



Zone and Sector Key Issues Report April 2010

a. Supporting Community Well-being i. *Community Safety and Well-being*

Auckland Social Policy Forum

The deadline for commenting on the new Auckland Social Policy Forum is Friday 21 May. The document is available online:

[http://www.beehive.govt.nz/sites/all/files/Auckland%20Social%20Policy%20Forum%20Discussion%20Document%20%20\(PDF\).pdf](http://www.beehive.govt.nz/sites/all/files/Auckland%20Social%20Policy%20Forum%20Discussion%20Document%20%20(PDF).pdf).

Alcohol

The Law Commission was due to present its recommendations on its review of sale and supply of liquor regulations to Parliament in late April. We anticipate legislation will be drafted quickly in response.

Gangs

National Council has given *Local Government New Zealand* (LGNZ) the go ahead to work with law firm Kensington Swan and draft suggested amendments to the Local Government Act. These would incorporate provisions of the Wanganui District Council Prohibition of Gang Insignia Act.

Family-Centered Communities

LGNZ is working with the Families Commission on the Family-Centered Environments Initiative. This brings seven local authorities together to work on improving planning and policy affecting families.

Councils will look at bringing a family focus to projects including social housing, developing schools as family and community hubs, early childhood education, community engagement, developing a community centre and emergency preparedness. Waitakere, Manukau, New Plymouth, Porirua, Kapiti Coast, Nelson and Queenstown Lakes are represented by their mayors who are championing the initiative.

LGNZ will keep you briefed as the Initiative develops.

The Families Commission addressed the Community Board Executive Committee in March and is looking forward to presenting at future sector meetings.

If you have priority social issues that need addressing at a national level, please email info@lgnz.co.nz. For more information refer Key Issues Report November 2009.

b. Enhancing Environmental Outcomes

i. *Climate Change and Sustainable Land Management*

National Environmental Standard (NES) on Sea Level Rise

Advocacy for an NES on sea level rise continues. There is uncertainty on when the Government might begin working on a NES. It's important the sector raise this critical issue with central government at every opportunity.

The National Council Climate Change Sub-committee has indicated a strong preference for an NES with numbers and non-regulatory guidance on methodology.

Emissions Trading Scheme (ETS)

Work continues on regulations for waste gases. A draft is expected in June 2010 following the passing of the Climate Change Response (Moderated Emissions Trading) Amendment Bill in November 2009. Submissions so far have addressed;

- tree weed species,
- the indigenous sequestration rate,
- pre-1990 forest allocation plan.

LGNZ's submission is available at: <http://library.lgnz.co.nz/cgi-bin/koha/opac-detail.pl?bib=4455>.

ii. *Civil Defence and Emergency Management (CDEM)*

At the time of writing, LGNZ hoped to have information on fund criteria for the \$1 million CDEM subsidy by the end of April. This date is subject to change. The Ministry of Civil Defence will let LGNZ know when it has completed work on the criteria.

iii. *Waste Management, Water and Biosecurity*

New Zealand Waste Strategy

A rework of the New Zealand Waste Strategy review is underway. This follows the Minister for the Environment Dr Nick Smith declining the first draft produced by MfE and LGNZ. In the meantime, councils should work with the existing strategy.

Waste Minimisation Fund

Over 160 applications, valued at \$55 million, have been received for the Waste Minimisation Fund. Around \$6 million is available for 2010. Applications included infrastructure and investigative projects, and education and awareness programmes. Applications are now being assessed with final decisions expected in June. Successful projects can start in August. Unsuccessful applicants will be able to reapply in January 2011.

Territorial Levy Payouts

Three million dollars was distributed across 73 councils in January in the first payouts for the local authority waste levy. The next payment, at time of writing, was due on 20 April.

Councils must keep records and information about how levy money is spent. MfE circulated a levy spend reporting template in January. MfE will engage independent auditors in July to determine compliance. Guidance will be provided on what to expect if an auditor contacts your council.

Section 32 of the Waste Management Act specifies a territorial authority may spend the money only on promoting waste minimisation, or ways to achieve it, in accordance with its Waste Management and Minimisation Plan (WMMP). Payments can be retained if this isn't the case.

The contestable fund and the waste levy payout are funded from the \$10 per tonne levy on waste to landfills.

Emissions Trading Scheme (ETS) Regulations on Waste Emissions

MfE is working on ETS regulations for waste emissions with a technical advisory group representing a range of sectors. LGNZ anticipates draft regulations will be available for consultation in late June.

Proposed National Policy Statement (NPS) for Freshwater Management

The Board of Inquiry report has been released and can be accessed online at: <http://www.mfe.govt.nz/publications/rma/boi-proposed-nps-freshwater-management/index.html>.

Future of Pest Management (FOPM) Project

Rapid progress on the FOPM project has seen the Ministry of Agriculture and Forestry (MAF) start work on a discussion document summarising proposed amendments, and a FOPM Proposed Plan of Action.

Copies of LGNZ's submission on the Summary of Proposals to Amend the Biosecurity Act 1993 are now available on the LGNZ website: <http://library.lgnz.co.nz/cgi-bin/koha/opac-detail.pl?bib=4453>

Binding the Crown to Regional Pest Management Strategy (RPMS)

Binding the Crown to RPMS is a critical issue for councils. Progress has been made and work proceeds on how this will eventuate. Crown concern about the financial cost of delivering on its obligations under the RPMS is still being resolved.

Roles and Responsibilities

Lack of clarity on roles and responsibilities in pest management is another concern for councils. The proposal to establish a "gatekeeper" committee tasked with determining if collective action would result in better pest management is being discussed. If collective action is beneficial, the committee would identify a preliminary objective for a pest programme and determine which sector - central, regional or industry - is best placed to progress analysis of the risk, and take action.

MAF and regional councils are leaders in pest management at national and regional levels. Regional councils believe legislative amendments should reinforce the mandate for council pest management work, but not include a potentially incomplete list of obligatory functions.

A generic leadership role is being proposed for MAF and councils, with appropriate exceptions such as MAF oversight at national level.

Consultation

Work on FOPM has progressed rapidly to take advantage of an existing process to amend the Biosecurity Act to improve border control.

LGNZ was advised, at time of writing, that another discussion document - FOPM Proposed Plan of Action - would be released in April for a six week consultation, and available on MAF's website. This document will include further detail for proposed legislative change alongside other initiatives to strengthen pest management. The consultation dates are subject to change.

Final recommendations for all amendments to the Biosecurity Act will be considered by Cabinet in September.

Farms On Line

MAF proposes to amend the Biosecurity Act to allow the addition of the Farms On Line database. This is a register of rural properties, taken from local authority rating databases, to help respond to biosecurity threats.

LGNZ's response is contained in the submission on MAF's proposed amendments to the Biosecurity Act above.

c. Supporting Regional Growth

i. *Economic Development*

Economic Development Committee

Mayor Kerry Prendergast, EDANZ chair John Wadsworth, Venture Taranaki chief executive Stuart Trundell and Tourism Industry Association chief executive Tim Cossar accepted invitations to join the Economic Development Committee.

During its first meeting in March, the Committee identified its vision, objectives, and value proposition, and discussed key projects and dates.

Vision

The Committee aims to "work with a shared approach supported by shared agreement, presenting a united image, which is inclusive of local government, Economic Development Agencies (EDAs) and Regional Tourism Organisations (RTOs) and recognising that we are 'one entity'."

Objectives

The objectives of the Committee are;

- to define the scope of economic development - what contributes to, or constitutes this

- to articulate and demonstrate the value that local government investment brings to economic development activity,
- in partnership, to develop and agree on a shared economic development agenda with Government,
- to identify and secure investment to deliver that shared agenda
- to deliver the agenda and monitor the outcomes.

This approach promotes local government as a partner in the development of economic growth.

The Committee identified setting the conditions and specific interventions and investments as two important work streams. It agreed "that local government is critical to the delivery of economic development, from investment in infrastructure, through to interventions and partnerships with key stakeholders, to grow New Zealand's economic performance."

Meetings are scheduled for 25 May and 21 July. Other key dates and events include;

- LGNZ Conference 2010 25-28 July, themed 'building prosperous places,'
- a one day master class with Greg Clark, international geographer and keynote speaker at conference, 30 July in Wellington, hosted by LGNZ,
- a proposed one day economic development forum/summit with central government later in the year.

Rugby World Cup 2011 (RWC 2011)

Around 85,000 international visitors have been forecast to attend the Rugby World Cup 2011.

The event will run between Friday 9 September 2011 and Sunday 23 October 2011. Key dates are:

Pool Phase:	Friday 9 September - Sunday 2 October 2011
Quarterfinals:	Saturday 8 October - Sunday 9 October 2011
Semi-finals:	Saturday 15 October - Sunday 16 October 2011
Final:	Sunday 23 October 2011

ii. *Tourism*

Funding Models

Regional Tourism Organisations New Zealand (RTONZ) has completed the first stage of the funding model work. Consultants are currently collating early feedback (including LGNZ's). The draft for full consultation was anticipated at time of writing (April).

Freedom Camping

Freedom camping (mainly by non-self-contained vehicles) has been an issue across the country this summer. It creates costs for councils in the management of human waste, rubbish and fire. The problem is growing.

Current approaches such as education, signage and enforcement appear ineffective. Legislative intervention looks likely to increase councils' toolboxes for dealing with the problem. Detailed work is now required around problem definition, options evaluation and possible recommendations.

At the time of writing, the next meeting of the New Zealand Freedom Camping Forum (NZCF), which includes representation from the sector, was scheduled for 21 April.

d. Sustaining Transport and Infrastructure

i. *Road Safety Strategy 2020*

The 2020 Road Safety Strategy was released in late February. Currently LGNZ is working through how local government can offer a coordinated response. This would acknowledge that road safety problems are specific to local roads and recognise that spatial distribution of accident rates on local roads indicates a different mix of interventions to those more traditionally applied to the "state highway black spot" approach.

ii. *Transport Submissions/Legislation*

Christchurch City is strengthening its current bylaws to take advantage of powers available under the new Land Transport (Enforcement Powers) Amendment and Vehicle Confiscation and Seizure Acts.

Overweight and over-sized vehicles on selected routes are now permitted. LGNZ's submission expressed concerns over potentially adverse cost implications for local authorities. Ultimately, however, councils will approve specified routes. This gives a level of control because those potentially adverse effects can be quantified and managed.

A persisting issue is how additional revenue drawn from route users by the National Land Transport Fund will be targeted to meet costs incurred by the controlling authorities of those routes.

iii. *MED Proposals for Road Corridor*

LGZ has made additional comments to the Minister of Infrastructure for possible inclusion in a Supplementary Order Paper for the Omnibus Infrastructure Bill. This is awaiting its second reading.

A Utilities Act is likely to evolve from the Omnibus Infrastructure Bill to make a code for managing the road corridor mandatory for corridor managers and utility owners.

The implementation copy of the *National Code of Practice for Utilities Access to Road Corridor* can be viewed at: www.nzuag.org.nz/.

iv. *Broadband*

Final plans for rural telecommunications have been released. LGNZ is encouraged to see the focus move to the whole community approach, as advocated.

Changes include;

- rural health sites - the limit of "has to be within 1 km of a rural school" is removed,
- remote communities - scope widened to receive proposals to serve "voice to remote communities,"
- rural schools are being considered under a different proposal (the Rural Schools Broadband Initiative).

A delay is anticipated in the call for expressions of interest (Eols) with the release of Requests for Proposal (RfPs) expected around July/August.

Progress is not expected until before 2011.

The country will be split into more than 20 areas for the purposes of the tender and it's likely regional boundaries will be based on groupings of territorial local authorities, and fixed at the RfP stage. Collaboration with neighbouring councils could be beneficial, particularly around access to assets and regulatory processes.

Work has progressed in Auckland to identify a pilot to include a variety of technologies. LGNZ has been assisting.

e. Maintain and Enhance the Framework for Local Governance and Democratic Participation

i. *Citizenship Education*

Councils can now register to take part in Kids' Voting 2010. Kids' Voting is an initiative of Growing Active Citizens (GAC) which aims to encourage young people to participate in democratic processes. LGNZ is again offering schools a parallel local body election experience.

In 2007 Kids' Voting ran in conjunction with local government elections. Eighty-three schools, over 8,000 students and 43 city and district councils took part. For the 2008 general elections, 102 schools, about 13,000 students and 21 councils participated. We would like to do better this year. Go to www.kidsvoting.org.nz to register.

Useful resources

LGNZ encourages councils to use and share the following resources.

Youth Citizens' Juries: A Guide to Setting Up and Running a Youth Citizens' Jury, a popular resource to assist young people in decision-making processes:
http://www.lgnz.co.nz/projects/SocialandCommunityIssues/GrowingActiveCitizens/youth_citizens.pdf

Taking Action in My Community helps students to learn about what councils do and how they can participate:
<http://www.kapiticoast.govt.nz/Your-Council/The-Role-of-Council/Resources-for-Teachers/>

Youth in Local Government Conference

GAC members supported the Youth in Local Government conference by hosting a workshop on youth citizenship, and helping to judge the Youth in Local Government awards.

Members' Interest Act 1968

The Office of the Auditor-General's (OAG) decision on conflicts of interest amongst a number of Environment Canterbury's councillors raised several challenging issues for councillors when making decisions.

LGNZ sought an independent legal opinion on the decision's implications. It has organised a meeting with the OAG to discuss that opinion. The OAG is expected to provide further guidance for councils on how to interpret the legislation. The OAG and LGNZ have agreed to jointly lobby the Government to have the Act reviewed.

ii. *Māori and Local Government*

Te Maruata Māori Committee

The Committee has agreed to change its name by dropping the word 'advisory.'

The Committee meeting in February included;

- a working session with Dr James Stratford from the DIA on the report "Māori Participation and Engagement with Local Government,"
- an update regarding election matters with Murray Wicks and Tanya Styles from the Electorate Enrolment Centre,
- an update from LGNZ's Irene Clarke on co-management issues, the Resource Management Act (RMA) amendments and implications for Māori. The Committee also looked at new work on Māori-council engagement case studies - and this work will now progress,
- a presentation from Fiona Cassidy, public relations consultant, on the use of Māori media, which supported the committee's focus on encouraging Māori participation in the local elections,
- an update from the LGNZ communications team on the Committee's webpage design.

At the time of writing, the next meeting of the Committee was scheduled to be held on Thursday 15 April 2010.

Implications of Treaty Settlements for Local Authorities

LGNZ continues work on principles for Treaty Settlements and local government. This includes consideration of early input of local government and integration with local government responsibilities and costs.

The proposed principles have not been confirmed by Cabinet at time of writing.

Foreshore and Seabed Act Review

The Government's consultation document on the Foreshore and Seabed Act review closed for submissions in April. LGNZ's submission focused on the principles and practice of implementing the proposed regime. In particular it focused how the issue of customary rights/title will affect councils under the LGA and RMA. The submission is expected to be available on LGNZ's website before the start of the May Zone round.

f. Strengthening Local Government Finances and Capacity

i. *Review of Local Government Funding*

Consultation is underway on how Māori land is valued following a series of hui on what Māori land should be rated. A proposal was made that valuation notices include information on whether or not Māori land has had its valuation "discounted" in accordance with the guidelines adopted by the Valuer General.

ii. *Local Government Cost Index*

LGNZ has commissioned BERL to prepare a formula for calculating a local government cost index (LGCI) as an alternative benchmark to the consumer price index (CPI). The LGCI would be calculated by measuring changes in price of the basic components of council expenditure and would provide a more useful comparison than the CPI. Results will be presented to the next National Council meeting in late May.

g. Building Local Government Capability

i. *International*

The Technical Advisory Group (TAG) which oversees the Commonwealth Local Government Forum's Pacific Project (CLGFPP) met for a two day workshop in Brisbane on 13-14 April. The workshop is the first of a two stage process to develop a strategic plan for the next five years. This will form the basis of the project's application for funding to the International Development Group of the Ministry of Foreign Affairs and Trade (MFAT).

Participants were drawn from Pacific Island communities, Australia and local government. Stakeholders from mayors to chief executives and international development agencies were represented.

ii. *Waitomo*

LGNZ has offered to provide a facilitator to undertake an independent analysis of the Waitomo District Council's LTCCP. The facilitator will also facilitate public meetings to explain the council's finances, and assist attendees to examine options for inclusion in submissions to this year's annual planning. This follows calls from the Minister of Local Government to appoint a commissioner.

At the time of writing discussions around the terms of reference for this facilitation were still underway.

iii. *Pre-election work*

A range of activities are already underway to prepare for the coming elections. A booklet for prospective candidates is being produced along with a presentation for councils to use in candidate briefings. Work is also underway on a new elected member handbook. Due to likely legislative changes occurring after the date of publication a new updateable format is necessary.

h. Delivering Good Regulatory Outcomes

i. *RMA Review*

Cabinet appointed Urban and Infrastructure TAGs to support its resource management reforms. LGNZ provided input to these TAGs. The Urban TAG is due to report back in June while the Infrastructure TAG has a report date of end of May. These TAGs will feed into broader Phase Two RMA reforms and a further amendment Bill.

The Cabinet paper is available on the MfE website. The Cabinet progress report from March should be available on the website soon:

<http://www.mfe.govt.nz/rma/central/amendments/reform-phase2.html>.

The Government has made decisions on the Phase One proposal for discount regulations. LGNZ is discussing implementation and guidance with the MfE.

LGNZ's submission on the original discount proposals is available on:

<http://library.lgnz.co.nz/cgi-bin/koha/opac-detail.pl?bib=4445>.

Proposed regulations to make the supply of data for local authorities mandatory will not proceed. The Government has decided not to use regulations for this purpose.

ii. *Building Act/Weathertightness*

Building Act Review

The Building Act Review discussion document seeking feedback on high level proposals was released in February for submissions by 23 April. At the time of writing, LGNZ was in the process of drafting a submission. LGNZ is generally supportive of the proposals and a rebalancing of the responsibility/accountability between building industry groups. This could mean changes in the role of local government in building control, but there are important strategic reasons to support this shift.

However, skill and competency of the building industry is an important prerequisite and there is some concern the industry is not ready to take on greater accountability while ensuring quality buildings.

The submission should be available on LGNZ's website by the start of the May Zone round.

iii. *RMA Making Good Decisions Programme*

The Advisory Board for this joint LGNZ/MfE programme has endorsed a review in 2010 to ensure the programme is "fit for purpose" prior to significant rollout after the 2010 elections.

The last round of foundation workshops were held in March and April and recertification workshops in April/May. Over 500 current elected members have completed the programme to date. It is a legal requirement under RMA that more than half of the members of any RMA hearing panel must have Making Good Decisions (MGD) accreditation. Certificate holders must attend an MGD recertification course when their accreditation expires.

Dates have not yet been set for the next round of workshops. Recertification workshops will be available to coincide with expiry of current certificates and a significant full round of

foundation workshops will be held after the October elections.

More information on upcoming workshops and contact details to register your interest are available on the course provider's website: <http://centreforcontinuingeducation.com/rma/>

iv. ***National Policy Statements (NPSs)***

New Zealand Coastal Policy Statement (NZCPS) Review

LGNZ has promoted the release of the NZCPS Review and is meeting with the Minister of Conservation in May to discuss it.

LGNZ is aware councils are in a difficult position in progressing policy and plan work in the absence of a new NZCPS. The review is now connected with the Foreshore and Seabed Act review.

Electricity Transmission NPS

A series of workshops on the NPS was held during March. Detailed guidance has been developed (by MfE in association with Transpower and local government representatives) and is now available on the MfE website:

<http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-implementation-guidance-jan2010/>

v. ***National Environmental Standards (NES)***

At the time of writing, LGNZ was preparing a submission on MfE's proposed NES for Assessing and Managing Contaminants in Soil. LGNZ expects to be involved in the development of the NES through its next stage.

i. **Connecting with our Members**

i. ***Internal Governance***

Community Boards

LGNZ's Community Board Executive met in March and discussed a number of matters:

- Planning for 8th biennial Community Board Conference held in Rotorua 5-7 May 2011.
- Entries for the Best Practice Awards for the conference - this was a chance to showcase community board achievements.
- Registration for the Community Board workshops at this year's LGNZ conference, on the theme 'Local Boards - are they the Model for the Future?'
- Discussions with LGNZ's Professional Development manager to offer further training courses for community board members, starting late 2010 - see the LGNZ website for further information.
- A request was made to a representative from NZ Post that if there's potential for a regional PostShop to be closed, NZ Post include the Executive in preliminary discussions so options to avoid closure can be discussed.

- A successful meeting was held with a representative from the Tourism Industry Association to discuss ways of reducing the negative impact of freedom camping.
- The Executive enjoyed a frank and robust discussion with Hon Rodney Hide, Minister of Local Government discussing matters including the changing face of Auckland.

ii. *Communications*

The first issue of the newly rebranded *Quarterly Review* was mailed out in mid-March. Along with a new look, it is planned to focus more on in-depth articles about issues affecting local government than three-monthly progress updates.

The electronic newsletter E-News containing updates on the LGNZ website and other links was also sent out in mid-March and at the time of writing the next was scheduled for 29 April.

The Communications team continues to produce Fortnightly Updates to mayors, chairs and CEs of member councils, and the weekly In The Spotlight feature on the front page of LGNZ: www.lgnz.co.nz.

Media enquiries

Media interest has been moderate since February. Enquiries have been received on the topics of alcohol bylaws, the Statistics New Zealand local government expenditure figures for March, our position on the Auckland law reforms, and LGNZ's proposed national advertising campaign for the 2010 local government elections.

Conference

Registrations are now open for the LGNZ Conference on 'building prosperous places' to be held at the SkyCity Convention Centre in Auckland on 25-28 July. To register online please go to: <http://www.lgnz.co.nz/events/conference/index.html>.

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