

SOUTH WAIRARAPA DISTRICT COUNCIL

28 JUNE 2017

AGENDA ITEM C6

REMITTS TO LGNZ 2017 ANNUAL GENERAL MEETING

Purpose of Report

To present for consideration remits proposed for consideration at the LGNZ 2017 AGM.

Recommendations

Officers recommend that the Council:

1. *Receive the proposed remits to the LGNZ 2017 AGM.*
2. *Resolve to Support or not support remit 1, Litter Act*
3. *Resolve to support or not support remit 2 proportion of GST available to local authorities for visitor infrastructure*
4. *Resolve to support or not support remit 3 national legislation to manage cats*
5. *Resolve to support or not support remit 4 development of a sugar sweetened beverage policy.*
6. *Resolve to delegate to the appropriate representatives attending the AGM to vote in accordance with the resolutions.*

1. Executive Summary

Four remits have been lodged for consideration at the upcoming AGM of LGNZ.

Attached as Appendix 1 are the details and background to the remits, no further analysis will be provided in this report.

2. Appendices

Appendix 1 – 2017 Annual General Meeting Remits

Contact Officer: Paul Crimp, CEO

Appendix 1 – 2017 Annual General Meeting Remits

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

2017 Annual General Meeting

Remits

1

Litter Act 1979

Remit: That LGNZ advocates to central government to amend the Litter Act 1979 to enable local authorities to legally issue infringement notices where there is evidence of an offence.

Proposed by: Palmerston North City Council

Supported by: Metro Sector

Background information and research

1. The indiscriminate disposal of rubbish is an ongoing and increasing problem for local authorities. The primary statutory instrument for the abatement and control of litter is the Litter Act 1979 ("the Act").
2. Section 14 of the Act creates authority for the issue of infringement notices, which has been used by local authorities in respect to indiscriminately dumped refuse. The practice of many local authorities is to issue an infringement notice, with an infringement fee of up to \$400, where a search of the material reveals the likely owner of the material.
3. An examination of section 14 reveals that this approach is beyond the authority of the Act. Section 14(1) limits the issue of an infringement notice to situations where the Litter Control Officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has just been committed by that person.
4. Infringement notices cannot, therefore, be issued in respect to refuse or litter deposited beyond the present or immediate past. This means that local government does not have an effective statutory tool to address the indiscriminate disposal of rubbish. The only measures available are the issue of a warning letter, or prosecution for an offence against section 15 of the Act. The former is seen as an ineffective deterrent in the absence of the ability to issue an infringement, and the latter extremely costly on councils.

5. This limitation could be simply address through amendment of the Act to remove the word “just” from section 14(1). It would then read “Where a Litter Control Officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has just been committed by that person, an infringement notice in respect of that offence may be issued to that person by that Officer.”
6. The current dispute and review mechanisms in respect to infringements would ensure protection from unjust fines.
7. This remit proposal meets the requirements for remits to be both relevant to local government overall, and to be of a significant policy nature. While the proposed remedy is a relatively simple one, managing the illegal dumping of rubbish is a significant issue for local authorities. The recommended action is an amendment to legislation, and therefore beyond the scope of ‘administrative action’ (as specified in the remit criteria).The lack of authority for councils to issue infringement notices for dumped refuse unless the offence is observed applies to all local authorities.

2

15 % Goods and Services Tax

Remit:	That Local Government New Zealand (LGNZ) request that the Government use the appropriate mechanisms to enable a proportion of the 15% Goods and Services Tax (GST) be returned to the regions it was generated in so that Councils can use this money to pay for the servicing of visitor infrastructure.
Proposed by:	Gisborne District Council
Supported by:	Nelson City Council Napier City Council Tasman District Council Wairoa District Council Far North District Council

Background information and research

1. Nature of the issue

Many of the public amenities provided by local government, like public toilets, roads, walkways and cycleways, free wi-fi at the library and parks and reserves have been mostly paid for by ratepayers.

The free provision of these amenities contribute to the wellbeing of our residents, but they also help to make the visitor experience to New Zealand Regions a positive one.

2. Background to its being raised

Meng Foon, District Mayor of Gisborne - Tairāwhiti raised the matter as a proposal to Gisborne District Councils (GDC) Future Tairāwhiti Committee on 20 April 2017.

After gaining Committee support, the recommendation to proceed with this application to LGNZ AGM was adopted by the full Council at their meeting on 18 May 2017.

The proposal has a timely connection with the February 2017 launch of the Tairāwhiti Economic Action Plan (EAP). The EAP recognises that taking a strategic and coordinated approach to grow our Regions share in the tourism market has the potential to generate an annual GDP return of \$6.5m (within 5 years) to our Region. It is also projected to bring >40 additional jobs per annum.

This proposal is one step towards adopting a strategic and coordinated approach to investment in Regional tourism growth. It is relevant to local government as a whole and has the potential to benefit the New Zealand economy.

3. New or confirming existing policy

The proposal of a GST remit to be used to maintain and enhance public and visitor infrastructure is new but it is consistent with Councils strategic priorities. These priorities are reflected in the Long Term Plan (LTP) projects and activities and align with our vision and community outcomes.

The strategic priorities that specifically relate to the proposal are:

- Prosperous Tairāwhiti – fostering economic growth and community well-being; &
- Mana Tairāwhiti – enhancing and enjoying our unique region.

The proposal is also consistent with the Tairāwhiti Economic Action Plan and the Tairāwhiti Māori Economic Development Report (28 February 2017). Both documents represent more than 18 months of collaboration between regional groups, industry groups, local businesses and iwi, with support from central government through the Regional Growth Programme.

Both documents recognise that investment in some core tourism infrastructure has a big role to play in hosting people and making them feel comfortable about the region.

4. How the issue relates to objectives in the current Work Programme

Council's current work programme, described in the 2015-2025 LTP, prioritises investment in community infrastructure that strengthens 'Our Place'. This includes our parks, pool, public spaces, sports grounds, our library and theatres. It also includes investing in our rural towns; cycle and walkways that improve connections and heritage trails, such as Council's major project Tairāwhiti Navigations .

All of these public infrastructure assets contribute to a positive visitor experience. All of these assets are currently paid for by ratepayers.

5. What work or action on the issue has been done on it, and the outcome

The Regions have all been working closely with the Ministry of Business, Innovation & Employment (MBIE) and the Ministry for Primary Industries (MPI) to explore opportunities to increase jobs, income and investment. This work to-date is reflected in the Tairāwhiti Economic Action Plan. As described at (2) in this application, the EAP lists tourism growth and activities as a key Sector Action that will contribute to major economic benefits for the region by 2022.

The proposal for a percentage return of GST generated in the Region for the purposes of being reinvested in public infrastructure that supports the positive visitor experience is consistent with the GDC Financial Strategy (2015-2025 LTP) which describes an overarching aim to be 'financially sustainable' and a key direction to 'balance user pays emphasis with public good'.

The proposal is also consistent with the purpose of the Local Government Act (2002) whereby local authorities are provided the ability "...to play a broad role in meeting the current and future needs of their communities for good quality local infrastructure (and) local public services..."

6. Outcome of any prior discussion at a Zone or Sector meeting

No.

7. Evidence of support from Zone/Sector meeting or five councils

The Mayor of Gisborne- Tairāwhiti, Meng Foon has canvassed other councils and has the all-inclusive support of at least five other local authorities. The written evidence showing the support of the Gisborne District Council, Nelson City Council, Napier City Council, Tasman District Council, Wairoa District Council to support Mayor Meng Foon's proposal are attached to this letter as appendix 1.

8. Suggested course of action envisaged.

That Local Government New Zealand (LGNZ) request that the Government use the appropriate mechanisms to enable a proportion of the 15% Goods and Service Tax (GST) be returned to the regions it was generated in so that Councils can use this money to pay for the servicing of visitor infrastructure.

Yours sincerely

Meng Foon
District Mayor
Gisborne- Tairāwhiti

3

National legislation to manage cats

Remit:	That Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to develop national legislation to manage cats with the proviso that legislation includes provision for cost recovery for cat management.
Proposed by:	Dunedin City Council
Supported by:	Auckland Council
	Palmerston North City Council
	Rangitikei District Council
	Masterton District Council
	Otago District Council
	Invercargill City Council
	Hastings District Council

Background information and research

Nature of the issue

Throughout New Zealand many local authorities are individually trying to promote responsible cat ownership, good cat management and reduce the environmental impact cats have on our wildlife. The introduction of national legislation would help address these concerns and enable a consistent approach throughout New Zealand.

Concerns regarding nuisance caused by companion, stray and feral cats have been raised by the community via multiple channels, including unprompted comments in response to the Dunedin Residents' Opinion Survey 2014 and Dog Control Survey. Cat control is an issue that has also been raised in submissions received on the review of bylaws that regulate dogs as well as the use of parks and reserves. Submitters have requested the district council take additional measures to control cats so that urban and rural wildlife is protected.

Background to it being raised

Throughout New Zealand, companion cat and feral cat numbers are believed to be increasing. While the exact number of cats in New Zealand is unknown, the cat population is estimated at 1.4 million.

Councils are tasked with trying to promote responsible cat ownership and reduce their environmental impact on wildlife, including native birds and geckos. Yet, district council powers for cats are for the purpose of minimising the impact on people's health and wellbeing. The regional council's powers are restricted to destruction of feral cats as pests. There are no statutory powers available for the district council to implement an alternative solution such as requiring companion cat owners to control their cats to avoid or minimise the harm of companion cats on urban or rural wildlife.

This is confirmed by the Local Government Act 2002 which specifies that Council's powers to make bylaws are restricted to matters of public welfare such as:

- “(a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.”¹ (emphasis added)

While the Local Government Act 2002 provides in section 146(a)(v) that the Council may make a bylaw for the keeping of animals, these powers are restricted to ensuring cats kept on a property to avoid a nuisance or cause a health problem for people.

A district council may not pass a bylaw to control cats for the purpose of generally protecting wildlife beyond the boundary of a reserve administered under the Reserves Act 1977, as the purposes for passing a bylaw specified in the Local Government Act 2002 are directed at ensuring that companion cat ownership does not adversely affect people.

This remit seeks the protection of our wildlife and native species by seeking regulatory powers for the Council to prescribe cat control measures for the protection of wildlife in urban and rural areas. Regulatory powers for companion cat control measures could include:

- Cat identification (e.g. collars and/or microchipping) of cats is a method of identifying the person that is the owner of the cat.
- Cat de-sexing
- Responsible cat ownership (such as locking in cats overnight and wearing collars with bells).

A secondary issue is the power to enforce those measures by way of issuing an infringement notice for a breach of a bylaw. Currently, a Council is not permitted to introduce infringement offences as Parliament has not yet enacted the regulations under the Local Government Act 2002 required to permit Councils to create an infringement fine for a breach of bylaws.

¹ Section 145, Local Government Act 2002

On 16 May 2017 the Dunedin City Council made a resolution that Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to give Councils statutory power to control companion cats.

How the issue relates to objectives in the current Work Programme

This issue relates to maintaining and enhancing the quality of New Zealand's environment which is policy priority three in the LGNZ policy statement. Therefore this remit supports the work programme of LGNZ.

Outcome of any prior discussion at a Zone/Sector meeting or 5 Councils

Seven councils have indicated support for the remit.

Suggested course of action envisaged

That Local Government New Zealand lobby the Government to develop legislation at a national level akin to the Dog Control Act 1996 which would cover (but not necessarily limited to): Functions, duties, and powers of territorial authorities

- Cat control officers and cat rangers
- Cat registration (including chipping)
- Obligations of owner
- Infringement offences
- Custody of cats

A Cat Control Act would give Councils the necessary statutory power to control cats.

4

Development of a Sugar Sweetened Beverages Policy

- Remit:** All councils should consider the development of a Sugar Sweetened Beverages Policy for their respective workplaces and facilities.
- Proposed by:** Hastings District Council
- Supported by:** South Taranaki District Council
Central Hawke's Bay District Council
Nelson City Council
Wairoa District Council
Palmerston North City Council
Hawke's Bay Regional Council

Background information and research

Nature of the issue

There is a growing awareness of the association between too much sugar and a number of health related conditions including obesity, poor dental health, and serious medical conditions such as type-2 diabetes. Sugar sweetened beverages are recognised as being one of the leading contributors of sugar to the diets of New Zealanders.

Councils are well positioned to positively influence the health behaviours of its staff, elected representatives, and visitors, and to model good health behaviours for the wider community through the development of sugar sweetened beverage policies.

Councils lack guidance on the format and content of a policy on this issue. The provision of such guidance assists in enabling positive action on reducing the harm from the consumption of sugar sweetened beverages.

Background to it being raised

Choose Water Hawke's Bay presented to the Hastings District Council's Planning and Regulatory Committee in March 2017. *Choose Water Hawke's Bay* is a group of oral health promoters formed to look at local health measures to raise awareness of the detrimental effects of sugar sweetened beverages in the Hawke's Bay community and to promote healthy beverage alternatives. *Choose Water Hawke's Bay* sought support from Council to understand the problem and promote solutions; and to develop a Policy that provides a sugar free drink haven within Council facilities and Council run events. In response to *Choose Water Hawke's Bay* presentation, the Planning and Regulatory Committee agreed inter alia 'that a remit on Sugar Free Drinks and/or choose water be formulated and submitted to Local Government New Zealand for consideration'.

New or confirming existing policy

In 2013, the Nelson Marlborough District Health Board became the first Health Board in the country to implement a policy limiting access to sugar sweetened beverages. Nelson City Council supported this initiative through their own sugar sweetened beverages policy.

How the issue relates to objectives in the current Work Programme

The issue is not currently in the LGNZ current work programme.

What work or action on the issue has been done on it, and the outcome

Hastings District Council has been asked to: develop a Policy on sugar sweetened beverages and to develop a policy on a Sugar Free Drink Haven within Council Facilities and Council run events. Development of these policies has been initiated.

As mentioned above Nelson Marlborough District Health Board and Nelson City Council have developed policies limiting access to sugar sweetened beverages.

While some individual Councils have considered the development of sugar sweetened beverages for their respective Councils here is no overall Local Government policy or position on this matter.

Any existing relevant legislation, policy or practice

No relevant legislation identified.

The World Health Organisation (WHO) recommends that free sugars should contribute to no more than 10% of total energy intake, equivalent to approximately 12 teaspoons of sugar per day for an average adult.

Outcome of any prior discussion at a Zone/Sector meeting or five Councils

In gaining support from other Councils Palmerston North City Council requested that consideration also be given to the banning of artificial sweeteners. The approval of the supporting Councils was sought and at the time of writing, this amendment has been supported by Hastings District Council, Nelson City Council and Hawke's Bay Regional Council.

Suggested course of action envisaged

That all Councils should consider the development of a Sugar Sweetened Beverages Policy for their respective workplaces and facilities.

That LGNZ provide template policy and guidelines to assist Councils with the development of such policies.

That LGNZ collect data on the development of Sugar Sweetened Beverage Policies by Councils and report back at the 2018 LGNZ Annual General Meeting.