



## Martinborough Community Board

Minutes 28 January 2013

- Present:** Pam Colenso (Chair), Jo Guscott, Adi McMaster (from 6:55pm), Cr Julie Riddell and Cr Max Stevens.
- In attendance:** Mayor Adrienne Staples, Mark Allingham (Infrastructure and Services Group Manager) and Suzanne Clark (Committee Secretary).
- Conduct of Business:** The meeting was conducted in public in the South Wairarapa District Council Chambers, 19 Kitchener Street, Martinborough on Monday 28 January 2013 between 6:30 and 7:35pm.

### PUBLIC BUSINESS

#### 1. APOLOGIES

*MCB RESOLVED (MCB 2013/01)* to receive apologies from Heather Gibbs and Dr Jack Dowds.

*(Moved Cr Stevens/Seconded Guscott)*

Carried

#### 2. CONFLICTS OF INTEREST

Cr Stevens declared a conflict of interest with the application for financial support from the Martinborough Business Association due to his involvement with the Martinborough Lions.

#### 3. PUBLIC PARTICIPATION

There was no public participation.

#### 4. COMMUNITY BOARD MINUTES/EXPENDITURE

4.1 Martinborough Community Board Minutes – 19 November 2012

*MCB RESOLVED (MCB 2013/02)* that the minutes of the Martinborough Community Board meeting held on 19 November 2012 be confirmed as a true and correct record.

*(Moved Cr Riddell/Seconded Guscott)*

Carried

4.2 Matters arising

There were no matters arising.

4.3 Action items from previous meeting

The Community Board reviewed the action items and updates were provided.

### DISCLAIMER

*Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness*

- 4.4 Income and Expenditure Statement  
*MCB RESOLVED (MCB 2013/03)* to receive the Income and Expenditure Statement to 31 December 2012.  
*(Moved Cr Stevens/Seconded Colenso)* Carried

**5. OPERATIONAL REPORTS – COUNCIL OFFICERS**

- 5.1 Officers' Report to Community Boards  
The Community Board reviewed the report and the Group Manager Infrastructure and Services advised that new water supply consents had been granted but a change of conditions had been imposed by the Regional Council. Due to dry weather these conditions have triggered a request to high water users to modify their water usage.  
*MCB RESOLVED (MCB 2013/04):*
1. To receive the officer's report.  
*(Moved Cr Riddell/Seconded Cr Stevens)* Carried
  2. Action 19: Before the Pony Club lease is signed, undertake a walk over Considine Park with the Pony Club to ensure facilities are at an appropriate standard and then benchmark this standard for future inspections; M Allingham

**6. COMMUNITY BOARD CONFERENCE**

- MCB RESOLVED (MCB2013/05)* that Mrs Colenso and Adi McMaster would attend the LGNZ Community Board Conference and that the Community Board would pay the cost of Mrs Colenso's attendance.  
*(Moved Cr Riddell/Seconded Guscott)* Carried

**7. COMMUNITY BOARD – COUNCILLORS REPORTS**

- 7.1 Town Centre Committee  
It was expected the Martinborough Library would relocate to new premises at the end of February but the lease was still being negotiated.
- 7.2 Considine Park Committee  
There was no report.
- 7.3 Martinborough Town Hall Working Group  
Cr Stevens reported that the Working Group had scheduled a brain storming meeting for the 31 January 13 in order to prioritise refurbishment work and to better understand what the community wanted from the Hall.
- 7.4 Martinborough Playground  
Mrs Guscott confirmed that the wood bark containment edging in the Martinborough Playground should be removed. Mrs Guscott wanted to look at additional equipment in conjunction with playground users.

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7.5 Other Reports

The Community Board noted that the Martinborough Swimming Pool was being well used, the water was warmer as a result of the new cover and that lifeguard staff were doing a good job. The Group Manager Infrastructure and Services undertook to pass feedback on to CLM. The purchase of a slide was discussed.

*MCB NOTED:*

1. Action 20: Prepare a report for the March community board meetings proposing liquor ban options for playgrounds and central areas of the town centres following initial discussion with community organisations this may affect; V Tipoki
2. Action 21: Reinstate the barriers by the Martinborough Swimming Pool; M Allingham

**8. CORRESPONDENCE**

8.1 Outwards

To Martinborough School from the Committee Secretary (on behalf of the Martinborough Community Board) dated 5 December 2012.

**9. FINANCIAL ASSISTANCE**

9.1 Victim Support

*MCB RESOLVED (MCB2013/06)* to grant Victim Support \$500 for ongoing support in the South Wairarapa.

*(Moved Cr Stevens/Seconded Guscott)* Carried

9.2 Martinborough Business Association

*MCB RESOLVED (2013/07):*

1. To fund the advertising for the Martinborough Barrel Race at a cost of \$51.20.
2. To grant the Martinborough Business Association \$182.50 to put towards the cost of a traffic management plan for the Martinborough Barrel Race.

*(Moved Cr Riddell/Seconded Guscott)* Carried

**Confirmed as a true and correct record**

.....Chairperson

.....Date

**DISCLAIMER**

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**Martinborough Community Board  
Action Items  
From 28 January 2013**

Ref #	Meeting	Date	Action Type	Responsible Manager	Action or Task details	Status	Notes
468	MCB	27-Aug-12	Action	Mark	Follow-up with Councils electrician regarding lights replacement in Martinborough Square to ensure everything is on-track	Actioned	City care task 1808808
629	MCB	19-Nov-12	Resolution	Mark	<b>Town Centre Committee</b> MCB RESOLVED (MCB 2012/62) to request that council officers seek pricing for four wooden seats for Martinborough Square as per the tabled example. (Moved Guscott/Seconded McMaster) Carried	Open	Need to confirm final design from the Martinborough Development Plan
636	MCB	19-Nov-12	Action	Pam Colenso	Advise Council's Roading and Reserves Manager and the Town Centre Committee Chair that MCB would like the arborist works in Martinborough Memorial Square to be progressed (Group Manager I&S to advise City Care);	Actioned	To be done from \$10k for MBA. City care task 1801427. Karl from City care to meet square committee asap.
637	MCB	19-Nov-12	Action	Mark	Request that Considine and Centennial Parks are sprayed; particularly in the areas of removed trees and along the track.	Actioned	City care task 1801427
638	MCB	19-Nov-12	Action	Mark	Request City Care contact Heather Gibbs to discuss the involvement of Martinborough School in a tree planting programme in Considine and Centennial Parks	Actioned	Helen meeting with Heather Gibbs
639	MCB	19-Nov-12	Action	Mark	Request the remove of the bark/playground containment edging from the Martinborough Playground	Actioned	Officers would prefer not to as it will have bark all over the place
640	MCB	19-Nov-12	Action	Mark	Prune trees along Piritanga and Huangarua Roads	Open	152 Trees planted under power lines, 77 need to be pruned back or lowered to be safely clear of powerlines. Scott Messer has been contacted to review.
16	MCB	28-Jan-13	Resolution	Paul	MCB RESOLVED (MCB2013/05) that Mrs Colenso and Adi McMaster would attend the LGNZ Community Board Conference and that the Community Board would pay the cost of Mrs Colenso's attendance. (Moved Cr Riddell/Seconded Guscott) Carried	Actioned	
17	MCB	28-Jan-13	Resolution	Paul	MCB RESOLVED (MCB2013/06) to grant Victim Support \$500 for ongoing support in the South Wairarapa. (Moved Cr Stevens/Seconded Guscott) Carried	Actioned	Invoice received, payment being processed.
18	MCB	28-Jan-13	Resolution	Paul	MCB RESOLVED (2013/07): 1. To fund the advertising for the Martinborough Barrel Race at a cost of \$51.20. 2. To grant the Martinborough Business Association \$182.50 to put towards the cost of a traffic management plan for the Martinborough Barrel Race. (Moved Cr Riddell/Seconded Guscott) Carried	Actioned	

Ref #	Meeting	Date	Action Type	Responsible Manager	Action or Task details	Status	Notes
19	MCB	28-Jan-13	Action	Mark	Before the Pony Club lease is signed, undertake a walk over Considine Park with the Pony Club to ensure facilities are at an appropriate standard and then benchmark this standard for future inspections	Actioned	
20	MCB	28-Jan-13	Action	Vanessa	Prepare a report for the March community board meetings proposing liquor ban options for playgrounds and central areas of the town centres following initial discussion with community organisations this may affect	Actioned	
21	MCB	28-Jan-13	Action	Mark	Reinstate the barriers by the Martinborough Swimming Pool	Actioned	

<b>Martinborough Community Board</b>	
<b>Income &amp; Expenditure to 28 February 2013</b>	
<b>INCOME</b>	
Balance 1 July 2012	38,078.79
Annual Plan 2011/13	19,020.00
Flag Money - Sold by The Mayor	52.17
<b>TOTAL INCOME</b>	<b>57,150.96</b>
<b>EXPENDITURE</b>	
Members' Salaries	4,783.24
<b>Total Personnel Costs</b>	<b>4,783.24</b>
AP RF111 Ngawi Plantings & Irrigation	1,500.00
AP Mr A R Matthews RF323 Materials for Picnic table	1,564.00
AP Local Governmen 2012/13 Annual Community Board Levy	166.68
AP Fairfax Media Barrell race	51.20
AP Ms P J Broom Reimb Fireworks & Portaloo costs	642.26
<b>Total General Expenses</b>	<b>3,924.14</b>
Transfer funds to MBA Town Hall donation to MBA Town Hall	1,000.00
AP Martinborough B 1/2 share traffic mgmnt plan	182.50
<b>Total Grants</b>	<b>1,182.50</b>
<b>TOTAL EXPENDITURE</b>	<b>9,889.88</b>
<b>ACTUAL NET SURPLUS/(DEFICIT) YEAR TO DATE</b>	<b>47,261.08</b>
<b>LESS: COMMITMENTS</b>	
Salaries to 30 June 2013	3,621.76
Funds for walkway	5,000.00
Tora Picnic table and concrete	766.00
<b>Total Commitments</b>	<b>9,387.76</b>
<b>BALANCE TO CARRY FORWARD</b>	<b>37,873.32</b>

# MARTINBOROUGH COMMUNITY BOARD

11 MARCH 2013

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## AGENDA ITEM 6.1

### OFFICERS' REPORT

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#### **Purpose of Report**

To update community boards and the Maori Standing Committee on Corporate Support, Infrastructure and Services and Planning and Environment Group activities.

#### **Recommendations**

Officers recommend that the Community Board/Committee:

1. *Receive the information.*

## CORPORATE SUPPORT GROUP

### **1. Executive Summary**

The intervening period between the last report and this has been punctuated by annual leave, and catching up on a backlog of work.

The first cut of the budgets has been prepared and will be available in due course.

A draft of the annual plan timetable is included for consideration.

A reasonable amount of time has been spent keeping up to date with the ever changing regulatory environment within local government including implications of the Local Government Act 2002 Amendment Act 2012, and the Productivity Commission's report "Towards Better Regulation"

### **2. Discussion**

#### **2.1 Operating System Replacement**

The operating system replacement continues as planned with all modules installed and running. Additional training will take place over the next few months to ensure we get the best out of the system.

## 2.2 Rate Arrears

Efforts continue on rate arrears. The table below outlines the situation as at 11 February 2013, and excludes multi ownership Maori land.

Date	Amount \$'000	Number	Days since instalment due	SWDC component \$'000  (81%)
30 June 2011	\$851	631	31	\$689
1 August 2011	\$780	463	64	\$632
28 November 2011	\$969	760	7	\$785
1 March 2012	\$925	690	7	\$740
16 March 2012	\$830	602	23	\$672
23 March 2012	\$790	555	30	\$640
1 June 2012	\$855	722	10	\$692
19 June 2012	\$730	632	31	\$591
10 September 2012	\$947		21	\$767

The fragility of rate arrears has unfortunately reared its ugly head. I have no view on why this instalment has increased, however we will be pursuing the outstanding amounts as usual.

## 2.3 Local Government Act 2002 Amendment Act 2012

Attached as Appendix 1 are two documents providing commentary on the impacts of the above Act.

The first document includes a legal opinion from Simpson Grierson, the brief for this opinion is included in the memo dated 18 January 2013 from Local Government New Zealand

The second document is entitled "Purpose Clause: Frequently Asked Questions" and is published by SOLGM.

No analysis is provided here, however Officer Reports will need to take into account the above changes when preparing reports and recommendations.

It is important that all decision makers are aware of these changes, especially the implications around the LTP being prepared under the old legislation.

## 2.4 Legal Implications

The changes to the local government legislation may pose some legal challenges, these will need to be included in the analysis sections of reports prepared by Officers.



## **2.5 Financial Considerations**

There are no financial implications arising out of this report.

## **3. Appendix**

Appendix 1 – Commentary on Changes to the Local Government Act as a Result of the Local Government Act 2002 Amendment Act 2012

Appendix 2 – Proposed 2013/14 Annual Plan Timeline

Contact Officer: Paul Crimp, Group Manager Corporate Support

**Appendix 1 – Commentary on  
Changes to the Local  
Government Act as a Result of  
the Local Government Act  
2002 Amendment Act 2012**



18 January 2013

### **Mayors, Chairs and Chief Executives**

Following the enactment of the Better Local Government Amendment Bill 2012, there has been a significant change to the purpose of local government. Therefore, we have commissioned Simpson Grierson to provide us with advice on how this change will affect the sector.

We now enclose this advice for free distribution to all our members.

The advice details the nature of the legal risk associated with the legislative change and recommends procedural changes to minimise, as much as possible, the legal exposure.

There will be legal uncertainty until the parameters of the law are tested in court.

In addition, Jonathan Salter, Partner at Simpson Grierson, has accepted an invitation to speak to this advice and take questions from the sector at upcoming rural, provincial, metro and regional sector meetings.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'L. Yule', written in a cursive style.

Lawrence Yule  
President  
Local Government New Zealand

18 January 2013

**Partner Reference**  
J M T Salter - Wellington

Malcolm Alexander  
Chief Executive  
Local Government New Zealand  
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Dear Malcolm

### **The amended purpose of local government – risk management**

1. We have been asked to advise on the change to the purpose of local government effected by the Local Government Act 2002 Amendment Act 2012 (**Amendment Act**). In particular, we are to address how local authorities may mitigate litigation risk arising from the change.

#### **Executive Summary**

- The change to the purpose clause (section 10) is a significant and complex change from a legal perspective.
- It offers generous opportunities for those wishing to challenge activities and expenditures of local authorities, by way of judicial review or declaratory proceedings.
- Continued detailed analysis of the implications and effects for local government will be appropriate in the New Year.
- The absence of transitional or savings provisions could be taken to suggest that Parliament did not regard the practical effect as significant. This may be backed up by some comments from members of the government in resisting submissions during the legislative process aimed at moderating the perceived rigour of the changes. However, the Courts will likely start from an established assumption that if Parliament changes statutory wording, it does so intending a change in interpretation.
- Whilst it is difficult to anticipate the approach the courts may take to a judicial review, there may be some expectation that:
  - they may be inclined to take a pragmatic approach to the economic concepts;
  - they will be less inclined to intervene where the elected council has applied its mind to the issues and exercised a discretion;
  - they will be more likely to intervene where the council has not applied its mind to the issues, especially specific analysis of "most cost effective".

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- There can be some comfort that matters expressly mandated by the 2012 long term plans will be intra vires, but their delivery will have to be in a most cost effective manner.
- There is scope for interpretation around the terms "local infrastructure" and "local public services".
- On any new expenditure or activity which is outside the scope of section 11A, a council should expressly determine that the activity falls within "local infrastructure" or "local public services", and address why it meets the community's needs for the expenditure or activity which is "good quality".
- Council reports should, as a matter of course, address options and identify the recommended one as seen as being most cost effective for households and businesses (allowing for costs over time and indirect and contingent costs).

In the balance of this letter, we expand on the issues which support these views.

At this time, the two critical points to be made are:

- the actual legal effect of the changes on local authority powers will depend on judicial interpretation; and
- local authorities may be able to avoid unwelcome judicial outcomes by approaching the issues with caution and giving express attention to the new concepts wherever practicable.

### The Legislative context

2. As enacted in 2002, the purpose of the Local Government Act 2002 (**LGA**) set out in section 3 was:

#### **3 Purpose**

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

3. Section 10 set out the purpose of local government as:

#### **10 Purpose of local government**

The purpose of local government is—

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

4. The role of a local authority and the status and powers of a local authority are linked to the purpose statement in section 10 as follows:

**11 Role of local authority**

The role of a local authority is to—

- (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
- (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

**12 Status and powers**

(1) A local authority is a body corporate with perpetual succession.

(2) For the purposes of performing its role, a local authority has—

- (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
  - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) is subject to this Act, any other enactment, and the general law.
- (4) A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.
- (5) A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.
- (6) Subsections (4) and (5) do not—
- (a) prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or
  - (b) prevent a transfer of responsibility from one local authority to another in accordance with this Act; or
  - (c) restrict the activities of a council-controlled organisation; or
  - (d) prevent a local authority from making a donation (whether of money, resources, or otherwise) to another local authority or to a person or organisation outside its district or region or outside New Zealand—
    - (i) if the local authority considers, on reasonable grounds, that the donation will benefit its district or region, or the communities within its district or region; or
    - (ii) if the local authority considers, on reasonable grounds, that a benefit will be conferred on the local government sector as a whole; or
    - (iii) for emergency relief; or
  - (e) prevent a local authority from making a donation (whether of money, resources, or otherwise) to a local government body outside New Zealand to enable it to share its experience and expertise with that body.

5. Section 13 provides:

**13 Performance of functions under other enactments**

Sections 10 and 12(2) apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

6. The Amendment Act has altered section 3 and section 10 as follows:

**4 Section 3 amended (Purpose)**

Replace section 3(d) with:

- "(d) provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions."

**7 Section 10 amended (Purpose of local government)**

(1) Replace section 10(b) with:

- "(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses."
- (2) In section 10, insert as subsection (2):
- "(2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
- "(a) efficient; and
- "(b) effective; and
- "(c) appropriate to present and anticipated future circumstances."
7. Sections 11 and 12 are unaltered but the effect of them has changed due to the link with section 10: The powers of local authorities are defined in section 12 by reference to the role of local government in section 11, which in turn is defined by reference to the purpose of local government in section 10.<sup>1</sup>
8. The change to the purpose of the Act (to section 3(d)) is relatively unproblematic. The effect is a change from a purpose of the Act being to provide for local authorities to play a broad role in promoting community wellbeing in a sustainable way, to them playing a broad role in meeting the current and future needs of their communities for good quality local infrastructure, local public services and the performance of regulatory functions. The term "good quality" has the meaning ascribed to it by the new section 10(2).
9. This purpose is relevant to the interpretation of the Act in its generality. Section 5(1) of the Interpretation Act 1999 provides that "the meaning of an enactment must be ascertained from its text and in light of its purpose."
10. The far more significant change is to the purpose of local government in section 10 for three main reasons,
- (a) the purpose of meeting communities' current and future needs for good quality local infrastructure, local public services and regulatory functions, has an additional component – to do so in a way that is most cost effective for households and businesses.
- (b) this purpose provision does not just aid interpretation of the Act. By virtue of the link to sections 11 and 12, it plays a fundamental part in defining the role of local authorities and circumscribes their powers. This is because the general powers of a local authority are defined by reference to its role which is defined by reference to the purpose: a local authority has full capacity to carry on or undertake any activity or business, do any act or enter into any transaction, but only for the purpose of performing its role.<sup>2</sup>

<sup>1</sup> Section 11A is also unchanged, but its effect is modified by its reference to the role in section 11. Section 11A provides:

**11A Core services to be considered in performing role**

In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:

(a) network infrastructure:

(b) public transport services:

(c) solid waste collection and disposal:

(d) the avoidance or mitigation of natural hazards:

(e) libraries, museums, reserves, recreational facilities, and other community infrastructure.

<sup>2</sup> The specific constraints in subsections (3) to (5) of section 12 continue to apply, as do the specific authorisations in section 12(6), at least in so far as the latter are not prevented by subsections (4) and (5).

- (c) the link to community choice is weakened. The previous definition of "community outcomes" which linked them to the promotion of community wellbeing meant that what constituted a particular council's role and therefore its powers was determined through the community engagement and consultation process of the long term plan. This meant that appropriate consultation could substantially define what it was which promoted "community wellbeing". "Community outcomes" now means "the outcomes that a local authority aims to achieve in meeting the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions". This means that long term plan consultation may still mandate activities. However, the manner of delivery must be in a manner that is most cost effective for households and businesses. This has less to do with community preference manifested through consultation and is clearly directed solely at economic and financial considerations.

11. The role of local authorities by virtue of the unamended section 11(b) is to perform the duties, and exercise the rights, conferred on them by or under the Local Government Act 2002 and any other enactment. Importantly this includes various statutory duties conferred under legislation such as the Resource Management Act 1991 and the Building Act 2004. However, by virtue of section 13 of the LGA the performance of such regulatory functions must now be in a way that is most cost effective for households and businesses.

#### Litigation Risk

12. The obvious litigation risk that arises from these changes is that any disaffected party may have grounds for a successful judicial review if it can establish that a Council expenditure relates to an activity, action or transaction which cannot be shown to meet the community's need for efficient and effective local infrastructure, or local public services in a way that is most cost effective for households and businesses. This could occur in several ways:
- (a) it is not established that the community's needs are met by the activity;
  - (b) the activity does not fall within "local infrastructure", "local public services" or "regulatory functions";
  - (c) it is not the most cost effective option for households and businesses.

#### Absence of Transition or Savings

13. Although there are indications in the legislative process that the intention was to narrow Council activity, there are no transitional provisions or savings of particular actions enacted. This could suggest that Parliament did not consider the change to be one that would raise particular difficulties in managing transition – as the relevant provisions took effect immediately following Royal assent.
14. In terms of section 96(1) of the LGA, the effect of a long term plan is to provide a formal and public statement of the local authority's intentions in relation to the matters covered by the plan. Section 96(2) and (4) provides that the adoption of a long term plan does not constitute a decision to act on any specific matter included within it and that no person may compel a council to implement the provisions of an LTP. However, it is reasonable to assume that had Parliament intended that the LTPs adopted under the legislation that applied just six months before it was amended ceased to be a "formal and public statement of the local authorities intentions" it would have provided



some statutory mechanism for transitioning to the altered purpose and powers of local authorities. There are therefore indications that a pragmatic approach might be taken by the Courts for so long as activities and expenditure remain within the ambit of matters set out in the 2012 long term plans during their currency.

### Interpretation Issues

15. There are significant uncertainties in interpreting the changes.
16. Strictly speaking, the term "local" in relation to "infrastructure" and "services" is unnecessary as sections 11 and 12(4) and 12(5) limit the ambit of every council's activities to its district (or region) which is what explains the "local" in "local authority". However, neither of the terms "infrastructure" nor "services" are defined.
17. Section 2 of the Resource Management Act 1991 defines "infrastructure" in quite a narrow way. More helpfully, in section 197 of the LGA, for the purposes of the development contributions provisions, there are definitions of both "community infrastructure" and "network infrastructure". "Community infrastructure" is defined by reference to land or assets of a territorial authority to provide public amenities. "Network infrastructure" means the provision of roads and other transport, water, waste water and storm water collection and management. "Public amenities" would appear to be a wide concept.
18. "Public services" is a term not defined in any legislation, but a dictionary definition includes:
 

A service provided for the community, esp. under the direction of local or central government or other official agency.<sup>3</sup>
19. We have undertaken limited research into New Zealand statutes for use of the term "most cost effective". There is frequent reference to "cost effective" and much less frequent use of "most cost effective", generally in reference to matters to be taken into account or have regard to. There is certainly little clear assistance in the case law to the meaning of the term for present purposes.
20. In a 2001 report by the Auditor General "*Local Government: Improving the Usefulness of Annual Reports*" there was a particular focus on cost effectiveness. The report stated:
 

**Cost effectiveness (impact or outcome over cost)**, and standard and quality of service delivery (standard or quality over cost). [emphasis added]
21. This implies a somewhat different approach to "cost effectiveness" from the standard economic approach which derives from the analysis of economic efficiency, where one alternative is preferred to another if it provides greater benefit at the same or lower cost, or lower cost for the same or greater benefit. This definition leaves open the question of which of two alternatives is more efficient if one provides greater benefit than the other but at lower cost.
22. The word "most" is the superlative of "many and much", that is to say the maximum.
23. Aside from the uncertainty about the meaning of "most cost effective", there is also the dilemma about how to balance the impacts on households and businesses, and over

3 Shorter Oxford English Dictionary (6th Ed Oxford University Press, United States 2007)


time (for example an option which is cheapest now may be more expensive to maintain, or vice versa).

24. Potentially a great deal of analysis and consideration could be applied to clarifying these concepts. There is a great deal of UK case law (not much of it encouraging) on the meaning of "best value for money", which may mean much the same as "most cost effective", or at least give an indication of the approach that will likely be taken by the judiciary.

#### **Possible approaches**

25. Given the apparent ambivalence of the Government about the effect of the reform beyond encouraging fiscal restraint, and the reluctance of Judges to engage in arcane economic arguments, it may be reasonable to expect sympathetic judicial consideration provided it is clear there is explicit Council consideration of the relevant matters. The traditional position of the Courts is not to intervene in the exercise of Council discretion provided the relevant mandatory considerations have been taken into account and the outcome is not otherwise, in a legal sense, unreasonable.
26. In relation to future decision making on activities which are not clearly within the ambit of core services set out in section 11A of the LGA and 2012 long term plans, it would be prudent to specifically address why the Council believes that the activity "meets the current and future needs of communities for one or other of good quality local infrastructure, good quality local public services, or good quality performance of regulatory functions". In relation to any decision making that involves expenditure, there should be a sufficient identification of alternatives and costs to address the Council's assessment that the expenditure is in a way that is most cost effective for households and businesses.

Yours sincerely



pp.  
Jonathan Salter  
Partner

SIMPSON GRIERSON

## Purpose Clause: Frequently Asked Questions

### Disclaimer

These frequently asked questions represent SOLGM's interpretation of the new statement of purpose of local government as set out in section 10 of the Local Government Act 2002, as it appears in the version of the Bill post the Committee of the House Stage.

The answers herein are based on an interpretation of section 10 that accords with our understanding of the Government's intention, principles of statutory interpretation, and the other provisions of the Act.

Every effort has been made to ensure that the information in this guide is as accurate as possible, including review by legal advisors and representatives of the Department of Internal Affairs. The courts are the final arbiter of what legislation actually means.

This document is not a substitute for appropriate legal and policy advice. Neither SOLGM nor the individuals involved in the preparation of this document accepts any liability for loss or damage arising from the use of material contained herein.

#### 1. *What's happened to the purpose clause?*

Parliament has amended section 10(b) of the Local Government Act 2002 by deleting the references to the "*promoting the social, environmental, economic and cultural wellbeing of their communities, in the present and future*" and replacing it with the following:

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

Parliament has also made a similar change to section 3(d) of the same Act (the section that sets out the purpose for the Local Government Act itself). The amendment establishes that the Act

*“provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services and performance of regulatory functions.”*

More generally, Parliament amended other references to community wellbeing in the Local Government Act. These include amendments to:

- the section 5 definitions of *community outcomes* and *significance*
- the explanation of “taking a sustainable development approach” in section 14(1)(h)(i) – where the term *wellbeing* has been replaced with the word *interests*
- the section 77(1)(b)(i) requirements for decision-making processes – where again the term *interests* has been used
- section 101(3)(b) – the complete reference to wellbeing has been removed, leaving this as a duty to consider the overall impact for any allocation of revenue needs on the community.

## 2. *Why has this change been made?*

The Government announced these changes as part of the 19 March Better Local Government announcements under the heading “refocus the role of local government”.

That set of announcements criticized the present purpose of local government as “unrealistic”, “creating false expectations about what councils can achieve” and “confusing the proper roles with respect to central government and the private sector”.

The following comment has been overlooked in most commentary post the announcements

*“A balance is needed that provides greater clarity of councils’ role but which recognises the diverse needs of local communities throughout New Zealand.”*

## 3. *When do the changes to the purpose clause take effect ?*

The new purpose clause took effect on 5 December 2012. There is no transition clause – so the new purpose applied to all decisions taken on, and from, 5 December

4. *What's happened to the "core services clause" that Parliament added to the Act in 2010? How do this clause and the new purpose clause "fit together"?*

Section 11A (the so-called core services clause) remains in the Act. The latest amendments to the Act have not amended this clause in any way. As now, when making decisions and taking action your local authority should have regard to the contribution that the specified list of services make to your community. The link with section 10 (if there is one) is no more or less direct than at present.

5. *What are "local infrastructure", "local public services" and "local regulation" ?*

The Act does not define the term "local". The Better Local Government announcements suggest the Government's intent in using the term "local" was to focus local authorities on *"those services that only councils can provide or performing only those roles local authorities can perform."* That seems somewhat different from the dictionary definition of "local" which is *"belonging to, existing in or peculiar to a particular place"*. Read in conjunction with the purpose sections 11 and 12 appear to reinforce that notion that local is constrained by the "borders of the district or region".

While there is no direct definition of "infrastructure" in the Local Government Act, one can see "clues" in section 197. This section defines both network and community infrastructure as:

- *network infrastructure* – means the provision of roads and other transport, water, wastewater, and stormwater collection and management
- *community infrastructure* – land or development assets on land, owned or controlled by a territorial authority to provide public amenities (including land to be used for these purposes).

Obviously this is a very territorial focused definition.

The dictionary definition is *a. basic structural foundations of a society or enterprise and b. roads, bridges, sewers etc regarded as a country's economic foundation*

In a similar vein there is no definition of a "public service". The dictionary definition of public is *"open to, or shared by all"*, and the definition of service is *"1. work, or the doing of work for another or for a community ... 3. assistance or benefit given. 4. provision or supply of a public need. ..."* In other words a public service involved the provision or supply a need that is open to, or shared by all".

6. *The purpose clause refers to good-quality local infrastructure, local public services, and performance of regulatory functions. What does good quality mean, and whose judgment is this to make?*

The Act defines “good-quality” as

*“infrastructure, services and performance that are*

*(a) efficient; and*

*(b) effective; and*

*(c) appropriate to present and anticipated future circumstances.”*

The Act does not define any of “*efficient*”, “*effective*” or “*appropriate to ...*”. In this instance, the Courts will read these terms as having the meaning ascribed to them in the dictionary (we used the Oxford English Dictionary).

Efficient means “*productive with a minimum waste or effort*”. That is to say that the common English meaning of efficient corresponds with the economist’s concept of *productive efficiency*.

Effective means “*1. Producing the intended result. 2. impressive, striking. 3. actual, existing. 4. Operative.*”

Appropriate in this context means “*suitable or proper*” given the present and anticipated future needs of the community.

Taken as a whole, a good quality local service, or piece of infrastructure is something that is delivered at the least cost consistent with the achievement of the council’s desired results, both now and in the future. When viewed in this light one has to ask whether this is effectively any different from the way council’s “do the business” at present.

There will be a temptation for some to argue that one or more aspects of this definition have greater weight than the others, most likely that efficiency is more important. There is no provision anywhere in the Act that gives any of these aspects greater weight in law than the other.

The Act does not specify a process for making judgments, or even whose role it is to make judgments as to what constitute “good-quality”. It must therefore be regarded as a policy decision for your local authority to make, within the construct of the Act. A decision-making process that demonstrates that your local authority has turned its mind to efficiency, effectiveness, and appropriateness for the present and future needs of the community will be most defensible in the event of challenge. Your decision-making process and report templates how your council considered these matters.

7. *The purpose clause refers to “performing (functions) in a way that is most cost-effective for households and businesses”. How should cost-effectiveness for households and businesses be measured? Whose judgment is this to make?*

The dictionary definition of cost effective is “*effective in relation to its cost*”. While this might sound like a blinding flash of the obvious, it does imply two things. Firstly, that the end objective or desired end result from the decision or action is achieved. Secondly, the use of the word “most” suggest that the objective is achieved at lowest cost – which in this context is intended as lowest cost consistent with the achievement of the objective. This is not necessarily the same as the concept of least cost that was initially contained in the 19 March announcements.

The Bill specifically refers to households and businesses – while it may be tempting to consider only the costs to those agencies, you are still responsible for considering the interests of the community. While households and businesses should be given primacy, we consider that costs to others (such as central government and the community/voluntary sector) should be considered too.

The previous Minister has publicly suggested that he considers this will see local authorities doing more cost-benefit analysis and/or preparing more robust business cases to support some expenditures. This suggests that local authorities should be considering different options for achieving the same end objective (as is required in the present section 77), and looking at the cost and likely effectiveness of each.

To take a relatively simple example, suppose demand for a particular activity has risen to design capacity. When married with section 77 the purpose clause may point local authorities in considering expanding capacity, managing demand by pricing, rationing and the like (depending on the service).

In the case of a proposed new activity, your local authority should consider why it might undertake the new activity (i.e. its rationale for service delivery), and whether there are other options (e.g. provide a community agency with incubator funding, advocate to central government). The council would then perform an assessment of benefits from the activity as against the cost of each option.

In the absence of other qualifiers, it is reasonable to assume that what is cost-effective is a policy judgment for elected members to make. That being the case the Courts are most likely to intervene in a policy decision if it is clear your local authority has not turned its mind to the requirement, or on administrative law grounds.

This should not be taken as a licence to treat the new purpose statement lightly. In particular, requests that councils undertake new activities should be treated with

caution, especially those coming in during the latter stages of long-term or annual plan processes where there might be a temptation for “seat of the pants” judgment.

Another place to be wary is in the undertaking of activity “for strategic reasons”. Be clear what these reasons are – and don’t forget to undertake an analysis of the costs.

8. *What analysis should we undertake to support decision-making in the light of the new purpose clause?*

We see two key requirements.

Firstly, you should establish whether and how the proposal under consideration sits with the general “business” listed in new purpose. This is most readily applicable to new activities, but might equally apply to a proposal to cease activity. In other words, does the proposed activity fit within the definitions of local infrastructure, a local public service or the performance of a local regulatory duty.

The second part, the establishment of cost-effectiveness applies to a wider range of decisions. This involves the consideration of the desired objective, options and costs as stated in the answer to question 7. above.

9. *Do the changes to the Local Government Act mean that local authorities are prohibited from undertaking investments and commercial activities?*

The Local Government Act does not contain a blanket prohibition on investments and commercial activities..

Section 14(1)(fa) requires local authorities to periodically assess the expected risks and returns from investing in or undertaking a commercial activity, and that a local authority should satisfy itself that returns outweigh risks. That this requirement exists, and has not been changed, suggests Parliament has no intent to prohibit commercial activity outright. In a similar vein the investment policy provisions (section 105) have been retained unchanged.

The distinction between what is an investment, and what is a commercial activity is not always clear. An activity that involves holding an asset in expectation of a financial return is more likely to be an investment activity, and an activity that involves holding an asset in an organization that is trading is more likely to be a commercial activity.

The distinction is important because the answers are slightly different. The main issue with an investment activity will be whether it is most cost-efficient for households and businesses. An investment activity demonstrates this by



demonstrating that it is actually generating the rate of return, and that is greater than other potential uses of the funds. You should be wary of investments that are not generating a return, or generating a return lower than the council could have expected from other opportunities – especially if the activity has underperformed over a period of time.

A commercial activity not only needs to demonstrate that it is most cost-effective for households and businesses, but that also that the activity itself is local infrastructure, a local public service, or performance of a regulatory function.

What about otherwise commercial assets held for “*strategic reasons*” such as port company shares? Generally these involve a judgment that public ownership is important for its own sake. This in itself may not be sufficient to comply with the new purpose of local government – especially the requirements around cost-effectiveness for households and businesses.

We cannot understate the importance of section 14(1)(fa) analysis as an important evidence base to support your local authority undertaking commercial and investment activities. For existing activities this should take place as soon as possible after enactment, an analysis for proposed new activity should be done as part of the decision-making process.

10. *Suppose we already deliver an activity that we doubt is covered by the new purpose clause. What should we do then?*

SOLGM considers local authorities are most likely to find themselves in this situation where they propose to undertake an activity that is already being conducted by central government or the public sector. All of the examples cited in the *Better Local Government* announcements were things that would sit with central government. That is to say that it is the “localness” of a proposed activity (or otherwise) that is most likely to fall foul of the new statement of purpose.

The dictionary definition of public service is wide enough to encompass most activities.

Before going further, check the rest of the legislation to ensure that there are no other provisions that contemplate that local authorities would/could undertake the activity. For example, on first glance it appears commercial activities fall outside the scope of section 10, but on reading sections 14, 99A and 105 it is clear such activity is permitted. This type of analysis would best be done by a lawyer.

In the event that the activity falls outside the new purpose clause your local authority will need to cease/exit the service as soon as possible. If the service is a significant activity, that will mean an amendment to the LTP (and the associated

consultation and audit requirements). Depending on the facts of the particular case your local authority may have to amend other policies, or avail itself of the section 80 provision regarding inconsistent decisions.

11. *Suppose we wish to deliver a new activity – how do we establish that this is a “local public service”? Whose judgment is this to make?*

Establish the need – in most instances there would be a business case (or similar) that supports the new activity – establishes it’s a service ... Clear statement of objectives, costing of activities (this will help establish effective and efficient legs of good quality).

Consider who is providing the service – is this something private sector, or central government are delivering in your local area (and if not, why not ... ). Is it something the private sector could provide, and if so is there some temporary “bridging or support role” that your local authority could provide in the meantime.

12. *Do we need to amend any strategy, policy or plan that has the four well-beings embedded in them?*

The removal of references to “the four well-beings” in legislation does not necessarily mean that any strategy or policy or plan rooted in wellbeing (we’ll call this a wellbeing approach) is ultra vires and needs amendment.

The Act still requires local authorities to take a sustainable development approach which includes taking the social, economic and cultural interests of the community into account, as well as the need to maintain and enhance the quality of the environment. The dictionary definition of interests that sits most logically in this context is ‘*principle or cause*’. In this context the term interests is far from incompatible with wellbeing as we presently conceive it.

Most strategies, policies and plans result in some form of policy, service delivery, or activity choice. We advise that all services and activities be checked against the purpose clause to ensure that they are local infrastructure, local public services or local regulation.

A strategy, policy or plan adopted under other legislation will generally be governed by that legislation, and the requirements therein.

13. *We have a contractual obligation to fund an activity that we consider sits outside the new purpose? What should we do then?*

The answer in any individual case will turn on facts specific to the contract or agreement, as well as application of statute such as the Illegal Contracts Act. Take legal advice.

# **Appendix 2 – Proposed 2013/14 Annual Plan Timeline**

<b>2013/14 Draft Annual Plan Timetable</b>			
February	Wed	6	<b>Waitangi Day</b>
	Wed	20	<b>Council / Policy &amp; Finance Meetings</b>
	Wed	27	Workshop with Councillors on issues and seek guidance
March	Wed	20	Draft first cut AP to Councillors
	Friday	29	<b>Good Friday</b>
April	Mon	1	<b>Easter Monday</b>
	Wed	3	<b>Council / Policy &amp; Finance Meetings</b>
	Wed	3	Annual Plan workshop
	Thur	10	Deliver final Draft Annual Plan to Mayor / Councillors
	<b>Tue</b>	<b>17</b>	<b>Adopt Draft Annual Plan- Special Meeting</b>
	Thur	25	<b>ANZAC Day</b>
May	Mon	6	Public consultation Martinborough
	Tue	13	Public consultation Featherston
	Wed	14	Public consultation Greytown
	Wed	15	<b>Council / Policy &amp; Finance Meetings</b>
	Thur	16	Public consultation Rural
	Mon	20	Submissions close
	Fri	31	Submission summary to Mayor / Councillors
June	Mon	3	<b>Queen's Birthday</b>
	Mon	10	Hearing of submissions
	Tue	11	Hearing of submissions
	Wed	26	<b>Council / Policy &amp; Finance Meetings</b>
	Wed	26	<b>Adopt AP</b>

# PLANNING AND ENVIRONMENT GROUP

## 1. Planning

### 1.1 Resource Consents

#### 1.1.1. Consent statistics

Officers processed 11 resource consents since 1 December 2012, all 100% within the statutory timeframes. The resource consent statutory processing clock was “stopped” between Christmas and the New Year, with any applications received after 20 December being processed after 10 January 2013. Officers now provide detailed fortnightly updates on all consents direct to Councillors and Community Board members, so consent details are not listed here.

### 1.2 Policy

#### 1.2.1. Coastal Reserves Plan Consultation underway

The Draft Coastal Reserves Management and Development Plans are out for public consultation with submissions welcome for a two month period from 30 January 2013 – 3 April 2013.

#### 1.2.2. Bylaws

The Masterton and South Wairarapa District Council Consolidated Bylaws were notified on 24 November 2012 and submissions closed 18 January 2013. Submissions have been collected by officers and a report is being prepared for the Masterton and South Wairarapa Councils to consider in the near future (meeting date to be decided).

## 2. Building

### 2.1 Building consents

Processing statistics for: 1 December 2012 to 31 December 2012

Item	Period	Year to date	Same period last year	Annual Plan
Consents received	11	200	27	N/A
Consent processing performance (within 20wd's)	100%	97.33%	85.29%	90%
COA processing performance	0%	0%	0%	N/A
CCC processing performance	90.91%	98.45%	100%	100%

COA Certificate of Acceptance

CCC Code Compliance Certificate

Consents granted by project: 1 December 2012 to 31 December 2012

Type	No. of consents	Value
New Milking Sheds	1	700,000
Education Bldgs - alterations & addition	1	25,000
Garage	3	95,000
Dwelling - unattached	4	1,174,280
Dwelling - alterations	2	360,000
	11	2,354,280

Processing statistics for: 1 January 2013 to 31 January 2013

Item	Period	Year to date	Same period last year	Annual Plan
Consents received	23	196	22	N/A
Consent processing performance (within 20wd's)	100%	97.10%	92.31	90%
COA processing performance	0%	0%	0%	N/A
CCC processing performance	92%	98%	100%	100%

COA Certificate of Acceptance

CCC Code Compliance Certificate

Consents granted by project: 1 January 2013 to 31 January 2013

Type	No. of consents	Value
New Farm Buildings - Other	1	5,000
New Public Toilets	1	150,000
Shops, restaurants - Alterations & addit	2	53,000
Other entertainment, recreational and cu	1	150,000
Retail outlet/Shop eg hairdresser, travel	1	23,000
Spa/Swimming Pool	2	70,000
Sewage and Drainage System (treatment pl	1	15,000
Garage	4	2,036,000
Dwelling - unattached	4	1,185,000
Dwelling - alterations	3	305,000
Heater	1	5,000
Solid Fuel Heater	2	7,300
	23	4,004,300

Building consent numbers from 1 July 2012 to 4 February 2013 show as 227. For the same period the year before the number was 208.

## **2.2 Enforcement**

None to report

## **2.3 Policy**

None to report

## **2.4 Other matters**

Since the last council report approval was given to employ another building control officer due to the increased number of consents South Wairarapa District Council has experienced. I can confirm that Derek Staines from Hutt City Council will take up this position on a 12 month contract. Derek will be charged with dealing with all plumbing and drainage leaving Mike Sims to help with the building inspections and processing. This will be reviewed in 12 months.

# **3. Environmental Health**

## **3.1 Liquor Licensing**

### **3.1.1. LA De DA concert Martinborough**

*Council staff actively monitored the stringent liquor licence conditions imposed. The event operated under a comprehensive alcohol management plan. Overall the event was well run with no significant concerns regarding intoxicated persons and minors.*

A Liquor Ban area was in place for the immediate environs around the event and Lake Ferry Road and the Martinborough square. A very small number of people were observed drinking on the side of the road. Generally the ban appeared to work well and there were no concerns raised.

### **3.1.2. Liquor Licencing Statistics**

39 liquor licences were issued during the period of November 2012 through to end of January 2013.

Five Off Licences were issued or renewed during the period of November 2012 through to end of January 2013.

11 On Licences were issued or renewed during the period of November 2012 through to end of January 2013.

22 General Manager's Certificates were issued or renewed during the period of November 2012 through to end of January 2013.

One Temporary Authority was issued during the period of November 2012 through to end of January 2013.

### **3.1.3. Sale and Supply of Alcohol**

Legislation reforming New Zealand's alcohol laws was passed by Parliament on 11 December 2012, received Royal assent on 18 December 2012 and is now law.



In the initial stages of the Parliamentary process, the legislation was known as the Alcohol Reform Bill, but it was split into three bills during the Committee of the Whole House stage. The alcohol reform legislation now comprises three Acts:

- Sale and Supply of Alcohol Act
- Local Government (Alcohol Reform) Amendment Act
- Summary Offences (Alcohol Reform) Amendment Act.

The new laws replace the Sale of Liquor Act 1989 in stages by 18 December 2013.

### **Changes and timelines**

The purpose of the legislative change is to improve New Zealand's drinking culture and reduce the harm caused by excessive drinking. Key features include:

- increasing the ability of communities to have a say on local alcohol licensing matters
- allowing local-level decision-making for all licence applications
- requiring express consent of a parent or guardian before supplying alcohol to a minor
- requiring anyone who supplies alcohol to under 18-year-olds to do so responsibly
- strengthening the rules around the types of stores eligible to sell alcohol
- introducing maximum default trading hours for licensed premises
- restricting supermarket and grocery store alcohol displays to a single area.

The new Acts come into force in stages to allow time for everyone to prepare for the new system. The main changes include:

- from 19 December 2012:
  - the new Alcohol Regulatory and Licensing Authority (ARLA) replaces the Liquor Licensing Authority
  - only interim one-year licences can be issued for new liquor licences. When interim licences expire, holders must apply for a new licence under the criteria of the new laws
  - local authorities can start drafting local alcohol policies (LAPs)
- from 18 June 2013:
  - all licence applications have to meet new, expanded criteria (eg, whether the licence is likely to increase alcohol-related harm or negatively impact the community)
  - all licence applications also are subject to new grounds for objection
- from 18 December 2013, when the rest of the new laws come into force:
  - anyone who supplies alcohol to under 18 year olds must do so responsibly (eg, by supplying food and non-alcoholic drinks and

arranging safe transport). The penalty for failing to do so is a fine of up to \$2,000

- o territorial authorities can implement local alcohol policies (LAPs)
- o new national maximum trading hours apply on-licences, such as bars, will have to provide water, low-alcohol beverages, food and information about safe transport
- o using a fake ID, using someone else's ID and giving or lending an ID to an underage person knowing they intend to use it to buy alcohol becomes an offence
- o new offences apply for irresponsible advertising and promotions
- o licences and managers certificates can be cancelled for five years for specified repeat offences
- o District Licensing Committees (DLCs) replace District Licensing Agencies. DLCs will decide all applications for new or renewed licences and managers certificates.

As signaled in previous reports the changes to the legislation will require a significant increase in resources and training for Council over the coming year so that Council is ready for full implementation in December 2013.

### **3.2 Food Bill Update**

There has been no further update on progress with this Bill.

Council staff are part of the Wellington cluster group which has been working for some time to have consistency across the region. This group meets on a regular basis with the Ministry of Primary Industry staff and also holds workshops to develop forms and procedures for undertaking audits of food control plans and calibration of auditing staff.

#### **3.2.1. Martinborough Fair**

All participating food operators at Martinborough Fair were inspected as usual during the February Fair. In general terms there was good compliance.

### **3.3 Noise Control**

There were 54 noise control complaints within South Wairarapa from November 2012 through to January 2013.

32 noise control complaints in Featherston

Four noise control complaints in Greytown

18 noise control complaints in Martinborough

### 3.4 Dog and Stock Control

#### Incidents reported

##### **Attack on Persons**

Martinborough 1 Featherston 2 Greytown 1  
(One Dog was classified as menacing; the other was already classified and received an infringement)

##### **Attack on Pets**

Martinborough 1 Featherston 2 Greytown 0

##### **Barking and whining**

Martinborough 0 Featherston 3 Greytown 2

##### **Lost Dogs**

Martinborough 2 Featherston 4 Greytown 3

##### **Found Dogs**

Martinborough 5 Featherston 2 Greytown 2

##### **Rushing Aggressive**

Martinborough 0 Featherston 3 Greytown 1

##### **Wandering**

Martinborough 1 Featherston 8 Greytown 3

##### **Welfare Concerns**

Martinborough 0 Featherston 0 Greytown 0

##### **Stock**

Martinborough 1 Featherston 5 Greytown 3

##### **Total Overall**

Martinborough 11 Featherston 27 Greytown 14

### 3.5 Dog Registration

Dog registrations as at 7<sup>th</sup> February 2013:

Registered 2780 Unregistered 13 Total number of dogs 2793

Total numbers of owners 1558

99.5% of dogs are now registered.

## **3.6 Bylaws**

### **3.6.1. Coastal**

*Colin Olds was employed during summer 2012-2013 as Coastal Ranger. The position began on 14 December 2012 and ended on 7 February 2013. Colin was responsible for monitoring the coastal camping areas (Te Awaiti, North Tora, South Tora and Ngawi) to ensure visitors comply with the Coastal Camping Bylaw 2009. He also serviced the coastal toilet blocks including the barrage, lake reserve. Excess rubbish was taken to the Martinborough Transfer Station. This year 840kg of excess rubbish was taken to the Transfer Station. Rubbish at the coast continues to be a problem with locals using the rubbish drum at Tora and Ngawi instead of using the routine rubbish bag collection. A number of locals were spoken to by the Ranger about this.*

There was good compliance with the Coastal Camping Bylaw with only minor issues that were able to be resolved on site.

The problem with people taking their dogs to the prohibited areas continues to be a minor issue, but improved from previous years as more people become aware of the Bylaw requirements.

Colin assisted the Police in the tragic boating incident at Sandy Bay.

The revised Coastal Bylaw information pamphlet was widely distributed and well received. This was also used as an opportunity to advise coastal people of the Draft Coastal Reserves Management Plan review. The Ranger actively encouraged the public to use Council's website for submissions.

### **3.6.2. Long Grass**

Bylaw Officers have been actively checking and issuing long grass notices to properties where conditions are likely to cause a hazard.

**29** Long grass notices have been issued

**22** have complied with the notice

Council is in the process of having the work completed where the owners have failed to comply.

Contact Officer: Vanessa Tipoki, Group Manager Planning and Environment

# INFRASTRUCTURE & SERVICES GROUP

## 1. Consents

### 1.1 *Wastewater*

Further progress has been made with consent acquisition processes at the three WWTP sites.

### 1.2 *Martinborough*

Following the Regional Council acceptance of the new consent application submitted on December 5<sup>th</sup> 2012 and taking note that further information is needed the Regional Council has agreed to extend the time limit for public notification to 30 June 2013.

This will enable Council to consolidate its current in river studies, future land treatment options and review the technology aimed at providing the incremental improvement to river discharge quality that will be required in the early stages of a new consent.

### 1.3 *Featherston*

Council officers and advisors re-submitted to the application and associated requests prior to 24 December 2012.

The Regional Council have since asked that additional consent applications are submitted for discharge to land and until this is achieved the application remains on hold.

### 1.4 *Greytown*

This consent expired in March 2008. The new application was submitted and accepted in January 2008 subject however to a number of requests for additional information.

In 2010 officers decided to proceed with a revised consent application. Whilst has been subject to a series of unexpected delays we expect to be able to respond before April 2013.

### 1.5 *Strategy Overall*

Efforts are now to be applied to undertaking more in depth assessment of adjacent land that might be available (Council owned land included) for land treatment in the future for all sites

The consenting strategy agreed with the Regional Council aims to notify Martinborough and Featherston at the same time with the Greytown application to be dealt with separately.

### 1.6 *Water*

All water take consents have been renewed and are up to date. There have been consent conditions triggered from the new Martinborough consent that was granted in November last year. As this is a new (renewed) consent some of the

conditions on monitoring and information have changed. Council will put in place more automated measures around these processes over the next year.

### **1.7 Coastal**

Consents for coastal works are underway, these are both respective and for new works required. Meetings have been held with NZTA on site as well as regional Council and Spire, Council's road consultant.

### **1.8 Land Fill Consent**

The Martinborough landfill consent application is still in progress.

### **1.9 Wastewater**

Greytown, Martinborough and Featherston Wastewater treatment plants operated routinely over the period. Normal monitoring for flow and compliance reporting continued throughout the period with no non-compliance issue reported.

9 pipeline blockages were reported and rectified during the period.

#### **1.9.1 Capital**

Planning and delivery for capital work will be initiated this year at all sites when the consent acquisition processes progress to a point where there is certainty of agreed environmental outcomes be.

### **1.10 Water Supply**

Martinborough and the Featherston/Greytown Water Treatment Plants operated routinely throughout the period.

An incident report for a transgression to the Martinborough water supply in December has been forwarded to DWA and MoH. No fault identified, thought to be a laboratory testing error.

There was a 12 hour power supply outage at the UF treatment plant early January. There was a risk of compromising the Featherston water supply. The situation was handled without incident. Council officers are to have discussions with Meridian about prioritising power supply to this plant.

Community water usage records and trending is attached for Council's information in Appendix 1. Addition of rainfall has been added as per council request.

#### **1.10.1 Capital**

The Capital Assistance Funding application continues to be developed ready for submission at the end of February.

### **1.11 Water Races**

City Care Ltd has been performing the routine inspections of the water race network since October 2012. Resulting from these inspections a number of land owners have been advised to do maintenance cleaning of the water race on their property particularly in the Longwood scheme. Satisfactory flows have been maintained through both networks over the summer months.

### **1.12 Waste Management**

Operations continued on a routine basis throughout the period. Waste export and recycling tonnage data for the period is attached in Appendix 2.

### **1.13 E-Waste Collection Region Wide and Kerbside Waste Audit**

Officers in order to consider moving forward either on its own or in association with CDC in order to get a programme underway are awaiting a further specific response from Earth-care Environmental.

The results from the recent kerbside waste audit have been made available and will be the subject of a separate report.

## **2. Roding**

### **2.1 Roding Maintenance – Oldfield Asphalts**

Routine grading, pothole repairs, and signs maintenance is satisfactory.

Most of Oldfield's work over the past month has been in preparation for resealing. These works have included pavement dig out repairs, repair of broken edges and filling depressions.

Now that the reseal preparation is complete Oldfield's are carrying out pavement and drainage repairs on White Rock Rd which will be followed by repair of slumped areas on the Hinakura Hill.

## **3. Parks and Reserves**

### **3.1 City Care Contract**

The general level of maintenance is satisfactory although berm mowing is causing quite a bit of concern amongst residents. City Care has yet to learn which berms will be maintained by residents and which ones they need to cut regularly.

City Care have also undertaken ordered work and dayworks over the holiday period responding promptly to requests to provide extra litter collection and servicing of toilets through to drainage repairs at Dorset Square and safety improvements at playgrounds.

## **4. Property and Facilities**

### **4.1 Properties**

Martinborough Library – The library continues to operate via the temporary Portacom. Despite some delays in the negotiations, we still expect to move to the new library (6 Kitchener St, behind the Village Café) at the end of February. Fit-out works are now underway.

### **4.2 Pensioner housing**

All pensioner flats were tenanted as of 31 January 2013. The occupancy rate for the 2012/13 year to date is 96%. There are 12 people on the waiting list for

flats. We have done some minor repairs on flats in Martinborough and Featherston, and purchased a new stove for one of the Featherston flats.

#### **4.3 Cemeteries**

In December there was one burial, at Featherston, and one ashes interment at Martinborough.

#### **4.4 Pools**

	Greytown	Featherston	Martinborough
January swimmer numbers	1250	666	1268
Change from previous month	↑ 47.2%	↑ 25.9%	↑ 97.2%
Concessions as % age of total swimmers	23.5%	29.1%	16.2%
Peak day	06-01-13 : 128	30-01-13 : 77	20-01-13 : 107
Number of unattended days (no swimmers)	1	2	1

There was one incident at Greytown pool where a child fell off the slide. One complaint was received from a member of the public about pool opening hours – that the pool (Greytown) should remain open longer in the evening so that working people are able to use it.

#### **4.5 Leases and Licenses**

Old Stella Bulla Park –the availability of the land on the north side of Pierce St makes possible the development of a dog park for Greytown, and this is being costed for a future report to Council.

Current expired leases/building vacancies include:

- Stella Bull Park Building – the short lease for the art exhibition has concluded and a new tenant is being sought. Several queries have been received but no proposals have yet resulted.
- Greytown Town Centre Upstairs Office – the office vacated by Rightway remains vacant. This space has been advertised however no interest has yet been received.

Pain Farm Homestead – the tenants have indicated that they will not renew after the expiry of the current lease at the end of April 2013. Public tenders will be called shortly.

#### **4.6 Toilets**

The new toilets at Cape Palliser and East-West access road have been completed. The new Martinborough toilets are expected to be completed in February. Featherston toilets are being vandalised every evening – generally just mess with toilet paper. A fire was set in the toilet paper holder, which was fortunately



found and extinguished by the arriving cleaner – the plastic toilet paper holders will now be replaced with stainless steel units

## **5. Civil Defence and Emergency Management**

There are 3 Civil Defence Centres being set up in the South Wairarapa. i.e Greytown (Town Hall), Featherston (ANZAC Hall) and once the plans have been completed the three teams will receive training. Martinborough (Lions Club) their respective team leaders are Mike Gray, Colin Olds and Karen Stephens.

Featherston has completed their plan and Greytown and Martinborough are currently developing there's and these are progressing well. Paul Walker has commenced equipping the centres with basic items but expects that to grow over time.

There is an Incident Management team in Martinborough based in the Council with Mark Allingham, Kara McKelvey, Keith Sexton and Bill Sloan and other council representatives that would have a role during an event like roading, water etc.

On Wednesday 6 February 2013 a Tsunami warning was issued. This highlighted the need for clear processes for the newly established civil defense units in each town. More work will be done on this in the coming month.

## **6. Appendices**

Appendix 1 – Monthly Water Usage

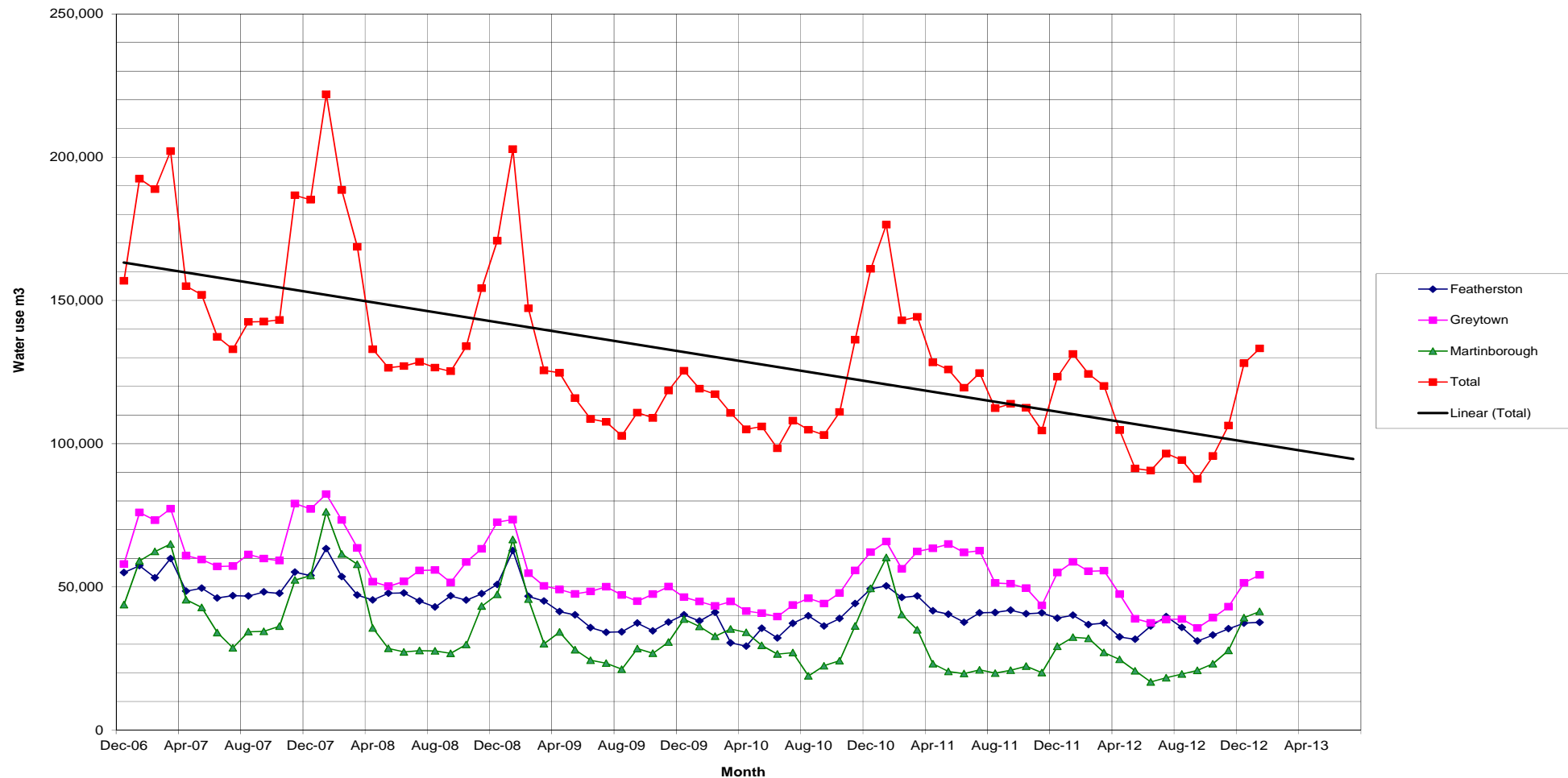
Appendix 2 – Waste Exported to Bonny Glen Including Recycling

Appendix 3 – Library Statistics

Contact Officer: Mark Allingham, Group Manager Infrastructure and Services

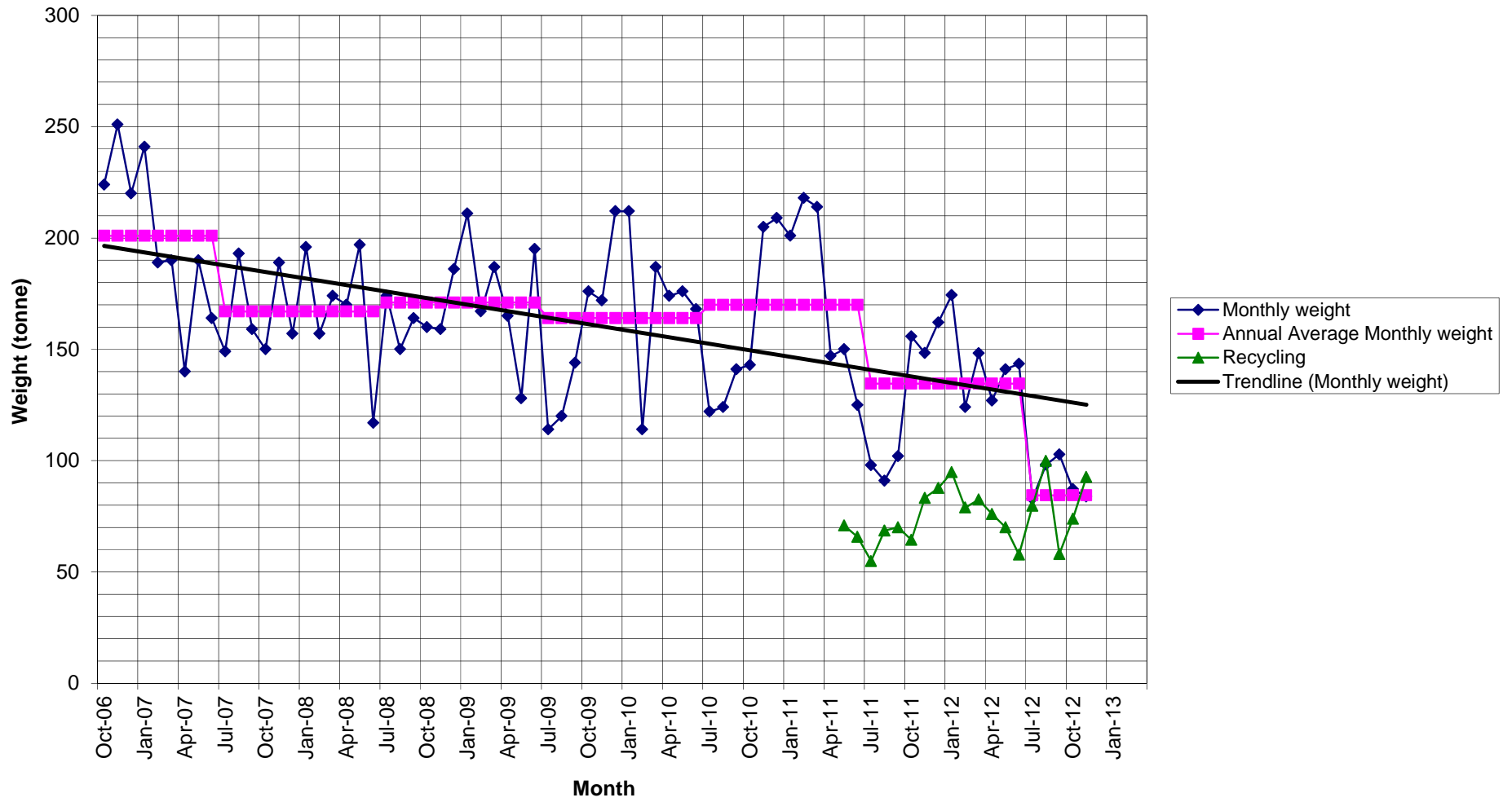
# Appendix 1 – Water Usage

### Water use South Wairarapa District Council



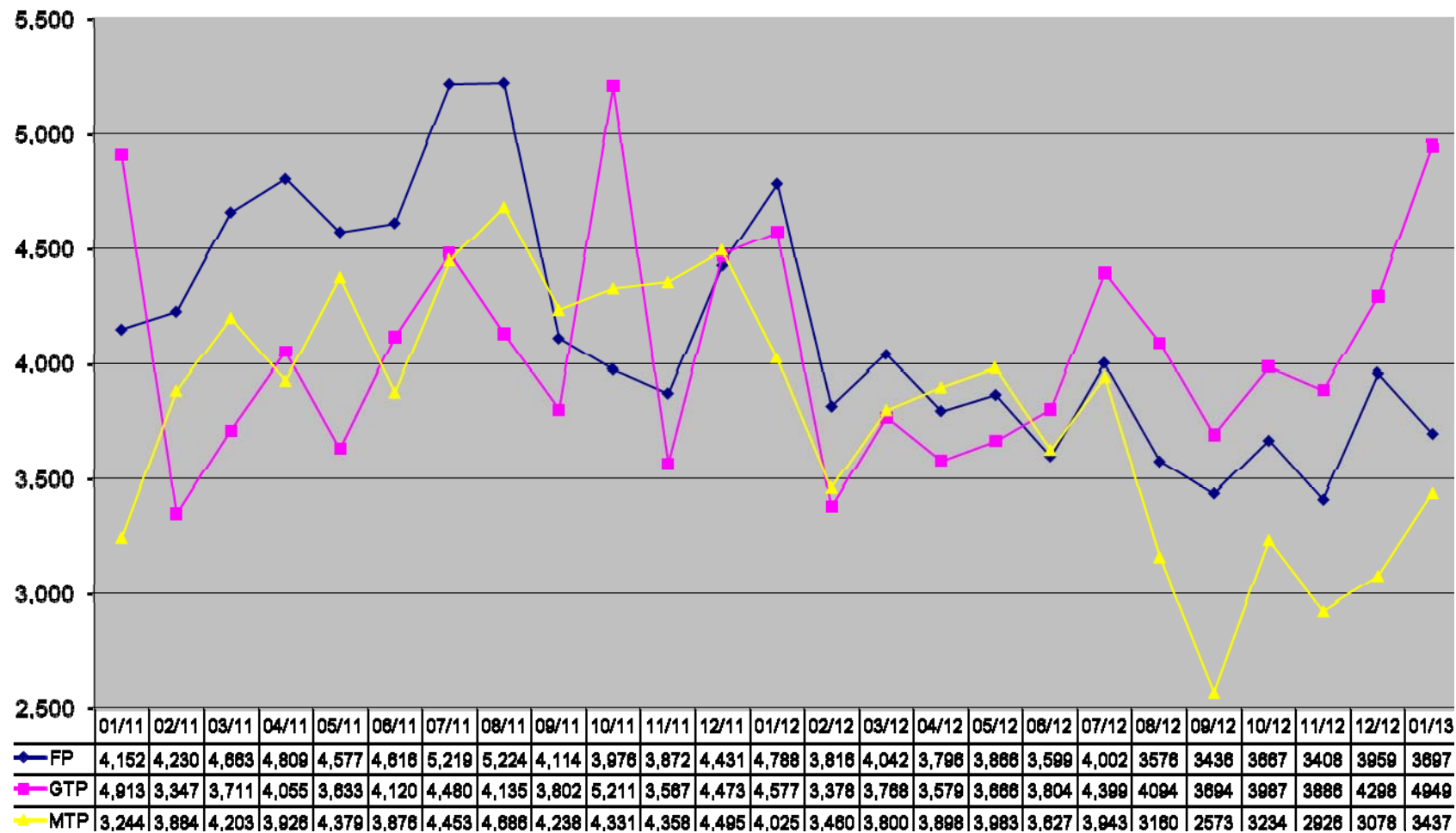
# **Appendix 2 – Waste Exported to Bonny Glen Including Recycling**

### Monthly weight of waste transferred from Martinborough transfer station to Bonny Glen

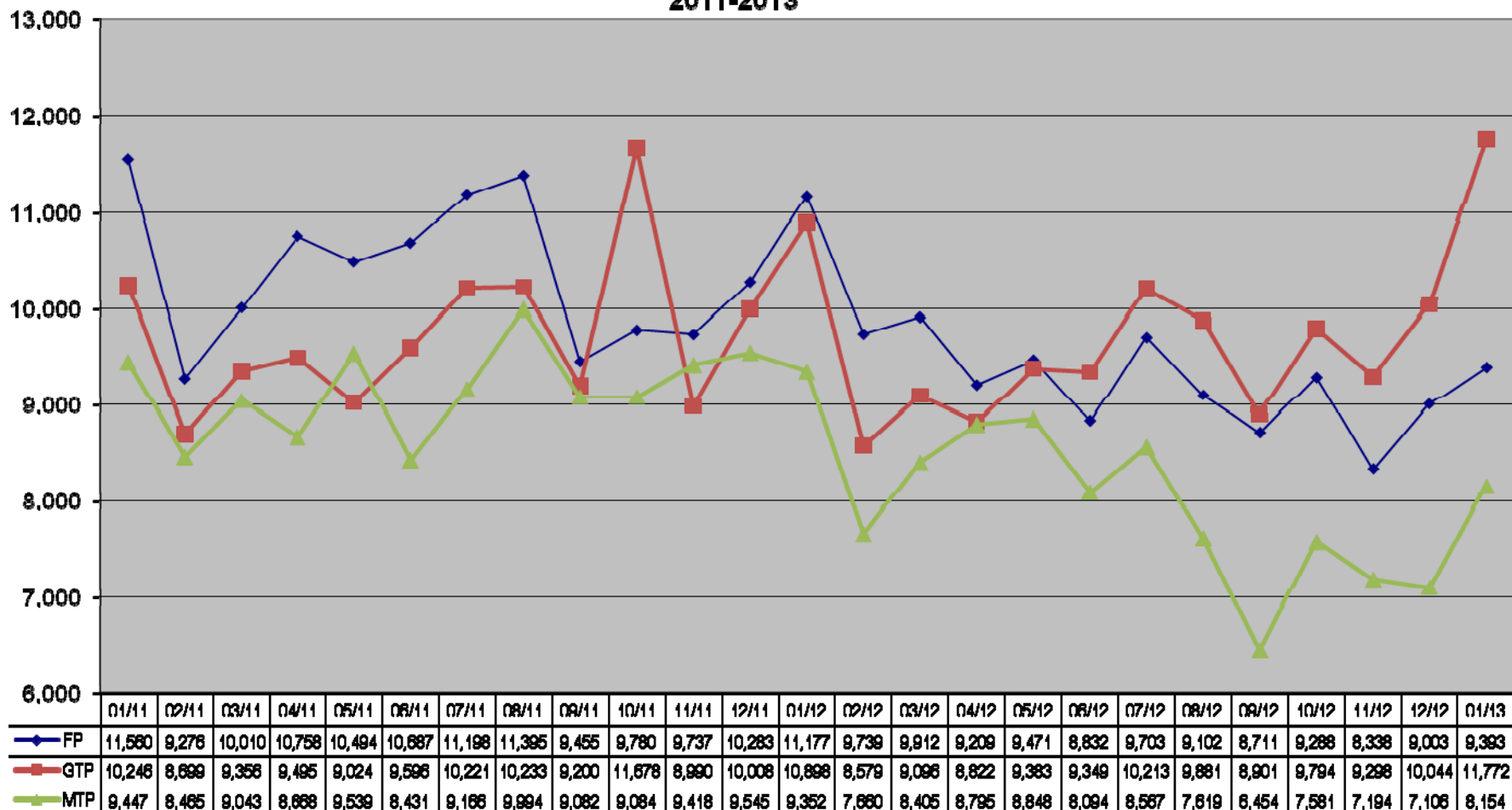


# **Appendix 3 – Library Statistics**

### Issues: Featherston, Greytown and Martinborough Libraries: 2011-2013



**Transactions (excluding Council functions) for Featherston, Greytown and Martinborough  
Libraries  
2011-2013**





# MARTINBOROUGH COMMUNITY BOARD

11 MARCH 2013

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## AGENDA ITEM 6.2

### STREET BANNERS AND FLAGS POLICY

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#### **Purpose of Report**

To update community boards on the new "Street Banners and Flags Policy".

#### **Recommendations**

Officers recommend that the Community Board:

1. *Receive the information.*

#### **1. Executive Summary**

On the 20 February 2013, the Policy and Finance Committee approved the Street Banners and Flags Policy as attached in Appendix 1. It is expected that Council will resolve the recommendation to adopt the policy at the 3 April 2013 meeting.

The following organisations within the community have been sent a copy of the new policy:

- Toast Martinborough
- South Wairarapa Rotary
- Greytown Trust Lands Trust

#### **2. Appendices**

Appendix 1 – Street Banners and Flags Policy

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Group Manager Corporate Support

# **Appendix 1 –Street Banners and Flags Policy**

# STREET BANNERS AND FLAGS

## 1. RATIONALE

Council supports many events and organisations through the display of street banners and flags. To ensure a consistent approach for all organisations and groups, including Council, a flags policy is required to assist officers and Council determine priorities in display.

## 2. PURPOSE

1. To set out guidelines to Council's elected members and Council employees who are required to determine use of poles and brackets and what may be displayed.
2. To streamline the approach of taking bookings for street flags throughout the district.

## 3. GUIDELINES

1. To streamline the approach of taking bookings for street flags throughout the district, Council requires that anyone wanting to install street flags or banners make an application through the respective community board in writing. The application must include:
  - a. *The dates of installation and removal.*
  - b. *Reason for installation, event details.*
  - c. *Description or picture of the banner or flag.*
2. While the respective community board approves and takes bookings for street flags it is the applicant's responsibility to arrange installation and removal of their flags on the applied dates by a Council approved contractor.
3. It is the responsibility of the applicant to maintain the standard of the flags during the installation period.
4. It is the responsibility of the applicant to reinstate flags previously hanging.
5. Due to the application being required to go to the appropriate community board for comment and allowing time for amendments in design (if required) and subsequent print times, applications must be received no later than forty (40) working days prior to the applied installation date.
6. Applicants (or the approved contractor) are required to supply a Traffic Management Plan at least five working days prior to the installation date.

7. Any deviation from the approved banner/flags or event signage without previous agreement with the respective community board may result in the removal of the banner/flag or event signage.
8. The applicant is responsible for all charges incurred by Council in the event of any emergency works necessary to make the street flags safe.
9. In determination of appropriate usage the community board will consider the following:
  - a. *Previous use and historical context.*
  - b. *The commercial or community nature of the event or occasion.*
  - c. *Cost recovery or financial support to the event or occasion.*
  - d. *The financial contributions made by or to the applicant present or historical.*
  - e. *To help make the design more effective it is recommended that:*
    - Graphics be simple and bold.
    - Text only be used where it forms part of the established image of the event or logo.
    - Text be large enough to be read from a distance and be kept to no more than a few words.
    - Dates and venues are best avoided, as they are difficult to read.
    - Montages, slogans and extended text should be avoided.
    - White backgrounds should be avoided as they soil easily and are difficult to see against the greyness of the winter weather, often inhibiting legibility.
    - Material deemed to be inappropriate or offensive to the community at large, or to any sector of the community, will not be permitted.
10. The community board reserves the right to refuse design applications at its discretion.

To: Long Term Plan Submission  
 South Wairarapa District Council  
 P O Box 6  
 Martinborough 5741

From: Martinborough Community Board  
 c/- Pam Colenso, 30 New York Street, Martinborough 5711  
 Email: [pmcolenso@xtra.co.nz](mailto:pmcolenso@xtra.co.nz)  
 Phone: 0274 414892 or 06 3069503

Firstly we wish to acknowledge the time and effort that has gone into the draft LTP and also the public presentations. It is not an easy time for both Councillors and Council Staff in juggling the Council purse and ensuring our rating dollars are used to best advantage in the three towns. Congratulations.

We as a Community Board would like to see that works already started are able to be finished in the coming year and also provision made for additional works/amenities that will be of benefit to the Martinborough community as a whole.

1. Martinborough Square kerb extensions and pedestrian crossings. To complete the work already started in upgrading the kerb extensions at Oxford St and Cambridge Rd. Widening the pathway between the flower gardens will give easier access to the pedestrian crossings and make it easier for mobility scooter users.  
 We would also support the Town Centre (Square Committee) in their submission.
2. Oxford Street. The drains and lack of footpaths have been of concern for a number of years. The Community Board would requests further investigation as to what can be done to improve the drainage and provide a footpath from Regent Street through to Todd's Road.
3. Priority be given to providing foothpaths along Esther Street and Roberts Street to ensure all streets have one footpath.
4. Replacement of the current swings in the Playground – funding for this could be provided from the Pain Estate
5. Court House. Complete a feasibility study to move this building to the Square alongside the museum, as per the designs in the Square Development Plan. There are a number of uses for this building, once it has been relocated, it would be in keeping with other buildings around the Square.
6. Jellicoe Street. As in previous years, we would support the upgrade of the lighting in Jellicoe Street and to put the power lines underground this would bring it in line with Kitchener Street. We realize this is not something that can be done this year but would like to see provision made in the 10 year plan.

7. Swimming Baths. Complete a feasibility study regarding costs to upgrade the existing main pool and provision of facilities to heat the pool. The Community Board are currently looking at the level of support/use the pool would receive if it was upgraded – this also includes extending opening hours, training lifeguards, having dedicated lap lanes, etc.
8. Wairarapa Combined District plan and Building consents. We would like to see all new housing and subdivisions making provision for water tanks to be installed. We know that in the long term water is going to be a precious commodity and if each household had their own water tank, this would at least help to alleviate the pressure on the current supply during the summer months.

Thank you for considering our submission and we would like to discuss this with Council.

7<sup>th</sup> June 2012.

# MARTINBOROUGH COMMUNITY BOARD

11 MARCH 2013

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## AGENDA ITEM 6.4

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### LIQUOR BAN OPTIONS

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#### **Purpose of Report**

To inform the Martinborough Community Board (MCB) of the process for extending liquor ban areas in Martinborough.

#### **Recommendations**

Officers recommend that the MCB:

1. *Receive the information.*
2. *Investigate other options to address public drinking in the Martinborough playground and other central area pending changes to existing liquor legislation.*

#### **1. Executive Summary**

The South Wairarapa Liquor Control Bylaw 2011 (SWLC bylaw) applies to the Featherston Central Business District at all times. It also enables a temporary liquor ban for **specific parts** of South Wairarapa for a specified time, **associated with particular events**. A copy of the bylaw is attached.

If the MCB wants to extend the liquor ban area(s) then the bylaw would need to be amended. The temporary liquor ban provisions would not apply.

The recently enacted Local Government (Alcohol Reform) Amendment Act 2012 requires the Council to be satisfied that a high level of crime or disorder (being crime or disorder made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply.

The Local Government Act 2002 requires that a special consultative procedure is used when it proposes to make or **amend** a bylaw. A Statement of Proposal is required under s86 LGA 2002 (the special consultative procedure)

## **2. Background**

The MCB has requested advice on options for where liquor bans could be used in the Martinborough Square and possibly other public places such as the children's playground.

The backdrop to this is the new legislation which does not fully come into effect until December 2013. There are key changes in the legislation which will have major ramifications for Council. These include the move from national to local decision making. Officers are currently getting up to speed in tandem with Masterton District Council to formulate a Local Alcohol Policy (LAP) which is a set of decisions made by Council in consultation with its community about the sale and supply of alcohol within the South Wairarapa.

## **3. Discussion**

### **3.1 Options**

The SWLC bylaw does not have provision to allow for a liquor ban in the areas of concern unless they are of a temporary nature for a specified time associated with particular events. A generic ban on certain days and times would not meet the criteria of a particular event.

If the community and Police want to extend the liquor ban area then this would require an amendment to the bylaw to include these public areas.

In order for Council to begin the process of amending the bylaw it would first need to consider whether such amendment was appropriate in the circumstances. I.e. Would it address the perceived problem of drinking in public places? As part of this assessment, Council would need to be satisfied that a high level of crime and disorder (exacerbated by alcohol consumption) is likely to arise in the area to which the bylaw is intended to apply. If Council was satisfied that an amendment was appropriate, Officers would then need to begin the process of consultation before any changes could be made.

#### **3.1.1. Process for amending the bylaw**

In order to amend the bylaw officers would need to prepare a Statement of Proposal in accordance with s86 LGA 2002 to amend the SWLC bylaw to include any public place under the control of Council. The areas identified would need to be in response to community concerns about the anti-social behaviour, harm and negative perceptions of safety. The statement would also need to show clear evidence of crime and disorder made worse by alcohol consumption in the area.

## **4. Conclusion**

It is not considered necessary to amend the current bylaw at this stage for the following reasons:

Firstly, an amendment of the bylaw should only be made if there is clear evidence to show that an amendment is necessary – principally that a high level of crime and disorder (exacerbated by alcohol consumption) is likely to arise in the area to which the bylaw is intended to apply. Officers do not



consider that sufficient information has been gathered to support this proposition just yet.

Secondly, Officers consider it would be prudent to defer any changes to the bylaw until the new legislation (and all its required changes) has been fully implemented at year end.

It is worth noting that other options such as education and social interventions could be investigated by the community as an alternative solution to amending the bylaw.

## **5. Appendices**

Appendix 1 – South Wairarapa Liquor Control Bylaw 2011

Contact Officer: Officer Name, Bronwyn Johnson

Reviewed By: Vanessa Tipoki Acting Group Manager Planning and Environment

# **Appendix 1 – South Wairarapa Liquor Control Bylaw**

# **South Wairarapa Liquor Control Bylaw 2011**

## **1 Purpose**

This part of the bylaw prohibits the consumption and possession of liquor in public places at all times. It applies to the Featherston Central Business District at all times, as shown on the attached map: Featherston Prohibited Area Map. The bylaw also enables a temporary liquor ban for specified parts of South Wairarapa for a specified time, associated with particular events. These temporary bans will be subject to Council resolution.

The bylaw includes a process to obtain written permission from the Council to authorise events that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

The purpose of this bylaw is to address concerns relating to potential offending and safety concerns that are linked to the possession or consumption of liquor in public places. By imposing this ban, the consumption of liquor within the control area should primarily be restricted to private residences or licensed premises.

The bylaw is introduced pursuant to s147 of the Local Government Act 2002 - this section should be read together with this part of the bylaw as it contains the relevant definitions and the situations when the bylaw will not apply (particularly relating to the transportation of unopened liquor). Pursuant to s 169 and s 170 of the Local Government Act 2002, the Police can enforce this part of the bylaw. Further details on the statutory provisions are provided as a note at the end of this part of the bylaw.

## **2 Definitions**

The Featherston Central Business District means the area depicted in the attached schedule 1, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.
- c) Any private premises which are not a public place.

## **3 Liquor Prohibition**

3.1 The consumption or possession of liquor in a public place (including while in a vehicle), within the Featherston Central Business District. This prohibition applies at all times.

3.2 In addition to the prohibition in Clause 3.1 above, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) in a public place for certain specified times and/or within certain specified public places and areas within the South Wairarapa District. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the event. The Police powers of search under s170 (2) of the Local Government Act 2002 applies to these events.

## **4 Council Permission**

4.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw.

4.2 A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location

or event, and subject to the terms of that special licence will include waivers and dispensation from this bylaw according to those terms.

## 5 **Signage**

- 5.1 Should a liquor prohibition be imposed, Council will erect signage within public places to provide information to the public on the terms of the prohibition. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the bylaw.

## 6 **Offences**

- 6.1 Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of this bylaw.

## 7 **Powers to amend or revoke this Bylaw**

- 7.1 Any changes to the bylaw once adopted either by way of amendment or revocation will be undertaken in accordance with section 156 of the Local Government Act 2002 and any other relevant legislation.

### **Note**

*This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:*

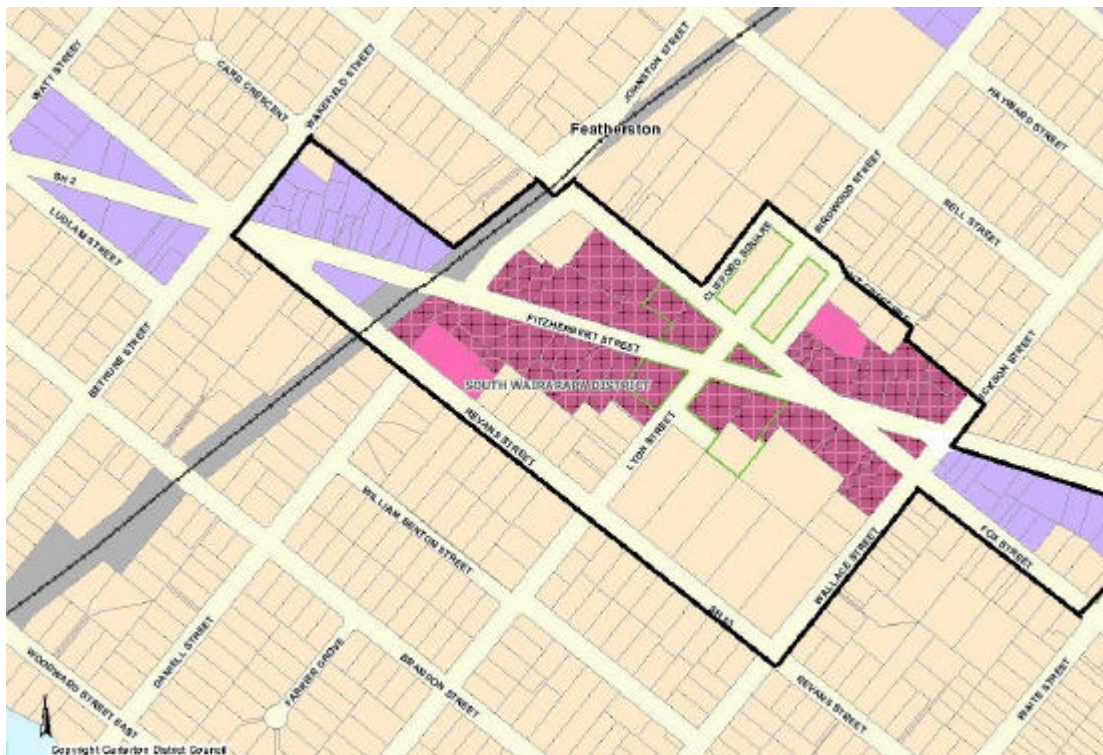
*Section 147 empowers Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.*

*Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.*

*Section 170 sets out certain conditions imposed on the Police powers of search under s 169.*

*This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.*

## **Schedule 1 – Featherston Prohibited Area**



For the avoidance of doubt this area includes the entire length of legal road reserve of the streets which form the boundary to the area specified, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths, where the public place meets or is crossed by another road the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.

# MARTINBOROUGH COMMUNITY BOARD

11 MARCH 2013

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## AGENDA ITEM 6.5

### DISTRICT SWIMMING POOLS UPDATE

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#### **Purpose of Report**

To inform Community Board members of the current status of the district swimming pools.

#### **Recommendations**

Officers recommend that the Community Board:

1. *Receive the information.*

## **1. Executive Summary**

The Three Pools Report by Opus was tabled for discussion at the October 2012 District Council meeting; however discussion was removed from the agenda. The recommendations made by Council officers in presenting the report required decisions of a magnitude to trigger the Council Policy on Significance, meaning that public consultation is required. Councillors agreed to defer any significant decisions regarding the district swimming pools to follow public consultation. This process is to be included as part of the annual planning process. Necessary maintenance works were carried out to enable the pools to open as planned on 1 December 2012, and minor maintenance continues as required while the pools are open.

## **2. Background**

### **2.1 Three Pools Review**

A detailed report on the three district swimming pools, along with proposed maintenance plans and costings, was prepared by Opus International Consultants Ltd in 2012. The report was tabled for discussion at the October 2012 meeting of the District Council; however discussion was removed from the agenda. The recommendations made by Council officers in presenting the report required decisions of a magnitude to trigger the Council Policy on Significance, meaning that public consultation is required. Councillors agreed to defer any significant decisions regarding the district swimming pools to follow public consultation. This process is to be included as part of the annual planning process.

The majority of the assets in the pool complexes were found to be fit for purpose, but in average condition. The report included a ten-year

maintenance plan, with cost estimates for work to be undertaken to keep the assets in their existing condition. The cost for the proposed first year's work was approximately \$98,000, with \$214k required in years 2-5, and \$203k in years 6-10.

The major works in year 1 focus on the Featherston pools; in years 2-5 on the Greytown pools, and in years 6-10 on the Martinborough pools.

A number of options were proposed for the long-term provisions of swimming pools in the South Wairarapa, from continuing with the current regime through to closing one or more pools. Any decision on these options has been deferred until public consultation can take place.

## 2.2 2012/13 pools season

The pools opened on 1 December 2012 for a shortened season which is due to finish on 17 March 2013. Swimmer numbers increased from December to January with the school holidays, and decreased in February (except Featherston) as children returned to school.

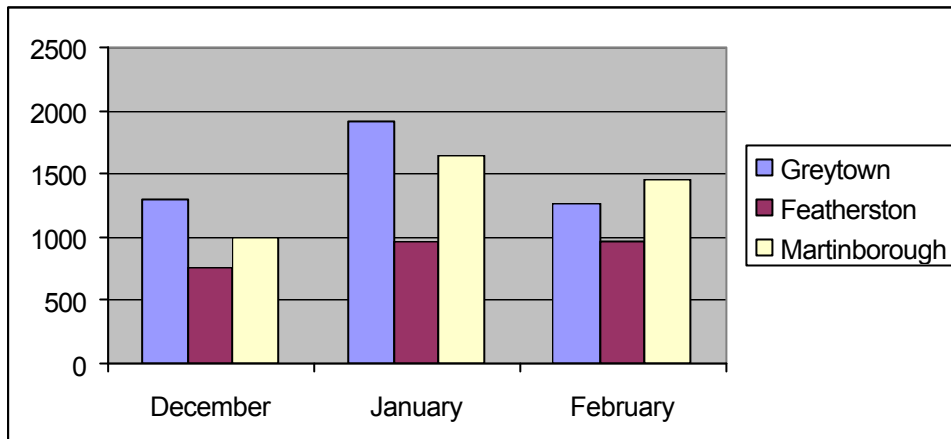
**Table 1 – February pools statistics**

	Greytown	Featherston	Martinborough
February swimmer numbers	1267	974	1458
Change from previous month	↓ 33.9%	↑ 1.35%	↓ 11.2%
Daily average swimmers	45	35	52
% children	60.2	78.3	63.7
% concession ticket swims	31.9	36.5	42.1

**Table 2 – 2012/13 swimmer numbers**

	Greytown	Featherston	Martinborough	TOTAL
December	1300	762	1000	3062
January	1916	961	1642	4519
February	1267	974	1458	3699
March				
TOTAL	4483	2697	4100	11280

**Chart 1 – Monthly swimmer numbers by town**



### **3. Discussion**

The attached tables in Appendix 1 detail the proposed capital works, and show which, if any, of these have been undertaken. Also shown is other maintenance work on the pools for 2012/13, some of which was carried out before the pools opened for the season. Other work has been done as the need has been discovered during the season.

Most of the minor works proposed for year 1 of the 10-year plan have been done, but few of the major works, as the priority was to have the pools ready to open on 1 December. Some work (e.g. the leak in the Featherston toddler pool) is planned to be done after the close of the season. A number of maintenance items have arisen during the course of the season.

### **4. Conclusion**

Officers expect to expend fully the \$56,650 capital budget for 2012/13. The LTP capital budget for 2013/14 is \$58,000 however officers will be seeking approximately \$87,000 to complete the year 1 works in the 10-year plan.

### **5. Appendices**

Appendix 1 – Swimming Pools – Maintenance Costs 2012/13

Contact Officer: Helen McNaught, Facilities and Parks Officer

Reviewed By: Mark Allingham, Group Manager Infrastructure and Services



# **Appendix 1 – Swimming Pools – Maintenance Costs 2012/13**

**Opus capital budget**

Featherston

YEAR	COMPONENTS	COST	NOTES	SPENT TO DATE
1	Main pool covers	\$7,611.76	Only one required this year - look at recycling the old Martinborough one?	
	Remedial works to training pool and dividing wall	\$16,611.72	Not done	
	Re-tiling and fibre-glassing pool surrounds	\$26,000.00	Not done	
	Seal over-flow tank	\$8,570.00	Not done	
	Wash down grandstand	\$464.00	Done - not yet charged	
	Chemical wash gazebo roof	\$69.60	?	
	Changing shed repainting	\$4,272.00	Done by FASC	\$346.50
	<b>SUB-TOTAL</b>	<b>\$63,599.08</b>		<b>\$346.50</b>
2-5	Replace steel garden shed	\$1,000.00		
	Repaint changing shed cladding	\$3,348.00		
	Repaint outbuilding claddings	\$3,720.00		
	<b>SUB-TOTAL</b>	<b>\$8,068.00</b>		
6-10	Replace concrete paving	\$44,400.00		
	Replace sick bay joinery units	\$618.00		
	Replace site office joinery	\$824.00		
	<b>SUB-TOTAL</b>	<b>\$45,842.00</b>		
	<b>GRAND TOTAL</b>	<b>\$117,509.08</b>		

**2012/13 Work**

CAPITAL	SPENT / COMMITTED	OPERATING	SPENT / COMMITTED
Refibreglass little play pool		Holdback for doors from lobby to pool	\$104.98
Remove and replace the sand in the filters	\$4,500.00	Exterior wash-down main bldg	
		Pre-season maintenance - fire systems	\$574.20
		Repair coin hot water heaters in changing rooms	\$473.25
		Leaking pipe behind header tank	\$173.80
		Feeder tank valve leaking & lateral water pipe leaking behind feeder tank	\$331.38
		Pre-season maintenance - minor bldg works	\$916.81
		Paint for changing rooms	\$346.50
		Repair rotten corner by main doors	
		Repaint little play pool	
		Safe for pool takings	\$493.17
<b>TOTAL</b>	<b>\$4,500.00</b>		<b>\$2,920.92</b>

not yet charged  
not yet charged

**Opus capital budget**

Greytown

YEAR	COMPONENTS	COST	NOTES	SPENT TO DATE
1	Overflow tank sealing	\$8,570.00	Not done	
	Repaint fascia	\$696.00	Not done	
	Clear spouting and wash down exterior	\$560.00	Not done	
	Wash down timber seating area	\$560.00	Not done	
	<b>SUB-TOTAL</b>	<b>\$10,386.00</b>		
2-5	Main pool skimming and fibre-glassing	\$170,343.00		
	Repaint timber windows and doors	\$3,800.00		
	Replace security gates	\$1,720.00		
	Repaint grandstand seating	\$1,444.00		
	Water-blast concrete paving	\$3,360.00		
	Changing shed interior repaint	\$2,670.00		
	<b>SUB-TOTAL</b>	<b>\$183,337.00</b>		
6-10	Exterior painting	\$8,505.00		
	Replace flood lighting	\$4,880.00		
	Replace office joinery units	\$1,030.00		
	<b>SUB-TOTAL</b>	<b>\$14,415.00</b>		
	<b>GRAND TOTAL</b>	<b>\$208,138.00</b>		

**2012/13 Work**

CAPITAL	SPENT / COMMITTED	OPERATING	SPENT / COMMITTED
Upgrade dosing unit	\$ 1,771.39	Relocate slide	\$207.99
Filter and sock in toddler pool	\$10,553.40	Clearlite coming off pergola	\$329.51
		Switchboard problems affecting pumps	\$108.02
		Safe for pool takings	\$493.22
		Leaky valve to header tank	\$1,280.43
		Broken lock on chemical shed	
		Pre-season maintenance - fire systems	\$586.30
		Pre-season maintenance - minor bldg works	\$181.94
		Leaking pipe in pump room	
		Handrails to bleachers	
<b>TOTAL</b>	<b>\$12,324.79</b>		<b>\$3,187.41</b>

not yet charged

not yet charged

not yet charged

**Opus capital budget**

Martinborough

YEAR	COMPONENTS	COST	NOTES	SPENT TO DATE
1	Repair office wall linings	\$50.20	Not done	
	Replace pump house steel bandits	\$200.00	Not done	
	Seal pool overflow tank	\$8,570.00	Not done	
	Non-slip coat toddler pool	\$2,795.80	Exterior surround only	\$618.20
	New pool covers	\$13,230.25	Main pool - what about small pool?	\$11,180.40
	<b>SUB-TOTAL</b>	<b>\$24,846.25</b>		<b>\$11,798.60</b>
2-5	Repaint office floor	\$253.50		
	Pump room ventilation	\$750.00		
	Chainlink fence repair	\$1,276.00		
	Interior repainting	\$5,059.50		
	Replace clearlite roofing	\$1,450.00		
	Replace rotten timber roof framing	\$498.00		
	Timber fence post repaint	\$1,740.00		
	Main pool new pipe feed	\$12,000.00		
	<b>SUB-TOTAL</b>	<b>\$23,027.00</b>		
6-10	Replace office joinery	\$1,030.00		
	Exterior repainting	\$3,720.00		
	Grandstand shade roof	\$15,000.00		
	Concrete paving	\$25,900.00		
	Pool tiles	\$2,688.00		
	Main pool fibreglassing	\$94,600.00		
	<b>SUB-TOTAL</b>	<b>\$142,938.00</b>		
	<b>GRAND TOTAL</b>	<b>\$190,811.25</b>		

**2012/13 Work**

CAPITAL	SPENT / COMMITTED	OPERATING	SPENT / COMMITTED
Pre-season maintenance - circulation pumps	\$ 9,199.68	Barrier arms hit by car	\$350.05
Non-slip texture to toddler pool surround	\$618.20	Safe for pool takings	\$493.17
New main pool cover	\$11,180.40	Pre-season maintenance - fire systems	\$317.82
Installation of dosing units	\$1,546.38	Missing shower head, padlocks	
Lane ropes	\$4,537.50	tiles on main pool edge, north-east corner, need replacing - H&S hazard	
		Leak either in balance tank or pipework to balance tank	
		Learners' pool cover requires frame fixing - brackets are in shed	
		One of the main pool covers requires a plastic pipe with end seals to help move it in and out of position	
		Main pool cover wind-up handle needs a bolt to secure the handle.	
		The wheels on the wind-up frame need replacing or fixing	
		Boys' changing room urinal continuously leaking. May require ballcock	
<b>TOTAL</b>	<b>\$27,082.16</b>		<b>\$1,161.04</b>

**Opus capital budget**

All towns

YEAR	COMPONENTS	COST	NOTES	SPENT TO DATE	CAPITAL REQUIRED 2013/14
1	Featherston	\$63,599.08	Featherston	\$346.50	
	Greytown	\$10,386.00	Greytown	\$0.00	
	Martinborough	\$24,846.25	Martinborough	\$11,798.60	
	<b>SUB-TOTAL</b>	<b>\$98,831.33</b>		<b>\$12,145.10</b>	<b>\$86,686.23</b>
2-5	Featherston	\$8,068.00			
	Greytown	\$183,337.00			
	Martinborough	\$23,027.00			
	<b>SUB-TOTAL</b>	<b>\$214,432.00</b>			
6-10	Featherston	\$45,842.00			
	Greytown	\$14,415.00			
	Martinborough	\$142,938.00			
	<b>SUB-TOTAL</b>	<b>\$203,195.00</b>			
	<b>GRAND TOTAL</b>	<b>\$516,458.33</b>			

**2012/13 Work**

CAPITAL	SPENT / COMMITTED	OPERATING	SPENT / COMMITTED
Featherston	\$4,500.00	Featherston	\$2,920.92
Greytown	\$12,324.79	Greytown	\$3,187.41
Martinborough	\$27,082.16	Martinborough	\$1,161.04
<b>TOTAL</b>	<b>\$43,906.95</b>		<b>\$7,269.37</b>

**POOLS OPERATING COSTS**

<b>Financial Year</b>	<b>Operating Budget</b>	<b>Operating Actual</b>	<b>Variance</b>
2010/11	229,006	235,106	-6100
2011/12	255,598	303,248	-47,650
2012/13	267,428	(to 28/02) 312,396	-44,968