will not exercise their voting rights in certain circumstances.~~

~~This is set out in further detail below and in the Terms of Reference attached to this Agreement as **Appendix 1**.~~

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

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

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

Membership

The membership of the Joint Committee is comprised of:

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

The members of the Joint Committee may also include:

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

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

The territorial authorities that are parties to this agreement must appoint the relevant Mayor to be a member of the Joint Committee. This is so that those Mayors are counted for the

purposes of determining the number of members required to constitute a quorum – see clause 30A(6A) of Schedule 7 of the Local Government Act 2002.

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

The iwi that are parties to this agreement may, in addition to the appointment of the person nominated for each iwi and appointed by the ~~Administrating~~Administering Authority, each nominate ~~appoint~~ an alternate for appointment by the Administering Authority who, in exceptional circumstances where the ~~A~~appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

~~The Ministers, that are party to this agreement may, in addition to the appointment of the person nominated by the Crown and appointed by the ~~Administrating~~Administering Authority, may each ~~appoint~~ nominate an alternate for appointment by the Administering Authority who, in exceptional circumstance where the ~~A~~appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.~~

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

General

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

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

Expectations around member voting based on Joint Committee programme and agenda
When the Joint Committee is addressing matters that are not within the Wellington Regional Growth Framework programme, it is expected that the ~~following members of the Joint~~

~~Committee Ministers of the Crown~~ will not exercise their voting rights (and may elect not to attend the relevant meetings or parts of meetings):

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

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

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

Relevant members	Relevant programme		
	Wellington Regional Growth Framework	Regional Economic Development	Regional Economic Recovery
Person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)	✓		
Persons nominated by the Crown (Cabinet)	✓		
Mayor of Horowhenua District Council	✓		

Observers

The Joint Committee allows for observers. Observers will be entitled to speak at meetings but will not be members of the Joint Committee.

Regional economic development programme

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

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

Regional economic recovery programme

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

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

Wellington Regional Growth Framework programme

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

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

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

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

Meeting Frequency

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

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

Specific Responsibilities

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

Wellington Regional Growth Framework

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

7. Develop submissions and advocate to external organisations on matters relating to the Wellington Regional Growth Framework.
8. Engage with neighbouring regions on cross-boundary matters relating to the Wellington Regional Growth Framework.

Regional Economic Development

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

Regional Economic Recovery

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

Delegations

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

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

2-3. The setting of the Joint Committee's meeting schedule.-

Responsibilities

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

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

Administration Funding

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

Horowhenua District Council will make an annual funding contribution on a proportional population basis. This funding contribution is calculated by dividing the total annual amount levied through the Wellington Region targeted rate by the total population of the Wellington Region, to arrive at a per capita amount, and then multiplying that per capita amount by the population of Horowhenua District to determine the annual Horowhenua District Council contribution.

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

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

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

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

Variation of this Agreement

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

EXECUTION

SIGNED for and on behalf of
CARTERTON DISTRICT COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of
HOROWHENUA DISTRICT COUNCIL:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of **MASTERTON DISTRICT COUNCIL:**

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of
WELLINGTON REGIONAL COUNCIL:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of RANGITĀNE TŪ MAI RĀ TRUST RANGITĀNE O WAIRARAPA:

Signature

Name of person signing

SIGNED for and on behalf of NGĀTI KAHUNGUNU KI WAIRARAPA TRUST (NGĀTI KAHUNGUNU KI WAIRARAPA) ORAND NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI Ā RUA SETTLEMENT TRUST NGĀTI KAHUNGUNU KI WAIRARAPA:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

Appendix 1: Wellington Regional Leadership Committee Terms of Reference

Purpose

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

The Wellington Regional Leadership Committee (Joint Committee) is a ~~J~~oint-~~C~~ommittee, established in accordance with clauses 30 and 30A of Schedule 7 to the Local Government Act 2002.

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

Specific Responsibilities

The Wellington Regional Leadership Committee specific responsibilities include:

Wellington Regional Growth Framework

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

Regional Economic Development

1. Provide leadership in regional economic development, including establishing partnerships with key agencies involved in economic development. Acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a regional economic development plan to guide the collective work of the region, in line with the desired future outlined in the Wellington Regional Growth Framework.

3. Monitor and report on the status of the regional economy, emerging risks and opportunities and progress towards the implementation of the regional economic development plan and transition to a low carbon economy.
4. Develop submissions and advocate to external organisations on matters relating to regional economic development.
5. Recommend to Greater Wellington Regional Council (as a joint shareholder of Wellington NZ) the allocation of the regional targeted rate for economic development to initiatives and activities based on the regional economic development plan.

Regional Economic Recovery

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

Membership

The membership of the Joint Committee is comprised of:

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

The members of the Joint Committee may also include:

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

- a person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa) ~~and~~ Ngāti Kahungunu ki Wairarapa Tamaki Nui ā Rua Settlement Trust and appointed by the Administering Authority
- a person nominated by Raukawa ki te Tonga and appointed by the Administering Authority
- a person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai) and appointed by the Administering Authority
- a person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū) and appointed by the Administering Authority
- up to three persons nominated by the Crown (Cabinet) and appointed by the Administering Authority

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

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

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

The iwi that are parties to this agreement may, in addition to the appointment of the person nominated for each iwi and appointed by the Administering Authority, each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstances where the appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

The Ministers, nominated by the Crown and appointed by the Administering Authority, may each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstance where the appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

~~The iwi that are parties to this agreement may, in addition to the appointment of the person nominated for each iwi and appointed by the Administating Authority, appoint an alternate who, in exceptional circumstances where the Appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.~~

~~The Ministers that are party to this agreement may, in addition to the appointment of the person nominated by the Crown and appointed by the Administating Authority, appoint an alternate who, in exceptional circumstance where the Appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.~~

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

General

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

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

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

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

Relevant members	Relevant programme		
	Wellington Regional Growth Framework	Regional Economic Development	Regional Economic Recovery
Independent chairperson	✓	✓	✓

Chair of Wellington Regional Council	✓	✓	✓
Mayor of Wellington City Council	✓	✓	✓
Mayor of Porirua City Council	✓	✓	✓
Mayor of Kapiti Coast District Council	✓	✓	✓
Mayor of Hutt City Council	✓	✓	✓
Mayor of Upper Hutt City Council	✓	✓	✓
Mayor of South Wairarapa District Council	✓	✓	✓
Mayor of Masterton District Council	✓	✓	✓
Mayor of Carterton District Council	✓	✓	✓
Person nominated by Te Rūnanga o Teo Rangatira Inc (Ngāti Teo Rangatira)	✓	✓	✓
Person nominated by the Port Nicholson Block Settlement Trust (Taranaki Whānui)	✓	✓	✓
Person nominated by Rangitāne o Wairarapa Inc (Rangitāne o Wairarapa)	✓	✓	✓
Person nominated by Ngāti Kahungunu ki Wairarapa Trust (Ngāti Kahungunu ki Wairarapa)	✓	✓	✓
Person nominated by Raukawa ki te Tonga	✓	✓	✓
Person nominated by Āti Awa ki Whakarongotai Charitable Trust (Ātiwawa ki Whakarongotai)	✓	✓	✓
Person nominated by Muaūpoko Tribal Authority Inc (Muaūpoko hapū)	✓		
Persons nominated by the Crown (Cabinet)	✓		
Mayor of Horowhenua District Council	✓		

Observers

The Joint Committee allows for observers. Observers will be entitled to speak at meetings but will not be members of the Joint Committee.

Regional economic development programme

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

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

Regional economic recovery programme

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

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

Wellington Regional Growth Framework programme

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

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

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

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

Voting

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

Meetings

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

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

Need to add para re ability of WRLC to agree its own meeting dates The Joint Committee will set its own meeting schedule.

Quorum

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

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

Delegations

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

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

Remuneration and expenses

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

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

An alternate, attending the Joint Committee on behalf of an iwi member, shall be eligible to receive the meeting fee and travel allowances payable to the member in respect of the meeting the alternate formally attends.

Standing Orders

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

Duration of the Joint Committee

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

Servicing

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

Council decisions on the Joint Committee's recommendations

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

Variation of this Terms of Reference

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

Wellington Regional Leadership
Committee
Joint Committee Agreement
July 2021

Wellington Regional Leadership Committee - Joint Committee Agreement

Purpose

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

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

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

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

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

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

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

Membership

The membership of the Joint Committee is comprised of:

- the Mayor of Carterton District Council
- the Mayor of Horowhenua District Council
- the Mayor of Hutt City Council
- the Mayor of Kāpiti Coast District Council
- the Mayor of Masterton District Council
- the Mayor of Porirua City Council
- the Mayor of South Wairarapa District Council
- the Mayor of Upper Hutt City Council
- the Mayor of Wellington City Council
- the Chair of Wellington Regional Council

- a person nominated by the Joint Committee itself and appointed by the Administering Authority to be the independent chairperson of the Joint Committee

The members of the Joint Committee may also include:

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

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

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

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

The iwi that are parties to this agreement may, in addition to the appointment of the person nominated for each iwi and appointed by the Administering Authority, each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstances where the appointed person is not able to attend a Joint Committee meeting, is entitled to

attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

The Ministers, nominated by the Crown and appointed by the Administering Authority, may each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstance where the appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

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

General

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

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

Expectations around member voting based on Joint Committee programme and agenda

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

Observers

The Joint Committee allows for observers. Observers will be entitled to speak at meetings but will not be members of the Joint Committee.

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

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

Meeting Frequency

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

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

Specific Responsibilities

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

Wellington Regional Growth Framework

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

Regional Economic Development

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

Regional Economic Recovery

1. Provide leadership in regional economic recovery, including establishing partnerships with key agencies involved in recovery, acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a programme of regional economic recovery initiatives, which incorporate alignment with the region's climate change goals.

3. Coordinate the implementation of a programme of regional economic recovery initiatives through local authorities, council controlled organisations and other partners.
4. Monitor and report on the impacts of regional economic recovery on the region, emerging risks and opportunities and progress towards implementation of the programme of regional economic recovery initiatives.
5. Develop submissions and advocate to external organisations on matters relating to regional economic recovery including developing regional proposals for partnerships and funding assistance.

Delegations

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

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

Responsibilities

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

Party	Responsibilities
Wellington Regional Leadership Committee	Decision making related to the Specific Responsibilities in this agreement and TOR; Joint regional voice and advocacy; Select and nominate the independent chairperson (for appointment to the Joint Committee by the Administering Authority); Agree 3 year rolling work programme consistent with WRGF, Economic Plan and other relevant directional documents.
Independent Chairperson	Chair the Joint Committee meetings; Approve attendance as required in public excluded sessions; Approve speaking rights as required at Joint Committee meetings; Liaise with members of the Joint Committee as required Approve (in consultation with the Senior Staff Group) content of meeting agendas.
Chief Executives Group	Provide support and advice to the Joint Committee; Agree funding amounts and splits (rolling 3-year programme).
Senior Staff Group (2 nd Tier Managers)	Recommend work programme to the Joint Committee;

Party	Responsibilities
	Recommend funding arrangements and allocations; Manage reports to the Joint Committee; Review work being undertaken and recommend changes if required; Align work programmes within home organisations.
Joint Secretariat	Coordinate the work of the Joint Committee (in consultation with the independent chairperson); Provide administrative support to the Joint Committee on all aspects of its business; Lead work streams as required; Manage joint communications and consultation; Support the work of the Joint Committee, including monitoring, research and independent advice as required.
Delivery agencies e.g. Councils, Council Controlled Organisations	Provide information and research; Draft papers for the Joint Committee; Attend meetings as required; Deliver aspects of the work programme (e.g. economic development activities).
Administering Authority	Administer standing orders; Employing joint secretariat staff; Payment of the meeting fees and independent chairpersons honorarium; Appointing members to the Joint Committee (who are to be appointed by the Administering Authority).

Administration Funding

Funding will be provided by the Wellington Region's local authorities for the administration of the Joint Committee, a new joint secretariat, and iwi participation in the Joint Committee through a regional targeted rate set by Greater Wellington Regional Council. .

Horowhenua District Council will make an annual funding contribution on a proportional population basis. This funding contribution is calculated by dividing the total annual amount levied through the Wellington Region targeted rate by the total population of the Wellington Region, to arrive at a per capita amount, and then multiplying that per capita amount by the population of Horowhenua District to determine the annual Horowhenua District Council contribution.

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

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

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

Variation of this Agreement

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

EXECUTION

SIGNED for and on behalf of
CARTERTON DISTRICT COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of
HOROWHENUA DISTRICT COUNCIL:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of **MASTERTON DISTRICT COUNCIL**:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of
WELLINGTON CITY COUNCIL:

Signature

Name of person signing

SIGNED for and on behalf of
WELLINGTON REGIONAL COUNCIL:

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

SIGNED for and on behalf of **RANGITĀNE
TŪ MAI RĀ TRUST**

Signature

Name of person signing

SIGNED for and on behalf of **NGĀTI
KAHUNGUNU KI WAIRARAPA TRUST
(NGĀTI KAHUNGUNU KI WAIRARAPA)
AND NGĀTI KAHUNGUNU KI
WAIRARAPA TAMAKI NUI Ā RUA
SETTLEMENT TRUST:**

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

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

Signature

Name of person signing

Appendix 1: Wellington Regional Leadership Committee Terms of Reference

Purpose

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

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

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

Specific Responsibilities

The Wellington Regional Leadership Committee specific responsibilities include:

Wellington Regional Growth Framework

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

Regional Economic Development

1. Provide leadership in regional economic development, including establishing partnerships with key agencies involved in economic development. Acknowledging that constituent local authorities also have leadership roles within their cities and districts.
2. Develop and keep up to date a regional economic development plan to guide the collective work of the region, in line with the desired future outlined in the Wellington Regional Growth Framework.

3. Monitor and report on the status of the regional economy, emerging risks and opportunities and progress towards the implementation of the regional economic development plan and transition to a low carbon economy.
4. Develop submissions and advocate to external organisations on matters relating to regional economic development.
5. Recommend to Greater Wellington Regional Council (as a joint shareholder of Wellington NZ) the allocation of the regional targeted rate for economic development to initiatives and activities based on the regional economic development plan.

Regional Economic Recovery

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

Membership

The membership of the Joint Committee is comprised of:

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

The members of the Joint Committee may also include:

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

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

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

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

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

The iwi that are parties to this agreement may, in addition to the appointment of the person nominated for each iwi and appointed by the Administering Authority, each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstances where the appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

The Ministers, nominated by the Crown and appointed by the Administering Authority, may each nominate an alternate for appointment by the Administering Authority who, in exceptional circumstance where the appointed person is not able to attend a Joint Committee meeting, is entitled to attend that Joint Committee meeting as a member of the Joint Committee. The appointment of alternates does not affect the normal calculation of a quorum.

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

General

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

Expectations around member voting based on Joint Committee programme and agenda

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

Observers

The Joint Committee allows for observers. Observers will be entitled to speak at meetings but will not be members of the Joint Committee.

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

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

Voting

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

Meetings

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

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

The Joint Committee will set its own meeting schedule.

Quorum

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

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

Delegations

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

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

Remuneration and expenses

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

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

An alternate, attending the Joint Committee on behalf of an iwi member, shall be eligible to receive the meeting fee and travel allowances payable to the member in respect of the meeting the alternate formally attends.

Standing Orders

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

Duration of the Joint Committee

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

Servicing

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

Council decisions on the Joint Committee's recommendations

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

Variation of this Terms of Reference

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



Extraordinary Council | 22 September 2021

UHCC Event Strategy and UHCC Event Fund Disbursement Policy

Purpose of report / Te Pūtake

1. The purpose of this report is to present the draft UHCC Event Strategy and draft Event Fund Disbursement Policy for adoption by Council.

Recommendations / He Tūtohunga

2. It is recommended that Council:
 - (i) receives the UHCC Event Strategy and Event Fund Disbursement Policy report,
 - (ii) adopts the UHCC Event Strategy 2021-2026, and
 - (iii) adopts the UHCC Event Fund Disbursement Policy.

Background / Papamuri

3. The Draft Upper Hutt City Events Strategy 2021-2026 aims to set out Council's strategic direction with regard to delivering, supporting and investing in events.
4. Council has been supporting smaller community events for a few years now through a contestable 'events fund'. The Draft Event Fund Disbursement Policy documents the guidelines for administering this contestable pool of funds, to support a limited number of events each year.
5. The Event Strategy and Event Fund Disbursement Policy will give direction, structure and guidance for how Council will deliver and support events.

Discussion & Options / Te Matapaki Me Ngā Kōwhiringa

6. The Local Government (Community Wellbeing) Amendment Act reinstated the promotion of social, economic, environmental and cultural wellbeing of communities to the statutory purpose of local government. Council understands the important role events play in supporting the desired outcomes of this Act.
7. In a few different surveys carried out regionally as well as specific to Upper Hutt over the last 2-3 years, our community has expressed that events are important to our residents, for a variety of reasons.
8. Council 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 and is contained within the draft UHCC Events Strategy.

9. The draft Events Fund Disbursement Policy aims to set out the conditions and criteria that will be used for the provision of funds. 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.

Significance and Engagement Assessment / Te Tino Aromatawai

10. Let's Korero Engagement 2020 and MI Associates Local Economy Recovery 2020 research obtained public feedback on events in Upper Hutt. This has been incorporated in the development of the Strategy and Policy.
11. The Strategy and Policy have low-moderate significance as they have been developed in the main to provide documented direction, structure and guidance to established practice.
12. Given the significance assessment, it is suggested that informing stakeholders (directly) and the community generally is the appropriate form of engagement. Stakeholders will be provided with the relevant documentation and Assessment Criteria to give full transparency.

Sustainability / Rautaki Whakauka

13. The implications of this decision would further support positive sustainability initiatives.
14. One of the six Events Strategy objectives focuses on kaitiakitanga, guardianship of the land. Events that protect and enhance our City's natural environment.
15. Event Fund Assessment Criteria assess events on zero waste, waste minimisation plans, use of public transport and attendee education on kaitiakitanga and environment.

Financial & Resourcing / Mahere Pūtea

16. There are no financial implications as budgets are in place as per the Long Term Plan 2021-2031. This work confirms the direction for how funds will be allocated.

Legal & Risk / Ture & Tūraru

17. There are no legal implications at this time.

Included attachments / Ngā Āpitianga

18. [Attachment 1. Draft Event Strategy 2021-2026](#)
19. [Attachment 2. Draft Event Fund Disbursement Policy](#)

Date of report: 9 September 2021

Reporter writer:

Chris Costley
Communications and Marketing Manager

Approved by:
 Vibhuti Chopra
Director, Strategy Partnerships and Growth



Draft Upper Hutt City Council Events Strategy 2021-2026

Contents

- Foreword from the Mayor (*tbc*)
- Introduction
- Situation Analysis
- Purpose
- Principles
- Events Vision
- Objectives
- Value Proposition
- Partnership
- Our Commitment
- Event Categories

Introduction

This Upper Hutt City Events Strategy 2021-2026 aims 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.

In addition, the Local Government (Community Wellbeing) Amendment Act reinstated the promotion of social, economic, environmental and cultural wellbeing of communities to the statutory purpose of local government, and Council understands the important role events play in supporting the desired outcomes of this Act.

Situation Analysis

Events improve the liveability and character of Upper Hutt, making it an attractive and enjoyable city for residents and visitors alike. Events are important for community wellbeing as they build feelings of belonging, identity and a sense of pride in our city and help to grow awareness of our diverse community.

Council currently supports local events through a contestable fund and through operational assistance by way of event promotion. In addition, they support regionally significant events and deliver a small number of Council led events such as Anzac Dawn Service and Parade and Santa Parade.

The City boasts a wide range of open spaces, including venues for large scale rugby, football and cricket competitions. There are also venues that have capacity to host events of up to 20,000 attendees.

Upper Hutt residents' views reiterate that events drive positive outcomes for the region. They see the importance of hosting major events, recognising how they bring in jobs and money to the region. 97% of Upper Hutt residents believe it is either important or very important for the Wellington region to host events, and 72% also believe that Council investing ratepayer funds in events is reasonable.

Events preferred by Upper Hutt residents include large-scale music concerts, food and wine festivals, professional sporting events, open-air cinemas, outdoor visual/lighting exhibitions, and mass participation events (individual or team).¹

Exhibitions and mass participation events already perform well for our City. National and school level competitions engage a large number of participants who travel to the region for a considerable number of days. School aged participants are often accompanied by parents and siblings, who further contribute to the event related expenditure spent in the region.

Covid-19 has resulted in the need for events to be much more agile and has seen many operate in a new way whilst still achieving key outcomes. The move to online forums has increased, however there is an acknowledgement that online events will never be able to replace the benefits of face-to-face interactions and in-person experiences.

Purpose

Events can deliver immediate economic results, long-term reputational benefits and support our communities to prosper. They are part of what makes Upper Hutt City a special place to live, work and visit, contributing to community connectivity and well-being.

This document outlines Council's overall approach to delivering, supporting and investing in events for the next 5 years (2021 – 2026). The approach aligns to the following community outcomes identified in Council's Long-Term Plan:

Social and Cultural

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

Environment

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

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.

For event organisers, this strategy provides guidance as to the following:

¹ MI Associates: Local Economy Recovery – Event Planning Report May 2020

- The results and benefits Council are seeking to generate from investing in events;
- The type of events Council will invest in;
- A prioritization framework for these results and benefits.

Principles

When preparing this strategy, it is important to acknowledge the guiding principles:

- Empower and enable the community;
- Provide opportunities for local businesses and organisations;
- Recognise and appreciate the artistic and cultural diversity within the sector;
- Increase awareness and knowledge of the value events bring to Upper Hutt;
- Acknowledge the role of Tangata Whenua and the importance of the Treaty of Waitangi;
- Take advantage of existing physical strengths and built infrastructure;
- Support and encourage collaboration and sharing for better use of resources and sustainability;
- Be accessible and inclusive, considering the views of all ages, cultures, abilities and socio-economic groups;
- Anticipate and plan for the benefit of future generations;
- Take account of technological trends that can enhance the sector.

Events Vision

To enhance the identity of our City, stimulate a prosperous, proud and vibrant community.

Objectives

- Achieve staged growth of an events portfolio designed to maximise opportunities, provide measurable economic outcomes for our City, and growing the visitor economy;
- Strengthen aspects of Upper Hutt City and HuttValleyNZ's brand positioning that will showcase industry, culture and community and will reinforce pride in our city;
- 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 directly or indirectly benefit from events;
- A strong emphasis on Kaitiakitanga – guardianship of the land. Events that protect and enhance our City's natural environment;
- Generate positive legacy outcomes that benefit future generations.

Value Proposition

The beautiful natural environment, close proximity to Wellington City and diverse range of quality venues and spaces makes Upper Hutt an attractive and versatile destination for hosting events. In addition, Upper Hutt is recognised as a great place for families and for people who enjoy the outdoors.

Upper Hutt boasts some distinct and emerging advantages in the events industry to exploit. Its value proposition lies in:

- Proximity to Wellington;
- Natural assets as Wellington's Wild backyard;
- An increase in local community and businesses wanting to collaboratively support events and/or associated industries;
- The urban drift from Wellington to the Hutt Valley;
- Unique successful facilities including Wellington Racing Club, Brewtown, Whirinaki Whare Taonga, Trentham Memorial Park and Maidstone Park.

The existing strength and clear positions of Upper Hutt City Council's and HuttValleyNZ's brand and associated channels provide an attractive promotional support network for event organisers looking to reach audiences locally, regionally and nationally.

Partnership

The Council is only one player in delivering a vibrant calendar of events which will achieve the ambitious objectives identified by this strategy. The City has a wide and varied range of stakeholders directly and indirectly linked to the events sector. They encompass individuals, iwi, not-for-profit organisations and commercial operators as well as the Council.

The Council recognises and acknowledges the important part played by:

- Individuals who volunteer their time and energy in a wide range of events and related activities;
- Individuals and businesses who provide commercial services that support participation in the sector;
- Iwi, individuals, groups and societies that contribute in a wide range of activities providing rich knowledge and experiences;
- The nationwide events eco-system and WellingtonNZ who play a lead regional role in major events;
- Funders, both financial and in kind;

Our Commitment

To achieve the vision of this strategy for Upper Hutt, Council will enable, empower and advocate for the following action items with the support of internal and external stakeholders.

- A healthy partnership between events sector, the community and Upper Hutt City Council.
- Showcasing and supporting local talent, organisations and businesses.

- Secure staged investment in events to rival comparable regional cities.
- Work with all internal touchpoints with a view to provide the most nimble and user-friendly event hosting and support process of any Council in New Zealand.
- Ensure Council's investment in events is transparent with a clear investment criteria and selection process. Consistent accountability for event results in order to increase confidence amongst rate payers. Transition to event investment being approached as strategic investment that delivers a very significant return on investment for a broad range of key stakeholders.
- Demonstrate regional leadership and advocacy, including being a contributor to regional initiatives which support the industry and align with this strategy.
- Build and retain a skilled, motivated and healthy workforce and volunteer base.
- Review of current Council led and supported events to align with this strategy.

Event Categories

In order 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 and objectives. The categories are:

- Signature Events
- Large Events
- Regional Events
- Local Community Events

Separate to these event categories lie the Civic Events and other events currently led by Council such as Anzac Dawn Service and Parade and the annual Santa Parade.

Whilst Council recognises the growing online events sector and its value, at this stage it is not an area of focus for investment. If an online event is being planned that benefits Upper Hutt and aligns with the Events Strategy objectives, support in other ways like promotion may be available via an application to the Event Fund.

A balanced events portfolio will include a mix of recurring and one-off events in the city, recognising that both play a vital role in growing city vibrancy, reputation and diversity of experiences.

Each event will be assessed under the category to which it naturally aligns to by way of its characteristics or objectives.

At a minimum, all events receiving support from Council must:

- Support Council's long term vision and principles identified in this strategy;
- 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.

Each category can be defined as:

Signature Events

A Signature Event aligns strongly with five or more of the strategy objectives, with measurable economic outcomes and growing the visitor economy being at least one of the five.

The opportunity to secure a Signature Event won't come along every day, but when it does the Council may choose to provide increased support and/or investment to secure the opportunity and reap the benefits accompanying this event for the City.

A partnership approach with measurable key performance indicators will be set, and reporting requirements put in place to monitor delivery of progress and ensure Council support and possible investment is protected.

At a minimum, a Signature Event must:

- 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 HuttValleyNZ's brand positioning.

NOTE:

Signature Event funding decisions are made by passing a resolution at meeting of the full Council.

The Signature Event category treated on a case-by-case basis and not in the annual Event Fund round.

Large Events

A Large Event must align with four of the six strategy objectives, with measurable economic outcomes and growing the visitor economy being at least one of the four objectives.

At a minimum, a Large Event must:

- 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

A Regional Event is one that aligns with three of the six strategy objectives but doesn't necessarily fully have to take place in Upper Hutt.

Whilst benefits that aligns with the strategy objectives are derived for the City, the core of the event may be physically based somewhere else in the region. However, an event with Regional appeal based in Upper Hutt will carry a higher support weighting.

At a minimum, a Regional Event must:

- Be regionally significant;

- Have some 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 Events

A Local Community Event is largely community led with a targeted appeal or focus on a special interest area, sector of the community or geographical space. This also covers the delivery of not for profit events and has an expectation of being accessible and inclusive.

A Local Community Event must align with at least three of the following strategy objectives:

- 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 directly or indirectly 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.



Draft Event Fund Disbursement Policy

1. Commencement

This policy comes into effect on [date] 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.

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 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 2021-26.

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: [DRAFT Upper Hutt City Council Events Strategy 2021-2026]

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.

4. Scope and exclusions

This Policy applies to the administration of the Event Fund.

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.

6. Policy Statements

6.1 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.

6.2 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.

6.2 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)?

6.3 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

6.5 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.

6.6 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.



Extraordinary Council | 22 September 2021

Appearance Industries Bylaw

Purpose of Report / Te Pūtake

1. The purpose of this report is to inform the Committee of the views obtained from pre-consultation with stakeholders, and present to Council the research, reasons and information to consider introducing a new Appearance Industries Bylaw (Bylaw).

Recommendations / He Tūtohunga

2. It is recommended that Council:
 - (i) Receives this Appearance Industries Bylaw report;
 - (ii) Agrees to proceed with consulting on the introduction of an Appearance Industries Bylaw;
 - (iii) Adopts the Statement of Proposal - Appearance Industries Bylaw and the Summary of Information, for the purpose of consulting with the public;
 - (iv) Approves officers to make any amendments to the final design of the final consultation documents as a result of this meeting.

Background / Papamuri

3. Every year there are multiple injuries caused by commercial 'personal appearance' treatments. These injuries include minor skin irritations, fungal infections, communicable diseases, loss of eyesight, loss of limbs, life-threatening conditions, and even fatalities.
4. A [paper published by Regional Public Health](#) (RPH) in 2011 detailed two cases of life-threatening cellulitis in Lower Hutt. A survey of general practitioners and emergency departments found another eight cases, which all involved tattooing.
5. In 2017, RPH [completed a survey](#) of 57 nail and beauty salons across the Greater Wellington region, including the Hutt Valley. Their assessment was that there was a lack of operator knowledge of the risks involved, and inadequate infection control was prevalent among the nail industry at the time of the survey. Only seven (12%) of these businesses demonstrated adequate disinfection, sterilisation and storage of equipment. A significant proportion of the salon's staff had no formal qualifications.
6. It appears that while many operators have adequate training and good practices in place to prevent clients from harm or infections, some operators do not. Additionally, some operators are not aware that the way they are doing things is no longer considered 'good health practice'.
7. Many of the nail and beauty salons in the Wellington region contacted by RPH were very supportive of some form of regulation to help improve awareness of the risks, and public health standards within their industry.

8. Injuries relating to harm caused by the Appearance Industries can cause personal pain and trauma, incur costs for medical treatments, and also result in a loss of pay due to time off work.
9. The following table shows the number of registered ACC claims resulting from such treatments across New Zealand for the five-year period of 2012-2016, and how this relates to the previous period:

Cause	No. of injuries	% change
Tattoo	676	20% increase
Piercing	1,422	12% increase
Massage	69,120	61% increase
Manicure/Pedicure	140	36% increase
Acupuncture	1-3	No change
Electrolysis	1-3	No change
Hair removal	152	41% increase
Exfoliation	23	100% increase
Sunbeds	3-9	8% increase
Laser	78	7% increase

NOTE: for values of less than 10 in any given field, these are not publicly reported at a detailed level as this data may be too granular and could potentially be used to reveal sensitive information about the individual or the operator. Hence, they are reported as "1-3" or "3-9".

10. The following table shows the number of registered ACC claims in Upper Hutt for injuries resulting from similar treatments for the years 2017 through to 2021 (*as of 22 June 2021):

Cause \ Year	2017	2018	2019	2020	2021 (partial-year*)
Massage	1-3		1-3	1-3	1-3
Tattoo	1-3	1-3	1-3	1-3	
Manicure/pedicure	1-3	1-3			
Ear piercing		1-3		1-3	1-3
Body piercing	1-3				
Exfoliation			1-3		
Hair removal					1-3

11. In addition to those cases relating to ACC claims, or reported to general practitioners and emergency departments, there could be many more unrecorded instances where commercial beauty treatments have caused personal injuries to clients and/or staff.
12. Unlike many other countries, there is currently no central government legislation in New Zealand that regulates the appearance industries. Several councils and Taituarā (Local Government Professionals Aotearoa) have been in discussion with the Ministry of Health on this topic for some time. However, central government has not indicated that there are any plans in the foreseeable future to enact any nationwide legislation to address the public health issues raised.
13. [Section 145](#) of the Local Government Act 2002 (LGA) allows councils to adopt a bylaw in order to protect, promote and maintain public health within their districts.
14. [Section 64](#) of the Health Act 1956 (HA) allows councils to adopt a bylaw, under the LGA, in order to improve, promote, or protect public health within their districts.
15. Following the 2017 survey by RPH mentioned previously, Medical Officer of Health, Dr Annette Nesdale, said that "Many councils have already brought in local bylaws to protect the community". Over the last decade, 15 other councils across New Zealand have already adopted some form of "health and hygiene" bylaw to regulate Appearance Industry providers. This is in response to public health issues such as the "inconsistent protection from health and hygiene risks for persons

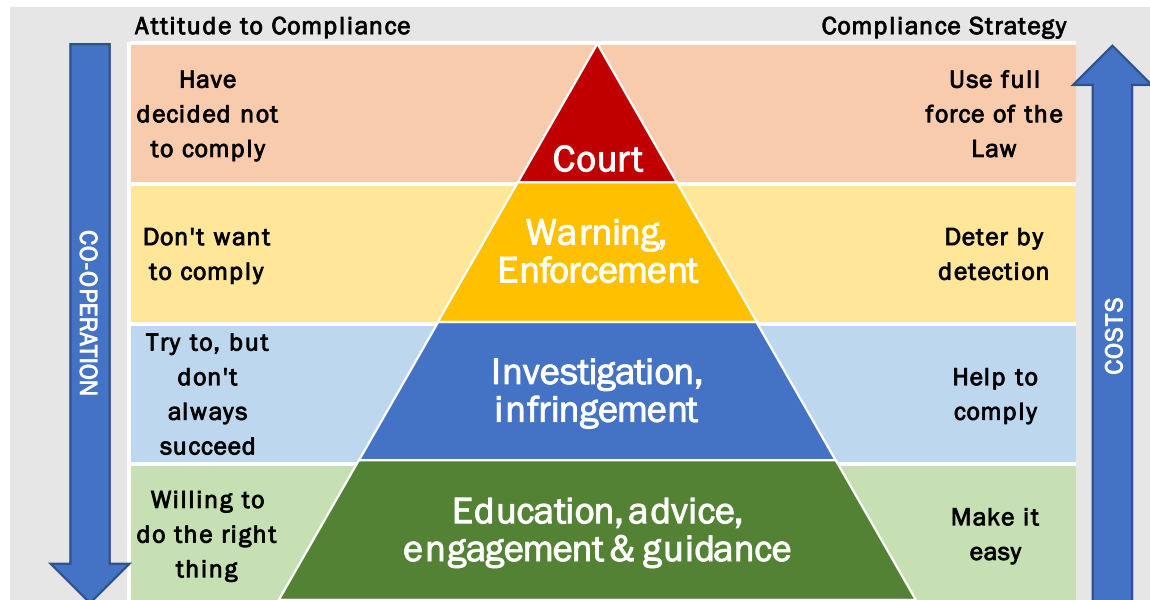
using or administering services that pierce the skin, risk breaking the skin, risk burning the skin, or involve risks of infection.”

16. In terms of Scope, most of these bylaws cover some form of controls over the following treatments, which might pierce, break or burn the skin, or cause infection:
Derma-rolling/stamping, electrolysis, exfoliation, extractions, hair removal, laser treatment and pulsed-light treatment, tattoos, red-vein treatment, massage, facials, cosmetic clinics and spas, manicure and pedicures, nail clinics, and ear/body piercings.
17. These practices may pose a range of health risks to the public, which include the following:
- blood-borne infection (e.g. *hepatitis B* and *C*, HIV)
 - bacterial infections (e.g. *staphylococcus*)
 - fungal infections (e.g. *tinea*, *candida*)
 - gastrointestinal infection (e.g. *campylobacter*, *E. coli*)
 - cancers (e.g. melanoma from sunbed use)
 - allergic reactions and chemical poisoning (e.g. piercing metals, tattoo ink, glue/solvents, hair products)
 - burning and damage to skin, tissue and eyes (e.g. laser, intense pulsed-light)
 - physical injury to the body (e.g. damage to eyesight, tissue/organ damage, damage to lungs from inhalation of dust and/or solvents).
18. Hairdresser and Barbers, registered Medical Practitioners, Pharmacies undertaking ear-piercings, and some Acupuncturists already have their own standards to adhere to, and have therefore been excluded from the scope of these bylaws. Details of this is included in the recommended bylaw.
19. The practice of traditional Māori tattooing (*tā moko*) is considered to be a *taonga* (treasure), which is therefore protected under Article 2 of [Ti Tiriti o Waitangi](#). To retain *tinō rangatiratanga* (self-determination) by *mana whenua*, *tā moko* has therefore been excluded from the scope of several councils' bylaws. *Tā moko* is usually performed by experienced practitioners of the art (*tohunga tā moko*). They are encouraged to follow the relevant sections on hygiene in the bylaw, wherever possible, as a best practice guide, whilst still respecting the *tikanga Māori* (cultural traditions) of *tā moko*. Details of this are included in the recommended bylaw.
20. Key elements of other council's bylaws include the following, in some form or other:
- Verification and Licensing (on an annual basis) based on a physical visit, and assessment of the premises, staff training records and any processes in place to evaluate and control risks. There will usually be a fee payable to Council for the administration of this task. Licences should be displayed in a prominent position for clients to be able to see them.
 - Premises should be fit-for-purpose, suitably maintained, and kept hygienic. They should be adequately lit and ventilated, and chemicals shall be stored in a safe manner.
 - General good practices and staff conduct should be demonstrated, including adequate training, along with good personal hand-hygiene, and disposal of contaminated materials.
 - Cleaning, disinfection and sterilisation of tools should be conducted using suitable techniques, and equipment which is regularly maintained.
 - Records should be kept, confidentially, of the client's consent, contact details, any pre-existing medical conditions, and procedures undertaken.
 - In addition to the above, there are usually specific requirements for certain specific high-risk activities, such as certain beauty treatments, tattooing and piercings.

Discussion / Te Matapaki

21. Having a Bylaw in place allows for various controls to be exercised in order to protect public health. As an example, annual verifications by Council are a pro-active tool to help operators maintain their premises and processes, in order to reduce the risks of harm to staff and clients. Council Officers can assess the physical premises and operating practices being undertaken, and if necessary, make Corrective Action Recommendations (CARs) which operators should address in a timely manner.
22. As a modern regulator, Council's approach to compliance is focused on monitoring and assurance. This can be represented in the following figure, which prioritises the use of resources on guiding and encouraging compliance rather than penalising breaches:

Figure 1.



23. Premises displaying a valid licence would help to differentiate businesses who have demonstrated that they meet the bylaw's standards, from those who operate "under the radar". Over time, this is hoped to help support the public's perception of those businesses which can demonstrate a level of assured good hygiene practices.

Options / Te Kōwhiringa

24. There are three different approaches which Council could take, if it chooses to address the perceived public health issues regarding the appearance industry's services:
25. **Option 1: Bylaw with a schedule of Prescribed Practices (RECOMMENDED)**
26. This is a moderate approach, which uses a more succinct bylaw, including details for certain higher-risk treatments. The draft bylaw, included as [Attachment 1](#) to this report, is based on similar bylaws already adopted by 10 other councils, but it has been restructured and reworded to make it easier to follow, along with including hygiene guidance on specific treatments.
27. All 'prescribed practices' (treatments which are subject to the bylaw) are listed in a schedule, as an appendix to the bylaw. Certain higher-risk practices are also required to follow the Prescribed Practice Standards detailed in the schedule.
28. This approach allows Council to add additional prescribed practices to the schedule, following consultation, if they were identified as being a risk.

29. If adopted, a bylaw can be supported with a series of industry-specific guides to help to steer an operator through the steps they would need to follow in order to comply with the bylaw. A draft example of one of these is included as [Attachment 3](#) to this report.
30. Council staff acknowledge that it may take some time for all operators to complete their verification, and undertake any corrective actions if required, to become licenced operators. To allow for this, it is recommended that the bylaw includes transitional arrangements, such that compliance aspects would not come into full force until 12-months after the date it is adopted. This aligns with the approach Council has taken when introducing other bylaws, plus it aligns with the approach taken by Hutt City Council when they adopted an Appearance Industry bylaw in September 2020.
- 31. Option 2: Introduce a Bylaw plus a Code of Practice**
32. This follows a more detailed and complex process, which uses an 8-page bylaw and also a 30-page Code of Practice (CoP) which details specific requirements for certain higher-risk practices. The draft bylaw and CoP, included as [Attachment 2](#) to this report, are based on documents already adopted by Hutt City and four other councils. It could potentially be adopted as a joint-bylaw with Hutt City Council.
33. To be compliant with the Bylaw, Operators must satisfy the requirements in both documents. The CoP is extremely technical, detailed, and hard to follow. Also, the registration and verification process varies depending on which treatments are being provided, so some operators will need to be assessed under multiple requirements if they offer more than one treatment.
34. This approach may not serve our goal of ensuring that all operators are meeting the necessary hygiene standards, when some may simply fail to comprehend and be able to comply with the bylaw.
35. Because the bylaw and CoP are more prescriptive and detailed, verification may take longer and be more expensive for the operator, and require more Council compliance staff resources.
36. Given the structure and wording of these two documents, substantial training and guidance would be required to support implementation and ensure compliance with this bylaw.
37. Under this approach, Council would need to consult on an amended bylaw and CoP in order to add new prescribed practices to both the bylaw and the CoP, if they were identified as being a risk.
- 38. Option 3: Provide Voluntary Guidance only**
39. In the absence of a bylaw, Council could provide “Good Practice” hygiene guidelines for operators, in an attempt to improve their awareness of the health risks associated with their treatments.
40. Whilst this approach might possibly help to improve the health and hygiene standards of some operators, a voluntary approach has a very limited drive for operators to change their current practices. Also, some operators may already be working to acceptable or better standards.
41. Unlike the bylaw approach, Council cannot carry out mandatory registration or verifications on operators to pro-actively reduce the risk of operators providing treatments which may be unsafe.
42. Also, Council would not be able to prosecute operators under the LGA for not meeting the minimum standards set out in a bylaw. The only regulatory intervention Council could take might be to prosecute operators under the HA, after any injury had already occurred.
43. Of the options considered, this would be the lowest-cost for both Operators and Council. This would likely be the least effective at preventing or reducing personal injuries.
44. If this option were chosen, it could be reviewed after 12-months to assess its effectiveness and to help inform any future direction.

45. The following table gives a summary of the likely outcomes achieved by the options presented above:

Option \ Outcome	1. Bylaw including schedule of practices (RECOMMENDED)	2. Bylaw, plus Code of Practice	3. Guidance-only
Risk reduction	Good	Good	Poor
Early prevention	Good	Good	Poor
Level of enforcement	Good	Good	Poor
Cost to Operators	Moderate	Moderate/poor	Good
Cost to Ratepayers	Good/moderate	Moderate/poor	Good/moderate
Complexity	Moderate	Poor	Good

Significance and Engagement Assessment / Te Tino Aromatawai

46. Council Officers contacted a range of approximately 120 key stakeholders (including over 100 local operators, plus several non-operators with an interest in the project) during the pre-consultation phase, from December 2020 through to June 2021. The intended outcome of this was to gain a deeper understanding of the issues and thoughts of these stakeholders, which would enable the development of options for Council's consideration. A summary of the feedback provided as part of the pre-engagement is included as [Attachment 4](#) to this report.
47. Officers have engaged with kaupapa at the Orongomai Marae.
48. The majority of operators who responded were in support of some form of registration or regulation, and they also supported a "*minimum standard applies to all*" approach.
49. Stakeholders also raised concerns about the fact that new treatments and equipment are constantly being introduced into the beauty market. Operators offering the "latest treatments" may have limited training and experience in these areas of practice. Examples include dermal-fillers, pulsed-light treatment, permanent makeup (a form of tattooing) and micro-dermal implants (a form of piercing).
50. Council staff also discussed the programme, issues and potential solutions, with RPH, professional bodies, and other councils (with, or considering the adoption of such a bylaw), who were all in support of a bylaw being adopted.
51. s156 of the LGA requires that the creation of a bylaw is consulted on using the special consultative procedures set out in the LGA. The Statement of Proposal - Appearance Industries Bylaw (included in this report as [Attachment 6](#) has been drafted in accordance with these requirements.
52. According to the Council's Significance and Engagement Policy, the proposed Bylaw is considered to be of a high significance so Council is required to engage with the community and seek feedback regarding its potential adoption.

Sustainability / Rautaki Whakauka

53. There are no sustainability impacts anticipated from adopting the proposed new bylaw.

Financial and Resourcing / Mahere Pūtea

54. There are some financial and resource implications in adopting either of the options above.
55. Registration, Verification and Licencing: The cost for Council staff to undertake inspections and administrative work to process applications, under a bylaw approach, would be fully cost-recovered from each affected business, as a direct cost.
56. It is proposed that this would be charged to Operators on a time-taken basis, as different businesses will require more or less investigative and administrative work as part of the process. The time taken will be largely dependent on how the business currently operates, the complexity and number of different services they offer to clients, and if repeat site visits are required. Therefore, the costs to different businesses will vary, but it is estimated that this would cost approximately \$330 per business (assuming two hours for travel and site-inspections at \$140/hr, plus half-an-hour administration at \$100/hr). This amount is comparable with other councils having a similar bylaw in place.
57. Guidance: For either of the three options presented, a guidance program via a series of workshops and written guides could be delivered by EHO staff to help improve operator's understanding of the associated health risks, and if necessary, the process to meeting the requirements under the bylaw.
58. As an example, Hutt City Council has run three workshops as part of their roll-out programme, lasting 1-2 hours each, attended by over 30 Operators in total. These were facilitated by EHO Inspectors along with support from RPH staff.
59. Guidance material would also be made available via handouts and online material, to help operators become licenced to operate in Upper Hutt. Operators are encouraged to use these resources to help streamline their applications, and thereby reduce the cost for obtaining their own licences.
60. This program can be scoped in due course and would be costed at that time.
61. Compliance staff: It is estimated that an additional 0.15 to 0.20 FTE of contracted Compliance staff resources would be required to support ongoing activities which underpin a new bylaw.

Legal and Risk / Ture & Tūraru

62. [Section 145](#) of the LGA allows Council to make a bylaw for the purposes of protecting, promoting and maintaining public health and safety in its district.
63. Council Officers are of the opinion that the proposed bylaw options satisfy [section 155 of the LGA](#) as being an appropriate way to address the issues identified, and is an appropriate form for a bylaw.
64. Council Officers are of the opinion that the proposed bylaw options are not inconsistent with the [New Zealand Bill of Rights Act 1990](#).
65. Both the HA and the LGA detail penalties which are payable for convicted breaches of the HA, and a bylaw made under the LGA if council chooses to adopt one.

NOTE: neither the HA or the LGA gives Council the ability to infringe for offences. Fines are only imposed on conviction, after a successful prosecution.

Next Steps

66. If Council accepts the recommendation to consider introducing a bylaw, public consultation will take place using the Statement of Proposal - Appearance Industries Bylaw (included in this report as Attachment 6). The Statement of proposal in attachment 6 will be finalised based on the option chosen by Council.
67. Given the restrictions imposed under the recent COVID-19 lockdown, Officers recommend that consultation, which usually runs for one month, be extended to three months. This will give additional time for businesses which have been closed in response to the recent pandemic a better opportunity to be able to provide feedback.
68. The suggested revised timeline will be:

Task	Previously suggested dates	Revised dates
Decision Meeting (Council)	15 September	22 September
Public consultation	22 September to 25 October	6 October to 4 January 2022
Hearings Meeting (Additional Council)	November 2021	February 2022
Deliberation Meeting (Additional Council)	February 2022	March 2022
Adoption Meeting (Policy Committee & Council)	February & March 2022	March & April

69. The Summary of Information, in accordance with section 83AA of the LGA is included in this report as [Attachment 5](#). This gives an overview of the proposal, and the process for feedback and decision making on this proposal.
70. Feedback/submissions on this proposal can be provided either online or by using the submission form (included in this report as [Attachment 7](#)).
71. Following this consultation period, a meeting to hear oral submissions may be held, if required, at a date to be confirmed in February 2022.
72. Deliberation of these submissions could then take place at a meeting in early 2022, and an agreed outcome could be discussed at a Policy Committee meeting in March and Council meeting in April 2022.

Included Attachments / Ngā Āpiti hanga

73. [Attachment 1: Option 1: Bylaw including a schedule of Prescribed Practice Standards](#)
74. [Attachment 2: Option 2: Bylaw and a Code of Practice](#)
75. [Attachment 3: Example of draft guidance material](#)
76. [Attachment 4: Initial feedback from stakeholders](#)
77. [Attachment 5: Summary of Information for public consultation on Proposal to adopt a bylaw](#)
78. [Attachment 6: Statement of Proposal for public consultation to adopt a bylaw](#)
79. [Attachment 7: Bylaw consultation submission form](#)

Date of report: 3 September 2021

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Upper Hutt City Council

Appearance Industries Bylaw 2021

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1. Introduction

- 1.1 This Bylaw is called the Upper Hutt City Council Appearance Industries Bylaw 2021 (Bylaw) and was made in accordance with the [Local Government Act 2002](#) (LGA) and s64 the [Health Act 1956](#) (HA).

2. Commencement

- 2.1 This Bylaw was adopted Upper Hutt City Council (Council) on [TBA] and will come into effect on [TBA].
- 2.2 The Bylaw will come into full force, regarding compliance aspects specified in Section 10, on [TBA + 12-months]. Existing Operators will therefore have a 12-month transition period, from the date of effect, in which to meet the required standards outlined in this Bylaw and obtain a valid Licence. Any Licences approved prior to the date of full force shall be valid for a period of no more than one-year from that date, subject to conditions specified in Section 5.

3. Purpose, Scope and Extent of Bylaw

- 3.1 The purpose of this Bylaw is to promote and protect public health, and prevent the transference of communicable diseases via beauty therapy practices, tattooing or skin piercing practices which risk piercing, breaking or burning of the skin or tissue. One objective of this Bylaw is to set a minimum health standard for the industry.
- 3.2 This Bylaw applies within the district of Upper Hutt City Council.
- 3.3 All **Prescribed Practices** outlined in schedule 1 of this Bylaw offered as commercial services must comply with the requirements specified in this bylaw.
- 3.4 The following services are **exempt from needing to comply** with the requirements specified in this Bylaw:
- Any commercial service undertaken by **Registered doctors, dentists, nurses, physiotherapists, pharmacist and podiatrists** are exempt due to their recognised training standards; however general standards of hygiene must still comply with the *Infection Control Standards NZS 8134 3 2008*.
 - Acupuncture** if undertaken by members of Acupuncture NZ or the New Zealand Acupuncture Standards Authority.
 - Commercial ear-piercing** services undertaken in a pharmacy/chemist licensed by the Ministry of Health.
 - a person acting under the **direction or supervision** of a any person described and acting in accordance with this Bylaw, or any **tertiary educational institution authorised to train persons** to become qualified in the practices of the relevant therapy and/or treatment.
 - Ko te moko te **taonga moko**, he taonga ahurea rānei, ka tiakina i raro i nga Tiriti o Waitangi. Nō reira, i runga i ngā tikanga-Māori, ka wetekina te hiahia ki te whai i tēnei ture, engari kei te ākina te hunga tohunga kia whai i te waahanga 5-9 me te mahinga 1 hei tino painga kaiarahi tikanga.

Advisory note

Section 3.4(e) in English means – **Tā moko** (traditional Māori tattooing) is a taonga, or cultural treasure, and is protected under the Treaty of Waitangi Principles. Therefore, in accordance with tikanga-Māori (traditional Māori customs), it is exempt from needing to comply with this Bylaw, but practitioners (tohunga-tā-moko) are strongly encouraged to follow sections 5-9 and schedule 1 as a best practice guide.

NOTE: For the avoidance of doubt, all other forms of tattooing are required to comply with this Bylaw.

- (f) In a situation where an Authorised Officer is satisfied that compliance with any requirements of this Part of the Bylaw would be impractical or unreasonable, having regard to the premises in question, or the Prescribed

Practice being undertaken. A written exemption may be granted by the Council Compliance Services Manager, with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

3.5 Restricted Services

- 3.5.1. Commercial services that pierce the eyeball (including eyeball tattooing) are **prohibited** unless undertaken by an appropriately qualified health practitioners, such as Ophthalmologists, covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.2. Commercial services requiring or using prescription medicine **must** be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession such as a podiatrist.
- 3.5.3. Due to the risks associated with dermal-filler procedures, this procedure **must** be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.4. Commercial services which use heel blades or razors to cut or shave thickened skin may only be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.
- 3.5.5. Commercial services which insert dermal-implants may only be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

4. Definitions

- 4.1 In this Bylaw, unless the context otherwise requires:

Acupuncture means a practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the intended purpose of alleviating ailments or injuries.

Authorised Officer means a person who is approved in writing by Upper Hutt City Council to do the work described in this Bylaw where the term authorised officer is used.

Autoclave means a device that sterilises instruments or materials with heat, high pressure and/or steam and is the only totally effective sterilisation method.

Body Piercing means the piercing of the body for the purpose of inserting an adornment which upon healing can be safely removed without assistance.

Cleaning means the physical removal of dirt, blood and other such substances from surfaces by washing in detergent and warm water to reduce the number of micro-organisms. This is the most basic form of hygiene, which is sometimes followed by disinfection and sterilisation.

Commercial service means a service provided by one or more persons for another person for monetary payment or any other consideration.

Communicable Disease means any infectious disease such as Hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956.

Council means Upper Hutt City Council or any person delegated to act on its behalf.

Customer or **client** means a person on whom a service is being, or is to be, carried out.

Derma rolling/stamping means a practice of using micro-needles to create tiny punctures in the skin intended to stimulate growth factors to enhance collagen production and better alignment of the collagen fibres.

Disinfection means to use chemical agents designed to inactivate or destroy micro-organisms, usually on surfaces such as floors, walls etc and some equipment. This is a mid-level form of hygiene, which is sometimes followed by sterilisation.

Ear-piercing means a practice of piercing the ear for decorative purposes, inserting jewellery or implants to alter

the appearance of the skin.

Electrolysis means a practice involving the insertion of a sterilised needle into individual hair follicles to the root. An electric impulse is passed through the needle to the root area to aid in the removal of hair.

Exfoliation means a practice that intends to remove dead skin and can be performed using microdermabrasion, physical peels that have an abrasive action and chemical peels such as glycolic or enzyme.

Extractions means a practice for the removal of comedones (blackheads), pimples and ingrown hairs by manipulating the pores of the skin, either with fingertips or a tool, to remove sebum. Some extractions can involve penetration of the skin using sharp equipment such as a metal tool or lance.

Eyeball Tattooing means a practice of piercing any part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or any object. Ophthalmologists (eye specialists) are the **only** health practitioners permitted to carry out eyeball tattooing.

Hair removal means the removal of hair by waxing (pulling the hair from the skin using soft wax, hot wax or glucose); threading (lifting the hair out from the follicle by entwined thread); or tweezing (grasping hairs and pulling them out of the skin, including epilation - a mechanical means of tweezing).

Health practitioner means a person who is, or is deemed to be, registered with a responsible authority under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession with a relevant scope of practice.

Instrument means any appliance, implement, needle or tool, of metal or non-metallic construction, which may come into contact with the skin or tissue on which the service is being carried out. It must also include any swab or dressing applied to the broken skin surface.

Laser treatment means a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength (one colour), intended to remove hair, skin/tissue photo-rejuvenation and other appearance enhancing procedures.

Licence means a licence or approval to do something under this Bylaw and includes all conditions to which the licence is subject.

Manager means:

- (a) a person who has effective control over operators; or
- (b) if no person meets the description in (a), manager has the same meaning as operator.

Manicure means beautification or enhancement of the hands and fingernails, including shaping and polishing.

Mobile premises means any location other than a permanent premises where any service is undertaken on an ongoing and regular basis by any person.

Operator means a person who carries out a service.

Pedicure means beautification or enhancement of the feet and toenails by shaping and polishing toenails and exfoliation of skin or tissue from the feet.

Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied where any service is undertaken on an on-going and regular basis by any person. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Registration means a Council approval to offer Prescribed Practices under this Bylaw, and includes all conditions to which the Registration is subject.

Prescribed Practices means any treatment offered as a commercial service which is required to comply with the requirements in this Bylaw. These treatments are outlined in Schedule 1.

Pulsed light means a practice using a powerful flash of broad spectrum, non-coherent light intended to remove hair and/or for skin/tissue photo-rejuvenation, and may include but is not limited to Intense Pulsed Light (IPL) and Variable Pulsed Light (VPL) or other energy devices intended to be used for appearance enhancing procedures, may include but is not limited other modalities.

Red vein treatment means a practice of piercing a vein with a needle along the length of a damaged capillary, causing little dams or blockages along the vessel.

Skin is included in the definition of tissue and means the outer surface covering the body and is made up of the outer epidermis, middle dermis and deep subcutaneous tissue.

Skin Photo-rejuvenation is a skin/tissue treatment that uses lasers, intense pulsed light, or photodynamic therapy

to treat skin/tissue conditions and remove effects of photo-aging such as wrinkles, spots, and textures.

Specified Skin Piercing Services means any skin piercing such as body piercing, tattooing, traditional tool tattooing, electrolysis, extractions, derma rolling/stamping, red vein treatment, and acupuncture.

Sterilised, in relation to an instrument, article or container, means subjecting an instrument, article or container to a process which kills all organisms and their spores present on the surfaces of the instrument, article or container.

Tattooing means a practice of making indelible marks in human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissues. Tattooing also includes the processes known as **pigment implantation**, **micropigmentation**, **permanent makeup** and **microblading**.

Temporary premises means any location where any service is undertaken by any person on an irregular basis and the primary purpose of that location is not ordinarily the provision of that service.

Advisory note

Temporary premises include, for example, residential dwellings, apisā at a fale or maota, events or markets.

Tissue means a collection of similar cells that together carry out a specific function. It includes connective tissue, such as blood, bones and ligaments, muscular tissue, nervous tissue, membranes and skin.

Ultrasonic cleaning means a process that uses ultrasound (usually from 20–40 kHz) to agitate a fluid (water or a suitable solvent) to help clean debris off equipment. It is NOT of itself a method of sterilising.

UV Cabinet is used to maintain the sterility of instruments which have already been processed in an autoclave or dry heat steriliser. It is NOT of itself a method of sterilising.

- 4.2 Advisory notes do not form part of this Bylaw and may be inserted, changed or removed without any formality.
- 4.3 The [Interpretation Act 1999](#) applies to this Bylaw.

5. Registration, Verification and Licences

- 5.1 No person shall use any premises for any Prescribed Practices without holding a current Licence.
- 5.2 Applications for a Registration for any premises under this Bylaw shall be made by the owner or manager, and shall be made on the prescribed form.
- 5.3 A Licence is personal to the holder and is **not** transferable.
- 5.3.1. Council may make controls and set fees for the following matters with respect to any licence required by section 5:
- (a) applying for a licence, including forms and information;
 - (b) assessing an application for a licence, including verification;
 - (c) granting or declining an application for a licence;
 - (d) the conditions that may be imposed on a licence;
 - (e) the duration of the licence;
 - (f) objecting about a decision to decline a licence, including the objection period;
 - (g) objecting about a condition of a licence, including the objection period;
 - (h) conducting verifications to ensure that a licence and its conditions are complied with;
 - (i) reviewing a licence or its conditions;
 - (j) refunding or waiving fees;
 - (k) suspending or cancelling a licence; and
 - (l) objecting about a decision to suspend or cancel a licence, including the objection period.
- 5.4 At the discretion of Council, and having regard to any controls made under section 5, licences may be declined, or granted subject to any conditions.

- 5.5 Fees, as set by Council annually, shall be paid in full prior to a Licence being issued by Council.
- 5.6 A Licence will **only** be issued after an Authorised Officer has completed a verification and registration of the premises, and Council is satisfied that the premises in question complies with all necessary requirements in this Bylaw. Any Corrective Action Requests (CARs) issued by an Authorised Officer as a result of a verification visit must be rectified before a Licence can be issued. A Licence is subject to the above consideration, at the discretion of Council.
- 5.7 A Licence will only be valid from the date it was issued, for a term of no more than one year, and it must be renewed thereafter on an annual basis.
- 5.8 A Licence may be revoked by Council if any CARs issued by an Authorised Officer as a result of any verification are not rectified within the specified timeframe.
- 5.9 The Licence **must** be prominently displayed at the principal entrance to the premises to which the Prescribed Practice applies.

6. Minimum standards for Premises

- 6.1 No person shall use, or allow, any **permanent premises** to be used for a Prescribed Practice unless the following requirements are complied with:
- (a) The premises and all fittings, fixtures and appliances in the premises must be maintained in a state of good repair, and in a clean, sanitary, tidy condition. It must be kept free from any accumulation of rubbish or other materials that may harbour vermin or insects or that may become offensive or a nuisance.
 - (b) The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Practices shall be constructed of materials that are easily cleaned.
 - (c) A wash-basin is supplied with splash guards, a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall be provided in a readily accessible position within the working area associated with the Prescribed Practices.
 - (d) A designated sink supplied with a constant piped supply of hot and cold water shall be provided in a readily accessible position within the working area for the sole purpose of cleaning instruments and equipment associated with a Prescribed Practice.
 - (e) All parts of the premises shall be adequately ventilated.
 - (f) All parts of the premises shall be provided with adequate lighting to perform procedures, facilitate cleaning and inspection.
 - (g) There must be an adequate supply of cleaning, sanitising and sterilising agents, as are necessary, and suitable cleaning equipment, sufficient to enable regular and proper cleaning of the premises and of the equipment and containers used in the premises. There shall be adequate provision for separate storage of such items when not in use.
 - (h) Adequate and sufficient covered waste receptacles that are constructed of readily cleanable material shall be provided.
 - (i) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any Prescribed Practices, shall be covered in a waterproof and readily cleanable material. After each client, all linen/paper must be replaced, and the tables and equipment must be cleaned and disinfected.
 - (j) Adequate and separate storage shall be provided for clean and soiled laundry, beauty products and other chemicals, products or materials. The storage container for the laundry must be made of water-proof

material and capable of being easily cleaned. There must be procedures in place for decontaminating blood-contaminated linen.

- (k) Where refreshments are served to customers, single-use utensils are to be used, unless adequately cleaned in a dishwashing. Refreshments are only to be served in customer waiting areas, not in work areas.

6.2 All **mobile operators** and **mobile premises** must:

- (a) provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
- (b) establish and maintain a 'clean' work area at the site and protect all surfaces and equipment from contamination by dust, dirt, other such contaminants or members of the public at all times;
- (c) ensure they have direct access to hand-washing facilities with soap, paper towels and hot and cold running water, preferably through a single spout;
- (d) wash their hands with running water and soap if their hands are visibly soiled; and
- (e) ensure there is adequate sterile equipment for all clients undergoing skin penetration procedures and, if the mobile facility does not have an autoclave, then single-use pre-sterilised equipment is to be used.
- (f) ensure that the area set aside for mobile premises complies with all controls for Prescribed Practices as determined to be appropriate by an Authorised Officer, given the circumstances in which the procedure is being undertaken.

7. General Conditions of Operation

- 7.1 Informed consent must be obtained prior to performing any treatment that invades someone's body in any way.
- 7.2 Information must be given to the Client in a manner which fully explains the nature of the procedure, the outcomes of it, and any risks involved. The information must be understandable, and take into account the age of the person involved and their understanding of the language used. Informed consent cannot be legally given by someone under the age of 16 years.
- 7.3 No Operator shall allow or carry out any Prescribed Practice on any person under the age of 16 years without the written permission of that person's parent or legal guardian. Some Prescribed Practices may have higher ages of consent, as specified in Schedule 1.
- 7.4 Operators must maintain accurate client records in accordance with section 9 of this Bylaw.
- 7.5 No Operator shall carry out any Prescribed Practices on any person whom they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 7.6 No Operator shall, eat or drink on the premises except in a part of the premises that is clearly separate from the area where the Prescribed Practice is carried out.
- 7.7 The Operator of a premises where any Prescribed Practice takes place must display, in a prominent place, a notice asking clients to inform them of any communicable disease(s) they have.
- 7.8 No Operator who knows or suspects that they are suffering from, or are a carrier of, a skin infection or communicable disease, or associated conditions, shall carry out any Prescribed Practices, without taking adequate precautions to prevent the transmission of such infection, disease or condition.
- 7.9 No animals, except disability assist dogs, are to be permitted in the part of the premises where the Prescribed Practice takes place.

8. Operator Conduct

8.1 An Operator whilst on the premises, must:

- (a) at all times keep their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing or disposable gloves;
- (b) thoroughly clean their hands by washing up to the wrist with soap or antibacterial cleansing agent, using an effective method to operate taps to maintain cleanliness; by brushing their hands and nails when necessary and drying them with a single service towel or other approved hand-drying equipment:
 - (i) before and after completing any Prescribed Practice;
 - (ii) immediately after using a toilet, using any handkerchief or nasal tissue, smoking or vaping, using electronic devices, checkout or computer.
 - (iii) immediately after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a Prescribed Practice;
- (c) prior to commencing any Prescribed Practice, cleanse the client's skin by swabbing with a hospital grade cleansing agent; and
- (d) dispose of all blood contaminated materials, and dye residue into a puncture resistant container, 'sharps box' or otherwise in a manner approved by an Authorised Officer.

8.2 Before starting any treatment, Operators should discuss the procedure with the client, and ask if they have any existing medical conditions or history which might be relevant, e.g. are suffering from a communicable disease, have a history of problem bleeding/haemophilia, taking medications such as anticoagulants/blood-thinners, seizures, allergies, skin sensitivity, epilepsy, asthma, diabetes, heart conditions, or have a pacemaker etc.

8.3 Operators can decline to carry out the procedure, or put appropriate safeguards in place, based on the information provided under section 8.2. Nothing in this part of the Bylaw shall be construed as requiring any person to perform a Prescribed Practice on any other person.

8.4 No Operator shall undertake any tattooing, waxing, electrolysis or skin-piercing procedure unless that person covers their hands with new, single-use gloves for each client.

8.5 All Operators must have procedures for dealing with customers or staff where accidental exposure to another customer's blood or bodily fluids occurs. Procedures should also be in place to deal with incidents where prolonged or unexpected bleeding occurs. Such procedures must be kept on the premises in a form of a written policy and in view of the operator. All staff must be trained to comply with it.

8.6 All Operators must record any adverse reactions to treatments, and incidents where exposure to a person's blood or bodily fluids occurs. Records should contain the name and address of those exposed, and the steps undertaken to respond to the incident. Records of such accidents involving exposure to another customer's blood or bodily fluids must be kept for a period of two years and shall be made available to the Council for inspection on request.

8.7 An Operator must not use a towel, sheet, cloth, pillow or any other protective garment or cover, on, or immediately under or over, a customer unless:

- (a) it has not been previously used; or
- (b) where it has been previously used, it has been laundered to render it clean and hygienic since last having been used.

8.8 Soiled-linen may be laundered in a washing machine with laundry detergent at a suitable water temperature, or by a commercial laundry service.

8.9 Creams and lotions must be dispensed from the container via a disposable single-use or disinfected applicator.

8.10 Sprays should be dispensed via a purpose-specific pump where possible.

- 8.11 All chemicals must be clearly labelled for identification, and bottles must never be reused other than with the original product.
- 8.12 Any equipment used for a Prescribed Practice must be calibrated, serviced and operated according to manufacturer specifications and used for no purpose other than given in such instructions.

ADVISORY NOTE:

- *It is highly recommended that ALL operators should undergo training which includes hygiene and infection control.*
- *Operators carrying out any Prescribed Practices should hold a recognised qualification where one is available for the process. A recognised qualification may include a nationally or internationally recognised training standard, NZQA unit standard, or industry training organisation. This may not be required where the Operator is under the direct supervision of someone who holds such a qualification.*
- *Recognised qualifications should be displayed in a prominent position so customers can read them, and must be in the name of the operator performing the procedure.*
- *Operators should provide the client with any suitable written after-care instructions or treatment e.g. wound cleaning, drying and dressing the wound, recognising the signs of infection, specific instructions for that type of piercing. Advise that if any symptoms persist, they should contact you and/or a doctor.*
- *It is recommended that Operators should hold a current St John's or Red Cross First Aid workplace certificate, or an approved equivalent. There should also be a suitably stocked First Aid kit available at the Premises.*

9. Records

- 9.1 Records shall be maintained to assist operators with providing aftercare advice for patients, and as an opportunity to audit the quality of procedures if any complications occur.
- 9.2 Prior to commencing any Prescribed Practices, the Operator shall obtain and record the following information in writing:
- Client name, address, and phone contact;
 - Details of the procedure type; and
 - Consent that is signed by the client.
- 9.3 Records shall be strictly confidential and all personal client information shall be kept secure in accordance with the [Privacy Act 2020](#).
- 9.4 Operators must hold client records regarding information collected under section 9.2 on-site for a minimum period of 12 months. These records shall be made available to an Authorised Officer on request.
- 9.5 Operators must maintain records of monitoring of sterilisation equipment, including the date, time, temperature and pressure readings. These records must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer or a Medical Officer of Health on request.
- 9.6 Operators must maintain and calibrate electrical equipment, as required by the manufacturer. These records must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer on request.
- 9.7 A record of medical waste disposal must be kept for a minimum period of 12 months, and shall be made available to an Authorised Officer or a Medical Officer of Health on request.

10. Compliance, Breaches, Offences and Penalties

Compliance with the Bylaw

- 10.1 Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this Bylaw.
- 10.2 Without limiting section 10.1, any person authorised by Council to undertake verifications under this Bylaw may take or remove a sample or thing for analysis, for the purpose of determining whether or not this Bylaw is being complied with.

Bylaw Breaches

- 10.3 A breach of any part of this Bylaw may result in a Licence being revoked.
- 10.4 Any person who fails to comply with this Bylaw commits a breach of this Bylaw and may be liable to a penalty under the [Local Government Act 2002](#) or the [Health Act 1956](#).

Offences and Penalties

- 10.5 A person who is convicted of an offence against this Bylaw may be:
- (a) fined a maximum of \$20,000 according to section 242 of the LGA;
 - (b) fined a maximum of \$500 in accordance with section 66 of the Health Act 1956;
 - (c) where the offence is continuing, fined a maximum of \$50 every day the offence continues, according to section 66 of the Health Act 1956.

11. Fees Payable

- 11.1 There are two costs which can be charged under this Bylaw. These are based on an hourly-rate which Council will assess and set on an annual basis as part of its [Fees and Charges Schedule](#):
- (a) An annual fee, which is based on the time taken for an Authorised Officer to complete verification, administration and travel time for an application.
 - (b) An hourly fee, for the investigation of any justified complaints made under this Bylaw.
- 11.2 The Council may, by resolution, prescribe or vary fees and charges in respect of any matter provided for in this Bylaw.

12. Prescribed Practices

- 12.1 Prescribed Practices are listed in Schedule 1.
- 12.2 Council may, by resolution, add, amend or remove a Prescribed Practice in this Bylaw, if it:
- (a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and
 - (b) establishes mandatory minimum Prescribed Practice standards to be observed with regard to the way in which premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.
- 12.3 Council must, before adding, amending or revoking a Prescribed Practice in clause 12.2:
- (a) comply with the requirements under [Part 6: Subpart 1](#) of the Local Government Act 2002.

- (b) be satisfied that the Prescribed Practice standards are the minimum necessary to ensure that the purpose of the Bylaw will be met, and are appropriate.

- 12.4 Such a resolution will only take effect after the proposed amendment has been adopted at a full council meeting.
- 12.5 The intent of such a resolution is to further protect the public safety and hygiene as new cosmetic and body-modifying procedures emerge.
- 12.6 Once adopted, any new, amended or revoked Prescribed Practice(s) and their standard(s) shall be updated in schedule 1.
- 12.7 Any Prescribed Practice added, amended or revoked under section 12.2 must be publicly notified.

Schedule 1: Prescribed Practices and Standards

ADVISORY NOTE:

From time to time, Council may add, amend or remove certain Prescribed Practices from this schedule.

This schedule was complete and correct as at [TBA] 2021.

Operators who offer the following Prescribed Practices as treatments **must** comply with the requirements outlined in the Bylaw:

- B Tattooing**
- C Body piercings and Acupuncture (and Moxibustion and Cupping)**
- D Hair Removal**
- E Electrolysis, Red Vein Treatment and Derma Rolling /Stamping**
- F Exfoliation**
- G Manicure, Pedicure and Nail clinics.**
- H Pulsed-light and Laser Treatment**
- I Extractions**
- J Massage and Facials**

Where there are Prescribed Practice Standards for specific treatments (as follows), Operators **must also** follow these standards as a mandatory minimum in order to comply with this Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that during any treatments there must be at least one operator on-site who holds a current St John's or Red Cross First Aid Workplace Certificate, or an approved equivalent. There should also be a suitably stocked First Aid kit available at the Premises.

Prescribed Practice Standards

A. Sterilisation of Equipment

- A.1 No equipment, such as needles and similar equipment that pierces or risks cutting the skin, shall be used, or reused, for the following Prescribed Practices (including tattoos, piercings, acupuncture, pedicure, manicure, or derma rolling/stamping equipment), unless it has been sterilised in one of the following ways:
- (a) Thoroughly cleansed and exposed to steam under pressure in a **steriliser (autoclave)** at:
 - (i) 103KPa (15psi) for at least 15 minutes at not less than 121 °C; or
 - (ii) 138KPa (20psi) for at least 10 minutes at not less than 126 °C; or
 - (iii) 206KPa (30psi) for at least 4 minutes at not less than 134 °C.

The times quoted above are holding times and do not include the time taken for the steriliser (autoclave) to reach the required temperature.

Every steriliser used for the purposes of section A.1(a) shall be fitted with time, temperature and pressure gauges. Additionally, every time the autoclave is used, chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use, the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached.
 - (b) Thoroughly cleansed and then exposed to **dry heat** for at least 60 minutes at not less than 170 °C.
 - (c) Thoroughly cleansed and then totally immersed in a **glass bead steriliser** operating at 250 °C for a minimum of four minutes.
 - (d) **Thoroughly cleansed by a method appropriate** to the nature of the article concerned and then submitted to a process of sterilisation approved by an Authorised Officer.
- A.2 All disposable needles used for any Prescribed Practices must be disposed of in an appropriate “sharps” container for infectious waste, which in turn must be disposed of in an approved manner.
- A.3 All materials containing body fluids and blood (including follicles) must be disposed of as medical waste in an approved manner. Medical waste must not be stored on the property for any longer than two weeks.
- A.4 Where an instrument or like article used for projecting a needle into the skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the handpiece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with either:
- (a) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70% alcohol); or
 - (b) *iraclean*, *PeraSafe* or other similar appropriate solutions.
- A.5 Prior to cleansing the handpiece, the needle shall be removed from the handpiece and disposed of.

B. Tattooing

- B.1 Operators must evaluate the skin site prior to treatment, and any skin condition that may lead to skin irritation must be discussed with the client.
- B.2 Prior to commencing any service that involves piercing of the skin, all operators must cleanse the customer's skin by swabbing with an antiseptic using a clean, single-use swab.

- B.3 No person may use any instrument to pierce skin unless it has been sterilised and has been kept in such a manner as to maintain sterility. All needles must be either pre-sterilised single-use disposable types, or needles sterilised as directed in Prescribed Practice Standard A.
- B.4 The sterilisation of tattooing equipment shall include, but not be limited to, the sterilisation of needle bars, tubes and tube tips.
- B.5 Stencils must **only** be used for one client, and then disposed.
- B.6 No operator shall, in tattooing a client, use any dye, pigment or solution, unless the dye, pigment or solution:
- (a) has been decanted into a sterile container holding a sufficient quantity of the liquid for carrying out the tattoo on that client only; and
 - (b) is, while the process is being carried out on that client, extracted or withdrawn only from that container.
- B.7 The operator shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed to waste, and the container is either sterilised or discarded.
- B.8 The operator is responsible for ensuring all dyes, inks, pigments, or solutions used for tattooing are:
- (a) approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2011 or meet the relevant standards that apply under legislation from the territory or country from which they are imported; and
 - (b) prepared, stored and dispensed in such manner as to prevent any likelihood of infection to any other person.
- B.9 During any treatments, there must be at least one operator on site who holds a current St John's or Red Cross First Aid Workplace Certificate, or an approved equivalent.
- B.10 You must not carry out any tattooing on any person under the age of 18 unless their parent or guardian gives written consent.
- B.11 You should only work on one customer at a time.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that all operators undertaking tattooing should be immunised against Hepatitis B.
- It is highly recommended that all operators wear a protective garment or cover to prevent the operator's clothing from becoming contaminated during any treatment that pierces the skin.

C. Body Piercing and Acupuncture

- C.1 Operators must evaluate the skin site prior to treatment, and any skin condition that may lead to skin irritation must be discussed with the client.
- C.2 Prior to commencing any service that involves piercing of the skin, all operators must cleanse the customer's skin by swabbing with an antiseptic using a clean, single-use swab.
- C.3 All needles must be either pre-sterilised single-use disposable types, or sterilised as directed in Prescribed Practice Standard A.
- C.4 No needle or other instrument used to pierce skin may be touched by bare fingers, nor contaminated by packaging which has been contacted by bare fingers.
- C.5 All body piercing jewellery for primary piercing must be made of high-quality 14 carat or 18 carat yellow or white gold, surgical grade stainless steel (316L or LVM), titanium, niobium, platinum or inert plastics.
- C.6 No Body piercing jewellery thinner than 14 gauge should be used below the neck.

- C.7 All devices used on any mucous membrane of any customer, such as a marker pen, must be single-use and disposable.
- C.8 You must not carry out any skin-piercing on any person under the age of 16 unless their parent or guardian gives written consent.

Additional Recommended Best Practice – recommended but not compulsory.

- It is highly recommended that all operators undertaking piercing should be immunised against Hepatitis B.
- It is highly recommended that all operators wear a protective garment or cover to prevent the operator's clothing from becoming contaminated during any treatment that pierces the skin. The Ministry of Health has published '*Guidelines for the Safe Piercing of Skin*' to help people in the skin-piercing industry better understand how to protect themselves and their customers from the risk of infection. It also aims to encourage operators to reduce harm from skin piercing and promote healthy skin piercing practices.
- It is also advisable that Acupuncture needles should be inserted swiftly using the correct needle technique. Needle points should not be re-palpated with bare fingers unless hands have been washed appropriately and alcohol gel has been used. Needles should not be entered into open wounds.

Additional Recommended Best Practice – recommended but not compulsory.

Moxibustion is a traditional Chinese medicine technique that is sometimes used in conjunction with Acupuncture.

- Before commencing moxibustion directly on the skin, all operators should moisten the skin with a swab or cotton wool bud, and clean water.
- A customer should never be left unattended at any stage during the procedure and care should be taken when performing moxibustion directly on the face or any sensitive area.
- Any premises providing moxibustion should have a window that can be opened, or an extraction fan available to clear any smoke.

Additional Recommended Best Practice – recommended but not compulsory.

Cupping is a traditional Chinese medicine technique that is sometimes used in conjunction with Acupuncture.

- Operators should advise the customer of the possibility of bruising.
- The procedure of cupping should be explained to a customer before commencement and the operator should ask to be informed if the procedure becomes too uncomfortable for the customer.
- Care should be taken not to overheat the cups before placement on the body.
- All cups should be sterilised before use.

D. Hair Removal (Epilation): Waxing, Tweezing or Threading

- D.1 Operators must cover their hands with clean well-fitting single-use disposable surgical gloves.
- D.2 The skin site must be evaluated prior to each service and any skin condition that may lead to skin irritation must be discussed.
- D.3 The client's skin must be sanitised prior to waxing.
- D.4 Operators must not remove hairs from moles, birthmarks and other abnormalities without medical permission.
- D.5 Operators must ensure that wax is not applied to broken skin or over an area where blood has been drawn.

- D.6 Wax that has been applied to a client's body for hair removal must not be reused.
- D.7 Any applicator that makes contact with a person's skin shall not be reused (double-dipped) or be replaced in a receptacle containing wax or any product, unless the product has been decanted into single-use container(s).
- D.8 Any product cross-contaminated through the process of double-dipping must be disposed of before the next client.
- D.9 Only new, single-use cotton thread is to be used.

E. Electrolysis, Red Vein Treatment and Derma Rolling/Stamping

- E.1 All needles and blades, including clinical-grade derma rollers above 0.5mm, must be sterile and single-use and disposable.
- E.2 Operators must wear protective eyewear and a mask when undertaking derma rolling /stamping.
- E.3 Creams and lotions must be applied with single-use, disposable applicators before and after derma rolling /stamping.
- E.4 Operators must maintain and calibrate electrical equipment e.g. Lasers, IPL machines, as required by the manufacturer.
- E.5 Medical consent is required for the removal of hair from moles; and on any customer who uses a Cochlear implant, pacemaker, or who has a metal plate within the area of treatment.

F. Exfoliation

Operators must comply with the requirements outlined in the Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- Single-use disposable sponges are recommended to be used where facial towelling is necessary for exfoliation if blood is drawn.
- The New Zealand Association of Registered Beauty Therapists recommends that only safety certified microdermabrasion equipment should be used.

G. Manicure, Pedicure and Nail Clinics

- G.1 Operators must ensure there is adequate ventilation for the products used.
- G.2 Do not undertake a manicure or pedicure on any customer if there are any exposed cuts or abrasions on the customer's hands and feet.
- G.3 No operator may expose any skin that is broken during a manicure or pedicure to any further service.
- G.4 Do not use heel blades or razors to cut or shave thickened skin.
- G.5 Operators must evaluate the skin site prior to each service and any skin condition that may lead to skin irritation must be discussed.
- G.6 The client's skin must be sanitised prior to treatment, using a clean, single-use swab.

- G.7 Operators must be conscious of the heat created when using an electric nail file on a nail plate.
- G.8 All nail files should be single-use, or effectively cleaned.
- G.9 Ensure that chemicals and products are stored in containers with air-tight lids and are not to be used beyond their expiry dates.
- G.10 Make sure that waste with absorbed products, such as tissue and paper towels, is disposed of in a sealed container.

Additional Recommended Best Practice – recommended but not compulsory.

- Single-use disposable spa liners are recommended to be used in footspas and changed as often as necessary but as a minimum between each customer.
- It is highly recommended that all operators wear single-use disposable surgical gloves and face masks.
- It is recommended that adequate ventilation is provided to remove any dust and/or solvents from the work-area.

H. Pulsed Light and Laser Treatment

- H.1 Pulsed light may include, but is not limited to, Intense Pulsed Light (IPL) and Variable Pulsed Light (VPL). Laser treatment is a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength. These may be used to remove hair, lighten skin, reduce cellulite and fat, skin photo-rejuvenation and other appearance enhancing practices.
- H.2 Operators must have training in the safe use of lasers. This is based on *AS/NZS 4173: 2018: Safe Use of Lasers and Intense Light Sources in Health Care*. You must display your qualifications in a prominent position.
- H.3 Melanoma and skin cancer lesions are not to be removed. If they are not properly identified and then treated to make them less visible, their diagnoses could be further delayed.
- H.4 Operators should cover any moles, lesions or skin abnormalities the customer has. Skin lesions and/or moles may only be managed and removed by a health practitioner.
- H.5 Operators must check the client's skin condition before treatment, and sanitise with a single-use alcohol swab if required.
- H.6 **Controlled area:** operators must ensure there is a 'controlled area' for the procedure, which has:
 - suitable door locks or keypads
 - a warning notice outside the procedure room
 - non-reflective work-area (such as mirrors, steel sheets etc). and instruments
 - all flammable materials must be removed from the work area before treatment commences.
- H.7 The patient and operator must wear eye protection throughout the procedure.
Before treatment, Operators should perform a patch test, or a trial exposure of a small area of representative skin and hair, to see how the customer might react to the full service.
- H.8 Operators must ensure the laser or pulsed light equipment has been serviced and calibrated in accordance with the manufacturer's instructions and evidence of this is available to council upon request.

I. Extractions

Operators must comply with the requirements outlined in the Bylaw.

Additional Recommended Best Practice – recommended but not compulsory.

- All instruments used for treatments shall be sterile or single-use, and replaced between each customer.
- It is highly recommended that all operators wear single-use disposable surgical gloves.

J. Massage and Facials

Operators must comply with the requirements outlined in the Bylaw.

Schedule 2: Guidance on complying with this Bylaw

ADVISORY NOTE: The following diagram outlines the key steps operators should consider to help them satisfy their requirements under this Bylaw.

Section in the Bylaw	• Summary of requirements
Registration & Inspection (Section 5)	<ul style="list-style-type: none"> • Send your registration form to Council. • Council will inspect your premises and processes, as follows:
Premises (Section 6)	<ul style="list-style-type: none"> • Floors, Walls, Work-spaces in good repair and kept clean. Adequate Lighting & Ventilation, Hand-washing facilities and Waste Bins
General Conditions of Operation (Section 7)	<ul style="list-style-type: none"> • Training, Personal hygiene, Client consent, Health risks, Supply of materials, Laundry & Disposal of Waste
Conduct & Treatment (Section 8)	<ul style="list-style-type: none"> • Hand-washing and Gloves, Client's medical history, Equipment servicing, Cleaning schedule,
Practice Standards (Schedule 1, as required)	<ul style="list-style-type: none"> • Follow Prescribed Practice Standards for higher-risk activities
Disinfection & Sterilisation (Schedule 1A: if required)	<ul style="list-style-type: none"> • Certain Prescribed Practices require higher levels of cleaning
Record Keeping (Section 9)	<ul style="list-style-type: none"> • Client consent (confidential and kept for 12 months), records of equipment servicing and medical waste (kept for 12 months)
Registration Fee (Section 11)	<ul style="list-style-type: none"> • Pay the annual registration fee
Correction Actions	<ul style="list-style-type: none"> • Rectify any problems identified in the inspection
Licence (Section 5)	<ul style="list-style-type: none"> • Once approved, Council will send you a licence, which you must display



Upper Hutt City Council

Appearance Industries Bylaw 2021

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1. Title

- 1.1 This Bylaw is called the Upper Hutt City Council Appearance Industries Bylaw 2021 (Bylaw) and was made pursuant to the Local Government Act 2002 (LGA) and the Health Act 1956 (HA).
- 1.2 This Bylaw is administered by Upper Hutt City Council's Strategic Policy Team.

2. Commencement

- 2.1 This Bylaw was adopted Upper Hutt City Council (Council) on [TBA] and will come into force on [TBA].
- 2.2 Existing operators will have a 12-month transition period from the date of enforcement, in which to meet the required standards.

3. Extent of bylaw

- 3.1 This Bylaw applies within the district of Upper Hutt City Council.

4. Purpose of bylaw

- 4.1 The purpose of this bylaw is to promote and protect public health by:
 - (a) requiring certain services with the following health risks to comply with minimum standards, including:
 - (i) any commercial service that pierces the skin or tissue;
 - (ii) any commercial service that risks breaking the skin or tissue;
 - (iii) any commercial service that risks burning the skin or tissue;
 - (iv) any tattooing or traditional tools tattooing that has recognised cultural significance.
 - (b) requiring a licence for certain services, including:
 - (i) any commercial service that pierces the skin or tissue;
 - (ii) any commercial service that risks breaking the skin or tissue;
 - (iii) any commercial service that risks burning the skin or tissue;
 - (iv) any tattooing or traditional tools tattooing that has recognised cultural significance.

5. Definitions

- 5.1 In this bylaw, unless the context otherwise requires:

Acupuncture means a practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the intended purpose of alleviating ailments or injuries.

Autoclave means a device that sterilises instruments or materials with heat, high pressure and/or steam and is the only totally effective sterilisation method.

Authorised Officer means a person who is approved in writing by Upper Hutt City Council do the work described in this Bylaw where the term authorised officer is used.

Body Piercing means the piercing of the body for the purpose of inserting an adornment which upon healing can be safely removed without assistance.

Commercial ear-piercing means a practice of piercing the ear for decorative purposes, inserting jewellery or implants to alter the appearance of the skin.

Commercial service means a service (whether from permanent premises, temporary premises or mobile premises)

provided by one or more persons for another person for monetary payment or any other consideration.

Council means the Upper Hutt City Council or any person delegated to act on its behalf.

Customer or client means a person on whom a service is being, or is to be, carried out.

Derma rolling / stamping means a practice of using micro needles to create tiny punctures in the skin intended to stimulate growth factors to enhance collagen production and better alignment of the collagen fibres.

Electrolysis means a practice involving the insertion of a sterilised needle into individual hair follicles to the root. An electric impulse is passed through the needle to the root area to aid in the removal of hair.

Exfoliation means a practice that intends to remove dead skin and can be performed using microdermabrasion, physical peels that have an abrasive action and chemical peels such as glycolic or enzyme.

Extractions means a practice for the removal of comedones (blackheads), pimples and ingrown hairs by manipulating the pores of the skin, either with fingertips or a tool, to remove sebum. Some extractions can involve penetration of the skin using sharp equipment such as a metal tool or lance.

Eyeball Tattooing means a practice of piercing any part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or any object.

Hair removal means the removal of hair by waxing (pulling the hair from the skin using soft wax, hot wax or glucose); threading (lifting the hair out from the follicle by entwined thread); or tweezing (grasping hairs and pulling them out of the skin, including epilation - a mechanical means of tweezing).

Health practitioner means a person who is, or is deemed to be, registered with a responsible authority under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession with a relevant scope of practice.

Laser treatment means a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength (one colour), intended to remove hair, skin photo-rejuvenation and other appearance enhancing procedures.

Licence means a licence, permit or approval to do something under this bylaw and includes all conditions to which the licence is subject.

Manager means:

(a) a person who has effective control over operators; or

(b) if no person meets the description in (a), manager has the same meaning as operator.

Manicure means beautification or enhancement of the hands and fingernails, including shaping and polishing.

Mobile premises means any location other than a permanent premises where any service is undertaken on an ongoing and regular basis by any person.

Operator means a person who carries out a service.

Pedicure means beautification or enhancement of the feet and toenails by shaping and polishing toenails and exfoliation of skin or tissue from the feet.

Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied where any service is undertaken on an on-going and regular basis by any person. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Pulsed light means a practice using a powerful flash of broad spectrum, non-coherent light intended to remove hair and/or for skin photo-rejuvenation, and may include but is not limited to Intense Pulsed Light and Variable Pulsed Light or other energy devices intended to be used for appearance enhancing procedures, may include but is not limited other modalities.

Red vein treatment means a practice of piercing a vein with a needle along the length of a damaged capillary, causing little dams or blockages along the vessel.

Skin is included in the definition of tissue and means the outer surface covering the body and is made up of the outer epidermis, middle dermis and deep subcutaneous tissue.

Skin Photo-rejuvenation is a skin treatment that uses lasers, intense pulsed light, or photodynamic therapy to treat skin conditions and remove effects of photo-aging such as wrinkles, spots, and textures.

Specified Skin Piercing Services means any skin piercing such as body piercing, tattooing, traditional tool tattooing, electrolysis, extractions, derma rolling/stamping, red vein treatment, and acupuncture.

Sterilised, in relation to an instrument or like article or container, means subjecting an instrument, article or container to a process, as a result of which all organisms and their spores present on the surfaces of the

instrument, article or container are killed.

Tattooing means a practice of making indelible marks in human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissues. Tattooing also includes the processes known as pigment implantation, micropigmentation, **permanent makeup** and **microblading**.

Temporary premises means any location where any service is undertaken by any person on an irregular basis and the primary purpose of that location is not ordinarily the provision of that service.

Related information

Temporary premises include, for example, residential dwellings, apisā at a fale or maota, events or markets.

Tissue means a collection of similar cells that together carry out a specific function. It includes connective tissue, such as blood, bones and ligaments, muscular tissue, nervous tissue, membranes and skin.

Traditional tools tattooing means a practice of making indelible marks in the human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissue using tools that are culturally traditional in structure and used in procedures such as tā moko, tatau, uhi or any other traditional tattooing practice that has recognised cultural significance.

Ultrasonic cleaning means a process that uses ultrasound (usually from 20–40 kHz) to agitate a fluid (water or a suitable solvent) to help clean debris off equipment. It is NOT of itself a method of sterilising.

UV Cabinet means a cabinet used to maintain the sterility of instruments processed by autoclaving or dry heat. It is NOT of itself a method of sterilising.

- 5.2 Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.
- 5.3 The [Interpretation Act 1999](#) applies to this bylaw.

6. Regulation of certain services for health Protection

- 6.1 Services allowed subject to Minimum Standards.

The operator of any of the following services must comply with relevant standards set by Council in a 'Code of Practice' made under section 10:

- (a) any commercial service that pierces the skin or tissue, including but not limited to tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;
- (b) any commercial service that risks breaking the skin or tissue, including but not limited to hair removal, manicure, pedicure, or exfoliation;
- (c) any commercial service that risks burning the skin or tissue, including but not limited to pulsed light, or laser treatment;
- (d) any tattooing or traditional tools tattooing that has recognised cultural significance but not undertaken under the authority of a marae.

- 6.2 Services requiring a Licence

- 6.2.1. This section applies to the following services:

- (a) any commercial service that pierces or risks piercing the skin or tissue, including but not limited to, tattooing, traditional tools tattooing, body piercing, acupuncture, electrolysis, extractions, red vein treatment, or derma rolling;
- (b) any commercial service that risks breaking the skin or tissue, including but not limited to, hair removal,

manicure, pedicure, or exfoliation;

- (c) any commercial service that risks burning the skin or tissue, including but not limited to, pulsed light, or laser treatment; or
- (d) any tattooing or traditional tools tattooing that has recognised cultural significance and is not undertaken under the authority of a marae.

6.3 The manager of any service to which this section applies must:

- (a) obtain a licence from the council before commencing operation; and
- (b) hold a valid and unexpired licence from the council at all times that the commercial service is offered;
- (c) conspicuously display a copy of a valid licence at the principal entrance or reception of any permanent premises or mobile premises in full and unobscured view to the satisfaction of the council; and
- (d) ensure operators carry a copy of a valid licence on their person at all times when providing a service at a temporary premises and show the licence to the customer prior to providing a service.

6.4 Restricted Services

6.4.1. Commercial services that pierce the eyeball (including eyeball tattooing) are prohibited unless undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

Related information

Ophthalmologists (eye specialists) are the only health practitioners permitted to carry out eyeball tattooing.

6.4.2. Commercial services requiring or using prescription medicine must be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession such as a podiatrist.

6.4.3. Due to the risks associated with dermal filler procedures, this procedure must be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

6.4.4. Commercial services which use heel blades or razors to cut or shave thickened skin may only be undertaken by appropriately qualified health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession.

6.5 Exemptions

6.5.1. Sections 6 and 7 do not apply to:

- (a) any commercial service undertaken by health practitioners covered by the Health Practitioners Competence Assurance Act 2003 in the practice of their profession;
- (b) acupuncture undertaken by members of the New Zealand Register of Acupuncturists or members of the New Zealand Acupuncture Standards Authority;
- (c) commercial ear-piercing services undertaken in a pharmacy licenced by the Ministry of Health.

6.5.2. Ko ngā mahi tā moko a te kaitāmoko me whakamana e tētahi marae nō roto i te rohe o Te Kaunihera o Te Awa Kairangi he ai ki te tikanga Māori ka noho wātea i ngā here o tēnei ture ā-rohe. Heoi anō rā me whaiwhakaaro tonu pea te marae ki te itinga rawa o ngā paerewa takinga ā-mahi i raro i te whiti 10, me te whakawhāiti i te roanga o te wā e mau ai te whakamana.

Related information

Section 6.5.2 in English means - tā moko (traditional Māori tattooing) undertaken by artists on a marae in Upper Hutt and in accordance with tikanga-Māori (traditional Māori customs) is exempt from compliance with this bylaw.

Marae should consider the minimum standards in the code of practice made under section 10 and a limit to the duration of the authorisation.

Tā moko are a taonga, or cultural treasure, and are protected under the Treaty of Waitangi Principles.

7. Controls and Licences

7.1 Health Protection Code of Practice

7.1.1. The council may make, amend or revoke a code of practice about any services in section 6.

7.1.2. Every code of practice adopted under section 7.1.1 may specify:

(a) minimum standards for the operation of those services, including (but not limited to):

- (i) operator conduct, training and qualifications;
- (ii) premises construction, facilities and maintenance;
- (iii) equipment, supplies and products used;
- (iv) (cleaning, sterilisation and disposal of waste products;
- (v) customer age restrictions, consent and after care advice;
- (vi) record keeping; and

(b) recommended best practice for the operation of those services.

7.2 Procedure for making a Code of Practice

7.2.1. Council may by resolution make, amend or revoke a code of practice made under this bylaw

7.2.2. The council must, before making, amending or revoking a code of practice in section 10:

- (a) consult with medical officers of health in the Hutt Valley region, and any affected operators.
- (b) be satisfied that the standards are the minimum necessary to ensure that the purpose of the Bylaw will be met, and the recommendations for best practice (if any) are appropriate.
- (c) have regard to the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition, and any other matters considered relevant by the council.

7.2.3. A code of practice made, amended or revoked under 7.2.1 must be publicly notified.

7.3 Health protection licences

7.3.1. The Council may make controls and set fees for the following matters with respect to any licence required by section 7:

- (a) applying for a licence, including forms and information;
- (b) assessing an application for a licence, including inspection;
- (c) granting or declining an application for a licence;
- (d) the conditions that may be imposed on a licence;
- (e) the duration of the licence;
- (f) objecting about a decision to decline a licence, including the objection period;
- (g) objecting about a condition of a licence, including the objection period;
- (h) conducting inspections to ensure that a licence and its conditions are complied with;
- (i) reviewing a licence or its conditions;
- (j) refunding or waiving fees;

(k) suspending or cancelling a licence; and

(l) objecting about a decision to suspend or cancel a licence, including the objection period.

7.3.2. At the discretion of the council and having regard to any controls made under 7.3.1, licences may be declined, or granted subject to any conditions.

7.3.3. If no controls are made about the duration of a licence under subsection (1)(e), a licence has a duration of 12-months from the date granted.

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

8. Compliance, Breaches, Offences and Penalties

8.1 Compliance with the Bylaw

8.1.1. Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

8.1.2. Without limiting 8.1.1, any person authorised by Council to undertake inspections under this Bylaw may take or remove a sample or thing for analysis, for the purpose of determining whether or not this Bylaw is being complied with.

8.2 Bylaw Breaches

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

8.2.2. Any person who commits a breach of this bylaw that is an offence under the [Health Act 1956](#) and is liable to a fine as specified in section 66 of the Health Act 1956.

8.3 Offences and Penalties

8.3.1. A person who is convicted of an offence against this bylaw may be:

(a) fined a maximum of \$20,000 according to section 242 of the LGA;

(b) fined a maximum of \$500 in accordance with section 66 of the Health Act 1956;

(c) where the offence is continuing, fined a maximum of \$50 every day the offence continues, according to section 66 of the Health Act 1956.

9. Fees Payable

9.1 There are two costs which can be charged under this bylaw. These are based on an hourly rate which Council will assess and set on an annual basis as part of its standard Fees and Charges Schedule:

9.1.1. An annual registration fee, which includes inspection, administration and travel time, for an application.

9.1.2. An hourly fee for investigation of justified complaints under this Bylaw.

9.2 The Council may, by resolution, prescribe or vary fees and charges in respect of any matter provided for in this bylaw.

10. Code of Practice

- 10.1 Council may make, amend or revoke a code of practice that:
- (a) relates to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation; and
 - (b) establishes mandatory minimum standards with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services; and
 - (c) includes recommendations on the best practice to be observed with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services.
- 10.2 Council must, before making, amending or revoking a code of practice in clause 10.1:
- (a) comply with the requirements under [Part 6: Subpart 1](#) of the Local Government Act 2002.
 - (b) be satisfied that:
 - (i) the standards are the minimum necessary to ensure that the purpose of the bylaw will be met; and
 - (ii) the recommendations for best practice (if any) are appropriate.
- 10.3 A code of practice made, amended or revoked under section 10.1 must be publicly notified.



Appearance Industries Bylaw 2021: Code of Practice

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Introduction

This Code of Practice seeks to protect public health in regards to the operation of commercial services that pose an associated health risk to any persons using or accessing their services, products or business operation. The Code sets minimum standards of hygienic and safe practices with regard to the way premises are constructed, equipped and maintained, and in regard to the way operators conduct themselves when providing services. It includes recommendations for best practice to encourage standards of care in addition to minimum standards.

Services that involve piercing the skin carry public health risks to do with the transference of blood-borne diseases and viral, bacterial or fungal infections from breaking or abrading the protective epidermal layer. Other services may be unlikely to puncture the skin but involve contact with skin or bodily fluids and carry a public health risk of transferring bacterial and viral infections. Services that involve application of light to the body have the potential to burn the skin and carry a health risk of damage to DNA and longer term skin conditions, including skin cancer, as well as risks associated with abrading the protective epidermal layer. It is risks such as these which warrant council intervention to ensure such services are carried out in a hygienic and safe manner.

The minimum standards are made under the Appearance Industries Bylaw. Failure to meet a minimum standard is a breach of the Appearance Industries Bylaw or a Health Protection Licence, and is an offence under the Local Government Act 2002 and Health Act 1956. Penalties may include cancellation or suspension of a Health Protection Licence or a Court fine of up to \$20,000.

The recommendations for best practice in this code are included to encourage higher standards of hygienic and safe practices. Adoption of recommended best practice is voluntary.

This Code of Practice has been developed in accordance with the Local Government Act 2002.

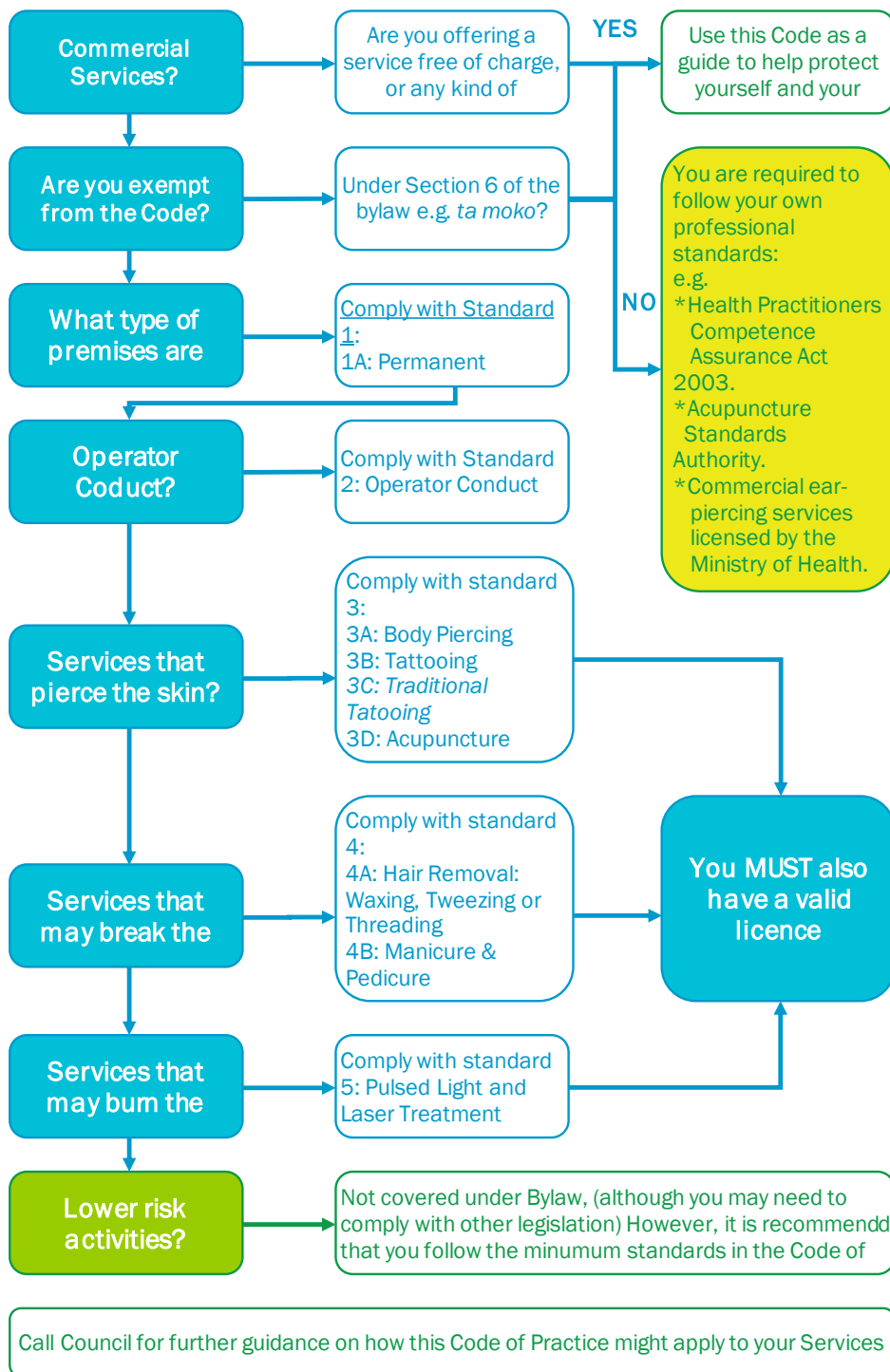
Adopted: TBA 2021

Effective: TBA 2021

How to use the code

Each section of this code is broken down by topic. An operator delivering a service will need to meet all necessary minimum standards in order to be compliant with the code of practice, and the following flowchart provides some guidance as to which sections apply.

NOTE: This is for guidance purposes only, and all operators must review the code in full to ensure that all minimum standards are met.



Definitions

In this code of practice, unless the context otherwise requires —

Acupuncture means a practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the intended purpose of alleviating ailments or injuries.

Autoclave means a device that sterilises instruments or materials with heat, high pressure and/or steam and is the only totally effective sterilisation method.

Body piercing means piercing of the skin for the purpose of inserting an adornment which upon healing can be safely removed without assistance.

Cleaning means the physical removal of dirt, blood and other such substances from surfaces by washing in detergent and warm water to reduce the number of micro-organisms.

Commercial service means a service (whether from permanent premises, temporary premises or mobile premises) provided by one or more persons for another person for monetary payment or any other consideration.

Communicable disease means any infectious disease, and any other disease declared by the Governor-General, by Order in Council, to be a communicable disease for the purposes of the Health Act 1956.

Council means the governing body of the Upper Hutt City Council or any person delegated to act on its behalf.

Cupping means a form of traditional Chinese medicine that involves placing cups containing reduced air pressure (suction) on the skin, most commonly on the back, intended to release muscle tension through stimulated blood flow.

Customer or **client** means a person on whom a service is being, or is to be, carried out.

Disinfection means the killing of disease causing micro-organisms except bacterial spores.

Derma rolling/stamping means a practice of using micro-needles to create tiny punctures in the skin intended to stimulate growth factors to enhance collagen production and better alignment of the collagen fibres.

Electrolysis means a practice involving the insertion of a sterilised needle into individual hair follicles to the root. An electric impulse is passed through the needle to the root area to aid in the removal of hair.

Exfoliation means a practice that intends to remove dead skin and can be performed using microdermabrasion, physical peels that have an abrasive action and chemical peels such as glycolic or enzyme.

Extractions means a practice for the removal of comedones (blackheads), pimples and ingrown hairs by manipulating the pores of the skin, either with fingertips or a tool, to remove sebum. Some extractions can involve penetration of the skin using sharp equipment such as a metal tool or lance.

Eyeball tattooing means a practice of piercing part of the eye (including but not limited to the sclera and surrounding tissues) and inserting pigments, dyes or any object.

Hair removal means the removal of hair by waxing (pulling the hair from the skin using soft wax, hot wax or glucose); threading (lifting the hair out from the follicle by entwined thread); or tweezing (grasping hairs and pulling them out of the skin, including epilation a mechanical means of tweezing).

Health practitioner means a person who is, or is deemed to be, registered with a responsible authority under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession with a relevant scope of practice.

Instrument means any appliance, implement, needle or tool, of metal or non-metallic construction, which may come into contact with the skin or tissue on which the service is being carried out. It must also include any swab or dressing applied to the broken skin surface.

Laser treatment means a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength (one colour), intended to remove hair, skin photo-rejuvenation and other appearance enhancing procedures.

Manicure means beautification or enhancement of the hands and fingernails, including shaping and polishing.

Massage means a practice of applying lotion, or soft wax, or stones, or pressure to another person's face or body.

Mobile premises means any location other than a permanent premises, where any service is undertaken on an ongoing and regular basis by any person.

Moxibustion means a traditional Chinese medicine technique that is used in conjunction with Acupuncture intended to facilitate healing and involves the heating of individual acupuncture points or regions of the body by burning the herb *Artemisia* close to or on the inserted needle.

Operator means a person who carries out a service.

Pedicure means beautification or enhancement of the feet and toenails by shaping and polishing toenails and exfoliation of skin or tissue from the feet.

Permanent premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Pulsed light means a practice using a powerful flash of broad spectrum, non-coherent light intended to remove hair and/or for skin photo-rejuvenation, and may include but is not limited to Intense Pulsed Light and Variable Pulsed Light or other energy devices intended to be used for appearance enhancing procedures.

Red vein treatment by needle means a practice of piercing a vein with a needle along the length of a damaged capillary, causing little dams or blockages along the vessel.

Specified Skin Piercing Services means any skin piercing such as body piercing, tattooing, traditional tool tattooing, electrolysis, extractions, derma rolling/stamping, red vein treatment, and acupuncture.

Photo-rejuvenation is a skin treatment that uses lasers, intense pulsed light, or photodynamic therapy to treat skin conditions and remove effects of photo aging such as wrinkles, spots, and textures.

Sterilise, in relation to an instrument or like article or container, means subjecting an instrument, article or container to a process, as a result of which all organisms and their spores present on the surfaces of the instrument, article or container are killed.

Autoclaves are considered by the Ministry of Health to be the 'gold standard in sterilisation' as such they are recommended as best practice

Tattooing means a practice of making indelible marks in human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissues. Tattooing includes the process known as pigment implantation and permanent makeup.

Temporary Premises means any premises used for a service or any area set up for not more than 5 days to undertake a service.

Traditional Tools Tattooing means a practice of making indelible marks in the human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissue using tools that are culturally traditional in structure and used in procedures such as *ta moko*, *Tatau*, *uhi* or any other traditional tattooing practice that has recognised cultural significance.

UV Cabinet is a cabinet used to maintain the sterility of instruments processed by autoclaving or dry heat. It is NOT of itself a method of sterilizing.

Part 1: Premises

Introduction

How premises used for specified commercial services are constructed, equipped and maintained can reduce risks to public health.

Minimum Standard 1A: Permanent Premises

The minimum standards contained in this part of the code aim to ensure that permanent premises are kept in clean and hygienic conditions to reduce risk to public health.

- 1.1 *Compliance with bylaws and building legislation.* The premises must be well constructed in accordance with the bylaws of the council and in accordance with any applicable provisions of the Building Act 2004, the Resource Management Act 1991, the New Zealand Building Code and Building Regulations;
- 1.2 *Fit for purpose.* The premises must be constructed, designed and arranged so as to be fit and suitable for its intended purposes;
- 1.3 *Repairs and cleanliness.* The premises and all fittings, fixtures and appliances in the premises must be maintained in a state of good repair and in a clean and tidy condition, and free from any accumulation of rubbish or other materials that may harbour vermin or insects or that may become offensive or a nuisance;
- 1.4 Any structural alterations, repairs, renovations, plumbing, or drainage work that may be undertaken or required must be carried out without unnecessary delay;
- 1.5 *Walls, floors, ceilings, fixtures and fittings.* The walls, ceilings, fixtures and fittings in any area connected with the carrying out of any specified service must be capable of being easily cleaned, and must be maintained in good repair. If the walls are liable to be wetted or fouled, they must be constructed of impervious material;
- 1.6 *Wet areas.* All floors, walls, ceilings and other surfaces in and around showers, pools, steam rooms, and other areas liable to get moist or wet, including any room containing a toilet, bidet or urinal must be smooth, impervious and capable of being easily cleaned and floors must be adequately graded and drained to the requirements of the New Zealand Building Code;
- 1.7 All floors and walls that become wet must be cleaned with a suitable disinfectant at least once in every 24 hours;
- 1.8 *Water supply.* All premises must be supplied with potable running water;
- 1.9 *Ventilation.* All parts of the premises must be adequately ventilated to the requirements of the New Zealand Building Code;
- 1.10 *Lighting.*
 - (a) lighting of not less than 300 lux shall be provided at all working surfaces adjacent to every place where customers are attended to and where instruments and tools are cleansed:
 - (b) in every part of the shop, the overall light intensity shall be not less than 100 lux at a point 800mm above the floor:
 - (c) all lighting shall be reasonably free from glare and distributed so as to avoid shadows
- 1.11 *Toilet and wash-hand basin.* Any toilet and wash-hand basin must be easily accessible, hygienic, clean and tidy, and equipped with a piped supply of hot and cold tempered running water, soap and adequate

hand drying facilities must be provided near toilets, bidets or urinals to the requirements of clause G1 of the New Zealand Building Code;

- 1.12 All toilets and changing rooms must be regularly checked and cleaned throughout operating times;
- 1.13 *Wash-hand basin.* A wash-hand basin supplied with a constant supply of hot and cold water, or tempered running water at a temperature of not less than 43 °C, soap, and single-use disposable paper towels or other approved hand-drying equipment must be provided in a readily accessible position where any operator carries out any specified service;
- 1.14 The place where the wash-hand basin is situated must be such that it cannot become directly contaminated by the splashing of contaminants from the use of any basin provided in accordance with Minimum Standards 1.15 or 1.16 below;
- 1.15 *Cleaner's basin.* A cleaner's basin equipped with a constant supply of hot and cold tempered running water must be provided on the premises for the sole purpose of being used in connection with cleaning of the floors, walls and similar fixed parts of the premises. The cleaner's basin must not be used except for such purpose;
- 1.16 *Skin piercing equipment basin.* All premises undertaking specified services that pierce the skin or other body parts must have suitable basins in addition to the basins in Minimum Standards 1.13 and 1.15 for the cleaning of skin piercing equipment;
- 1.17 The requirement for a cleaner's basin or skin piercing equipment basin as specified in Minimum Standards 1(15) and 1(16) may be waived if the council thinks it is unnecessary because of the nature of the service being carried out;
- 1.18 *Sterilisation facilities.* All premises undertaking specified services that pierce the skin, or other body parts must provide a separate area or room for the purposes of cleaning and sterilising of equipment. This area must have good lighting, ventilation and be capable of being easily cleaned;
- 1.19 Ultrasonic cleaners must be kept separately to sterilisation facilities and have a designated contamination area;
- 1.20 *Mattresses, squabs and cushion covers.* All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of a specified service must be provided with permanent impervious covers that are easily cleaned;
- 1.21 *Staff facilities.* Members of the staff must be provided with a separate room or suitable facilities for the storage of clothing and personal effects.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant:

- The Building Act 2004 stipulates how buildings are to be designed and constructed, to ensure that people who use buildings can do so safely and without endangering their health.
- The New Zealand Building Code (Schedule 1 of the Building Act 1992) sets out how a building and its components must perform. The Building Code addresses health issues such as external and internal moisture, hazardous agents on site, substances and processes, personal hygiene facilities, laundering facilities, ventilation, internal temperature, adequate lighting, provision of clean and hot water and adequate waste facilities.
- The *Prevention of Legionellosis in New Zealand; Guidelines for the control of legionella bacteria* (Ministry of Health 2011) further aims to ensure public health and safety by setting guidelines to reduce the potential of an outbreak of Legionnaires disease.

Minimum Standard 1B: Mobile or Temporary Premises

The minimum standards contained in this part of the code aim to ensure that mobile and temporary premises are set-up in clean and hygienic conditions to reduce risk to public health.

The separation of mobile and temporary premises from permanent premises recognises that it may not be possible to maintain the same standards as a permanent premises, and that the health risks may be greater due to a lack of control over the conditions.

- 1.22 *Fit for purpose.* The premises must be constructed, designed and arranged so as to be fit and suitable for its intended purposes;
- 1.23 *Repairs and cleanliness.* The premises and all fittings, fixtures and appliances in the premises must be maintained in a state of good repair and in a clean and tidy condition, and free from any accumulation of rubbish or other materials that may harbour vermin or insects or that may become offensive or a nuisance;
- 1.24 *Walls, floors, ceilings, fixtures and fittings.* The walls, ceilings, fixtures and fittings in any area connected with the carrying out of a specified service must be capable of being easily cleaned, and must be maintained in good repair. If the walls are liable to be wetted or fouled, they must be constructed of impervious material;
- 1.25 The floor of any area connected with the carrying out of a specified service that pierces the skin and risks breaking the skin must be surfaced with a smooth, durable material that is impervious to water and capable of being easily cleaned. The floor and the material with which the floor is surfaced must be maintained in good repair;
- 1.26 *Ventilation.* All parts of the premises must be adequately ventilated;
- 1.27 *Lighting.*
- (a) lighting of not less than 300 lux shall be provided at all working surfaces adjacent to every place where customers are attended to and where instruments and tools are cleansed;
 - (b) in every part of the shop, the overall light intensity shall be not less than 100 lux at a point 800mm above the floor;
 - (c) all lighting shall be reasonably free from glare and distributed so as to avoid shadows
- 1.28 *Mattresses, squabs and cushion covers.* All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of any specified service must be provided with permanent impervious covers that are easily cleaned;
- 1.29 *Storage of linen and other supplies.* All operators must provide sufficient facilities to adequately store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit;
- 1.30 *Cleanliness.* All operators must establish and maintain a 'clean' work area at the site and protect all surfaces and equipment from contamination by dust, dirt, members of the public or other such contaminants at all times;
- 1.31 *Hand-washing facilities.* All operators must have direct access to hand-washing facilities with hot and cold running water provided preferably through a single spout, soap and means to dry with a single service towel or other approved hand-drying equipment. Only sterile or single-use disposable instruments to be used for piercing the skin.
- 1.32 All operators must provide sufficient sterile equipment for all customers undergoing any specified service that pierces the skin;
- 1.33 If the mobile facility does not have sterilisation facilities then single-use disposable pre-sterilised equipment must be used.

Part 2: Operator Conduct

The minimum standards contained in this part of the code aim to ensure that operators who are undertaking specified commercial services conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Any procedure that invades someone's body in any way, that is performed without permission, may be regarded as assault. It is therefore important that a customer receiving such a procedure gives their consent. The essential elements of consent in health care are that it is voluntarily given by the customer, based on full provision of information on risks to the customer, and given by a customer who has the capacity to consent.

- 2.1 No operator may carry out any service on any person who they suspect is unable to give legal consent due to being mentally impaired or who they suspect is under the influence of alcohol, drugs or mind-altering substances except as prescribed for a medical condition;
- 2.2 *Washing of hands.* All operators must at all times keep their clothing, hands, and fingernails clean and cover with an impermeable dressing any infected, damaged or inflamed skin;
- 2.3 All operators must thoroughly cleanse their hands by washing up to the wrist with soap or antibacterial cleansing agent, using an effective method to operate taps to maintain cleanliness; by brushing their hands and nails when necessary and drying them with a single service towel or other approved hand-drying equipment:
 - (a) before and after commencing each specified service;
 - (b) immediately after using a toilet, using any handkerchief or nasal tissue, smoking or vaping, using electronic devices, checkout or computer.
- 2.4 All operators must wear clean well-fitting single-use disposable surgical gloves:
 - (c) before preparing the area in which to undertake a specified service;
 - (d) before commencing a specified service on any customer; and
 - (e) after touching any object which has not been subject to a process of cleansing and sterilisation unless an effective sterile barrier is used;
 - (f) if the customer is bleeding;
 - (g) if the customer has open lesions or is known to have a contagious disease;
 - (h) if the operator has cuts or wounds on their hands or has a skin infection or lesion;
 - (i) if the operator is handling blood-soiled items, body fluids, excretions, and secretions, as well as surfaces, materials, and objects exposed to them;
 - (j) It is important that hand gloves are:
 - changed between attending customers;
 - never washed or re-used;
 - discarded and replaced with new gloves if there is evidence of tearing or deterioration; and
 - removed and disposed of before leaving a customer for any reason.

Accidents and bleeding

- 2.5 All operators must have procedures for dealing with customers or staff where accidental exposure to another customer's blood or bodily fluids occurs. Procedures should also be in place to deal with incidents where prolonged or unexpected bleeding occurs. Such procedures must be kept on the premises in a form of a written policy and in view of the operator. All staff must be trained to comply with it;
- 2.6 All operators must record any incidents where exposure to another customer's blood or bodily fluids occurs, including the name and address of those exposed and the steps undertaken to respond to the

incident. Records of such accidents involving exposure to another customer's blood or bodily fluids must be kept for a period of two years and made available to the council for inspection on request;

- 2.7 Use of linen and other supplies. Any towel, sheet, cloth, pillow, furniture covering, permanent cover of mattresses, squabs, cushions, foot spas and any other protective garments must be clean and tidy, and disinfected as frequently as is necessary, but as a minimum at least after every customer;
- 2.8 An operator must not use a towel, sheet, cloth, pillow or any other protective garment or cover, on, or immediately under or over, a customer unless:
- (a) it has not been previously used; or
 - (b) where it has been previously used, it has been laundered to render it clean and hygienic since last having been used;
- 2.9 Soiled linen may be laundered in a washing machine with laundry detergent or by a regular commercial laundry service;
- 2.10 Creams and lotions must be dispensed from the container with a disposable or disinfected applicator;
- 2.11 Sprays must be dispensed from a purpose-specific pump where possible;
- 2.12 All chemicals must be clearly labelled for identification and bottles must never be reused other than with the original product;
- 2.13 *Storage of linen and other supplies.* Adequate and separate storage lockers or other facilities must be provided for the storage of clean and soiled laundry, cleaning equipment, and other chemicals, products or materials;
- 2.14 Clean linen, tissue or single-use disposable paper products must be stored in a clean, enclosed and dust proof storage area until needed for immediate use;
- 2.15 Any used towel, sheet, cloth or any other protective garment must be stored in a closed or covered container until laundered or disposed of;
- 2.16 All premises must have a separate location or cupboard for the safe storage of all chemicals held on the premises, away from service areas and items used when performing a specified service;
- 2.17 *Sterile storage.* Suitable separate dust proof storage spaces must be provided for the storage of sterile dressings, sterilised instruments, and all sterile articles, including jewellery, used in connection with a specified service that pierces the skin;
- 2.18 *Disposal of contaminated material.* Any sharps containers and bio hazard waste bins must comply with NZS4304:2002. Management of Healthcare Waste (or latest version) and operators must demonstrate that they have made appropriate arrangements to dispose of any sharps and bio hazard wastes.
- 2.19 *Staff training.* No person shall allow or carry out any prescribed process unless they hold a recognised qualification, where a recognised qualification is available for the process. A recognised qualification may include a nationally or internationally recognised training standard, NZQA unit standard, or industry training organisation. An exemption will be applied to any person under the direct supervision of someone who holds the said qualification.
- 2.20 *Display of qualifications.* Recognised qualifications must be displayed in a prominent position so customers can read them, and must be in the name of the operator performing the procedure;

Additional recommended best practice

First Aid

- All operators should hold a current St John's or Red Cross First Aid workplace certificate or an approved equivalent.
- It is strongly recommended that ALL operators should undergo training which includes hygiene and infection control.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant:

- The waste management requirements within this code of practice are based on the AS/NZS 4031: 1992 – *“Australian and New Zealand standard for non-reusable containers for the collection of sharp items used in human and animal medical applications”*.
- The Health and Safety at Work Act 2015 aims to promote the prevention of harm to all people at work, and others in, or in the vicinity of, places of work. It applies to all New Zealand workplaces, and specifies the responsibilities of employers, the self-employed, employees, principals and others who manage or control hazards. It requires the maintenance of safe working environments, and the implementation of sound practice.
- Employers and self-employed persons must notify WorkSafe as soon as possible of workplace accidents and occurrences of serious harm.

Additionally, WorkSafe NZ must be notified when a notable event occurs as the result of work. A notifiable event under the act is defined as when any of the following occurs as a result of work:

- a death
- a notifiable illness or injury. All injuries or illnesses that require (or would usually require) a person to be admitted to hospital for immediate treatment are notifiable. Serious burns, infections, scalping, lacerations and eye injuries are among the other notifiable incidents.
- a notifiable incident is an unplanned or uncontrolled incident in relation to a workplace that exposes the health and safety of workers or others to a serious risk arising from immediate or imminent exposure to a number of listed hazards (e.g. spillage or leaking of a substance, electric shock, fire). It is recommended that operators notify Worksafe with preventative notifications or complaints.

Part 3: Piercing of the Skin

Specified Skin Piercing Services means any skin piercing that is body piercing, tattooing, traditional tool tattooing, electrolysis, derma rolling, red vein treatment, acupuncture.

Services that pierce the skin or other body parts may be considered high risk due to the significant hazards posed by contact with blood and body fluids, such as the risk of transmitting blood-borne viral diseases and the transference of communicable diseases including Hepatitis B, Hepatitis C and HIV.

The minimum standards contained in this part of the code aim to ensure that operators who are undertaking commercial services that deliberately pierce or break the skin conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Piercing of the Skin

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
 - Minimum Standard 2 (Operator Conduct)
 - Minimum Standard 3 (Piercing of the skin)
- 3.1 *First aid.* There must be at least one operator on the premises at all times who holds a current St John's or Red Cross First Aid Workplace Certificate or an approved equivalent;
- 3.2 *Age restriction.* Operators must not carry out any specified skin piercing service on any person under the age of 16, (or 18 for tattooing – see 3(3)), without first getting the written consent of that person's parent or legal guardian;
- 3.3 Operators must not carry out tattooing on any person under the age of 18, without first getting the written consent of that person's parent or legal guardian;
- 3.4 *Precautions, consent and aftercare.* Prior to the commencement of any specified service that pierces the skin, the operator must:
- (a) advise the customer who wishes to undergo such service of the risks associated with the service and the potential for infection to occur during and after the service; and
 - (b) Inform the client that if they are in any doubt about any aspect of the procedure, they should first consult their medical practitioner.
 - (c) give written advice appropriate to the procedure to be undertaken, concerning precautions and post service procedures that should be taken by the customer who wishes to undergo the service;
 - (d) (d) Inform the customer what they are entitled to in terms of further (paid or unpaid) treatments or referrals in the event that advised risks eventuate and contact details for who they contact should this occur.
 - (e) inform the client that if they are experiencing any concerning complications from the procedure, they should consult their medical practitioner immediately
 - (f) advise that the provider is not legally authorised to prescribe prescription medicines and, if the client wishes to proceed only with a prescription medicine, they must seek a prescription from an authorised prescriber
- 3.5 Before commencing any specified service that pierces the skin, a customer must:
- (a) sign a consent form with medical history; and
 - (b) be given the opportunity to inform the operator through a written and signed consent form prior to the

commencement of any specified service, to establish if they know or suspects that they :

- (i) are suffering from a communicable disease or skin disease;
- (ii) have a history of haemophilia (bleeding) or are taking medications such as anticoagulants which thin the blood or interfere with blood clotting;
- (iii) have a history of allergies or adverse reactions to pigments, dyes or other skin sensitivities; or
- (iv) have a history of epilepsy or seizures, asthma, diabetes, heart conditions or have a pacemaker.

3.6 The operator may decline to carry out any specified service based on such information or agree to carry out the service subject to such conditions and safeguards as are considered appropriate in the circumstance;

3.7 *Record keeping.* All operators must keep records of:

- (a) a customer consent form;
- (b) a record of service including:
 - (i) the date on which the specified skin piercing service was undertaken;
 - (ii) the type of the specified skin piercing service; and
 - (iii) the location on the body where the specified skin piercing service was undertaken;

3.8 Such records must be kept secure and confidential for a minimum of two years and made available to the council for inspection on request;

3.9 *Hand washing and gloves.* All operators must thoroughly cleanse their hands by washing up to the wrist with soap or antibacterial cleansing agent, using an effective method to operate taps to maintain cleanliness; by brushing their hands and nails when necessary and drying them with a single service towel or other approved hand- drying equipment:

- (a) before and after commencing a specified service that involves piercing of the skin; and
- (b) before putting on and after removing clean well-fitting single-use disposable gloves when performing a specified service that involves piercing of the skin;

3.10 All operators must cover their hands with clean well-fitting single-use disposable surgical gloves:

- (a) before preparing the area in which to undertake a specified service;
- (b) before commencing a specified service on any customer; and
- (c) after touching any object which has not been subject to a process of cleansing and sterilisation unless an effective sterile barrier is used;

3.11 *Skin preparation.* All operators must evaluate the skin site prior to each service and any skin condition that may lead to skin irritation must be discussed;

3.12 Prior to commencing any service that involves piercing of the skin, all operators must cleanse the customer's skin by swabbing with an antiseptic using a clean, single-use swab and maintain product-specific recommended contact time; Only sterile or single-use disposable instruments to be used.

3.13 All instruments or like articles used for piercing the skin on any customer, must be:

- (a) sterile single-use disposable; or
- (b) cleaned and sterilised in accordance with the provisions of Minimum Standard 3.21 and kept in such a manner to maintain its sterility;

3.14 All devices used on any mucous membrane of any customer, such as a marker pen, must be single-use and disposable;

- 3.15 Any articles having a hollow lumen must be single-use and disposable;
- 3.16 An instrument or like article may be used for piercing the skin on any customer if the instrument or article has been taken, in the presence of the customer, from a package that has been sealed by the manufacturer, being a package:
- (a) in an unbroken and undamaged condition;
 - (b) to which the manufacturer has affixed a label containing a statement to the effect that the contents of the package have been sterilised;
 - (c) which has not been subjected to any contamination during storage;
- 3.17 After piercing the skin. All operators must ensure that, after the completion of piercing the skin:
- (a) all single-use needles/razors are immediately disposed of into an impact resistant, non-penetrable, sealable sharp container or
 - (b) any reusable instrument or like article used in that process is thoroughly cleansed, disinfected and sterilised in accordance with the provisions of Minimum Standard 3.21 and kept in such a manner to maintain its sterility before use on any other customer or the same customer at a later time;
- All operators must demonstrate that they have made appropriate arrangement to dispose of sharp and bio hazard waste.
- 3.18 *Cleaning and disinfecting.* All instruments that do not need to be sterile must be cleaned and then disinfected by a thermal or chemical disinfection procedure appropriate to the level of disinfection required and the item being disinfected maintaining the product specific recommended contact time, to the satisfaction of the council;
- 3.19 At the completion of any cleaning activity, all surfaces must be disinfected before beginning any pre-packaging or sterilisation activities;
- 3.20 *Sterilisation.* All operators must display, adjacent to every place in the premises where cleaning and/or sterilising of instruments and like articles is undertaken, written instructions setting out in clear and legible format the processes to be followed to ensure compliance with sterilisation and/or ultrasonic cleaning;
- 3.21 All instruments used for piercing the skin must be sterilised after each use, by way of:
- (a) thoroughly cleansing by washing in warm water and detergent or within an ultrasonic cleaner and exposed to steam in accordance with the following requirements:
 - (i) exposure to steam must occur within a steriliser (autoclave) under the pressure indicated below:
 - 103 KPa (15psi) – For at least 15 minutes at not less than 121 °C;
 - 138KPa (20psi) – For at least 10 minutes at not less than 126 °C; or
 - 206KPa (30psi) – For at least 4 minutes at not less than 134 °C;
 - (ii) every steriliser (autoclave) must be fitted with time, temperature and pressure gauges;
 - (iii) every time the steriliser (autoclave) is used, chemical indicator strips must be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. If the chemical indicator / integrator fails to meet the cycle parameters, all of the load contents must be reprocessed;
 - (iv) during each use the gauges must be monitored to ensure that the correct times, temperatures and pressures are reached;
 - (v) time, temperature and pressure readings must be recorded and noted after each usage;
 - (vi) regular spore testing must be undertaken, at no less than six-monthly intervals, and the results recorded;
 - (b) thoroughly cleansed by washing in warm water and detergent and exposed to dry heat for at least 60 minutes at not less than 170 °C; or
 - (c) thoroughly cleansed by washing in warm water and detergent and then totally immersed in a glass

bead steriliser operating at 250 °C for a minimum of 5 minutes; or

- (d) thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by the council;

3.22 All instruments or like articles must be individually packaged and marked “sterile” or display an indicator tape (or similar indicator) indicating sterility, be intact and kept in such a manner to maintain sterility.

3.23 Where an instrument or like article used for projecting a needle into the skin of any person, would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:

- (a) a solution of industrial methylated spirit;
- (b) ethyl alcohol or isopropyl alcohol (in each case containing not less than 70 per cent alcohol); or
- (c) iraclean or other similar approved solutions.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant including:

- The New Zealand Association of Registered Beauty Therapists promotes professional beauty care and best practice in the beauty therapy industry in New Zealand. Members of the association adhere to the “Code of Ethics for Members of the New Zealand Association of Registered Beauty Therapists Inc”, “Code of Practice for Beauty Therapy Clinics, Spas and Training Establishments”, and “Rules of the New Zealand Association of Registered Beauty Therapists Inc”.
- The NZ Board of Professional Skin Therapies also promotes best practice and adheres to the “Code of Ethics”, “Code of Best Practice in Health and Hygiene”.
- The New Zealand Register of Acupuncturists (NZRA) promotes professionalism and best practice in Acupuncture and Chinese Medicine. Registered members adhere to the “New Zealand Register of Acupuncturists Code of Professional Ethics”, “New Zealand Register of Acupuncturists Clinical Guidelines” and “New Zealand Register of Acupuncturists Rules”.
- The waste management requirements within this code of practice are based on the AS/NZS 4031: 1992 – “Australian and New Zealand standard for non- reusable containers for the collection of sharp items used in human and animal medical applications”; and NZS 4304: 2002 – “New Zealand Standard for the management of healthcare waste”.
- The cleaning, disinfection and sterilising requirements within this code of practice are based on AS/NZS 4187: 2003 – “Australian and New Zealand standard for cleaning, disinfecting and sterilising reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities”.

Additional Recommended Best Practice

It is recommended that anyone seeking to undergo mesotherapy or similar processes where micro-injections of various substances are administered consult a registered health practitioner prior to commencing this treatment.

Operators

- It is highly recommended that all operators undertaking tattooing or piercing should be immunised against Hepatitis B.
- It is highly recommended that all operators wear a protective garment or cover for every service of a suitable nature to prevent the operator’s clothing from becoming contaminated during any service that pierces the skin.
- It is highly recommended that eye protection / face shields should be worn when performing close-up procedures that may risk aerosols or ‘splatter’ of blood or body substances coming in contact with the operators face.

Accidents

- The Ministry of Health “*Guidelines for the Safe Piercing of Skin*” outlines procedures to deal with bleeding, sharps injuries and contact with blood or body fluids.
- Employers and self-employed operators need to notify WorkSafe as soon as possible of workplace accidents and occurrences of serious harm.

Cleaning

- The aim of cleaning is to remove microbial, organic and inorganic soil. Cleaning agents for manual cleaning should be biodegradable, non-corrosive, non-toxic, nonabrasive, low foaming, free rinsing and preferably liquid of mild alkali formulation. Alkaline detergents are much more effective at removing blood and fat than plain surfactant based detergents. Detergents should preferably be approved by Ministry for Primary Industries (MPI).
- Note that chlorine solutions may corrode metals. Glutaraldehyde and phenol are not recommended as disinfectants because of the health risks involved in their usage.
- Equipment should not be soaked in chemical disinfectants unless specified by the manufacturer’s instructions. Chemical disinfectants can have limited contact times and may become ineffective if left for long periods. The more items immersed in the disinfectant the less effective it will be. Fresh disinfectant should be prepared each time items are to be disinfected. The disinfectant should be discarded after use.
- To reduce the risk of cross contamination, cleaning and decontamination activities should not take place simultaneously with packaging and/or sterilisation activities.
- Ultrasonic cleaners clean but do not disinfect instruments and equipment. An ultrasonic cleaner should be operated with the lid closed to prevent emission of aerosols and should be isolated from the work area to reduce exposure to high frequency noise. No part of the body should be submerged into the water tank during operation as this is thought to cause long-term arthritic conditions. Indicator tape or other such products that indicate when a product has been properly sterilised should be used to identify reusable equipment that has been sterilised, to prevent non sterile equipment being used by mistake. Please note, indicator tape may not be UV stable so equipment should be stored to protect from such exposure.

Sterilisation

- The times quoted above are holding times and do not include the time taken for the autoclave contents to reach the required temperature. Bench-top steam sterilisers without a drying cycle are only appropriate for the sterilisation of unwrapped items. Steam sterilisers should comply with a recognised national or international standard.
- Autoclaves are considered by the Ministry of Health to be the ‘gold standard in sterilization’ as such they are recommended as best practice.

Part 3A: Body Piercing

Body piercing is piercing of the skin for the purpose of inserting an adornment which upon healing can be safely removed without assistance.

All commercial services that pierce the skin or other body parts are required to comply with the general standards for piercing the skin (Minimum Standard 3). The minimum standards contained in this part of the code are in addition to Part 3 and aim to ensure that operators who are undertaking body piercing conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Body Piercing

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 3 (Piercing the Skin)

- Minimum Standard 3A (Body Piercing)

- 3.24 *Jewellery.* No operator may use any instrument or like article, including any ear or body studs or rings, ear keepers or similar jewellery for or in connection with carrying out a service, unless immediately before the instrument or article is used or since the instrument or article was last used, the instrument or article has been cleaned and sterilised in accordance with the provisions of Minimum Standard 3(21) and kept in such a manner to maintain its sterility;
- 3.25 All body piercing jewellery for primary piercing must be made of high quality 14 carat or 18 carat yellow or white gold, surgical grade stainless steel (316L or LVM), titanium, niobium, platinum or inert plastics;
- 3.26 Jewellery that is damaged or scratched must not be used;
- 3.27 All operators must ensure that no jewellery thinner than 14 gauge is used below the neck.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant:

- The Ministry of Health has *published* “*Guidelines for the Safe Piercing of Skin*” to help those in the skin piercing industry better understand how to protect themselves and their customers from the risk of infection. In addition, it aims to encourage operators to reduce harm from skin piercing and promote healthy skin piercing practices.

Additional Recommended Best Practice

‘Extreme body modification’ procedures, such as transdermal implants, are recommended to be undertaken only by a registered medical professional.

Part 3B: Tattooing

Tattooing is a process by which indelible marks are made in human skin or tissue by inserting pigments or dyes into punctures. Tattooing also includes the process known as pigment implantation or permanent makeup including but not limited to micro-blading.

All commercial services that pierce the skin or other body parts are required to comply with the general standards for piercing the skin (Minimum Standard 3). The minimum standards contained in this part of the code are in addition to Part 3 and aim to ensure that operators who are undertaking tattooing conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Tattooing

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 3 (Piercing the Skin)
- Minimum Standard 3B (Tattooing)

Sterilisation

- 3.28 All instruments must be sterilised in accordance with Minimum Standard 3(21) above;
- 3.29 The sterilisation of equipment used in tattooing must include, but not be limited to, the sterilisation of needles, needle bars, tubes and tube tips. A new sterilised needle set must be used for each new customer;

- 3.30 Single-use disposable items must not be reused for any reason. Tattoo needles are not reusable under any circumstances. After use, all needles, razors and other sharps must be immediately disposed of in sharps containers;
- 3.31 *Skin preparation.* The body area surrounding the skin to be tattooed must be draped with a single-use disposable paper product or clean linen;
- 3.32 Ointments, lotions, lubricating gel and other products used to moisten the skin prior to the application of the stencil must be dispensed and applied to the area to be tattooed in a manner to prevent contamination of the bulk product;
- 3.33 *Use of dyes, pigments and solutions.* All operators must, in carrying out tattooing on a customer:
- (a) use only dye, pigment or solution, that has been decanted into a clean sterilised container holding sufficient of the liquid for carrying out that tattoo on that customer only;
 - (b) use only that decanted dye, pigment or solution whilst the tattoo is being carried out; and
 - (c) use only pre-purchased ink specifically manufactured for tattooing purposes;
- 3.34 *Disposal of used dyes, pigments and solutions.* All operators must ensure that on completion of the tattoo any decanted dye, pigment or solution residue is disposed of, and the container is either sterilised or discarded by an approved bio-hazard waste collection service. Any dye, pigment or solution residue remaining on the completion of a tattoo must not be used in connection with the tattooing of any other customer;
- No dye or pigment should be used that has passed its expiry date.**
- 3.35 *Disposal of other materials.* Any mattress, squab, cushion, or linen supply that comes into contact with blood or body fluids and cannot be adequately cleaned or laundered, must be disposed of according to *NZS 4304: 2002, Management of Healthcare Waste*, (or latest version) and not reused.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant:

- The Ministry of Health has published “*Guidelines for the Safe Piercing of Skin*” to help those in the skin piercing industry (which includes tattooing) better understand how to protect themselves and their customers from the risk of infection. In addition, it aims to encourage operators to reduce harm from skin piercing and promote healthy skin piercing practices.
- The Environmental Protection Agency (EPA) developed a standard, the “*Tattoo and Permanent Makeup Substances Group Standard*”, to manage the chemical risks associated with tattoo and permanent makeup substances. The EPA has guidelines which include a list of substances that tattoo inks should not contain.

Additional Recommended Best Practice

Single-Use Disposable Barriers

- It is highly recommended to cover instruments such as tattoo machines and associated clip cords with an effective sterile barrier, such as a single-use disposable plastic bag that is discarded after each use. This cover provides an extra level of hygiene and acts as a barrier, limiting the amount of contaminants that may settle on the machine.

Use of dyes, pigments and solutions

- It is recommended that tattoo artists confirm with suppliers that any products purchased fit within the standard. Any inks that contain hazardous properties, and therefore not within the standard, are not approved under the “*Tattoo and Permanent Makeup Group Substances Standard*”.

Part 3C: Traditional Tools Tattooing

Traditional Tools Tattooing is the practice of making indelible marks in the human skin or tissue by inserting pigments or dyes into punctures made in the skin or tissue using tools that are culturally traditional in structure and used in procedures such as ta moko, Tatau, uhi or any other traditional tattooing practice that has recognised cultural significance.

New Zealand is home to a number of cultures where traditional skin piercing practices are common, particularly among Māori and Pacific peoples. The nature of cultural tattooing, typically occurring in places other than a professional studio, means that health risks may be greater for individuals if premises, equipment and tools are not cleaned and/or sterilised to New Zealand standards. Tools used for tattooing historically have been made from bone or tusk, and large areas of the body are traditionally tattooed in a relatively short period of time, as such, there are specific risks associated with this practice.

All commercial services that pierce the skin or other body parts are required to comply with the general standards for piercing the skin (Minimum Standard 3). The minimum standards contained in this part of the code are in addition to Part 3 and aim to ensure that operators who are undertaking traditional tools tattooing conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Traditional Tools Tattooing

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 3 (Piercing the Skin)
- Minimum Standard 3C (Traditional Tools Tattooing)

3.36 *Hand washing and gloves.* All operators must thoroughly cleanse their hands by washing with soap or antibacterial cleansing agent and by brushing their hands and nails when necessary and then drying them with a single service towel or other approved hand-drying equipment:

- (a) before and after commencing a specified service that involves piercing of the skin; and
- (b) before putting on and after removing clean well-fitting single-use disposable gloves when performing a specified service that involves piercing the skin;

3.37 All operators must cover their hands with clean well-fitting single-use disposable surgical gloves:

- (a) before commencing a specified service on any customer; and
- (b) after touching any object which has not been subject to a process of cleansing and sterilisation unless an effective sterile barrier is used;

Only sterile or single-use disposable instruments are to be used

3.38 All operators must:

- (a) only work on one customer at a time; and
- (b) use clean, disinfected and sterilised, or single-use disposable tools;

3.39 *Cleaning, disinfecting, and sterilising.* Use-by dates on disinfectants must be observed. In some people, povidone-iodine may cause a skin reaction if left on the skin.

3.40 Where possible, traditional tools used for tattooing should be sterilised as in Part 3B. Where this is not possible, then the process outlined in minimum standard 3(21) should be performed.

3.41 Where an instrument or like article used in traditional tattooing would be rendered inoperable or be damaged by the above sterilization techniques the following method may be applied:

- (a) scrubbing tools underwater with a brush and cleaning agent; then
- (b) if possible, cleaning tools and scrubbing implements in an ultra-sonic cleaner in accordance with the manufacturer's instructions; then
- (c) soaking tools and scrubbing implements in Perasafe solution (or equivalent) mixed in accordance with the manufacturer's instructions, and soaked for at least 20 minutes; then
- (d) cleansing with clean water; then
- (e) allowing the tools to air dry for at least 45 minutes before reuse, but protecting them from contaminants; and
- (f) keeping tools in such a manner to maintain sterility.

Principles for healthy and hygienic tattooing

- Traditional tools tattooists should provide their customers with professionally experienced, safe and hygienic services, in clean premises. It is essential for traditional tools tattooists to be fully aware of the potential dangers of their procedures and understand the safety measures that need to be taken to make the likelihood of infection, or spread of pathogens, as small as possible.
- The following basic principles must be observed by traditional tools tattooists:
 - The premises must be kept clean and hygienic.
 - Any article used for piercing the skin must be sterile.
 - Any instrument that has pierced the skin or is contaminated with blood must be either disposed of immediately, as infectious or biological waste, or be cleaned and sterilised before being used on another customer.
 - Tattooists must keep themselves and their clothing clean; any cuts, abrasions or wounds they have should be covered and they must not smoke during the tattooing process.
 - Employers in the traditional tools tattooing industry should provide adequate training for staff in all areas of hygiene, infection control and first aid.
- All traditional tools tattooists should be aware of their Hepatitis B status and be vaccinated against Hepatitis B if susceptible.
- It is the traditional tools tattooist's responsibility to ensure that the whole service is provided to a sufficient standard of hygiene to ensure customer and operator safety.
- Tattooist must provide customers with the information regarding potential infection risks associated with traditional tattoo.

Additional Standards

In addition to the minimum standards below, several other legislative acts, guidelines and codes of practice are also relevant:

- The Ministry of Health provides "Guidelines for Cultural Tattooing", primarily for Samoan Tattoo (Tatau), both in English and in Samoan. These guidelines address measures to improve the safety of customary tattooing and are of relevance to tattooists, public health units and Medical Officers of Health.
- The Environmental Protection Agency (EPA) recently developed a standard, the "Tattoo and Permanent Makeup Substances Group Standard", to manage the chemical risks associated with tattoo and permanent makeup substances. The EPA has guidelines which include a list of substances that tattoo inks should not contain. Inks made from traditional materials should also not contain any of these substances.

Additional Recommended Best Practice

Cleaning, disinfecting and sterilizing

Disinfectants can be applied to the skin using a pump pack and wiping with a clean single-use disposable cloth. Alternatively, skin disinfectants may be decanted from their original container into a single-use disposable container. At the end of the tattooing procedure, any remaining fluid and single-use disposable cloths must be discarded into a hazardous and infectious waste container.

- PeraSafe or other similar product are developed to sterilise items made of plastic and rubber and other materials that cannot be cleaned in an autoclave (and are therefore the best option for sterilising the porous materials used in traditional tattooing tools, such as bone. It is important that the solution is mixed correctly. If not enough powder is used, it may not be totally effective, and if too much powder is used, the solution may damage the tools.
- Autoclaves are considered by the Ministry of Health to be the 'gold standard in sterilization' as such they are recommended as best practice.

Part 3D: Acupuncture

Acupuncture is the practice involving the insertion of filiform (very narrow) needles through the skin and tissues for the intended purpose of alleviating ailments or injuries. Acupuncture may be considered to carry an associated risk of transferring blood-borne infections.

All commercial services that pierce the skin or other body parts are required to comply with the general standards for piercing the skin (Minimum Standard 3). The minimum standards contained in this part of the code are in addition to Part 3 and aim to ensure that operators who are undertaking acupuncture conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standard 3D: Acupuncture

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 3 (Piercing the Skin)
- Minimum Standard 3D (Acupuncture)

Minimum Standard 3D: Acupuncture

3.42 Single-use disposable needles only to be used. All needles must be sterile and single-use disposable needles;

3.43 All needles must be removed from the packaging by the handle of the needle.

Additional Recommended Best Practice

Acupuncture

- It is also advisable that needles should be inserted swiftly using the correct needle technique. Needle points should not be re-palpated with bare fingers unless hands have been washed appropriately and alcohol gel has been used. Needles should not be entered into open wounds.

Moxibustion

- It is advisable for all operators to obtain written customer consent prior to moxibustion. Before commencing moxibustion directly on the skin, all operators should moisten the skin with a swab or cotton wool bud and clean water.
- A customer should never be left unattended at any stage during the procedure and care should be taken when performing moxibustion directly on the face or any sensitive area.
- Any premises providing moxibustion should have a window that can be opened, or an extraction fan or air conditioner available to clear any smoke.

Cupping

- It is advisable for the operator to obtain written customer consent prior to cupping and the operator should advise the customer of the possibility of bruising.
- The procedure of cupping should be explained to a customer before commencement and the operator should ask to be informed if the procedure becomes too uncomfortable for the customer.
- Care should be taken not to overheat the cups before placement on the body.

- All cups should be sterilised after use.

Part 3E: Electrolysis, Red Vein Treatment and Derma Rolling/ Stamping

Electrolysis is a practice involving the insertion of a sterilised needle into individual hair follicles to the root. An electric impulse is passed through the needle to the root area to aid in the removal of hair. Derma rolling / stamping is a practice of using micro needles to create tiny punctures in the skin intended to stimulate growth factors to enhance collagen production and better alignment of the collagen fibres. Red vein treatment by needle is a procedure involving the injection or piercing of a vein intended to shrink red veins. The vein can be pierced with a needle along the length of the damaged capillary, causing little dams or blockages along the vessel.

All commercial services that pierce the skin or other body parts are required to comply with the general standards for piercing the skin (Minimum Standard 3). The minimum standards contained in this part of the code are in addition to Part 3 and aim to ensure that operators who are undertaking electrolysis, red vein treatment or derma rolling / stamping conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Electrolysis, Red Vein Treatment and Derma Rolling / Stamping

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 3 (Piercing the Skin)
- Minimum Standard 3E (Electrolysis, Red Vein Treatment and Derma Rolling / Stamping)

Minimum Standard 3E: Electrolysis, Red Vein Treatment and Derma Rolling / Stamping

Sterile and single-use disposable instruments only to be used

- 3.44 All needles and blades, including clinical grade derma rollers above 0.5mm, must be sterile and single-use disposable;
- 3.45 *Protective face / eyewear when undertaking derma rolling / stamping.* All operators must wear protective eyewear and a mask when undertaking derma rolling / stamping;
- 3.46 *Use of creams and lotions.* All operators must ensure that creams and lotions are applied with single-use disposable applicators before and after derma rolling / stamping;
- 3.47 *Maintenance and record keeping.* All operators must maintain and calibrate electrical equipment e.g. Lasers, IPL machines, as required by the manufacturer. Records must be kept for two years and made available to the council on request.
- 3.48 *Medical consent required.* Medical consent is required for the removal of hair from moles; and on any customer who uses a Cochlear implant, pacemaker, or who has a metal plate within the area of treatment.

Additional Recommended Best Practice

Electrolysis

- It is also advisable that after electrolysis the treated area should not be touched. After care product should be applied for three to five days after the service to accelerate the healing of the underlying tissue.

Derma rolling / stamping

- The New Zealand Association of Registered Beauty Therapists recommends that single-use disposable paper towels should be suitably placed to catch any drops of blood serum from derma rolling/ stamping.

Part 4: Risk of Breaking the Skin

Services that risk breaking the skin carry the risk of drawing blood and body fluids. These services may be considered to carry a moderate risk of transmitting blood-borne viral diseases and the risk of transferring fungal and bacterial infection. Such services include, but are not limited to, hair removal by waxing, threading and plucking, manicure and pedicure, and exfoliation.

The minimum standards contained in this part of the code aim to ensure that operators who are undertaking commercial services that risk breaking the skin conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Risk of Breaking the Skin

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 4 (Risk of Breaking the Skin)

Precautions and aftercare

- 4.1 Prior to the commencement of any specified service that risks breaking the skin, the operator must:
- (a) advise the customer who wishes to undergo such service of the risks associated with the service and the potential for infection to occur during and after the service; and
 - (b) give advice appropriate to the procedure to be undertaken, concerning precautions and post service procedures that should be taken by the customer who wishes to undergo the service;
- 4.2 *Floors.* The floor of any area connected with the carrying out of a specified service that risks breaking the skin must be surfaced with a smooth, durable material that is impervious to water and capable of being easily cleaned. The floor and the material with which the floor is surfaced must be maintained in good repair;
- 4.3 *Only sterile or single-use disposable or disinfected instruments are to be used.* All instruments or like articles used on any customer for any specified service that risks breaking the skin must be:
- (a) single-use disposable and immediately disposed of after use; or
 - (b) cleaned and sterilised in accordance with the provisions of Minimum Standard 3(21) and kept in such a manner to maintain its sterility; or
 - (c) cleaned and then disinfected by a thermal or chemical disinfection procedure appropriate to the level of disinfection required and the item being disinfected maintaining the product-specific recommended contact time, to the satisfaction of the council.

Additional Standards

In addition to the minimum standards above, several other legislative acts, guidelines and codes of practice are also relevant including

- The New Zealand Association of Registered Beauty Therapists promote professional beauty care and best practice in the beauty therapy industry in New Zealand. Members of the association adhere to the “Code of Ethics for Members of the New Zealand Association of Registered Beauty Therapists”, “Code of Practice for Beauty Therapy Clinics, Spas and Training Establishments” and “Rules of the New Zealand Association of Registered Beauty Therapists”.
- The NZ Board of Professional Skin Therapies also promotes best practice and adheres to the “Code of Ethics”, “Code of Best Practice in Health and Hygiene”.

Part 4A: Hair Removal by Waxing, Tweezing or Threading

Hair removal is the removal of hair by any means. This includes, but is not limited to, waxing (pulling the hair from the skin using soft wax, hot wax or glucose); threading (lifting the hair out from the follicle by entwined thread); or tweezing (grasping hairs and pulling them out of the skin, including epilation - a mechanical means of tweezing).

All commercial services that risk breaking the skin are required to comply with the general standards for risk of breaking the skin (Minimum Standard 4). The minimum standards contained in this part of the code aim to ensure that operators who are undertaking hair removal conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Hair Removal

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 4 (Risk of Breaking the Skin)
- Minimum Standard 4A (Hair Removal)

- 4.4 *Gloves.* All operators must cover their hands with clean well-fitting single-use disposable surgical gloves:
- (a) before commencing hair removal on any customer; and
 - (b) (b) after touching any object which has not been subject to a process of cleansing and sterilisation unless an effective sterile barrier is used;
- 4.5 *Skin preparation.* The skin site must be evaluated prior to each service and any skin condition that may lead to skin irritation must be discussed;
- 4.6 Prior to commencing hair removal, all operators must cleanse the customer's skin by swabbing with an antiseptic using a clean, single-use swab and maintaining product-specific recommended contact time;
- 4.7 No person shall remove hairs from moles, birthmarks and other abnormalities without medical permission.
- 4.8 *Use of wax.* All operators must ensure that wax is not applied to broken skin or over an area where blood has been drawn;
- 4.9 All operators must use either of the two following methods to prevent cross- contamination between customers:
- (a) pre-dispense the required amount of wax for each customer into single-use disposable pots and discard any unused product; or
 - (b) use single-use disposable wooden spatulas for wax application and not re-dip the spatula into the wax pot;
- 4.10 All operators must ensure wax that has been applied to a customer's body for hair removal is not re-used;
- 4.11 All operators must ensure pots of wax are kept covered between services;
- 4.12 *Use of thread.* New single-use cotton thread is to be used only.

Additional Recommended Best Practice

Waxing

Operators should ensure that their processes for waxing customers and management of equipment minimise the potential for cross contamination. The following is also advisable:

- Single-use disposable underwear should be offered to the customer for waxing involving the full leg, bikini

and/or Brazilian waxing;

- Wax should be initially applied to the inside of the operator's wrist to test the temperature of the wax, then tested on the customer in the area to be treated;
- Hot wax should be applied with a spatula in thick strips and removed by hand. Warm wax should be applied with a spatula in a thin film and removed with a paper or muslin strip;
- A soothing product should be applied after the wax has been removed;
- Metal instruments should be initially cleaned using a wax solvent to remove all traces of wax before sterilisation.

Threading

- New single-use cotton thread should be twisted and rolled onto the surface of the skin to entwine the hair. When the hair is entangled with the thread it should be pulled off and the hair removed.

Part 4B: Manicure / Pedicure

Manicure and pedicure is the beautification or enhancement of the hands and fingernails, as well as feet and toenails, and involves the shaping and polishing of nails, nail extensions, gel polish, artificial acrylic nails, and exfoliation of skin or tissue from the feet.

All commercial services that risk breaking the skin are required to comply with the general standards for risk of breaking the skin (Minimum Standard 4). The minimum standards contained in this part of the code aim to ensure that operators who are undertaking manicure or pedicure conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Manicure / Pedicure

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
 - Minimum Standard 2 (Operator Conduct)
 - Minimum Standard 4 (Risk of Breaking the Skin)
 - Minimum Standard 4B (Manicure / Pedicure)
- 4.13 *Ventilation.* In addition to Minimum Standard 1.9, all operators must ensure there is adequate ventilation for the products used;
- 4.14 *Broken skin not to be treated.* No operator may undertake a manicure or pedicure on any customer if there are any exposed cuts or abrasions on the customer's hands and feet;
- 4.15 No operator may expose any skin that is broken during a manicure or pedicure to any further service;
- 4.16 Operators must not use heel blades or razors to cut or shave thickened skin
- 4.17 *Skin preparation.* All operators must evaluate the skin site prior to each service and any skin condition that may lead to skin irritation must be discussed;
- 4.18 Prior to commencing a manicure or pedicure, all operators must cleanse the customer's skin by swabbing with an antiseptic using a clean, single-use swab and maintain product-specific recommended contact time;
- 4.19 *Use of instruments.* All operators must be constantly aware of the heat created when using an electric nail file on a nail plate.
- 4.20 All operators must ensure pedicure chair basins and associated fittings are disinfected in between customers;
- 4.21 All nail files should be single use or effectively cleaned

- 4.22 *Use of supplies.* All operators must ensure that chemicals and products are stored in containers with air tight lids and are not to be used beyond their expiry dates;
- 4.23 *Disposal of waste.* All operators must ensure that waste with absorbed products, such as tissue and paper towels, is disposed of in a sealed container.

Additional Recommended Best Practice

First aid

- All operators should hold a current St John's or Red Cross First Aid Workplace Certificate or an approved equivalent.

Ventilation

- It is advisable that a ventilation system is installed near worktables when performing gel polish, gel or acrylic nails, in addition to a ventilation system for the premises if applicable.
- Natural ventilation may be used with open doors and windows. If there is insufficient natural ventilation, artificial ventilation should be placed low down to be effective.

Operators

- All operators are advised to cover their hands with clean well-fitting single-use disposable surgical gloves:
 - a) before carrying out a pedicure on any customer and before carrying out a pedicure on any other customer; and
 - b) before touching any object including surfaces and instruments which may have become contaminated with blood or serum of any customer,
- All operators should take all practicable steps to prevent cuts and abrasions from filing and buffing.
- All operators are advised to wear dust masks when using an electric nail file or hand file as the dust from filing should not be inhaled. However dust masks will not prevent against vapour inhalation.
- If recommended by the manufacturer, operators should apply an oil or solution to the artificial nail before filing, which will make the dust heavier, improving the atmosphere and aiding salon cleanliness.

Spa liners

- Single-use disposable spa liners are recommended to be used in footspas and changed as often as necessary but as a minimum between each customer.

Part 4C: Exfoliation

Exfoliation is a practice intended to remove dead skin and can be performed using microdermabrasion, dermabrasion, hydro-dermabrasion, derma-planing or physical peels that have an abrasive action or chemical peels such as glycolic or enzyme. Exfoliation procedures are generally safe because they usually involve the intact layer of the epidermis. However, there is a risk of breaking the skin and infection when exfoliation is performed using microdermabrasion.

Microdermabrasion is mechanical exfoliation that removes the uppermost layer of dead skin cells from the face, chest and hands and is associated with a risk of infection if equipment is not sterile or if the operator is not trained in the use of equipment.

All commercial services that risk breaking the skin are required to comply with the general standards for risk of breaking the skin (Minimum Standard 4). The minimum standards contained in this part of the code aim to ensure that operators who are undertaking exfoliation conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standards: Exfoliation

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)

- Minimum Standard 2 (Operator Conduct)
- Minimum Standard 4 (Risk of Breaking the Skin)

Additional Recommended Best Practice

- All operators should use new single-use sponges where facial towelling is necessary for exfoliation if blood is drawn.
- The New Zealand Association of Registered Beauty Therapists recommends that only safety certified microdermabrasion equipment should be used.
- All operators should hold a current St John's or Red Cross First Aid Workplace Certificate or an approved equivalent.

Part 5: Pulsed Light and Laser Treatment

Pulsed light is a practice using a powerful flash of broad spectrum, non-coherent light intended to remove hair and/or for skin photo-rejuvenation, and may include, but is not limited to, Intense Pulsed Light (IPL) and Variable Pulsed Light (VPL). Laser treatment is a practice involving the use of a laser device, which amplifies light and usually produces an extremely narrow beam of a single wavelength (one colour), intended to remove hair, lighten skin, reduce cellulite and fat, skin photo-rejuvenation and other appearance enhancing practices.

Services involving the use of pulsed light and laser treatment have the potential to burn the skin and lead to longer term skin conditions. Pulsed light may be considered to carry a risk of delayed recognition of skin cancers and misdiagnosing malignant skin lesions, including melanoma. Lasers capable of breaking the skin, such as those used for laser tattoo removal, carry the risk of drawing blood. The use of lasers capable of breaking the skin may be considered to carry a risk of transmitting blood-borne diseases.

The minimum standards contained in this part of the code aim to ensure that operators who are undertaking pulsed light and laser treatment conduct their operations in a safe and hygienic manner so as to reduce risks to public health.

Minimum Standard 5: Pulsed Light and Laser Treatment

All operators must comply with the following standards:

- Minimum Standard 1A (Permanent Premises) or Minimum Standard 1B (Mobile or Temporary Premises)
 - Minimum Standard 2 (Operator Conduct)
 - Minimum Standard 5 (Pulsed Light and Laser Treatment)
- 5.1 All operators of lasers that are designed to remove the skin or treat tissue must be a practitioner with a relevant scope of practice and must be trained in the safe use of lasers based on AS/NZS 4173: 2018: Safe Use of Lasers and Intense Light Sources in Health Care and any updates, additions, revisions or amendments to that standard;
 - 5.2 *Display of qualifications.* Qualifications must be displayed in a prominent position so customers can read them, and must be in the name of the operator performing the procedure;
 - 5.3 *Precautions, consent and aftercare.* Prior to the commencement of any pulsed light or laser treatment, the operator must:
 - a) advise the customer who wishes to undergo such service of the risks associated with the service; and
 - b) give written advice appropriate to the procedure to be undertaken, concerning precautions and post service procedures that should be taken by the customer who wishes to undergo the service;
 - c) cover up any moles, raised lesions, or skin abnormalities (Haemangiomas, birthmarks, moles, skin tags etc.)
 - 5.4 Before commencing any pulsed light or laser treatment, a customer must sign a consent form including medical history and skin type;
 - 5.5 Before commencing any pulsed light or laser treatment, all operators must identify if the customer is suitable for the service. Any customers with a family history of melanoma must be exempt from all pulsed light and laser treatment;
 - 5.6 All operators must ensure that a patch test, or a trial exposure of a small area of representative skin and hair, is carried out to determine the parameters and to judge how the skin might react to full service. Test

patch protocol should include which areas to test, the pulsed light or laser settings, how long to wait to judge skin response, and how to spot adverse reactions;

- 5.7 *Record keeping.* All operators must keep records of:
- a) a customer consent form with medical history and skin type;
 - b) a record of service including:
 - i) the date on which the pulsed light or laser treatment was undertaken;
 - ii) the type of the service;
 - iii) the location on the body where the pulsed light or laser was undertaken; and
 - iv) equipment calibration and maintenance;
- 5.8 Such records must be kept secure and confidential for a minimum of two years and made available to the council for inspection on request;
- 5.9 *Health practitioners to treat skin lesions/moles only.* Skin lesions and/or moles on any customer may be managed and removed by a health practitioner only;
- 5.10 *Medical consent required.* All operators must obtain written medical consent to undertake pulsed light or laser treatment on any customer for the removal of hair from moles;
- 5.11 *Controlled area.* All operators must ensure there is a 'controlled area' for the pulsed light or laser equipment, which will have:
- a) clear and detailed safety rules which describe how to use the area correctly, any hazards the operator or customer might be exposed to, who is authorised to use the equipment, and what to do in the event of an accident;
 - b) no windows to prevent eye damage to any passer-by;
 - c) no reflective areas such as mirrors;
 - d) clear signs or warning lights showing when it is safe to enter or when the laser/ intense pulsed light is on; and
 - e) suitable door locks or keypads;
- 5.12 *Protective eyewear.* All operators must ensure suitable protective disposable or disinfected eyewear is worn by the operator and client for all Laser treatment.
- 5.13 *Use of pulsed light equipment.* All operators must ensure the laser or pulsed light equipment has been serviced and calibrated in accordance with the manufacturer's instructions and evidence of this is available to council upon request.
- 5.14 *Cleaning and disinfecting.* All equipment that does not need to be sterile must be cleaned and then disinfected by a thermal or chemical disinfection procedure appropriate to the level of disinfection required and the item being disinfected maintaining the product-specific recommended contact time, to the satisfaction of the council.

Additional Standards

In addition to the minimum standards above, several other standards and guidelines may be relevant e.g.

- AS/ NZS 3130: 1995 "Australian and New Zealand Standard for approval and test specification – beauty therapy equipment";
- AS/ NZS 3200.2.22: 1997 "Australian and New Zealand Standard for diagnostic and therapeutic laser equipment";
- AS/ NZS 3760: 2010 "Australian and New Zealand Standard for in-service safety inspection and testing of electrical equipment". The New Zealand Association of Registered Beauty Therapists does not recommend the use of Pulsed Light equipment that has not been inspected and tested annually.
- AS/ NZS 4173: 2004 "Guide to the safe use of lasers in health care"

- Hairdressing and Beauty Industry Authority UK *“Safe Use of Lasers and Intense Pulsed Light Equipment 2003”*;
- Electricity (Safety) Regulations.

Additional Recommended Best Practice

Operators should:

- seek formal instruction in the recognition of skin cancers;
- understand the importance of not treating pigmented lesions about which they have concerns;
- advise customers with such lesions to seek the advice of a registered health practitioner.
- wear masks when operating energy-based devices to protect the operator from exposure to laser plume.
- hold a current St John’s or Red Cross First Aid Workplace Certificate or an approved equivalent.

All operators of pulsed light and laser equipment should possess a copy of the manufacturer’s instructions for their particular machine and be able to follow the instructions specific to their machine. This may include various ways to prepare the skin before treatment, recognizing the desired end points, understanding what is normal and expected and what is unwanted or adverse; and how to provide necessary client post care instructions specific to the treatment.

Before and after images should be taken, and any files stored in accordance with privacy laws and with the clients permission.

All operators should be using some sort of skin cooling system to protect the skin from thermal damage and reduce client discomfort associated with pulsed light and laser treatments.



Appearance Industry Bylaw: FAQs for Pulsed light and laser treatment

NOTE: The following guide is provided for information purposes only and does not replace or supplement the Upper Hutt City Council's Appearance Industry Bylaw.

WHAT ARE APPEARANCE INDUSTRIES?

'Appearance industries' is a broad term used to describe any commercial/paid services which modify a person's appearance, such as:

Intense Pulsed Light (IPL), Variable Pulsed Light (VPL) and Laser treatments.

WHY DO WE NEED A BYLAW?

Many operators may already have adequate training and good practices in place to prevent harm to clients, but some operators do not.

Some operators are not aware that the way they have been doing things that are no longer considered to be good, or adequate, practice.

Under the *Health Act 1956*, local councils are obliged to improve and protect public health.

WHAT ARE THE RISKS?

Laser treatments work by burning the skin.

It can cause the following to occur:

- ✓ Blindness.
- ✓ Temporary pain, redness, bruising, blistering and/or crusting.
- ✓ Infection, including reactivation of herpes.
- ✓ Pigment changes (brown and white marks), which may be permanent.
- ✓ Scarring.

MANAGING THE RISKS

Ask: Discuss the treatment with the Client, and obtain their consent before starting treatment.

Assess: Consider the risks, and how you can reduce these to an acceptable level?

Apply: Carry out the treatment after you have assessed and managed all the risks.

WHO WILL THIS BYLAW APPLY TO?

This bylaw applies to all operators who provide commercial services which might **pierce** or **burn the skin** or otherwise have **a risk of causing infection to the client** such as **pulsed-light** and **laser treatments**.

WHAT DO I NEED TO DO?

All operators **must** meet the requirements and standards specified in the bylaw.

The following summary is for your guidance only.

- 1. Inspection and licences.** Council staff will conduct an annual inspection of your premises and processes. You will need to demonstrate how you comply with the bylaw in the following areas:
 - 2. General operation.** You will need to demonstrate general 'good practices' such as:
 - ✓ Understand and manage the health risks associated with these treatments.
 - ✓ Training in the safe use of lasers e.g. following **AS/NZS 4173: 2018: Safe Use of Lasers and Intense Light Sources in Health Care**. You must display your qualifications in a prominent position.
 - ✓ Maintain good personal hygiene between clients.
 - ✓ Obtain informed client consent about the procedures being undertaken.
 - 3. Premises.** Your workspace should have:
 - ✓ Floors, walls, ceiling, fixtures and fittings which are in good repair, non-porous and easily cleanable.
 - ✓ Suitable lighting and ventilation
 - ✓ Hand-washing facilities – basin(s), with an adequate supply of hot water, conveniently accessible soap, nailbrush, and freshly laundered or single-use paper towels.
 - ✓ Waste bins, which are emptied regularly.

- ✓ Furniture, such as benches and cushions, should be cleaned and disinfected, or have a disposable-cover replaced between clients.
- ✓ Clean and soiled linen should have adequate storage and cleaning facilities.
- ✓ All chemicals and flammable substances **must** be stored in a safe, secured location.

4. Conduct & Practices.

- ✓ Before and after every procedure, staff should practice good operator hygiene such as washing hands, and tying back hair.
- ✓ You should wear suitable protective clothing/single-use gloves for all procedures.
- ✓ Before starting, discuss the procedure with your client, and ask if they have any existing medical conditions or history which might be relevant, e.g. haemophilia, medications such as anticoagulants, allergies, skin sensitivity, and epilepsy, etc. You can decline to carry out the procedure or put appropriate safeguards in place, based on the information provided.
- ✓ All equipment must be calibrated, serviced and operated according to the manufacturer's specifications.
- ✓ You should advise the client of any after-care instructions or treatment, and what to expect e.g. if there may be a slight reddening or inflammation in the skin area affected. Advise that if any symptoms persist, they should contact you and/or a doctor.

5. Treatments.

- ✓ Melanoma and skin cancer lesions must not be removed. If they are not properly identified and then treated to make them less visible, their diagnoses could be further delayed.
- ✓ You should cover any moles, lesions or skin abnormalities the customer has.
- ✓ Check the client's skin condition before treatment, and sanitise with a single-use alcohol swab if required.

- ✓ The patient and operator **must** wear eye protection throughout the procedure.
- ✓ Place a warning notice outside the procedure room.
- ✓ Any benches, wall-fittings etc. should be made of non-reflective materials.
- ✓ Remove any flammable materials.
- ✓ **Before starting treatment**, do a patch test, or a trial exposure of a small area of representative skin and hair, to see how the customer might react to the full service.

6. General cleaning.

- ✓ Overall premises should be kept clean and tidy.
- ✓ There should be an adequate supply of cleaning materials, disinfectant, hand sanitiser etc. readily available.
- ✓ Towels and face cloths should be adequately laundered, or disposal single-use.

7. Records.

- ✓ Client consent forms need to include: name, address, contact details, procedure(s) to be undertaken, blood conditions.
- ✓ Client records must be kept safe and confidential, for at least 12 months.
- ✓ Records of equipment servicing, and medical waste, should be kept for at least 12 months.

WHAT HAPPENS NEXT?

Once our staff are satisfied that you meet the standard, you will receive a licence which you **must** display at your premises for clients to see.

CONTACT US

If you have any questions relating to this, you are welcome to contact us:

Tel: (04) 527 2169. **Email:** askus@uhcc.govt.nz

Initial feedback from stakeholders

The following is a brief overview of the written and verbal feedback received from 13 stakeholders so far:

Q1. Do you have any concerns, or think there are any issues and risks with the current practices and services provided by some businesses in the Appearance Industry? If so, what are they?

Several respondents stated they had seen clients with health issues/harm which had previously been caused by other practitioners.

Q2. Do you think a bylaw should be adopted, as the best way to address these issues?

There was generally support for a bylaw to help remove the lower-performing 'Cowboys' and 'fly-by-night' operators.

However, one operator felt that Council should handle complaints, and then redirect members of public through the proper channels to be investigated under health and safety laws in a workplace, and those who have been caused harm should claim under ACC as that's what it's there for.

Q3. Do you think that a bylaw, if adopted, should cover the areas/businesses listed above? Or do you think there are other areas that should be added, or removed?

Most respondents supported a bylaw which covered their own practices, and some believed that additional treatments should be added above and beyond those already proposed e.g. eyelash extensions, laser treatments.

Q4. Is there anything else you think we should be aware of when considering the development of this bylaw?

Some concerns were raised regarding costs for verification and licences.

There were some questions about the timeframe for roll-out of the bylaw.

Serious concerns were raised about the lack of mandatory training, and consistent training standards across the industries. NOTE: these concerns will not necessarily be addressed through the introduction of a Bylaw.



Summary of Information

Appearance Industries Bylaw Consultation September 2021

Summary of Information

WHAT'S HAPPENING?

- Every year, there are a number of injuries caused by commercial 'personal appearance' practices, such as spas, nail salons, piercings and tattoos.
- These injuries include minor skin irritations, fungal infections and communicable diseases, loss of eyesight, loss of limbs, life-threatening conditions, and even death in extreme cases.

WHY IS IT HAPPENING?

- Through research we've carried out and findings from Regional Public Health surveys, it appears that while many operators have adequate training and good practices in place to prevent clients from harm or infections, some operators do not.
- Additionally, some operators are not aware that the way they are doing things is no longer considered 'good health practice'.

WHAT CAN WE DO ABOUT IT?

- The 'appearance industry' is currently unregulated (other than a few specific practices).
- Over the last 10 years, 15 councils across New Zealand have adopted some form of 'health and hygiene' bylaw to regulate Appearance Industry providers.
- We're proposing that we should adopt a bylaw, like 15 other councils around the country have already done.

WHAT WILL A BYLAW DO?

- Protect the health and wellbeing of commercial operators and their clients, through the raising of awareness around hygiene in staff, and making any necessary improvements in their processes.
- Regulate the establishment and operation of appearance industry service providers and their associated processes, to minimise the risk of harm, with a set of minimum standards for certain treatments.

WHAT NEXT?

- We are seeking feedback from industry providers and our wider community on our proposal to adopt a new bylaw for Appearance Industry businesses.
- Tell us what you think. Follow the steps below to make a submission:

STEP 1 – READ THE PROPOSAL

Please the Statement of Proposal. This explains the background and issues identified, along with the possible approaches to address these.

It's available online at letskorero.upperhuttcity.com. Printed copies are also available at the Council reception, both Upper Hutt Libraries, H₂O Xtream Aquatic Centre and Whirinaki Whare Taonga.

STEP 2 - MAKE A SUBMISSION

You can either:

- **Complete an online submission form** at letskorero.upperhuttcity.com
- **Download and print a PDF** version which is available on our website above, and email it to letskorero@uhcc.govt.nz
- **Complete a pre-printed submission form** which is available at Council reception, Upper Hutt Libraries, H₂O Xtream Aquatic Centre or Whirinaki Whare Taonga. You can either **drop it off** at one of these locations, or **Freepost** it to Upper Hutt City Council, Private Bag 907, Upper Hutt, 5140.

If you would like your name to be withheld from the public documents, please indicate this in your submission.

Submissions close at 11:59 pm on 4 January 2022.

STEP 3 (OPTIONAL) – SPEAK WITH US

You can also share your feedback with Councillors in person, at a dedicated Appearance Industry Bylaw hearing meeting. If you would like to do this, please let us know on your submission form and we will send you details of the meeting closer to the time.



Statement of Proposal

Appearance Industries Bylaw Consultation September 2021

Draft document for discussion purposes only. This is not Council Policy

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Summary of information

Background

Every year, there are a number of injuries caused by commercial 'personal appearance' practices, such as spas, nail salons, piercings and tattoos. These injuries include minor skin irritations, fungal infections, communicable diseases, loss of eyesight, loss of limbs, life-threatening conditions, and even death in extreme cases.

A [paper published by Regional Public Health](#) (RPH) in 2011 detailed two cases of life-threatening cellulitis in Lower Hutt. In 2017, RPH [completed a survey](#) of 57 nail and beauty salons across the Greater Wellington region, including the Hutt Valley. [Their assessment](#) was that there was a **lack of operator knowledge of the risks involved**, and **inadequate infection control** was prevalent among the nail industry at the time of the survey. Only 12% of these businesses demonstrated adequate disinfection, sterilisation and storage of equipment. A significant proportion of salon's staff had no formal qualifications.

Many of the nail and beauty salons in the Wellington region contacted by RPH were very supportive of some form of regulation to help improve awareness of the risks, and public health standards within their industry.

It appears that while many operators have adequate training and good practices in place to prevent clients from harm or infections, some operators do not. Additionally, some operators are not aware that the way they are doing things is no longer considered 'good health practice'.

The 'appearance industry' is currently unregulated (other than a few specific practices). Over the last decade, 15 councils across New Zealand have adopted some form of "health and hygiene" bylaw to regulate Appearance Industry providers, in response to issues such as the *"inconsistent protection from health and hygiene risks for persons using or administering services that pierce the skin, risk breaking the skin, risk burning the skin, or involve risks of infection."*

Under the Health Act 1956 (HA) and Local Government Act 2002 (LGA), local councils can adopt a bylaw to **protect, promote and maintain public health within their districts**.

Upper Hutt City Council (Council) is proposing that we should adopt a bylaw, like 15 other councils around the country have already done.

Before we move ahead with this, we want to hear everyone's feedback on the Council's proposed option.

'Appearance Industries' is a broad term used here to describe any commercial services which relate to the modification or enhancement of the human body or personal appearance which might pierce, break or burn the skin, or cause infection. These include, but are not limited to, the following:

Derma-rolling/stamping, electrolysis, exfoliation, extractions, hair removal, laser treatment and pulsed-light treatment, tattoos, red-vein treatment, massage, facials, cosmetic clinics, spas, manicure and pedicures, nail clinics, and ear/body piercings.

These practices may pose a range of health risks to the public, which include the following:

- blood-borne infection (e.g. hepatitis B and C, HIV)
- bacterial infections (e.g. *staphylococcus*)
- fungal infections (e.g. *tinea, candida*)
- gastrointestinal infection (e.g. *campylobacter, E.coli*)
- cancers (e.g. melanoma from sunbed use)
- allergic reactions and chemical poisoning (e.g. piercing metals, tattoo ink, glue/solvents, hair products)
- burning and damage to skin, tissue and eyes (e.g. laser, intense pulsed-light)
- physical injury to the body (e.g. damage to eyesight, tissue or organ damage).

What do we want to achieve?

Our goal is to:

- Protect the health and wellbeing of commercial operators and their clients, through the raising of awareness around hygiene in staff, and making any necessary improvements in their processes.
- Regulate the establishment and operation of appearance industry service providers and their associated processes, to minimise the risk of harm.
- Achieve this with a set of minimum standards for certain treatments.

Fact-finding and options considered

Between late-2020 and mid-2021, we began talking with over 100 different local operators, across a range of beauty industries, to help us understand their thoughts about these issues and ways to address them.

We also talked with Regional Public Health and a range of professional bodies, plus looked at the approaches taken by other councils who have already introduced bylaws that set out health standards for businesses in the Appearance Industry.

Once we had gathered enough information, we presented the following options to Council, to help them to decide on the best solution to address the issues highlighted, with the goal of **helping to protect and improve public health in Upper Hutt**:

1. **Adopt a new bylaw, which includes a schedule of Prescribed Practices and Standards (THIS PROPOSAL)**. This outlines the requirements for all service providers, and includes specific requirements for certain practices. This approach is loosely based on that already taken by 10 other councils.
2. **Adopt a Bylaw plus a Code of Practice (CoP)**. This uses a bylaw, supported by a very detailed and prescriptive Code of Practice (CoP). This approach is like that already taken by five other councils, including Hutt City in 2020.
3. **Guidance-only**. Council could provide “Good Practice” hygiene guides to operators, to help improve their awareness of the health risks associated with their treatments.

Council's Proposal

At a Council meeting on 22 September 2021, Council agreed that, for the purpose of this consultation, it proposes that we would manage Appearance Industry services through the attached bylaw.

Key aspects of the bylaw

- **Verification and Licensing** (on an annual basis), based on a physical visit to the premises, and assessment of premises, training and processes for controlling risks. There will usually be a fee payable to Council for the administration of this. Licences should be displayed in a prominent position for clients to be able to see them.
- **Premises** should be fit-for-purpose, suitably maintained, and kept hygienic. They should be adequately lit and ventilated, and chemicals shall be stored in a safe manner.
- General **good practices** and **staff conduct** should be demonstrated, including adequate training, along with good personal hand-hygiene, and disposal of contaminated materials.
- **Cleaning, disinfection and sterilisation** of tools should be conducted using suitable techniques and equipment which is regularly maintained.
- **Records** should be kept, confidentially, of the client's consent, contact details, any pre-existing medical conditions, and procedures undertaken.
- In addition to the above, there are specific requirements for certain **specific high-risk activities**, such as certain beauty treatments, tattooing and piercings.

A copy of the draft proposed bylaw can be found, for reference purposes, at the back of this report.

-
- **Complete an online submission form** on our website <https://letskorero.upperhuttcity.com/>, or
 - **Download and print a PDF** version which is available on our website above, and email it to letskorero@uhcc.govt.nz, or
 - **Complete a pre-printed submission form** which is available at Council reception, Upper Hutt Libraries, H₂O Xstream Aquatic Centre or Expressions Arts Centre. You can either **drop it off** at one of these locations, or **Freepost** it to Upper Hutt City Council, Private Bag 907, Upper Hutt, 5140.

If you would like your name to be withheld from the public documents, please indicate this in your submission.

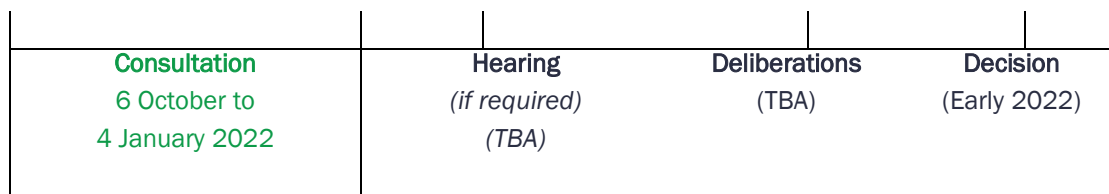
Submissions close at 11:59 pm on 4 January 2022

Step 3 (Optional) – Speak with us

- You can also share your feedback with Councillors in-person, at a dedicated Appearance Industry Bylaw hearing meeting. If you would like to do this, please let us know on your submission form and we will send you details of the meeting closer to the time.

Next steps

NOTE: Some items in the timeline below are indicative and subject to confirmation.



Statement of Proposal

Why do we need an Appearance Industry Bylaw?

Unlike many other countries, there is no nationwide legislation in New Zealand that regulates the appearance industry. Nor is one likely to be implemented by central government in the foreseeable future.

One way to address this might be to adopt a bylaw which sets out health standards for businesses operating in our district.

Injuries relating to harm caused by the Appearance Industry can cause personal trauma, costs for medical treatment, and even loss-of-pay due to time off work.

The following table shows the number of registered ACC claims resulting from such injuries, across New Zealand for the five-year period of 2012-2016, and how this relates to the previous reported period:

Cause	No. of injuries	% change
Tattoo	676	20% increase
Piercing	1,422	12% increase
Massage	69,120	61% increase
Manicure/Pedicure	140	36% increase
Acupuncture	1-3	No change
Electrolysis	1-3	No change
Hair removal	152	41% increase
Exfoliation	23	100% increase
Sunbeds	3-9	8% increase
Laser	78	7% increase

NOTE: for values of less than 10 in any given field, these are not publicly reported at a detailed level as this data may be too granular and could potentially be used to reveal sensitive information about the individual or the operator. Hence, they are reported as "1-3" or "3-9".

The following table shows the number of registered ACC claims in Upper Hutt for appearance industry related injuries for the calendar years 2017 through to 2021 (*as at 22 June 2021):

Cause \ Year	2017	2018	2019	2020	2021 (partial-year*)
Massage	1-3		1-3	1-3	1-3
Tattoo	1-3	1-3	1-3	1-3	
Manicure/pedicure	1-3	1-3			
Ear piercing		1-3		1-3	1-3
Body piercing	1-3				
Exfoliation			1-3		
Hair removal					1-3

In addition to cases relating to ACC claims, there likely be many more treated by general practitioners and emergency departments, plus other unrecorded instances where commercial beauty treatments have caused harm to clients and/or staff.

What do we want to achieve?

Our goal is to promote and protect public health related to appearance industry practices, which risk piercing, breaking or burning of the skin or tissue.

-
- **Pierce the skin** - such as tattooing (including permanent makeup), ear/body piercing, acupuncture, red-vein treatment, or derma-rolling/stamping.
 - **Risks piercing the skin** - such as hair removal (including waxing, electrolysis etc), manicure/pedicure, or exfoliation.
 - **Risks burning the skin** - such as pulsed-light or laser treatment.
 - **Has a risk of infection** - services which intend to improve, alter, or cleanse a person's hair, skin, complexion or body, including treatments such as spas, facials, body therapy, facials or massage.

Exemptions:

Hairdresser and Barbers, registered Medical Practitioners, Pharmacies undertaking ear-piercings, and some **Acupuncturists** already have their own professional practice standards which they must adhere to. They have therefore been excluded from the scope of the bylaw. Details of this is included in the draft bylaw.

The practice of traditional Māori tattooing (*tā moko*) is considered to be a *taonga* (treasure), which is therefore protected under Article 2 of *Ti Tiriti o Waitangi*. To retain *tino rangatiratanga* (self-determination) by *mana whenua*, *tā moko* has therefore been excluded from the scope of several councils' bylaws. *Tā moko* is usually performed by experienced practitioners of the art (*tohunga tā moko*). They are encouraged to follow the relevant sections on hygiene in the bylaw, wherever possible, as a best practice guide, whilst still respecting the *tikanga Māori* (cultural traditions) of *tā moko*. Details of this is included in the recommended bylaw.

How would the bylaw affect service providers?

All businesses who offer any of the services listed above will be required to register with the Council, and undergo an annual verification. This verification will assess the suitability of the premises and practices against the bylaw's requirements.

Once Council is satisfied that a business meets the minimum requirements in the bylaw, they will be issued with a Licence which must be displayed at the premises.

Licences must be renewed every year.

Council staff will assess the following areas, under the Bylaw:

- **Premises** should be fit-for-purpose, suitably maintained, and kept hygienic. They should be adequately lit and ventilated, and chemicals shall be stored in a safe manner.
- General **good practices** and **staff conduct** should be demonstrated, including adequate training, along with good personal hand-hygiene, and disposal of contaminated materials.
- **Cleaning, disinfection and sterilisation** of tools/equipment should be conducted using suitable techniques and equipment which is regularly maintained.
- **Records** should be kept, confidentially, of the client's consent, contact details, any pre-existing medical conditions, and procedures undertaken.
- In addition, there are specific requirements for certain **specific high-risk activities**, such as some beauty treatments, tattooing and piercings etc.

Premises may also be inspected by the Council's Environmental Health Inspectors at any time in response to complaints, to ensure compliance with the bylaw is being maintained.

The bylaw also includes some Best Practice guidance notes. These are not compulsory, but are recommended, in order to help improve the safety of operators and their clients.

If a bylaw is adopted, a series of business-specific user guides will be produced by Council. These are designed to help support operators in understanding some of the risks associated with their practices, and their requirements under the bylaw, and to help walk them through the registration and verification process.

What about new, innovative, and emerging beauty treatments?

We have heard concerns from different stakeholders, that new equipment and treatments are constantly being introduced to the beauty market. Examples included dermal-fillers, pulsed-light treatment, permanent makeup (a form of tattooing) and micro-dermal implants (a form of piercing). Some operators offering the "*latest treatments*" may have limited training and experience.

The proposed bylaw has been written in such a way to try as to try and future-proof for this, and it allows the bylaw to grow alongside the industry. All 'prescribed practices' (treatments which are subject to the bylaw) are listed in a schedule as an appendix to the bylaw. Certain prescribed practices are also required to follow the Prescribed Practice Standards included in the bylaw's schedule. If ever Council needs to include a new treatment into the bylaw, we will consult with the relevant industry, and may choose to adopt a new Prescribed Practice into in the schedule.

Guidance, Implementation and Transition to the proposed new Bylaw

Council understands that it may take a while for all operators to get up to speed and meet the requirements of the new bylaw.

Council staff will be working with them, through a series of workshops and providing guidance material, to help everyone complete their verification, undertake any corrective actions if required, and become a licenced operator.

To allow for this, it is intended that the bylaw would come into full force from 12-months after the date it is formally adopted.

Registration, Verification and Licences

There would be a fee payable to Council to cover staff time for the annual registration, verification and licencing. This would be charged at an hourly-rate, as different businesses will require more or less investigative work as part of the verification, depending on how the business currently operates, and the number of different services they offer to clients. The costs to different businesses will vary accordingly, but is estimated to cost approximately \$330 per business. This amount is comparable with other councils having a similar bylaw in place.

Council will be offering guidance, via a series of workshops, and providing guidance materials to help all operators become verified and licenced to operate in Upper Hutt. Operators are encouraged to use these resources to help streamline their applications, and reduce the cost for their own registrations.

What would happen to those who do not comply with the bylaw?

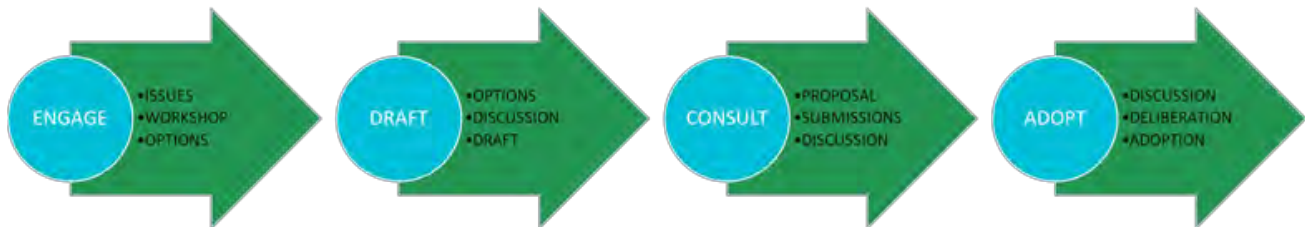
All Operators would be required to be registered and comply with the bylaw by the date it comes into full force.

Unfortunately, there may be a risk of non-licenced operators trying to operate illegally in Upper Hutt. In the first instance, Council will work with all operators to try and ensure that they become compliant with the bylaw. But, if a person persistently fails to comply with the bylaw, they put themselves at risk of being prosecuted. A person who is convicted of an offence under this bylaw or the Health Act could be:

- fined a maximum of \$20,000 according to section 242 of the LGA;
- fined a maximum of \$500 in accordance with section 66 of the Health Act 1956;
- where the offence is continuing, fined a maximum of \$50 every day the offence continues, according to section 66 of the Health Act 1956.

What happens next?

1. Council has already **engaged** with stakeholders to get a better understanding of the issues and some potential solutions.
2. Council has looked at a range of **draft options**, as ways to resolve these issues.
3. We are now **consulting** with the wider community to gather feedback on this Proposal.
4. Council will then consider all of the above feedback, and may choose to **adopt** a new Bylaw in due course.



Options Considered

To address the issues outlined above, we looked at a range of potential options, and considered the following advantages and disadvantages:

PROPOSAL: Introduce a Bylaw, which includes a schedule of Prescribed Practices and Standards

Council proposes to introduce a new bylaw (which is 18-pages long). This details the requirements for all affected Operators, plus additional details for certain higher-risk treatments.

This bylaw is largely based on similar bylaws already adopted by 10 other councils, but it has been restructured and reworded to make it easier to follow, along with including hygiene guidance on specific treatments.

- Annual verifications by Council are a pro-active tool to help operators maintain their premises and processes, in order to reduce the risks of harm to staff and clients.
- All 'prescribed practices' (treatments which are subject to the bylaw) are listed in a schedule, as an appendix to the bylaw. Certain higher-risk practices are also required to follow the Prescribed Practice Standards detailed in the schedule. This approach allows Council to add additional prescribed practices to the schedule, following consultation, if they were identified as being a risk.

The bylaw roll-out would be supported by Council-led workshops and a series of industry-specific guides, to help steer operators through the bylaw.

Option 2: Introduce a Bylaw plus a Code of Practice

Council could introduce a more detailed and complex process, which includes a 8-page bylaw and a 30-page list of requirements for each of the higher-risk practices. These would be based on documents already adopted by Hutt City and four other councils. It could potentially be adopted as a joint-bylaw with Hutt City Council.

To be compliant with the Bylaw, Operators must satisfy the requirements in both documents. The CoP is extremely technical, detailed, and hard to follow. Also, the registration and verification process varies depending on which treatments are being provided, so some operators will need to be assessed under multiple requirements if they offer more than one treatment.

This approach may not serve our goal of ensuring that all operators are meeting the necessary standards, when some may simply fail to comprehend and be able to comply with the bylaw.

Because the bylaw and CoP are more prescriptive and detailed, verification may take longer and be more expensive for the operator, plus require more Council compliance staff time.

Given the structure and wording of these documents, substantial training and guidance would be required to support implementation and compliance with this bylaw.

Under this approach, Council would need to re-consult on an amended bylaw and CoP in order to add new prescribed practices to the main body of the bylaw and Cop, if they were identified as being a risk.

Option 3: Voluntary Guidance only

In the absence of a bylaw, Council could provide some "Good Practice" hygiene guides for operators, in an attempt to improve their awareness of the health risks associated with their treatments.

Whilst this approach might possibly help to improve the health and hygiene standards of some operators, a voluntary approach has a very limited drive for operators to change their current practices. Also, many operators may already be working to acceptable or better standards.

Option \ Outcome	1. Bylaw including schedule of practices	2. Bylaw, plus Code of Practice	3. Voluntary Guidance-only
Risk reduction	Good	Good	Poor
Early prevention	Good	Good	Poor
Level of enforcement	Good	Good	Poor
Cost to Operators	Moderate	Moderate/poor	Good
Cost to Ratepayers	Good/moderate	Moderate/poor	Good/moderate
Complexity	Moderate	Poor	Good

Adoption of a new bylaw (proposed approach)

At a Council meeting on 22 September 2021, Council agreed, that for the purpose of this consultation its preferred approach would be to adopt a new bylaw which includes a schedule of Prescribed Practices and Standards.

What would this mean?

If Council were to adopt the proposed new bylaw:

- All affected businesses would need to transition to use of the bylaw.
- This would be phased-in over a 12-month period, which would be supported by Council providing user-guidance to all affected operators.
- After this period, all commercial operators who provide any regulated treatments (prescribed practices) in Upper Hutt will need to undertake an annual verification, and display a licence to demonstrate that they meet the standard.

Let's kōrero

See page 5 for details on how to send us your feedback
Submissions close on 4 January 2022

Proposed Appearance Industry Bylaw

[Inset]

Draft document for discussion purposes only. This is not Council Policy

APPEARANCE INDUSTRY BYLAW REVIEW

Let's kōrero

Submissions close 11:59 pm, Tuesday 4 January 2022

Freepost this form, or drop it in to Council Reception, H₂O Xtream Aquatic Centre, Expressions Whirinaki Arts & Entertainment Centre, Upper Hutt Central Library, or Pinehaven Library.

Please note that your submission will be made public, including your name, unless you ask for it to be withheld*.

FREEPOST AUTHORITY NUMBER 71019

Upper Hutt City Council
Private Bag 907
UPPER HUTT 5140



FOLD AND SEAL HERE

FOLD AND SEAL HERE

Tell us what you think about what we've proposed

We want to hear your feedback on the proposal to introduce a new bylaw to manage the following Appearance Industry treatments:

Derma-rolling/stamping, electrolysis, exfoliation, extractions, hair removal, laser treatment and pulsed-light treatment, tattoos, red-vein treatment, massage, facials, cosmetic clinics, spas, manicure and pedicures, nail clinics, and piercings.

Step 1 – Read the supporting documents. To assist you in making a submission, a copy of the **Appearance Industry Bylaw - Statement of Proposal** is available to read on the Council website - <https://letskorero.upperhuttcity.com/>. This will give you more details the background and the options considered. Printed copies are also available at the Council reception, both Upper Hutt Libraries, H₂O Xtream Aquatic Centre and Expressions Arts Centre.

Step 2 - Make a submission. Complete this form and either **drop it off** at one of these locations or mail it via **Freepost**.

Step 3 (Optional) – Speak with us. You can also share your feedback with Councillors in-person at a dedicated Appearance Industry Bylaw hearing meeting. If you would like to do this, please say **“Yes”** under **question 4**.

NOTE: Submissions on matters outside the scope of the proposal are unlikely be considered by Council.

Terms of making a submission. Submission of this form is deemed as your agreement to these terms.

* Upper Hutt City Council collects your contact information on this form as part of the consultation process. Unless you request that your name is withheld, it will be made public alongside your submission.

If you speak to your submission at a Council meeting, your name will be included in the minutes, as these are a Public Document.

Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time.

1) Name:

2) Organisation name (if submission is on behalf of an organisation):

3) Email/Tel.

Required if you wish to be contacted regarding a hearing meeting.

(Optional, if you would like us to keep you updated on the progress of this Bylaw)

4) Do you want to present your submission to Council in-person? * Yes / No

5) Do you want your name to be withheld from our public submission documents? * Yes / No

Questions:

6) Do you agree with the Council's Proposal that Appearance Industry businesses should be managed through a bylaw? Yes / No

7) Please explain your reasons why?

8) If you answered "Yes" to question 6, which of the following businesses or procedures do you think that the bylaw should manage?

Acupuncture <input type="checkbox"/>	Derma-rolling/stamping <input type="checkbox"/>	Cosmetic clinics <input type="checkbox"/>	Electrolysis <input type="checkbox"/>
Exfoliation <input type="checkbox"/>	Extractions <input type="checkbox"/>	Facials <input type="checkbox"/>	Hair removal <input type="checkbox"/>
Pulsed-light and Laser treatment <input type="checkbox"/>	Massage <input type="checkbox"/>	Manicure and pedicures, nail clinics <input type="checkbox"/>	Piercings <input type="checkbox"/>
Red-vein treatment <input type="checkbox"/>	Tattoos (inc. medical and semi-permanent makeup) <input type="checkbox"/>	Other (please specify) <input type="checkbox"/>	

9) Please explain your reasons why?

10) If you answered "Yes" to question 6, do you think that there are any business areas or activities that should be excluded from the bylaw? Yes / No

11) Please explain your reasons why?

12) How did you hear about this consultation?

- COUNCIL WEBSITE
 COUNCIL FACEBOOK
 COUNCIL STAFF
 SOMEONE YOU KNOW
 NEWSPAPER
 RADIO
 OTHER Please describe

ATTACH ADDITIONAL PAGES IF REQUIRED



Extraordinary Council | 22 September 2021

Director's Report Strategy, Partnerships and Growth

Purpose of report / Te Pūtake

1. The purpose of this report is to provide an update on various policy and strategy workstreams.

Recommendations / He Tūtohunga

2. It is recommended that Council receives the Strategy, Partnerships and Growth Director's Report.

Annual Report 2020/2021

3. The Local Government Act (LGA) requires an Annual Report to be prepared for the year in retrospect. It is intended to provide a comparison of Council's actual performance against the intentions set out in the Long Term Plan and Annual Plan (section 98 (2)(a)). The Annual Report is also a way for Council to promote its accountability to the community for decisions made during the year (section 98 (2)(b)).
4. The LGA requires Council to complete and adopt its Annual Report within four months of the end of the financial year to which it relates (by 30 October).
5. Preparations for the Annual Report have commenced and a draft of the Annual Report will be available to auditors in September 2021.
6. The timeline for completion and adoption of the 2020-21 Annual Reports has been extended by the Government (amendment to s98 LGA) to 'no later than' 31 December 2021. As a result Audit NZ has indicated that they may postpone their audit dates (originally planned for late September 2021). This will have implications for the timeline of adoption of the 2020-21 Annual Report by Council, which could be pushed out to as late as December 2021.
7. However, we are currently working toward the agreed timeframe with Audit NZ until we are notified otherwise.

Communications and Engagement

8. **COVID-19 Response September 2021** – To keep the community up to date on the impact of lockdown in Upper Hutt, the Communications team delivered frequent updates across multiple channels. These updates related to Council service levels, rates payments, Council meetings and the welfare and financial help available.
9. The communications plan oversaw 14 news articles on upperhuttcity.com and 16 social media updates across Facebook, Neighbourly and LinkedIn. Post reach for Alert Level 4 and 3 was 60,735 users. Council Service at Alert Level 4, Landfill and PC50 were in the top 5 most visited webpages on the website in during AL4 and AL3.

10. Positive feedback was received on the Council Services at Level 4 webpage including: “Yes; Straight to the point” “Yes; Wanted to know if council were still doing lims” “Yes; I have a library book due back today. Query answered fully under "Borrowed Items". With thanks!”.
11. **Plan Change 47** – Natural Hazards. The Communications team has been working with the Planning team on the content for the letters to be distributed to affected parties. Targeted early engagement is expected to begin later this month.
12. **Plan Change 48** – Tiaki taiao: Significant Natural Areas and Landscapes. Since the draft chapters were released on 8 July, there has been a change to the process for this plan change. At a Council meeting on 28 July a motion was passed by Councillors which in effect asked for pre-consultation to continue until the government issues the national policy statement on indigenous biodiversity. The Communications team is working with Planning on a reset, in terms of how we will engage with landowners going forward. A robust communications plan is being drafted to support this change of approach.
13. **Plan Change 49** – Open Spaces. This plan change was publicly notified on 11 August. This was promoted through Council’s digital channels and in the Upper Hutt Leader. Submissions were captured through the Let’s Korero engagement platform (letskorero.upperhuttcity.com) and closed on 17 September.
14. **Plan Change 50** – Residential and Rural chapters review. Pre-consultation began on 21 July and ran until 13 September (extended from 30 August due to Alert Level 4 lockdown). This was supported by a multi-channel communications and engagement plan to ensure we reached as many members of our community as possible. Online Zoom sessions were introduced during lockdown to replace the in-person sessions scheduled (a first for Council). They were widely promoted by the Communications team and facilitated by the Planning team. They were well attended and received excellent feedback. It’s expected the Plan Change will be publicly notified in mid-2022.
15. **Pinehaven Culvert Replacement** – Work to upgrade two culverts within the Pinehaven Stream began on 2 August. Pinehaven Road and Sunbrae Drive will be closed to traffic until October 2021. The Communications team is working closely with Downer to ensure there is strong community engagement for the life of the project, and that any issues are responded to quickly.
16. **Maidstone Community Sports Hub** – Construction on the first stage of the project began on 13 September. There is currently no parking onsite and pedestrian access only for Ōrongomai Marae, Heretaunga Boxing Club, and the rugby fields. The Communications team is supporting the project, and each stage is being widely communicated with stakeholders and the wider community.
17. There is further community engagement planned through the policy and bylaw development work underway as noted in sections 49 to 61 of this report. The Communications team support all engagements through the development of promotion content and promoting these to enhance community participation in the various pieces of work being carried out by Council.

Kaupapa Māori

18. Memorandum of Partnership (MoP) discussions have begun with an initial hui conducted between a number of Tenth Trust trustees and the Kaitakawaenga. The intent of the hui was to promote whakawhanaungatanga (introductions and linkages) and set up the foundations for future working discussions on an MoP, which it did. Taranaki Whānau (PNBST) and Ngāti Toa Rangatira have continued to express their individual desire to reinvigorate MoPs but to date have been unable to secure hui dates to commence the discussion.

19. The development of the above MoPs will have positive effects across council in the medium to long term. However, in the short term it is anticipated that there will still be some frustration at the inability to secure mana whenua feedback on projects, at the operational level.
20. Changes are planned to be made, as required, to the current draft Te Reo Māori and Tikanga Policy to incorporate the objectives of the draft Māori Cultural Competency Framework (MCCF) prior to its release later in the year.

Sustainability / Rautaki Whakauka

Our vision is a resilient and adaptable city that identifies, confronts, and finds solutions to issues impacting on our four well-beings to ensure future generations can live a good life here.

Global

21. The Intergovernmental Panel on Climate Change (IPCC - the United Nations body for assessing science related to climate change) has released their latest report: [Climate Change 2021: The Physical Science Basis](#). The report makes for grim reading, with UN Secretary-General Antonio Guterres calling it a 'code red for all of humanity.' It outlines:
 - The changes in climate are rapid, widespread and intensifying. They are unprecedented in thousands, if not hundreds of thousands of years.
 - Unless there are drastic immediate, large-scale greenhouse gas emission reductions, limiting warming to 1.5°C, or even 2°C could be beyond reach. The threshold is likely to be crossed not long after 2030.
 - Human activities are indisputably causing climate change. Heatwaves, heavy rainfall and droughts are becoming more frequent and more severe.
 - There is no going back from some changes in the system. However, some changes can be slowed and others stopped by limiting global warming.
 - Climate change is affecting every region, in multiple ways. The changes we are experiencing will increase with further warming.
22. A [Regional Factsheet for Australasia](#) may be viewed here.
23. The IPCC have outlined that the changes between global warming levels are vast:
 - +1.5°C warming: 3 percent probability of an ice-free Arctic summer in any one year.
 - +2°C warming: 16 percent probability of an ice-free Arctic summer in any one year.
 - +3°C warming: 63 percent probability of an ice-free Arctic summer in any one year.
24. The loss of Arctic ice will be catastrophic, leading to significant sea level rise, further change in temperature, loss of biodiversity and habitat, and the release of stored greenhouse gases.
25. The Australian Government have [announced](#) Australia's first zero emissions indoor leisure and aquatic centre in Melbourne. The project will use renewable energy and a heat pump system that will provide heating and cooling in replacement of gas. The aquatic centre is part of a new AUD\$60 million+ aquatic and wellness centre that is being built to replace a former centre.

National

26. The Ministry for the Environment (MfE) have [released the report](#) *Adaptation preparedness: 2020/21 baseline A summary of local government responses to the first information request under the Climate Change Response Act 2002*. The report summarises the online survey from 2020 that shows how local government are preparing for the impacts of climate change, and will inform the development of the National Adaptation Plan.
27. According to NIWA, New Zealand is on track to have its warmest winter since records began in 1909. Temperatures in June and July were ‘an extremely high’ 1.53 °C above average.
28. Genesis Energy have [announced](#) they are required to meet the carbon liability for a long-term gas supply agreement, after the conclusion of an arbitration process. Genesis Energy will need to pay \$53m to meet the carbon liability, as well as provide 1.6million carbon credits to meet its obligations through to 2025.
29. Forest and Bird are seeking a judicial review of a decision by Southland District Council, arguing that Council did not factor in climate change when it granted a coal company exploratory access to its forestry block. Forest and Bird claim Council did not properly consider the implications of climate change and the impact on the district and future generations.

Regional

30. Oji Fibre solutions in Seaview have introduced an optical sorter, capable of diverting over seven million meat and other clear plastic trays from the region’s landfills each year. The Optical sorter can determine the difference between unrecyclable PVC and recyclable PET meat trays, and sort accordingly.
31. More than 135 tonnes of materials a day arrive at the Oji Fibre Solutions plant in Seaview from kerbside collections around the Wellington region. 90 percent of Wellington’s kerbside recycling is recycled in New Zealand, and the optical sorter will increase the percentage.

Upper Hutt

STRATEGY GOAL 1 – COUNCIL WILL BE A CARBON NEUTRAL ORGANISATION BY 2035

32. Following the energy audits that will formulate Council’s *Corporate Emissions Reduction and Mitigation Plan* (expected 2021/22), the retrofit program has begun. Whirinaki Whare Taonga have begun the process to replace lightfittings with LED lights in the level one office space, based on recommendations from the report. The project will be managed by the Whirinaki Operations Manager, and funded by the Sustainability CAPEX budget.

STRATEGY GOAL 2 – WE WILL PRIORITISE PROTECTING & ENHANCING OUR NATURAL ENVIRONMENT

33. The library will be supporting the ‘[Great Kererū Count](#)’ in September. The project is New Zealand’s biggest citizen science project to help gather information on the abundance and distribution of the bird.
34. The annual [State and trends in the diversity, abundance and distribution of birds in Upper Hutt City](#) was received by Council in July. The report shows 39 species were recorded, including 15 native forest bird species. The Kākā was also detected by citizen scientists, but was not detected during the bird count.

35. More than twice as many native birds were recorded as opposed to introduced birds, indicating that bird communities in Upper Hutt's parks are dominated by native species. Average counts of native birds have declined by 20 percent since 2011, however this is not a cause for concern as confidence in the trend is generally low.
36. The tiny but mighty Pīwakawaka / NZ Fantail continues to dominated that Upper Hutt bird scene, having increased 886 percent between 2011 and 2020.
37. A plan to act on the reports recommendations will be put together.

STRATEGY GOAL 4 – OUR COMMUNITY WILL BE RESILIENT, ADAPTABLE AND INCLUSIVE

1. Council supported four members of the community to attend the [For the Love of Bees Earthworks Regenerative Horticulture course](#), held in Wellington. The participants sponsored by Council were from *4 A Better City* and *Food 4Thought/Clyma Park Community Garden*. These organisations applied to the Wellington Community Trust Climate Action Fund, with an interest to start Urban Farms in the Upper Hutt community.
2. The feedback from the participants has been outstanding. One of the groups are now on the receiving end of Council's food waste, to add to their composting program.



FOR THE LOVE OF BEES NZ
Posts

fortheloveofbeesnz Our #earthworkershort101 course starts in Wellington hosted by the epic @kaicyclewgtm on the 19th of June. That's in only a few sleeps. 😊

There are a few spaces left for those of you wanting to explore in depth the power of regenerative organic biology- first urban farming to restore ecological and social well being within local communities.

We are really excited about the people and communities using this opportunity to equip themselves to create a viable urban farming movement.

Bravo to Upper Hutt Council who are sending 3 participants from the area so that next year they can begin to look at developing farms in their communities.

Come and join us over 3 weekends over 3 months and be ready to launch into your project this spring.

Details of both the Wellington and Auckland courses for 2021 are in our linktree.



Photo is of @rorislykin head farmer at @kaicyclewgtm next to our cool posters made by @pk_philip_kelly and enabled by @0800phantom.

Thanks everyone for the learning that will make this urban farming dream possible.

thegreengardennz @sophie_handford @mayor_guru how awesome would it be if KCDC sent some growers from the Kāpiti Coast to this excellent course on regenerative horticulture? Upper Hutt Council have supported 3 places so they're ready to develop resilient, regenerative urban farms. Let's make it so on Kāpiti too! 🌱🌱🌱

1w · 1 like · Reply

mayor_guru @thegreengardennz thanks for this. There is a significant move to look at some large regenerative farms as part of a food security approach. Early days so details not yet available

1w · Reply

Above: Screenshots from the Regenerative Horticulture course from the 'For the Love of Bees' and 'Kaicycle' Instagram pages.

STRATEGY GOAL 6 – WE WILL REDUCE WASTE

38. A free, one year battery recycling trial has been set up for the Upper Hutt community. Scheduled to begin Wednesday, 18 July, the scheme will see small household batteries from remotes, torches and hearing aids diverted from landfill when dropped off at free collection points in Upper Hutt.
39. Collection buckets will be at the following Upper Hutt locations: Mitre10 MEGA, New World Silverstream, PAK'N'SAVE, The Warehouse, The Ekko Shop, Hearing consultants, Jock's Vapes (for vape battery recycling).

STRATEGY GOAL 7 – OUR COMMUNITY WILL BE ENGAGED AND INFORMED ON SUSTAINABILITY ISSUES

40. The Sustainability webpages have been updated on <https://www.upperhuttcity.com/Sustainability-in-Upper-Hutt>. The new pages reflect the Sustainability Strategy, and provide the community with more clarity and transparency regarding Council's progress.

STRATEGY GOAL 8 – WE WILL ENCOURAGE LOW CARBON TRANSPORT

41. Council have added a Plug in Hybrid Electric Vehicle (PHEV) to the fleet. It is the first PHEV to be added to the Council fleet.
42. A DC (fast) charger has been installed at the back of the Council building to charge the PHEV. A second charger has been installed in the storage shed for charging the library EV.



Above: A new charging station and PHEV has been added to the Council fleet.

43. The library have proudly launched New Zealand's first 100 percent electric vehicle (EV) outreach service, with vehicle *Mangaroa*. The vehicle will form an outreach fleet of two vehicles, alongside Pūrehurehu.
44. The vehicle is designed for a series of trolley's to be removed from the vehicle to formulate a 'pop up' library. Customers will not have to board the vehicle.

45. The media release for the launch of Mangaroa was picked up by varying media organisations, including Radiator Magazine, Sustainability Trust, Dzine Signs, Councillors throughout the Region and New Zealand EV Owners social media groups.



Above: images of Mangaroa, Upper Hutt's EV outreach service.


NZ news


Library LDV EV

Local councils are moving toward a greener future, with some starting to introduce more low emission vehicles into their fleets.

Upper Hutt City Council recently bought a Chinese-made 2021 LDV EV80 electric cab and chassis from MTA member, Hutt Valley SsangYong. The council already runs a hybrid and a PHEV, but this is its first battery electric vehicle. It was transformed for the mobile library service with a custom storage pod made by local fabricator MF King Industries.

LDV spokesperson Amanda West says it is the first EV80 that LDV has sold to local government. It is also one of three EV80s sold by LDV so far this year. The company reports strong interest in its EV vans, particularly the new LDV eDeliver3, which qualifies for the government rebate (17 sold in the past six months).



MTA Radiator Magazine August 2021

Above: Article from MTA Radiator Magazine

Bylaws and Policy (Ture ā-Rohe me Kaupapahere)

Appointment of Directors to Council Organisations Policy

49. Council manages the appointment of Directors to Council Organisations through a Policy found in chapter 8 of its [Manual of Policies](#).
50. The current Policy has been in-play for a number of years, and whilst here is no legislative requirement to review the policy, it is considered timely to review the policy now.
51. The following is an indicative timeframe for this review:
- Review Policy August- September 2021
 - Draft reviewed Policy to Policy Committee 20 October 2021
 - Adopt reviewed Policy 3 November 2021

Appearance industry bylaw

52. Pre-engagement discussions with stakeholders on a potential new 'Appearance Industry' bylaw took place between December 2020 and June 2021. The initial findings and options from the pre-consultation was presented to Councillors at a workshop on 15 June 2021.
53. An options paper, outlining possible approaches and consultation requirements, is contained elsewhere in the agenda for this meeting.

Review of the Dog Control Bylaw 2004 and Dog Control Policy

54. Council manages the control of dogs in its district through its [Dog Control Policy](#). The [Dog Control Bylaw 2004](#) gives legal effect to this policy, in accordance with the [Dog Control Act 1996](#).
55. Both documents were last reviewed and adopted in August 2011, so a review is now required, in accordance with s160A of the Local Government Act 2002.
56. The following is an indicative timeframe for this review:
- Pre-engagement with key stakeholders November 2021
 - Council Workshop February 2022
 - Adoption of draft policy and bylaw for Consultation March & April 2022
 - Consultation Period April to May 2022
 - Hearings Meeting (if required) June 2022
 - Deliberation Meeting June & July 2022
 - Adoption Report August 2022
57. Pre-engagement has been extended, from the original timeframe, due to the recent COVID-19 pandemic restrictions that has kept the city in lock-down until recently. We will continue to monitor the situation as it unfolds.

Review of Local Approved Products Policy (LAPP)

58. Psychoactive substances were not all regulated under the [Misuse of Drug Act 1975](#), and were widely available before the [Psychoactive Substances Act 2013](#) (PSA) was introduced.

59. Before the PSA, there was significant community concern over the safe use of unregulated products, which is why many councils developed Local Approved Product Policies (LAPP) to regulate the supply and sale of these products.
60. Upper Hutt's LAPP is overdue for review. Information was provided to Council at its workshop on 31st August seeking feedback on whether to review and revoke, or review and amend the policy. In either case public consultation will need to be carried out, following the special consultative procedure.
61. Given the other policy and bylaw workstreams underway, this workstream is planned to be undertaken early next year.

Date of report: 8 September 2021

Vibhuti Chopra
Director, Strategy, Partnerships and Growth



Extraordinary Council | 22 September 2021

Director's Report: Planning and Regulatory Services

Purpose of report / Te Pūtake

1. The purpose of this report is to provide an update on regulatory activity across the city planning functions.

Recommendations / He Tūtohunga

2. It is recommended that Council receives the report entitled *Director's Report: Planning and Regulatory Services*.

Current Plan Changes

3. Work continues on a number of plan changes as part of the rolling review of the District Plan.
4. Attachment 1 to this report, "Status of Current Changes to the District Plan" outlines the current status of District Plan change proposals, including current, recent and upcoming community engagement on plan change workstreams.

Workshops with Council on District Plan work programme

5. The next workshop is scheduled for 31 August for rolling review plan changes.

Implementation of National Planning Standards

6. The Operative District Plan will be released in the National Planning Standards Version in September 2021. This version will implement National Planning standards 1, 4, 6, 7, 8, 9,10, 12, 13, and 14 (in part). This leaves some National Planning Standards 15 (Noise and Vibration metrics), stage 2 of standard 16 (Electronic accessibility and functionality) and two of the Definitions in standard 14 to be implemented via plan changes. The entire suite of National Planning Standards will be implemented prior to the dates specified in Standard 17.

Resource Consents – July

7. During July a total of 17 resource consents (and related resource management approvals) were granted, with 88% issued within statutory timeframes. Two were issued over time as a result of high workloads/delay in consultation responses from experts. The average time taken to determine applications was 19 working days. There continues to be an increase in applications for residential subdivision, including comprehensive residential development, in response to the high market demand.

8. Specific commentary on current and recent applications of particular note is provided in the following section.

Significant consents

9. The submission period for the limited notified application relating to Farrah's factory at 57 Kiln Street closed on 20 July 2021. A total of 13 submissions were received, all in opposition. The process is currently on hold following the close of submissions for the applicant to obtain further expert noise and visual inputs, prior to the hearing. This information is expected to be available mid-September and a hearing is anticipated to follow at the end of October, accounting for statutory timeframes for the provision of evidence.
10. A resource consent application has been lodged for the creation of a business park comprising 43 small commercial/industrial units at 21 Masefield Street. The concept is to provide smaller units for lock-ups or smaller trade companies, which is a growing trend of industrial land use in New Zealand. This consent was issued in July 2021.
11. An application has been received to undertake additions and alterations to two existing buildings (not heritage buildings) and the construction of a new building at Blue Mountains Campus (Ward Street). The intention is to establish new commercial office space and a café at the site. This application is currently being assessed.

Whaitua te Whanganui-a-Tara

12. The Te Whanganui a Tara Whaitua Committee process is drawing to a close with the Final Whaitua Implementation Plan (WIP) to be taken to Greater Wellington on 23 September 2021. It is anticipated that there will be a final document published and launched in Early /November 2021.
13. The development of the WIP has taken a little over two years to complete. The WIP and Te Mahere Wai will be presented to Council at the 20 October Policy Committee meeting.
14. The WIP and Te Mahere Wai documents present the committee's recommendations for the Wellington Regional Plan as well as actions for council and individuals in relation to water. The core principle of this is to implement Te Mana o te Wai. Te Mana o te Wai refers to the vital importance of water and that freshwater is managed in a way that prioritises (in this order):
- the health and well-being of water
 - the health needs of people
 - the ability of people and communities to provide for their social, economic and cultural well-being.

For more information visit: <http://www.gw.govt.nz/whaitua-te-whanganui-a-tara/>

Included attachments / Ngā Āpitihanga

15. [Attachment 1. Status of Current Changes to the District Plan](#)
16. [Attachment 2. Resource consent processing performance report](#)
17. [Attachment 3. Summary of resource consents issued during July 2021](#)

Date of report: 24 August 2021

Reporter writer/approved by:

Richard Harbord
Director Planning and Regulatory Services

Status of current changes to the district plan

Council Plan Change No.	Status	Comments
46. Subdivision engineering & esplanades	Ongoing collaboration with roading and assets teams related to the Engineering Code of Practice review.	Requirements for infrastructure as part of subdivision will include three waters management, roading and esplanades.
47. Natural Hazards	Affected landowner engagement for fault band and peat hazards commenced in August 2021.	Hutt River flood mapping will not be available for inclusion in this plan change. A separate plan change will be developed for the flood hazard from the Hutt River and stormwater network when the flood mapping has been completed.
48. Biodiversity and Landscapes	Draft plan change provisions (objectives, policies and rules) were shared with affected landowners in early July 2021 for their feedback.	Affected landowner engagement is on-going.
49. Open Spaces	The plan change was notified on 11 August with submissions closing on 16 September 2021.	
50. Residential and Rural Zones	Full draft provisions are now open for public consultation until 5 September 2021.	Councillor workshops on the feedback provided on the draft provisions will follow.
53. Heritage and Sites of Significance to Maori	Initial research underway.	
54. Business Land & Mixed Use	Initial research underway.	A Councillor workshop on draft mapping and provisions will occur in October prior to targeted landowner consultation.

Private Plan Change No.	Status	Comments
51. Riverside Farm	Accepted as a private plan change. Currently on hold at the request of the applicant.	Seeking to rezone rural hill land to rural valley floor and create up to 30 new lots ranging from 1ha to 4ha in size.

Resource Consent Processing Performance Report

	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Total YTD
Number of Applications Received	20	15	21	16	20	25	21	11	18	27	33	27	23	227
Number of Decisions Made Total	28	18	14	13	18	15	10	22	14	22	21	25	17	195
Approved	28	18	14	13	18	15	10	22	14	22	21	25	17	195
Declined	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Part Approved / Part Declined	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Delegated Decisions	28	18	13	13	17	15	10	22	14	22	21	25	17	193
Limited Notified Applications	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Notified Applications	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Decisions by Hearings Committee/Independent Commissioner	0	0	1	0	1	0	0	0	0	0	0	0	0	2
Decisions made within statutory timeframe	28	18	14	13	18	11	9	21	14	16	20	17	15	182
Decisions made over statutory timeframe	0	0	0	0	0	4	1	1	0	6	1	8	2	13
Average processing days	17	15	15	19	16	17	13	18	19	25	18	24	19	17.5
Percent within statutory timeframe	100%	100%	100%	100%	100%	73%	90%	95%	100%	73%	95%	68%	88%	93%

SUMMARY OF RESOURCE CONSENTS ISSUED IN JULY 2021

Land use consents (total no 9)

Zone	Nature of consent trigger(s)	Application details	Approval given
Residential	Second dwelling	Conversion of a garage to a dwelling – 22 Jade Crescent	G
Business Industrial	Net site area, carparking, earthworks	Construction of Business Park units and earthworks – 21 Masefield Street	G
Rural Hill	Second dwelling	Construction of a second dwelling – 34 Moon Ridge Road	G
Residential	Additional dwelling, net site area, site coverage, parking, yard setbacks, outdoor living court	Construction of an additional flat – 38 Beth Street	G
Residential	Height	New dwelling – 32C Whitemans Road	G
Residential	Second dwelling, net site area, earthworks, site coverage	Construction of a second dwelling – 25 Routley Crescent	G
Residential	Site coverage	New garage – 16 Milton Street	G
Residential	Additional dwelling, net site area, yard setbacks, site coverage	Construction of an additional dwelling – 14 Totara Street	G

Residential	Side yard, site coverage, parking	Associated with subdivision around existing buildings - 12 Heretaunga Square	G
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Subdivision consents (total no 2)

Zone	Nature of consent trigger(s)	Application details	Approval given
Residential	Subdivision	2 Lot subdivision – 12 Heretaunga Square	G
Business Industrial	Subdivision	18 Lot subdivision – 21 Masefield Street	G

Other consents (total no 6)

Zone	Nature of consent	Application details	Approval given
Open Space and Residential	Outline Plan	Redevelopment of Maidstone Park facilities, and creation of the Community Sports Hub.	G
Open Space	Outline Plan Wavier	Waiver to earthworks and minor development works to facilitate car park and other activities at Maidstone Park	G
Residential	Deemed Permitted Boundary Exemption	Construct an overheight fence – 5 Wilford Street	G
Residential	Deemed Permitted Boundary Exemption	Side yard setback infringement for conversion of a workshop to a sleepout – 83 Flux Road	G

Residential	S127 Variation to Consent Condition	Variation to consent to change servicing arrangement – 214 Plateau Road	G
Residential	S127 Variation to Consent Condition	Variation to alter the staging of Stage 11 Wallaceville Development – Wallaceville Estate	G

TOTAL CONSENTS GRANTED: 17

TOTAL CONSENTS DECLINED: 0

CURRENT LIMITED OR PUBLICLY NOTIFIED CONSENTS

Zone	Nature of infringement(s)	Application details	Limited or Public Notification Status
Business Industrial	Noise, building height	Farrah's Factory at 57 Kiln Street. Resource consent for the erection (partially retrospective) of two silos exceeding height standard and for exceedances of noise standards.	Limited Notified



Extraordinary Council | 22 September 2021

Schedule of Documents Sealed - Deeds and Authority
& Instruction Forms Signed – 27 July to 14
September 2021

Date	Description	Parties
27/07/2021	<p>Warrant of Appointment - Naki Tupou, Senior Building Control Officer (Inspections)</p> <p>Local Government Act 2002</p> <ul style="list-style-type: none"> • Section 171 - general power to enter (s.174) • Section 172 – power to enter for enforcement (s 177). • Section 173 – power to enter for emergency. <p>Building Act 2004</p> <ul style="list-style-type: none"> • Authorised officer • Sections 90 and 111 - Inspections • Section 222 – Inspections • Section 227 – authorised by court order • Section 228 – to give notice • Section 371B – enforcement officer to issue infringement notices • Section 372 – serve infringement notices 	UHCC and Building Control Services
6/08/2021	<p>Warrant of Appointment - Jessica Langston, Planner (Policy)</p> <p>Resource Management Act 1991</p> <p>s.38 - enforcement officer, but limited to: s.333 - enter to survey</p>	UHCC and Planning (Policy)
10/08/2021	<p>Warrant of Appointment - Manua Lameko, Allied Security Officer</p> <p>Dog Control Act 1996</p> <p>s.11 - Dog Control Officer</p> <p>Resource Management Act 1991</p> <p>Noise Enforcement Officer but limited to: s.327 - issue noise direction s.328 - enter and seize, remove part, lock or seize item producing noise</p> <p>Local Government Act 2002</p> <p>s.171 - general power to enter (s.174) s.172 - power to enter for enforcement (s.177)</p>	UHCC and Allied Security

Date	Description	Parties
12/08/2021	Easement instrument to register easement in gross (water and sewage) for subdivision at Brown Owl	UHCC and Gillespie Young Watson (Lifestyle Developments Wellington Ltd)
12/08/2021	Easement instrument to surrender easement in gross as replaced by new easement instrument above	UHCC and Gillespie Young Watson (Lifestyle Developments Wellington Ltd)
29/07/2021	Deed recording termination of lease to enable development of MCSH	UHCC Upper Hutt RAMS Rugby Football Incorporated
29/07/2021	Deed of lease for bare land at Whakatiki Park to the UH Rugby League Club for the permitted use of the Rugby League Clubrooms	UHCC Upper Hutt Rugby League Club Inc.
6/08/2021	Deed of lease for land and building at Maidstone Park to the UH Smallbore Rifle Club Inc for the permitted use of activities associated with a smallbore rifle club	UHCC Upper Hutt Smallbore Rifle Club Inc
12/08/2021	Bond for landscaping and services and infrastructure for subdivision at Brown Owl to allow s224 cert to be signed and titles to issue before all consent conditions completed.	UHCC and Gillespie Young Watson (Lifestyle Developments Wellington Ltd)
12/08/2021	Authority and Instruction to register easement in gross (water and sewage) for subdivision at Brown Owl	UHCC and Gillespie Young Watson (Lifestyle Developments Wellington Ltd)
16/08/2021	Authority and Instruction to register partial removal of building line restriction at 44 and 46 Tennyson Street to enable subdivision and development of lots	UHCC Susie Mills Law 2019 Ltd (McCall, Brodie, Batt and MacDougall)

Date of Report: 14 September 2021

Report writer:

Guy Smith
General Counsel