

Notice is given that an ordinary meeting of the Full Council will be held on:

Date: Friday 31 May 2019
Time: 9.30am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Full Council

AGENDA

MEMBERSHIP

Mayor	Mayor Kempthorne	
Deputy Mayor	Cr King	
Councillors	Cr Brown	Cr McNamara
	Cr Bryant	Cr Ogilvie
	Cr Canton	Cr Sangster
	Cr Greening	Cr Tuffnell
	Cr Hawkes	Cr Turley
	Cr Maling	Cr Wensley

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

Nil

7 PRESENTATIONS

Nil

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8 REPORTS

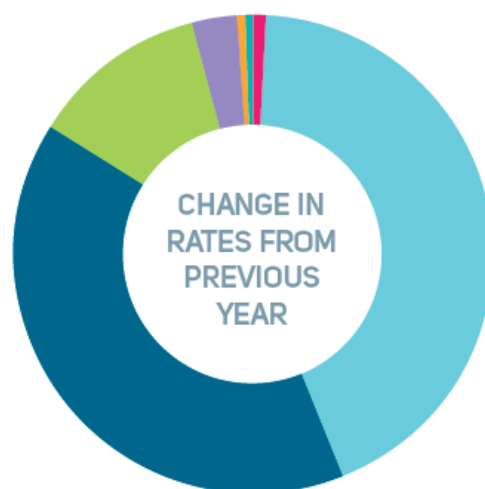
ADOPTION OF THE ANNUAL PLAN 2019/2020

Decision Required

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Alan Bywater, Senior Policy Advisor; Josh Douglas, Senior Management Accountant
Report Number:	RCN19-05-20

1 Summary

- 1.1 This report asks the Council to adopt the Annual Plan 2019/2020 (attached under separate cover).
- 1.2 The Annual Plan largely reflects the decisions and direction Council made through the Long Term Plan 2018 - 2028 (LTP). The proposed budgets contain few changes, compared with what was set out for year two of the LTP.
- 1.3 The final Annual Plan 2019/2020 contains a 2.74% rates income increase for the year (excluding an allowance for growth). This compares with the forecast of 2.42% for year two in the LTP. The overall rates increases (including targeted rates) will range from 0.4% to 5.8% compared with the previous year for the sample properties the Council uses as examples of rates increases across the District (note that individual properties may vary from these examples).



● Decrease ● \$0-\$50 ● \$50-\$100 ● \$100-\$200
 ● \$200-\$400 ● \$400-\$600 ● More than \$600

Note: figures exclude volumetric water charging which varies depending on water usage.

- 1.4 Having resolved in December 2018 that the changes to the Annual Plan were not material or significant from the 2019/2020 year in the LTP, Council decided not to carry out formal consultation. Instead, we communicated the contents of the Proposed Annual Plan through Newsline and information on our website. In addition, we attended meetings with various community associations, the Motueka and Golden Bay Community Boards and attended the Neighbourhood Support Waimea Family Day in Richmond.
- 1.5 Communication material on the contents of the Annual Plan was released on 8 March 2019. We distributed information on Council projects, finances, and levels of service throughout the District via Newsline, online, and through Council offices and libraries.
- 1.6 Council must adopt the final Annual Plan 2019/2020 by 30 June 2019 to meet its statutory deadlines. Council is required to adopt the Annual Plan prior to making rates resolutions to set the rates for the 2019/2020 year.

2 Draft Resolution

That the Full Council:

1. receives the Adoption of the Annual Plan 2019/2020 report RCN19-05-20; and
2. adopts the Annual Plan 2019/2020 pursuant to Section 95 of the Local Government Act 2002 (attached under separate cover); and
3. authorises the Mayor, Deputy Mayor and Chief Executive Officer to approve any minor edits or changes to the document, prior to publication.

3 Purpose of the Report

- 3.1 The purpose of this report is for the Council to adopt the Annual Plan 2019/2020.

4 Background and Discussion

- 4.1 The Annual Plan 2019/2020 outlines the activities and services Council plans to provide over the 2019/2020 year, being Year Two of the LTP 2018 - 2028.
- 4.2 The Annual Plan contains the proposed budgets, a funding impact statement for the 2019/2020 year and identifies any variation from the versions of these included in the LTP 2018 - 2028. The Annual Plan also provides details of the projects we have planned for the upcoming year.
- 4.3 This Annual Plan 2019/2020 is similar to the programme set out for year two of the LTP 2018 - 2028. The primary differences are lower levels of debt forecast (\$191 million, compared with \$194 million in the LTP), higher rates income increase (2.74% compared with 2.42% in the LTP) and lower operational expenditure (\$122.7 million compared with \$124.5million in the LTP).
- 4.4 The major drivers of the 0.32% increase in rates revenue compared with year two in the LTP 2018-2028 are:
 - Replenishing the Rivers activity emergency fund depleted from ex-cyclones Fehi and Gita recoveries.

- Reviewing the Tasman Resource Management Plan and Tasman Regional Policy Statement. The full costs of this work were not included in the LTP 2018 - 2028 because government policy has evolved and the introduction of national planning standards has taken place since the LTP was prepared.
 - Improving our ability to deliver our functions and meet community expectations now and in the future.
 - Higher insurance premiums.
- 4.5 The overall level of the capital expenditure forecast at \$39.7 million is lower than the forecast in the LTP 2018 - 2028 (\$43.6 million). Within this difference, there have been changes to the timing of some projects. Note that in addition to the \$39.7 million capital, we will be contributing \$12 million to the Waimea Community Dam.
- 4.6 The key changes to the capital programme are listed below.
- Delay to the new water treatment plant for Wakefield. Further testing of the raw water from its source is needed to ensure that we design the best treatment system. We have rescheduled construction to 2020/2021.
 - Nelson Regional Sewerage Business Unit (NRSBU). Improvement works have been delayed to 2020/2021 pending resource consent decisions.
 - Mapua water trunk main design (Moturoa/Rabbit Island). Design has been brought forward to commence in 2018/2019 and conclude in 2019/2020, prior to construction in 2020/2021.
- 4.7 At its 13 December 2018 meeting, Council determined that the proposed changes to the work programme, debt levels and rates for 2019/2020, compared to those set out for year two in the LTP, were not significant or material. Council further decided not to produce an Annual Plan Consultation Document.
- 4.8 Council instructed staff to prepare a less formal communication process which did not involve calling for submissions from the community.
- 4.9 This communication process involved media releases, information in Newline, web-based information and information available at Council offices and libraries. Councillors and staff attended resident association meetings at Brightwater, Wakefield, Mapua, Tapawera, Tasman, Murchison and Moutere Hills, as well as the Golden Bay and Motueka Community Board meetings. In Richmond we attended the Neighbourhood Support Waimea Family Day at Easby Park to share Annual Plan information.

5 Options

- 5.1 Council is required by the Local Government Act 2002 to adopt its final Annual Plan and set the rates prior to commencement of the new financial year on 1 July.
- 5.2 Council has indicated it will not be making significant or material changes to the budgets or programme from year two of the LTP and communicated with the community on this basis.
- 5.3 Council could choose to delay the adoption of this Annual Plan 2019/2020 up until 30 June 2019 if it considered this was necessary. The consequences of this are set out in section 6 of this report.

6 Strategy and Risks

- 6.1 Anything more than minor wording changes to the final Annual Plan 2019/2020 would run the risk that staff would not be able to conduct the processes necessary to complete the Annual Plan; and consequently, that Council would not meet its statutory obligations. If Council misses the deadline, we will be unable to set and assess rates in a straightforward manner for the 2019/2020 year.

7 Policy / Legal Requirements / Plan

- 7.1 An Annual Plan is required through Section 95 of the Local Government Act 2002 (the Act). Schedule 10 specifies the information that must be contained in an Annual Plan.
- 7.2 Strategic Policy staff and the Finance Manager have reviewed the Annual Plan 2019/2020 for compliance with the Act. The Strategic Policy Manager and Leadership Team have also reviewed the Annual Plan 2019/2020.
- 7.3 Council resolved to make a number of changes to the capital programme (some of which impact the 2019/2020) year at its meeting on 9 May 2019. In the Council report RCN19-05-5 staff noted that it is rare for Council to deliver an annual programme of works in entirety due to factors often outside of Council's control and that the Local Government Act does not anticipate that councils will always deliver everything as planned. Staff drew Councillors attention to Section 96 of the Act (see below).

Section 96 Effect of resolution adopting long-term plan or annual plan

(1) The effect of a long-term plan and an annual plan adopted by a local authority is to provide a formal and public statement of the local authority's intentions in relation to the matters covered by the plan.

(2) A resolution to adopt a long-term plan or an annual plan does not constitute a decision to act on any specific matter included within the plan.

(3) Subject to section 80, and except as provided in section 97, a local authority may make decisions that are inconsistent with the contents of any long-term plan or annual plan.

(4) No person is entitled to require a local authority to implement the provisions of a long-term plan or an annual plan.

(5) This section applies subject to Part 4A of the Local Government (Rating) Act 2002.

- 7.4 At its meeting on 9 May 2019, Council resolved to acknowledge that the decisions in report RCN19-05-5 were inconsistent with the Long Term Plan 2018-2028 and proposed Annual Plan 2019-2020, but were not significant enough to justify amendment to those plans or further consultation.

8 Consideration of Financial or Budgetary Implications

- 8.1 Council must adopt the Annual Plan 2019/2020 prior to making resolutions to set rates for the 2019/2020 year.
- 8.2 If Council agrees to adopt the final Annual Plan 2019/2020, the total rates income increase for the year will be 2.74% (excluding growth). The overall rates increases (including targeted

rates) will range from 0.4% to 5.8% compared with the previous year for the sample properties Council uses as examples of rates increases across the District (note that individual properties may vary from these examples).

8.3 The table below reports this Annual Plan against our Financial Strategy limits:

Financial Strategy Limits	Annual Plan 2019/2020
Limit on the annual 'rates income increase': 3% (excluding an allowance for growth)	Rates income rise of 2.74% (excluding an allowance for growth)
Limit general rates income to \$51 million per annum and targeted rates income to \$46 million per annum (excluding GST)	General Rates: \$40.6 million Targeted Rates: \$35.7 million
External debt limit of \$200 million	External debt of \$191 million

9 Significance and Engagement

- 9.1 The decisions on the content of any Annual Plan have the potential to be of high significance to residents of Tasman primarily because of the financial consequences on rates, potential impacts on levels of service and the impacts of capital and operational expenditure on local communities.
- 9.2 In this case, the contents of the Annual Plan are very similar to those indicated for 2019/2020 in the LTP. The Local Government Act 2002 only requires Council to carry out consultation on the Annual Plan if the changes from the applicable year in the Long Term Plan are material or significant.
- 9.3 We conducted full consultation as part of the LTP 2018 - 2028, which provided Council with a solid understanding of community views.
- 9.4 Council considered the significance of the changes in the Annual Plan 2019/2020 through a report at its 13 December 2018 meeting. Council decided that the changes were not significant or material and decided not to consult on it.
- 9.5 In order to keep the community informed, Council communicated information about the Annual Plan 2018/2019 in March and April 2019.
- 9.6 The decision before Council is whether or not to adopt the Annual Plan and, as noted above, it does not need to consult prior to making the decisions sought in this report.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	The contents of this Annual Plan do not introduce significant or material differences from year two of the LTP. The LTP consultation process addressed matters of high public interest.
Is there a significant impact arising from duration of the effects from the decision?	Low	Council is required to publish an Annual Plan each year.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	The Annual Plan affects the management of strategic assets, but there are no significant decisions contained in this Annual Plan to sell or transfer control of a strategic asset.
Does the decision create a substantial change in the level of service provided by Council?	Low	The decision does not reduce any levels of service. In a few cases improvements to levels of service may be delayed by capital projects being delayed.
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one-year or more of the LTP?	Low	The Annual Plan is one of the primary mechanisms for setting rates and managing Council's finances, including debt. Council considered these impacts in December 2018.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	NA	No changes are proposed to CCO's or CCTO's.
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	NA	

10 Conclusion

- 10.1 This report asks Council to adopt the Annual Plan 2019/2020 as attached under separate cover.
- 10.2 The final Annual Plan 2019/2020 reflects the decisions and direction of Council made through the LTP 2018 - 2028, with relatively small changes for the upcoming year.
- 10.3 The final Annual Plan 2019/2020 contains a total rates income increase for the year of 2.74% (excluding growth).
- 10.4 Council must adopt the final Annual Plan 2019/2020 by 30 June 2019 in order to meet its statutory deadlines.

11 Next Steps / Timeline

- 11.1 Upon adoption, the Annual Plan 2019/2020 will come into effect on 1 July 2019 and will be in force until 30 June 2020.
- 11.2 The Annual Plan document will be professionally designed and published.
- 11.3 Council staff will send copies of the document to the organisations as required under the Local Government Act 2002 and will make copies available in Council offices and libraries, and on the Council's website.

12 Attachments

- 1. Draft Annual Plan 2019-2020 for Adoption (*Under Separate Cover*)

2019-2020 RATE SETTING REPORT**Decision Required**

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Kelly Kivimaa-Schouten, Revenue Accountant
Report Number:	RCN19-05-21

1 Summary

- 1.1 The approval of the Council's work programme through the adoption of the Annual Plan 2019-2020 determines the amount of rates funding required to complete that programme.
- 1.2 The Local Government (Rating) Act 2002 sets out the procedure for setting rates, due dates, and penalties.
- 1.3 The Council is required to pass a resolution on an annual basis to set the rates, due dates, and penalties for the forthcoming rating year.
- 1.4 This report is for setting the rates, due dates and penalties for the Council's 2019-2020 financial year.
- 1.5 The rates in this report are GST inclusive.
- 1.6 As is the practice, this rates resolution has been reviewed for compliance by a legal consultant, as compliance with the prescriptive provisions of the LGRA is essential in making the rates charges enforceable against property owners.

2 Draft Resolution**That the Full Council**

- 1. receives the 2019-2020 Rate Setting Report RCN19-05-21; and**
- 2. sets the following rates under the Local Government (Rating) Act 2002 for the financial year commencing on 1 July 2019 and ending on 30 June 2020;**

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
General Rate		Every rateable rating unit in the District	Rate in the \$ of Capital Value	0.2277 cents

A portion of the general rate is used to replenish the Council's General Disaster Fund.

Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
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Uniform Annual General Charge (UAGC)		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 290.00
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Targeted Rates

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
1	Stormwater Rate		Every rateable rating unit in the District which has a land value		
		Urban Drainage Area- Stormwater Differential	Where the land is situated being rateable rating units in the Stormwater Urban Drainage Rating Area	Rate in the \$ of Capital Value	0.0567 cents
		Balance of the District- General Drainage Stormwater Differential	Where the land is situated being rateable rating units with land value, that are not in the Stormwater Urban Drainage Rating Area	Rate in the \$ of Capital Value	0.0060 cents
2	Water Supply Rates				
2.1	Water Supply Rates – Urban Water Supply Metered Connections and Rural Water Extensions to Urban Water Schemes (“The Club”)				
2.1(a)	Water Supply – Urban Water Supply Metered Connections (excluding Motueka Water Supply & Industrial Water Supply Agreement Holders): Volumetric charge		Provision of service being the supply of metered water to those rating units in the District, which have metered water connections, excluding those connected to the Motueka Water Supply because they have a different targeted rate, and excluding the industrial water supply users who have a commercial water supply agreement with the Council	Per m ³ of water supplied	\$ 2.17
2.1(b)	Water Supply – Urban Water Supply Metered Connections (excluding Motueka Water Supply & Industrial Water Supply Agreement Holders): Service Charge		Provision of a service being a connection to a metered water supply by rating units in the District, excluding those connected to the Motueka Water Supply, and excluding the industrial water supply users who have a commercial water supply agreement with the Council	Fixed amount \$ per connection (meter)	\$ 337.56
	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)

2.1(c)	Water Supply- Rural Water Extensions to Urban Water Schemes		Provision of a service being a connection to a supply of water via a rural extension to urban schemes through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$634.71
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The extensions that will be charged this rate are: Best Island Water Supply, Mapua/ Ruby Bay Water Supply, Brightwater/Hope Water Supply, Richmond Water Supply, Wakefield Water Supply, and any others which are referred to as the Other Rural Water Supply Extensions.

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
2.2	Water Supply Rates – Motueka Water Supply Metered Connections				
2.2(a)	Water Supply – Motueka Water Supply Metered Connections: Volumetric charge		Provision of service being the supply of metered water to rating units connected to the Motueka Water Supply	Per m ³ of water supplied	\$ 2.13
2.2(b)	Water Supply – Motueka Water Supply Metered Connections: Service charge		Provision of a service being a connection to the Motueka Water Supply	Fixed amount \$ per connection (meter)	\$ 97.11
2.3	Water Supply – Rural Connections				
2.3(a)	Water Supply- Dovedale Rural Water Supply		Provision of a service being a connection to the Dovedale Rural Water Supply through a lowflow restricted water connection		
		Dovedale Differential A*		Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). For example, users with a 2m ³ per day restrictor volume will be billed two of the Differential A charge	\$ 706.91
		Dovedale Differential B*		Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). For example, users with a 3m ³ per day restrictor volume will be billed two of the Differential A charge and one of the Differential B charge	\$ 544.32

The Council has determined that a differential charge will be applied:

**Dovedale Differential A- includes the supply of water for up to and including the first 2m³ per day. This rate is charged based on the extent of provision of service using the size of restrictor volume, with a base of 1m³ per day. A differential of 1 per 1m³ per day will apply.*

**Dovedale Differential B- includes the supply of water greater than 2m³ per day. This rate is charged based on the extent of provision of service using the size of restrictor volume, with a base of 1m³ per day. A differential of 0.77 per 1m³ per day will apply.*

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
2.3(b)	Water Supply- Redwood Valley Rural Water Supply		Provision of a service being a connection to the Redwood Valley Rural Water Supply through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$ 432.71
2.3(c)	Water Supply- Eighty Eight Valley Rural Water Supply - Variable Charge		Provision of a service being a connection to the Eighty Eight Valley Rural Water Supply through a lowflow restricted water connection	Extent of provision of service: 1m ³ /day (based on size of water restrictor volume). E.g. 2m ³ /day restrictor volume will be charged at two times the listed annual rate	\$ 270.90
2.3(d)	Water Supply- Eighty Eight Valley Rural Water Supply- Service Charge		Provision of a service being a connection to the Eighty Eight Valley Rural Water Supply through a lowflow restricted water connection	Fixed amount \$ per rating unit	\$ 301.01
2.3(e)	Water Supply- Hamama Rural Water Supply- Variable Charge		Provision of a service being a connection to the Hamama Rural Water Supply	Rate in the \$ of Land Value	0.044 cents
2.3(f)	Water Supply- Hamama Rural Water Supply- Service Charge		Provision of a service being a connection to the Hamama Rural Water Supply	Fixed amount \$ per rating unit	\$ 238.36
2.3(g)	Water Supply- Hamama Rural Water Supply- Fixed Charge based on set land value		Where the land is situated being rating units in the Hamama Rural Water Supply Rating Area	Rate in the \$ of set land value (which is the land value at the time capital works were completed in 2005)	0.165 cents
2.4	Water Supply Firefighting				

2.4(a)	Water Supply: Motueka Firefighting		Where the land is situated being rating units in the Motueka Firefighting Water Supply Rating Area	Fixed amount \$ per Rating Unit	\$ 17.88
2.4(b)	Water Supply: Takaka Firefighting- Capital		Every Rating Unit in the Golden Bay Ward		
		Takaka CBD Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Commercial CBD Rating Area	Rate in the \$ of Capital Value	0.093 cents
		Takaka Residential Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Residential Rating Area	Fixed amount \$ per Rating Unit	\$ 52.13
		Takaka Balance of Golden Bay Ward Differential	Where the land is situated being rating units in the Takaka Firefighting Water Supply Rest of Golden Bay Rating Area	Fixed amount \$ per Rating Unit	\$ 15.33
2.4(c)	Water Supply: Takaka Firefighting- Operating		Where the land is situated being rating units in the Takaka Firefighting Water Supply Commercial CBD Rating Area and Takaka Firefighting Water Supply Residential Rating Area	Fixed amount \$ per Rating Unit	\$ 46.00
2.5	Water Supply- Dams				

Item 8.2

2.5(a)	Water Supply- Dams: Wai-iti Valley Community Dam		Where land is situated and the provision of service and the activities controlled under the Tasman Resource Management Plan under the Resource Management Act 1991. This rate will apply to those rating units in the Wai-iti Dam Rating Area that are permit holders under the Resource Management Act 1991 because they are able to use the amount of augmented water as permitted by their resource consent and apply it to the land in accordance with the amount and rate specified in the resource consent	Extent of provision of service: charged at \$ per hectare as authorised by water permits granted under the Resource Management Act 1991	\$ 328.55
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	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
3	Wastewater Rate		Provision of a service. The provision of service is measured by the number of toilets and/or urinals ("pans") connected either directly or by private drain to a public wastewater system with a minimum of one pan being charged per connected rating unit		
		First toilet or urinal ("pan")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 706.87
		2-10 toilets or urinals ("pans")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 530.15
		11 or more toilets or urinals ("pans")		Uniform charge in the \$ for each toilet or urinal (pan)	\$ 353.44

4	Regional River Works Rate		Every rateable rating unit in the District.		
		River Rating Area X Differential	Where the land is situated being rateable rating units in the River Rating Area X	Rate in the \$ of Land Value	0.102 cents
		River Rating Area Y Differential	Where the land is situated being rateable rating units in the River Rating Area Y	Rate in the \$ of Land Value	0.102 cents
		River Rating Area Z Differential	Where the land is situated being rateable rating units in the River Rating Area Z	Rate in the \$ of Land Value	0.023 cents

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
5	Motueka Business Rate		Where the land is situated being rateable rating units in the Motueka Business Rating Area A and B and the use to which the land is put. The land usage categories as set out in the Rating Valuations Rules 2008 for actual property use that will be charged for this rate include: Commercial, Industrial, Multi use commercial/ industrial, Residential- public communal/ multi use, Lifestyle-multi use, Transport, Utility services- communications, Community services- Medical and allied, and Recreational		
		Motueka Business Area A Differential	This will apply to properties with land use categories as listed above for rateable rating units in Motueka Business Rating Area A	Rate in the \$ of Capital Value	0.0423 cents
		Motueka Business Area B Differential	This will apply to properties with land use categories as listed above for rateable rating units in Motueka Business Rating Area B	Rate in the \$ of Capital Value	0.0273 cents

6	Richmond Business Rate		Where the land is situated being rateable rating units in the Richmond Business Rating Area and the use to which the land is put. The land usage categories as set out in the Rating Valuations Rules 2008 for actual property use that will be charged for this rate include: Commercial, Industrial, Multi use commercial/ industrial, Residential- public communal/ multi use, Lifestyle- multi use, Transport, Utility services- communications, Community services- Medical and allied, and Recreational	Rate in the \$ of Capital Value	0.0469 cents
7	Ruby Bay Stopbank Rate		Where the land is situated being rateable rating units in the Ruby Bay Stopbank Rating Area	Fixed amount \$ per Rating Unit	\$ 1,072.38

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
8	Mapua Stopbank Rate		Where the land is situated being rateable rating units in the Mapua Stopbank Rating Area	Fixed amount \$ per Rating Unit	\$ 56.67
9	Motueka Flood Control Rate		Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area A and B		
		Motueka Flood Control Area A Differential	Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area A	Rate in the \$ of Capital Value	0.0068 cents
		Motueka Flood Control Area B Differential	Where the land is situated being rateable rating units in the Motueka Flood Control Rating Area B	Rate in the \$ of Capital Value	0.0010 cents
10	Torrent Bay Replenishment Rate		Where the land is situated being rateable rating units in the Torrent Bay Rating Area A and B		
		Torrent Bay Area A Differential	Where the land is situated being rateable rating units in the Torrent Bay Rating Area A	Fixed amount \$ per Rating Unit	\$ 857.52

		Torrent Bay Area B Differential	Where the land is situated being rateable rating units in the Torrent Bay Rating Area B	Fixed amount \$ per Rating Unit	\$ 270.79
11	District Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 46.97
12	Shared Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 64.22
13	Facilities Operations Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 50.48
14	Museums Facilities Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 56.33
15	Refuse/ Recycling Rate		Where the land is situated being rating units in the Refuse- Recycling Rating Area	Fixed amount \$ per Rating Unit	\$ 136.23
16	Mapua Rehabilitation Rate		Every rateable rating unit in the District	Fixed amount \$ per Rating Unit	\$ 5.94

	Rate Type	Differential category	Categories of land on which Rate is set	Factors	Rate (GST inc.)
17	Golden Bay Community Board Rate		Where the land is situated being rateable rating units in the Golden Bay Community Board Rating Area, which is the Golden Bay Ward	Fixed amount \$ per Rating Unit	\$ 19.37
18	Motueka Community Board Rate		Where the land is situated being rateable rating units in the Motueka Community Board Rating Area, which is the Motueka Ward	Fixed amount \$ per Rating Unit	\$ 19.12
19	Warm Tasman Rate		Provision of service which occurs when homeowners apply and are approved into the scheme which results in the installation of a wood burner and/or insulation into their property	Extent of provision of service: calculated per \$ of the total cost of the installed works and the administration fee charged over a 9 year period including GST and interest	\$ 0.1553
20.1	Waimea Community Dam- Environmental and Community Benefits Districtwide Rate		Every rateable rating unit in the district	Fixed amount \$ per rating unit	\$17.98

20.2	Waimea Community Dam- Environmental and Community Benefits ZOB Rate		Where the land is situated being rateable rating units in the Waimea Community Dam Zone of Benefit Rating Area	Rate in the \$ of Capital Value	0.0025 cents
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And;

3. sets the dates and amounts for payment of rates in 2019/2020 as follows;

For rates other than volumetric metered water rates, rates are set as at 1 July and the Council invoices rates quarterly, with the instalment dates being 1 August, 1 November, 1 February, and 1 May. Each instalment is one quarter of the total annual rates payable for the year. Rates are due and payable to the Tasman District Council. The 2019/2020 rates instalments due dates for payment are:

Instalment 1	20-August-19
Instalment 2	20-November-19
Instalment 3	20-February-20
Instalment 4	20-May-20

Volumetric metered water rates are invoiced separately from other rates. Invoices for the majority of users are issued six monthly and invoices for larger industrial users are issued monthly.

The 2019/2020 due dates for payment are as follows:

Meters invoiced in June (may include but is not limited to meters in Murchison, Upper Takaka, Pohara, Collingwood, meters W00898, W00897, W00906, W45268)	22-July-19
Meters invoiced in July (may include but is not limited to meters in Hope, Brightwater, Wakefield, Tapawera, meters W00898, W00897, W00906, W45268)	20-August-19
Meters invoiced in August (may include but is not limited to meters in Mapua, meters W00898, W00897, W00906, W45268)	20-September-19
Meters invoiced in September (may include but is not limited to meters in Motueka, Kaiteriteri, Riwaka, meters W00898, W00897, W00906, W45268)	21-October-19
Meters invoiced in October (may include but is not limited to meters in Richmond, meters W00898, W00897, W00906, W45268)	20-November-19

Meters invoiced in November (may include but is not limited to meters W00898, W00897, W00906, W45268)	20-December-19
Meters invoiced in December (may include, but not limited to meters in Murchison, Upper Takaka, Pohara, Collingwood, meters W00898, W00897, W00906, W45268)	20-January-20
Meters invoiced in January (may include but is not limited to meters in Hope, Brightwater, Wakefield, Tapawera, meters W00898, W00897, W00906, W45268)	20-February-20
Meters invoiced in February (may include but is not limited to meters in Mapua, meters W00898, W00897, W00906, W45268)	20-March-20
Meters invoiced in March (may include but is not limited to meters in Motueka, Kaiteriteri, Riwaka, meters W00898, W00897, W00906, W45268)	20-April-20
Meters invoiced in April (may include but is not limited to meters in Richmond, meters W00898, W00897, W00906, W45268)	20-May-20
Meters invoiced in May (may include but is not limited to W00898, W00897, W00906, W45268)	22-June-20

Payments received will be applied to the oldest outstanding amounts first; and

4. authorises penalties to be added to rates that are not paid after the due date as follows;

For rates other than volumetric metered water rates, under Section 57 and 58 of the Local Government (Rating) Act 2002 the Council prescribes a penalty of ten percent (10%) of the amount of rate instalments remaining unpaid after the due date to be added on the following dates:

Instalment 1	21-August-19
Instalment 2	21-November-19
Instalment 3	21-February-20
Instalment 4	21-May-20

For volumetric metered water rates, a penalty of 10 percent (10%) will be added to the amount of metered water rates remaining unpaid after the due date to be added on the following dates:

Meters invoiced in June	23-July-19
Meters invoiced in July	21-August-19

Meters invoiced in August	23-September-19
Meters invoiced in September	22-October-19
Meters invoiced in October	21-November-19
Meters invoiced in November	23-December-19
Meters invoiced in December	21-January-20
Meters invoiced in January	21-February-20
Meters invoiced in February	23-March-20
Meters invoiced in March	21-April-20
Meters invoiced in April	21-May-20
Meters invoiced in May	23-June-20

On 4 July 2019, a further penalty of five percent (5%) will be added to rates (including previously applied penalties) that remain unpaid from previous years on 1 July 2019. On 7 January 2020, a further penalty of five percent (5%) will be added to any portion of previous years' rates (including previously applied penalties) still remaining unpaid on 4 January 2020.

The above penalties will not be charged on a rating unit where the Council has agreed to a programme for payment of rate arrears or where a direct debit programme is in place and payments are being honoured.

3. Purpose of the Report

- 3.1 To set the rates for the 2019-2020 rating year.

4. Background and Discussion

- 4.1 The Council is required to pass a resolution on an annual basis to set the rates, due dates, and penalties for the forthcoming rating year.
- 4.2 This resolution must be passed after the Long Term Plan or Annual Plan is adopted and the resolution must be consistent with the Council's Revenue and Financing Policy and the Funding Impact Statement contained in the Long Term Plan.

5. Options

- 5.1 The Local Government (Rating) Act 2002 (LGRA) requires the Council to resolve to set the rates and penalties each rating year.
- 5.2 Exercising the option to not pass this rate setting resolution would mean that assessments and invoices for rates could not be issued for the 2019/2020 rating year, unless or until the rates for the year were set.

6. Strategy and Risks

- 6.1 There are significant financial, legal and reputational risks that would arise from not correctly following the legislated rate setting process or not setting the rates.
- 6.2 There would also be significant risks arising if the rates set were not consistent with the Funding Impact Statement in the Annual Plan 2019-2020.

7. Policy / Legal Requirements / Plan

- 7.1 The LGRA sets out the procedures local authorities need to use to set and assess rates.
- 7.2 Section 23 of the LGRA states that rates must be set by resolution; must relate to a financial year; and must be set in accordance with the relevant provisions of the local authority's Long Term Plan and Funding Impact Statement for the financial year.
- 7.2.1 The resolution states that the rates apply to the financial year commencing on 1 July 2019 and ending on 30 June 2020.
- 7.2.2 The rates are consistent with the Revenue and Financing Policy contained in the Long Term Plan 2018-2028.
- 7.2.3 The rates are consistent with the provisions in the Funding Impact Statement contained in the Annual Plan 2019-2020.
- 7.3 Section 23 of the LGRA also states that within 20 working days of making a resolution, a local authority must make the resolution publicly available on its internet site.

- 7.3.1 This action item has been added to this report.
- 7.4 Section 24 of the LGRA states that the local authority must state the financial year to which the rate applies and the dates by which the specified amounts must be paid in the resolution for setting a rate.
- 7.4.1 The resolution states the financial year and the due dates for payment of the rates.
- 7.5 Section 57 of the LGRA states that a local authority may, by resolution, authorise penalties to be added to rates that are not paid by the due date. The resolution must be made not later than the date when the local authority sets the rates and must state how the penalty is calculated and the date it is to be added to the unpaid rates. The penalty must not exceed 10% of the amount of the unpaid rates.
- 7.5.1 The resolution is being made on the same date the rates are set, states the percentage of the rates amounts owing that the penalty will be, and states the date it is to be added to the unpaid rates. The penalties to be set do not exceed 10% of the unpaid rates.
- 7.6 Section 58 of the LGRA states that different types of penalties may be applied including a penalty on rates assessed in the financial year for which the resolution is made that are unpaid after the date specified, and a further penalty on rates assessed in a prior financial year that are unpaid on the later of a) the first day of the financial year for which the resolution is made, or b) 5 working days after the date on which the resolution is made.
- A further penalty can be added on the rates from prior years if the rates are still unpaid six months after that penalty was added.
- 7.6.1 All permitted types of penalties are proposed to be set to encourage the timely payment of rates, and to reduce the risk that the general ratepayer is funding collection costs due to late payments by the remainder of the ratepayer base.
- 7.6.2 The penalty dates have been set taking into account these legislative requirements.
- 7.7 As is the practice, the rates resolution has been reviewed for compliance by a legal consultant.
- 7.8 The Funding Impact Statement contained in the Annual Plan 2019-2020 includes rating maps that apply to the rates that are set based on “where the land is situated”. The Funding Impact Statement also includes differential definitions that are relevant for ratepayers to understand how the rates will be applied. The rating maps and differential definitions are adopted as part of the Annual Plan, rather than as part of the rate setting process.
- 7.9 Section 95 of the Local Government Act 2002 (the LGA) states that a local authority must prepare and adopt an Annual Plan for each financial year and that it must consult in a manner that gives effect to the requirements of section 82 of the LGA unless the proposed Annual Plan does not include significant or material differences from the content of the Long Term Plan for the financial year to which the proposed Annual Plan relates. The section goes on to say the Annual Plan must be adopted before the commencement of the year to which it relates and that one of the purposes of the

Annual Plan is to contain the proposed annual budget and Funding Impact Statement for the year to which the Annual Plan relates.

- 7.9.1 The Council will have already adopted the Annual Plan 2019-2020 before the rates resolution is brought forward.
- 7.9.2 The Funding Impact Statement contained in the Annual Plan 2019-2020 is consistent with the funding mechanisms specified in the draft rates resolution.

8. Consideration of Financial or Budgetary Implications

- 8.1 The total value of rates (excluding rates penalties) planned to be collected for the 2019-2020 financial year is \$76 million (GST exclusive) out of a total income of \$140 million (GST exclusive).
- 8.2 The rates have been set to meet the Council's budget requirements in a manner consistent with the Funding Impact Statement contained in the Annual Plan 2019-2020.

9. Significance and Engagement

- 9.1 Ratepayers will have a high degree of interest in the rates they will be charged which are influenced by this resolution. However the resolution is bringing into effect the rates that were included in the Council's Annual Plan 2019-2020. The Full Council considered the Annual Plan 2019-2020 at its meeting on 13 December 2018. The Council resolved that the proposed changes to the work programme, debt levels and rates for 2019-2020 compared to those set out in year two of the Long Term Plan 2018-2028 are not significant or material, and agreed not to produce an Annual Plan Consultation Document for 2019-2020. Consultation on the level of rates effectively occurred as part of the Long Term Plan 2018-2028 process, rather than as part of the rates setting process for 2019-2020.
- 9.2 The rates resolution is the mechanism by which the planned rates are set.
- 9.3 The rates resolution is consistent with the final Funding Impact Statement included in the Annual Plan 2019-2020.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	All ratepayers have an interest in the level of rates they will be charged, however the level of rates and how they are set are considered as part of the Long Term Plan/Annual Plan processes, not the rate setting process.
Is there a significant impact arising from duration of the effects from the decision?	Low	Rates are set annually
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	The decision enables the rates that have been budgeted for 2019-2020 to be set and collected. The key decision that sets the level of the rates required is the adoption of the Annual Plan, not this decision.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	N/A	

10. Conclusion

- 10.1 Staff recommend that the Council resolve to set and assess the rates, as required by the LGRA and as set out in this report.

11. Next Steps / Timeline

- 11.1 Once approved, rates staff will verify the rates are correctly entered into the Council's financial systems rates module so they can be used for the 2019/2020 rate invoicing and collection processes.
- 11.2 Rates staff will ensure the rates resolution is made publicly available on the Council website within 20 days of the resolution date.
- 11.3 Rates assessments will be issued with the first instalment by early August 2019.

12. Attachments

Nil

RATING POLICY - RETIREMENT VILLAGES**Decision Required**

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Kelly Kivimaa-Schouten
Report Number:	RCN19-05-22

Item 8.3**1 Summary**

- 1.1 At the 14 February 2019 Full Council meeting, staff were directed to prepare a report to the Council outlining the options, process, cost and timelines to review the current rating policy as it relates to retirement villages or like operations. This report is written in response to that resolution.
- 1.2 Since there is no specific provision or concept of “retirement village” in the Local Government (Rating) Act 2002 (LGRA), staff have had to make some interpretations to fulfill the Council’s request for more information about the rating of retirement villages and the options. The Council has many rating options under the LGRA, however any changes are likely to impact on the entire rating base rather than just the retirement villages that we have been requested to report on. It should also be noted that the same equity issues that were raised in the notice of motion between retirement villages on one title and standalone dwellings, also apply between standalone dwellings and other types of structures such as a block of flats on one title.
- 1.3 Due to the wide scope and complexity of potential rating policy, we cannot summarise all of the rating options across all activities in a simple and succinct way. We have narrowed the scope of this report to provide the Council with the rating policy choices that it has with regard to how it can apply “fixed charge” type rates, as the fixed charge rates featured significantly in the Notice of Motion.
- 1.4 Rates are a property tax and rating policy cannot be changed without due process. There are strict and prescriptive legislative provisions that determine how the Council is required to make its funding choices on an activity by activity basis.
- 1.5 The Council would need to re-consider the funding of each activity on an activity by activity basis, before amendments could be proposed to the current Revenue and Financing Policy and Funding Impact Statement. The Council will need to follow the required processes under the Local Government Act 2002 to approve any changes to the Revenue and Financing Policy and approve the Funding Impact Statement.
- 1.6 A whole of Council activity funding review is not possible to achieve for this report. However this report will provide the Council with more information about the two possible options for approaching fixed charge type rates changes, including some preliminary cost estimates and some information about possible timeframes. The two rating options in this sphere are fixed

charges per rating unit which the Council currently uses, and fixed charges per Separately Used or Inhabited Parts of a Rating Unit (SUIP).

- 1.7 Due to the significant length of time it would take to determine the number of SUIPs and the timeframes associated with statutory processes around significant rating policy changes, Councillors are requested to determine now whether they wish to approve expenditure to define SUIPs and determine the number of SUIPs in the District. If this is approved now, this would effectively enable an incoming Council to progress with a rating review on fixed charge rates as part of the Long Term Plan 2021-2031 processes.

2 Draft Resolution

That the Full Council

- 1. receives the Rating Policy - Retirement Villages RCN19-05-22; and**
- 2. Notes that the final decision for future rating policy for fixed charge rates would be given effect to in the Revenue & Financing Policy adopted prior to and as part of the Long Term Plan 2021-2031; and**
- 3. Authorises expenditure on the preliminary work for Stage 1 of a fixed charge rating review which includes determining the definition of SUIP and the likely number of SUIPs in the District, currently un-budgeted, estimated at between \$30k - \$60k which will need to be met from deferring or re-prioritising other work; and**
- 4. Notes that part of this work can only be undertaken by an external party and is expected to take at least six months to complete; and**
- 5. Notes that staff will report back to the Full Council with the outcomes and implications of Stage 1 work when that work is completed.**

3 Purpose of the Report

- 3.1 To outline to the Council, as requested, the options, process, cost and timelines to review the current rating policy as it relates to retirement villages or like operations.

4 Background and Discussion

- 4.1 At the 14 February 2019 Full Council meeting, staff were directed to prepare a report to the Council outlining the options, process, cost and timelines to review the current rating policy as it relates to retirement villages or like operations.

Legislative Framework for Rating Policy Change

- 4.2 Rates are a property tax. As they are a tax and the Council has powers to collect them, the law prescribes the processes to be followed in some detail. Failure to follow the correct legal process would invalidate the rates. The Council reviewed its rating policy including considering the use of SUIPs in 2014 and again in 2017.
- 4.3 The Council's rating policy is set out in its Revenue and Financing Policy (RFP). Section 102 of the Local Government Act 2002 (LGA) requires the Council to adopt an RFP in order to provide predictability and certainty about the sources and levels of funding. The Funding Impact Statement contained in each year's Annual or Long Term Plan details how the Revenue and Financing Policy will be enacted from a rating perspective.
- 4.4 Rating policy cannot be changed without due process. Clause 10 of Schedule 10 of the Local Government Act 2002 states that "A long-term plan must include a local authority's revenue and financing policy already adopted..." Section 102(4) states that Council may amend its RFP after consulting. The Council will need to follow the required processes under the Local Government Act 2002 to approve any changes to the Revenue and Financing Policy and approve the Funding Impact Statement. The extent of proposed changes will impact on considerations such as consultation requirements. Staff would report back at a later date on implications once the scope and approach are determined.
- 4.5 Therefore no changes to the rating policy, which is included as part of the RFP, can be made without consultation.
- 4.6 The Council is obligated by Section 101(3) of the LGA to make its funding choices after having considered the following, **in relation to each activity** to be funded:
- 4.6.1 the community outcomes - the Council's rationale for service delivery
 - 4.6.2 the distribution of benefits - between the community, identifiable parts, and individuals
 - 4.6.3 the period of benefits - the period in or over which benefits are expected to accrue
 - 4.6.4 the extent to which actions contribute to the need to undertake the activity
 - 4.6.5 the costs and benefits of funding the activity distinctly from other activities
- 4.7 Note that these five matters carry equal weight in law, but the Councillors in their considerations can assign more weight to one factor than to the others.
- 4.8 After having considered these on an activity by activity level with the Council having some indication of the funding sources that might be used and the overall call on each funding source, the next step is to consider the overall impact of any allocation of liability for revenue

needs on the community, as required by Section 101(3)b of the LGA. This may lead to a moderation of the approach arising from the first step. Some considerations may include legal constraints, implications for different groups, equity and fairness, achieving the Council community outcomes and similar matters.

- 4.9 The Council is therefore obligated to justify any proposed rating policy changes using the criteria specified in LGA section 101 and by following a prescriptive process.
- 4.10 The purpose of this report is to provide the Council with potential rating options, rather than to perform a LGA section 101 analysis on each activity.
- 4.11 The LGA Section 101 analysis would need to be performed later if the Council resolved to proceed with a review of rating policy.

The Council's Current Rating Policy

- 4.12 The Council's RFP and Funding Impact Statement shows how each activity is to be funded. Where rates have been selected as a funding tool, this includes specifying how the rates will be set and which properties will pay them, choosing from the permitted rating mechanisms set out in the Local Government (Rating) Act 2002 (LGRA).
- 4.13 The Council sets its various rates using a variety of different mechanisms.
- 4.14 There is no concept of "retirement village" in the LGRA. Therefore retirement villages are treated the same as any other type of property in the District when rates are set.
- 4.15 The rates that would typically be set on a retirement village would therefore be the same rates as any other type of property in the same jurisdiction and would typically include:

Rate Type	Rating Factor
4.15.1 General rate	Rate in the \$ of capital value
4.15.2 Uniform Annual General Charge	Fixed amount \$ per rating unit
4.15.3 Volumetric water supply	Per m3
4.15.4 Service charge water supply	Fixed amount per connection (meter)
4.15.5 Wastewater	Per # of toilets or urinals connected - but for rating units used primarily as a residence for one household, no more than one toilet will be liable for the wastewater rate
4.15.6 Regional river works	Rate in the \$ of land value
4.15.7 District facilities rate	Fixed amount \$ per rating unit
4.15.8 Shared facilities rate	Fixed amount \$ per rating unit
4.15.9 Facilities operations rate	Fixed amount \$ per rating unit
4.15.10 Museums facilities rate	Fixed amount \$ per rating unit
4.15.11 Refuse recycling rate	Fixed amount \$ per rating unit
4.15.12 Mapua rehabilitation rate	Fixed amount \$ per rating unit
4.15.13 Waimea community dam - environmental and community benefits districtwide rate	Fixed amount \$ per rating unit
4.15.14 Waimea community dam - environmental and community benefits ZOB rate	

Rate in the \$ of capital value

- 4.16 Since there is no concept of “retirement village” in the LGRA, staff have had to make some interpretation to fulfill the Council’s request for more information about the rating of retirement villages and the options. The Council has many rating base options under the LGRA, however any changes will impact on the entire rating base rather than just target retirement villages that we have been requested to report on. The rating options for the Council to set rates across all activities cannot be covered in a simple and succinct Council report and we have narrowed the scope of this report accordingly.
- 4.17 Rates that are charged based on land or capital value, or per m³, would have the same outcome regardless of retirement village unit ownership structure if the values or water usage were the same, and as such will not be considered further in this report.
- 4.18 The mechanism for charging the service charge for water supply could potentially be reviewed, however as this was not part of the Notice of Motion, this is beyond the scope of this report. Similarly the mechanism for charging for wastewater could potentially be reviewed. Although the Notice of Motion did mention wastewater, this is also beyond the scope of this report.
- 4.19 Based on the discussion and resolutions it is noted that Councillors concerns centred on eight rates types (e.g. 4.15.7, 4.15.8 etc.) that are set based on a fixed amount \$ per rating unit and therefore the scope of this report has been limited to the rating options relating to this type of charge.

Fixed charge rating options:

- 4.20 The LGRA permits the Council to set the basis on which the **Uniform Annual General Charge (UAGC)** and other uniform or fixed rates are set.
- 4.20.1 Section 15 of the LGRA permits the UAGC to be charged either as a “fixed amount per rating unit” (RU) or “a fixed amount per separately used or inhabited part of a rating unit,” (SUIP).
- 4.20.2 Section 18 of the LGRA states that liability for targeted rates must utilise only factors that are listed in Schedule 3 which includes “the number of separately used or inhabited parts of the rating unit” but also permits the liability for a targeted rate to be calculated as a fixed amount per rating unit even though this isn’t listed in Schedule 3.
- 4.21 Currently, the Council charges its UAGC and fixed amount rates as a fixed amount per rating unit (RU) and has done so since at least 2003/2004 when the LGRA came into effect.
- 4.22 It is important to note that the policy choice must be made on an activity by activity basis, and the outcome after the Council discharges its statutory obligations in determining how rates are to be set can be that some fixed charges are set per RU and some per SUIP. Fixed charge type rates are currently used as a rating mechanism for a number of different Council activities including some of the following water supply, coastal structures, community development, solid waste, environmental management, and governance as well as the uniform annual general charge.
- 4.23 The decision on whether to set fixed charge rates per rating unit or per SUIP does not impact on total rates income collected by the Council (other than to the extent that total rates will increase under SUIP because they are more administratively complex (costly) to administer), but it does result in an incidence shift in who pays the rates.

A change to SUIP would be a very significant rating policy shift. The Council planned to collect 18% of its rates income for 2018-2019 on rates that were set as a fixed charge per rating unit. About 47% of the Council's rate types are set as a fixed charge per rating unit. A switch to SUIP would have a material impact on rating units with multiple units of occupation or use. The scale of the resulting rates increase will depend on the extent to which current fixed per rating unit rates are included. The impact of a reduction on single rating units with only one use would be less significant and would depend amongst other things on the relative number of single unit versus multiple unit rating units and the recovery of increased costs of administration for SUIP.

As a simplistic example ignoring the impacts of a changing cost base and different amounts being owed for rating units versus SUIP, in 2018-2019 the Council owned a rating unit on Croucher Street in Richmond with 10 flats that had total rates excluding volumetric water rates of \$11,093. By applying the same fixed charges for nine additional units, the rates would have climbed to \$17,070, a 54% increase if all of the rates set as fixed charges were instead set as SUIP.

What is a rating unit?

- 4.24 A rating unit is defined by the Rating Valuations Act 1998, which at its most basic is the land for which there is a record of title.
- 4.25 Examples of properties which are one rating unit in the District include:
- 4.25.1 Shopping centres such as the Richmond Mall.
 - 4.25.2 Retirement villages which are structured/owned on one title.
 - 4.25.3 Blocks of flats and other properties on a single title - including many Council owned flats and a property with 13 flats that appears to be used for residential purposes.
 - 4.25.4 Certain rural properties with multiple dwellings/sleepouts.
 - 4.25.5 Certain urban properties with multiple dwellings/sleep outs.
 - 4.25.6 Shops with accommodation provided above (e.g. a dairy).
- 4.26 One outcome of rating fixed charges by rating unit is that large properties on one title such as shopping centres, retirement homes, farms and properties with multiple dwellings or flats, are only rated for one set of fixed amount rates. In the Tasman District, rates set per rating unit include the District Facilities rate, Shared Facilities rate, Mapua Rehabilitation rate, etc.
- 4.27 The rating unit is a robust and efficient mechanism for setting rates as it can be easily identified and audited at any time. This does mean there is a very low risk of rating errors using this approach and it comes with a lower cost of administration as well as being simple to understand.

What is a separately used or inhabited part of a rating unit (SUIP)?

- 4.28 The LGRA does not define it. However this does not give the Council full discretion about how to define SUIP. There is legal risk to the extent the definition is not certain or goes beyond the literal meaning of the statutory term. There are some court cases that help with guidance in this area and there is also local government common practice. A Council definition would be at risk if it used wording such as "capable of" - because capable is not "used or inhabited".

- 4.29 Although no longer in force, the definition that was included in the predecessor to the LGRA 2002, being the Rating Powers Act 1988, stated in section 24 (2) "... "separately used or inhabited portion of a property or building" includes any portion of a separately ratable property used or inhabited by any person, other than the ratable occupier, having a right to use or inhabit that portion by virtue of a tenancy, lease, license, or other agreement."
- 4.30 The Council's legal advisors Simpson Grierson recommended the following definition at a past rating conference: *"A separately used or inhabited part of a rating unit includes any portion inhabited or used by the owner/a person other than the owner, and who has the right to use or inhabit that portion by virtue of a tenancy, lease, license or other agreement.*
- This definition includes separately used parts, whether or not actually occupied at any particular time, which are used by the owner for rental (or other form of occupation) on an occasional or long term basis by someone other than the owner.*
- For the purpose of this definition, vacant land and vacant premises offered or intended for use or habitation by a person other than the owner and usually used as such are defined as 'used'.*
- For the avoidance of doubt, a rating unit that has a single use or occupation is treated as having one separately used or inhabited part.*
- Examples of separately used or inhabited parts include..."* with the definition then going on to specify examples which are relevant to the district.
- 4.31 As requested, we have reviewed Tauranga City Council's rating policy as they have a number of retirement villages in their city. We have reviewed the Funding Impact Statement contained in the Tauranga City Council's Long Term Plan 2018-2028 and have found they set the UAGC as a fixed amount per SUIP however they also set several targeted rates on a fixed amount per rating unit basis. There are no rates at Tauranga City Council that apply specifically to retirement villages.
- 4.32 Staff advise the Council would likely face a legal risk if it attempted to define SUIP only on rating units that contained retirement villages owned on one title. The retirement village industry have substantial resources and have challenged council decisions in the past where they do not agree with the particular council's approach.
- 4.33 It is not possible or legal to target retirement villages in isolation in the SUIP definition. If the Council wishes to proceed with a rates review for those activities with fixed charge rates, this would impact on all properties attracting those rates.**
- 4.34 The following are relatively straightforward applications of a typical SUIP definition:
- 4.34.1 Each separate shop or business activity on a rating unit is an SUIP. For example one building on one title with 12 shops would have 12 SUIPs.
- 4.34.2 Each dwelling, flat or additional rentable unit on a residential property with a single title which is let is a SUIP. For example, a block of four flats on one title is four SUIPs, or a basic retirement unit rented to 15 separate parties would have 15 SUIPs. This could change if the retirement village had other operations such as a shop, medical facilities etc.
- 4.34.3 A farming or horticultural property with five dwellings on the property would count as five SUIPs.

- 4.34.4 Council property such as pensioner housing on one title with 10 flats would count as 10 SUIPs.
- 4.34.5 Individually surveyed lots of vacant land offered for sale separately or in groups count as multiple SUIPs. e.g. a subdivision listed with 10 vacant sections would count as 10 SUIPs.
- 4.35 There are however a number of complications that make the identification of SUIPs less than straightforward. A few examples are listed below. If the Council does proceed to using SUIPs, we would need to take further legal advice to try and frame a clear definition with minimal risks to deal with the large number of scenarios that will arise with any policy change. For example:
- 4.35.1 A single dwelling with a “granny flat” on one title could potentially count as one or two SUIPs depending on the definition and how the granny flat is set up and used. For example:
- Does the son or daughter use the sleep out as a band room or
 - Is it rented to a family member or a third party?
 - Does it contain separate bathroom and kitchen facilities?
- The Council does not hold records or cannot easily identify who actually resides in properties or indeed how the units are configured. Often this is addressed by the use of a remissions policy in some circumstances, or statutory declarations by ratepayers. This adds additional overhead administration costs.
- 4.35.2 Non-residential units with a residential part - e.g. a dairy that has a flat above it or managers accommodation in a motel unit. Is the unit capable of independent use - for example is the dwelling only accessible through the dairy?
- 4.35.3 Residential units with a non-residential part: e.g. the hairdresser who works from home. Is this one SUIP or two? The answer may depend on the definition chosen and potentially the structure of the two parts. If there are two SUIPs there may be implications if the property sells on 3 July to a home owner who does not use the hairdressing room for business - the second SUIP rates would still stay on for the year, as rates are set as at the start of the rating year and the associated issue is how to identify when use changes, so that the Council can be notified to adjust rates correctly for the next financial year.
- 4.35.4 Hotels and motels: each unit may be capable of independent habitation in some situations but is only one business.
- 4.35.5 Bed and Breakfasts, Air B & Bs, Book a Bach and similar arrangements where part or all of a house is rented out directly or via an agency.
- 4.35.6 Farms with multiple dwellings and a contracting business or businesses - depending on nuances of definition - we would need to be able to identify where businesses existed every 30 June to accurately rate for the following year.
- 4.36 One complication of using SUIP is that definitions relate to “use” which can change over time and there is no mandatory statutory notification to the Council of the use change (except where use requires a licence or resource consent). Rates are set only once a year and represent the property status at that point in time. As a result, it will be much more difficult to get an accurate count of SUIPs and therefore accurate rating using SUIPs than rating units

as the Council does not necessarily hold current information and would be relying to some degree on property owners to notify us of changes or inaccurate rating. This would come with a higher staff administrative burden and a level of frustration from ratepayers when their original rates notices may be delivered containing inaccurate information that they also need to communicate about with the Council to have corrected. It may also cause unintended rating inaccuracy, simply because of the difficulty in tracking and auditing records about use at any point in time, and because some ratepayers may not be aware of the need for them to ensure the number of SUIPs on their assessment involves their active review to ensure accuracy.

- 4.37 An advantage of SUIP is that in some cases, the SUIP is a better proxy for user/exacerbator pays than the rating unit. Generally the SUIP is considered to be a better proxy for residents than rating units are. For example, arguably two family units on one title benefit the same as two family units on separate titles for the museums rate. This can be complicated somewhat for other types of land use. For example - the museums rate is paid by all rating units in the District and at the moment businesses such as the Richmond Mall pay one fixed charge. Using SUIP they would pay per SUIP, even though for them rating unit may be a better proxy when considering user/exacerbator pays. Rates are a tax and a rather blunt instrument, and there is unlikely to be a perfect proxy for true benefit. If there was - it is likely that “user charges” rather than rates would then have been used.
- 4.38 There is varying practice across the country for the use of rating unit (RU) or SUIP for the UAGC. Many councils throughout the country do use SUIP for their UAGCs according to a recent survey placed on the Local Government Rating list serve, including Nelson City Council, Auckland City Council, and Marlborough District Council. A number of other councils use the RU option including Rotorua Lakes Council, Invercargill City Council and Southland District Council. A recent survey on the Local Government Rating list serve had 20 Councils respond that they use SUIP, and nine that they use rating units out of 78 local authorities. Stratford District Council has recently changed from rating units to SUIPs for its UAGC, and Central Otago District Council recently changed from SUIP to rating units.

Other Considerations:

Rates remissions policies and statutory declarations:

- 4.39 Rates remission policies are the only way that the Council can remove or reduce rates that have been validly set.
- 4.40 If the Council was to introduce rates set per SUIP rather than per rating unit, it may also need to consider changes to its Rates Remission Policies and potentially whether it would need to introduce new remission policies to deal with any unintended consequences from the definition and application of SUIP.
- 4.41 Some examples may include the following:
- 4.41.1 Secondary dwellings used for short periods of time only, or by immediate members of the household
 - 4.41.2 Secondary dwellings used by caregivers
 - 4.41.3 Derelict properties, e.g. old uninhabited houses on farms
 - 4.41.4 Rating units which are vacant part of the year
 - 4.41.5 Farm properties that are lived in rent free

4.42 The Council currently has a Policy on Remission of Uniform Charges on Non-Contiguous Rating Units Owned by the Same Ratepayer. This policy provides relief for uniform fixed charges in certain circumstances and at the moment a qualifying single farming or horticultural unit with multiple rating units would pay only one set of the fixed charges. This would need to be re-evaluated if it is the Council's intention that every SUIP should pay fixed charges.

4.43 Any changes to Remission Policies would require a full consultative process.

Processes to challenge accuracy of SUIP rating:

4.44 Section 29 of the LGRA states that a ratepayer may object to the information contained in the database if the information contained in the database is incorrect. Some councils use statutory declarations from the ratepayer to shift the burden of "identification" from council to the ratepayers who have the most accurate information about property use. A rating policy change to SUIP would require substantial education of the rating base to ensure they are aware of rating policy and their ability to influence accurate rating outcomes. This will result in additional administrative resources being required to administer rates in the future, should this option be selected, and the shift in policy would also require the ratepayer base to be more involved in ensuring correct rating outcomes in the future.

Costs to Complete Preliminary Stage of Work to Determine number of SUIPs in the District:

4.45 Should the Council wish to proceed with a potential rating review, this work would be done in several stages. Stage 1 would involve developing a proposed definition of a SUIP and determining the likely number of SUIPs in the District. This is necessary to determine the base information for consideration of potential policy changes.

4.45.1 There would be specialist staff time and resources required to move this forward and investigate definition options. This should be able to be done within existing staff budgets unless other Council priorities arise, however due to recent staff turnover in the rates section including the Rates Officer and the backup Rates Officer, this cannot occur as quickly as would otherwise have been the case.

4.45.2 Legal advice would need to be taken on a preliminary SUIP definition. This is because there are significant legal and financial risks arising from a poorly crafted definition that either went beyond the words or which was not clear enough to implement and therefore subject to legal challenge.

4.45.3 Once a preliminary definition is determined, we would need to engage an external party to review properties to identify the number of SUIPs in the District. Staff would recommend the Council's Valuation Service Provider (QV) be engaged to do this work, given they maintain the national property database on behalf of the Tasman District Council and some information held in the database as a result of this project may need to be reviewed. This work would be expected to take a number of months to complete, and the Council's Valuation Service Provider has requested as much lead time as possible before the work could commence as they would need to take on additional resources. The timing of the work would also be subject to workloads in the wider Top of the South as the Marlborough and Tasman district-wide revaluation work ramps up from April 2020. Estimated costs to complete this work are between \$25,000 and \$35,000. If this review identifies further issues or matters, then additional cost may be incurred.

- 4.45.4 The outcome of this work would be a starting point for determining the number of SUIPs in the District but it should be noted that since the “U” in SUIP relates to use which changes over time and which does not have to be notified to the Council or the Council’s Valuer, it will be subject to later review and ongoing challenge.
- 4.45.5 Staff would report back to the Council on the outcomes of this work and it would be used as the basis of a fixed charge review as part of the Revenue and Financing Policy review for the Long Term Plan 2021-2031, if this was the outcome after the incoming Council had completed its statutory obligations regarding the review of the funding of its activities.

Costs of Possible Later Phases:

- 4.45.6 If the Council wishes to progress a review of fixed charge rating after Stage 1, there would be a number of further costs that would arise including the costs of consultation, further legal costs including costs of reviewing any changes to remission policies required and consultation documents, and to facilitate the Council through its statutory processes. It is certain that if SUIP is introduced additional staff resources in the rates team will be required on an ongoing basis to administer the more complex rating policy as well as additional Councillor and staff time to process the proposed changes to the policies. The quantum of these costs and time cannot be determined at this stage as they are dependent on a number of variables that are not yet determined such as how broad in scope SUIP would be applied; how remission policies would be impacted; how many SUIPs there are and therefore how many possible queries there are, etc. Staff would need to report back on costs and resource requirements in the future as the processes progress.

5 Process & Timeframes:

- 5.1.1 Should the Council wish to commence an immediate rating review for fixed charge rates and authorise expenditure for the SUIP definition and QV to commence work, an anticipated timeline would be:

Staff commence work and consult with lawyers on SUIP definition	June – November 2019
SUIP definition to a Council workshop	November-December 2019
Engage QV to determine number of SUIPs in the District *subject to confirmation by QV	December 2019-April 2020
Review preliminary results of SUIP work; the Council considers and prioritises any proposed changes to the Revenue and Financing Policy as part of the 2021-2031 Long Term Plan processes	April 2020 - December 2020

- 5.1.2 If the Council does not approve the expenditure to determine the number of SUIPs in the District now, due to the substantial length of time it will take to determine the number of SUIPs in the District and the workloads around the District Wide Revaluation, and due to the timeframes associated with significant rating policy change and consultation, it would not be possible to make any Revenue and Financing

Policy changes to give effect to using SUIPs for Year one of the Long Term Plan 2021-2031.

6 Options

- 6.1 Option 1 (**recommended**): The Council should approve expenditure for Stage 1 of a fixed charge rating review to define SUIP and determine the number of SUIPs in the District. This would enable the incoming Council to incorporate a focus on this rating issue as part of the scheduled Revenue and Financing Policy review which occurs in conjunction with each Long Term Plan, if they decide to do so, with the potential for implementation of proposed rating policy change in effect as early as 1 July 2021.
- 6.2 Option 2: The Council could retain the status quo rating policy and indicate it will not pursue a move to SUIPs and not approve funding for Phase 1 of a fixed charge rating review, which would mean that SUIP could not be implemented for year one of the LTP.
- 6.3 The advantages and disadvantages of the options are included in the table below.

Option	Advantages	Disadvantages
<p>Option 1: Recommended.</p> <p>Approve funding to define SUIP and determine the number of SUIPs in the District.</p>	<p>Determining the number of SUIPs now should enable the incoming Council to propose rating policy changes related to SUIP for Year One of the Long Term Plan 2021-2031.</p> <p>Council has considered SUIP over each of the last two long term plan cycles but not proceeded. Obtaining a base line number of SUIPs would provide incoming Councils with a better base line of possible financial impacts and a better understanding of potentially impacted parties.</p>	<p>If the incoming Council does not wish to proceed with an SUIP review, funds will have been expended without a difference in rating outcome.</p> <p>Since funds have been expended, the incoming Council may prioritise SUIP against other rating issues that may have otherwise taken higher priority for the LTP 2021-2031 processes given that only one significant rating change can be made due to time available and funding constraints.</p>
<p>Option 2:</p> <p>Keep the status quo.</p> <p>Do not approve funding to define SUIP and determine the number of SUIP in the District.</p>	<p>There is no cost to Council for this option.</p>	<p>The incoming Council may have a view that they would like to proceed with a rating review to consider implementing SUIP. If the pre work is not done regarding definition and determination of the number of SUIPs, SUIPS could not be implemented by year one of the LTP.</p>

7 Strategy and Risks

- 7.1 There are prescriptive statutory processes that the Council needs to follow to set rates. The processes to consider a rating policy change to use SUIP would have a much longer lead time than a number of other potential rating policy changes because it is a fundamental and significant rating policy change and because we don't currently have sufficient information to determine the number of SUIPs there are in the District. Every stage of considering what is appropriate when allocating the liability for rates requires full legal compliance. This process takes time and can be expensive. The Council would be at risk if processes were rushed beyond what is feasible and practical. Rushing the consideration of major changes has an increased risk at this time due to the recent turnaround of staff within the specialist rating section.
- 7.2 We consider that the best time to prioritise and plan for potentially significant rating changes is during the Long Term Planning process so that any potentially competing priorities can be considered at the same time and prioritised. Using the planning process cycle will also mean there is a framework in place for project planning the process and should reduce costs to ratepayers as a whole as compared with standalone rating review processes.
- 7.3 Staff consider that the equity issues raised in the Notice of Motion between retirement villages owned on one title and standalone dwellings are of a similar nature to equity issues arising in other types of ownership structures. For example a block of flats on one title or the farm with six dwellings on one title currently pays the same one set of fixed charges as the retirement village on one title does.
- 7.4 The retirement village sector is large, active and well-resourced. Change that specifically targets that industry is likely to be strongly resisted, and the Council could find itself involved in extended litigation. Staff do not recommend a rating review that would specifically target the rating of retirement villages.

8 Policy / Legal Requirements / Plan

- 8.1 To amend the Council's RFP, the principles of consultation set out in LGA, Section 82 would need to be followed. This includes ensuring that the persons who may be affected by or have an interest in the decision should be provided with relevant information. Determining the number of SUIPs in the district would help enable the Council to consider what it needs to do in order to discharge its section 82 obligations in the event of any future proposed consultation.
- 8.2 The Council also has obligations set out in the LGA, Section 93C in that the impact of its rating proposals on the rates assessed on different categories of rateable land be disclosed in its Consultation Document for the Long Term Plan. By determining the number of SUIPs, this would enable Council to do the initial rates calculations and modelling required should it decide to proceed with a change to SUIPs in the future.

9 Consideration of Financial or Budgetary Implications

- 9.1 A decision to proceed to the initial Stage 1 analysis can be met within existing department budgets. The cost for reviewing the Revenue and Financing Policy within the normal LTP work plan is also included in current and future budgets.

10 Significance and Engagement

10.1 The decision on whether or not to fund Stage 1 of a potential rating review for fixed charges is of low significance. No change to rating policy could happen without full future consultation.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	Costs would be incurred for Stage 1, however a later decision would need to occur on whether to consult/propose a change to rating policy- this decision would have higher significance than the decision Council is making today
Is there a significant impact arising from duration of the effects from the decision?	Low	The decision is only to consider funding the determination of the number of SUIPs - no decision on the outcome of any future rating review is being made at this time.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
Does the decision create a substantial change in the level of service provided by Council?	No	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	

11 Conclusion

- 11.1 Staff recommend that the Council approve expenditure to prepare a preliminary SUIP definition and determine the likely number of SUIPs in the District.
- 11.2 This would enable the incoming Council to progress SUIP as a possible rating policy change if they determined to do so as part of Revenue and Financing Policy review that is part of the Long Term Plan 2021-2031 processes. If the Council decides not to proceed with proposed rating policy changes in this sphere for this LTP, the information would still provide a meaningful baseline for any future discussions.

12 Next Steps / Timeline

- 12.1 If the Council approves funding, staff will begin work on a definition and engage Quotable Value Limited to perform the work to determine the number of SUIPs in the District.

13 Attachments

Nil

8.4 OPPORTUNITY TO SUBMIT ALTERNATIVE PROPOSAL TO GOLDEN BAY LOCAL BOARD PROPOSAL REPORT

Decision Required

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Susan Edwards, Community Development Manager; Mike Drummond, Corporate Services Manager; Dennis Bush-King, Environment and Planning Manager; Richard Kirby, Engineering Services Manager
Report Number:	RCN19-05-23

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1 Summary

- 1.1 The Local Government Commission (the Commission) has received a local government reorganisation application from the 'Working Group for a Golden Bay local board' to establish a local board covering the area of the present Golden Bay Ward of Tasman District. The proposal would replace the Golden Bay Community Board with a local board.
- 1.2 The Commission has agreed to assess the application, and has now publicly notified it and invited alternative applications as is required under the Act. The deadline for the Commission to receive alternative applications is Monday, 10 June 2019.
- 1.3 The Council (and any person, body or group) may make an application suggesting alternative arrangements for local governance for the affected area (i.e. the Tasman District). The Commission will consider all alternative applications it receives, along with the original application. The Commission will then identify the reasonably practicable options for the affected area, before identifying and consulting on its preferred option. Following consultation, the Commission will finalise its preferred governance arrangements for the District and, if that involves changes to the current governance, the new arrangements will be implemented through an Order in Council.
- 1.4 This report provides Council with the opportunity to consider how to respond to the Commission's request for alternative proposals for local governance for the District.
- 1.5 On Friday 17 May 2019, Council held a workshop to discuss the various options for alternative proposals and whether to submit a response to the Commission. During the workshop, Councillors identified and discussed a range of advantages and disadvantages of the options. These advantages and disadvantages are contained in Attachment 1 to this report. Councillors also identified and discussed a range of matters which they would like the Local Government Commission to consider when identifying the reasonably practicable options for the Tasman District and when identifying its preferred option. These matters are contained in Attachment 2 to this report.
- 1.6 Council now has the options of:
 - 1.6.1 Option 1: Deciding not to submit any response to the Commission's request for alternative proposals to the Golden Bay local board proposal;

- 1.6.2 Option 2: Deciding to submit an alternative proposal to the Golden Bay local board proposal based on one of the options discussed at the workshop and included in Attachment 1 to this report; or
- 1.6.3 Option 3: Deciding to submit a response to the Commission providing the key matters (as outlined in Attachment 2 to this report) Council believes the Commission should consider when it identifies the reasonably practicable options for the Tasman District and when it identifies its preferred option. Staff recommend this option.
- 1.7 In addition, staff are concerned that the Commission may release its preferred option for public consultation between when nominations open in July for the October Triennial elections and the holding of the elections. If this was the case it could negatively impact on whether people are willing to stand for election in Golden Bay, cause voter confusion and negatively impact on voter turnout. Staff recommend that Council raises these concerns with the Commission.

2	Draft Resolution
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That the Full Council:

- 1. receives the Opportunity to Submit Alternative Proposal to Golden Bay Local Board Proposal Report RCN19-05-23; and**
- 2. advises the Local Government Commission that Council is concerned that the Commission may release its preferred option for public consultation between when nominations open and the holding of the October local government elections, which could**
 - (i) reduce the willingness of candidates to put themselves forward for the Golden Bay Ward or Community Board due to the potential for their term to be shortened;**
 - (ii) be confusing for voters; and**
 - (iii) negatively affect the election turnout if any preferred option was to propose changing the District's current representation; and**
- 3. agrees not to submit an alternative proposal to the application from the 'Working Group for a Golden Bay local board' for the establishment of a local board covering the area of the present Golden Bay Ward of Tasman District; and**
- 4. agrees to submit a response to the Commission which asks it to consider the list of the key matters contained in Attachment 2 to report RCN-05-23 when it is identifying the reasonably practicable options for the Tasman District and identifying its preferred option; and**
- 5. instructs staff to prepare a Council submission based on 4. above, to the Commission, for approval by the Mayor and Deputy Mayor, prior to submitting it.**

3 Purpose of the Report

- 3.1 This report provides Council with the opportunity to decide:
- 3.1.1 whether it wishes to provide a response to the Local Government Commission's (the Commission) call for alternative proposals to the application for the establishment of a local board covering the Golden Bay Ward; and
 - 3.1.2 if so, the content of any response to the Commission.

4 Background and Discussion**Introduction and the process**

- 4.1 As Council is aware, the Commission has received a local government reorganisation application from the 'Working Group for a Golden Bay local board' for the establishment of a local board covering the area of the present Golden Bay Ward of Tasman District.
- 4.2 If the Commission agrees to the proposal, the local board would replace the existing Golden Bay Community Board.
- 4.3 The Commission has determined that the application meets the requirements for an application under Schedule 3 of the Local Government Act 2002 (the Act). As a result, the Commission has agreed to assess the application, and has now publicly notified it and invited alternative applications as is required under the Act. The deadline for the Commission to receive alternative applications is Monday, 10 June 2019.
- 4.4 Any person, body or group, may make an application suggesting alternative arrangements for local governance for the affected area. The affected area is Tasman District, although alternative applications may relate to just part of the district such as Golden Bay or any other part or parts of Tasman District.
- 4.5 Under the Act, an alternative application may not propose the abolition of Tasman District or its union with another district, or propose any changes to the boundaries of Tasman District or the functions of Tasman District Council.
- 4.6 The Commission will consider all alternative applications it receives, along with the original application. The Commission will then identify the reasonably practicable options for the affected area, which will include existing local government arrangements, before identifying its preferred option.
- 4.7 Once the Commission has identified its preferred option, it will call for public comments on that option. The Commission will then assess the comments, and may prepare a final reorganisation proposal. Any reorganisation proposal will be given effect to through an Order in Council.
- 4.8 There are no appeal rights and there is no ability for ratepayers to call for a poll on the Commission's final proposal.
- 4.9 Please note that the Local Government Act 2002 Amendment Bill No.2 is currently before Parliament. This Bill proposes amending the process for reorganisation proposals to provide for the Commission to run a more flexible process. Parliament could amend the Bill through the Parliamentary process to change what is currently proposed. We do not know the timing for enactment of this Bill. It is likely to contain transition provisions to deal with applications

currently before the Commission. Therefore, the process I have outlined above, could be altered if the Bill is enacted prior to the Commission finalising the current reorganisation process.

Timeline

- 4.10 As noted above the call for alternative proposals closes on 10 June. The Commission may take some time to consider any proposals it receives, to identify the reasonably practicable options for the affected area, and to identify its preferred option.
- 4.11 Staff are concerned that the Commission may release its preferred option for public consultation at the same time as the preparations are underway for the October local government elections. If this was the case it could:
- 4.11.1 reduce the willingness of candidates to put themselves forward for the Golden Bay Ward or Community Board due to the potential for their term to be shortened;
 - 4.11.2 be very confusing for voters; and
 - 4.11.3 negatively affect the election turnout if any preferred option was to propose changing the District's current representation.
- 4.12 Staff recommend raising our concerns in 4.11 above in any response Council makes to the Commission.

Discussion

- 4.13 On Friday 17 May 2019, Council held a workshop to discuss the options for alternative proposals and whether to submit a response to the Local Government Commission. During the workshop, Councillors had the benefit of a having Auckland Council's Policy and Planning Manager – Local Boards available to inform the Council on how local boards operate in Auckland and to identify issues relevant to Tasman and to answer questions.
- 4.14 The options available to Council to respond to the Commission's call for alternative proposals to the Golden Bay proposal, discussed at the workshop included:
- 4.14.1 Supporting the proposal to establish a local board in Golden Bay;
 - 4.14.2 Proposing that the Commission replaces the existing community boards in Golden Bay and Motueka with local boards;
 - 4.14.3 Proposing that the Commission establishes local boards in all five wards within Tasman District;
 - 4.14.4 Proposing that the Commission retains the current community boards and that Council delegates more decision making powers to the existing community boards;
 - 4.14.5 Proposing that the Commission retains the status quo; and
 - 4.14.6 Not supporting any particular governance proposal, but providing to the Commission a list of the key matters Council believes the Commission should consider when it identifies the reasonably practicable options for the Tasman District and it identifies its preferred option.
- 4.15 During the workshop a range of advantages and disadvantages of these options were identified and discussed. These advantages and disadvantages are contained in Attachment 1 to this report.

- 4.16 During the workshop, Councillors also identified and discussed a range of matters which they would like the Local Government Commission to consider when identify the reasonably practicable options for the Tasman District and when identifying its preferred option. These matters are contained in Attachment 2 to this report.

Financial information on rates income from and expenditure in the Golden Bay Ward

- 4.17 Finance staff have prepared information on the make-up of rates in the Golden Bay Ward. They can only do this easily for the current financial year.

2018/19 Rates Strike	2018/19 \$000s
General rate including UAGC	5,748
Wastewater	1,192
Hamama Rural Water Supply	24
Waimea Community Dam	47
Takaka firefighting	143
Mapua rehabilitation	21
Museums facilities	201
District facilities	164
Facilities operations	177
GB Community Board	63
Urban Water Supply- Service Charge	94
Refuse-Recycling	298
Regional Rivers Works	380
Stormwater	468
Shared facilities	233
Warm Tasman	3
Water supply- rural water extensions	1
Total Rates Charged	\$9,259

- 4.18 Finance staff have also prepared the table below illustrating Council expenditure in Golden Bay over the past five years. These figures are estimates and provide an “in the order of” estimate of expenditure across Council activities. Council does not account for income or costs on a ward by ward basis. Such an approach would incur significant additional administration costs along with the need to allocate all costs including overheads across the district. For instance costs incurred in Environment and Planning are often expended on a district wide basis and population may not be the most applicable proxy for cost allocation. Expenditure on the likes of the Takaka FLAG process or Outstanding Natural Landscapes has been high in recent years beyond what an apportionment on population would deliver but for most activities costs will fluctuate over time.

Expenditure by Activity	Estimated Actual 2014 \$000s	Estimated Actual 2015 \$000s	Estimated Actual 2016 \$000s	Estimated Actual 2017 \$000s	Estimated Actual 2018 \$000s
Access and Transport	2,244	1,625	1,553	1,768	4,084*
Coastal Structures	33	54	8	38	48
Community Facilities & Parks	1,240	1,254	1,182	1,252	1,392
Governance	345	302	232	251	248
Council Enterprises	389	509	679	849	970
Environmental Management	627	633	836	600	682
Overheads	2,769	3,188	3,228	3,492	3,962
Public Health & Safety	309	332	387	418	461
Rivers & Flood Protection	363	306	246	407	908
Solid Waste	748	790	797	791	1,109
Stormwater	164	63	116	109	135
Wastewater	666	604	1,235	1,279	1,062
Water Supply	195	218	331	317	370
Grand Total	\$10,092	\$9,880	\$10,831	\$11,570	\$15,432

*The reason 2017/2018 is particularly high is because of the impacts of cyclone Gita/Fehi.

- 4.19 In order to allocate the expenditure finance staff (in consultation with activity managers) have used 11 different factors for cost allocations based on 'best fit' with the activity type. The method and a brief description are provided below.

Basis	Factor
Population	Based on Population
Road	Based on Kilometer of Road
Direct	All costs attributable to GB e.g. GB RFC
Exclude	No costs attributable to GB e.g. Richmond RFC
Waste	Asset value
Parks	Nelmac Contract
Water	Asset value
Rivers	Asset value
Refuse	Asset value
Coastal	Asset value
Overhead	Based on Direct Costs in Golden Bay as a % of Total

- 4.19 The reason that this information is provided is to give some context of activity level and income collected in Golden Bay, a proportion of which would be allocated to any Local Board provided an appropriate and fair funding basis could be established.
- 4.20 The cost of the current Community boards is partly met from the community boards' rate. The full cost of supporting the boards is not recovered. This results in a level of cross subsidy from wards without community boards.
- 4.21 The financial position is consistent with our understanding of the district where in order to have a level of district wide consistency in charging, higher population areas and those with higher capital values prove more funding than those more remote areas.

5 Options

- 5.1 Council now has the options of:
 - 5.1.1 Option 1: Deciding not to submit any response to the Commission's request for alternative proposals to the Golden Bay local board proposal;
 - 5.1.2 Option 2: Deciding to submit an alternative proposal to the Golden Bay local board proposal based on one of the options outlined in 4.14.1 – 4.14.5 above; or
 - 5.1.3 Option 3: Deciding to submit a response to the Commission providing the key matters Council believes the Commission should consider when it identifies the reasonably practicable options for the Tasman District and it identifies its preferred option, as outlined in 4.14.6 above. Staff recommend this option.

Option	Advantages	Disadvantages
Option 1: Not submit any response to the Commission (Not recommended)	<ul style="list-style-type: none"> • Enables Council to hear from the community and the Commission prior to expressing an opinion on a preferred reorganisation option • Less work for Councillors and staff 	<ul style="list-style-type: none"> • Council does not have any early input into the Commission's process • Commission may end up proceeding without relevant information • The Commission treats the Council as disinterested in the governance of Golden Bay
Option 2: Submit an alternative proposal to the Golden Bay local board proposal (Not recommended)	<ul style="list-style-type: none"> • Provides any views on a preferred reorganisation option Council may have early into the Commission's process 	<ul style="list-style-type: none"> • Council would be putting in a proposal without the knowledge of community views • Requires a relatively large amount of work to

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	<ul style="list-style-type: none"> • Council is seen to put forward what it believes might be a better option to the current application • It may focus the Commission’s consideration on the Council proposal versus the current application (this could also be a disadvantage if the Council’s proposal is not compelling) 	<p>prepare an alternative proposal</p> <ul style="list-style-type: none"> • To identify and justify the choice of alternative proposal
<p>Option 3: Providing to the Commission a list of the key matters Council believes the Commission should consider when it identifies the reasonably practicable options for the Tasman District and it identifies its preferred option (Recommended option)</p>	<ul style="list-style-type: none"> • Council is not seen to be taking a view for or against any proposal before hearing the views of the community • Demonstrates that Council is prepared to listen and is open to options • Demonstrates that Council is taking an interest in the governance of Golden Bay • Enables Council to ensure the Commission considers the matters Council believes are important • As Council has already identified the matters it considers are important (contained in Attachment 2) there will be a relatively low level of work to submit a response to the Commission 	<ul style="list-style-type: none"> • This option does not provide the Commission with an early indication of any preferred governance option Council may have for the Tasman District • As this approach is not “an alternative proposal”, Council runs the risk that the Commission will not consider Council’s views • The Commission perceives ambivalence over the outcome

6 Strategy and Risks

- 6.1 The only Council strategy relevant to this issue is reflected in the current representation and governance arrangements for the District, including Golden Bay. The risks associated with the options contained in this report are outlined in the Options analysis in section 5 above.
- 6.2 There is a risk that if Golden Bay gets a local board, that other parts of the District may feel that they are disadvantaged, particularly if the costs resulting from the local board are not limited to the area covered by the local board.

7 Policy / Legal Requirements / Plan

- 7.1 The Local Government Act 2002 outlines the process for reorganisation proposals relating to local boards. If Council agrees with the staff recommendations, it will be providing input into that statutory process.
- 7.2 The criteria the Local Government Commission must consider when determining its preferred option for a local board reorganisation are outlined in Schedule 3 of the Local Government Act 2002, copied below. It is important to note that “the affected area” in relation to this proposal, is the whole of the Tasman District. The Commission must, therefore, consider what is best for the whole District, not just what is best for Golden Bay.

LGA2002, Schedule 3, Clause 6A

(c) the Commission must be satisfied that the governance arrangements proposed under a reasonably practicable option will—

- (i) enable democratic local decision making by, and on behalf of, communities throughout the affected area; and
- (ii) provide fair and effective representation for individuals and communities throughout the affected area; and
- (iii) enable equitable provision to be made for the current and future well-being of all the communities within the affected area.

8 Consideration of Financial or Budgetary Implications

- 8.1 If Council agrees to Option 3, there will be limited financial cost to complete a response to the Commission. Staff time to prepare the response will be the primary cost of proceeding with Option 3.
- 8.2 Option 2 would have a greater cost due to the additional work required of Councillors and staff to prepare an alternative proposal for the Commission by 10 June 2019.
- 8.3 If an ultimate decision is made to establish one or more local boards. Then Council will be required to develop a Local Boards Funding Policy under section 48M of the LGA 2002 This policy would cover funding for all local activities within the local board area and for the administrative support to the board. If a local board(s) proceeds, the Board(s) will also need to prepare its own local board plan and annually Council and the Board(s) will need to prepare a local board agreement. There will be additional costs associated with these processes and with servicing and reporting to the Board(s).

9 Significance and Engagement

9.1 The decisions being sought from Council today are whether to submit an alternative proposal to the Local Government Commission and, if so, what alternative proposal to submit. I consider these decisions are of low to moderate significance, depending on the option Council chooses. If the Council is to submit an alternative proposal, it is likely to have a moderate level of significance. However, if the decision is to advise the Commission of matters it would like it to consider under Option 3, I consider that it is a lower level of significance.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low to moderate	There may be a moderate level of public interest in Council's decision in Golden Bay, given the current local board proposal has come from. However, the level of public interest across the wider Tasman District is likely to be lower, even though a reorganisation proposal could affect the whole District.
Is there a significant impact arising from duration of the effects from the decision?	Low	Any response the Council makes to the Commission will feed into its consideration on the potential local board reorganisation proposals for the District over the coming months.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
Does the decision create a substantial change in the level of service provided by Council?	No	
Does the proposal or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	The costs of preparing any response to the Commission are salary costs, which are contained within existing budgets.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
Does the proposal or decision involve Council exiting from or		

Issue	Level of Significance	Explanation of Assessment
entering into a group of activities?		

10 Conclusion

- 10.1 Council has the opportunity to submit to the Commission an alternative proposal to the Golden Bay local board proposal. Councillors discussed a range of possible alternative proposals at a workshop on 17 May 2019.
- 10.2 Council can also provide the Commission with a list of the key matters Council believes the Commission should consider when it identifies the reasonably practicable options for the Tasman District and it identifies its preferred option. Staff recommend Council adopts this approach at this stage in the process for the reasons outlined in section 5 of this report.

11 Next Steps / Timeline

- 11.1 If Council agrees with the recommendations in this report, staff will prepare a Council response to the Commission based on the matters contained in Attachment 2 and submit that prior to 10 June 2019.

12 Attachments

- | | | |
|----|---|----|
| 1. | Local Board Workshop 17 May 2019 - Attachment 1 | 59 |
| 2. | Local Board Workshop 17 May 2019 - Attachment 2 | 63 |

Option	Advantages	Disadvantages
<p>Support the proposal to establish a local board in Golden Bay</p>	<ul style="list-style-type: none"> • Decisions made at local level • Decisions can more easily be tailored to local needs and preferences • Greater sense of independence and autonomy in the Golden Bay community • Ability for Council to delegate additional functions to the local board • Local boards prioritise and allocate funding to projects • The Board has its own local board plan and annual work programme • Local boards are responsible for the decisions allocated to them, but Council is still responsible for decisions delegated to them • Budgets are fixed for the local board area with new projects requiring reprioritisation or identification of extra funding mechanisms eg targeted rates 	<ul style="list-style-type: none"> • Less regional consistency – potential for differing policies, bylaws, rules, etc across the District – makes it harder for businesses and ratepayers to do business with Council • Existing issues with regional alignment with Nelson City Council are exacerbated • Local boards may have a higher cost than existing community boards and potentially for contracts if they are disaggregated Higher costs associated with Board overheads will impact on rates somewhere in the District • An issue over who pays the additional costs – targeted rate on Golden Bay v General Rate across the District • Potential negative impact on “Club” approach • Disparity in level of service for governance across the District • Need for additional staff to directly service the board and for additional staff within Departments to prepare reports, plans, policies, etc for board • Need for more staff located in Golden Bay and additional space required at the Takaka office

Option	Advantages	Disadvantages
		<ul style="list-style-type: none"> • More complex Long Term Plan, Revenue and Financing Policy, Annual Reporting, etc • Duplicate planning and policy processes • More complex administration • Duplication of effort – the Board spending a disproportionate time on creating new projects or reviewing policies, bylaws etc which in turn generates a higher workload • Potential likelihood for Golden Bay to lose one Councillor • There may be insufficient candidates to stand for the Local Board • More complex financial reporting. Including the likelihood request to allocate all costs and overheads on a ward basis • Additional iwi liaison for local board
<p>Replace the existing community boards in Golden Bay and Motueka with Local Boards</p>	<ul style="list-style-type: none"> • Much the same as the Golden Bay local board option, but also applies to Motueka 	<ul style="list-style-type: none"> • Much the same as the Golden Bay local board option, but costs would be higher with an additional local board to service • Unlikely to be widespread community support for this option
<p>Establish local boards in all five wards within Tasman District</p>	<ul style="list-style-type: none"> • Much the same as the Golden Bay local board option, but applies across the District • No disparity in level of service for governance across the District 	<ul style="list-style-type: none"> • Much the same as the Golden Bay local board option, but costs and staff resources would be considerably higher with at least four additional local boards to service

Option	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Local Boards would provide a statutory recognised entity in which to discuss matters decided on by the governing body, more so than the informal arrangements that currently exist with community organisations 	<ul style="list-style-type: none"> • The decision making and influence of Council would reduce • There would be more transaction costs liaising with at least five Local Boards on regulatory and non-regulatory matters • Unlikely to be widespread community support for local boards in other areas of the District • Local boards based on wards may not necessarily correlate with community of interests
<p>Delegate more decision-making powers to the existing community boards</p>	<ul style="list-style-type: none"> • Provides a more meaningful role for community boards • Council could delegate more functions • Enables more local decision making than currently exists and decisions can more easily be tailored to local needs and preferences • Can occur at a lesser cost than a local board, but possibly a higher cost than currently • Greater sense of independence and autonomy in the Golden Bay and Motueka communities than currently exists 	<ul style="list-style-type: none"> • Council could reduce or remove delegations to Community Boards (Council has no history of this) • Doesn't give the local decision making and autonomy sought by Golden Bay local board proponents • More work for community board members • Increased disparity in level of service for governance across the District between the two wards with community boards and those wards without them • Additional resources to prepare reports, plans, policies (some of which would be duplicated)

Option	Advantages	Disadvantages
Status quo	<ul style="list-style-type: none"> • Less cost with community boards than local boards • No change to rating impact • More District-wide consistency in policy and decision making • More consistency in levels of service for governance across the District • Community boards have a manageable workload • Golden Bay have an additional councillor under current system as it has remote community 	<ul style="list-style-type: none"> • Lack of additional decision making delegated to community boards/local boards – Council maintains more decision making • Doesn't address dissatisfaction with Council governance in Golden Bay and lack of local governance in Golden Bay • Doesn't address desire for local decision making • Potentially less opportunity for responding to local needs
Provide to the Commission a list of all the matters Council thinks the Commission should consider when it is identifying its preferred option	<ul style="list-style-type: none"> • Council is not seen to be taking a view for or against any proposal before hearing the views of the community • Demonstrates Council is listening and open to options • Enables Council to ensure the Commission considers matters Council believes are important 	<ul style="list-style-type: none"> • As this approach is not “an alternative proposal”, Council runs the risk that the Commission will not consider Council's views (Staff at the Commission have said that it is likely to consider a submission from Council even if it does not contain an alternative proposal) • This option does not provide the Commission with an early indication of any preferred governance option Council may have for the Tasman District • The Commission perceives ambivalence over the outcome

Attachment 2: Matters Council may want to ask the Commission to consider:

1. Tasman District Council is a high rates and high debt Council supported by a low wage economy
2. Impact of a local board and changes to rating and financial policies on the Council's District-wide "Club" approach for utility and community infrastructure
3. Potential implications on Golden Bay representation around the Council chamber if a local board was to result in a reduction in Councillors
4. The administrative ease of the options, for example if Council has a local board in Golden Bay, a Community Board in Motueka and no boards in other wards
5. Rating impacts and fairness and equity in who pays for local boards – targeted rate on Golden Bay v General Rate – need for a higher level of governance service and wider organisational support to be funded by a targeted rate on the area receiving the higher level of service
6. Additional costs of local boards (e.g. servicing, staff reporting and policy/plan preparation, impact on accommodating additional staff needed, additional governance costs etc)
7. Would having a local board make the relationship between the Golden Bay community and Council any better in reality
8. Effectiveness and efficiency of decision making eg decisions delegated to staff should remain
9. Whether there are sufficient local assets in Golden Bay to make decision making and the additional costs of a local board meaningful
10. Extra workloads for staff across the Council and the extra costs associated with meeting that workload
11. Implications on Council's rating and debt limits and Council's Revenue and Financing Policy
12. Any governance arrangements should enable alignment with District wide regional priorities and plans
13. Consideration should be given as to whether additional delegations are a more effective and efficient way of delivering decisions and activities and services.
14. Any decision will need to take account iwi relationships
15. Should the Commission decide on a local board, it is recommended that the delegations are specific and clear as to what functions are delegated and the implications for the governing body (similar to Auckland Council, but in a Tasman District Council context).
16. When making allocation decisions to a local board, the Commission gives consideration to the impact of disaggregating the commercial portfolio managed by Council
17. Should the Commission decide on a local board, Tasman District Council's least preferred option is five local boards across the District due to increased cost, increased inconsistency of policy and service levels across the community, and cuts across communities of interest.

WATER SUPPLY BYLAW**Decision Required**

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Helen Lane, Activity Planning Advisor (Water, Wastewater & Solid Waste)
Report Number:	RCN19-05-24

1 Summary

- 1.1 The Council previously consulted on proposed changes to the Consolidated Bylaw –Chapter 10 – Public Water Supply Bylaw 2016 (Bylaw) in July and August 2018. During this initial consultation, a new approach to water restrictions was introduced as well as other minor changes to the Bylaw. Forty-six submissions were received providing a wide range of feedback. The consultation and deliberations process highlighted some issues that the Council had not previously considered. These issues need to be addressed by making further changes to the Bylaw and in particular the Water Restrictions Protocol (Protocol).
- 1.2 During the summer of 2019, many parts of Tasman District experienced a severe drought that impacted many of the Council's public water supplies. Reflecting on a series of drought debriefs and lessons learned, staff have identified some further changes to the Bylaw and Protocol that will improve our ability to better manage water supplies in future droughts.
- 1.3 In order to address issues from the initial consultation and incorporate lessons learned from the recent drought, staff propose the following significant amendments:
- Provide a 'baseline' calculation method for proposed business reductions;
 - Provide a reduction range for businesses during Phase C and Phase D;
 - Restructure the Protocol to include three user categories based on the activity carried out on a premises;
 - Provide separate categories and restrictions recognising different types of pools and the number of people they provide a service for;
 - Add a provision that explains when water used for livestock purposes is permitted and when it is prohibited;
- 1.4 There are also several minor amendments proposed in the Bylaw and Protocol. A summary of all proposed amendments are included in **Table 1 and Table 2**.
- 1.5 Staff consider the proposed amendments are significant enough to warrant using the Special Consultative Procedure (SCP). This is different from the guidance given by the Submissions Hearing Panel during previous deliberations. Staff recommend using the SCP to ensure the bylaw process is consistent, open, transparent and compliant with the Local Government Act 2002 (the Act).

- 1.6 Staff have prepared the amended draft Bylaw and all the supporting documentation required by the Act for SCP. We now seek approval from the Council to consult the public for a second time on the proposed amendments, with a view to adopting the amended draft Bylaw in the third quarter of 2019.

2 Draft Resolution

That the Full Council:

1. receives the Water Supply Bylaw RCN18-05-24; and
2. approves the amended draft Consolidated Bylaw – Chapter 10 – Public Water Supply Bylaw 2016 (Attachments 1 and 7), the statement of proposal (Attachment 2), the summary of information (Attachment 3), and the public notice (Attachment 4); and
3. agrees that the Special Consultative Procedure will be undertaken, rather than a targeted consultation that was previously considered at the deliberations meeting; and
4. agrees the most appropriate method for distribution for public consultation is by public notice; and then making copies of the amended draft Consolidated Bylaw – Chapter 10 – Public Water Supply Bylaw 2016, the statement of proposal, and the summary of information available for viewing on the Council website and in its offices and libraries from 5 June 2019; and
5. agrees that the Council will also provide written notification (Attachment 5) to:
 - residents and organisations who submitted on the initial draft bylaw;
 - top 20 commercial water users;
 - organisations that provide community pool facilities; and
 - Rural Water Supply Committees.
6. notes that the amended draft Consolidated Bylaw – Chapter 10 – Public Water Supply Bylaw 2016, does not give rise to any implications under the New Zealand Bill of Rights 1990; and
7. agrees that Full Council will hear and consider submissions on the amended draft Public Water Supply Bylaw 2016; and
8. notes the Consultation Document (Attachment 6); and
9. notes that consultation will take place from 5 June 2019 to 5 July 2019.

3 Purpose of the Report

- 3.1 This report seeks the Council's approval to consult on the amended draft Consolidated Bylaw – Chapter 10 – Public Water Supply Bylaw 2016 (**Attachment 1**) using the Special Consultative Procedure. This consultation is further to the initial draft Bylaw that was consulted on in July-August 2018.

4 Background

Terminology

- 4.1 For the purpose of clarity, the following definitions are provided to explain the subtle differences between bylaw terms:

Current Bylaw – refers to the '*Consolidated Bylaw – Chapter 10 – Public Water Supply Bylaw 2016*' that is currently in force.

Initial draft Bylaw – the proposed Bylaw that was previously consulted on in July and August 2018. This draft introduced a new approach to water restrictions with the inclusion of the Water Restrictions Protocol in Appendix B of the Bylaw as well as other minor wording amendments.

Amended draft Bylaw – the proposed Bylaw that reflects further amendments based on a previous public consultation, deliberations and a full legal review.

Water Restrictions Protocol – the proposed framework that outlines specific water restrictions for Residential, Business and Public/Institutional premises. The Protocol is included in Appendix B of the Bylaw.

Background

- 4.2 On 29 March 2018, Councilors were briefed on a new approach to water restrictions. Staff introduced the concept of the Water Restrictions Protocol and the Councilors agreed to move forward with the proposed framework.
- 4.3 On 10 May 2018, staff presented a report to the Engineering Services Committee (**RESC18-05-02**) seeking changes to the current Bylaw. The initial proposal included several wording changes and the inclusion of the Water Restriction Protocol to the Bylaw.
- 4.4 On 21 June 2018, the Engineering Services Committee (**RESC18-06-02**) approved an initial draft Bylaw for public consultation using the Special Consultative Procedure. The initial draft Bylaw and supporting information was publicly notified and consultation commenced for one month during July and August 2018.
- 4.5 During the consultation period, staff held several public drop in sessions at the Richmond Library and Richmond Mall. Staff also held meetings with industrial water users and several large commercial businesses to discuss the implications of the bylaw changes.
- 4.6 The Council received 46 submissions on the initial draft bylaw. A report (**SH19-08-01**) summarising the feedback was presented to the Submissions Hearing Panel on 22 August 2018. Fourteen submitters presented their submission.
- 4.7 On 16 October 2018, staff presented a decision report (**RSH18-10-1**) to the Hearing Panel. The report discussed the main themes raised by submitters and provided commentary and recommendations on those themes. The Panel received the report and directed staff to

Item 8.5

make further amendments to the initial draft Bylaw and undertake a targeted consultation with affected parties on an amended draft bylaw.

- 4.8 On 30 November 2018, the Council made its final decision to proceed with the construction of the Waimea Community Dam (WCD). The dam, once in operational, avoids the harsh 'no dam' TRMP rules from being applied and safeguards against rationing in all but very severe droughts (1/60 year frequency) in the Waimea Plains.
- 4.9 However the Protocol is still an important framework for managing water use in:
- Areas outside the Waimea Plains; and
 - The event of an emergency causing water shortages (all areas); and
 - The Waimea Plains, especially until the dam is operational.
- 4.10 During the summer of 2019, many parts of Tasman District experienced a severe drought. It was the driest two-month period on record. Parts of Golden Bay experienced a one-in- 80-year drought and many public water supplies on the Waimea Plains faced critical water shortages. Drought conditions occurred earlier than that experienced in the past (compared to the 2001 drought) and the speed at which conditions changed was a concern.
- 4.11 Pressure on dwindling water supplies was compounded by the Pigeon Valley fire. A significant volume of water was taken from public water supplies for firefighting purposes. Consequently, it was challenging to manage water supplies and the Council struggled to comply with rationing limits.
- 4.12 To respond to a fast changing situation, the Council delegated authority to the Engineering Services Manager to impose restrictions using the draft Protocol as a guidance framework. This provided an opportunity to 'road test' the draft Protocol. This delegated authority should remain in place until the new Bylaw is adopted.
- 4.13 Staff consider the water restrictions outlined in the draft Protocol helped achieve a significant decrease in usage particularly on the Waimea Plains. The community responded to the restrictions imposed and the savings made were in line with rationing limits on consents. Although there was a high degree of network management during the peak of the drought (to optimise abstraction and allocation sharing), the water restrictions were effective in ensuring demand was managed in line with rationing limits.
- 4.14 Figure 1 below shows typical summer water demand steadily increasing from early January 2019. Demand was then subdued when rationing stages 1, 2 and 3 were imposed. Once stage 4 rationing was imposed, there was a sharp decrease in demand. This was mainly due to businesses being required to reduce usage by 25% and an outright outdoor water use ban.

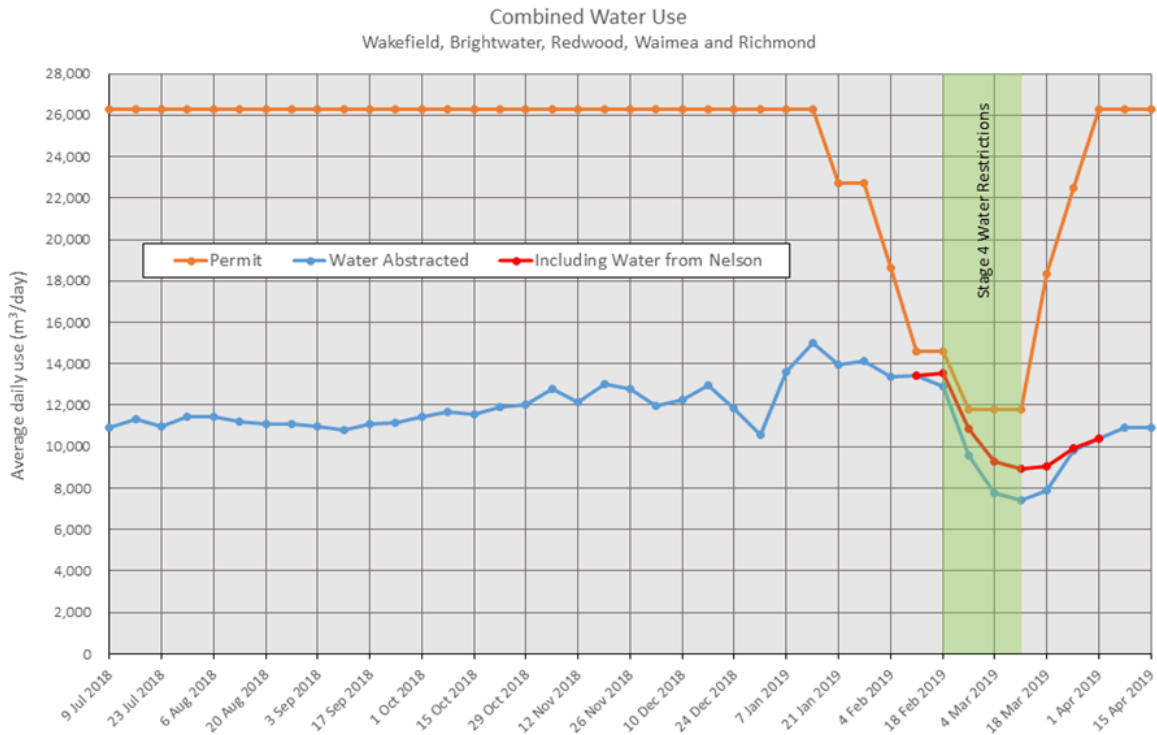


Figure 1: Combined Public Supply Consents on Waimea Plains compared to usage

4.15 After the drought subsided, staff conducted a series of drought debriefs and identified some areas of improvement from lessons learned. The road test of the draft Protocol highlighted some things that could be changed in the Bylaw and Protocol to improve our ability to better manage water supplies in future droughts or during an emergency. These changes are discussed in the section below.

5 Discussion

Further Amendments to Bylaw and Protocol

- 5.1 The initial consultation and deliberations process highlighted some issues that had not previously been considered. These include:
- a baseline methodology needs to be determined so that businesses can reduce water usage in line with the restrictions outlined in Phase C and D of the Protocol;
 - public swimming pools offer a vital community service and should be treated differently to residential swimming pools when water restrictions are in effect;
 - the Bylaw needs to recognise and accommodate exceptional circumstances for some users (new businesses and businesses with variations in water usage);
- 5.2 In addition to these issues, staff propose a restructured Protocol to make it more user-friendly and easy to understand.
- 5.3 The tables below summarises the proposed amendments to the Bylaw and Protocol.

Table 1: Summary of Significant Amendments to Bylaw and Protocol

1 Section in bylaw	2 Proposed change	3 Reason for proposed change	4 Recommended by
<p>Appendix B (Protocol)</p> <p>Bylaw s27(4)</p>	<p>Provide a 'baseline' calculation method for proposed business reductions.</p> <p>Add new section to bylaw s27(4) that provides the ability to prescribe and amend the baseline by resolution.</p>	<p>The initial consultation did not specify a baseline from which reductions would be required for businesses during Phase C and D of the protocol. A baseline is required so business can calculate the reductions from a known benchmark.</p> <p>In theory, the baseline is meant to be representative of normal water demand. The proposed baseline is calculated on a monthly mean average of water usage, based on an average over three years for the relevant customer billing cycle. Large commercial users are billed monthly, and all others are billed six monthly.</p> <p>Between now and mid-2023, staff recommend that the three year period used in the calculations be mid-2015 to mid-2018. From 1 July 2023, staff recommend the calculations are based on the preceding three years. This gives businesses certainty about their baselines for the next few years.</p> <p>Occasionally the mean monthly average may not accurately represent typical demand. Staff recommend the Engineering Services Manager be given discretion to determine a baseline based on the statistical median if that better represents normal water demand.</p> <p>Staff also recommend a provision to accommodate new businesses where historic data does not exist. This provision allows a new business to apply for a temporary exemption to comply with business restrictions. That business will still need to conserve water in line with other restrictions.</p>	<p>Highlighted in feedback during the initial consultation process.</p> <p>Some methods of determining a baseline were discussed with the Hearing Panel. However, staff have since refined the approach after our experience during the recent drought and discussions with some large commercial water users.</p>
<p>Appendix B (Protocol)</p>	<p>5 Provide a reduction range for businesses during Phase C and D.</p>	<p>6 The initial consultation proposed a flat 25% and 50% reduction on businesses during Phase C and D respectively.</p> <p>7 This measure was introduced for the first time during the recent drought and was in effect for three weeks. It had an immediate and significant impact on water savings.</p> <p>8 Staff propose a reduction range of 10-30% and 31-50% during Phase C and D respectively.</p>	<p>10 Recommend by staff after testing the protocol during the recent drought.</p>

1 Section in bylaw	2 Proposed change	3 Reason for proposed change	4 Recommended by
		<p>9 Providing a reduction range enables the Council some flexibility to impose a softer cut in the first instance and then incrementally increase reduction requirements if sufficient savings are not being achieved. The net result would mean reductions imposed on business would be proportional to the circumstance and in line with rationing limits.</p>	
Appendix B (Protocol)	<p>11 Restructure the protocol framework to include three overarching categories (Residential, Business and Public / Institutional) defined in terms of the activity carried out at the premises.</p>	<p>12 The restructure makes the framework more user friendly and removes any ambiguity or confusion about which restrictions apply to different users or premises.</p> <p>13 It also provides clarity on what is expected, making the protocol more robust.</p>	<p>14 Recommended by staff after initial consultation.</p>
Appendix B (Protocol)	<p>15 Separate categories and restrictions recognising different types of pools and the number of people they provide a service for.</p>	<p>16 Community swimming pools provide an important public service and should be treated differently to other private pools when restrictions are in effect.</p> <p>17 Separate categories for different types of pools imposes restrictions on Residential and Business pools (i.e. hotels) from Phase A onwards. Restrictions on Public/Intuitional Pools come into effect from Phase C onwards.</p> <p>18 The Richmond Aquatic Centre is defined as a business premise and is required to reduce usage in line with the reduction range outlined under business activities during Phase C and D onwards.</p>	<p>19 Direction from the Hearings and Deliberations Panel</p>
Appendix B (Protocol)	<p>20 Add a provision that explains when water used for livestock purposes is permitted and prohibited.</p>	<p>21 Clarification that water used for livestock purposes is permitted up to and including Phase E and prohibited during Phase F.</p>	<p>22 Recommended by staff after testing the protocol during the recent drought.</p>

Table 2: Summary of Minor Amendments to Bylaw and Protocol

23	Section in bylaw	24	Proposed change	25	Reason for proposed change	26	Recommended by
	Appendix B (Protocol)	27	Remove all references to 'Implement Water Shortage Plan'.	28	A requirement to develop a water shortage plan could be considered challenging for some businesses, particular small to medium businesses. The content of such a plan would also be unclear to most.	29	Staff
	Appendix B (Protocol)	30	Include a clarification that premises used for farming, agricultural and horticultural purposes are defined as a business activity.	32	The initial draft did not provide definitions of the various activities that are carried out on different premises.	34	Staff
		31		33	Provides clarification that premises used principally for farming, agricultural and horticultural business are included in the meaning of businesses activities within the bylaw and protocol and are subject to the same restrictions as other businesses.		
	Appendix B (Protocol)	35	Include specific restrictions on specialty grass surfaces	36	During the recent drought, there were queries about the ability to use water from the Council's public supplies for the purposes of watering specialty surfaces. The inclusion of this provision gives clear guidance on the matter.	37	Recommend by staff after testing the protocol during the recent drought.
	Bylaw s6	38	Amend the definition of 'Public Water Supply' to include water that is supplied by truck or other vehicle.	39	During an emergency or drought, the Council may need to supply water by tanker to distribution points rather than supplying water by piped networks. The Council requires the ability to impose restrictions on the use of water that is supplied by tanker.	40	Staff
	Bylaw s25.2(3)	41	Remove clause (3)	43	Clause (3) is not required because the date has passed. Section 25.2 (2) sufficiently states customers must have minimum storage requirements.	44	Staff
		42					
	Bylaw s25.1(4) and s25.2 (4)	45	Remove reference to exceptions of water used for drinking, sanitary and stock purposes.	46	The inclusion of the protocol specifically addresses restrictions and prohibitions on water for these purposes.	47	Staff

Ability for staff to make separate water reduction agreements with businesses

- 5.4 The Hearing Panel directed staff to develop a mechanism and criteria that provides the ability for staff to agree water reductions with businesses that are outside the prescriptive framework of the Protocol. The aim was to enable businesses to achieve water reductions by using alternative methods.
- 5.5 Such agreements would effectively give the Council (and in particular, staff) a discretionary power to enter into an individual arrangement that imposes different levels of water restrictions than those set out in the Bylaw. This would be considered a dispensation to comply with the Bylaw. Staff consider that such broad and unconstrained authority would breach the Bylaws Act 1910. Specifically, s.13(2) which does not permit discretion provided in a bylaw to be so great as to be unreasonable.
- 5.6 Staff recommend not pursuing with individual water reduction agreements. Instead, there is sufficient scope in the baseline methodology to achieve water reductions for various businesses. The methodology gives the Council’s Engineering Services Manager discretion to consider the statistical median instead, if this better represents normal demand.

Other notes

- 5.7 All changes to the initial and amended Bylaw document are highlighted using colour-coding. **Green** indicates changes made in the initial draft and **blue** indicates changes made in the amended draft. The colour-coding will remain in the proposal documents so that the two draft proposals are easily distinguished.
- 5.8 The initial draft Bylaw was accompanied by a consultation document. The purpose of this document was to explain why a new approach to water restrictions is required and introduce how the Protocol would affect different water users. Staff have drafted a similar consultation document (**Attachment 6**) to accompany the amended draft Bylaw to clearly explain what is being consulted on.

6 Options

- 6.1 The Council has three options. A brief assessment of the options is summarised in the table below. Staff recommend option 1.

Table 3: Options

Option	Pros	Cons
1. The Council approves the proposed amendments to the Bylaw and public consultation using the special consultative procedure (<i>very minor amendments are possible if required</i>).	<ul style="list-style-type: none"> • Considers initial consultation feedback. • Reflects direction from deliberations process. • Reflects lessons learned during recent drought. • Incorporates further refinements including structure, organisation and clarity. • Makes the Bylaw and Protocol more robust. 	<ul style="list-style-type: none"> • Implementing and enforcing the proposed Bylaw and Protocol will involve time and effort across many departments of the Council. • Potential for negative feedback from the public (particularly from businesses) if Phase C, D, E or F restrictions are imposed in the future.

Option	Pros	Cons
	<ul style="list-style-type: none"> A full legal review has been conducted. Using the special consultative procedure completes the Bylaw consultation process in a consistent, open and transparent manner. 	
2. The Council approves the proposed amendments to the Bylaw for public consultation (with major amendments).	<i>Depending on the nature and scale of any further amendments:</i>	
	<ul style="list-style-type: none"> Opportunity to consider further direction from the Council. Bylaw and Protocol could potentially become more robust. 	<ul style="list-style-type: none"> Adds further delays to process. Major amendments and fundamental changes to the consultation procedure would require additional staff time and costs. Further legal review would be required to confirm validity of changes.
3. The Council does not approve the amended bylaw and maintains the status quo.	<ul style="list-style-type: none"> No change to current situation There is an existing bylaw in place (2016), and therefore no legal requirement to review until 2026. No further work required 	<ul style="list-style-type: none"> The driver for changing the bylaw is to include a framework for managing water restrictions for periods of drought and future emergency events.

7 Strategy and Risks

- 7.1 The most significant changes to the amended draft Bylaw are outlined in Section 5 of this report. Staff advise that the nature of the amendments are significant enough to warrant use of the special consultative procedure, rather than targeted consultation.
- 7.2 The determination of a baseline directly affects all business activities. It also indirectly affects other water users because the amount of water saved by one sector (residential, business or public) would directly affect savings required by others.
- 7.3 When imposed, restrictions from Phases C onwards will cause disruption and have negative effects on the wellbeing of our community and the wider economy. During Phase E and F restrictions, all use of water for purposes other than essential human and animal health and safety would need to stop. In these circumstances, many businesses may not be able to continue operating.
- 7.4 Cost to manage future droughts will vary depending on many factors. In the 2019 drought, staff estimate that the cost of the Council's drought management was approximately \$500,000 including administration, staff costs and the cost of water that was supplied from Nelson City. In addition, the loss of potential income from reduced water demand was at least \$170,000. However, these costs pale in comparison to costs incurred to the wider economy and to local businesses.
- 7.5 There is a high risk that future droughts will affect some of the Council's water supplies across the District. The chances of annual water rationing in the Waimea Plains is high even

under the interim rules that are in effect until the Waimea Community Dam (WCD) is operational.

- 7.6 Staff expect the stricter phases (including Phases C, D, E and F) will be extremely unlikely to be imposed on water supplies based in the Waimea Plains once the WCD is operational. However, it does not guarantee that they will not be imposed during times of emergency. For areas that do not directly benefit from the WCD, the protocol will be necessary to manage water supplies during period of water shortages.

8 Policy / Legal Requirements / Plan

- 8.1 The discussion on policy and legal requirements of making a bylaw was included in the report presented to the Engineering Services Committee meeting on 21 June 2018 (RESC18-06-02).

9 Consideration of Financial or Budgetary Implications

- 9.1 The discussion on financial or budgetary implications associated with amending this bylaw was included in the report presented to the Hearing Panel meeting on 16 October 2018 (RSH18-10-1).
- 9.2 Staff have prepared all of the supporting documentation required by the Local Government Act (the Act) for SCP.

10 Significance and Engagement

- 10.1 Staff expect the amended draft Bylaw to be of low to medium significance. Public interest was lower than anticipated for the initial draft Bylaw consultation. Only 46 submissions were received. However, the recent drought experience may have increased the public interest, particularly for business customers who were required to reduce usage by 25% for a three-week period in February and March 2019.
- 10.2 During the previous deliberations, it was anticipated that the Council would undertake a targeted consultation with stakeholders directly affected by amendments. However, due to the significant nature of the changes now proposed, staff recommend using the SCP to ensure the bylaw process is consistent, open and transparent and compliant with the Act.
- 10.3 Sections 83 and 86 of the Local Government Act 2002 outline the use and procedural requirements of the special consultative procedure in relation to amending bylaws. This includes:
- public notice;
 - a statement of proposal; and
 - a summary of information.
- 10.4 Staff have prepared the supporting documentation required by the Act for the SCP and consider the changes proposed directly relate to businesses and community swimming pool facilities. It is anticipated that the proposed amendments will likely be of higher significance to the following groups:

- persons and organisations that submitted on the initial draft;
- business customers connected to water supplies particularly on the Waimea Plains;
- Community swimming pool facilities (including school pools and the Richmond Aquatic Centre).

10.5 Although the amendments directly relate to the groups listed above, the Council also invites feedback from the wider public on this matter. Staff intend to send a notification (**Attachment 5**) to the following parties:

- top 20 large commercial water users;
- rural water supply committees;
- schools with swimming pools that are connected to the public water supply;
- and any persons or organisation that previously submitted on the initial draft Bylaw.

10.6 Staff do not consider that public meetings or drop in sessions, similar to the ones that were held during the initial Bylaw consultation, are required. Instead, staff will arrange meetings to give any businesses and organisations the opportunity to discuss the proposed amendments. Staff also intend to raise the issue directly at the next rural water supply committees meetings.

10.7 Staff recommend that the Council issue a public notice on the proposed Bylaw amendments on 5 June 2019 via the Council's website and Newsline publication. The consultation period will take place between 5 June 2019 and 5 July 2019.

10.8 The 'Statement of Proposal' (**Attachment 2**) and the 'Summary of Information' (**Attachment 3**) will accompany the amended draft Bylaw. The statement of proposal will include a copy of the proposed Bylaw and a summary of the reasons for the bylaw change.

11 Conclusion

11.1 Staff have considered feedback from the initial consultation, direction from the Hearing Panel, lessons learned from the recent drought and legal advice. Staff have determined that further amendments to the Bylaw are required.

11.2 The most significant amendments include:

- Provide a 'baseline' calculation method for proposed business reductions;
- Provide a reduction range for businesses during Phase C and Phase D;
- Restructure the Protocol to include three user categories based on the activity carried out on a premises;
- Provide separate categories and restrictions recognising different types of pools and the number of people they provide a service for;
- Add a provision that explains when water used for livestock purposes is permitted and when it is prohibited;

11.3 There are also several other minor amendments. All amendments are listed in Table 1 and 2 in this report.

- 11.4 Staff recommend using the SCP to consult with the public for a second time rather than conducting a targeted consultation as previously considered at the Hearing Panel meeting. This will ensure the bylaw process is consistent, open, transparent and compliant with the Local Government Act 2002 (the Act).
- 11.5 The amendments will make the Bylaw more robust by having a framework that guides the public about how and when to reduce water usage. It will also strengthen our community's resilience to the effects of water scarcity during droughts and emergencies.
- 11.6 Consulting on the amended draft Bylaw now with a view to adopting a final Bylaw in the third quarter of 2019 will ensure the Bylaw is in place prior to summer 2019/20.

12 Next Steps / Timeline

- 12.1 The proposed timeline for consultation and adoption of the amended draft Bylaw is summarised in the table below:

Table 4: Summary of next step key dates

Date	Process
31 May 2019	The Council approves the amended draft Bylaw and supporting documentation for consultation.
5 June 2019- 5 July 2019	Public consultation commences for a one-month period. Copies of the amended draft bylaw, Statement of Proposal and Summary of Information will be made available at Council offices and libraries. Electronic copies will be available on the Council's website.
5 June 2019	Issue Public Notice in Waimea Weekly
5 June 2019	Issue Public Notice on the Council's website and through the Council's social media channels advising the public about the consultation and inviting submissions.
14 June 2019	Issue Public Notice in Newsline (published on 14 June 2019)
5 July 2019	Submissions close at 4.00pm
18 July 2019	Submissions hearing and deliberations
12 September 2019	Final bylaw presented to the Council for approval
September 2019	Public notice in Newsline and on the Council website advising of the bylaw adoption.
September 2019	The approved Bylaw comes into effect.

13 Attachments

- | | |
|------------------------------------|-----|
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| 2. Statement of Proposal | 107 |

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4.	Public Notice	115
5.	Letter to Affected Parties	117
6.	Consultation Document	119
7.	Water Restrictions Protocol	135



Tasman District Council

Consolidated Bylaw

Chapter 10

Public Water Supply Bylaw 2016

This version of the Public Water Supply Bylaw 2016 incorporates amendments made by resolution of the Council following a review of the Bylaw, which came into force on

Amended xx September 2019

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Attachment 1

PART A – General

1 Introduction

- (1) Tasman District Council makes this bylaw in accordance with the Local Government Act 2002.

2 Title

- (1) The title of this bylaw is the Tasman District Council Public Water Supply Bylaw 2016.

3 Commencement

- (1) This bylaw comes into force on 28 October 2016.

4 Revocation

- (1) The Tasman District Council Consolidated Bylaw Chapter 10 Public Water Supply Bylaw 2009 (2009 Bylaw) is revoked on the coming into force of this bylaw.
- (2) The revocation of the 2009 Bylaw does not affect liability for an offence or for a breach of the 2009 Bylaw committed before the revocation of the 2009 Bylaw. The 2009 Bylaw continues to have effect as if it had not been revoked for the purpose of:
 - a) commencing or completing proceedings for the offence or breach; and
 - b) imposing a penalty for the offence or breach.

5 Purpose and application

- (1) The purpose of this bylaw is to:
 - a) enable the Council to manage and provide public water supply services; and
 - b) protect the public water supply network from damage, misuse, and interference; and
 - c) protect the environment and the health and safety of the public and persons using the public water supply; and
 - d) provide direction and guidance on water restrictions.
- (2) This bylaw shall apply to Tasman District.
- (3) If any provision of this bylaw is inconsistent with the Tasman District Council Consolidated Bylaw: Chapter 1: Introductory Bylaw 2013, then the provisions of this bylaw prevail.

6 Interpretation

(1) In this bylaw, unless the context otherwise requires:

Act means the Local Government Act 2002.

Air Gap Separation means the vertical gap (minimum 100 millimetres) between the outlet of the public water supply fitting which fills a storage tank (fitted with a ballcock), and the highest overflow water level of that storage tank.

Approval or Approved means approval, or approved, in writing by the Council or an authorised officer.

Authorised Agent means any person authorised or appointed by the Council.

Authorised Officer means any officer appointed by the Council as an enforcement officer under section 177 of the Act.

Backflow means a flow of water or other liquid in a reverse direction to the normal supply flow.

Backflow Prevention Device means a device approved by the Council that is designed to prevent backflow, and includes an air gap separation.

Bylaw means this Public Water Supply Bylaw 2016.

Connection or Disconnection means the physical connection to or disconnection from the public water supply network.

Council means Tasman District Council [or any person authorised or delegated to act on its behalf](#).

Customer means the owner or occupier of premises supplied with water by the Council.

District means the district within the jurisdiction of the Tasman District Council.

Domestic Purposes means the use of the public water supply for drinking, sanitary needs and other domestic uses, including (but not limited to);

- a) Washing down a car, boat, or similar;
- b) Watering a garden by either a hand held device or portable sprinkler;
- c) Irrigation systems for gardens and lawns on premises less than 1 hectare; and
- d) Fire protection systems approved by the Council.

This excludes all commercial, business and industrial activities, which are deemed to be an extraordinary use.

Drinking Water has the same meaning as in section 69G Health Act 1956.

Dwelling means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where 'self-contained housekeeping unit' means a single integrated set of sleeping, ablution, and cooking facilities).

Extraordinary Use means the use of the public water supply for other than domestic purposes.

On Demand Supply means a type of public water supply connection where water is available on demand directly from the point of supply, and is metered.

Ordinary Use means the use of the public water supply solely for domestic purposes.

Permit means permission to take water from a fire hydrant.

Permit Holder means the holder of a permit and includes any person acting with the express consent of the permit holder.

Person includes a corporation sole and also a body of persons whether corporate or unincorporated.

Point of Supply means the point on the service pipe leading from the water main to the premises which marks the boundary of responsibility between the customer and the Council irrespective of property boundaries. This point is generally the position of a water meter or restrictor. Examples of the point of supply are shown on the diagrams attached to this bylaw as Schedule A.

Premises means:

- a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or
- b) a separate dwelling on a property or allotment held under one certificate of title; or
- c) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- d) land held in public ownership (e.g. reserve) for a particular purpose; or
- e) an individual unit in a building, which is separately leased or separately occupied.

Public Water Supply means the water supplied by the Council through a public water supply network and includes community and rural water schemes supplied by the Council, and that the Council supplies to any person or place by truck or other vehicle.

Public Water Supply Network means all the pipes, pumps, pumping stations, storage tanks, and other related equipment and structures owned by or under the control of the Council for the purpose of public water supply (including any service pipe and point of supply).

Raw Water has the same meaning as in section 69G Health Act 1956.

Restricted Flow Supply means a type of public water supply connection where a limited flow is supplied through a restrictor, and storage is provided by the customer to cater for the customer's demand fluctuations.

Restrictor means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

Service Pipe means the section of pipe between a water main and the point of supply.

Shut Off Valve means the service valve at the customer's end of the service pipe near the point of supply.

Storage Tank means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

Supply Pipe means the section of pipe downstream of the point of supply.

Traffic Management Plan means a document describing the implementation and maintenance of temporary traffic management measures that has been approved by the Council.

Unit is an allocation of water on a restricted water supply scheme (rural supply or urban extension). Units are paid for as an annual rate and a single unit equals up to 1000L (1m³) per day.

Urban Water Supply Area means an area formally designated by the Council as an area serviced by an 'on-demand' public water supply network with firefighting capability.

Working Day has the same meaning as in section 29 Interpretation Act 1999.

(2) In this bylaw:

- a) The Interpretation Act 1999 applies to this bylaw;
- b) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be amended by the Council at any time.
- c) A reference in this bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution thereof.

7 Damage and faults

(1) A customer shall inform the Council immediately:

- a) if the customer becomes aware that any part of the public water supply network located on or in the vicinity of premises owned or occupied by the customer is damaged or leaking, or the customer otherwise suspects that a fault in the public water supply network has occurred which is causing, or may cause, damage to property or injury to people; or
- b) if there is any interruption in the supply of water to premises owned or occupied by the customer.

8 Fees and charges

- (1) The Council may prescribe in its Schedule of Fees and Charges the fees and charges payable to the Council for approvals, inspections, meter readings, and other matters provided for in this bylaw.
- (2) Customers and permit holders shall be responsible to pay all fees and charges associated with connection and disconnection of their premises to the public water supply network, and any other fees and charges set by the Council under clause 8(1).

9 Continuation/cessation of supply

- (1) A customer or permit holder shall be deemed to be continuing to use the water supplied by the Council, and shall be liable for all charges associated with such supply, until notice of cessation is given to the Council on the prescribed form:
 - a) by the customer and the final water meter reading has been carried out, or
 - b) by the permit holder and the permit is cancelled by the Council.

10 Transitional provisions: existing permits

- (1) Every existing permit in force at the commencement of this bylaw shall continue in force as if it were a permit issued under this bylaw until it reaches its expiry date. The Council may however review and amend any conditions of an existing permit to ensure they align with this bylaw.

11 Final water meter reading

- (1) Where a water meter is used in association with the supply of water to premises, a customer must give the Council five working days' notice to arrange a final water meter reading.
- (2) The customer shall pay the Council a fee for the final water meter reading in accordance with the Council's Schedule of Fees and Charges.

12 Transfer of Rights and Responsibilities

- (1) A customer shall not transfer to any other customer or premises, the rights and responsibilities set out in this bylaw, without the written approval of the Council.

13 Applications to the Council

- (1) Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this bylaw;
 - a) the Council may at its discretion grant or decline the application;
 - b) any approval may be given subject to such conditions as the Council thinks fit;
 - c) the applicant shall comply with the conditions of any approval given by the Council to the applicant; and
 - d) the applicant shall pay the Council all fees and charges payable to the Council in connection with the application, and any approval given by the Council, as prescribed in the Council's Schedule of Fees and Charges.

PART B – Protection of the public water supply and public water supply network

14 Water Quality

- (1) Any person who owns or occupies premises, or otherwise uses the public water supply, shall ensure that water is used in a manner that does not give rise to a risk to public health, and does not have an adverse effect on the public water supply or the public water supply network.
- (2) No person shall contaminate or pollute any raw water or drinking water, or do any act likely to contaminate or pollute any raw water or drinking water.
- (3) Any person who becomes aware of a spillage or event which may contaminate, pollute or otherwise have an adverse effect on the public water supply or the public water supply network, must inform the Council immediately.

15 Backflow Prevention

- (1) All connections to the public water supply network must have a backflow prevention device. The customer shall be responsible for paying the cost of installing a backflow protection device.
- (2) No person shall interfere with a backflow prevention device owned by the Council without the prior written approval of the Council.
- (3) Where the Council has required a testable backflow prevention device to be installed, the device shall be tested annually by an approved backflow technician and a copy of the testing certificate is to be provided to the Council. Where the backflow prevention device is an air gap separation, confirmation of the minimum 100 millimetre 'gap' will be required.
- (4) For backflow prevention devices that have been retrofitted by the Council on behalf of a customer, the Council may have the required testing carried out. In this case, the Council may recover all installation and testing costs from the customer.

16 Access to and work on the public water supply network

- (1) No person shall, without the prior written approval of the Council, make any connection to or disconnection from, repair, tamper with or otherwise interfere with, any part of the public water supply network, except to:
 - a) operate the **shut off valve** at the point of supply to isolate the supply. The Council gives no guarantee of the serviceability of the **shut off valve** and reserves the right to charge the customer for any replacement or repair if damage occurs; or
 - b) clear an inline filter that is installed upstream of a restrictor.

17 Working near the public water supply network

- (1) Any person proposing to carry out work to excavate or otherwise interfere with land shall, prior to undertaking such work, establish whether any part of the public water supply network is located in the vicinity of the proposed work. Locating the position and depth of any public water supply network is the responsibility of the person proposing to carry out the work.
- (2) The Council maintains as-built location plans of the public water supply network and this information can be requested at the Council's Richmond Office during normal business hours. A charge may apply for copies of this information.
- (3) No person shall, without giving the Council at least 5 working days' notice and obtaining the prior written approval of the Council, excavate or otherwise interfere with land:
 - a) within 2 metres of any part of the public water supply network, or
 - b) in the vicinity of the public water supply network if the excavation or interference is likely to compromise the structural or functional integrity of the public water supply network (e.g. piling).
- (4) The Council may give approval under clause 17(3) subject to such conditions as the Council thinks fit, including a condition requiring independent supervision of the work.
- (5) The Council may with 5 working days' notice, and at its discretion, mark out on the ground the location of the public water supply network. The Council may charge for this service.
- (6) Any as-built location plans supplied by the Council, or location markings placed on the ground by the Council, shall not be deemed to be an exact representation of the location of the public water supply network and must be treated as a guide only.
- (7) Every person who fails to reinstate land in accordance with the conditions of Council's approval under clause 17(3) shall be liable for the costs incurred by the Council for completing such work.
- (8) Any damage that occurs to any part of the public water supply network shall be reported to the Council immediately. Any repairs will be undertaken by an authorised agent of the Council and the Council may seek to recover the costs from the person that caused the damage.

Note: All excavation and trenching work carried out within the road corridor is also subject to the permit process of the appropriate road controlling authority.

18 Building or placing materials over or near a public water supply network

- (1) No person shall construct or erect any building or structure within 3 metres measured horizontally from the outside of any public water supply network, without first obtaining the Council's written approval to:
 - a) construct or erect the building or structure within 3 metres; or
 - b) divert the public water supply network to achieve the 3 metre distance.

- (2) No person shall, without the prior written approval of the Council, place or allow to be placed any materials, machinery, equipment or temporary structure over or near any part of the public water supply network, which in the opinion of the Council may compromise the structural or functional integrity of the public water supply network or may interfere with access to the public water supply network. The Council may recover the costs of removing any covering materials, machinery, equipment or temporary structure from any person who commits a breach of this clause.
- (3) The Council's approval under clauses 18(1) or 18(2) may be given subject to such conditions as the Council thinks fit, including a condition that the person to whom approval is given pays the fees charged by the Council for the supervision of the works, and the costs incurred by the Council in connection with the design and construction of the works, and the preparation of as-built drawings.
- (4) In the event of a pipe diversion, the pipe diversion work must be undertaken by the Council's authorised agent(s).

19 Interference by trees and shrubs

- (1) Tree and shrubs should not be planted in a location where the roots or branches of the trees or shrubs are likely to interfere with the public water supply network.
- (2) The owner of premises shall comply with any notice by the Council requiring the owner to remove or trim any trees or shrubs on the premises that have interfered with, or in the opinion of the Council are likely to interfere with, the public water supply network or access to the public water supply network. The cost of complying with the Council's notice shall be met by the owner of the premises unless otherwise agreed in writing by the Council.

PART C – Conditions of public water supply

20 Continuity of supply and pressure

- (1) Due to practical and physical limitations, and unforeseen circumstances, the Council cannot guarantee an uninterrupted supply of water, a supply of water of a particular quality, or a supply of water at a particular pressure.
- (2) Where the Council shuts down a public water supply for maintenance, repair or other works, the Council will whenever practicable, make every reasonable effort to notify the customer. Where immediate action is required and notification is not practicable, the Council may shut down a public water supply network without notice.
- (3) If a customer has a requirement for an uninterrupted public water supply, it is the responsibility of the customer to provide measures such as storage, back-up facilities, or the equipment necessary. For customers connected to an on demand supply the Council suggests 12 hours of storage should be allowed for.
- (4) Customers on a restricted flow supply shall have storage tanks with the capacity to store a minimum of 7 days' supply of water in accordance with Table 1 of clause 25.2(2).
- (5) The Council shall not be liable for any loss, damage, or inconvenience which the customer may incur as a result of deficiencies in, or interruptions to, the public water supply.

21 Connection

- (1) No person shall, without the Council's prior written approval:
 - a) connect to the public water supply network;
 - b) alter a connection to the public water supply network; or
 - c) use the public water supply for fire protection.
- (2) All new connections, including all pipes, fittings and any other equipment up to the point of supply, shall only be installed by Council's authorised agent(s) and shall be at the cost of the person to whom approval has been granted under clause 21(1).
- (3) The Council may seek further information in order to process, or set conditions on, an application for approval under clause 21(1). Examples include (but are not limited to) a modelling assessment (at the applicants cost) of the hydraulic capacity of the public water supply.
- (4) The Council may decline an application for approval under clause 21(1). Reasons for declining an application may include (but are not limited to):
 - a) insufficient capacity to accommodate the requested allocation; or
 - b) incompatible design.

- (5) Where more than one connection to the public water supply network is requested, or a requested connection is outside of an urban water supply area, approval shall be at the Council's discretion.
- (6) If an approved connection to the public water supply network is physically not made within 6 months of approval, then the approval is deemed to have lapsed and a new application will need to be made, including any additional costs that may be incurred. Water allocated for any approved connection may not be available for reallocation after this 6-month period.

Note: The reader is referred to the Council's Water Allocation Guidelines.

22 Disconnection

- (1) No person shall, without the Council's prior written approval, disconnect from the public water supply network.
- (2) Any person seeking approval under clause 22(1) shall give the Council at least 7 working days' notice on the prescribed form.
- (3) If the Council approves disconnection, the disconnection shall generally be at the water main, must be undertaken by an authorised agent of the Council, and may include removal of the service pipe or sealing at the point of supply. The cost of such work shall be payable by the person to whom approval has been given under clause 22(1).
- (4) If the disconnection involves the demolition or removal of a building and a replacement building is proposed and reconnection to the previous point of supply will take place within a six-month period, the Council may approve a temporary disconnection at the Council's discretion.
- (5) A disconnection shall be deemed complete once all fees and charges as are fixed by the Council have been paid, an inspection has taken place, and the work has been signed off by the Council as satisfactory.

23 Permission to take water from a fire hydrant

- (1) No person shall, without the prior written approval of the Council, take any water from a fire hydrant connected to the public water supply network unless that person is:
 - a) a member of the New Zealand Fire Service or the Rural Fire Network for the purpose of fighting fires, training, and testing;
 - b) a permit holder acting in accordance with the terms and conditions of a current permit issued by the Council; or
 - c) the Council and its authorised agents.
- (2) The holder of a permit to take water from a fire hydrant shall, upon payment of the fee fixed by the Council, be entitled to receive a single fire hydrant upstand pipe incorporating a water meter and backflow prevention device for the term of the permit. **In addition to the obligations imposed on the permit holder by the permit and this bylaw, a permit holder shall not take any water from a fire hydrant unless they are using a fire hydrant upstand pipe**

supplied to them by the Council, which incorporates a water meter and backflow prevention device.

- (3) Fire hydrant upstand pipes remain the property of the Council and the permit holder shall compensate the Council for any loss or damage to the fire hydrant upstand pipe.
- (4) The holder of a permit to take water from a fire hydrant shall pay the Council for water taken from the fire hydrant at a rate per cubic metre that is fixed by the Council.
- (5) If the holder of permit to take water from a fire hydrant requires more than one fire hydrant upstand pipe, they will be required to obtain an additional permit to take water (one permit per fire hydrant upstand pipe).
- (6) The holder of a permit to take water from a fire hydrant shall only take water from any fire hydrant listed on a schedule approved by the Council.
- (7) A traffic management plan for all the fire hydrant sites will be included with the permit and it is the permit holder's responsibility to comply with the traffic management plan when taking water from a fire hydrant.

24 Point of supply

- (1) The Council is responsible for maintenance of the public water supply network up to and including the point of supply.
- (2) The customer is responsible for maintenance of the supply pipe beyond the point of supply.
- (3) A supply pipe shall serve only one customer and shall not extend by any other pipe or hose beyond the premises owned or occupied by the customer and supply any other person without the prior written approval of the Council.
- (4) Typical points of supply are illustrated by the diagrams contained in Schedule A.
- (5) Where, prior to this bylaw coming into force, the Council has approved a point of supply that is in a different location to that described in this bylaw, the point of supply shall be deemed to be the existing arrangement.
- (6) The Council reserves the right to change the point of supply should the existing point of supply for any connection become necessary due to any physical or legal reason or where there is a significant change in water demand or risk to the public water supply.

25 Types of public water supply

- (1) All connections to the public water supply network shall be classified as either 'on demand supply' or 'restricted flow supply' and the use of water shall be either 'ordinary' or 'extraordinary'.

25.1 On Demand Supply

- (1) Except with the prior written approval of the Council, all customers whose premises are connected to an on demand supply shall only use the on demand supply for ordinary use.

- (2) No person shall, without the prior written approval of the Council, use an on demand supply for an extraordinary use.
- (3) No customer whose premises are connected to an on demand supply shall, without the prior written approval of the Council:
 - a) change from an ordinary use of water to an extraordinary use of water; or
 - b) significantly increase the quantity of water supplied to the premises; or
 - c) change from an activity that is a medium risk to a high risk to the water supply and/or network in respect of backflow e.g. a warehouse to an abattoir. In such cases, the Council approval may include additional backflow prevention.
- (4) ~~With the exception of water used for drinking and sanitary purposes,~~ An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in clause 27 of this bylaw.

25.2 Restricted Flow Supply

- (1) All customers whose premises are connected to a restricted flow supply may use the supply for ordinary use and extraordinary use.
- (2) All customers whose premises are connected to a restricted flow supply must have storage tanks with the capacity to store water for **at least 7 days**. The minimum size storage requirements are:

Table 1: Minimum Storage Requirement for Restricted Flow Supply

Customer Supplied With	Minimum Storage
1 to 3 cubic metres of water	25 cubic metres
Greater than 3 cubic metres of water	7 cubic meters for every cubic metre supplied (e.g. 7 cubic metres supplied = 49,000 cubic metres of storage)

- ~~(3) All customers whose premises are connected to a restricted flow supply as at the commencement of this bylaw, and do not have the storage tanks required by clause 25.2(2) of this bylaw, must comply with that requirement by 1 November 2018.~~

Note: Customers connected to a restricted flow supply are reminded:

- a) *that the Council is not responsible or liable to fill storage tanks within the 7-day period;*
- ~~b) of the relevant firefighting provisions contained within the Tasman Resource Management Plan.~~
- c) all customers whose premises are connected to a restricted flow supply must obtain the Council's written approval to increase or decrease their allocated units of water.*
- (4) ~~With the exception of water used for drinking, sanitary purposes, and stock drinking water,~~ A restricted flow supply shall be subject to the prohibition or restriction of supply provisions set out in clause 27 of this bylaw.

26 Meters and restrictors

- (1) Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.
- (2) Meters and restrictors shall be located in a position where they are readily accessible for reading and/or maintenance.
- (3) Should any meter cease to register, or be removed, the Council shall be entitled to estimate the water use for the period since the previous reading. This estimate will be based on the average of the previous 4 billing periods for that meter. The Council may consider seasonal or other fluctuations when determining an estimate if the average of the previous 4 billing periods would be unreasonable.
- (4) Should any restrictor be found to be tampered with or interfered with, the Council shall be entitled to estimate and charge for the additional water allowed to pass, and recover any associated costs.
- (5) Restrictors may be tested by measuring the time required for 10 litres of water to pass through the restrictor. A copy of the certification of the test result shall be made available to the customer on request.

27 Prohibition or restriction on use of public water supply

- (1) The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any other reason. Such restrictions or prohibitions may apply to all or any part of the District ~~premises~~, to the use of water for any specified purpose, and for any specified period.
- (2) Such restrictions or prohibitions **under clause 27(1)** may include, but are not limited to:
 - a) a notice to conserve water wherever possible; or
 - b) a notice that the restrictions and prohibitions applicable to a phase described in Appendix B are in force, and must be complied with, until such notice is amended or revoked.
- (3) The Council may amend or revoke a restriction or prohibition made by the Council under clause 27(1) of this bylaw.
- (4) The Council may at any time, by resolution, prescribe or amend baselines for the purposes of determining reductions in water usage under Appendix B.
- (5) No person shall use the public water supply contrary to a restriction or prohibition on the use of the public water supply that is issued by the Council or the Council's Engineering Services Manager.
- (6) Restrictions and prohibitions on use of the public water supply shall be advised by public notice.

- (7) Notwithstanding clause 27(1) above, any restriction or prohibition shall not compromise the Council's obligations (if any) to provide water for essential health needs. The Council may also have specific arrangements with individual users to maintain a public water supply during times of water restrictions.

Note: The reader is referred to Sections 30.2 and 31.1 of the Tasman Resource Management Plan for further discussion on equitable water allocation, community water supply water rationing, and limiting allocations.

- (8) The Council's Engineering Services Manager shall also have the power to issue a notice restricting or prohibiting the use of the public water supply (Phases A and B only) in accordance with clause 27(1) of this bylaw, and to amend or revoke such notice.

28 Fire protection connection and use

- (1) Any connection for fire protection shall be subject to an application and approval in writing by the Council. If a connection is approved, it shall be subject to the terms and conditions specified by the Council.
- (2) It is the responsibility of the customer to provide the required flow and pressure information to operate their intended fire protection system. Should the Council need to complete a modelling assessment of the hydraulic capacity of the public water supply network to process the application, this shall be at the customer's expense.
- (3) Any unmetered fire protection connection shall not be used for any purpose other than firefighting and testing of the fire protection system.
- (4) Where the supply of water to a premises is metered, the Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter provided that it is only possible to draw water in connection with the sounding of automatic fire alarm and a backflow prevention device is fitted on the bypass.
- (5) Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system.
- (6) Where the fire protection connection is metered and water has been used for firefighting purposes, the Council may estimate the quantity of water used, and make a corresponding credit to the customer's account.
- (7) All fire protection systems must have a Council approved backflow prevention device fitted.
- (8) Water supplied from fire hydrants on the public water supply network conform to the level of service set out in the Council's Long Term Plan.

29 Customer responsibility

- (1) It is the customer's responsibility to prevent backflow.
- (2) It is the customer's responsibility to advise the Council of any change of use as described in 25.1(3).

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- (3) Customers must not allow water to run to waste including the unattended operation of hoses, allow the condition of plumbing within the premises to deteriorate to the point where leakage or waste occurs, or allow leaks to continue unchecked or repaired.
- (4) Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated costs.
- (5) A customer shall not use water or water pressure directly from the public water supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.

Attachment 1

- (6) Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted or compromise the ability for the Council to maintain the public water supply, shall not be connected directly to the supply pipe.
- (7) The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (8) Where a meter or restrictor is located on private property, the customer shall grant reasonable access to the Council's authorised agent. Where access has not been possible or arranged, (for example locked gates and/or unrestrained dogs), the Council may after written notice and a period of 14 days move the point of supply to a position outside the premises.
- (9) Where clause 29(8) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.

PART D – Enforcement

30 Offences and Penalties

- (1) Every person who fails to comply with this bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council and the penalties set out in the Act.
- (2) Breaches of this bylaw include but are not limited to:
 - a) taking water from a fire hydrant without the required authority;
 - b) misuse of or interference with the public water supply or the public water supply network;
 - c) any illegal connection to the public water supply network;
 - d) failure by the customer or permit holder to comply with the conditions of supply or customer responsibilities;
 - e) failure to prevent backflow;
 - f) failure to pay the appropriate fees and charges;
 - g) failure to comply with water use restrictions or prohibitions imposed by the Council;
- (3) If a person fails to comply with this bylaw, the Council may (without prejudice to any other powers) restrict the water supply to that person's land or building in accordance with section 193 Local Government Act 2002.

31 Removal of works and recovery of costs

- (1) The Council may:
 - a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
 - b) recover on demand the costs of removal or alteration from the person who committed the breach.
- (2) If any person defaults in undertaking any action required under this bylaw the Council may at its discretion, upon giving notice to that person, undertake that action and recover on demand from them the full cost of undertaking that action from that person.

Council Resolution

This bylaw was made by Tasman District Council at a meeting of the Full Council on 22 September 2016.

This bylaw was amended by Tasman District Council at a meeting of the Full Council on XX September 2019.

The common seal of the Tasman District Council is attached in the presence of:

Mayor

Chief Executive

Appendix A – Point of Supply Diagrams

Figure 1: Typical Point of Supply -On Demand Supply-Outside Premises

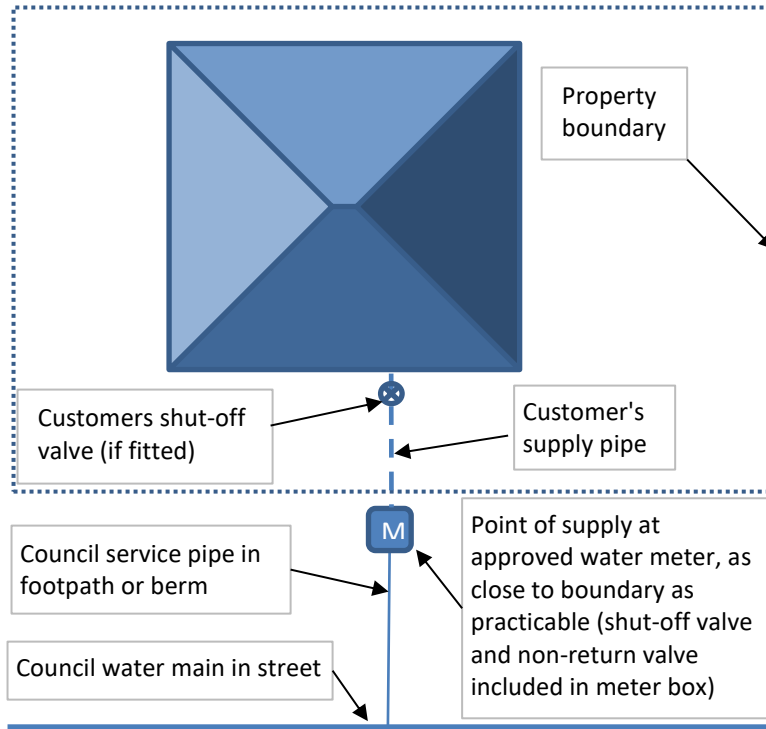


Figure 2: Typical Point of Supply-Restricted Flow-Outside Premises

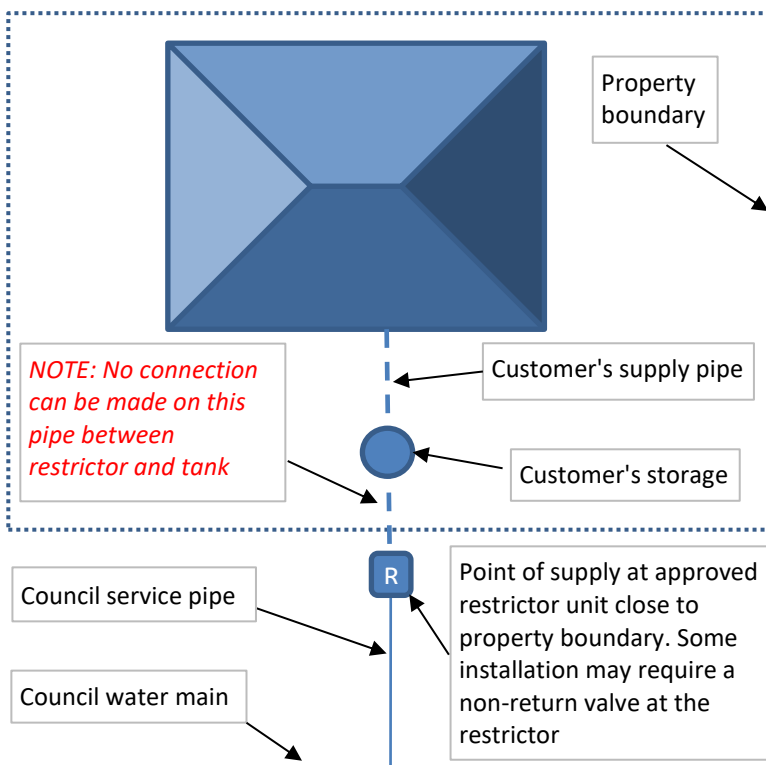


Figure 3: Typical Point of Supply-Restricted Flow-Inside Premises

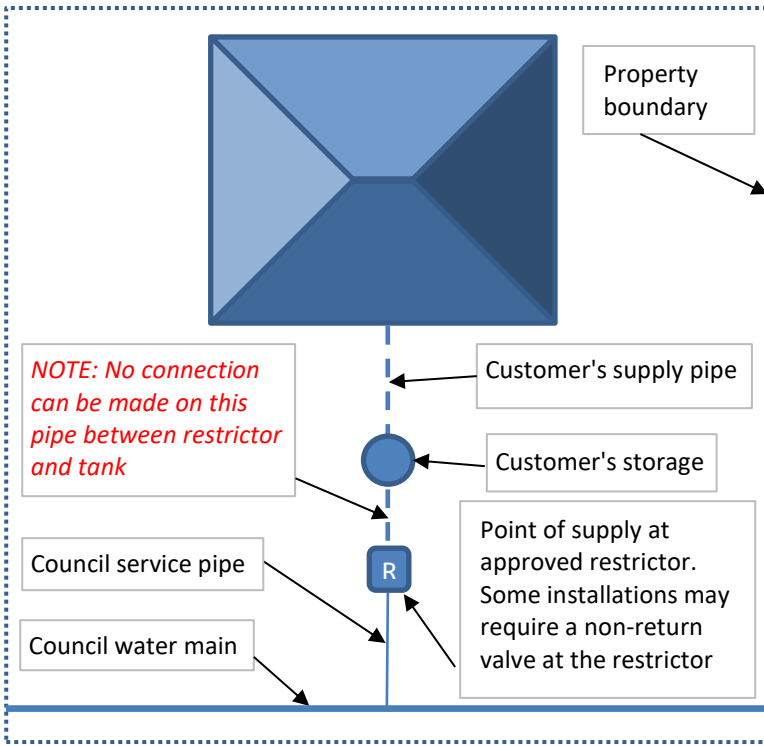


Figure 4: Typical Restricted Flow Supply Tank Connection

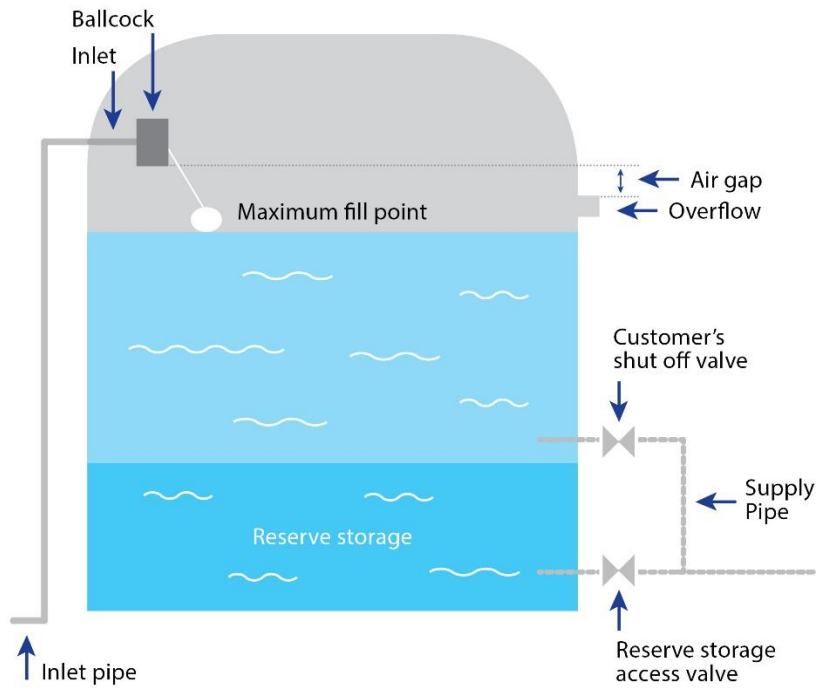


Figure 5: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, new connections)

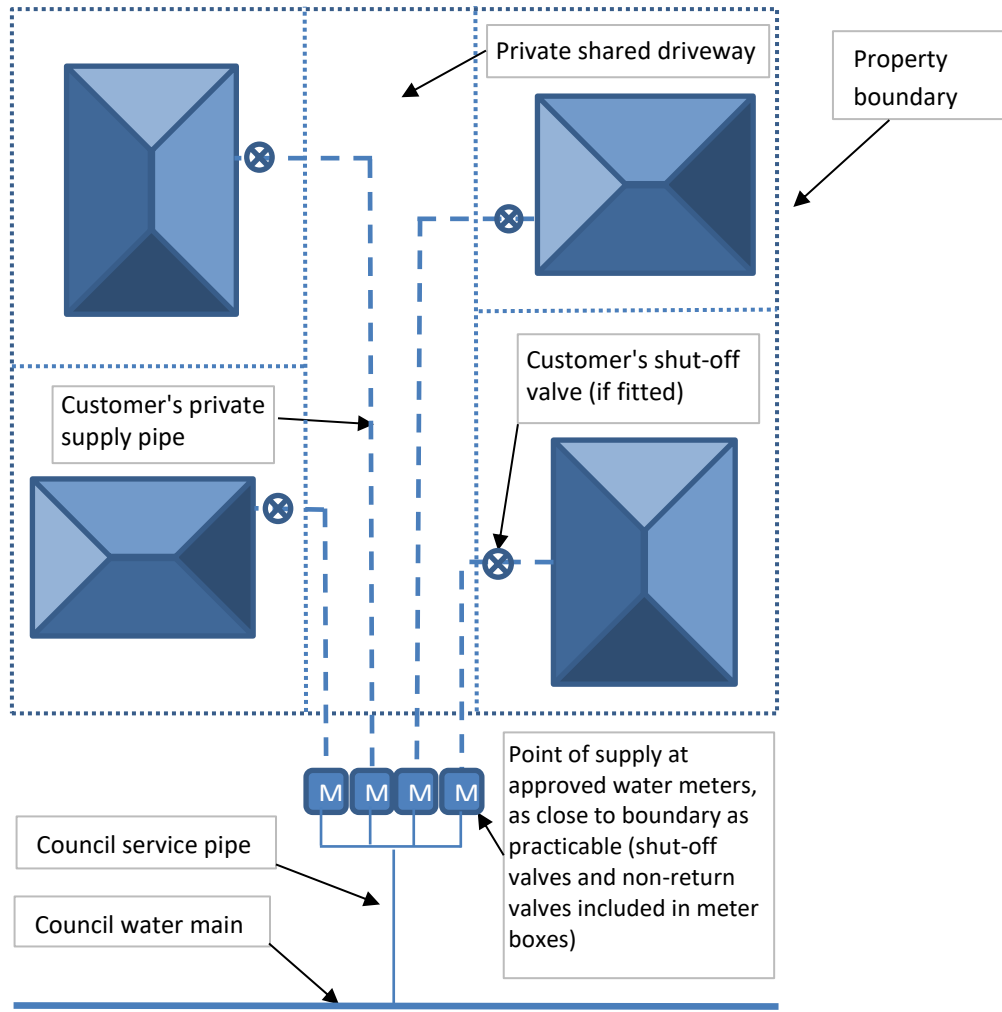
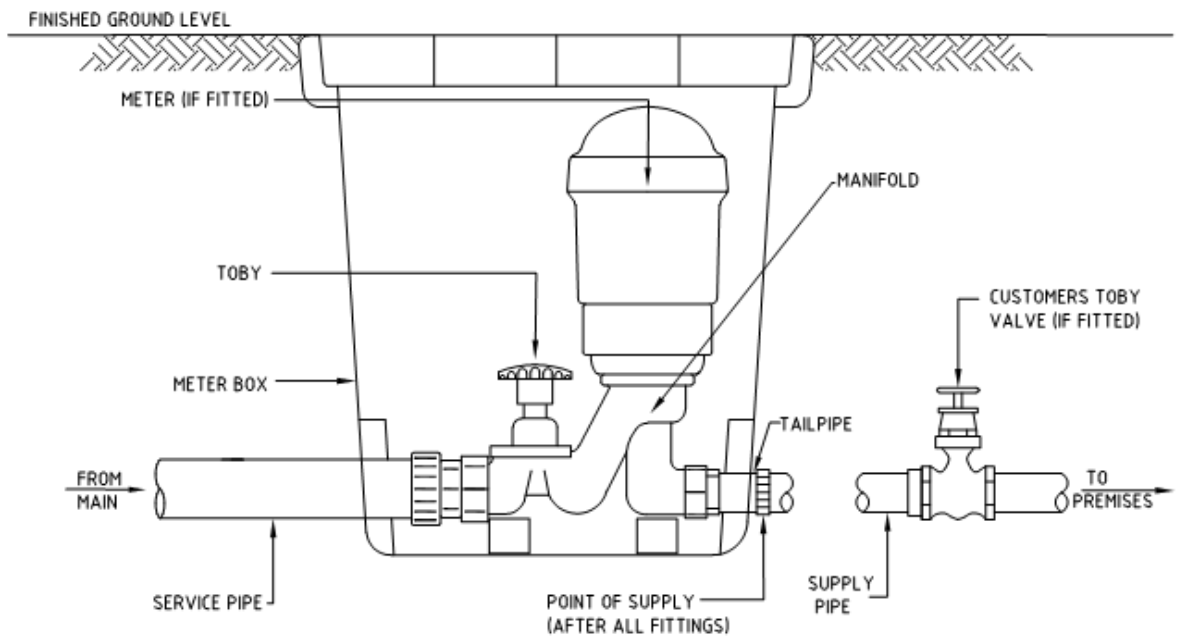
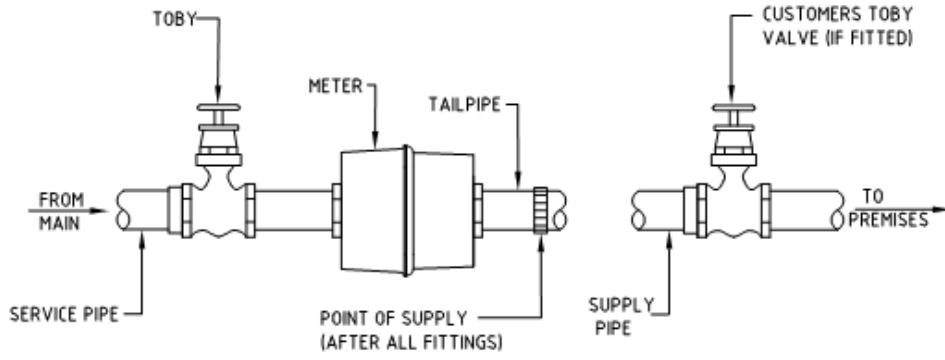


Figure 6: Typical On Demand (Metered) Supplies



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Attachment 1

Appendix B – Restrictions and Prohibitions on Use of Public Water Supply (Water Restrictions Protocol)

See protocol attached separately.(Attachment 7)

Tasman District Council Consolidated Bylaw

Chapter 10 – Public Water Supply Bylaw 2016

Statement of Proposal

Introduction

In 2018 we began a review of our Water Supply Bylaw with a focus on the way we implement water restrictions during times of drought or emergency. In July and August 2018 we consulted on some changes to the Bylaw and introduced the Water Restrictions Protocol – a new framework for imposing water restrictions. The consultation feedback highlighted some issues that Council had not previously considered.

During the summer of 2019, most parts of Tasman District experienced a severe drought and many public water supplies faced water shortages. To manage demand and protect our water sources, we imposed a series of escalating water restrictions based on the draft Water Restriction Protocol. This gave us an opportunity to ‘road test’ the restrictions.

Taking into account the lessons learned from the recent drought and the feedback from the initial consultation, we are proposing some further changes to the Bylaw.

In accordance with section 83 of the Local Government Act (the Act), this statement of proposal seeks your view on the proposed amendments to Tasman District Council Consolidated Bylaw – Chapter 10 – Public Water Supply 2016 (proposed bylaw).

Proposal

Tasman District Council has resolved to conduct a second consultation on additional amendments to the Bylaw. A summary of the proposed amendments are provided in the attached ‘Summary of Information’ document.

The amended draft Bylaw is being released for public consultation using the Special Consultative Procedure as outlined in section 86 of the Act.

In accordance with section 86(2) of the Act, the Council is required to provide the following in a statement of proposal:

- a draft of the proposed bylaw, including the amendments;
- the reasons for the proposal; and
- a report on any relevant determinations by Council under section 155 of the Act.

The attached copy of the ‘**DRAFT Consolidated Bylaw - Chapter 10- Public Water Supply Bylaw 2016**’ forms part of this statement of proposal.

Reasons for the proposal

The Council is seeking feedback from the public about further amendments made to the bylaw that specifically addressed issues raised during the initial consultation and lessons learned during the recent drought.

Options Considered by Council

Council have considered the following options:

1. Undertake a second public consultation on the Bylaw.

The Council is proposing some further changes to the Bylaw taking into account feedback from the initial consultation and lessons learned from the recent drought. A summary of the proposed amendments are listed in the attached Summary of Information document and explained in the supporting Consultation Document.

2. Use the existing bylaw.

The existing bylaw allows the Council wide ranging flexibility and discretion to impose water restrictions as and when required. However, the absence of a framework means the Council does not provide a pragmatic and consistent approach to water restrictions during times of water shortages.

The Council has concluded that **Option 1** provides an open and transparent approach to completing the Bylaw amendment process. Using the Special Consultative Procedure provides a sound basis for engaging with the public and eliciting feedback on these matters.

Council's ability to make and amend a bylaw

The Act sets the procedure for making and amending a bylaw.

Section 83 and 86 of the Act outline the procedure and requirements of the special consultative procedure in relation to making and amending bylaws. This includes a statement of proposal and summary of information.

Section 146 of the Act allows the Council to make a bylaw to manage, regulate, protect from damage, misuse or loss any infrastructure associated with water supply.

Section 155 of the Act requires the Council to determine whether a bylaw is the most appropriate way to address a perceived problem and section 155(2) requires the Council to determine whether the proposed bylaw:

- is the most appropriate form of bylaw, and
- gives rise to any implications under the New Zealand Bill of Rights Act 1990 (BORA)

The proposed bylaw is the most appropriate form of bylaw and meets the following tests:

- The bylaw is not repugnant to the general laws of New Zealand
- The bylaw provides certainty and clear direction
- The bylaw is reasonable
- The bylaw is not overly restrictive, onerous on any person, or impractical

Section 156 and 160 of the Act outlines the consultation requirements when amending a bylaw. Section 156(1) states the Council must use the special consultative procedure if

- the bylaw concerns a matter of significant interest to the public

- the Council considers there is likely to be a significant impact on the public due to the proposed bylaw or changes.

Consultation and Submissions

- The public consultation will commence on 5 June 2019 and close on 5 July 2019.
-
- The DRAFT Chapter 10 – Public Water Supply Bylaw 2016, Statement of Proposal and Summary of Information documents are available for viewing during normal hours at the following Council offices and libraries:

-

- **Tasman District Council Offices:**

Golden Bay Office: 78 Commercial Street, Takaka 7142
 Motueka Office: 7 Hickmott Place, Motueka 7143
 Murchison Office: 92 Fairfax Street, Murchison 7007
 Richmond Office: 189 Queen Street, Private Bag 4, Richmond 7050

Tasman District Council Libraries:

Motueka Public Library: 12 Pah Street, Motueka 7120
 Murchison Public Library: 92 Fairfax Street, Murchison 7007
 Richmond Library: 280 Queen Street, Richmond 7020
 Takaka Memorial Library: 3 Junction Street, Takaka 7110

- All documents are also available on the Council's website at: www.tasman.govt.nz (search phrase: public water supply bylaw)

Submissions

Any person or organisation is welcome to make a submission on the proposed bylaw. The Council will consider all submissions made when it decides on the final bylaw.

A submission form is available on the Council website www.tasman.govt.nz or can be obtained from the Tasman District Council offices and libraries listed above.

Submissions may be made:

Online: www.tasman.govt.nz

Posted to: Executive Assistant – Engineering, Tasman District Council, Private Bag 4, Richmond

Delivered to: Executive Assistant – Engineering, Tasman District Council, 189 Queen Street, Richmond

Faxed to: 03 543 9524 Attention Executive Assistant – Engineering

Emailed to: info@tasman.govt.nz Attention Executive Assistant – Engineering

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to the Council in support of your submission.

Submissions close at 4.00pm on 5 July 2019.

Submitters should note that their submission will be copied and made available to the public after the submission period closes.

Item 8.5

The Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date, and venue of the hearing.

Attachment 2

Tasman District Council Consolidated Bylaw

Chapter 10 – Public Water Supply Bylaw 2016

Summary of Information

In accordance with section 83 of the Local Government Act, this summary of information is provided for the proposed Public Water Supply Bylaw 2016.

Summary of Information

In 2018 we began a review of our Water Supply Bylaw with a focus on the way we implement water restrictions during times of drought or emergency. In July and August 2018 we consulted on some changes to the Bylaw and introduced the Water Restrictions Protocol – a new framework for imposing water restrictions. The consultation feedback highlighted some issues that Council had not previously considered.

During the summer of 2019, most parts of Tasman District experienced a severe drought and many public water supplies faced water shortages. To manage demand and protect our water sources, we imposed a series of escalating water restrictions based on the draft Water Restriction Protocol. This gave us an opportunity to ‘road test’ the restrictions.

Taking into account the lessons learned from the recent drought and the feedback from the initial consultation, we are proposing some further changes to the Bylaw. A summary of the amendments are listed in the table below:

Proposed change	Reason for proposed change	Section in the Bylaw
Major Changes		
Provide a definition of a baseline and the ability to prescribe and amend baseline by resolution .	Initial consultation did not specify a baseline from which reductions would be required for businesses during Phase C & D. A definition is needed so businesses can calculate reductions from a known benchmark . We need the ability to change the baseline methodology without having to consult on the whole Bylaw.	Bylaw s27(4) & Appendix B (Protocol)
Provide a reduction range for businesses during Phase C and D .	Initial consultation proposed a flat 25% and 50% reduction on businesses during Phase C and D . A reduction range (10-30% and 31-50%) provides flexibility to impose a softer cut and only increase the reduction requirements if sufficient savings are not achieved .	Appendix B (Protocol)
Restructure the protocol framework to include 3 overarching categories .	Categories include Residential, Business and Public / Institutional defined in terms of the activity carried out on the premises. Makes framework more user friendly and removes potential ambiguity about which restrictions apply to various premises .	Appendix B (Protocol)
Separate categories and restrictions for different types of pools .	The Council considers that community swimming pools provide an important public service and should be treated differently to other private pools when restrictions are in effect .	Appendix B (Protocol)

Proposed change	Reason for proposed change	Section in the Bylaw
Major Changes		
Clarification about when water used for livestock purposes is permitted.	Initial consultation did not include details about restrictions on water for livestock. Proposal clarifies that water used for livestock is permitted up to and including Phase E and prohibited at Phase F.	Appendix B (Protocol)

Proposed change	Reason for proposed change	Section in the Bylaw
Minor Changes		
Remove references to 'Implement Water Shortage Plan'.	A requirement to develop a water shortage plan could be challenging for some businesses, particularly small-medium sized businesses.	Appendix B (Protocol)
Clarification that farming, agricultural and horticultural businesses fall under All Business Activities.	Initial draft did not provide definitions about activities carried out on various premises. New proposal clarifies farming, agricultural and horticultural businesses are included in the meaning of businesses premises within the protocol and are subject to the same restrictions as other businesses.	Appendix B (Protocol)
Include specific restrictions on specialty grass surfaces	During the recent drought, there were queries about the ability to use water from Council's public supplies for the purposes of watering specialty surfaces. New provision gives clear guidance on water used for this purpose.	Appendix B (Protocol)
Change definition of 'Public Water Supply' to include water that is supplied by truck or other vehicle.	During an emergency or drought, the Council may need to supply water by tankers to distribution points rather than supplying water by piped networks. The Council needs the ability to impose restrictions on the use of water that is supplied by tanker.	Bylaw s6
Remove clause that requires premises connected to restricted flow supply to have minimum storage tanks by 1 November 2018.	Clause (3) is not required because the date has passed. Section 25.2 (2) sufficiently states customers must have minimum storage requirements.	Bylaw s25.2(3)
Remove reference to exceptions of water used for drinking, sanitary and stock purposes.	Details in the protocol include restrictions and prohibitions on water used for drinking, sanitary livestock purposes. Removing the clause in the Bylaw removes a double up.	Bylaw s25.1(4) and s25.2 (4)

- 1
2 A draft copy of the amended bylaw and a statement of proposal is available for viewing during normal Council hours at the following Council offices and libraries:
3

4 Tasman District Council Offices:

- 5 Golden Bay Office: 78 Commercial Street, Takaka 7142
6 Motueka Office: 7 Hickmott Place, Motueka 7143
7 Murchison Office: 92 Fairfax Street, Murchison 7007
8 Richmond Office: 189 Queen Street, Private Bag 4, Richmond 7050
9

10 Tasman District Council Libraries:

- 11 Motueka Public Library: 12 Pah Street, Motueka 7120
12 Murchison Public Library: 92 Fairfax Street, Murchison 7007
13 Richmond Library: 280 Queen Street, Richmond 7020
14 Takaka Memorial Library: 3 Junction Street, Takaka 7110

15 Go on the Council website at: www.tasman.govt.nz and get more information under 'News and Notices'.

Submissions

Any person or organisation is welcome to make a submission on the amended draft bylaw. The Council will consider all submissions made when it decides on the final bylaw.

A submission form is available on the Council website www.tasman.govt.nz or can be obtained from the Tasman District Council offices and libraries listed above.

Submissions may be made:

Online: www.tasman.govt.nz

Posted to: Executive Assistant – Engineering, Tasman District Council, Private Bag 4, Richmond. 7050.

Delivered to: Executive Assistant – Engineering, Tasman District Council, 189 Queen Street, Richmond

Faxed to: 03 543 9524 Attention Executive Assistant – Engineering

Emailed to: info@tasman.govt.nz Attention Executive Assistant – Engineering

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to the Council in support of your submission.

Submissions close at 4.00pm on 5 July 2019.

Submitters should note that their submission will be copied and made available to the public after the submission period closes.

The Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date, and venue of the hearing.



ATTACHMENT 4

Amended Draft Public Water Supply Bylaw 2016

1. Tasman District Council seeks your view on the amended draft of the Public Water Supply Bylaw 2016. The proposed amendments to the bylaw is now available for consultation in accordance with Section 83 of the Local Government Act 2002. Any person or organisation is welcome to make a submission on the proposed Bylaw. The Council will consider all submissions made when it decides on the final Bylaw.
- 2.
3. A statement of proposal, the amended draft bylaw, a summary of information, and a supporting consultation document is available for viewing on the Council's website www.tasman.govt.nz and at the following Council offices and libraries during normal opening hours:
4.
 5. **Tasman District Council Offices:**
 6. Golden Bay Office: 78 Commercial Street, Takaka 7142
 7. Motueka Office: 7 Hickmott Place, Motueka 7143
 8. Murchison Office: 92 Fairfax Street, Murchison 7007
 9. Richmond Office: 189 Queen Street, Private Bag 4, Richmond 7050
10.
 11. **Tasman District Council Libraries:**
 12. Motueka Public Library: 12 Pah Street, Motueka 7120
 13. Murchison Public Library: 92 Fairfax Street, Murchison 7007
 14. Richmond Library: 280 Queen Street, Private Bag 3, Richmond 7050
 15. Takaka Memorial Library: 3 Junction Street, Takaka 7110
16. Submissions close at 4.00pm on 5 July 2019.
- 17.

File:
Silent One ID:
Helen.Lane@tasman.govt.nz
Phone 543 8985

Item 8.5

20 May 2019

Recipient
Address 1
Address 2
Town Postcode

Dear Recipient First Name

Consultation on Further Amendments to the Water Supply Bylaw

In 2018 we began a review of our Water Supply Bylaw with a focus on the way we implement water restrictions during times of drought or emergency. In July and August 2018 we consulted on some changes to the Bylaw and introduced the Water Restrictions Protocol – a new framework for imposing water restrictions. The consultation feedback highlighted some issues that Council had not previously considered.

During the summer of 2019, most parts of Tasman District experienced a severe drought and many public water supplies faced water shortages. To manage demand and protect our water sources, we imposed a series of escalating water restrictions based on the draft Water Restriction Protocol. This gave us an opportunity to 'road test' the restrictions.

Taking into account the lessons learned from the recent drought and the feedback from the initial consultation, we are proposing some further changes to the Bylaw

A copy of the amended draft Bylaw, Statement of Proposal and Summary of Information is available for viewing on our website. We have also prepared a supporting Consultation Document that explains the issues and amendments. Hard copies of these documents are available for viewing at Council offices during normal hours.

We want to know what you think of these changes. Have your say by filling in the feedback form on the back of the Consultation Document or online at www.tasman.govt.nz.

Please note submissions close at 4:00pm on 5 July 2019.

Yours sincerely

Helen Lane
Activity Planning Advisor- Water & Wastewater

Attachment 5

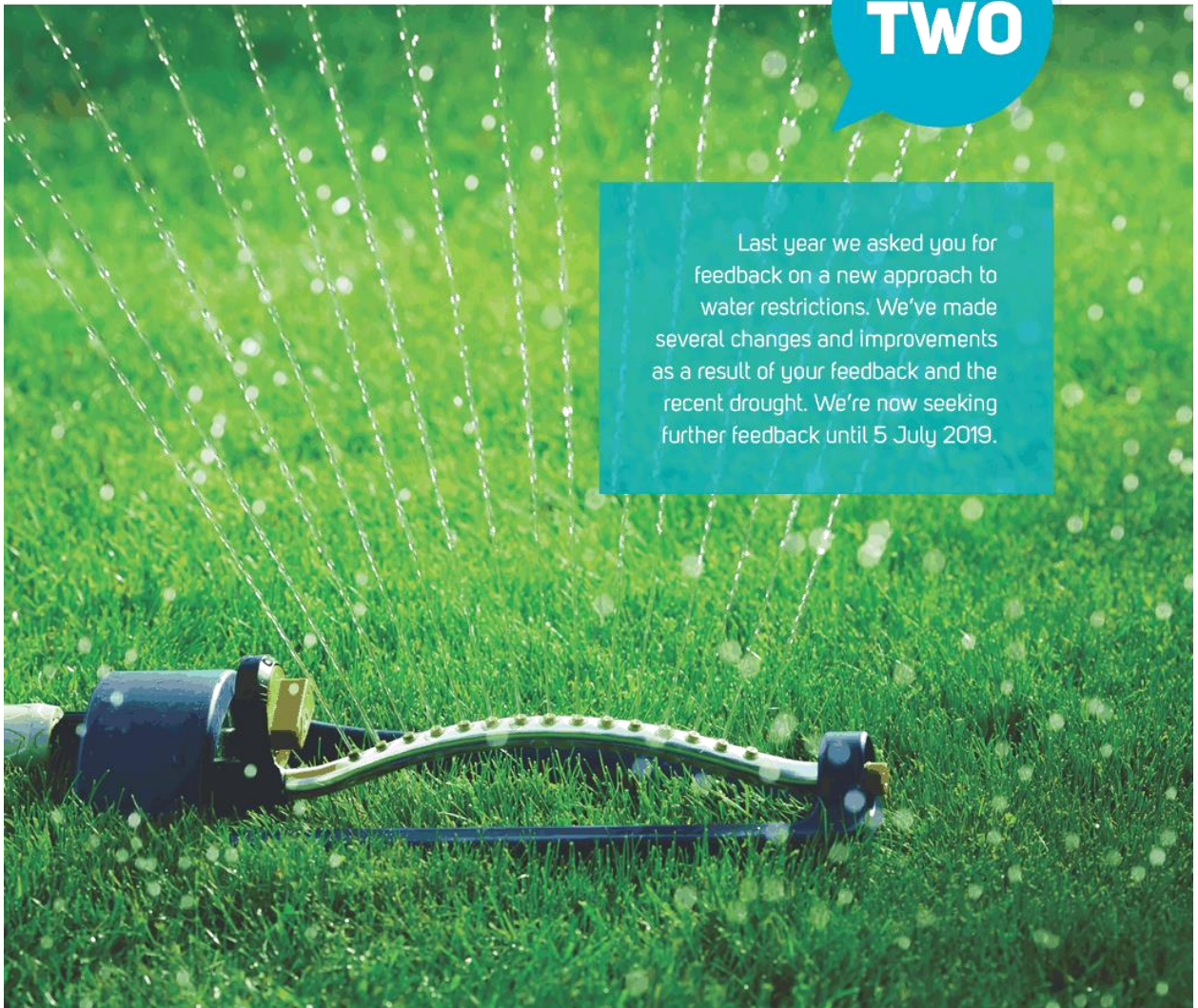


PROPOSED CHANGES TO THE PUBLIC WATER SUPPLY BYLAW

CONSULTATION DOCUMENT

ROUND
TWO

Last year we asked you for feedback on a new approach to water restrictions. We've made several changes and improvements as a result of your feedback and the recent drought. We're now seeking further feedback until 5 July 2019.



CONSULTATION CLOSES FRIDAY 5 JULY 2019



HAVE YOUR
SAY

LET US KNOW WHAT YOU THINK OF THE REVISED BYLAW.

- Head online to www.tasman.govt.nz/feedback and complete your submission.
- Post your submission form (see back of this document) to Executive Assistant – Engineering, Tasman District Council, Private Bag 4, Richmond.
- Email your submission to info@tasman.govt.nz (Attention: Executive Assistant – Engineering).
- Drop it into your local library or Council service centre.

The amended Draft Public Water Supply Bylaw, Statement of Proposal and Summary of Information documents are available for viewing during normal hours at the following Council offices and libraries:

Tasman District Council Offices:

- Golden Bay Office: 78 Commercial Street, Takaka 7142
- Motueka Office: 7 Hickmott Place, Motueka 7143
- Murchison Office: 92 Fairfax Street, Murchison 7007
- Richmond Office: 189 Queen Street, Private Bag 4, Richmond 7050

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- Richmond Library: 280 Queen Street, Private Bag 3, Richmond 7050
- Takaka Memorial Library: 3 Junction Street, Takaka 7110

All documents are available on the Council's website at: www.tasman.govt.nz/feedback

INTRODUCTION

In 2018 we began a review of our Water Supply Bylaw with a focus on the way we implement water restrictions during times of drought or emergency. In July and August 2018 we consulted on some changes to the Bylaw and introduced the Water Restrictions Protocol – a new framework for imposing water restrictions.

We received 46 submissions and held hearings on the proposed changes to the Bylaw. The feedback we received highlighted some issues that needed to be addressed.

During the summer of 2019, many parts of Tasman District experienced a severe drought. It was the driest two-month period on record. Parts of Golden Bay experienced a one in 80-year drought and many public water supplies on the Waimea Plains faced critical water shortages. Drought conditions occurred earlier than that experienced in the past (compared to the 2001 drought) and the speed at which conditions changed was a concern.

To reduce water use and protect our water sources, we imposed a series of escalating water restrictions based on the proposed Water Restrictions Protocol. This gave us an opportunity to 'road test' the new approach.

The approach was largely successful, and most of the community responded well by using less water to see us through the drought.

This summer's restrictions were the most severe ever imposed on our community. It was the first time we asked businesses connected to Council's supply to reduce water by 25%. Although disruptive, most businesses met the challenge and in some cases saved more than required. Most residents did their bit to reduce household water usage and stopped using water outdoors. Even schools took part to save water and raise awareness.

In addition to the drought, we also had a very serious fire that placed a significant strain on already dwindling water resources.

Taking into account the lessons learned from the recent drought and the feedback from the initial consultation, we are proposing some further changes to the Bylaw.

The past summer has given the community an understanding of what we can expect in times of drought if we adopt these proposals. We want to hear from you about whether you support our approach to water restrictions, and whether there is anything you think we need to consider.

OUTDOOR WATER USE BAN
+ 25% CUT BY BUSINESSES
 RESULTED IN A
28% REDUCTION
 IN COMMUNITY WATER USE
IN HEIGHT OF DROUGHT
 (IN THE WAIMEA PLAINS)

The infographic features a teal background with white text and icons. On the right, there are icons for a building with a crossed-out watering can, a tall apartment building, a shop with a striped awning, and a water drop. Below the main text, there is a row of icons representing a town scene with houses, trees, a car, a bench, and a bicycle.



THE NEED FOR RESTRICTIONS

The Council is responsible for providing a safe and secure public water supply. It is also responsible for environmental stewardship of our District's rivers, streams and aquifers.

We must provide water to our communities, but we must also ensure we do not take more water than our natural resources can sustainably provide. To help maintain this balance, the Council is required to hold resource consents to take water from surface and groundwater sources. These consents have limits on the amount of water we are allowed to take. In times when water is scarce – such as during a drought – we are required to control water demand in order to protect our natural water resources. Water restrictions are imposed to help manage demand.

Water restrictions and prohibitions are also necessary to protect, promote and maintain public health and safety by allowing the Council to maintain the supply of water for essential functions, such as drinking,

sanitation, firefighting, and health and safety during times of drought.

HOW WATER IS MANAGED

As a unitary authority, the Tasman District Council is responsible for managing and allocating water resources across the District. We do this by having an allocation system under the Tasman Resource Management Plan (TRMP) planning rules for private and public water use.

The TRMP sets out the rules and limits on how much water can be taken. All users (including the Council as a public water supplier) must comply with these rules. During drought conditions, the TRMP outlines rationing steps for water takes. The Council (as a public water supplier) passes on this rationing, by imposing water restrictions to homes and businesses connected to a public water supply. The diagram below shows how these rules work together.



DETERMINING A WATER USE BASELINE FOR BUSINESSES

Our initial draft bylaw did not consider the details of how a baseline would be approached and applied.

The determination of a baseline is important for businesses to understand because when Phase C

and D water restrictions are imposed, businesses will be expected to reduce their water usage by a percentage specified by the Council. This will affect most businesses and likely have an impact on their operations during a severe drought. The Council has determined the following baseline methodology:

For all business premises the baseline (measured in cubic metres) is the monthly mean average of the quantity of water supplied to the Business Premises calculated in accordance with section 1 below. Upon application the Council's Engineering Services Manager may agree in writing to calculate the baseline using the statistical median rather than the mean if that better represents normal usage.

SECTION 1

Six monthly billing customers

Monthly baseline mean = (A+B+C) / 18

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the six monthly water use figures for three years respectively from 1 July 2015 to 30 June 2018, for the same billing period.

From 1 July 2023, A, B, and C are the six monthly water use figures for the previous three years respectively for the same billing period.

Monthly billing customers

Monthly baseline mean = (A+B+C) / 3

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the monthly water use figures for the same month for three years respectively from 1 July 2015 to 30 June 2018.

From 1 July 2023, A, B, and C are the monthly water use figures for the same month for the previous three years respectively.

Our intention when determining a baseline is to set a benchmark that represents normal usage. However, we consider any methodology to determine a baseline has its own challenges and understand that businesses have their own unique circumstances.

This is our preferred option for determining a baseline for the following reasons:

- Broad/generic definition applicable to the majority of businesses.
- Ability to track and calculate using historic water bills.
- Aligns with monthly and six monthly water invoices.
- Excludes recent drought period that would negatively affect average.
- Three year period reflects recent usage.
- Using average of three year period smooths out anomalies (i.e. Supply interruption or service shut downs shutdowns).
- Provides some flexibility to calculate the baseline using median rather than mean average if this that better represents normal usage.

The Council also recognise that new businesses will not have historic water usage information. To address this, the Council may temporarily exempt a new business from the requirements to reduce water usage by the percentage specified in Phase C and D. However new businesses will still be expected to conserve water in line with other restrictions set out in the Protocol.

The table below provides an example of how the monthly baseline is applied:

	M ³ /MONTH			REDUCE USAGE BY	
	2015 – 2016	2016 – 2017	2017 – 2018	MEAN AVERAGE	20%
January	987	965	990	981	785
February	1201	1178	1256	1212	969
March	1485	1532	1451	1489	1191
April	1501	1439	1369	1436	1149
May	1519	1543	1467	1510	1208
June	1589	1538	1429	1519	1215
July	985	916	1025	975	780
August	1011	1089	1123	1074	859
September	985	956	923	955	764
October	856	823	798	826	661
November	812	798	782	797	638
December	612	645	651	636	509

SUMMARY OF PROPOSED CHANGES

We have used the public feedback from the first round of consultation on the draft bylaw, along with the experience of the 2019 drought, to refine the initial draft. There are a range of changes to the earlier draft in the current proposed bylaw. These are summarised in the tables below.

SIGNIFICANT CHANGES

PROPOSED CHANGE	REASON FOR PROPOSED CHANGE	SECTION IN BYLAW
1. Provide a definition of a baseline and the ability to prescribe and amend baseline by resolution.	Initial consultation did not specify a baseline from which reductions would be required for businesses during Phase C & D. A definition is needed so businesses can calculate reductions from a known benchmark. We need the ability to change the baseline methodology without having to consult on the whole Bylaw.	Bylaw s27(4) & Appendix B (Protocol)
2. Provide a reduction range for businesses during Phase C and D.	Initial consultation proposed a flat 25% and 50% reduction on businesses during Phase C and D. A reduction range (10-30% and 31-50%) provides flexibility to impose a softer cut and only increase the reduction requirements if sufficient savings are not achieved.	Appendix B (Protocol)
3. Restructure the protocol framework to include 3 overarching categories.	Categories include Residential, Business and Public / Institutional defined in terms of the activity carried out on the premises. Makes framework more user friendly and removes potential ambiguity about which restrictions apply to various premises.	Appendix B (Protocol)
4. Separate categories and restrictions for different types of pools.	The Council considers that community swimming pools provide an important public service and should be treated differently to other private pools when restrictions are in effect.	Appendix B (Protocol)
5. Clarification that explains when water used for livestock purposes is permitted and when it is prohibited.	Initial consultation did not include details about restrictions on water for livestock. Proposal clarifies that water used for livestock is permitted up to and including Phase E and prohibited at Phase F.	Appendix B (Protocol)



MINOR CHANGES

PROPOSED CHANGE	REASON FOR PROPOSED CHANGE	SECTION IN BYLAW
6. Remove references to 'Implement Water Shortage Plan'.	A requirement to develop a water shortage plan could be challenging for some businesses, particularly small-medium sized businesses.	Appendix B (Protocol)
7. Clarification that farming, agricultural and horticultural businesses fall under 'All Business Activities'.	Initial draft did not provide definitions about activities carried out on various premises. New proposal clarifies farming, agricultural and horticultural businesses (connected to Council's public water supplies) are included in the meaning of businesses premises within the protocol and are subject to the same restrictions as other businesses.	Appendix B (Protocol)
8. Include specific restrictions on specialty grass surfaces	During the recent drought, there were queries about the ability to use water from Council's public supplies for the purposes of watering specialty surfaces. New provision gives clear guidance on water used for this purpose.	Appendix B (Protocol)
9. Change definition of 'Public Water Supply' to include water that is supplied by truck or other vehicle.	During an emergency or drought, the Council may need to supply water by tankers to distribution points rather than supplying water by piped networks. The Council needs the ability to impose restrictions on the use of water that is supplied by tanker.	Bylaw s6
10. Remove clause that requires premises connected to restricted flow supply to have minimum storage tanks by 1 November 2018.	Clause (3) is not required because the date has passed. Section 25.2 (2) sufficiently states customers must have minimum storage requirements.	Bylaw s25.2(3)
11. Remove reference to exceptions of water used for drinking, sanitary and stock purposes.	Details in the protocol include restrictions and prohibitions on water used for drinking, sanitary livestock purposes. Removing the clause in the Bylaw removes a double up.	Bylaw s25.1(4) and s25.2 (4)



RESIDENTIAL WATER RESTRICTION PRO

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Residential place of residence and includes a dwelling, flat, hotel, motel, hostel, boarding house, camping ground, or n

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health pu including drinking and sanitation cleaning and showering/bathing)

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.
POOLS, SPAS, WATER FEATURES AND WATER PLAY ACTIVITIES	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.
GRASS AREA & LAWNS	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.
PRODUCTIVE GARDENS (fruits and vegetables for domestic use)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.



PROTOCOL

Residential Premises. Residential Premises means premises used principally as a retirement village (as defined in section 6 Retirement Villages Act 2003).

Purposes (laundry)



Water for fire-fighting purposes



Water for health and safety purposes

PHASE C	PHASE D	PHASE E	PHASE F
Restrictions in effect on all water use. Water conservation is essential.	Restrictions in effect on all water use. Water conservation is essential.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock purposes is prohibited.
Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	



BUSINESS WATER RESTRICTION PROTO

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Business manufacture or undertaking carried on for gain or reward, but excludes Public / Institutional Premises.¹

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health pu including drinking and sanitation cleaning and showering/bathing)

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.
ALL BUSINESS ACTIVITIES	Conserve water wherever possible.	Conserve water wherever possible.
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.
GRASS AREA & LAWNS	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.
POOLS, SPAS, WATER FEATURES AND WATER PLAY ACTIVITIES ⁵	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.

- 1 Business premises includes the Richmond Aquatic Centre and premises used principally for a farming, agricultural or horticultural business.
- 2 When water restrictions are in force under this phase, the restrictions and prohibitions on water use applicable during this phase are in addition to the compliance with the restrictions and prohibitions applicable during this phase will count towards, and may exceed, the required percentage savings. use in other areas in order to achieve the required percentage savings.
- 3 The Council may exempt the owner or occupier of any new business from the requirement to reduce water usage at a Business Premises by the perce the new business has not previously operated from that Business Premises. Any such exemption granted by the Council shall be in writing and shall e the date of the twelfth water invoice issued by the Council in respect of the new Business Premises. For all other exemption holders the Expiry Date is An exemption granted under this clause shall not exempt any Person from the obligation to comply with the other restrictions or prohibitions on wat
- 4 Livestock means cattle, sheep, horses, swine, alpacas, llamas, goats, deer, poultry, bees, fish, rabbits and other animals kept on the premises for busin
- 5 When Phase A, B, C, or D water restrictions are in force, the Richmond Aquatic Centre is exempt from the restrictions and prohibitions on use of water
- 6 The Council may grant an exemption upon application to comply with restrictions outlined during Phase A,B,C,D and E for water used for animal welf

COL

Business Premises. Business Premises means Premises used principally for any profession, trade,

Purposes (laundry,



Water for fire-fighting purposes



Water for health and safety purposes

PHASE C	PHASE D	PHASE E	PHASE F
Restrictions in effect on all water use. Water conservation is essential.	Restrictions in effect on all water use. Water conservation is essential.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock ⁴ purposes.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
Reduce usage by 10% – 30% of the baseline as notified by Council. ^{2,3}	Reduce usage by 31% – 50% of the baseline as notified by Council. ^{2,3}	All water use prohibited except for human drinking water, sanitation, medical, health and safety, firefighting, and livestock ⁴ purposes.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock ⁴ purposes is prohibited.
Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	

the obligation to reduce use of the Public Water Supply by the percentage specified for 'all business activities'. Savings that are made through Regardless of the water savings made due to restrictions and prohibitions applicable during this phase, users may need to reduce their water

percentage specified if the owner or occupier of the new business has applied in writing for the exemption and the Council is satisfied that expire on the Expiry Date. Where the Council issues a water invoice to the exemption holder on a monthly basis the Expiry Date is the date of the second water invoice issued by the Council to the exemption holder in respect of the new Business Premises. for use at the Business Premises, which are set out above.

purposes.

for pools, spas, water features and water play activities in this table.

are purposes



PUBLIC / INSTITUTIONAL WATER RESTRICTION PROTOCOL

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Public / Institutional Premises. Public / Institutional Premises means Premises used principally for the purposes of:

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation, cleaning and showering/bathing

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.
WATER PLAY ACTIVITIES (water slides etc.)	Using water for water play activities is permitted.	Using water for water play activities is prohibited.
COUNCIL'S WATER SUPPLY MAINTENANCE ACTIVITIES (flushing hydrants & pipes)	Conserve water wherever possible.	Conserve water wherever possible.
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.
GRASS AREAS & LAWNS (parks/reserves/cemeteries, schools & sports fields)	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.
COMMUNITY FOOD GARDENS (productive gardens growing fruits and vegetables for personal/community use)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.
PUBLIC/SCHOOL POOLS (water used for the operation of community pools/spas and school pools)	Conserve water wherever possible.	Conserve water wherever possible.

- a. not-for-profit organisations, whether incorporated or unincorporated;
- b. local government, central government or Departments of State;
- c. utility operators as defined in section 4 Utilities Access Act 2010;
- d. childcare centres and kindergartens, whether public or private;
- e. hospitals, whether public or private;
- f. medical and dental surgeries, and medical and other primary health care centres;
- g. educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions;
- h. public libraries, public museums, and public art galleries;
- i. police stations;
- j. fire stations;
- k. community halls and community recreation centres;
- l. public parks, sports grounds;
- m. courthouses;
- n. churches and chapels;
- o. probation and detention centres;
- p. road as defined in section 315 Local Government Act 1974, or state highway as defined in section 5 Land Transport Management Act 2003, but does not include fire hydrants.

poses
(laundry,



Water for
fire-fighting
purposes



Water for
health and
safety purposes

PHASE C	PHASE D	PHASE E	PHASE F
Restrictions in effect on all water use. Water conservation is essential.	Restrictions in effect on all water use. Water conservation is essential.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock ⁴ purposes.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points.
All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	
Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	
Filling a pool is prohibited. Topping up is permitted.	Filling and topping up a pool is prohibited.	Filling and topping up a pool is prohibited.	



PROTOCOL NOTES

Definition of baseline for the purposes of the Business Water Restriction Protocol

- A** For all business premises the baseline (measured in cubic metres) is the monthly mean average of the quantity of water supplied to the Business Premises calculated in accordance with section 1 below. Upon application the Council's Engineering Services Manager may agree in writing to calculate the baseline using the statistical median rather than the mean if that better represents normal usage.

SECTION 1

Six monthly billing customers

Monthly baseline mean = (A+B+C) / 18

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the six monthly water use figures for three years respectively from 1 July 2015 to 30 June 2018, for the same billing period.

From 1 July 2023, A, B, and C are the six monthly water use figures for the previous three years respectively for the same billing period.

Monthly billing customers

Monthly baseline mean = (A+B+C) / 3

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the monthly water use figures for the same month for three years respectively from 1 July 2015 to 30 June 2018.

From 1 July 2023, A, B, and C are the monthly water use figures for the same month for the previous three years respectively.

- B** In this definition, month means a calendar month.
- C** This definition may be amended from time to time by resolution of the Council pursuant to clause 27(4) of this Bylaw.



SUBMISSION FORM

Submission form for feedback about Council’s proposed amendments to the Public Water Supply 2016 (publically notified) 5 June 2019.

YOUR DETAILS (PLEASE PRINT CLEARLY)

Name Phone.....

Postal Address

Town or RD Postcode Email

Are you writing this submission as: A residential customer On behalf of an organisation

If on behalf of an organisation, please name the organisation and your position:

Organisation Position

Would you like to speak to your submission at a Hearing Panel meeting in Richmond held for this purpose?

Yes No

Do you support the proposed changes to the bylaw? Yes No In part

Do you support the proposed approach for determining a baseline? Yes No

If not please provide your view and preference and any suggestions on a preferred approach.

My feedback relates to: Determination of the baseline Other proposed amendments (Reference number from table on pages 4/5)

Provide details of your feedback:

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RESIDENTIAL WATER RESTRICTION PROTOCOL

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Residential Premises. Residential Premises means premises used principally as a place of residence and includes a dwelling, flat, hotel, motel, hostel, boarding house, camping ground, or retirement village (as defined in section 6 Retirement Villages Act 2003).

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE C Restrictions in effect on all water use. Water conservation is essential.	PHASE D Restrictions in effect on all water use. Water conservation is essential.	PHASE E Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	PHASE F Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
POOLS, SPAS, WATER FEATURES AND WATER PLAY ACTIVITIES	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock purposes is prohibited.
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
GRASS AREA & LAWNS	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
PRODUCTIVE GARDENS (fruits and vegetables for domestic use)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	



BUSINESS WATER RESTRICTION PROTOCOL

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Business Premises. Business Premises means Premises used principally for any profession, trade, manufacture or undertaking carried on for gain or reward, but excludes Public / Institutional Premises.¹

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE C Restrictions in effect on all water use. Water conservation is essential.	PHASE D Restrictions in effect on all water use. Water conservation is essential.	PHASE E Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock ⁴ purposes.	PHASE F Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
ALL BUSINESS ACTIVITIES	Conserve water wherever possible.	Conserve water wherever possible.	Reduce usage by 10% – 30% of the baseline as notified by Council. ^{2,3}	Reduce usage by 31% – 50% of the baseline as notified by Council. ^{2,3}	All water use prohibited except for human drinking water, sanitation, medical, health and safety, firefighting, and livestock ⁴ purposes.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock ⁴ purposes is prohibited.
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
GRASS AREA & LAWNS	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
POOLS, SPAS, WATER FEATURES AND WATER PLAY ACTIVITIES⁵	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	

- 1 Business premises includes the Richmond Aquatic Centre and premises used principally for a farming, agricultural or horticultural business.
- 2 When water restrictions are in force under this phase, the restrictions and prohibitions on water use applicable during this phase are in addition to the obligation to reduce use of the Public Water Supply by the percentage specified for 'all business activities'. Savings that are made through compliance with the restrictions and prohibitions applicable during this phase will count towards, and may exceed, the required percentage savings. Regardless of the water savings made due to restrictions and prohibitions applicable during this phase, users may need to reduce their water use in other areas in order to achieve the required percentage savings.
- 3 The Council may exempt the owner or occupier of any new business from the requirement to reduce water usage at a Business Premises by the percentage specified if the owner or occupier of the new business has applied in writing for the exemption and the Council is satisfied that the new business has not previously operated from that Business Premises. Any such exemption granted by the Council shall be in writing and shall expire on the Expiry Date. Where the Council issues a water invoice to the exemption holder on a monthly basis the Expiry Date is the date of the twelfth water invoice issued by the Council in respect of the new Business Premises. For all other exemption holders the Expiry Date is the date of the second water invoice issued by the Council to the exemption holder in respect of the new Business Premises. An exemption granted under this clause shall not exempt any Person from the obligation to comply with the other restrictions or prohibitions on water use at the Business Premises, which are set out above.
- 4 Livestock means cattle, sheep, horses, swine, alpacas, llamas, goats, deer, poultry, bees, fish, rabbits and other animals kept on the premises for business purposes.
- 5 When Phase A, B, C, or D water restrictions are in force, the Richmond Aquatic Centre is exempt from the restrictions and prohibitions on use of water for pools, spas, water features and water play activities in this table.
- 6 The Council may grant an exemption upon application to comply with restrictions outlined during Phase A,B,C,D and E for water used for animal welfare purposes.



PUBLIC / INSTITUTIONAL WATER RESTRICTION PROTOCOL

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Public / Institutional Premises. Public / Institutional Premises means Premises used principally for the purposes of:

- a. not-for-profit organisations, whether incorporated or unincorporated;
- b. local government, central government or Departments of State;
- c. utility operators as defined in section 4 Utilities Access Act 2010;
- d. childcare centres and kindergartens, whether public or private;
- e. hospitals, whether public or private;
- f. medical and dental surgeries, and medical and other primary health care centres;
- g. educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions;
- h. public libraries, public museums, and public art galleries;
- i. police stations;
- j. fire stations;
- k. community halls and community recreation centres;
- l. public parks, sports grounds;
- m. courthouses;
- n. churches and chapels;
- o. probation and detention centres;
- p. road as defined in section 315 Local Government Act 1974, or state highway as defined in section 5 Land Transport Management Act 2003, but does not include fire hydrants.

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE C Restrictions in effect on all water use. Water conservation is essential.	PHASE D Restrictions in effect on all water use. Water conservation is essential.	PHASE E Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	PHASE F Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
WATER PLAY ACTIVITIES (water slides etc.)	Using water for water play activities is permitted.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points.
COUNCIL'S WATER SUPPLY MAINTENANCE ACTIVITIES (flushing hydrants & pipes)	Conserve water wherever possible.	Conserve water wherever possible.	All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	
OUTDOOR WASHING (vehicle washing, outdoor surfaces & windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
GRASS AREAS & LAWNS (parks/reserves/cemeteries, schools & sports fields)	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering prohibited.	Watering prohibited.	
COMMUNITY FOOD GARDENS (productive gardens growing fruits and vegetables for personal/community use)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	
PUBLIC/SCHOOL POOLS (water used for the operation of community pools/spas and school pools)	Conserve water wherever possible.	Conserve water wherever possible.	Filling a pool is prohibited. Topping up is permitted.	Filling and topping up a pool is prohibited.	Filling and topping up a pool is prohibited.	



PROTOCOL NOTES

Definition of baseline for the purposes of the Business Water Restriction Protocol

- A** For all business premises the baseline (measured in cubic metres) is the monthly mean average of the quantity of water supplied to the Business Premises calculated in accordance with section 1 below. Upon application the Council's Engineering Services Manager may agree in writing to calculate the baseline using the statistical median rather than the mean if that better represents normal usage.

SECTION 1

Six monthly billing customers

Monthly baseline mean = (A+B+C) / 18

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the six monthly water use figures for three years respectively from 1 July 2015 to 30 June 2018, for the same billing period.

From 1 July 2023, A, B, and C are the six monthly water use figures for the previous three years respectively for the same billing period.

Monthly billing customers

Monthly baseline mean = (A+B+C) / 3

For the period commencing (date the bylaw is adopted) to 30 June 2023, A, B, and C are the monthly water use figures for the same month for three years respectively from 1 July 2015 to 30 June 2018.

From 1 July 2023, A, B, and C are the monthly water use figures for the same month for the previous three years respectively.

- B** In this definition, month means a calendar month.
- C** This definition may be amended from time to time by resolution of the Council pursuant to clause 27(4) of this Bylaw.



8.6 NEW ZEALAND INFRASTRUCTURE COMMISSION/TE WAIHANGA BILL**Information Only - No Decision Required**

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Richard Kirby, Engineering Services Manager
Report Number:	RCN19-05-25

1 Summary

- 1.1 Central government has recently invited submissions on a bill to establish the New Zealand Infrastructure Commission/Te Waihanga as an autonomous Crown entity.
- 1.2 The purpose of the Commission would be to coordinate, develop and promote an approach to infrastructure that encourages infrastructure and services that result from the infrastructure that improve the well-being of New Zealanders.
- 1.3 The Leadership team, on behalf of the Council, has submitted to the bill which is available in **Attachment 1**.
- 1.4 In essence, our submission focuses on a conflict between what we, as local government already provide in terms of infrastructure and the issues of additional costs and requirements that the proposed Infrastructure Commission could impose on us.

2 Draft Resolution

- 16 That the Full Council receives the New Zealand Infrastructure Commission/Te Waihanga Bill report, RCN19-05-25.**

3 Purpose of the Report

- 3.1 The purpose of this report is to provide a copy of the Council’s submission to the central government bill proposing the establishment of the New Zealand Infrastructure Commission/Te Waihanga.

4 Background and Discussion

- 4.1 Central government has recently invited submissions on a bill to establish the New Zealand Infrastructure Commission/Te Waihanga as an autonomous Crown entity.
- 4.2 The purpose of the Commission would be to coordinate, develop and promote an approach to infrastructure that encourages infrastructure and services that result from the infrastructure that improve the well-being of New Zealanders.
- 4.3 The Leadership team, on behalf of the Council, has submitted to the bill which is available in **Attachment 1**.
- 4.4 In essence, our submission focuses on a conflict between what we, as local government already provide in terms of infrastructure and the issues of additional costs and requirements that the proposed Infrastructure Commission could impose on us.

5 Attachments

- | | | |
|----|--|-----|
| 1. | Submission to New Zealand Infrastructure Commission/Te Waihanga Bill | 145 |
|----|--|-----|



20 May 2019

Tasman District Council Submission

New Zealand Infrastructure Commission/Te Waihanganga Bill

The Tasman District Council thanks the Finance and Expenditure Select Committee for the opportunity to submit on the New Zealand Infrastructure Commission/Te Waihanganga Bill (Bill).

The Tasman District Council is a local authority constituted under the Local Government Act 2002 (LGA)¹. We represent over 51,000 residents who live in our District.

Tasman District Council Infrastructure Portfolio

The Tasman District Council has a reasonably large portfolio of infrastructure services. It provides the following significant² infrastructure activities;

- **Transportation** – the provision and management of a transportation network comprising 1,741km of roads, (967km sealed and 784km unsealed), 494 bridges (including footbridges), 423km of footpaths, walkways and cycleways, 22 off street car park areas, on street car parking, streetlights, traffic signs, culverts and Tasman's Great Taste Trail.
- **Water Supplies** - the provision of potable water to properties within 12 urban supply schemes and 4 rural water supply schemes.
- **Wastewater** – the provision of wastewater collection, treatment and disposal facilities within 9 wastewater networks.
- **Stormwater** - The provision of stormwater collection, reticulation, and discharge systems.
- **Solid waste** - The provision of a range of waste management and minimisation services including kerbside recycling and waste collection services, 5 Resource Recovery Centres, processing facilities for recycling and a range of waste minimisation initiatives to reduce the production of waste and minimise harm.
- **Flood Protection and River Control Works** – maintaining 285 kilometres of the classified rivers promoting soil conservation and mitigating damage caused by floods and riverbank erosion.

The total annual budget for operating and maintaining these services is **\$47.185 million (2018/19)**.

The total replacement value of Council's infrastructure is \$1,6 billion (as at 1 April 2017). The breakdown of the replacement value for each activity is summarised in the following table;

Activity	Replacement Value (\$ million)
Transportation	\$823.5
Water Supply	\$176.6
Wastewater	\$210.2
Stormwater	\$155.0
Rivers and Flood Control	\$273.0
Total	\$1,638.3

¹ A Local Authority which is a Territorial Authority named under Part 2 of Schedule 2 LGA 2002

² Significant infrastructure as defined by local authority; LGA 2002 Section 101B, clause (2) (a).

Tasman District Council Submission – New Zealand Infrastructure Commission/Te Waihanganga Bill

This table shows that Council has a significant budget to operate and maintain its infrastructure services and that the total replacement value is \$1.6 billion.

In addition to the infrastructure identified above, Council also manages a wide range of community and commercial infrastructure, including libraries, community facilities, community halls, aquatic centre, parks and reserves infrastructure, ports, airports, camping grounds and commercial buildings. And we have a network of climate and hydrological stations to meet our regional council environmental management responsibilities. We have a series of navigation aids to ensure vessels can operate safely within our harbour waters.

Purpose of Local Government vs Main Function of Commission

The purpose of local government is to enable democratic local decision-making and action by, and on behalf of, communities and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.³

The Bill states that the main function of the Infrastructure Commission is to coordinate, develop, and promote an approach to infrastructure that encourages infrastructure, and services that result from the infrastructure, that improve the well-being of New Zealanders.

The function of the commission largely aligns with the purpose of local government. Local government has the well-being of communities as one of its principal mandates. Currently Council engages with its communities in the management and operational delivery of infrastructural services.

Council must, as part of its long-term plan, prepare and adopt an infrastructure strategy for a period of at least 30 consecutive financial years⁴. This applies to significant infrastructure services Council provides. The preparation of these infrastructure strategies requires considerable research and planning to predict a community's needs within each infrastructure activity for the next 30 years.

The LGA 2002 outlines several principles⁵ relating to local authorities in performing its role. Some of the principles state that a local authority should;

- make itself aware of, and should have regard to, the views of all of its communities; and
- when making a decision, a local authority should take account of—
 - the diversity of the community, and the community's interests, within its district or region; and
 - the interests of future as well as current communities.

These principles are all focused on the local authority's local community and does not make any reference to consulting with a central government agency such as the Commission. While the Bill seems to be confined to agencies of the central government, it can be expected that the national infrastructure commission should not ignore or be unaware of the considerable range of physical infrastructure that serves communities. We can envisage that in fulfilling its function the Commission could impose additional cost on and requirements of

³ LGA 2002 Clause 10

⁴ LGA 2002 Clause 101B

⁵ LGA 2002 Clause 4

Tasman District Council Submission – New Zealand Infrastructure Commission/Te Waihanganga Bill

a local authority. We hope this does not occur as we are already mandated to ensure our communities are best served with fit for purpose, resilient and efficient infrastructure.

The key questions that need to be considered in finalising the Bill;

1. In fulfilling its function, will the Commission interact with local authorities in the delivery of infrastructure services? If so what form will that take?
2. How will the Commission add value to the delivery of infrastructure services by local authorities?
3. How can the Commission be effective in its function without imposing additional bureaucracy and cost onto local authorities?

Finance and Expenditure Select Committee Hearing on the Bill

We do not wish to be heard.



Richard Kirby
Engineering Services Manager
Tasman District Council

03 543 8440

SIX-MONTHLY REVIEW OF COUNCIL'S LONG TERM PLAN LEVELS OF SERVICE**Information Only - No Decision Required**

Report To:	Full Council
Meeting Date:	31 May 2019
Report Author:	Julie Nguyen, Graduate Policy Advisor; Alan Bywater, Senior Policy Advisor
Report Number:	RCN19-05-26

1 Summary

- 1.1 Council reports its performance against levels of service targets formally through the annual report each year.
- 1.2 This six-month review process reports Council progress against the levels of service targets in the Long Term Plan 2018 - 2028 (LTP) for the first six months of the 2018/2019 financial year.
- 1.3 As at 30th December 2018, our performance was 49% on target, we were not on target for 13% of the service targets, 33% of the services had not yet been measured and 6% were not applicable in this instance.
- 1.4 Overall, we are on a similar track to achieving our levels of service as last year. However, this time there are fewer targets than the 2017/2018 levels of service, as they were reduced in the LTP 2018 – 2028.
- 1.5 We are reporting this data later than intended due to the impact of our fire and drought emergencies. This information will still be used to inform our end of year results.

2 Draft Resolution

That the Full Council receives the Six-monthly Review of Council's Long Term Plan Levels of Service Report RCN-05-26.

3 Purpose of the Report

3.1 This report provides information on Council’s performance against our levels of service targets in the LTP for the period of 1 July 2018 to 30 December 2018.

4 Background and Discussion

4.1 In the LTP 2018 – 2028, we identified the levels of service targets for a range of services we provide. We formally present to the public our performance through the Annual Report each year.

4.2 Mid-year reporting allows us to review our performance. If we are not meeting our targets, it provides us with the opportunity to address these areas before year-end. It also acts as an internal check that our processes for measuring our levels of service are in place and operating effectively.

4.3 As the levels of service targets are established on an annual basis, and some are only measured at one point in the year (e.g. the annual residents’ survey undertaken each year), it is not possible to present comprehensive results at six months against every target.

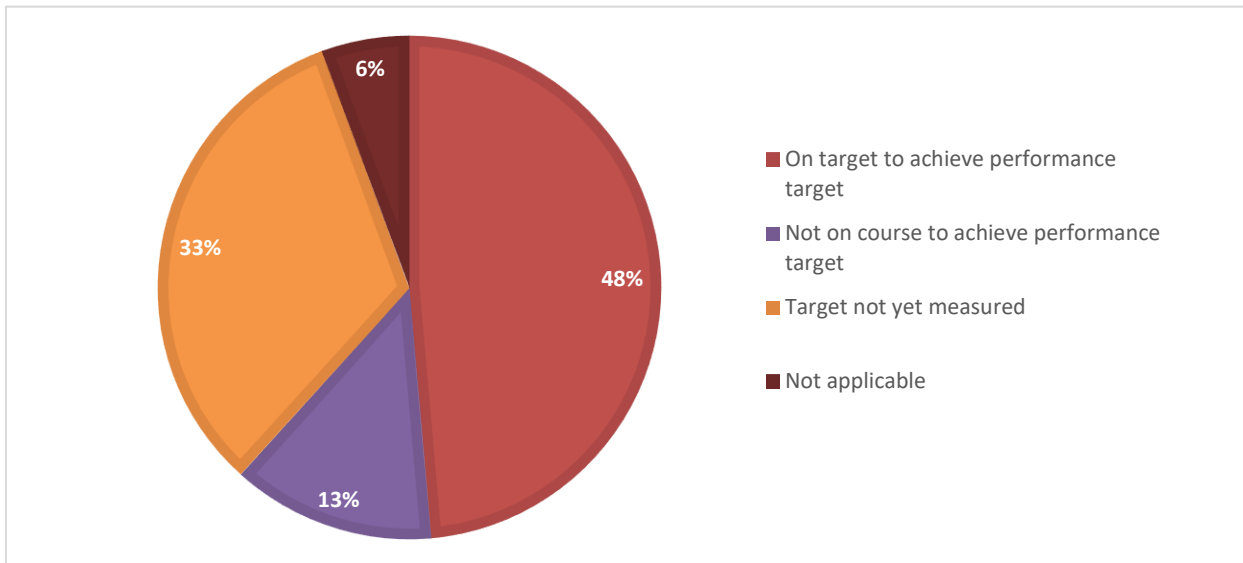
4.4 We asked staff to report performance for each target in one of the following categories:

On target to achieve performance target – (*i.e. performance has been measured/recorded at six months and is at a level at which we expect to achieve target at year end*).

Not on course to achieve performance target – (*i.e. performance has been measured/recorded at six months and is not at a level at which we expect to achieve target at year end*).

Target not yet measured – (*report how and when will this target be measured*).

4.5 Overall performance for the first six months of 2018/2019 is as follows:



4.6 Attachment 1 has detailed results on our performance against targets for each activity.

4.7 We are on target with 49% (52) of the performance measures we have set.

- 4.8 We have not measured 33% (35) of the performance measures yet. Of these, 18 are to be measured in the annual residents’ Communitrak survey, which we are yet to receive results from. The rest of the performance targets had other tests scheduled for later in the year and in one case, the system used to measure the target was still under development.
- 4.9 The 6% (6) not applicable targets are responses to events (which have not yet occurred) or the target was not scheduled to be measured this year.
- 4.10 Services not on course to achieve performance targets comes to 13% (14).
- 4.11 Half of the services for Solid Waste are not on course to achieve their service performance targets. Issues identified are lower contractor resolution rates of customer service requests than expected, higher than targeted contamination levels of kerbside recycling, and more waste going to landfill and less waste being diverted from landfill than expected.
- 4.12 Other reasons for not being on course to achieve performance targets include poorer air quality, staff shortages in processing consents for subdivisions, an unrecorded response time to picking up rubbish on public land, lower parking compliance, higher faults in water treatment units affecting protozoal compliance criteria, and service interruptions being longer than our target (however, one of these services was planned to take an extra 2 hours than our target).

5 Conclusion

- 5.1 Our six-monthly results last year and this year are similar. Please note that this is our first year we are measuring against the targets we set out in the LTP 2018 – 2028.

Target Progress	2017/2018	2018/2019
<i>On target</i>	49%	48%
<i>Not on course</i>	17%	13%
<i>Not measured yet</i>	35%	33%
<i>Not applicable</i>	-	6%

6 Next Steps / Timeline

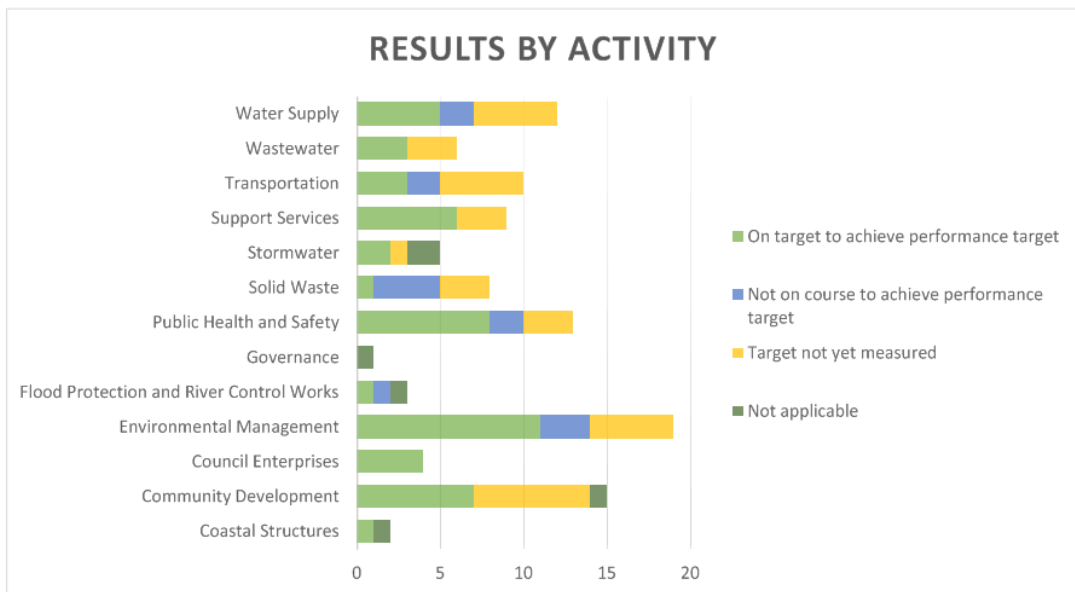
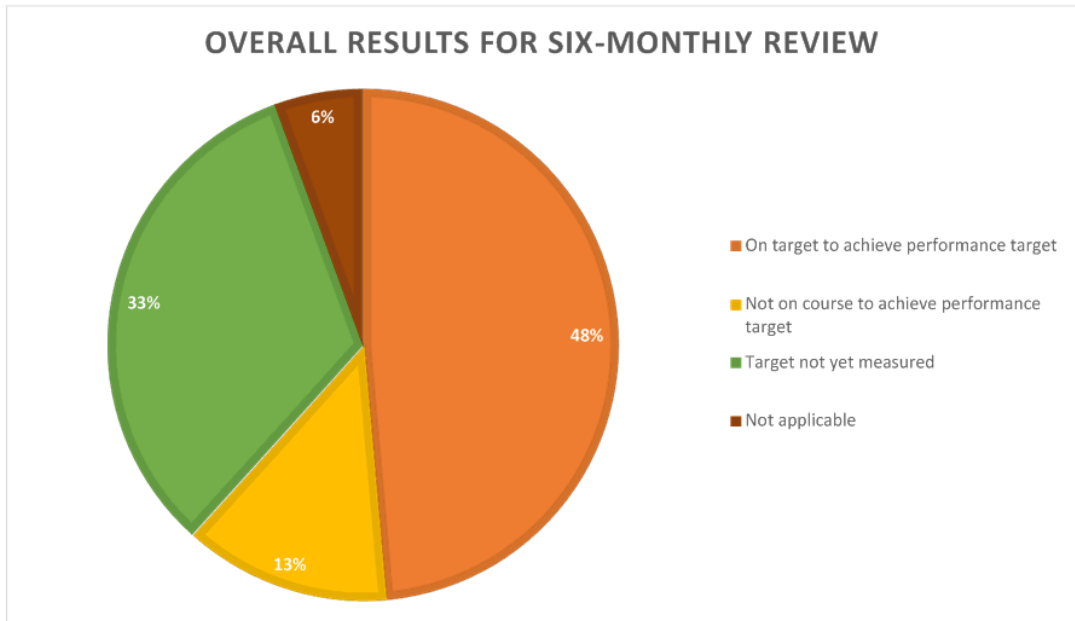
- 6.1 The annual residents’ Communitrak Survey, which is used to report on a number of levels of service targets for the annual report. This occurred in early May. These results will inform the end of year results.
- 6.2 Work has begun on the Annual Report 2018/2019.
- 6.3 A draft of the Annual Report 2018/2019 will be reported to the Audit and Risk Committee meeting on 24 September 2019.
- 6.4 We are planning to present the Annual Report 2018/2019 for adoption on 10 October 2019.

7 Attachments

- 1. Six-monthly review - detailed results by activity 153

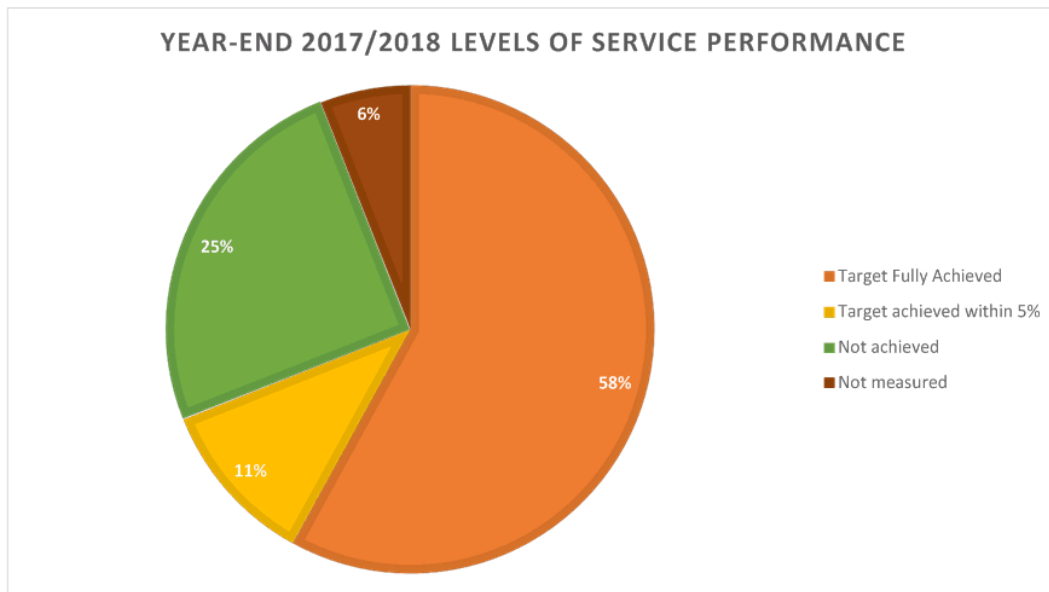
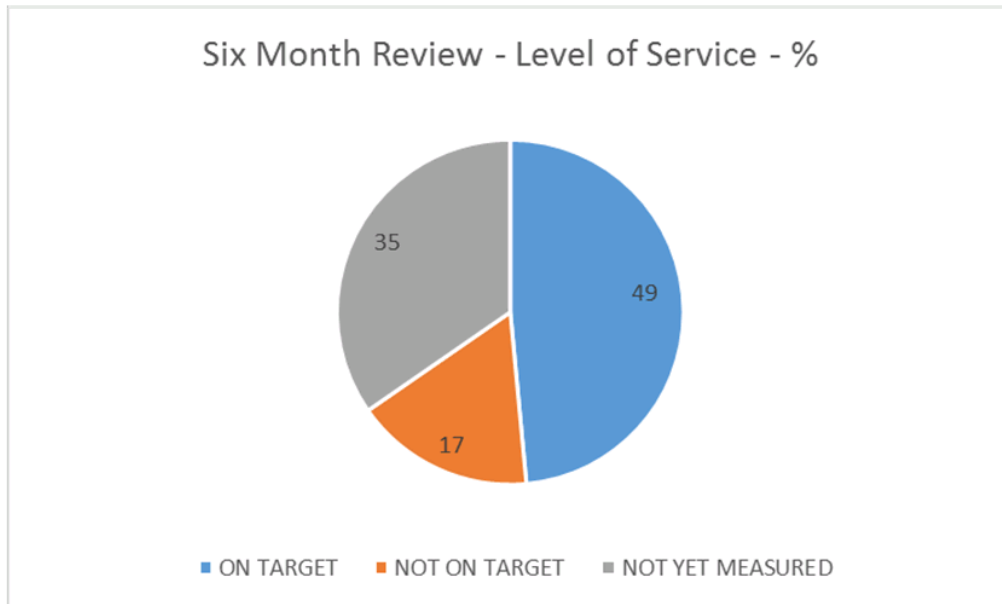
Item 8.7

Six-Monthly Review Results 2018/2019



The majority of those in the 'not yet measured' category can only be reported on once we have conducted our residents' survey (communitrak).

The 'not applicable' results are due to instances where we have stated we would not measure or where the issue has not occurred, so there has been no opportunity to measure and respond.



Overall, we are on a similar track to achieving our levels of service as last year. However, this time there are fewer targets than the 2017/2018 levels of service.

Activities

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COASTAL STRUCTURES

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
Protection Our communities are protected from natural hazard events	<p>Council owned coastal protection is maintained to its original constructed standard.</p> <p>Council has a detailed inventory of coastal assets and condition</p> <p>As measured by routine inspections after storm events.</p> <p>Target: 100%</p>	No significant storm events recorded so far in 2018/19.		
Safety Our structures are safe for the public to use	<p>Council structures are maintained to a safe level to allow general public to use.</p> <p>Measure percentage of structures deemed 'safe' through annual safety audit.</p> <p>Target: 100%</p>	<p>Safety audits on track.</p> <p>Inspections completed.</p> <p>Report to be finalised.</p>		

COMMUNITY DEVELOPMENT

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
An interconnected open space network and recreation facilities that provide a range of leisure opportunities and meet the needs of users and the community.	<p>At least 85% of respondents rate their satisfaction with recreational facilities (which include playing fields and neighbourhood reserves) as “fairly satisfied” or better in the annual residents’ surveys.</p> <p>Target: 85% of Tasman residents are fairly or very satisfied with the District’s recreational facilities.</p>			Due to be measured through the Communitrak Survey in May 2019.
	<p>At least 85% of properties zones Residential are located within 500 metres of open space.</p> <p>Target: 85%</p>			Target not yet measured, will be measured using GIS mapping in June.
A network of public halls and community buildings (including multi-purpose community and recreation facilities in	A community building is available within a 15-minute drive for 95% of the population (i.e. 20km radius catchment).			Target not yet measured, will be measured using GIS mapping in June.

<p>major centres and local halls) that provide reasonable access to indoor activities, and recreation space.</p>	<p>Target: A community building is available within a 15 minute drive for 95% of the population.</p>			
<p>Accessible and affordable housing to eligible people within the community.</p>	<p>Tenants' overall satisfaction with community housing is at least 80%, as measured through a biennial survey of tenants.(Not measured this year)</p>			<p>Not scheduled to be measured this year.</p>
<p>The provision of access to a wide range of information relevant to the community's recreation and learning needs.</p>	<p>The number of lending/reference items available at Tasman libraries is 3.0 items per resident. Stock numbers will be measured quarterly using information available from e-resource vendors and the Library Management System software. Target: The number of reference/lending items available is maintained at 3.0 per resident.</p>	<p>Items available at 31 December 2018 totalled 152,710, comprising 141,262 physical items and 11,448 electronic items; this equates to 3.0 items per resident. The number of electronic items includes items available through e-book consortia shared purchasing arrangements.</p>		

<p>The provision of access to a wide range of information relevant to the community's recreation and learning needs.</p>	<p>At least 83% of library users are fairly or very satisfied with the public libraries, as measured through the annual residents' survey.</p> <p>Target: 83% of library users are fairly or very satisfied with the public libraries.</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>The provision of safe, welcoming, attractive and accessible library facilities for customers to access library services.</p>	<p>Tasman District Council library buildings provide adequate spaces to enable the delivery of quality library services as measured against the Library and Information Association of New Zealand Aotearoa (LIANZA) standard.</p> <p>Target 1: The Richmond, Takaka and Murchison libraries floor areas are maintained at the current size.</p>	<p>The Richmond, Takaka and Murchison Libraries have all been maintained at their current size.</p> <p>The floor space of the Richmond and Takaka Libraries meet the LIANZA standard. The Murchison Library building at 160m² is less than the 210m² recommended in the LIANZA standard.</p>		
<p>The provision of safe, welcoming, attractive and accessible library facilities for customers to access library services.</p>	<p>Tasman District Council library buildings provide adequate spaces to enable the delivery of quality library services as measured against the Library and Information Association of</p>	<p>The Motueka Library floor area achieves only 48% of the LIANZA standard. Funding for the redevelopment of the library is included in</p>		

	<p>New Zealand Aotearoa (LIANZA) standard.</p> <p>Target 2: Motueka Library floor area does not meet the LIANZA standard.</p>	<p>the LTP 2018 - 2028. A feasibility study to investigate redevelopment options was completed in July 2018. A design brief and site investigations will be completed by June 2019.</p>		
<p>The provision of safe, welcoming, attractive and accessible library facilities for customers to access library services.</p>	<p>The number of visits to our libraries is equivalent to at least 9 visits per resident per year.</p> <p>Visitor numbers will be recorded daily using data from door counters at the Richmond, Motueka and Takaka libraries.</p> <p>Target: An average of 9 visits per resident per year.</p>	<p>The number of visits from 1 July 2018 to 31 December 2018 totalled 265,632; this equates to 5.29 visits per resident.</p>		
<p>There is a high level of satisfaction reported from users of the Richmond Aquatic Centre facility</p>	<p>At least 80% of users rate their satisfaction with Aquatic Centre facilities as fairly satisfied or better, in the annual residents' survey.</p> <p>Target: At least 80% of users rate their satisfaction with Aquatic Centre facilities as fairly satisfied or better, in residents' surveys.</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>

<p>The Richmond Aquatic Centre facility is well used.</p>	<p>Admissions to the Aquatic Centre pool facility increases over time. Target: 230,000+ admissions</p>	<p>On target to meet over 230,000 admissions</p>		
<p>Promotion and delivery of community events and recreational services</p>	<p>Residents attending a range of Council-organised community events rate their satisfaction as 'fairly satisfied' or better, as measured through the annual residents' survey. Target: 75% of the community is very or fairly satisfied with Council activities or events.</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>We provide a range of communication channels that enhance the Council's ability to engage and connect with the communities it serves</p>	<p>Residents are informed and engage with Council: Target: At least 80% of residents consider the information supplied by the Council to be sufficient (i.e. enough or more than enough) as measured by the annual residents' survey.</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>We provide a range of communication channels that enhance the Council's ability to engage and connect</p>	<p>Residents are informed and engage with Council: Usage of the Council's online information sources</p>	<p>Currently at 4% growth in users from the July-October period. It is expected that the Civil</p>		

<p>with the communities it serves</p>	<p>(i.e. website and social media channels) increases at a rate of 5% or more annually. (new measure – benchmark in 2019/2020)</p>	<p>Defence emergencies will have ensured passing the 5% growth target.</p>		
<p>Leadership and coordination to schools and early childhood centres, to protect and enhance our local environment through education</p>	<p>The number of schools and early childhood centres developing and maintaining environmental care practices is sustained. The achievement level of each enviroschool improves over time, as measured by the EnviroSchools stages of Bronze, Silver to Green-Gold. Target: The number of schools and early childhood centres developing and maintaining environmental care practices is sustained.</p>	<p>On target to sustain the number of schools and early childhood centres developing and maintaining environmental care practices.</p>		

COUNCIL ENTERPRISES

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
Commercial assets are managed prudently to provide a financial return for the benefit of the districts ratepayers	Earnings before Interest, Taxes, Depreciation and Amortisation (EBITDA) for Port Taroakohe will provide adequate funding cover for debt servicing or depreciation, whichever is the larger. Target: Funding cover = 0.5	Actual 6 months EBITDA = \$117,930 Forecast annual EBITDA = \$200,790 based on October reforecast Forecast funding cover = 1.1 Port Taroakohe funding cover is forecast to be above the target at the year end, however performance may deteriorate as the year progresses, due to the loss of rock income.		
Commercial assets are managed prudently to provide a financial return for the benefit of the districts ratepayers	EBITDA for holiday parks and campgrounds will provide for increasing funding cover for debt servicing or depreciation.	Actual 6 months EBITDA = \$127,449 Forecast annual EBITDA = \$469,249 based on October reforecast		

	<p>Target: Funding cover = 1.2</p>	<p>Forecast funding cover = 1.6</p> <p>Holiday Parks funding cover is forecast to be above the target at the year end.</p>		
<p>Commercial assets are managed prudently to provide a financial return for the benefit of the districts ratepayers</p>	<p>EBITDA for Commercial Properties will provide adequate funding cover for debt servicing or depreciation, whichever is the larger.</p> <p>Ngā mihi maioha Funding cover = 0.8</p>	<p>Actual 6 months EBITDA = \$186,725</p> <p>Forecast annual EBITDA = \$456,072 based on October reforecast</p> <p>Forecast funding cover = 3.3</p> <p>Commercial Property funding cover is forecast to be significantly above the target at the year end.</p>		
<p>Commercial assets are managed prudently to provide a financial return for the benefit of the districts ratepayers</p>	<p>Net return on Forestry assets will provide a commercial outcome.</p> <p>Target: 9%</p>	<p>Actual 6 months EBITDA = \$3.2m</p> <p>Forecast annual EBITDA = \$2.3m based on October reforecast</p> <p>Expected net return = 9%</p> <p>The forecast for forestry needs to be updated as the October reforecast is not in</p>		

		line with actual performance. Based on the actual performance, the expected annual net return is likely to be in line with the target.		
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ENVIRONMENTAL MANAGEMENT

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>We provide an appropriate policy framework that effectively promotes the sustainable management of the District's natural and physical resources by:</p> <ul style="list-style-type: none"> identifying and responding to resource management policy issues; and * providing a sound and appropriate policy planning framework that is responsive to our changing environment, will protect and enhance our unique environment and promote healthy and safe communities. 	<p>For those residents that are aware of the Council's role in resource management policy and planning work. At least 65% of respondents are fairly or very satisfied with Council's resource management policy and planning work, as measured via the annual resident's survey.</p> <p>Target: 65%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>

<p>We provide an appropriate policy framework that effectively promotes the sustainable management of the District's natural and physical resources by:</p> <ul style="list-style-type: none"> • identifying and responding to resource management policy issues; and • providing a sound and appropriate policy planning framework that is responsive to our changing environment, will protect and enhance our unique environment and promote healthy and safe communities. 	<p>Council meets the Air Quality National Environmental Standard (NES) by 2020 (i.e. no more than one day per year when air quality is > 50 µg/m³ PM10).</p> <p>Air quality at the Richmond Central monitoring site will be reported on Council's website, including any air quality breaches.</p> <p>Target: Number of exceedances of the Air Quality National Environmental Standard is no more than three</p>		<p>There were a total of 12 exceedance days of the NESAQ threshold concentration of 50 µg/m³ (24-hour average) in the 12 month period (1 September 2017 to 31 August 2018). The Richmond airshed is non-compliant with the National Standard from 28 June 2018. The trend in annual concentrations of PM10 suggests no decrease in PM10 concentrations in Richmond from 2010 – 2018. The 2018 winter has been particularly bad for breaches with a maximum daily PM10 concentration of 76 µg/m³ recorded on 5 July 2018. This compares with two exceedances of the NESAQ in the preceding 12 months.</p>	
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	<p>One issue based State of the Environment report to be released each year.</p> <p>Target: One report released by 30 June.</p>	<p>Moutere Catchment stream health survey reported to Council 29 November 2018</p> <p>Freshwater fish communities of Tasman District 2018 – a State of the Environment Report reported to Council 18 October 2018</p>		
<p>We provide an appropriate policy framework that effectively promotes the sustainable management of the District's natural and physical resources by:</p> <ul style="list-style-type: none"> identifying and responding to resource management policy issues; and providing a sound and appropriate policy planning framework that is responsive to our changing environment, will protect and enhance our unique environment and promote healthy and 	<p>An annual Recreational Bathing Water summary report is drafted and reported to Council or a Committee by 31 July each year.</p> <p>Target: Report prepared and reported to Council or Committee by 31 July.</p>			<p>This summer's monitoring period is not finished until March 2019. Last year's report was delayed due to key staff being on extended leave. The contact recreation water quality annual report 2017 - 2018 reported to Council 29 November 2018.</p>
	<p>Swimming beaches and rivers are suitable for contact recreation, all or most of the time.</p> <p>Target: 98% of swimming beaches and rivers are suitable for contact recreation using</p>			<p>Not measured yet but the average dry weather compliance rate for the last 10 years is 97%.</p>

safe communities.	fine weather samples.			
	Swimming beaches and rivers are suitable for contact recreation, all or most of the time. Target: 92% of swimming beaches and rivers are suitable for contact recreation using all weather samples.			Not measured yet but overall weather conditions approximately 83% of samples met guidelines for the 2017 - 2018 summer.
We provide a responsive and efficient process for assessing resource consent applications and ensuring compliance obligations are fairly and appropriately enforced.	At least 80% of survey respondents rate their satisfaction with Council's resource consent processing work as fairly satisfied or better. Target: 80%			Due to be measured through the Communitrak Survey in May 2019.
	Consent applications are processed within statutory timeframes (where they exist). Target: Notified consents 100%	100% achieved.		

	<p>Target: Non-notified consents 100%</p>		<p>94% achieved, due to staff shortages in subdivision consents team.</p>	
	<p>Target: Limited notified consents 100%</p>		<p>40% achieved. This activity comprised 10 consents of which a bundle of 6 went over time due to staff shortages in subdivision consents team.</p>	
<p>We undertake monitoring of environmental trends and conditions and maintain reporting systems that protect and inform the community about environmental conditions, changes, and risks.</p>	<p>An annual report is prepared and presented to Council or a Council committee each year.</p> <p>This report details the level of compliance with consent conditions or plan rules for those undertaking activities under resource consents or permitted activities, as described under tailored monitoring programmes.</p> <p>Target: Annual report presented to Council or a Council committee by</p>	<p>Monitoring of resource consents continues under the strategic 2018 - 2020 monitoring programme and all performance against resource consents is captured in the database and will be reported on. As at 31 December 2018, 326 resource consents had been assessed and assigned a performance grade.</p> <p>Annual report will be presented at the next available Environment and Planning Committee</p>		

	31 September, showing that all resource consents that are monitored are assigned appropriate compliance performance grades.	after closing of reporting season in 30 June 2019.		
	Where significant non-compliance is recorded, that resolution is achieved within appropriate timeframes. Target: 80% resolved within nine months.	All significant non-compliance resulting from the monitoring of resource consents is recorded and actioned in accordance with the policy. As at 31 December 2018 one significant non-compliance had been recorded which has been resolved within the nine month threshold.		
	Target: 95% resolved within 12 months.	On target as per above.		
We undertake monitoring of environmental trends and conditions and maintain reporting systems that protect and inform the community about environmental conditions, changes, and risks.	An annual report is prepared and presented to a Council committee or a Council meeting on Water Metering Compliance detailing the performance of consented and permitted activity ground and surface water abstractions requiring	The 2018 - 2019 ground and surface water compliance monitoring season started on 1 November 2018. Compliance monitoring is on-going and all data recorded in the database related to compliance with consent and permitted		

	<p>monitoring as defined in the Tasman Resource Management Plan.</p> <p>Target: Annual Report tabled to Council or a Council committee by 31 October.</p>	<p>activity conditions. Annual report will be presented at the next available Environment and Planning Committee after closing of reporting season in May 2019.</p>		
	<p>An annual Dairy Monitoring report is prepared detailing the performance of the District's dairy farms against the Council's dairy effluent discharge rules and relevant national legislation.</p> <p>Target: 98% fully compliant.</p>	<p>The Annual Dairy Monitoring survey for the 2018 - 2019 season was commenced September 2018. Inspections have been conducted on 53 farms with 48 fully compliant and five showing minor non-compliance.</p> <p>Annual report will be presented at the next available Environment and Planning Committee after closing of reporting season in June 2019.</p>		
	<p>The Operational Plan outlines the objectives and activities to be undertaken in implementing the Tasman-Nelson Regional Pest Management Plan for</p>	<p>The Review of the 2017 - 2018 Operational Plan was reported to Council 29 November 2018.</p>		

	<p>the present financial year.</p> <p>Target: Annual Operational Plan tabled to Council or a Council committee by 30 November</p>			
<p>We undertake monitoring of environmental trends and conditions and maintain reporting systems that protect and inform the community about environmental conditions, changes, and risks.</p>	<p>Timely reporting of pest management operations for the previous financial year, in accordance with requirements of the Biosecurity Act.</p> <p>Target: Operational Plan included in a report and tabled to Council or a Council committee by 30 November.</p>	<p>The 2018 - 2019 Operational Plan for the Taman-Nelson Region was reported to Council 29 November 2018.</p>		

We undertake monitoring of environmental trends and conditions and maintain reporting systems that protect and inform the community about environmental conditions, changes, and risks.

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FLOOD PROTECTION AND RIVER CONTROL WORKS

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>Protection</p> <p>Our communities are protected from natural hazard events</p>	<p>The major flood protection and control works that are maintained, repaired and renewed their original constructed standard.</p> <p>(Riwaka River = 1 in 10 yr flood return in 1950).</p> <p>(Lower Motueka River = 1 in 50 yr flood return in 1950).</p> <p>(Waimea River = 1 in 50 yr flood returning 1950).</p> <p>Target: 100%</p>	<p>On target.</p> <p>No flood events reaching the flood defences so far in 2018/2019.</p> <p>100%</p>		

<p>Amenity</p> <p>Our river environments are attractive and enjoyed by our communities.</p>	<p>We maintain existing native riparian planting sites and develop new sites.</p> <p>Target: >13,000</p>	<p>On target.</p> <p>Over 16,000 native plants planted over winter 2018. Continuing to maintain these plus previous year's plantings.</p>		
	<p>Complaints about illegal dumping in the X and Y classified rivers and on adjacent beaches on public land are actioned within five working days.</p> <p>Target: 100%</p>		<p>96% (22/23)</p> <p>Completion date on one rubbish pick up job unknown.</p>	

GOVERNANCE

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>We effectively run election processes.</p>	<p>Electoral processes are carried out within statutory timeframes and there are no successful challenges.</p> <p>Target: There are no successful challenges to any electoral processes that may occur during the year.</p>	<p>No election was held in 2018/2019 and therefore we received no challenges.</p> <p>The triennial local government election is due on 12 October 2019.</p>		

PUBLIC HEALTH AND SAFETY

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>We provide building control services in a professional and timely manner, to ensure building work is safe and in accordance with the New Zealand Building Code.</p>	<p>100% of applications for building consent (BC) are processed within statutory timeframes. Target: 100%</p>		<p>There has been a small number of consents that have gone over the statutory timeframe. The 100% target will no longer be achievable within the reporting year as a result.</p>	
	<p>98% of applications for code compliance certificates (CCC) are processed within statutory timeframes. Target: 98%</p>	<p>On track to deliver against this target.</p>		
	<p>The average time taken to process a Building Consent is 10 working days. Target: 10 working days</p>			<p>Has fluctuated across the first six months of the year. Unclear as to how this will average out at year end.</p>

We provide building control services in a professional and timely manner, to ensure building work is safe and in accordance with the New Zealand Building Code.	We maintain Building Consent authority Accreditation Target: Accreditation maintained	On target, with the next assessment planned for October 2019.		
	At least 80% of survey respondents rate their satisfaction with Council's building control work as fairly satisfied or better. Target: 80%			Survey will be carried out prior to the end of the year.
We will provide an environmental health service that in association with other agencies, fosters the responsible sale and consumption of liquor.	In conjunction with the New Zealand Police, we detect no sale of liquor to minors through random controlled purchase operations (CPOs) run annually. Target: At least two annual controlled purchase operations with no offences detected	On target, 1 CPO carried out this year so far		
We will provide an environmental health	All food premises are inspected at	Slightly behind schedule due to staffing gaps,		

<p>service that ensures that food provided for sale is safe, free from contamination and prepared in suitable premises.</p>	<p>least once annually for compliance and appropriately licensed. Target: 100%</p>	<p>however, we believe that we will achieve the target</p>		
<p>We will provide animal control services to minimise the danger, distress, and nuisance caused by dogs and wandering stock and to ensure all known dogs are recorded and registered.</p>	<p>All known dogs are registered or otherwise accounted for annually by 30 June. Target: 100%</p>	<p>Approximately 50 dogs are currently unaccounted for. Target will be achieved by year-end.</p>		
	<p>We respond to high priority dog complaints within 60 minutes, 24 hours a day, seven days a week. Target: 100%</p>	<p>So far this year, the 100% target has been achieved.</p>		
<p>A civil defence and emergency management system that is designed to promote the safety of people and a resilient community in the event</p>	<p>The level of community support for Council's civil defence emergency management (CDEM) activity is rated as fairly satisfied or better</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>

<p>that emergencies occur.</p>	<p>through community survey. Target: 70%</p>			
	<p>The Nelson Tasman CDEM Group Plan is reviewed and kept up to date.</p>	<p>On target - completed</p>		
<p>We will provide Maritime Administration services to ensure Tasman's harbour waters are safe and accessible and that all known commercial vehicle operators are licensed.</p>	<p>All known commercial vessel operators are licensed. Target: 100%</p>	<p>Complete</p>		
<p>We will provide parking control services to facilitate the public's access to urban retailers and services, respond to any misuse of disabled parking, and remove reported abandoned vehicles</p>	<p>Compliance by not less than 85 out of every 100 vehicles parking in time controlled areas within the Traffic Bylaw, based on an annual snap survey. Target: 85%</p>		<p>79% Compliance at the November 18 assessment</p>	

SOLID WASTE

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>We provide effective waste minimisation activities and services.</p>	<p>There is an increase in resources diverted from landfill by Council services.</p> <p>As measured monthly and reported annually on a per capita basis.</p> <p>Target: >174kg</p>		<p>We have diverted a total of 3,224 tonnes of material from landfill for the period of June to December 2018, which represents 62kg per person. We expect to divert 124kg per person in the financial year. This is slightly less than the diversion achieved last year (130kg per person).</p>	
	<p>There is a reduction in waste per capita going to landfill.</p> <p>As measured by Nelson – Tasman tonnage recorded at landfill.</p> <p>Target: <689kg</p>		<p>For the 6 months to 31 December, a total of 40,600 tonnes of waste has been landfilled from Nelson and Tasman - this included 31,136 tonnes of general waste and 9,469 tonnes of special waste.</p> <p>This represents 299kg of general waste and 91kg of special waste per person. We project a total</p>	

			of 600 kg of general waste and 180 kg of special waste for the full year.	
We provide effective waste minimisation activities and services.	<p>There are high levels of participation in our kerbside recycling service.</p> <p>As measured through annual resident survey of those provided with Council's kerbside recycling collection services who use it three times or more per annum.</p> <p>Target: >95%</p>			Due to be measured through the Communitrak Survey in May 2019.
	<p>Contamination levels in our kerbside recycling are low.</p> <p>As measured by our contractor at the Materials Recovery Facility</p> <p>Target: <5%</p>		Contamination levels ranged between 4.2% and 9.6% and averaged 7.2%. We are increasing our kerbside auditing and education and hope to reduce contamination to average less than 6%.	

<p>Our kerbside recycling and bag collection services are reliable, easy to use.</p>	<p>% customer satisfaction with kerbside recycling services.</p> <p>As measured through annual resident survey of those provided with Council's kerbside recycling collection services.</p> <p>Target: 90%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>Our kerbside recycling and bag collection services are reliable, easy to use.</p>	<p>% customer satisfaction with kerbside bag collection services.</p> <p>As measured through annual resident survey of those provided with Council's kerbside bag collection services.</p> <p>Target: 70%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
	<p>Customer Service Requests relating to waste management activities are</p>		<p>Performance to December 2018 was 90% of enquiries resolved on time. This was primarily due to a poor resolution</p>	

	<p>completed on time.</p> <p>Percentage of enquiries to our contractor resolved within contracted timeframes.</p> <p>As measured through Confirm.</p> <p>Target: 95%</p>		<p>rate by the contractor in October. We are working with the contractor and expect to achieve 92-93% resolution for the full year.</p>	
<p>Our resource recovery centres are easy to use and operated in a reliable manner.</p>	<p>Percentage of customer satisfaction.</p> <p>As measured by annual customer on-site surveys at RRCs who are very satisfied or fairly satisfied.</p> <p>Target: 95%.</p>	<p>A survey completed in December and January indicated 97% of customers are “satisfied” or “fairly satisfied”</p>		

STORMWATER

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>Stormwater flooding We have measures in place to respond to and reduce flood damage from stormwater to property and risk to the community</p> <p>Habitable floor refers to a floor of a building (including a basement) but does not include ancillary structures such as stand-alone garden sheds or garages.</p> <p>A flooding event means an overflow of stormwater from Councils stormwater system that enters a habitable floor.</p>	<p>a) The number of flooding events that occur in the district and;</p> <p>b) For each flooding event, the number of habitable floors affected. (Expressed per 1000 properties connected to the territorial authority's stormwater system.)</p> <p>Target: <1 habitable floor flooded per event (expressed per 1000 properties connected) (Mandatory measure 1)</p> <p>The median response time to attend a flooding event, measured from the time that Council</p>	<p>No habitable floors flooded so far in 2018/2019.</p>		

	<p>receives notification to the time that service personnel reach the site.</p> <p>Target: <2 hours</p> <p>(Mandatory measure 3)</p>			
<p>Stormwater flooding We have measures in place to respond to and reduce flood damage from stormwater to property and risk to the community</p>	<p>The median response time to attend a flooding event, measured from the time that Council receives notification to the time that service personnel reach the site.</p> <p>Target: <2 hours</p> <p>(Mandatory measure 3)</p>	<p>No responses as there have been no flooding events so far in 2018/2019.</p>		
	<p>The number of complaints received by Council about the performance of its stormwater system, expressed per 1000 properties connected to the stormwater system.</p>	<p>Complaints for the first six months of the year are running at 1.9 per 1,000 connections. If this rate continues for the second six months of the year, the result for the year will be</p>		

	<p>Target: < 20</p> <p>(Mandatory measure 4)</p>	<p>3.8 which is less than the targeted 20.</p>		
<p>Customer satisfaction</p> <p>Our stormwater activities are managed at a level which satisfies the community</p>	<p>Percentage of customers satisfied with the stormwater service.</p> <p>As measured through the annual residents' survey.</p> <p>Target: 80%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>The environment</p> <p>Our stormwater systems do not adversely affect or degrade the receiving environment</p>	<p>Compliance with Council's resource consents for discharge from its stormwater system, measured by the number of:</p> <p>a) abatement notices (target ≤1)</p>	<p>Compliance achieved over the six month period. Expect to achieve target at year end.</p>		

	b) infringement notices (target 0) c) enforcement orders (target 0) d) Successful prosecutions (target 0) (Mandatory Measure 2)			
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WASTEWATER

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
Our wastewater systems do not adversely affect the receiving environment	Compliance with resource consents for discharges from wastewater systems is achieved. As measured by the number of: <ul style="list-style-type: none"> • abatement notices • infringement notices • enforcement orders • convictions received in relation to those resource consents. Mandatory measure 2 Target: 0	0 While there have been non-compliances with consent conditions, none have been significant enough to require legal action.		
Our wastewater systems do not adversely affect the	The number of times temporary wastewater overflow signs are	1 (at 23 January 2019)		

receiving environment	<p>erected at waterways is minimised.</p> <p>Measured by the number of contract job request.</p> <p>Target: <5</p>			
<p>Our wastewater systems reliably take out wastewater with a minimum of odours, overflows or disturbance to the public.</p>	<p>The total number of complaints received about:</p> <ul style="list-style-type: none"> • odour • system faults • system blockages • Council's response to issues within its systems <p>is less than the target. (Expressed per 1000 connections.)</p> <p>Measured by the number of contract job requests.</p> <p>Mandatory measure 4</p> <p>Target: <35</p>	<p>Likely to be well below target but there have been more odour complaints relating to our wastewater networks and pump stations than usual.</p>		<p>To be measured for the annual report.</p>
<p>Our wastewater systems are built, operated and maintained so that failures can be</p>	<p>The number of dry weather overflows from the Council wastewater system (expressed per 1000</p>	<p>0.29 (4 Dry weather overflows - at 23 January 2019)</p>		

<p>managed and responded to quickly</p>	<p>connections to wastewater system) is less than the target.</p> <p>Dry weather is defined as a continuous 96 hours with less than 1mm of rain within each 24-hour period.</p> <p>Measured by the number of contract job request.</p> <p>Mandatory measure 1</p> <p>Target: <5</p>			
<p>Our wastewater activities are managed at a level that satisfies the community.</p>	<p>Percentage of customers (who receive a service) are satisfied with the wastewater service.</p> <p>Measured through the annual residents' survey.</p> <p>Target: > 80%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>Our wastewater systems are built, operated and maintained so that failures can be managed and</p>	<p>Overflows resulting from a blockage or other fault in the wastewater system are attended and resolved within the</p>			<p>System to measure response times is operating. Results will be compiled at year end.</p>

<p>responded to quickly</p> <p>Response time - from the time Council receives notification to the time that service personnel reach the site.</p> <p>Resolution time - from the time Council receives notification to the time that the service personnel confirm resolution of the blockage or other fault.</p>	<p>target timeframes.</p> <p>Measured by response and resolution times recorded in Confirm.</p> <p>Mandatory measure 3</p> <p>Target: Response Median ≤60 mins</p> <p>Resolution Median ≤9hrs</p>			
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WATER SUPPLY

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
Our water takes are sustainable.	<p>Compliance with resource consent is achieved, as measured by the number of:</p> <ul style="list-style-type: none"> abatement notices infringement notices enforcement orders and/or convictions <p>received in relation to those resource consents.</p> <p>All resource consents are held in NCS/ BraveGen.</p> <p>Target: 0</p>	On Target		
Our water takes are sustainable.	<p>The volume and percentage of real water loss from the network is less than the target.</p> <p>Total real loss= total</p>	Losses are recorded annually based on when the meters in an area are read (6 monthly). The table below is for the latest 12 month period as at 31 December 2018 for each scheme. A number		

	<p>water provided - water metered - non revenue water. % = L real loss divided by average L usage per connection as yearly average.</p> <p>Mandatory measure 2</p> <p>Target: ≤25%</p>	<p>of the smaller schemes had high losses but the overall percentage loss of 21% is better than the targeted 25%.</p> <table border="1" data-bbox="931 376 1294 1101"> <thead> <tr> <th>Scheme</th> <th>Real Loss as % of Input</th> </tr> </thead> <tbody> <tr> <td>Brightwater</td> <td>31%</td> </tr> <tr> <td>Collingwood</td> <td>34%</td> </tr> <tr> <td>Kaiteriteri / Riwaka</td> <td>35%</td> </tr> <tr> <td>Mapua</td> <td>38%</td> </tr> <tr> <td>Motueka</td> <td>7%</td> </tr> <tr> <td>Murchison</td> <td>23%</td> </tr> <tr> <td>Pohara</td> <td>54%</td> </tr> <tr> <td>Richmond</td> <td>13%</td> </tr> <tr> <td>Tapawera</td> <td>51%</td> </tr> <tr> <td>Upper Takaka</td> <td>34%</td> </tr> <tr> <td>Wakefield</td> <td>39%</td> </tr> <tr> <td>Overall</td> <td>21%</td> </tr> </tbody> </table>	Scheme	Real Loss as % of Input	Brightwater	31%	Collingwood	34%	Kaiteriteri / Riwaka	35%	Mapua	38%	Motueka	7%	Murchison	23%	Pohara	54%	Richmond	13%	Tapawera	51%	Upper Takaka	34%	Wakefield	39%	Overall	21%		
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<p>Our water takes are sustainable.</p>	<p>The average urban consumption of drinking water per day per resident is less than the target.</p> <p>Mandatory measure</p>	<p>As above, this is for the latest 12 month period. While some schemes are over target, the overall figure of 229 is better than the targeted 250.</p>																												

	5 Target: <250L per person/day	<table border="1"> <thead> <tr> <th>Scheme</th> <th>Average litres per day per connection</th> </tr> </thead> <tbody> <tr> <td>Brightwater</td> <td>264</td> </tr> <tr> <td>Collingwood</td> <td>137</td> </tr> <tr> <td>Kaiteriteri / Riwaka</td> <td>206</td> </tr> <tr> <td>Mapua</td> <td>220</td> </tr> <tr> <td>Motueka</td> <td>205</td> </tr> <tr> <td>Murchison</td> <td>263</td> </tr> <tr> <td>Pohara</td> <td>119</td> </tr> <tr> <td>Richmond</td> <td>233</td> </tr> <tr> <td>Tapawera</td> <td>288</td> </tr> <tr> <td>Upper Takaka</td> <td>99</td> </tr> <tr> <td>Wakefield</td> <td>222</td> </tr> <tr> <td>Overall</td> <td>229</td> </tr> </tbody> </table>	Scheme	Average litres per day per connection	Brightwater	264	Collingwood	137	Kaiteriteri / Riwaka	206	Mapua	220	Motueka	205	Murchison	263	Pohara	119	Richmond	233	Tapawera	288	Upper Takaka	99	Wakefield	222	Overall	229		
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Our water is safe to drink.	Minimise the number of temporary advisory notices issued to customers to boil water. Target: 0	On Target (NB Dovedale has a permanent boil water notice)																												

<p>Our water is safe to drink.</p>	<p>We comply with Part 5 (protozoal compliance criteria) of the Drinking Water Standards.</p> <p>As measured by a number of schemes with compliant protozoa treatment determined by the Drinking Water Assessor.</p> <p>Mandatory measure 1</p> <p>Target: 3/15</p>	<p>Not On Target - 1/15</p> <p>Both the Murchison and Tapawera UV units have faulted during the year and so there will be non compliance for 2018/2019 year.</p> <p>Both of these sites need duplicate UV units to achieve continuous compliance as UV units are prone to minor issues.</p>	
	<p>We comply with Part 4 (bacterial compliance criteria) of the Drinking Water Standards.</p> <p>As measured by the number of schemes with</p> <ul style="list-style-type: none"> • plant compliance, and • zone compliance, <p>as determined by the Drinking Water</p>		<p>This will be unknown until the data is properly processed at the end of the year.</p> <p>There was a transgression in Richmond (Waimea Industrial) Zone in November after a reservoir lid was left open.</p>

	<p>Assessor. Mandatory measure 1 Target: Plant compliance 16/17 Zone compliance 16/17</p>			
<p>Our water supply systems provide fire protection to a level that is consistent with the national standard.</p>	<p>95% compliance with FW2 standards, for not less than five randomly selected fire hydrants tested annually in urban supplies. *15 hydrants for Richmond. Target: 95%</p>			<p>Testing requires to run water from the hydrants. This test has been delayed due to the drought.</p>
<p>Our water supply systems are built, operated and maintained so that failures can be managed and responded to quickly.</p>	<p>Planned service interruptions do not exceed eight hours as required under section 69S (3) of the Health Act 1956. As measured through the maintenance contract reporting. Target: <8 hours</p>		<p>Lower Queen Street 5 July 2018 was planned for 10 hours and took 10 hours. Bateup Rd 29 August 2018 was planned for 6 hours, but took 8.5 hours due to services in the way.</p>	

<p>Our water supply activities are managed at a level that the community is satisfied with.</p>	<p>Percentage of customers (who receive a service) are satisfied with the water supply.</p> <p>Measured through the annual residents' survey.</p> <p>Target: ≥80%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
<p>Our water supply activities are managed at a level that the community is satisfied with.</p>	<p>Complaints per 1000 connections are less than the target - relates to clarity, taste, odour, pressure or flow, continuity of supply and Council response to these issues.</p> <p>Justified complaint defined as a notification of a drop in LOS.</p> <p>Measured Confirm database and NSC system.</p> <p>Mandatory measure 4</p> <p>Target: <20</p>	<p>Complaints for the first six months of the year are running at 6.8 per 1,000 connections. If this rate continues for the second six months of the year, the result for the year will be 13.6 which is less than the targeted 20. However complaints for blocked restrictors tend to increase in the drier months when water usage is higher.</p>		

<p>Our water supply activities are managed at a level that the community is satisfied with.</p>	<p>Median response times are within targets for urgent call-outs (target <2 hours).</p> <p>Median response times are within targets for non-urgent call-outs (target <48 hours).</p> <p>Mandatory measure 3</p>			<p>System to measure response times is operating. Results will be compiled at year end.</p>
<p>Our water supply activities are managed at a level that the community is satisfied with.</p>	<p>Median resolution times are within targets for urgent call-outs (target <24 hours).</p> <p>Median resolution times are within targets for non-urgent call-outs (target <8 working days).</p> <p>Mandatory measure 3.</p>			<p>System to measure response times is operating. Results will be compiled at year end.</p>

TRANSPORTATION, ROADS & FOOTPATHS

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED														
<p>Safety</p> <p>Our transportation network is becoming safer for its users.</p>	<p>There is a downward trend in the number of serious and fatal injury crashes occurring on our road network.</p> <p>Measured using the NZ Transport Agency's crash database.</p> <p>Target: Decreasing</p>		<div data-bbox="1323 496 1778 874"> <table border="1"> <caption>Fatal and Serious Crashes</caption> <thead> <tr> <th>Fiscal Year</th> <th>Crashes</th> </tr> </thead> <tbody> <tr> <td>2013/14</td> <td>3</td> </tr> <tr> <td>2014/15</td> <td>10</td> </tr> <tr> <td>2015/16</td> <td>14</td> </tr> <tr> <td>2016/17</td> <td>13</td> </tr> <tr> <td>2017/18</td> <td>28</td> </tr> <tr> <td>2018/19* (6 months)</td> <td>7</td> </tr> </tbody> </table> </div> <p><i>5-year trend is still increasing although 2018/2019 result to date is improved. Trends generally take more than 1 year to change.</i></p>	Fiscal Year	Crashes	2013/14	3	2014/15	10	2015/16	14	2016/17	13	2017/18	28	2018/19* (6 months)	7	
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<p>Safety</p> <p>Our transportation network is becoming safer for its users.</p>	<p>The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network, expressed as a number.</p> <p>Mandatory measure 1.</p> <p>Target: ≤ 0</p>	<p>Fatal and Serious Crashes</p> <table border="1"> <caption>Fatal and Serious Crashes Data</caption> <thead> <tr> <th>Financial Year</th> <th>Number of Crashes</th> </tr> </thead> <tbody> <tr> <td>2013/14</td> <td>3</td> </tr> <tr> <td>2014/15</td> <td>10</td> </tr> <tr> <td>2015/16</td> <td>14</td> </tr> <tr> <td>2016/17</td> <td>12</td> </tr> <tr> <td>2017/18</td> <td>28</td> </tr> <tr> <td>2018/19* (6 months)</td> <td>7</td> </tr> </tbody> </table> <p>7 crashes recorded in 6 months to 31 December 2018. On track for an overall reduction from 2017/2018.</p>	Financial Year	Number of Crashes	2013/14	3	2014/15	10	2015/16	14	2016/17	12	2017/18	28	2018/19* (6 months)	7		
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<p>Accessibility</p> <p>Our transportation network enables the community to choose from various modes of travel.</p>	<p>The Council constructs a minimum length of new footpath each financial year to meet population growth plus an additional proportion to reduce the gaps in the existing footpath network over 30 years.</p> <p>Measured using RAMM inventory data and GIS mapping.</p>	<p>2,800m of new footpath on track to be completed in 2018/19.</p> <p>2,050m completed on Seaton Valley Road.</p> <p>750m under construction on Bateup Road.</p>																

	<p>Target: ≥500m</p>			
	<p>The annual growth in use of cycle routes exceeds specified levels.</p> <p>Target: ≥ 1%</p>			Next cycle count due in February 2019.
	<p>The annual growth in use of passenger transport exceeds specified levels.</p> <p>Measured using yet to be implemented integrated ticketing service data for people travelling to, from or within Richmond.</p> <p>Target: ≥ 1%</p>			Integrated ticketing system still under development.
<p>Value for money</p> <p>Our</p>	<p>The percentage of sealed local road that is resurfaced each financial year.</p>	<p>Planned resurfacing programme of 81km (8.4% of sealed network) is on track to be completed in March 2019.</p>		

<p>transportation network is maintained cost effectively and whole of life costs are optimised.</p>	<p>Mandatory measure 3. Target: 5% - 7%</p>			
<p>Amenity The travel quality and aesthetics of our transportation network is managed at a level appropriate to the importance of the road and satisfies the community's expectations.</p>	<p>The percentage of footpaths with the Tasman district that are maintained to a condition of average or better. As measured through the triennial footpath condition rating survey. Mandatory measure 4. (No survey planned 2018/19. Usual target >95%)</p>			<p>Next condition rating survey due 2019/2020 (last completed 2016/2017)</p>
<p>Amenity The travel quality and aesthetics of our transportation network is</p>	<p>The proportion of travel undertaken on the sealed road network meets the specified comfort levels. Known as Smooth Travel</p>			<p>Next roughness survey due in 2019/2020</p>

<p>managed at a level appropriate to the importance of the road and satisfies the community's expectations.</p>	<p>Exposure (STE). Smooth travel exposure is defined as the proportion of vehicle kilometres travelled on roads with roughness below the following thresholds:</p> <p>As reported through RAMM, based on traffic count and roughness survey data.</p> <p>Mandatory measure 2.</p> <p>Target: Arterial ≥ 95%</p> <p>Primary Collector ≥ 95%</p> <p>Secondary Collector ≥ 95%</p> <p>Access ≥ 90%</p> <p>Access (LV) ≥ 90%</p>			
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<p>Amenity The travel quality and aesthetics of our transportation network is managed at a level appropriate to the importance of the road and satisfies the community's expectations.</p>	<p>Residents are satisfied with the Council's roads and footpaths in the District. Target: Footpaths ≥ 70% Roads ≥ 70%</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
	<p>Customer Service Requests relating to the transportation network and activities are completed on time. As measured by the maintenance contractor's compliance with fault response time requirements (using RAMM Contractor), and the percentage of requests assigned to Council staff which are attended to within 5 days (using NCS). ONRC Safety – PM7. Mandatory Measure 5</p>		<p>79.5% of customer service requests completed on time.</p>	

	Target: ≥ 90%			
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SUPPORT SERVICES

OUR LEVELS OF SERVICE AND HOW WE MEASURE PROGRESS AGAINST THEM

LEVELS OF SERVICE (WE PROVIDE)	WE WILL KNOW WE ARE MEETING THE LEVEL OF SERVICE IF	ON TARGET TO ACHIEVE PERFORMANCE TARGET	NOT ON COURSE TO ACHIEVE PERFORMANCE TARGET	TARGET NOT YET MEASURED
<p>We respond to customer requests in a timely and professional manner.</p>	<p>At least 85% of respondents are either fairly satisfied or very satisfied with the service they receive when they contact Council, as measured by the annual residents' survey.</p> <p>Target: 87% customer satisfaction rate</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>
	<p>Percentage of general enquiries that are responded to by Council staff within three working days of receipt of enquiry. As measured using Service Request data in NCS.</p>	<p>88% of Service Requests have been responded to within the three working days.</p> <p>We are reviewing of our escalation process to raise staff awareness of Service Requests not responded to within the timeframe.</p>		

	Target: 95%			
We consult effectively with the public in our decision making processes.	50% of residents are either very satisfied or satisfied with the way Council consults the public in the decisions it makes, as measured by the annual residents' survey. Target: ≥ 50% residents' satisfaction rate.			Due to be measured through the Communitrak Survey in May 2019.
We provide resolution of most customer phone enquiries during the initial conversation with a Customer Services Officer	80% of customer phone calls are resolved at first point of contact (i.e. without the need to transfer the call to another staff member). Target: ≥80% of customer phone calls resolved at first point of contact.	87% of phone calls resolved at first point of contact. Customer Service staff worked extended hours answering calls during Pigeon Valley Fire Event. This has resulted in a higher number of calls being answered and resolved.		
We provide Land Information Memorandums (LIMs) to	100% of LIM applications are processed within the	100 % of LIM's applications processed within statutory		

<p>customers within 10 working days.</p>	<p>statutory timeframes (i.e. 10 working days). Target: 100% of LIMs are processed within statutory timeframes.</p>	<p>timeframe of 10 working days</p>		
<p>All Council-owned buildings are safe</p>	<p>All operational buildings (offices and libraries) comply with resource and building consents and any other legislative requirements. Target: 100% compliance</p>	<p>All operational buildings are currently compliant.</p>		
<p>Property and building assets that are functionality appropriate and meet the needs of users and customers.</p>	<p>Customers and users are satisfied with the buildings that they occupy and the level of service provided. As measured by a three-yearly survey of selected customers. Target: 75% of customers surveyed</p>			<p>Due to be measured through the Communitrak Survey in May 2019.</p>

	are satisfied or very satisfied			
Leases and licenses for Council properties are current and reviewed on time.	<p>The percentage of leases and licenses for Council properties that are not current is reducing on an annual basis.</p> <p>Target: 50% of leases and licenses are current.</p>	On target. Currently non-current leases and licences are at 25% of the portfolio based on the number of leases in the portfolio.		

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting. 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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

9.2 Tasman's Great Taste Trail - Mapua Ferry Alternative Options

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

9.3 Accommodation Lease Approval

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.