



UPPER HUTT CITY

Manual of policies

Operative from 21 September 2011



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Chapter 1 – Structure and functions of Council and its committees

1.1 Council

The Council consists of a Mayor and ten [10] Councillors elected at large every three years. The current Council was elected in October 2010.

The Council is empowered to exercise, for the district of Upper Hutt, all the functions and powers of a Territorial Authority pursuant to the Local Government Act 2002 and any other act or regulation.

The Council is also empowered by clause 32 of Schedule 7 of the Local Government Act 2002, to delegate any of its responsibilities, duties or powers to any committee or subcommittee of the Council, or to any member(s) or officer(s) or external organisations.

The Mayor and Councillors meet from time to time for information and/or discussion purposes; however no resolutions or decisions are made.

Outside of the normal committee structure a number of other Acts including the Building Act 2004, the Resource Management Act 1991 and the Sale of Liquor Act 1989, also empower the Council to delegate functions, duties or powers exercisable under the act concerned.

Delegations made by the Council include the power to sub delegate unless the Council specifies to the contrary.

All delegations, and sub delegations, are made in writing and are recorded in the Delegations Manual at the first opportunity.

The Council is unable to delegate any of the following:

- the power to make a rate
- the power to make a bylaw
- the power to borrow money or to purchase or dispose of assets other than in accordance with the Long Term Plan (LTP)
- the power to adopt an LTP, Annual Plan or Annual Report
- the power to appoint a Chief Executive
- the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.

(cf. Clause 32(1) of Schedule 7, LGA 2002)

The principal standing committees

1.2 Policy Committee

Function

Considers and **makes recommendations** to Council about:

- formulation of bylaws
- investment policies
- borrowing policies
- annual review of delegations and policies
- economic development
- property
- city planning
- Wellington Regional Strategy
- gambling venues policies
- brothels policies
- street naming
- city advocacy
- election matters
- elected members' remuneration
- applications for community amenities loans
- shared services
- strategic investments
- rates relief applications
- general policy matters

Membership Mayor and all Councillors

Quorum – six [6] members

Delegated authority – Nil

Meeting frequency – Six [6] weekly

1.3 Audit Committee

Function

Considers and **makes recommendations** to Council about:

- monitoring performance against financial and non-financial targets
- consideration of financial reports
- monitoring debt recovery
- policy matters dealing with the operation of Council's bank accounts
- consideration of the scope, emphasis and timetable of the external audit
- review draft annual financial statements with management and external auditors prior to submission to Council
- consideration of reports from the external auditors
- monitor action taken by management in response to auditor's reports
- monitor corporate risk management
- review significant accounting issues
- review asset management plans
- monitor general financial management and reporting issues.

Membership

Mayor and four [4] Councillors

Quorum

Three [3] members

Delegated authority

Nil

Meeting frequency

Three [3] monthly, and as required to liaise with Council's external auditors

1.4 City Services Committee

Function

Considers and **makes recommendations** to Council about:

- libraries
- parks and reserves
- H²O Xstream
- community support
- recreation services
- Expressions Arts and Entertainment Centre
- city promotion and marketing
- visitor services
- business support services
- emergency management
- roading
- waste management
- wastewater disposal
- stormwater disposal
- water supply
- parking facilities and enforcement
- animal control
- environmental health
- bylaw enforcement
- building enforcement
- inspection and licensing services
- general service delivery matters.

Membership – Mayor and six [6] Councillors

Quorum – Four [4] members

Delegated authority – Nil

Meeting frequency – Six [6] weekly

1.5 Hearings Committee

Function

Conducts hearings as and when required, arising from processes under:

- the Resource Management Act 1991 and the Upper Hutt City Council District Plan
- the Reserves Act 1977
- the Dog Control Act 1996 and Council's dog control policy and bylaw
- any other statutory rules of Council bylaw or policy.

Membership

Mayor and five [5] Councillors

Quorum

Three [3] members

Delegated authority

Authority **to make decisions** on all matters coming before the committee **except** those relating to the review, change or variation of the District Plan, in which cases the committee will make recommendations to Council.

Meeting frequency

As required

Matters reserved for Full Council

- Annual and Long Term Plans (LTP)
- Community Outcomes
- review of the District Plan
- review of the rating system
- levying of rates
- matters relating to the employment of the Chief Executive.

The principal standing committees

1.6 Chief Executive Recruitment Subcommittee

Function

1. to manage the selection process for the position of Chief Executive prior to the recommendation to Council
2. to recommend to Council a final short list of candidates for the appointment of the position of Chief Executive
3. to have financial delegation to cover recruitment related expenses.

Membership

Mayor and three [3] Councillors

Quorum

Mayor and two [2] members

Delegated authority

1. to manage the selection process for the position of Chief Executive prior to the recommendation to Council
2. to recommend to Council a final short list of candidates for the appointment of the position of Chief Executive
3. to have financial delegation to cover recruitment related expenses.

1.7 Civic Awards Selection Panel

Function

Assesses and selects recipients for Civic Awards.

Membership

Three [3] Councillors

Two [2] community representatives

Quorum

Three [3] members (one of whom must be a Councillor)

Delegated authority

To make the decisions.

1.8 Civil Defence Emergency Management Group (Joint Committee)

Function

This joint committee is responsible for coordinating civil defence emergency management within the Wellington region.

Membership

One [1] member from Upper Hutt City Council

1.9 Community Grants Committee

Function

To make recommendations as to the allocation of grants to community and regional organisations in accordance with established criteria (see paragraph 4 of Chapter 8 Part 8.2 of this manual).

Membership

Three [3] Councillors

Quorum

Two [2] members

Delegated authority

To determine the grants to be made.

1.10 Other Decision Making Bodies

Such as the:

1. Temporary road closures for events group
2. Infringements panel
3. Contracts Group.

Function and delegation

Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Council Community Plan (LTCCP) or Annual Plan or have obtained the express approval of Council.

Membership

Three [3] Councillors. An alternate member in the event of absence of a regular member is also appointed.

Quorum

Two [2] members

1.11 Creative Communities New Zealand Arts Funding Assessment Committee

Function

To disperse the funds under the Creative Communities Upper Hutt Arts Fund (Creative New Zealand) scheme, in accordance with the scheme guidelines.

Membership

Three [3] Councillors

One [1] local iwi representative

Five [5] community representatives, not Councillors,

Note: All members, except the iwi representative, are appointed by the Council

Quorum

Five [5] members (one of whom must be a Councillor)

Delegated authority

To determine applications and disperse funds.

1.12 Emergency Committee

Function

To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures for lack of a quorum of the full Council due to a pandemic or other natural disaster, except for those that:

- have been delegated to staff
- cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

Membership

Mayor and Councillors

Quorum

Two [2] members

Delegated authority

Authority to make decisions on all matters coming before the committee as described in the function section of the terms of reference.

1.13 Hutt Valley Services Committee (Joint Committee)

This is a joint committee of the Upper Hutt and Hutt City Councils.

Function

To consider and make recommendations to the two Councils on:

1. the coordination of activities of the Upper Hutt City Council and the Hutt City Council in respect of matters affecting the Hutt Valley as a whole; and
2. in particular, the coordination of wastewater disposal services for the Hutt Valley; and
3. any other activities common to both Councils that could be coordinated.

Membership

Each Council appoints four members and an alternate member who may act in the event that a regular member is absent. The Chair alternates between the Upper Hutt and Hutt City Councils, with Hutt appointing the Chair in odd numbered years, and the change taking place at the final meeting of each year.

Quorum

Four [4] members (ie a combination of Upper Hutt City Council and Hutt City Council members).

Delegated authority

Nil.

1.14 Liquor Licensing Committee

Function

Meets as and when required for the purpose of carrying out Council's obligations under the Sale of Liquor Act 1989.

Membership

Three [3] members

Quorum

Two [2] members (one of whom must be a Councillor)

Delegated authority

1. grant unopposed On Licences, Off Licences, Club Licences and Manager's Certificates
2. grant unopposed renewals of On Licences, Off Licences, Club Licences and Manager's Certificates
3. grant temporary authorities and Special Licences
4. impose conditions or endorsements on licences or certificates and renewals of licences or certificates
5. determine whether any hearings should be exparte or on notice

6. hold any hearing on behalf of the District Licensing Authority
7. determine and grant exemption
8. prepare any reports required by the Sale of Liquor Act
9. vary, suspend or cancel any Special Licence
10. suspend any licence for non compliance with Public Health or Fire Precaution requirements in accordance with the Sale of Liquor Act 1989.

1.15 Legislation Committee

Function

To consider central government legislation and make submissions on Council's behalf when it deems it appropriate.

Membership

Six [6] members

Quorum

Two [2] members

Delegated authority

To consider central government legislation and make submissions on behalf of Council when it deems it appropriate.

1.16 Planning Commissioners Committee

Function

Meets as and when required for the purpose of appointing commissioners to conduct any hearing required under the Resource Management Act 1991.

Membership

Three [3] members

Quorum

Two [2] members

Delegated authority

1. to appoint commissioners when required in accordance with Upper Hutt City Council's 'Use of Commissioners – Resource Management Applications' policy
2. to make decisions to transfer consent applications direct to the Environment Court under section 87D of the Resource Management Act 1991.

1.17 “Forthwith” decisions

The Council has delegated to a majority of its members the power to act in all matters (see note below for exceptions) but only in the following circumstances and subject to compliance with the following conditions, namely:

the power to act may be exercised only during a meeting of a committee of Council in respect of a recommendation made by the committee.

The chairperson of the committee or the Mayor must opine that the matter so recommended should be acted upon as a matter of urgency or expediency. The decisions must be the unanimous decision of all members of Council present at the meeting.

The members of Council present must be a majority of the members of the Council.

Note

Clause 32(1), Schedule 7 of the Local Government Act 2002 stipulates that the Council may not delegate the following:

- the power to make a rate
- the power to make a bylaw
- the power to borrow money or to purchase or dispose of assets other than in accordance with the Long Term Plan (LTP)
- the power to adopt an LTP, annual plan or annual report
- the power to appoint a Chief Executive
- the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.

1.18 Council membership on external organisations

The Council appoints members to represent it on a number of external organisations, including the following:

Zone Four Local Government Association

Representation: two [2] members

Rimutaka Hill Road Committee

Representation: two [2] members

Orongomai Marae Community Centre Trust

Representation: one [1] member

Wellington Waste Forum

Representation: one [1] member

Hutt River Flood Management Subcommittee

Representation: three [3] members

Regional Transport Committee (Greater Wellington Region)

Representation: one [1] member

Wellington Regional Strategy Committee

Representation: one [1] member

Experience Upper Hutt

Representation: two [2] members

Interagency Trust

Representation: one [1] member

New Settlers Centre

Representation: one [1] member

New Zealand Historic Places Trust

Representation: one [1] member

Safe Hutt Valley

Representation: two [2] members

1.19 Representation decisions under the Local Electoral Act 2001

The First Past the Post (FPP) system was used to conduct the Triennial Elections held in October 2010. The Council itself can change the system of voting by passing a resolution to that effect.

The following proposals were resolved by Council in March 2006 to form the basis for election of the Council at the 2007 Triennial Elections:

- a. that the Council be elected by the electors of the district as a whole
- b. that the total number of Councillors to be elected remain at 10
- c. that no communities be constituted.

Council resolved in December 2008 to undertake its next review of its representation during 2012, in time for the 2013 triennial elections. (*Policy, M.P.218 03/12/2008*).

The next review of representation arrangements must be undertaken no later than 2012 and Council must publically notify its decision no later than 8 September 2012.

Chapter 2 – Policies relevant to Council and its committees

2.1 Policy applicable to all standing committees

It is incumbent upon all standing committees:

- a. to ensure that Council policy is observed and Council decisions are complied with
- b. to make recommendations to Council when necessary as to the interpretation of policy or as to the need to depart from the policy in specific instances
- c. to make recommendations to Council on all matters where authority has not been delegated to the committee or where the decision required is beyond any delegation granted
- d. to consider the public interest in, and reaction to, matters under their jurisdiction
- e. to investigate, consider and make recommendations about functions assigned to them in accordance with laid down procedure and any delegation by the Council after the policy has been decided by the Council.

2.2 Policy on public participation at standing committee meetings

A period of up to 30 minutes shall be set aside for a public forum at the commencement of ordinary meetings of the local authority, committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting may speak for five minutes.

Standing orders may be suspended on a vote of three-quarters of those present to extend the period of public participation or the period any speaker is allowed to speak.

In respect of local authority, committee and subcommittee meetings, public forum is to be confined to those items falling within the Terms of Reference of that meeting provided the matter is not subjudice.

Note

The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or subcommittee sits in a quasi-judicial capacity.

With the permission of the chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

(Reference: Appendix 2D of Standing Orders)

2.3 Standing orders

Council has adopted NZS 9202 2003 (with local amendments) as its Standing Orders for the conduct of meetings. These include procedures for dealing with deputations and petitions as well as attendance at meetings and availability of information.

2.4 Use of city badge

The Council allows the use of the Badge (a fantail in gold circlet) by local groups, subject to the condition that the words "City of Upper Hutt" also appear.

2.5 Reports by Councillors on conference

Reports from Councillors appointed to attend conferences will be placed in the Councillors Brief. Recommendations from Councillors will be placed on the agenda of the appropriate committee if necessary.

2.6 Attendances at conferences by spouses of Councillors

When a Councillor has been appointed to attend a conference, the spouse of the Councillor may be able to attend if the reason for the spouse attending the conference is based on a sound business case, but at all times is at the discretion of the Mayor.

All actual and reasonable costs associated with the attendance at the conference (for both Councillor and spouse) will be reimbursed, including travel, accommodation, meals and entertainment.

All expenses must be approved by the Chief Executive before any reimbursement can be paid.

2.7 Travel allowances

Council will pay travel allowances as provided for in the Fees and Travelling Allowances Act 1951 to members of the Council in the following circumstances:

- attendance at out of town meetings, conferences and course of study or training where attendance by the member is pursuant to a resolution of Council
- where a Councillor undertakes a specified Council business outside of Upper Hutt pursuant to a resolution of Council.

2.8 Communications allowance

The Mayor and Councillors are entitled to be reimbursed for additional costs, over and above normal ownership, of personal communication facilities (i.e. mobile phones, home landline, internet connection and printer consumables e.g. ink cartridges and paper) up to a maximum of \$750 per annum on production of receipts.

2.9 Recording of Council minutes

To assist in compiling the minutes of Council meetings in their current form, the meetings will be tape recorded with the tapes being reused once the minutes have been approved or one calendar month after the minutes have been circulated.

2.10 Procedure for fixing the common seal

The Council's procedure, whenever the seal is to be affixed to any document, is that it be affixed in the presence of the Mayor (or in his absence the Deputy Mayor) and the Chief Executive.

2.11 Use of commissioners – resource management applications

1. Subject to paragraph 2 below, Council will appoint an independent commissioner to carry out Council's functions to process resource consents, plan changes and delegations, conduct hearings when required and make decisions under the Resource Management Act 1991 in circumstances when Council:
 - i. is a party to a proposal or application which involves significant complexity or controversy or the potential adverse effects on the environment are more than minor
 - ii. has or could be perceived to have a pecuniary interest in the outcome
 - iii. has or could be perceived to have a conflict of interest.
2. In hearings involving a district plan or district plan change the commissioner will be restricted to making recommendations to Council.

2.12 Council workshops

A special committee of the Council is appointed to meet from time to time solely for information and/or discussion purposes (but with no resolutions or decisions to be made).

All members of the Council shall be members of the special committee which is to be known as the 'Workshop Committee'.

Meetings of the Workshop Committee will be convened as and when required pursuant to a resolution of the Council or at the direction of the Mayor.

2.13 Policy on significance

Purpose

The general purpose of Council's Policy on Significance, prepared in accordance with Section 90 of the Local Government Act 2002 [the Act], is to set out:

- how Council will determine the degree of significance of a proposal or decision in relation to issues, assets, or other matters
- how Council will manage the decision making process, including consultation and demonstrating transparency, as a result of that assessment of significance.

General approach to determining significance

General principles

At the earliest stage in the decision-making process, consideration must be given to the significance of an issue, proposal or other matter.

The Flowchart on the following page summarises the process.

When determining the significance of proposals and decisions in relation to issues, assets or other matters, Council will have regard to the extent to which these:

- promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future; or

- have consequences or impacts on residents, ratepayers and businesses; or
- in relation to land or a body of water, have wide interest for Maori within Upper Hutt generally; or
- have wide public interest within Upper Hutt City generally; or
- have impacts on Council's capacity to meet its statutory responsibilities now and in the future; or
- are set down in the Local Government Act 2002 as being significant [refer to section 3]; or
- have been clearly described already in the Long Term Plan (LTP), including the nature and extent of the proposed action.

Levels of significance

Council will then categorise and process the matter in one of three ways, namely:

Operational Matters

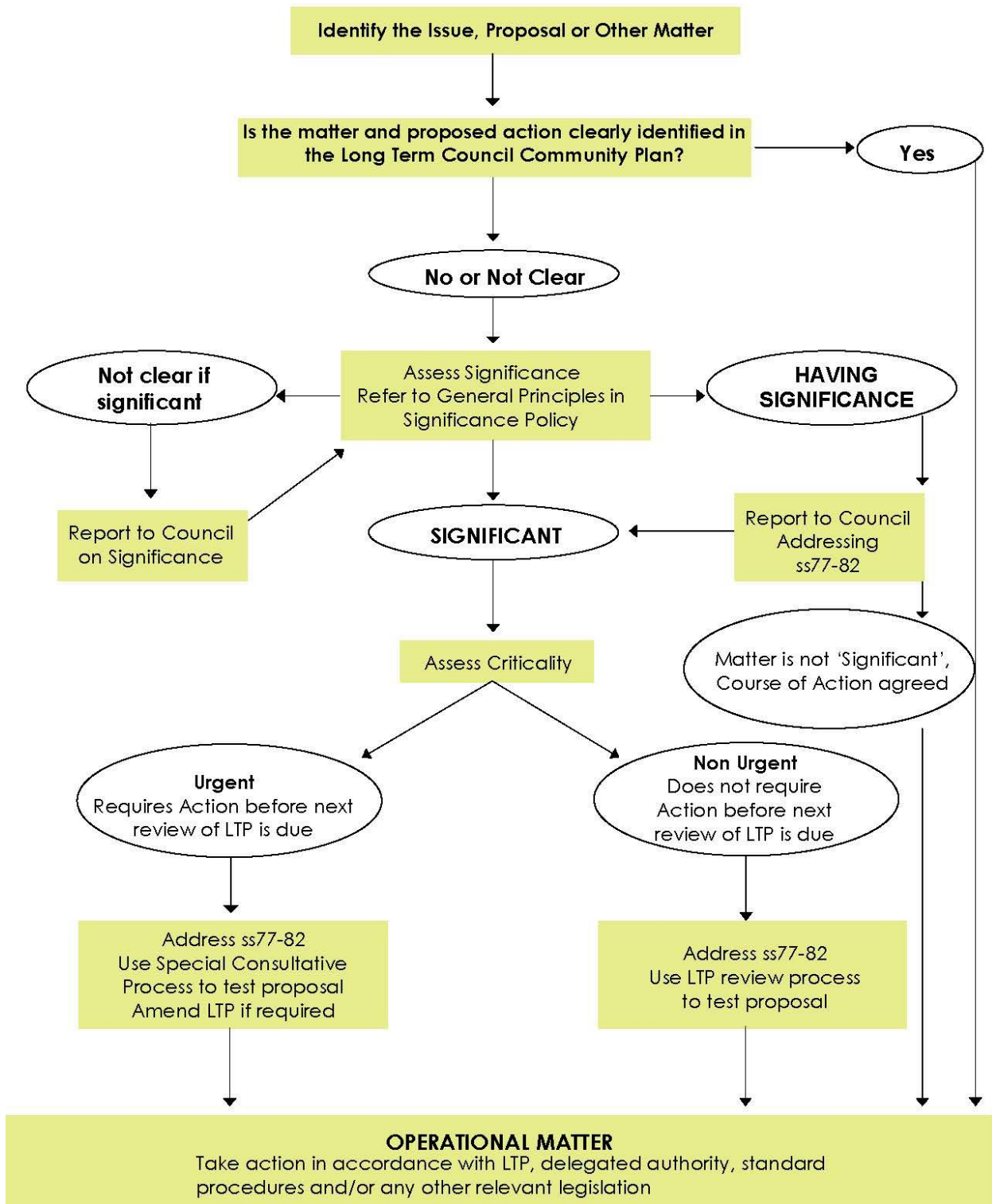
The matter concerns the day-to-day operations of Council, is carried out under delegated authority and is in accordance with the Long Term Plan, Annual Plan or relevant legislation. No further assessment of significance is required.

Procedure:

Where a decision is authorised by Council to be made under delegated authority, then Council will maintain an appropriate formal record, as required under the relevant Act.

Explanation:

By keeping a formal record, there is an opportunity for any affected person to check the basis on which the decision has been made, and to challenge if they consider the requirements of the relevant legislation have not been met.



Process for assessing significance

Having Significance

The matter has significance, but is not sufficiently important to be 'significant', and requires a Council resolution before action may be taken.

Procedure

Council is required to make decisions on those matters that are not already covered by the Long Term Council Community Plan, including where there is a material change from a proposed course of action.

Where a decision is to be made by Council resolution, the report put to Council, or to any Committee of Council, will address transparently the requirements identified in sections 77 to 82 of the Act.

When, following such deliberation, Council considers that the matter is 'significant', then the procedure for managing 'significant' matters, set out in 2.2(c), will be used.

Explanation

By making the matters identified in sections 77 to 82 on the decision-making process transparent in the relevant report to the Council or any of its Committees, Councillors and the public at large will be able to assess if Council has sufficient information from which to make a decision.

Significant

The matter is of the highest level of significance and requires a clear statement of the proposal, use of the special consultative procedure and a final Council resolution before action may be taken.

Procedure

Generally, Council will endeavour to clearly identify and debate 'significant' proposals through the Long Term Council Community Plan process.

In special circumstances, where the 'significant' matter is unforeseen and a decision is required quickly, then Council will invoke the special consultative procedure at an appropriate time, by resolution. Where required by legislation, the relevant part of the Long Term Council Community Plan will be reviewed.

Where discretion is involved in categorising the matter as 'significant' rather than 'having significance', a report will be put to Council as soon as possible for a decision on its level of significance.

Explanation

By requiring the special consultative process is used in decision-making, Council is meeting the highest requirement in the Act for informing the public of what it is proposing, and enabling formal submissions on the proposal to be heard. This will ensure Council has sufficient information from which to make a decision on the matter.

'Significant' matters in the Act

Introduction

The Local Government Act 2002 specifically identifies a number of situations that are effectively classed as being 'significant'. These are listed on the following page.

Strategic assets

The following are considered to be strategic assets for Upper Hutt City Council in terms of the Act:

- Upper Hutt City roading network as a whole
- Upper Hutt City Civic Complex, including the Library, Civic Administration Building, the Expressions Arts and Entertainment Centre and H²O Xtream
- Upper Hutt City reserves network as a whole, being reserves managed by Council and classified under the Reserves Act 1977
- Upper Hutt City water supply system, as a whole
- Upper Hutt City stormwater system, as a whole
- Upper Hutt City wastewater system, as a whole, including the Upper Hutt City Council share of the Hutt Valley Wastewater System
- Akatarawa Cemetery

For the removal of doubt, each strategic asset is listed as a whole entity, and the term 'strategic asset' does not apply to the individual elements of that asset.

Under section 97(1)(b) and (c) of the Act, the following types of decision are effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- a decision to transfer the ownership or control of a strategic asset to or from a local authority
- a decision to construct, replace or abandon a strategic asset

Significant activities

The following are considered to be significant activities for Upper Hutt City Council:

- democratic process, as a whole
- recreation, leisure, community and cultural services, as a whole, including parks and reserves, recreation and community affairs, libraries and H²O Xtream
- emergency management, as a whole
- environmental services, as a whole
- land transport, as a whole
- water services, including water supply, wastewater and stormwater, as a whole.

For the removal of doubt, each significant activity is listed as a whole entity, and the term 'significant activity' does not apply to the range of component activities carried out under each significant activity.

Change in intended level of service

Under section 97(1)(a) of the Act, the following type of decision is effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- a decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including the decision to commence or cease any such activity

The following 'significant' thresholds shall apply for Upper Hutt City Council:

- commencing or ceasing a significant activity
- changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for the significant activity, whichever is the lesser amount.

Change in mode of delivery

Under section 88 of the Act, Council must use the special consultative procedure, or have already explicitly provided for the proposal in the Long Term Plan and Statement of Proposal, where it wants to alter the mode by which a significant activity is undertaken by, or on behalf of Council, as follows:

- a change from delivery of the activity by the local authority itself to delivery of the activity by a council-controlled organisation in which the local authority is a shareholder; or
- a change from delivery of the activity by the local authority itself to delivery of the activity by another organisation or person; or
- a change from the delivery of the activity by a council-controlled organisation in which the council is a shareholder to delivery of the activity by another organisation or person.

Significant alteration to Council's capacity

Under section 97(1)(d) of the Act, the following type of decision is effectively 'significant', and a decision can only be taken if explicitly provided for in the long-term council community plan and the statement of proposal:

- a decision that will directly, or indirectly, significantly affect the capacity of the local authority, or the cost to the local authority, in relation to any activity identified in the long-term council community plan.

The following 'significant' thresholds shall apply for Upper Hutt City Council:

- changing Council's total annual rates funding requirement by 10 percent, or 50 percent of the total annual rates funding for any activity, whichever is the lesser amount.

For the removal of doubt, the term 'activity' refers to the list of Council Activities identified in the Long Term Plan.

Chapter 3 – Policies relating to Corporate Services

3.1 Signing of cheques and bank transfers

The persons holding the following positions are authorised to approve withdrawals from the following accounts:

Accounts

Upper Hutt General Bank Account

Upper Hutt General Bank Account No. 3

Position holders

Any two of:

- Chief Executive
- Director of Asset Management and Operations
- Director of Business Development Services
- Director of Corporate Services
- Director of Community Services
- Director of Environmental Services
- Finance Manager
- Management Accountant
- Revenue Accountant

3.2 Payment authorisation

Payments for goods and services received may be authorised by the Chief Executive, a director or the manager responsible for the particular matter provided that the supply of such goods or services has first been contracted for in accordance with the Council's policy or is required to be paid by law. (Refer to Chapter 3: Financial Delegations and Chapter 4: Functional Delegations in the Manual of Delegations).

3.3 Official information statement

Requests for official information may be made to the Council in any of the following ways:

- verbally, to any Council officer at any Council office
- by telephoning (04) 527 2619 and the request may be made to the operator or any other officer
- by posting the request to the Upper Hutt City Council, Private Bag 907, Upper Hutt 5140
- by sending a fax to (04) 528 2652
- by email to askus@uhcc.govt.nz

If the request is made by an identifiable natural person seeking access to any personal information about that person, then such requests are not subject to any charge.

Where repeated requests are made in respect of a common subject, in any period up to eight weeks, requests after the first shall be aggregated for charging purposes.

Staff time will be charged, where the total time involved is in excess of one hour, after the first hour, at \$38.00 per half hour or part thereof.

Photocopying or printing, on standard A4 or foolscap paper, where the total number of pages is in excess of 20 pages, will be charged at 20c for each page after the first 20 pages.

All other charges incurred shall be fixed at an amount that recovers up to the actual costs involved. This will include:

- the provision of documents on computer disks
- the retrieval of information off-site
- reproducing a film, video or audio recording
- arranging for the applicant to hear or view an audio or visual recording
- providing a copy of any map, plan or other document larger than foolscap size.

A charge may be modified or waived at the discretion of the Chief Executive.

The charge may not include any allowance for:

- locating and retrieving information which is not where it ought to be
- time spent deciding whether or not access should be allowed and in what form.

A deposit may be required where the charge is likely to exceed \$76.00 or where some assurance or payment is required to avoid a waste of resources.

A record will be kept of any costs incurred. Wherever a liability to pay is incurred, the applicant will be notified of the method of calculating the charge and this fact noted on the record.

Council will refer to the Ministry of Justice Charging Guidelines for Official Information Act 1982 Requests (issued 18 March 2002) for guidance in addressing any issues not covered above.

3.4 Policy on prosecutions

No prosecution is to be initiated until:

- a. the suspect has been given an opportunity to offer an explanation
- b. the Council's solicitor, having been provided with the explanation and all other relevant information, advises that there is sufficient evidence to justify a prosecution and recommends that a prosecution be initiated.

The result of any action taken is to be reported back to Council.

3.5 Liability management policy

Upper Hutt City Council undertakes borrowing and risk management activities within the requirements of section 102 [4][b] of the Local Government Act 2002. The Council borrows as it considers appropriate but exercises its flexible and diversified borrowing powers in compliance with LGA 2002. The borrowing requirement for each financial year is approved by the Council as part of the LTP/Annual Planning approval process.

In general, major projects are most likely to be funded by debt; whereas plant and equipment (when not leased) and smaller projects such as improvements in Parks and Reserves are funded through reserves or rates. The Council manages its finances with a view to ensuring that, over time, there is some stability in its annual rates revenue and accordingly the cumulative annual expenditure on capital items and debt repayment is controlled. This will ensure that stability is in fact achieved. This approach ensures that each generation is making a more or less equal contribution towards capital expenditure on an overall basis, although not in relation to separately identifiable individual projects. The Council is satisfied that this approach adequately ensures that equity is maintained between generations of ratepayers.

Interest rate exposure

Interest rate risk refers to the impact that movements in interest rates can have on the Council's cashflows. Council aims to have predictable, certain interest costs that avoid large adverse impacts on annual rates, which arise from interest rate related increases and the long term nature of the Council's assets. This along with intergenerational factors leads to a general tendency is to have a high percentage of fixed rate or hedged borrowing. Notwithstanding the above, it may be appropriate from time to time, depending on the Council's outlook on interest rates to have a floating rate profile.

Interest rate risk is managed within the confines of liquidity and there is a constant trade-off between the two. The use of interest rate risk management instruments is approved by the Council. Council will not utilise such instruments for any type of speculative transaction and will take advice from external parties whenever making use of them.

Liquidity

Liquidity risk management refers to the timely availability of funds to the Council when needed, without incurring penalty costs. The Council minimises its liquidity risk by:

- spreading income flow from rates which are received ten [10] times over the year.
- matching expenditure closely to its revenue streams and managing cashflow timing differences to its favour.
- maintaining its financial investments in liquid instruments.
- maintaining a committed overdraft facility with its relationship bank.
- avoiding concentration of debt maturity dates.
- maintaining a Disaster Recovery Plan and adequate insurance for coverage of natural disasters.
- adopting sound business financial practices which enhance Council's risk management.

Credit exposure

The original borrowing will be carried out with known or established markets at a fixed or floating rate as appropriate. Subsequent hedging can operate separately to the original loans to provide greater flexibility. The external parties involved in hedging arrangements may be different to the original lender but in all cases will be reputable, financial institutions with strong credit ratings.

Council will only deal with the following external parties:

- a. registered Banks - short term S and P credit rating of A1 or better
- b. other SOE's and Corporates - long term S and P rating of AA or better
- c. other Local Authorities

Debt repayment

Council will generally set the terms of any borrowing to under twenty [20] years for all loans up to a face value of \$15 million. However a matching of the asset life, term of benefits and intergenerational funding issues will also be considered in each case. The need to spread the maturity profile of debt, including any re-financing and income streams, will also be taken into consideration. Loans negotiated over this value will have a term dependant on forecast debt/equity ratios according to the Long Term Council Community Plan.

Specific borrowing payments

In managing debt borrowing, Council will adhere to the following borrowing limits:

- total interest expense on public debt will not exceed ten [10] percent of annual rates
- ratio of external public debt to annual rates and levies will not exceed 150 percent
- public debt per assessable ratepayer will not exceed \$2,500
- public debt per capita will not exceed \$1,000.

Giving securities

Council will generally operate with a security over its rates income under its Debenture Trust Deed. Council will generally avoid giving security over specific assets.

Operating procedures

Council's detailed procedures and delegations for exercising its Liability Management Policy are set out in a document called "Investment and Borrowing Policy – Operating Procedures" [operative from 1 July 2009].

3.6 Investment policy

Upper Hutt City Council undertakes investment and risk management activities within the requirements of section 102[4][c] of the Local Government Act 2002.

Mix and acquisition of new investments

Council manages a portfolio of investments comprising equity investments, property, loans, advances and financial investments. The acquisition or disposal of investments, excluding re-investment of current financial investments on maturity, has to be approved by Council.

Objectives

Council's philosophy on the management of investments is to optimise returns in the long term while balancing risk and return considerations. Council recognises that, as a responsible public authority, any investments that it does hold should be of low risk. Council also recognises that lower risk generally means lower returns.

Council does not hold financial investments other than those involving special funds and cash management balances. In its financial investment activity, Council's primary objective when investing is the protection of its investment. Accordingly, only creditworthy counterparties are acceptable.

Investments are managed through the Finance division of Council, under delegated authority by the Chief Executive and the Director of Corporate Services. A Statement of Cash and Investments, showing investment limits, is monitored on a daily basis and reported to Council, through the Audit Committee, every quarter.

Council provides direct support to local organisations in its policy of supporting local initiatives. These loan advances are reviewed on a regular basis to ensure that interest and principal repayments are made in accordance with the loan agreement. In the case of guarantees Council expects and receives an audited annual report of the organisation concerned in order to review both current performance and abatement of the exposure through the organisation's debt repayments.

Management of risk

Council in administering its financial investments will face both credit as well as interest risk in managing these particular investments. The Council's primary objective when investing is the protection of its investment. Accordingly, only credit worthy counterparties are acceptable and selected on the basis of their current Standard and Poors (S and P) rating which must be A1 or better.

Within the above credit procedures, Council also seeks to maximise investment return, ensure investments are liquid and manage potential capital losses due to interest rate movements if investments need to be liquidated before maturity.

Operating procedures

Council's detailed procedures and delegations for exercising its Investment Policy are set out in a document called "Investment and Borrowing Policy – Operating Procedures" [operative from 1 July 2009].

3.7 Policy on public-private partnerships

Introduction

This policy outlines conditions under which the Council will enter into business partnerships with the private sector. Such a public-private partnership, as allowed for in the Local Government Act 2002, can be an arrangement involving grants, loans, investments, commitment or resources and guarantees.

Under stringent assessment criteria and conditions, each potential partnership is scrutinised. The Council will evaluate potential risks alongside forecast benefits and implement a risk management strategy where necessary.

Policy on public-private partnerships

This policy outlines the conditions under which Council will consider entering into a Public-Private Partnership (PPP), as required under section 107 of the Local Government Act 2002 (LGA 2002).

Definition

A Public-Private Partnership includes any significant agreement or arrangement that is entered into between one or more local authorities and one or more persons engaged in business and does not include:

- a contract for the supply of goods or services to or on behalf of a local authority; or
- arrangements where the only parties are local authorities, or Council and Council controlled organisations.

A partnership is defined in the LGA 2002 as being any arrangement involving grants, loans, investments, commitments of resources or guarantees given to one or more persons engaged in business by one or more local authorities.

This policy sets out the processes that Council will adopt with respect to entering into a Public-Private Partnership.

Circumstances

The Council may consider entering into a Public-Private Partnership where an activity has been identified in the Council's Long Term Council Community Plan or Annual Plan as a community priority or desirable community outcome.

The circumstances where a Public-Private Partnership may be entered into are likely to be limited to one or more of the following:

- where the Council may be unwilling or unable to bear all of the risk (usually though not always defined in terms of financial risks) of a particular project itself
- where the Council may believe a particular project is of significant community benefit, but may have legal restrictions on its power to participate fully in that project

- where neither the Council nor a private provider would otherwise provide the services or activity without the partnership
- where there are identifiable advantages in the project or activity being undertaken as a Public-Private Partnership rather than by either of the parties separately
- where the benefits to the community are greater than the costs of the Public-Private Partnership.

Partnerships are expected to provide benefit to both the local authority and the private sector.

Conditions

The Council will enter into a partnership only where it expects that the partnership will help achieve the community outcomes or objectives in the Council Long Term Plan, but nothing in this policy commits the Council entering into such a partnership even if it will help achieve community outcomes or objectives.

Before entering into a Public-Private Partnership, the Council must be satisfied that:

- the partnership will help achieve the community outcomes or objectives identified in the Council Long Term Plan
- the benefit from the partnership is greater than the costs and risks.
- the Council is satisfied that the partner has demonstrated an ability to meet the terms of any agreement
- all necessary consents, licenses or other approvals have been obtained prior to any financial commitment by the Council
- the partnership and its proposed business are lawful
- a clear exit/termination strategy is agreed
- roles, responsibilities and liabilities of each partner are clearly defined

The Council will not enter into a Public-Private Partnership where:

- the activity is primarily speculative in nature
- the cost or risk of the partnership is judged to be greater to the community than the benefits that would accrue.

Other conditions may be imposed as considered appropriate by the Council.

Consultation

The Council will undertake consultation on any revision of this policy as part of a Council Long Term Plan.

Where the Council decides to undertake a Public-Private Partnership, it will not have to undertake further consultation. However, it may undertake additional consultation where:

- a partnership is assessed as being greatly beneficial, but falls outside the conditions or circumstances identified in this policy
- the partnership would result in significant positive or negative changes in service levels, as defined in the Council's Significance Policy

- the proposal would have a material impact on the Council's projected budgets, performance measures, outcomes or other objectives
- ownership or control of a significant asset (as defined in the Council's Significance Policy) is to be transferred to or from the Council
- the proposed partnership is likely to attract considerable public interest in whether or not the partnership with the private sector should proceed.

Where practicable, consultation on Public-Private Partnerships under the above criteria will take place under the Annual Plan or Council Long Term Plan process. Alternatively, a separate special consultative procedure may be undertaken

Risk management

When considering a Public-Private Partnership, the potential risks to the Council will be outlined and where the risks are considered significant, the Council will assess the level of the risks against its benefits and management strategies.

Risks which may be considered are:

- design and construction risk
- commissioning and operating risk
- service and under-performance risk
- maintenance risk
- risk of change to the legal or regulatory environment
- risk of legal challenge
- technology obsolescence risk
- planning risk
- price risk
- taxation risk
- residual value risk
- demand or valuation risk
- occupational safety and health risk
- the relative investment of the private sector partner
- the level of experience/track record of the partner
- risk to the Council's reputation and that of Upper Hutt City generally
- insurance coverage and limitations
- risk to the capacity of the Council to carry out its activities, now and in the future
- risk to property

- protection of any intellectual property
- any other risks identified.

Where risks exist and a partnership is to be agreed, a risk management strategy will be put in place to minimise or provide cover for that risk to the Council's satisfaction. Risk management in any or all of the above areas may be specified as being the Council's responsibility or that of the partner.

Formation of a public-private partnership

The formation of a Public-Private Partnership that meets the conditions of this policy will be by Council resolution.

Monitoring and reporting

Progress reports on specific issues and financial performance will be presented regularly to the appropriate Council Committee.

The overall performance will be included in the Council's Annual Report.

3.8 Policy on remission and postponement of rates on Maori freehold land

Section 102(4)(f) of the Local Government Act 2002 requires that a local authority must adopt a policy on the remission and postponement of rates on Maori freehold land. Section 108 of the Local Government Act 2002 sets out the criteria with which a policy under section 102(4)(f) must conform.

The Upper Hutt City Council policy is that it will not remit or postpone rates on Maori freehold land.

In explanation, very little land within Upper Hutt City is held as Maori freehold land, and the issue of remission or postponement of rates on such land has not arisen. Should the situation change, then Council may review this policy.

3.9 Revenue and Financing Policy

Introduction

The Local Government Act 2002, section 103 stipulates the content of Council's Revenue and Financing Policy which covers funding for operating and capital expenditure.

Council manages its revenues, expenses, net assets, reserves and special funds in such a manner that adequate and effective provision is made to meet the expenditure needs of the local community. One of Council's key responsibilities is to ensure that major assets are not run down, particularly infrastructural assets, by failing to provide adequate funds for future maintenance and renewals. Council manages its long term financial requirements with a suitable balance between long term debt and reserve funds, while ensuring at all times a sound debt/rates income ratio is maintained.

Policy Statement on the funding of operational expenditure

Operating expenditure pays for the Council's day-to-day operations and services, from collecting rubbish and providing street lighting to maintaining gardens and issuing building consents.

As allowed under section 100(2) of the Local Government Act 2002, Council sets projected operating revenues at a different level to operating expenses. It is the view of Council that it is financially prudent to do so. This position has been arrived at for the following reasons:

- Council does not consider that depreciation reflects the annual cost of maintaining the service potential of assets but is merely the reduction in economic benefits embodied in the asset
- for the above reason the renewal, replacement and establishment of assets is funded through a combination of rates, grants, subsidies and loans in order to equitably allocate the funding responsibility for provision and maintenance of assets and facilities throughout their useful life
- Councils budgeting and asset management regimes ensure that the estimated cost of achieving and maintaining the predicted levels of service provision, set out in the Long Term Plan, including the estimated cost of maintaining the service capacity and integrity of assets, can be accurately determined
- Councils budgeting regime ensures that the projected revenue is available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life
- under New Zealand International Financial Reporting Standards (NZIFRS), changes in the fair value of certain assets must be accounted for within the Prospective Statement of Comprehensive Income. In accordance with section 100 of the Local Government Act 2002, the Council does not consider it financially prudent to fund changes in the fair value of assets or liabilities as these are essentially unrealised accounting adjustments.

Options available for funding Council services

It is Council policy to use the following mechanisms to fund operational expenditure requirements:

- **general rates** – general rates are used to fund public goods where it is not possible to clearly identify customers or users. The general rate is also used to fund activities where, for reasons of fairness, equity and consideration of the wider community good, it is considered that this is the most appropriate way to fund an activity
- **targeted rates** – this form of rate is used where an activity benefits an easily identifiable group of ratepayers (such as the commercial or residential sectors) and where it is appropriate that only this group be targeted to pay for some or all of a particular service. For example, wastewater disposal and water supply
- **fees and charges** – user charges are direct charges to people and/or groups who use certain Council services such as swimming pools. In these instances, an identifiable benefit exists to clearly identifiable people and/or groups and they are required to pay for all or part of the costs of using that service. It is noted that from 1 July 2006 Councils are required to adjust budgets to include inflation of all income and expenditure with their LTP. Where appropriate and with consideration to 'ability to pay' principles, user charges will be increased by the rate of the inflation to achieve continued alignment with the proposed funding policy targets
- **grants and subsidies** – grants and subsidies apply to some activities when income from external agencies is received to support that particular activity
- **other sources of funding** – the Council also funds operating expenditure from other sources, including income from interest and dividends from investments held by the Council, lease income and proceeds from asset sales. In the event of a major civil emergency Council may be obliged to utilise

cash reserves, overdraft facilities and/or loan funding in order to effect essential repairs and restore core services. Other sources of funding include:

Use of surpluses from previous financial periods

Where the Council has recorded an actual surplus in one financial period it may pass this benefit to ratepayers in a subsequent period.

A surplus may arise from the recognition of additional income or through savings in expenditure. Council considers that passing this benefit on to ratepayers in future financial periods is equitable, in that most of the financial benefit is passed on to those ratepayers who shared the rates-funding burden in the financial period that the surplus was generated.

The amount of any surplus carried forward from previous financial periods, will be transferred to the credit of the cost centre it relates to, in the case of restricted surpluses, in the year the benefit is passed onto ratepayers. When general rates surpluses are applied this will be reported in Council's Cost of Service Statements, in the year the benefit is passed onto ratepayers, but a formal accounting entry will not be actioned.

The Council will not carry forward surpluses in relation to:

- the sale of assets
- trust and bequest revenue. Such surpluses shall be applied in accordance with the terms on which they are provided
- revenue received for capital purposes. Such surpluses shall be retained to fund the associated capital expenditure
- unrealised gains arising from fair value adjustments to assets and liabilities. These gains are unrealised accounting adjustments in the period which they are recognised.

Funding of expenditure from restricted or special funds

Certain operating and capital expenditure items may be funded from restricted or special funds. Restricted and special funds are those reserves within the Council's equity that are subject to special conditions of use, whether under statute or accepted as binding by the Council, and that may not be revised without reference to the courts or a third party.

Transfers may be made only for specified purposes or when specified conditions are met.

The following restricted and special funds are available for use by Council:

- **trusts and bequests** – from time to time Council may be the recipient/holder of trusts monies and/or bequests. These funds can only be used for the express purposes for which they were provided to the Council. Each year, the Council may expend money, of an operating or capital nature, from its trusts and bequests in accordance with the specified conditions of those funds. For the avoidance of doubt, the Council does not fund the expenditure from its trusts and bequests from any of the sources of operating revenue
- **NZTA subsidies** – each year the Council receives funding from NZTA as part of the overall replacement and renewal programme for the City's roading infrastructure. The Council recognises the subsidies as income in accordance with Generally Accepted Accounting Practices (GAAP)

- **other reserves** – restricted funds are also included in other reserves, funds, renewal and contingency accounts. Subject to meeting any specified conditions associated with these reserves the Council may expend money, of an operating or capital nature, from these reserves.

Policy Statement on the funding of capital expenditure

Capital expenditure represents expenditure on property, plant and equipment. Property, plant and equipment are tangible assets that are held by the Council for use in the provision of its goods and services (for example: bridges, libraries, pipes). They may also be used for rental to others or for administrative purposes, and may include items held for the maintenance or repair of such assets.

It is Council policy to fund capital expenditure items from a range of sources including rates, development contributions, capital subsidies, restricted funds and through new or extended borrowings.

It is Council policy to generally fund renewal or replacement capital expenditure items (such as pipelines) from rates. Generally, Council funds the renewal of assets, which do not have a constant funding pattern (such as bridges and reservoirs) and new capital expenditure items from borrowings. Council's cumulative objective is to maintain a relatively uniform annual cost over all cost. In all cases however, the following funding sources may be utilised if and when appropriate:

- capital subsidies from third parties, to fund investment in new or upgraded assets (e.g. funding received from NZTA)
- capital expenditure from the sale of surplus assets, as decided on a case-by-case basis
- capital expenditure from restricted or special funds, as decided on a case-by-case basis and subject to the specified purposes and conditions governing the use of those restricted funds
- on projects, where on the basis of financial prudence, the Council considers it appropriate to do so; it may impose a targeted rate to repay borrowings on an asset at a faster rate over the full life of the asset
- if an approved capital expenditure project is not completed by the end of the financial period, the unspent funds may be carried forward to the next financial period to enable the project to be completed
- in accordance with the Council's Development Contributions Policy, development contributions are required to fund capital expenditure where development requires the construction of additional assets or increased capacity in network infrastructure, community infrastructure and reserves. Development contributions are transferred through to a Development Reserve within the Council's equity.

It is Council policy that development contributions are to be used as a funding source for capital expenditure resulting from growth for community facilities. The Council will continue to use Resource Management Act (RMA) based financial contributions in some circumstances. Funds collected under either the Development Contributions Policy or the Financial Contributions Policy in the District Plan will result in a corresponding decrease in the amount to be funded from new borrowings.

This policy should be read in conjunction with the Funding Impact Statement contained in the current Annual Plan.

Funding the activities of Council

Council operations have been analysed as to the most appropriate funding sources following consideration of:

- a.** in relation to each activity to be funded:
 - the community outcomes that each activity contributes to
 - the distribution of benefits from each activity to the community as a whole, identifiable parts of the community, and individuals
 - the period over which the benefits from each activity can be expected to occur
 - the extent to which the actions or inactions of particular individuals contribute to the need to undertake each activity; and
 - the costs and benefits of separate funding.
- b.** the overall impact of any allocation for revenue needs on the current and future social, economic, environmental and cultural wellbeing of the community.

The detailed analysis for each activity is as follows:

Leadership

Funding analysis	
Overview	The Leadership activity provides the opportunity for people to participate in the democratic process, and for the elected Councillors to lead the Council on behalf of the community.
Distribution of benefits	The public in general benefit from the Leadership activity.
Timeframe of benefits	The benefits of Leadership are ongoing, and may have both immediate and long term effects.
Need for activity	The Leadership activity is required by legislation. At times, more active leadership may be required as a result of the action or inaction of individuals or groups. Local, regional or national issues may also trigger the need for action by the community's leaders.
Costs and benefits of funding activity distinctly	The elected Council is responsible for representing the community, consultation, and setting policy direction for the City Council. The community has an interest in being able to transparently see the costs of such representation and leadership.
Impact of funding mechanism on community wellbeing	While decisions made by leaders may have far reaching effects on community wellbeing, accountability lies with the presently elected Council. Accordingly, general rates funding is the most appropriate funding source.

The following funding source is proposed for Leadership:

Funding source	Proportion of operational cost
General rates	90 - 100%
Other sources	0% - 10%
Special funds	Up to 100 percent of expenses or projects

Business Development Services

Funding analysis	
Overview	The Business Development Services promotes the business sector at a local and regional level. It encourages new businesses to establish, existing businesses to expand, and facilitates communication within the sector.
Distribution of benefits	The following people and groups benefit from the Business Development activity: <ul style="list-style-type: none"> • the public in general; • the business community in general, including potential businesses; • central city businesses; and • visitors.
Timeframe of benefits	The benefits of this activity are immediate and ongoing.
Need for activity	The community has identified a need for the City Council to become more actively involved in facilitating promotion of the city and economic development in general. No similar service is available within the private or community sectors.
Costs and benefits of funding activity distinctly	As Council has chosen to be active in business development on behalf of the community, it is important that the community is able to see what costs are involved in providing this service. Although some individuals or groups obtain particular benefits from the services provided, these benefits are not material when compared to the benefits generated for the community as a whole.
Impact of funding mechanism on community wellbeing	A thriving business community is important to the wellbeing of the City as a whole, both now and for the future. For that reason the Council does not seek to recover any of the cost of this activity from user charges.

The following funding sources are proposed for Business Development:

Funding source	Proportion of operational cost
General rates	95 - 100%
Other sources	0% - 5%
Special funds	Up to 100 percent of expenses or projects

City Promotion/Visitor Industry

Funding analysis	
Overview	The City Promotion/Visitor Industry activity markets the city, its events and attractions.
Distribution of benefits	<p>The following people and groups benefit from the City Promotion activity:</p> <ul style="list-style-type: none"> • the public in general; • users of the Visitor Information Centre, including visitors to Upper Hutt; and • those people, groups, businesses and organisations involved with particular activities, events and promotions.
Timeframe of benefits	City Promotion offers both immediate and ongoing benefits for users and the wider community.
Need for activity	<p>The community has identified a need for the City Council to become more actively involved in facilitating the promotion of Upper Hutt.</p> <p>Businesses and other organisations recognise the value of events sponsorship and collaboration with others to attract more visitors in to Upper Hutt. It is appropriate to seek contributions from those that benefit, and to charge where particular services are required e.g. temporary road closure.</p> <p>No similar service is available within the private or community sectors.</p> <p>Visitors and residents also want to know about what is going on in Upper Hutt, what they can do and where they can go.</p>
Costs and benefits of funding activity distinctly	As Council has chosen to be active in city promotion on behalf of the community, it is important that they are able to see what costs are involved in providing this service. For the user charges, it is important to be able to identify and recover appropriate charges.
Impact of funding mechanism on community wellbeing	City Promotion involves the direct provision of information and promotion services, and also an investment in attracting more people and businesses in to the city to ensure its ongoing vitality. General rates are therefore appropriate to use.

The following funding sources are proposed for City Promotion/Visitor Industry:

Funding source	Proportion of operational cost
General rate	95% - 100%
Other sources	0% - 5%
Special funds	Up to 100 percent of expenses or projects

Community Services

Funding analysis	
Overview	The Community Services division provides support for local initiatives to meet community, social and recreational needs.
Distribution of benefits	The following people and groups benefit from the Community Services activity: <ul style="list-style-type: none"> • the public in general; • participants in events and activities where the Community Services division has made a contribution; • sports, leisure, arts and cultural groups; and • sponsors advertising at particular events.
Timeframe of benefits	Benefits from this activity are both immediate and ongoing. While particular events and activities bring short term benefits, part of the work is to empower groups so that they are better able to manage their own affairs in the future.
Need for activity	The community has identified a need for this activity, recognising that a central and neutral service, that provides advice, information, coordination and training, benefits everyone. Without this support, there is a risk that sports and community groups may not function as well, and that some community events may not happen. Groups are assisted to improve activities that they may already be doing, or to start up new things. As sponsors will gain good publicity through events, it is appropriate that some funding for these activities come from the community.
Costs and benefits of funding activity distinctly	As Council has chosen to be involved in the Community Services activity on behalf of the community, it is important that the community is able to see what costs are involved in providing this service.
Impact of funding mechanism on community wellbeing	A safe, healthy and strong community is a vital outcome for the whole community to achieve, now and in the future. Therefore, general rate funding for most of this activity is appropriate.

The following funding sources are proposed for Community Services:

Funding source	Proportion of operational cost
General rates	Up to 100 percent
Other sources	Up to 100 percent of one-off projects (This funding is largely dependent on external agencies funding criteria)
Special funds	Up to 100 percent of expenses or projects

Activation

Funding analysis	
Overview	The Activation activity provides support for local initiatives to meet community, social and recreational needs.
Distribution of benefits	<p>The following people and groups benefit from the Activation activity:</p> <ul style="list-style-type: none"> • the public in general; • participants in events and activities where the Activation team has made a contribution; • sports, leisure, arts and cultural groups; and • sponsors advertising at particular events.
Timeframe of benefits	<p>Benefits from this activity are both immediate and ongoing. While particular events and activities bring short term benefits, part of the work is to empower groups so that they are better able to manage their own affairs in the future.</p>
Need for activity	<p>The community has identified a need for this activity - a need to enable the wider community to be more active, more often. In addition, a central and neutral service providing advice, encouragement, facilitation, information, coordination and training benefits everyone.</p> <p>Without this support, there is a risk that sports and community groups may not function as well, and that some sport and recreation club numbers may decline.</p>
Costs and benefits of funding activity distinctly	<p>As Council has chosen to be involved in the Activation initiative on behalf of the community, it is important that the community is able to see what costs are involved in providing this service. However, as this activity meets national government priorities and objectives, it is appropriate that some funding come from grants. In addition, this activity is an ideal candidate for corporate society gaming proceeds and external sponsorship.</p>
Impact of funding mechanism on community wellbeing	<p>A safe, healthy and strong community is a vital outcome for the whole community to achieve, now and in the future. Therefore, some general rate funding for this activity is appropriate.</p>

The following funding sources are proposed for Activation:

Funding source	Proportion of operational cost
General rates	Up to 80percent
Sponsorship and grants	20% - 85%

Parks and Reserves

Funding analysis	
Overview	The Parks and Reserves activity provides for the development and maintenance of parks, reserves, public open spaces and gardens. It also provides for both the recreational needs of the community and the needs of the environment.
Distribution of benefits	<p>The following people and groups benefit from Parks and Reserves:</p> <ul style="list-style-type: none"> • the public in general; • users of sports facilities, including sports fields; and • participants in organised events held on parks and reserves.
Timeframe of benefits	<p>The benefits of parks and reserves are ongoing. Land may be held in perpetuity.</p> <p>When user groups book particular facilities, they enjoy additional exclusive use benefits for the period they have booked it for.</p> <p>The life of particular assets is variable e.g. playground equipment has a life of ten [10] years, sports grounds are considered to have a perpetual life.</p>
Need for activity	<p>For particular services and facilities, the level of service is determined by consultation with likely user groups.</p> <p>Where the user group will gain exclusive access to an appropriate facility [e.g. clubrooms], then that group will fully fund that facility, including its maintenance.</p> <p>Where the group will have exclusive use of the facility at certain times, Council will negotiate rentals and charges for that facility on a case by case basis, and with regard to the level of benefit for the general public.</p>
Costs and benefits of funding activity distinctly	<p>The community has placed a particular priority on having outstanding leisure facilities. As the Parks and Reserves activity contributes significantly to this outcome, it is important to show the community how this is being achieved.</p> <p>User groups also have an interest in seeing what they may expect to receive from any direct charges they incur.</p>
Impact of funding mechanism on community wellbeing	<p>As land for parks and reserves may be held for many generations for the use and enjoyment of the general public, it is appropriate for new land purchases to be funded intergenerationally for the existing community, or through Reserves Fund contributions to meet the needs of the population in newly developed areas.</p> <p>Where specific facilities are able to be used exclusively for some or all of the time by particular groups, it is appropriate to fund these by the public over the length of the life of the asset and in proportion to the extent of public benefit.</p>

The following funding sources are proposed for Parks and Reserves:

Funding source		Proportion of operational cost
General rates		90% - 100%
Other sources		0% - 10%
Special funds		Up to 100 percent of expenses or projects
Funding source		Proportion of capital development cost
Financial contributions		In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
User contributions [including sponsorship]		By negotiation for particular assets / facilities
Borrowing		Cost attributed inter-generational benefit
Special funds		Up to 100 percent of projects
General rates		Balance of development cost, up to 100 percent

H²O Xtream

Funding analysis	
Overview	H ² O Xtream provides an aquatic leisure facility for the community, with a particular emphasis on fun for 10 to 14 year olds.
Distribution of benefits	The following people and groups benefit from H ² O Xtream: <ul style="list-style-type: none"> the public in general; users of the facility, including visitors to the city; and sponsors advertising onsite.
Timeframe of benefits	H ² O Xtream offers immediate benefits for users and sponsors. There are ongoing benefits to the wider community in terms of promotion of the city, by attracting visitors to Upper Hutt and in building a safe and healthy community through opportunities to enjoy aquatic exercise.
Need for activity	The community has identified a need for this activity, recognising that a top quality aquatic leisure facility will meet local needs as well as providing a significant attraction for visitors to Upper Hutt. It is targeted to meet the recreational needs of 10 -14 year olds, though all other age groups are catered for. No similar service is available within the private or community sectors.

Funding analysis	
Costs and benefits of funding activity distinctly	<p>As Council has chosen to provide a high quality aquatic leisure facility, it is important to show the community how this is being achieved.</p> <p>Those who pay user charges have an interest in seeing what they may expect to receive from the charges they pay.</p>
Impact of funding mechanism on community wellbeing	<p>Particular people and groups benefit from use of the facility, so user charges are appropriate.</p> <p>The community generally benefits through improved health, entertainment and safety when leisure and sporting facilities are provided for residents who may not otherwise be able to afford to participate in such activities. The city image benefits from a facility which locals are proud of. For these reasons, general rates are also used to cover the cost of providing this service.</p> <p>The life of the pool asset, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Should the population of Upper Hutt grow, then development contributions may be used to cover additional development required to meet the needs of the larger population.</p>

The following funding sources are proposed for H²O Xstream:

Funding source	Proportion of operational cost
General rates	40 – 65%
Other sources	35% - 60%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions [including sponsorship]	By negotiation for particular facilities and equipment
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
Borrowing	Cost attributed to inter-generational benefit
Special funds	Up to 100 percent of projects
General rates	Balance of development cost, up to 100 percent

Library

Funding analysis	
Overview	This activity provides a public library services to the residents of Upper Hutt, and includes both books and electronic resources for recreation, education, business, community and general information purposes
Distribution of benefits	<p>The following people and groups benefit from the Library activity:</p> <ul style="list-style-type: none"> • the public in general; and • library users, including individuals, businesses, schools, groups and organisations.
Timeframe of benefits	<p>The Library offers immediate benefits for users.</p> <p>There are ongoing benefits in terms of creating a literate and knowledgeable community. The library provides good access to a wide range of printed and electronic information covering a range of recreational, educational and business interests.</p>
Need for activity	The community expects that library services will be available within the community, and that everyone has the right to use them. They also want a facility that contributes towards achieving outstanding leisure and economic development.
Costs and benefits of funding activity distinctly	<p>As Council has chosen to provide a library service on behalf of the community, and it is legally required to provide free membership for Upper Hutt residents, it is important that the community is able to see what costs are involved.</p> <p>The community has placed a particular priority on having outstanding leisure facilities, an innovative economy and connections to the world. The library has been identified as one such facility to contribute to these priorities. It is important to show the community how this is being achieved.</p> <p>Those who pay for particular services provided by the library have an interest in seeing what they can expect to receive for the charges that are payable.</p>
Impact of funding mechanism on community wellbeing	<p>The obligation to provide free library membership for local residents ensures that cost is no barrier to use of the library service. Rates funding is appropriate to enable general access to this service, regardless of personal circumstances.</p> <p>Where people gain particular benefits, for example from reserving books, internet access, loan of best sellers, and use of overdue books, then specific charges will be made.</p> <p>It is likely that excessive user charges for particular services would result in a downturn in library use, which would not be in the interests of the community in general.</p>

The following funding sources are proposed for the Library:

Funding source	Proportion of operational cost
General rates	85% - 95%
Other sources	5% - 15%
Special funds	Up to 100 percent of expenses or projects.
Funding source	Proportion of capital development cost
User contributions [including sponsorship]	By negotiation for particular facilities /assets.
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
Borrowing	Cost attributed to inter-generational benefit.
Special funds	Up to 100 percent of projects.
General rates	Balance of development costs, up to 100 percent.

Expressions Arts and Entertainment Centre

Funding analysis	
Overview	The Expressions Arts and Entertainment Centre provides a venue for arts and entertainment for the residents of Upper Hutt and visitors to the city. It includes a 200-seat theatre, two art galleries, an active recreation hall, a café and offices. Operation of the venue is contracted to the Expressions Arts and Entertainment Trust.
Distribution of benefits	The following people and groups benefit from the Expressions activity: <ul style="list-style-type: none"> • the public in general; • centre users, including performers and exhibitors, individuals, businesses, schools, groups and organisations; and • sponsors.
Timeframe of benefits	The Expressions Arts and Entertainment Centre offers immediate benefits for users. There are ongoing benefits in terms of creating a community with a strong identity by providing good access to a venue where people can express themselves through the arts and performance, as well as through physical leisure activities.
Need for activity	The community has requested a facility that provides for outstanding cultural, arts, recreation and leisure opportunities.

Funding analysis	
Costs and benefits of funding activity distinctly	As Council has chosen to fund most of the construction costs of the venue on behalf of the community, is responsible for maintenance and replacement of the built asset, and provides substantial grant funding to the contractor for operational costs, it is important that the community is able to see what costs are involved.
Impact of funding mechanism on community wellbeing	<p>Rates funding is appropriate to enable general access to this service, regardless of personal circumstances.</p> <p>Where people gain particular benefits, for example from attending particular events, it is the responsibility of the Expressions Arts and Entertainment Trust to set appropriate charges.</p> <p>The life of the venue, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Should the population of Upper Hutt grow, then development contributions may be used to cover additional development required to meet the needs of the larger population.</p>

The following funding sources are proposed for Council funding in relation to the Expressions Arts and Entertainment Centre:

Funding source	Operational grant and asset maintenance*
General rates	100%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions [including sponsorship]	By negotiation for particular facilities /assets
Financial contributions	In accordance with the Financial Contributions Policy under the District Plan and Resource Management Act 1991.
Borrowing	Cost attributed to inter-generational benefit
Special funds	Up to 100 percent of projects
General rates	Balance of development costs, up to 100 percent

* Note that funding for the Expressions Arts and Entertainment Centre relates to the operational grant made by Council and the costs of maintaining the asset. While the Expressions Arts and Entertainment Centre Trust receives operational grant funding from Council, it is responsible for generating additional income from other sources, including venue hire and sponsorship.

Property

Funding Analysis	
Overview	The Property activity provides for the management of Council's property portfolio, according to the purpose for which the land is held.
Distribution of benefits	The following people and groups benefit from the Property activity: <ul style="list-style-type: none"> • users of Council property; and • the public in general.
Timeframe of benefits	Property offers both immediate benefits for users and ongoing benefits for the wider community.
Need for activity	Most of Council's property is held for strategic purposes: <ul style="list-style-type: none"> • some properties are required for future public works, and may be rented out in the interim • some properties have been owned historically by Council and have benefit for the public e.g. the Cityline bus depot and Harcourt Holiday Park • some properties are used as community buildings for use by community oriented organisations.
Costs and benefits of funding activity distinctly	As Council has chosen to purchase land for its strategic value, it is important for the community to see what costs are involved. Where private benefit is being derived by particular individuals and businesses, it is important to show that rents cover the cost of holding and maintaining the asset.
Impact of funding mechanism on community wellbeing	Council needs to make strategic land purchases in order to meet the future needs of the community. In order that land purchased for future use is not a burden on today's community, it is important to use such assets now to recover the cost of holding the land until when it is needed.

The following funding sources are proposed for Property:

Funding source	Proportion of operational cost
Rental charges	100%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions	100%
Special funds	Up to 100 percent of projects

Akatarawa Cemetery

Funding analysis	
Overview	The Akatarawa Cemetery provides an attractive space for people to be buried or cremated. The crematorium is leased.
Distribution of benefits	The following people and groups benefit from the Cemetery activity: <ul style="list-style-type: none"> • users of the Akatarawa Cemetery; and • the public in general.
Timeframe of benefits	The Cemetery offers both immediate and ongoing benefits for users and the wider community.
Need for activity	Council is legally required to provide for interment services, therefore it is appropriate to secure land and develop it ready for use through the general rate. As people choose to use the Akatarawa Cemetery when they or their loved ones die, it is appropriate to recover these costs from the user. The community place a high value on the standard to which the Cemetery is maintained.
Costs and benefits of funding activity distinctly	As this activity is funded from user charges, it is important for the community to see what costs are involved.
Impact of funding mechanism on community wellbeing	Council considers it is appropriate to use rate funding to make the Cemetery available for use now and in the future, and for users to cover the costs of their use.

The following funding sources are proposed for Akatarawa Cemetery:

Funding source	Proportion of operational cost
Fees and charges	Up to 100 percent
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions	By arrangement
Special funds	Up to 100 percent of projects
Borrowing	Cost attributed to inter-generational benefit
General rate	Balance of development cost, up to 100 percent

Emergency Management

Funding analysis	
Overview	The Emergency Management activity provides services to enable our community to prepare for, manage and recover from civil disasters and rural fires.
Distribution of benefits	The following people and groups benefit from the Emergency Management activity: <ul style="list-style-type: none"> the public in general; and properties and people in the Rural Fire District.
Timeframe of benefits	Emergency Management offers both immediate benefits for those affected by rural fire or civil disaster. There are ongoing benefits for the wider community in being prepared to handle such events.
Need for activity	Council is legally required to provide for Emergency Management, including for disaster recovery and the suppression and reduction of fires in the Upper Hutt Rural Fire District. Where fires occur within the Rural Fire District, Council coordinates the emergency response. Council endeavours to recover actual costs.
Costs and benefits of funding activity distinctly	There is a significant cost involved in making provision for emergency management, and there is no statutorily defined level of service. The community has an interest in what costs are involved in protecting it in this way.
Impact of funding mechanism on community wellbeing	This activity is important if the effects of civil emergencies and rural fire events are to be minimised, now and in the future. The community as a whole benefits if people are well prepared and protected and therefore it is appropriate to use the general rate.

The following funding sources are proposed for Emergency Management:

Funding source	Proportion of operational cost
General rate	85% - 100%
Other sources	0% - 15%
Special funds	Up to 100 percent of expenses or projects
Funding Source	Proportion of Capital Development Cost
National rural fire association	According to funding formula, for Rural Fire capital costs.
General rate	Balance of cost, to 100 percent
Special funds	Up to 100 percent of projects

Animal Control

Funding analysis	
Overview	Animal Control provides a system for licensing dogs, and for investigating complaints about dogs and other animals.
Distribution of benefits	The following people and groups benefit from the Animal Control activity: <ul style="list-style-type: none"> • animal owners; • the public in general.
Timeframe of benefits	Animal Control offers immediate benefits for users and for the wider community.
Need for activity	Council is legally required to provide animal control services. The need for the activity arises largely from the need to manage the potentially adverse effects of dogs, and therefore it is appropriate for dog owners to meet the costs of this activity. Occasionally, animals stray onto roads and Council must place them safely until their owners are located. Recovery of costs is sought from owners.
Costs and benefits of funding activity distinctly	This activity is funded from user fees and charges, therefore it is important that this activity be funded transparently.
Impact of funding mechanism on community wellbeing	While animal ownership makes a significant contribution to the wellbeing of many in the community, the adverse effects of animals must also be managed.

The following funding sources are proposed for Animal Control:

Funding source	Proportion of operational cost
Fees and charges	Up to 100 percent
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of Capital Development Cost
User contributions	Up to 100 percent
Special funds	Up to 100 percent of projects

Building Control

Funding analysis	
Overview	<p>The Building Control activity offers the following benefits:</p> <ul style="list-style-type: none"> • ensures standards for building safety and health are met when new buildings are constructed and additions made; and • provides information to the public about building consents for particular properties.
Distribution of benefits	<p>The following people and groups benefit from the Building Control activity:</p> <ul style="list-style-type: none"> • the public in general; • building developers; and • people purchasing property.
Timeframe of benefits	<p>Building Control offers both immediate benefits for occupiers of buildings and those needing information about buildings. It also offers ongoing benefits for the community by having buildings that meet a minimum standard of construction.</p>
Need for activity	<p>Council is legally required to make provision for Building Control to ensure that minimum building standards are complied with.</p> <p>Without enforcement, there is a risk that minimum building standards may not be complied with, and this could place people's health and safety at risk.</p> <p>Prospective property purchasers are advised to establish what building consents have been issued for particular properties because of potential liability issues.</p>
Costs and benefits of funding activity distinctly	<p>It is important to identify the costs of this activity so as to ensure that, to the extent possible, they are recovered from those people undertaking building activities, or interested in building information.</p>
Impact of funding mechanism on community wellbeing	<p>It is in the interests of the community to have buildings that meet safety requirements for now and in the future.</p>

The following funding sources are proposed for Building Control:

Funding source	Proportion of operational cost
General rate	0% - 30%
Other sources	70% - 100%
Special funds	Up to 100 percent of expenses or projects

Environmental Health

Funding analysis	
Overview	The Environmental Health activity provides services for licensing premises such as hairdressers, food outlets and dangerous goods, as well as for enforcement of health and safety matters and investigation of complaints.
Distribution of benefits	The following people and groups benefit from the Environmental Services activity: <ul style="list-style-type: none"> the public in general; businesses that require licenses to operate under various regulations; and property owners that must comply with health and safety regulations e.g. swimming pool owners.
Timeframe of benefits	Environmental Health offers both immediate benefits for users and ongoing benefits for the wider community.
Need for activity	Council is legally required to provide for environmental health services. Those needing licences to operate their businesses generate the need for licence administration. Those responsible for actions that lead to complaints and health and safety enforcement action by Council should also cover the costs of such enforcement.
Costs and benefits of funding activity distinctly	The community has an interest in being informed of the cost involved in investigating complaints. The costs of responding to specific needs, such as licensing and enforcement, must be identified if they are to be recovered from individuals or groups.
Impact of funding mechanism on community wellbeing	The public benefits from having health and safety standards enforced, and accordingly, the general rate is appropriate. Individuals and specific groups benefit from specific licences, which enable them to carry out certain activities, accordingly it is appropriate for fees to be charged to recover these costs.

The following funding sources are proposed for Environmental Health:

Funding source	Proportion of operational cost
General rates	75% - 90%
Other sources	10% - 25%
Special funds	Up to 100 percent of expenses or projects

Liquor Licensing, Gambling

Funding analysis	
Overview	The Liquor Licensing and Gambling activities provide services for licensing premises where liquor is sold or gambling [class 4 venues] takes place.
Distribution of benefits	The following people and groups benefit from these activities: <ul style="list-style-type: none"> • those people and businesses that require a liquor license or gambling venue licence to operate; and • the public in general.
Timeframe of benefits	Liquor licensing and any gambling activities offer immediate benefits for those operating and using licensed venues.
Need for activity	Council is legally required to provide for the licensing of these services. Those needing licences to operate their businesses generate the need for licence administration.
Costs and benefits of funding activity distinctly	The community has an interest in being informed of the cost involved in licensing activities. The costs of responding to specific needs must be identified if they are to be recovered from individuals or groups.
Impact of funding mechanism on community wellbeing	The public gains some benefits from having liquor outlets and gambling venues managed through licensing, and accordingly, the general rate is appropriate. Individuals and specific groups benefit from specific licences, which enable them to carry out certain activities, and accordingly it is appropriate for fees to be charged to recover these costs. Council notes that the fees for liquor licences are set by law, and that these do not cover the full costs of administration of these licences.

The following funding sources are proposed for the Liquor Licensing and Gambling activities:

Funding source	Proportion of operational cost
General rates	0% - 20%
Other sources	80% - 100%
Special funds	Up to 100 percent of expenses or projects

Parking Enforcement

Funding analysis	
Overview	The Parking Enforcement activity provides for control of primarily central city vehicle parking as well as vehicle safety by checking registration and warrants of fitness for parked cars.
Distribution of benefits	The following people and groups benefit from the Parking Enforcement activity: <ul style="list-style-type: none"> • the public in general; and • central city businesses.
Timeframe of benefits	Parking Enforcement offers immediate benefits for users of the central city.
Need for activity	Parking Enforcement is needed to ensure that convenient parking is turned over and available throughout the day for central city users. It is appropriate for those who fail to comply with parking restrictions to meet the costs through infringement fees. It is also appropriate for vehicle warrants of fitness to be checked at the same time to ensure that cars are meeting required safety standards.
Costs and benefits of funding activity distinctly	It is important to identify the costs of this activity so as to ensure that, to the extent possible, they are recovered from those offending.
Impact of funding mechanism on community wellbeing	This activity is required because not all people comply with regulations at all times. Accordingly, Council's preferred funding mechanism is for all of the costs to be met by infringement fees and charges.

The following funding sources are proposed for Parking Enforcement:

Funding source	Proportion of operational cost
Infringement fees	85 percent or more
General rate	0% - 15%
Special funds	Up to 100 percent of expenses or projects

City Planning

Funding analysis	
Overview	The City Planning activity provides for the promotion of sustainable management of natural and physical resources for the community as a whole.
Distribution of benefits	The following people and groups benefit from the City Planning activity: <ul style="list-style-type: none"> • the public in general; • property owners; and • the business community in general.
Timeframe of benefits	City Planning offers both immediate benefits for people living and working in Upper Hutt and ongoing benefits for the wider community in terms of sustaining the natural and physical environment.
Need for activity	Council is required to administer the Resource Management Act 1991. This includes preparation of the District Plan. People interested in property purchase or developments want to know what the District Plan provides for in relation to specific properties. Resource consents are required where specific development proposals vary from that provided for in the District Plan.
Costs and benefits of funding activity distinctly	This is a significant Council activity and it is important that the community be kept informed of the costs involved. The costs of responding to specific needs, such as resource consents and property information, must be identified if they are to be recovered from applicants.
Impact of funding mechanism on community wellbeing	The preparation of the District Plan, the means by which Council gives effect to its responsibilities for sustainable management of the physical and natural resources, benefits the people now and the future. Therefore the general rate is appropriate as a funding mechanism. Individuals and specific groups benefit from specific information or resource consents, which enable them to carry out certain developments, and accordingly it is appropriate for fees to be charged to recover these costs.

The following funding sources are proposed for City Planning:

Funding source	Proportion of operational cost
General rates	65% - 90%
Other sources	10% – 35%
Special funds	Up to 100 percent of expenses or projects

Land Transport

Funding analysis	
Overview	The Land Transport activity provides a safe and efficient local roading network including maintenance and improvements to roads, footpaths, streetlights etc, road safety programmes, street cleaning, provision of car parks and bus/taxi stands, and advocacy on land transport issues.
Distribution of benefits	The following people and groups benefit from the Land Transport activity: <ul style="list-style-type: none"> • the public in general; and • those people who use particular services e.g. carparks, public transport, road safety programmes etc.
Timeframe of benefits	Land Transport offers both immediate and ongoing benefits for the wider community. Users of particular services gain immediate benefits while they are using the service e.g. parking, but the service is generally available to the public.
Need for activity	People have a fundamental need to move themselves, goods and services, from one place to another. The land transport activity provides for a range of ways for this to happen in a safe and efficient way.
Costs and benefits of funding activity distinctly	The community has an interest in being informed of the cost involved in providing land transport services. Other agencies involved in part funding land transport activities also have an interest in ensuring that their funding is accounted for appropriately.
Impact of funding mechanism on community wellbeing	As land transport covers a range of services for both current users and future generations, a range of funding mechanisms are appropriate. Rate funding covers local needs of the current generation, loan funding covers needs of the future generation. Subsidies from NZ Transport Agency and the Greater Wellington Regional Council contribute to the regional and national land transport network usage within Upper Hutt. Central city parking is free and therefore funded through rates. This policy provides a marketing advantage for the CBD and benefits the community at large.

The following funding sources are proposed for Land Transport:

Funding source	Proportion of operational cost
General Rates	50% - 70%
Other sources	30% - 50%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions	By negotiation for particular services
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Subsidies	According to criteria for subsidy, depending on the nature of the work
General rates	Balance of development cost, up to 100 percent
Special funds	Up to 100 percent of projects

Water Supply

Funding analysis	
Overview	The Water Supply activity provides high quality water to those connected to the reticulated supply system for general use and including fire fighting.
Distribution of benefits	The following people and groups benefit from the Water Supply activity: <ul style="list-style-type: none"> • the public in general; and • those areas serviced by the reticulated supply system, or reasonably able to connect to it.
Timeframe of benefits	Water Supply offers both immediate benefits for those connected to the system and ongoing benefits for the wider community in terms of having a quality water supply available.
Need for activity	Water is essential for life, and a reticulated supply system provides an efficient way to supply areas of concentrated populations. About 20 percent additional capacity is required to provide fire fighting services.
Costs and benefits of funding activity distinctly	The community served by the supply system has an interest in being informed of the cost involved in providing water supply services.

Funding analysis	
Impact of funding mechanism on community Wellbeing	<p>User charges, including metering and uniform charges, are appropriate for those within the supply area. A smaller charge reflecting the potential to access the supply network is appropriate for those properties that are able to connect to the supply system, but have chosen not to connect.</p> <p>As additional capacity is built in to provide fire fighting services, it is appropriate that this cost factor reflects capital valuations.</p> <p>The life of the water supply infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources.</p> <p>Development contributions may be used to cover the costs of providing water supply to new developments.</p>

The following funding sources are proposed for Water Supply:

Funding source	Proportion of operational cost
Targeted rates [fire protection]	20 - 30%
Targeted rates [water supply] and Fees and Charges	70 - 80%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
User contributions	By negotiation
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rates	Balance of development cost, up to 100 percent
Special funds	Up to 100 percent of projects

Wastewater

Funding analysis	
Overview	The Wastewater activity provides a wastewater treatment and disposal service to those connected to the reticulated system.
Distribution of benefits	The following people and groups benefit from the Wastewater activity: <ul style="list-style-type: none"> the public in general; and those areas serviced by the reticulated system, or reasonably able to connect to it.
Timeframe of benefits	Wastewater offers both immediate benefits for those connected to the system and ongoing benefits for the wider community in terms of having a healthy and hygienic urban environment.
Need for activity	Safe wastewater treatment and disposal is essential for life, and a reticulated system provides an efficient way to service areas of concentrated populations.
Costs and benefits of funding activity distinctly	The community served by the system has an interest in being informed of the cost involved in providing wastewater services. It also ensures the costs of the wastewater service are fully recovered from system users.
Impact of funding mechanism on community wellbeing	Pan charges are appropriate for those within the supply area. It is appropriate for businesses connected to the wastewater system to pay pan charges and trade waste charges in accordance with their need for wastewater disposal. The life of the wastewater infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources. Development contributions may be used to cover the costs of providing wastewater infrastructure to new developments.

The following funding sources are proposed for Wastewater:

Funding source	Proportion of operational cost
Targeted rates [wastewater]	90% - 100%
Other sources	0% - 10%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rates	Balance of development cost, to 100 percent
Special funds	Up to 100 percent of projects

Stormwater

Funding analysis	
Overview	The Stormwater activity provides a stormwater disposal service to those connected to the reticulated system.
Distribution of benefits	The following people and groups benefit from the Stormwater activity: <ul style="list-style-type: none"> those areas within the Upper Hutt Urban Drainage District, which was established in 1996; and the public in general.
Timeframe of benefits	Stormwater offers both immediate benefits for those connected to the system and ongoing benefits for the wider community in terms of reduced flooding, and better control of where flooding occurs.
Need for activity	Stormwater disposal is important in built up areas because of the problems associated with flooding. A reticulated system provides an efficient way to service areas of concentrated populations.
Costs and benefits of funding activity distinctly	The community served by the system has an interest in being informed of the cost involved in providing stormwater services. It also ensures that the costs of the stormwater service are fully recovered from system users.
Impact of funding mechanism on community wellbeing	A targeted rate based on capital value is considered to most fairly reflect the level of benefit derived by particular properties. The use of differentials enables Council to target a sector which places a higher demand on the stormwater system. The life of the stormwater infrastructure, when properly maintained, extends beyond the present generation. Loan funding for major capital development and depreciation funding are appropriate funding sources. Development contributions may be used to cover the costs of providing stormwater infrastructure to new developments.

The following funding sources are proposed for Stormwater:

Funding source	Proportion of operational cost
Targeted rate [Stormwater]	90 - 100%
Other sources	0 – 10%
Special funds	Up to 100 percent of expenses or projects
Funding source	Proportion of capital development cost
Development contributions	In accordance with the Development Contributions Policy
Borrowing	Cost attributed to inter-generational benefit
Targeted rate	Balance of development cost, to 100 percent
Special funds	Up to 100 percent of projects

Solid Waste

Funding analysis	
Overview	The Solid Waste activity provides a solid waste disposal service to those households within the solid waste and recycling collection area.
Distribution of Benefits	The following people and groups benefit from the Solid Waste activity: <ul style="list-style-type: none"> those areas within the residential solid waste and recycling collection area; users of the Silverstream Landfill; and the public in general.
Timeframe of Benefits	Solid Waste offers both immediate benefits for those using the collection systems or the Silverstream Landfill, and ongoing benefits for the wider community in terms of a cleaner, litter free environment.
Need for Activity	Council is legally required to provide for the management of solid waste. Households in urban areas generate solid waste, which must be disposed of appropriately to maintain a safe and clean living environment. Some of the household waste material is able to be recycled, and needs to be collected and sorted prior to being used again.
Costs and Benefits of Funding Activity Distinctly	The community served by the collection system has an interest in being informed of the cost involved in providing these services. It also ensures that the costs of the solid waste service are fully recovered from system users.
Impact of funding mechanism on community wellbeing	Use charges are appropriate to ensure that those people using the collection services cover the costs. Funding generated from the Council's part share in the operations of the Silverstream Landfill contributes towards the cost of managing the overall service.

The following funding sources are proposed for Solid Waste:

Funding source	Proportion of operational cost
Silverstream Landfill income	100%
Special funds	Up to 100 percent of expenses or projects

3.9.1 Rating System

Rating system

General rates are calculated on the capital value of all rateable properties in the City and assessed on a differential basis in accordance with Council's Differential Rating policy.

Under differential rating, all property is allocated to one of the following differential rating categories namely:

- Standard(Residential)
- High Value Residential
- Business
- Utility
- Rural
- High Value Rural

These categories are based on zoning or usage of the land. A differential based on a factor of 100 for the standard differential group is used for the calculation of general rates.

Targeted rates

Water

A targeted rate, by way of a set rate per dollar on a capital value basis, is proposed to meet 20 percent of the revenue required for water supply. This component is identified as being required for fire protection purposes, and is assessed upon each separately used or inhabited portion of a rating unit, which is connected to the water supply ("a serviced property").

A further targeted rate, by way of a uniform annual charge, is proposed to be assessed against each separately used or inhabited portion of a rating unit to which water is supplied ("a serviced property") to provide 60 percent of the revenue needed for the general water supply service.

For both targeted water rates, if a rating unit can be, but is not supplied with water and is situated within 100 metres of any part of the water works, ("a serviceable property") a charge of 50 percent of the full charge will be made.

Water is a valuable resource for which the Council is accountable and for this reason water supplied for significant business purposes or extraordinary supply will be assessed on a user pays basis. The actual charge will be set based on the quantity of water used, as calculated by water meters installed on the properties concerned.

Stormwater

This rate is assessed, differentially, on the capital value of all rating units within that part of the city of Upper Hutt that benefits from the provision of stormwater drainage and flood protection services.

The differentials are:

- business
- other

These categories are defined in the Funding Impact Statement of the Council's Annual Plan for the current financial year.

Wastewater

A targeted rate will be set on each water closet (pan) or urinal connected to a public sewage drain. The charge will be assessed on a scale of charges in accordance with the number of water closets (pans) or urinals at present on each separately used or inhabited part of a rating unit.

A whole charge will be set for the first pan or urinal on each separately used or inhabited part of the rating unit and a half charge for every additional pan or urinal thereafter. In addition Council will assess schools on a formula basis, in recognition of their lower level of occupancy during the year.

Other targeted rates

From time to time it is necessary for Council to provide activities, services or facilities that only, or primarily, benefit specific ratepayers or small groups of ratepayers therefore Council may set a targeted rate to provide such activities, services or facilities. The targeted rates will be assessed against the rating units owned by the ratepayers who are to benefit. Special targeted rates, when set will be named by the specific activity, service or facility they are set to provide.

3.9.2 Differential Rating Policy

General rates

The Council will take into account the matters in section 101 (3) (a) and (b) when applying the system of differential rating to the general rate with particular emphasis on:

- the overall impact of the latest general revaluation of the city.
 - the Council's desire to ensure, in general, that the amount of the general rate to be derived from each differential category, continues to be about the same share, relative to the other categories, as in the past
 - differences in the benefits received, and in the demands placed upon, the services provided by the Council for different categories of properties
- the period in or over which those benefits are expected to occur
 - the principles and considerations identified by Council as relevant in its analysis of funding of the various activities it undertakes

For the purposes of the differential rating system for the general rate, all rating units in the district of Upper Hutt City shall be allocated to one of the following categories:

- Standard(Residential)
- High Value Residential
- Business
- Utility
- Rural
- High Value Rural

The above categories and the factors for each differential will be defined annually in the Funding Impact Statement section of the Annual Plan for the current financial year.

An important objective of the Council's differential rating system is to provide reasonable stability in the amount of the general rate on each property with the effect that the total proportion of rates from each category will remain approximately the same.

Using standard as a base, the rural category's rating differential will be set lower, business and utilities higher, with a scale applying to High Value Residential and High Value Rural to prevent these rating units from assuming a disproportionate rates burden.

Generally, the rural category's rating differential will be set lower than the standard category's differential because of the perceived distance of rating units in this category from Council services.

The business and utilities differential will be set higher than the standard category in consideration of the overall impact of rates liability on the community.

Stormwater

For the purposes of the differential rating system for the Stormwater rate, all liable rating units in the district of Upper Hutt City shall be allocated to one of the following categories:

- Business
- Other

The use of differentials enables Council to target a sector which places a higher demand on the stormwater system.

The above categories and the factors for each differential will be defined annually in the Funding Impact Statement section of the Annual Plan for Council's current financial year.

Interpretation

In this Policy:

"District Plan" means the Upper Hutt City Council District Plan operative from 1 September 2004.

"Rating Unit" means a rating unit for the purposes of the Rating Valuations Act 1998.

"Ratepayer" has the same meaning as in section 10 of the Local Government (Rating) Act 2002.

"Separately Used or Inhabited Part" as required under the Local Government Act 2002 this is defined in Council's Funding Impact Statement.

"Zoning" is determined by reference to the District Plan.

This Policy has been drafted with reference to the District Plan. Terms and expressions used in it are intended to have the same meanings as in the District Plan.

Allocation to a category or group for differential rating purposes is subject to a right of objection as set out in section 29 of the Local Government (Rating) Act 2002. Valuations are subject to a right of objection under the Rating Valuations Act 1998.

3.10 Policy on development contributions

Introduction

1. This document sets out the Council's policy on development contributions under the Local Government Act 2002 ("LGA"). The Council is required under section 102(4) of the LGA to adopt a policy on development contributions or financial contributions as part of its Long Term Plan ("LTP").
2. Section 197 of the LGA defines a development contribution as a contribution:
 - a. provided for in a development contribution policy included in the Long-Term Plan of a territorial authority; and
 - b. calculated in accordance with the methodology; and
 - c. comprising:
 - i. money; or
 - ii. land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii. both.
3. This policy has been drafted to meet the requirements for development contribution policies set out in sections 106, 197-211, and Schedule 13 of the LGA. Broadly speaking the policy:
 - identifies the Council activities which will be funded by development contributions (initially, only roading in eight specified roading "catchments" and water and wastewater infrastructure in one catchment specified for this purpose)
 - summarises the capital expenditure on these activities that the Council expect to incur as a result of household growth in the district from 2006 to 2026
 - states the proportion of that capital expenditure that will be funded by development contributions, and the rationale for using this method of funding
 - describes conditions and criteria applying to exemption from, remission, postponement, and refund of development contributions
 - specifies the level of contribution payable in different parts of the City (catchments) the Council has defined
 - specifies when a development contribution will be required.

More specifically, the policy:

- provides for the Council to take development contributions to fund capital expenditure on roading in eight specified catchments. This expenditure is required to address the effects on roading infrastructure of increased traffic in those catchments resulting from household growth or, in the case of the Alexander Road catchment, resulting from commercial development

- provides for the Council to take development contributions to recoup capital expenditure on reticulated water supply and wastewater networks in the Mangaroa catchment, which it has already incurred in anticipation of growth
 - for information purposes only, signals the Council's intention in the future to widen the policy to recoup the cost to the Council of providing capacity in roading, water supply, wastewater and stormwater networks for areas of new (greenfields) and infill subdivision.
4. This development contribution policy is distinct from, and should be read alongside, the provisions in the Upper Hutt District Plan regarding financial contributions under the Resource Management Act 1991. As well as requiring development contributions under the LGA and financial contributions under the Resource Management Act 1991, the Council will continue to seek to avoid, remedy, or mitigate adverse effects of subdivision and development through appropriate conditions of resource consent imposed under sections 108 and 220 of the Resource Management Act 1991.

Growth in Upper Hutt

1. The population of Upper Hutt City at 30 June 2010 was approximately 41,100. The City population has been relatively stable throughout the past two decades, however, has experienced significant growth in the past six years, beyond the highest projections then available. Current predictions are for the population to grow at a rate midway between the high and medium series Statistics NZ growth forecasts, reaching approximately 44,150 by 2022. For the purposes of this policy, the Council has assumed the "medium" growth scenario under which the population of Upper Hutt City grows and plateaus at approximately 42,100 in 2021.
2. Correspondingly, there has been significant growth in the number of households in the City over the past decade, which has resulted in residential occupancy rates falling from an average of 2.92 persons per residential dwelling in 1991 to 2.75 persons per residential dwelling in 2001 and 2.6 in 2006. This occupancy is projected to drop to 2.4 by 2021. Based on the medium growth scenario outlined above, projections indicate that approximately 17,000 dwellings will be required in Upper Hutt at 2021. This is an increase from 14,253 (occupied dwellings) on Census night 2006. Under a high growth scenario, the number of dwellings will be 18,125.
3. Even without population growth, household growth results in increased demand for Council-provided infrastructure. In particular, greenfields subdivision on the perimeters of the urban area, and continuing one-off subdivisions to create rural residential "lifestyle" blocks, result in pressure for the Council:
 - in the case of new greenfields subdivision, to provide adequate water supply, wastewater and stormwater disposal and roading infrastructure to service those subdivisions;
 - in respect of rural residential lifestyle properties, to upgrade existing rural roads to accommodate increased traffic generated by subdivision and development of those properties.
4. New greenfields subdivision in particular also creates a demand for the provision of reserves, open space and leisure facilities in the vicinity of the new subdivision. The Council will continue to address this demand through financial contributions in the form of land, money, or both, taken in accordance with the provisions of the Upper Hutt District Plan and the Resource Management Act 1991.

5. Other activities undertaken by the Council include the provision of civic and recreational facilities such as halls, libraries, the aquatic centre H²O Xstream and the Expressions Arts and Entertainment Centre. Existing civic and recreational facilities are considered to be reasonably accessible to all residents of the district. Without population growth, it may be unnecessary to provide more of these facilities, or to increase the capacity of existing facilities. On the other hand, even with a stable population there may be a demand for improved levels of service in relation to civic and recreational facilities: but this would normally be funded out of rates. Accordingly, this policy does not provide for a development contribution in relation to civic and recreational facilities.
6. In addition to greenfields and rural residential subdivision, there is also infill development of urbanised parts of the City. The impact of infill development on Council infrastructure is currently less significant than other forms of development because of the spare capacity that still exists in water supply, wastewater and roading infrastructure serving the urban area. However this will be reviewed for projected growth. There is no spare capacity in the Council's stormwater disposal infrastructure, but the vast majority of projected capital expenditure on stormwater infrastructure currently relates to improving the level of service (including the level of flood protection) provided by that infrastructure rather than increasing the capacity of the network for growth. For these reasons, this policy does not currently provide for the Council to recover development contributions from infill subdivision and development in the urban area.
7. The Council will continue to require any adverse effects of infill subdivision and development to be addressed through appropriate conditions of resource consent, including works and services conditions imposed under section 108(2)(c) of the Resource Management Act 1991. In some circumstances, this may involve undertaking off-site works and services to address the impact of the subdivision and development on Council infrastructure.

Funding the costs of growth

1. Because the Council provides reserves, roading, wastewater, stormwater, and water supply infrastructure to the population of Upper Hutt on an ongoing basis, household growth imposes costs on the Council in terms of providing new items of infrastructure, or increasing the capacity of existing infrastructure, to meet the needs of these new households.
2. Assuming it would be unacceptable for the Council not to provide reserves, roading and reticulated services to new households, the real choice is between on one hand funding growth costs through development contributions and/or financial contributions; and on the other hand funding these costs through general funding mechanisms such as borrowing and rates. Funding the cost of a development through development contributions and financial contributions is seen as the more equitable way of allocating costs to those responsible for the Council incurring those costs, and who benefit from the Council's capital expenditure.

Capital expenditure in response to growth

1. Section 106(2)(a) of the LGA requires the Council's development contributions policy, in relation to the purposes for which development contributions may be required, to summarise and explain the capital expenditure identified in the LTP that the Council expects to incur to meet the increased demand for "community facilities" resulting from growth. Community facilities are defined in section 5 of the LGA, including reserves, network infrastructure (which includes roads, water, wastewater, and stormwater collection and management), and community infrastructure. Refer to the glossary to this policy for a full list of defined terms.

2. Section 106(2)(b) requires the development contributions policy to state the proportion of that capital expenditure that will be funded by development contributions and other sources of funding. In addition, section 106(2)(d) requires each activity for which a development contribution will be taken to be identified, along with the total amount of development contribution funding sought for that activity.
3. At this stage the only activities for which the Council will require development contributions are roading in the eight catchments specified in this policy and, in a single catchment (Mangaroa), water supply and wastewater. The information required under sections 106(2)(a), 106(2)(b) and 106(2)(d) is provided in the following table:

20-Year Estimated Total Capital Expenditure and Funding for Growth

	Total Cost of Capital Works	Other Sources of Funding	Total Improved Level of Service Component	Total Growth Component	Amount to be Funded through Development Contributions
Roading in Specified Catchments	\$12,882,678	Rates/loans	\$6,819,697	\$6,062,981	\$4,899,165
Wastewater and Water in Mangaroa Catchment	\$1,867,483	Rates/loans	\$899,158	\$968,325	\$968,325

4. The Council intends in future years to widen the scope of this policy to allow for the taking of development contributions to recoup Council expenditure to purchase spare capacity in roading, stormwater, water supply and wastewater infrastructure in areas of greenfields and infill subdivision.

Rationale for funding growth through development contributions

Section 106(2)(c) of the LGA requires the development contributions policy to explain why the Council has determined to use development contributions as a funding source, by reference to matters referred to in section 101(3) of the LGA.

Distribution of benefits

The Council considers it appropriate that development contributions are required to fund the addition of capacity in roading, stormwater, wastewater and water supply networks. The benefits of this additional capacity accrue to the residents of new households generating the demand for that capacity; development contributions paid by developers can be passed on through section prices to the residents of the new households who will benefit from the additional capacity. By contrast, existing landowners gain no benefit from the addition of capacity to existing networks that adequately meet their needs; accordingly, they should not be required to fund the addition of that capacity through rates.

The cost of maintaining or improving levels of service provided by Council infrastructure to the existing population has been stripped out of the capital expenditure to be funded out of development contributions, as this expenditure does not benefit developers or new households who will be bearing the cost of development contributions.

The period in which benefits are expected to occur

The benefits of capital expenditure to accommodate the effects of growth are likely to accrue beyond the twenty [20] year timeframe of the development contributions policy, given the longevity of roads and piped networks. Nevertheless a twenty [20] year period is seen as an adequate planning timeframe for the purposes of this policy.

Extent to which individuals contribute to a particular activity

The need to install new capacity in Council-provided roading, stormwater, wastewater and water supply networks is caused by those undertaking subdivision and development in the district resulting in the creation of new lots and household units. Accordingly, it is appropriate for the costs of installing additional capacity to be passed on through development contributions payable by developers on the granting of resource or building consents.

Costs and benefits of funding the activity distinctly from other activities

Development contributions can be imposed at relatively little cost, with the major costs lying in the preparation of a suitable methodology for the assessment of contributions. The benefits of funding the addition of capacity in Council infrastructure to meet the effects of growth through development contributions include greater transparency through quantifying the cost of growth to the Council in terms of providing additional infrastructure, and then passing on that cost to developers through development contributions. The use of catchments also aids transparency by signalling the variations in the cost of providing infrastructure according to the characteristics of the particular locality and the nature of the works required.

Overall impact on community wellbeing

Ensuring adequate sources of funding to provide appropriate infrastructure is central to promoting the social, economic, environmental and cultural wellbeing of the district. Funding the cost of providing increased capacity in Council infrastructure through development contributions ensures equity between existing residents and those responsible for the Council incurring these additional costs.

Council has decided that the rural roading development levy should be imposed only on subdivision and in respect of each new lot created. The Council has decided not to implement a proposal to impose a levy at the building consent stage, for a new dwelling, because it considers that those people owning rural land and intending to build are already paying through rates for services.

Council has set a cap on development contributions for rural roading in recognition of the potentially high individual new allotment costs arising from the difficult topography and limited potential for further subdivision within certain rural catchments and as they do not wish to stifle such development.

Activities for which development contributions will be required

Roading

Council funded capital works associated with the provision of a safe and efficient roading network in the following roading catchments (refer to the map at the end of this policy for the location and boundaries of these catchments):

- Akatarawa Rd
- Kaitoke
- Mangaroa
- Katherine Mansfield extension
- Blue Mountains
- Moonshine Hill Rd
- Alexander Rd
- Swamp Rd

Water and Wastewater

Council funded capital works associated with the provision of reticulated water supply and wastewater networks in the Mangaroa catchment (refer to the map at the end of this policy for the location and boundaries of this catchment).

How development contributions have been calculated

1. Section 201(1)(a) of the LGA requires the development contributions policy to include, in summary form, an explanation of and justification for the way each development contribution in the schedule to the policy is calculated.
2. In summary, each contribution (apart from the Alexander Road catchment roading contribution, and the Mangaroa water and wastewater contribution: see below) has been calculated in accordance with the methodology set out in Schedule 13 of the LGA, and then in respect of certain contributions applying an upper “cap”, namely:

Stage 1

The Council has first, within each catchment, estimated the number of new lots/household units likely to be created over the next twenty [20] years. This is based on existing trends in population and household growth and the development potential of each catchment (see the table in paragraph 10.1 below).

Stage 2

It has, within each catchment, identified the total cost of the capital expenditure it expects to incur on roading over the next twenty [20] years (this figure is drawn from the Council's asset management documentation and is referred to in the Council's LTP).

Stage 3

It has identified the share of that capital expenditure attributable to growth. This involves identifying whether the "driver" for individual items of capital expenditure (projects) is improvement in levels of service, the provision of additional capacity, or a mixture of both; and then aggregating the expenditure attributable to providing additional capacity on individual projects into a single figure for each catchment (the "growth component"). The Council intends the entire growth component to be funded out of development contributions.

Stage 4

In each catchment the Council has divided the growth component by the projected number of new lots/households units in that catchment to derive a per lot/household unit contribution.

Stage 5

Having assessed a theoretical development contribution per additional lot/household unit, Council then considered the impact of such a contribution on the wellbeing of the community, and modified the requirements for rural roading development contributions by:

- a. resolving not to levy development contributions at the building consent stage.

Council will now only impose the levy on new rural lots created by subdivision.

- b. resolving to place a cap on the maximum levy payable in the Moonshine Hill road and Akatarawa road catchments at \$9,690 and noting that in the other catchments the property owner will pay the actual levy assessed.

Council will now only impose the levy on new rural lots created by subdivision.

3. The Mangaroa water and wastewater contribution has been calculated in the same way, with the exception that at stage 2 above, instead of apportioning the cost of future capital works attributable to growth over the next 20 years the Council has, in reliance on section 199(2) of the LGA, apportioned the cost of capital expenditure already incurred in anticipation of growth (see the table in paragraph 10.2 below).
4. The Alexander Road roading contribution has also been calculated in a similar way to the methodology set out in paragraph 7.2 above. The difference is that at stage 1, instead of estimating the number of new lots/household units likely to be created over the next twenty [20] years, because this is an area of anticipated commercial/industrial growth rather than residential growth, the Council has estimated the amount of developed commercial floor space. This has led to the basic unit of demand in this catchment being each additional 100m² of developed floor space created. Under stage 4, the Council has then divided the growth component of capital works in the Alexander Rd catchment amongst the amount of new floor space anticipated, to arrive at a contribution of \$256/each additional 100m² of developed floor space created.
5. Since households in the Katherine Mansfield extension and Swamp Road catchments also have to use the Mangaroa catchment for access their total levy is their own catchment plus Mangaroa.
6. The Council is required to adopt the methodology for calculating development contributions set out in Schedule 13 of the LGA; and considers it to be an appropriate way to fund the impact of household growth and, in the Alexander Road catchment commercial development, on the Council's roading infrastructure.

Significant assumptions

Section 201(1)(b) of the LGA requires the development contributions policy to state significant assumptions underlying the calculation of the schedule of development contributions. This must include an estimate of potential effects, if there is significant uncertainty as to the scope and nature of those effects.

Population and household growth projections

The Council has relied on projections of households and population growth, as it is required to do under the LGA. In particular the Council has assumed that over the twenty [20] year period of this policy, the population of Upper Hutt will grow and plateau at about 42,100; but that over that period, the number of household units will increase by 2,747. Assumptions have also been made about the increase in household units in each of the roading catchments, and the Mangaroa water and wastewater catchment, over the twenty [20] year period of the policy.

Cost of individual items of capital expenditure

The Council has used the best information available at the time of developing this policy to estimate the cost of individual items of capital expenditure on roading that will be funded in whole or in part out of development contributions. It is likely that actual costs will differ from estimated costs due to factors beyond the Council's ability to predict such as changes in the price of raw materials, labour etc and the timing of capital works.

The Council will review its estimates of capital expenditure at least every three [3] years when it reviews its LTP.

Inflation

All figures are in today's dollars and development contributions from 2009-2010 onwards have been adjusted in accordance with the note under Accounting Assumptions.

Exemption, remission, postponement and refund of development contributions

Exemptions

In accordance with section 200 of the LGA, the Council will not require a development contribution if, and to the extent that:

1. it has, under section 108(2)(a) of the Resource Management Act 1991, imposed a condition on a resource consent in relation to the same development for the same purpose; or
2. the developer will fund or otherwise provide for the roading infrastructure to which the development contribution relates; or
3. the Council has received or will receive funding from a third party.

Remission and postponement

The Council will not usually remit or postpone payment of a development contribution but reserves its right to do so in an exceptional case.

Refunds

The Council will refund a development contribution to the consent holder or to his or her personal representative in the circumstances set out in section 209 of the LGA, namely:

1. if the contribution was taken upon the granting of a resource consent, the resource consent lapses under section 125 of the Resource Management Act 1991 or is surrendered under section 138 of that Act; or
2. if the contribution was taken upon the granting of a building consent, the building consent lapses under section 41 of the Building Act 1991; or
3. the development or building in respect of which the resource consent or building consent was granted does not proceed; or
4. the Council does not provide the network infrastructure for which the development contribution was required.

Schedule of development contributions

Level of contributions – Roading

The development contributions for roading payable for each additional unit of demand created are shown in the tables below:

Additional Lots

Road Catchment	Growth Component of 20 Year Capital Works Projects*	Total Units of Demand (Additional Lots)	Calculated Cost of Construction* (Per Additional Lot)	Development Contribution Charged * [Per Additional Lot]
Akatarawa Road	\$1,148,290	65	\$17,666	\$9,690
Kaitoke	\$562,564	68	\$8,273	\$8,273
Mangaroa	\$690,894	293	\$2,358	\$2,358
Katherine Mansfield Extension [^]	\$1,410,579	73	\$19,323	\$19,323
Blue Mountains	\$724,650	75	\$9,662	\$9,662
Moonshine Hill Road	\$800,416	16	\$50,026	\$9,690
Swamp Road [^]	\$233,968	56	\$4,178	\$4,178

[^]Also incur the Mangaroa Levy * GST exclusive

Additional Floor Area

Roading Catchment	Growth Component of 20 Year Capital Works Projects*	Total Additional Developed Floor Area	Development Contribution*(Per 100m² of Additional Floor Area)
Alexander Road	\$491,620	192,100 m ²	\$256

* GST exclusive

Level of Contributions – Water and Wastewater

The development contribution for water and wastewater payable for each additional unit of demand created in the Mangaroa catchment is shown in the table below:

Water and Wastewater Catchment	Growth Component of 20 Year Capital Works Projects[^]	Total Units of Demand (Additional Lots/House-Hold Units)	Development Contribution* (Per Additional Lot or Household Unit)
Mangaroa	\$968,325	56	\$17,292

[^]Capital expenditure already incurred by the Council in anticipation of growth

* GST exclusive

When development contributions will be required - Rooding

Development contributions will be imposed upon the granting of a resource consent for subdivision or development that authorises the creation of one or more additional lots in the catchments listed below:

- Akatarawa Road
- Kaitoke
- Mangaroa
- Katherine Mansfield extension
- Blue Mountains
- Moonshine Hill Road
- Swamp Road

In accordance with section 208 of the LGA, until a development contribution has been paid the Council may:

- in the case of a subdivision, withhold a certificate under section 224(c) of the Resource Management Act 1991; or
- in the case of a development, prevent the commencement of a resource consent for the development under the Resource Management Act 1991.

Development contributions will be imposed upon the granting of building consent to create an additional 100m² or more of developed floor space (if not already imposed on the granting of resource consent) in the catchment listed below:

- Alexander Road

In accordance with section 208 of the LGA, until a development contribution has been paid the Council may withhold a code compliance certificate in respect of building work to which the building consent relates under section 43 of the Building Act 1991.

When development contributions will be required – Water and Wastewater

A development contribution for water and wastewater in the Mangaroa catchment will be required:

- upon the granting of a resource consent for subdivision or development that authorises the creation of one or more lots or household units in the Mangaroa catchment; or
- upon the granting of a building consent regarding the creation of one or more household units in the Mangaroa catchment; or
- upon the Council granting an authorisation for an existing lot or existing household unit in the Mangaroa catchment to connect to the Council's water supply or wastewater system.

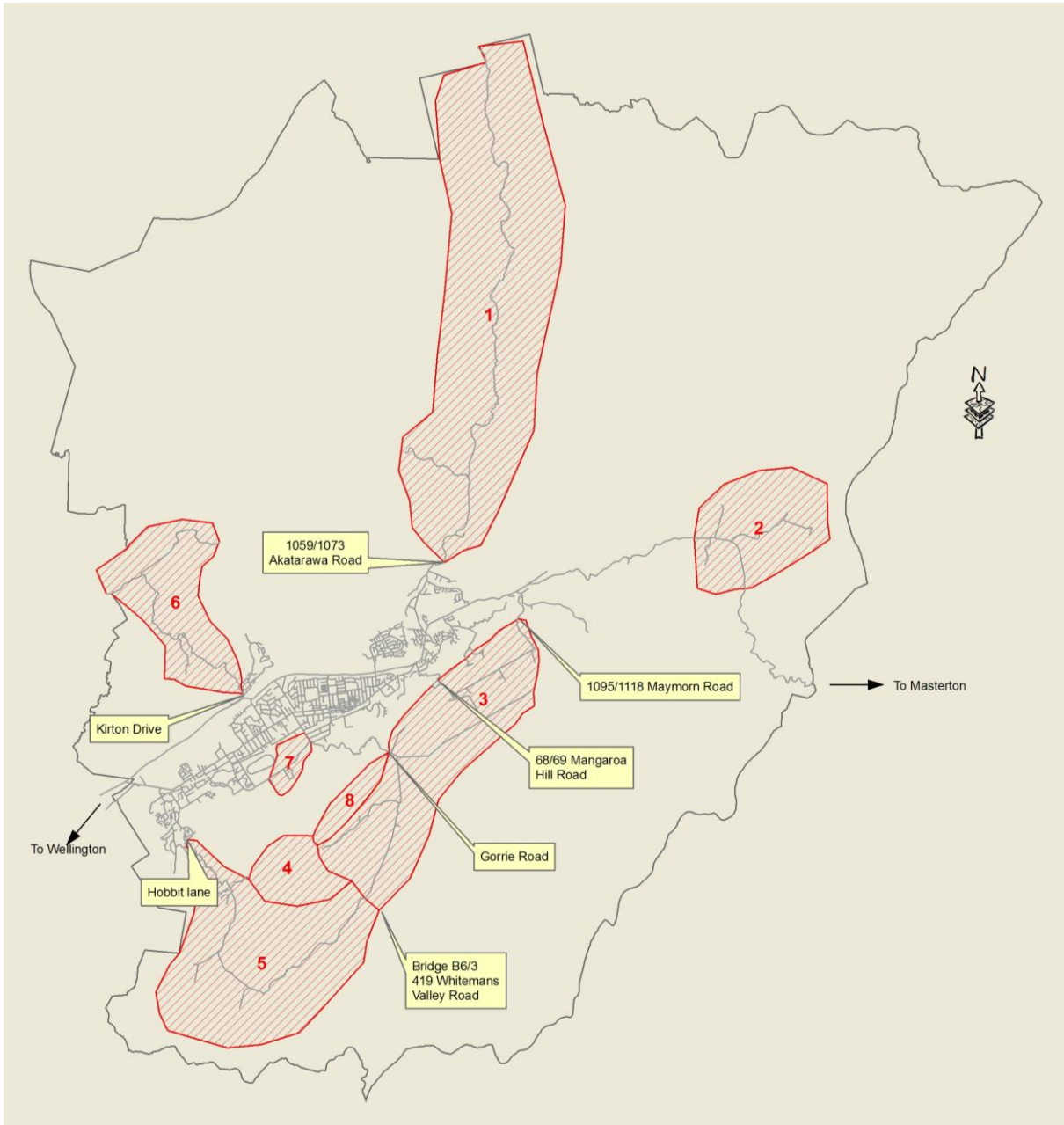
In accordance with section 208 of the LGA, until a development contribution has been paid the Council may:

- in the case of a contribution required upon the granting of subdivision consent, withhold a certificate under section 224(c) of the Resource Management Act 1991; or
- in the case of contribution required upon the granting of resource consent for a development, prevent the commencement of the resource consent under the Resource Management Act 1991; or
- in the case of a contribution required upon the granting of building consent, withhold a code compliance certificate in respect of building work to which the building consent relates under section 43 of the Building Act 1991; or
- in the case of a contribution required upon the granting of an authorisation to connect to the Council's water supply or wastewater system, withhold a connection to that system.

Glossary

In this policy:

- **allotment** has the meaning given to it in section 218(2) of the Resource Management Act 1991, and lot has the same meaning;
- **community facilities** means reserves, network infrastructure, or community infrastructure for which development contributions may be required in accordance with section 199 of the LGA;
- **community infrastructure** means:
 - a. land, or development assets on land, owned or controlled by the Council to provide public amenities; and
 - b. includes land that the Council will acquire for that purpose;
- **development** means:
 - a. any subdivision or other development that generates a demand for reserves, network infrastructure, or community infrastructure; but
 - b. does not include the pipes or lines of a network utility operator;
- **development contribution** means a contribution:
 - a. provided for in this development contribution policy; and
 - b. calculated in accordance with the methodology;
- **development contribution policy** means the policy on development contributions included in the long-term council community plan of a territorial authority under section 102(4)(d) of the LGA;
- **methodology** means the methodology for calculating development contributions set out in Schedule 13 to the LGA;
- **network infrastructure** means the provision of roads and other transport, water, wastewater, and stormwater collection and management;
- **network utility operator** has the meaning given to it by section 166 of the Resource Management Act 1991;
- **service connection** means a physical connection to a service provided by, or on behalf of, the Council.



Area	Comments
1 Akatarawa Roding catchment	Resource consent levy from <ul style="list-style-type: none"> • Akatarawa Road • Crest Road • Karapoti Road
2 Kaitoke roading catchment	Resource consent levy from the following roads <ul style="list-style-type: none"> • Gilbert Road • Kiwi Ranch Road • Marchant Road • Kaitoke Waterworks Road
3 Mangaroa roading catchment	Resource consent levy from the following roads <ul style="list-style-type: none"> • Whitemans Valley (from Bridge B6/3, 419 Whitemans Valley Road) • Colletts Road • Flux Road • Gorrie Road • Leonards Road • Maymorn Road • SPCA Road • Wallaceville Road • Parkes Line Road • Mangaroa Valley Road • Mangaroa Hill Road • Swamp Road • Katherine Mansfield Drive (existing formed road) • Katherine Mansfield Drive extension
4 Katherine Mansfield extension	Resource consent levy from <ul style="list-style-type: none"> • South of the existing sealed public road

Area	Comments
5 Blue Mountains catchment	Resource consent levy from the following roads <ul style="list-style-type: none"> • Avro Road • Avian Crescent • Avian Road • Blue Mountains Road • Cameron Road • Johnsons Road • Kakariki Way • Russells Road • Sierra Way • TVL Road • Whitemans Valley Road (to Bridge B6/3, 419 Whitemans Valley Road)
6 Moonshine Hill Road	Resource consent levy from the following roads <ul style="list-style-type: none"> • Moonshine Hill Road • Moonridge Road • Bulls Run Road
7 Alexander Road catchment	Building consent levy from development within the Business Industrial zone
8 Swamp Road catchment	Resource consent from lots within the catchment
Mangaroa water and sewerage catchment	Resource consent or building consent or authorisation to connect levy from lots connecting to the water and sewerage reticulation in Parkes Line and Maymorn Roads

3.11 Equal Employment Opportunities (EEO) Policy

Purpose

The Council's Equal Employment Opportunity (EEO) policy is intended to foster a culture within Council where the values of merit and fairness underpin all decisions relating to employment. The focus of this policy is to value diversity within the workplace and to create a work environment where all employees are given the opportunity to develop to their full potential.

Definition of Equal Employment Opportunity

EEO refers to the operation of the principle that no employee or applicant for employment, who is appropriately skilled and qualified, may be discriminated against on employment related matters due to some personal characteristic, belief or association that is irrelevant to the employment decision.

Guiding principles

Council will comply with its obligations under the Local Government Act 2002, Human Rights Act 1993 and Employment Relations Act 2000.

For any given employment decision – including recruitment and selection, training and development, promotion and remuneration, the decision will be based on the grounds of merit, skills and qualifications irrespective of age; race; colour; ethnic or national origins; sex; disability, religious, ethical or political beliefs; employment status; marital or family status; sexual orientation; or other personal characteristics that do not relate to skills or qualifications.

Council is committed to recognising and valuing different skills, talents and perspectives of employees.

There is ongoing commitment to identify/eliminate discrimination barriers that cause or perpetuate inequality in employment.

All staff are made aware of Council's EEO policy and the principles of EEO and diversity.

Council will encourage the establishment of an EEO staff committee as a vibrant and active body that will be available to deal with complaints of discrimination and will have procedures in place to deal with such complaints.

Practices

Council will assess what appropriate action needs to be taken in regard to changes in employees' personal circumstances where the change is EEO related.

All Council communications related to human resource must not be inconsistent with the EEO policy.

Council will provide employees involved in the hiring of staff with information on recruitment and selection practices that support the Council's EEO policy.

The EEO committee will arrange an annual training session for management on a topic related to EEO.

The Council will report on the performance of the EEO policy on an annual basis. The report will be based on an analysis of data (relating to EEO) collected by the committee.

The Council will review the EEO policy no later than 30 June each year.

3.12 Health and Safety Policy

Purpose

This policy has been developed to demonstrate Council's commitment to prevent harm to employees at work.

Applies to

All employees including casual.

Legislative framework

Health and Safety in Employment Act 1992.

Policy statement

Upper Hutt City Council is firmly committed to taking all practicable steps to ensure that the workplace and work environment is safe and healthy at all times for its employees and others.

Council expects employees to share this commitment, and to accept an individual responsibility to promote their own safety and wellbeing and the safety and wellbeing of others.

It is a condition of employment that employees must read for understanding, and undertake instruction and training in, the Health and Safety policies and procedures which Council puts in place.

Wilful failure to comply with Health and Safety policies, and any deliberate acts of omission, which could threaten the health and safety of the employee or any other person, will be regarded as serious misconduct by Council. All such incidents will be investigated and may lead to disciplinary action including formal warnings and in certain situations termination.

Responsibilities of Council

1. Chief Executive has overall responsibility for the provision of a safe and healthy workplace and working environment and for the development and implementation of effective Health and Safety policies and programmes.
2. Managers are responsible for ensuring that:
 - all workplace hazards are systematically identified and appropriately controlled
 - all employees and their representatives are able to participate in the development of Health and Safety programmes and practices
 - all employees and contractors are required to be trained, supervised and given sufficient information for them to work safely
 - all accidents and other safety incidents are investigated and reported promptly to the director and manager of the work area and Human Resources Advisor
 - appropriate protective equipment and clothing is provided to employees and they are adequately trained in its proper use, maintenance and storage
 - employees use protective equipment and clothing at all times when necessary for their health and safety and the health and safety of others

- ensure all contracts comply with health and safety requirements for a workplace
- visitors to the workplace are made aware of safety and emergency procedures
- there is a prompt response to any health and safety issues which come to their attention
- health and safety considerations are included in the performance plans and performance reviews for all employees
- they undertake training so that they are competent to carry out their health and safety responsibilities
- they set appropriate personal examples of the high standards of health and safety behaviour which the Council requires

Responsibilities of employees

Employees must:

- comply with the Health and Safety policies and procedures which the Council puts in place from time to time
- comply with any instruction relating to health and safety which is given to them by a manager or other authorised representative of the Council
- ensure that nothing they do, or do not do, will cause an avoidable hazard for themselves or any other person in the workplace
- work in a safe manner at all times
- not undertake any employment-related action or activity for which they are not adequately trained, especially in the safe use and operation of any plant, machinery or other equipment
- wear any protective clothing or use any protective equipment that is required for a particular activity or operation
- immediately report any accidents or other safety incidents to their managers, regardless of whether there has been any injury to any person or damage to any property
- undertake training so that they are competent to carry out their health and safety responsibilities
- inform your manager or appropriate officer of potentially hazardous situations

Other matters

1. While in the workplace, employees must at all times dress in a tidy and appropriate manner. In particular, they may not wear items of clothing of any kind which could interfere with safe working in any way
2. While in the workplace, employees must at all times maintain reasonable and acceptable standards of hygiene
3. Smoking is not permitted in the workplace at any time. Any employee found smoking, or to have been smoking in the workplace will be the subject of disciplinary action.

Definitions

Some of the terms used in this policy are drawn from the Health and Safety in Employment Act 1992. They are restated here for ease of reference.

Accident means an unplanned event which causes harm to any person

Contractor is a person engaged under a contract for services, also referred to as an independent contractor

Harm means illness or injury, or both

Hazard means any activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance that is an actual or potential cause of harm

Healthy means unharmed

Incident means any event that causes or has the potential to cause harm to any person

Safe means that a person is not exposed to hazards or that a situation is free from hazards

Workplace is defined as 'whenever and wherever the person performs work including in a place that (a) the person moves through; or (b) itself moves'.

3.13 Appointment of directors to Council organisations

Purpose

The purpose of this policy is to set out, in accordance with section 57(1) of the Local Government Act 2002 ('the Act'), an objective and transparent process for:

- a. the identification and considerations of the skills, knowledge and experience required of directors to a Council organisation
- b. the appointment of directors to a Council organisation
- c. the remuneration of directors of a Council organisation.

Principles

The following principles underlie this policy:

- a. appointments will be made on the basis of merit
- b. the Council will follow corporate governance best practice
- c. the Council will, whenever practicable, publicly notify proposed appointments so as to give all residents of Upper Hutt an opportunity to apply.

Definitions

The term 'Council Organisation' (CO) is used in the context of the definitions set out in section 6 of the Act.

The Act also creates two sub-categories of CO's – 'Council-Controlled Organisations (CCO's) and 'Council-Controlled Trading Organisations' (CCTOs).

The Council has an interest in one CCO, namely the Expressions Arts and Entertainment Trust (Expressions). The Council does not have an interest in any CCTO.

The following are summaries of the definitions of CO, CCO and CCTO and are provided for information purposes:

- **Meaning of 'Council Organisation' (CO)**

In broad terms a CO is an organisation in which the Council has a voting interest or the right to appoint a director, trustee or manager (however described). This is a wide-ranging definition, covering a large number of bodies.

- **Meaning of 'Council-Controlled Organisation (CCO)**

A CCO is a CO in which one or more local authorities' control, directly or indirectly, 50 percent or more of the votes or have the right, directly or indirectly, to appoint 50 percent of the directors, trustees or managers (however described).

- **Meaning of 'Council-Controlled Trading Organisation (CCTO)**

A CCTO is a CCO that operates a trading undertaking for the purpose of making a profit.

3.14 Council-Controlled Organisations (CCOs)

Introduction

- a. Expressions is the only CCO in which the Council has an interest.
- b. Expressions is both a charitable trust and a not-for-profit organisation.

Identification and appointment of trustees of Expressions

The Expressions Trust Deed contains the following provisions relating to the identification and appointment of trustees:

- “7.4** when exercising its power of appointment, the (Council):
- a. shall have regard to the need to have trustees with skills, qualifications and experience appropriate to the objectives of the Trust; and
 - b. will call for nominations by public notice whenever the requirement to replace a trustee occurs; such notice is to include information as to the skills, qualifications and experience sought.
- 7.5** in addition, the (Council) will consult with the Friends of the Upper Hutt Community Art Centre Society Incorporated and shall have regard to any recommendations made by the Friends of the Upper Hutt Community Art Centre Incorporated in regard to the appointment of one of the trustees

- 7.6** a person appointed as a trustee shall hold office for the term specified in the Letter of Appointment, which term shall not be more than three years
- 7.7** a letter signed on behalf of the (Council) to the effect that a person has been appointed as a trustee for the term specified in the letter, or has been removed from office on or from the date specified in the letter, shall be conclusive evidence thereof".

The Council will abide by the foregoing provisions in appointing trustees to Expressions.

Identification and appointment of directors to other COOs

If the constitution of the company or organisation so provides, the CCO will make a recommendation to Council as to the person to be appointed. The Council will act on the recommendation unless there are exceptional circumstances.

In all other cases the procedure to be followed is:

Identification

It is expected that the CCO will provide the Council with a specification of the skills, knowledge and experience required of appointees. If not then the Council will develop its own taking into account:

- a.** the nature and scope of the CCO, including its constitution and future directions
- b.** the strategic objectives of the CCO and the attributes, skills and knowledge required to deliver them
- c.** the strategic skills of the current appointees and the required skills of all appointees
- d.** any specific skill, knowledge and experience currently required or likely to be required in the near future.

Appointment

Unless the Council adopts a different process in any specific case, the selection and appointment process will usually involve:

- a.** preparation of a specification as set out above (under 'Identification')
- b.** advertising the position(s)
- c.** approaching possible candidates
- d.** establishing a selection panel to consider all applications and make recommendations to Council
- e.** appointment(s) will be made by resolution in non-public business to protect the privacy of those involved.

Remuneration

Persons appointed by the Council to be directors, trustees or managers [however described] of any CCO will be entitled to receive the remuneration [if any] offered by it. If no remuneration is offered, such appointees as are Councillors will be entitled to receive normal Council meeting allowances.

3.15 Council Organisations (COs)

Introduction

The Council has non-controlling interest in three COs. All three are not-for-profit bodies.

They are:

- the Hutt Valley Youth Health Trust
- Orongomai Marae Community Centre
- the Wellington Regional Economic Development Trust

Appointments might be made to other COs in future for any of a number of reasons, including the following:

- a. to provide a means of monitoring where the Council has made a grant to the CO
- b. to enable Council involvement where the COs activity is relevant to the Council
- c. to accede to a request from the CO that the Council appoint a representative.

Identification of directors of COs

The range of reasons for the appointment, by Council, of directors, trustees or managers [however described] to COs may mean that a wide range of attributes for appointees will be desirable.

Where the constitution of the CO so provides, the Council will make the appointment on the recommendation of the CO.

In other cases, the Council will prepare a specification identifying the desired skills, knowledge and experience of the appointee and will call for nominations by advertisement.

The Council, in making the appointment, will consider whether nominated persons have the required skills, knowledge and experience. Preference will be given to residents of Upper Hutt but all candidates having the appropriate skills, knowledge and experience will be eligible for appointment and the Council's decisions will be made on merit.

Remuneration

Persons appointed by the Council to be directors, trustees or managers [however described] of any CO will be entitled to receive the remuneration (if any) offered by it. If no remuneration is offered, such appointees as are Councillors will be entitled to receive normal Council meeting allowances.

3.16 Policy : restrictions on expenditure

Land Transport Management Act 2003

Contract works that are refunded under the subsidised roading programme with a contribution from the National Roothing Fund are required to comply with the requirements of the NZTA's Procurement Manual (2010) and the Hutt Valley Procurement Policy (Appendix F). To qualify for NZTA funding the work must fall within one of the categories described in the NZTA's Planning Programming and Funding Manual (2008).

Other contracts

Any contract for the supply of goods or services likely to involve the Council in expenditure or financial commitment for a total sum of \$100,000 or more will be undertaken by competitive tendering unless exceptional circumstances exist and authority is given for dispensing with competitive tendering.

Exceptional circumstances

It is recognised that in a limited range of exceptional circumstances it may not be practicable or desirable to undertake a contract by competitive tendering.

Reasons for dispensing with competitive tendering might include the following:

- a. urgency
- b. the specialised nature of goods or services; and/or
- c. existing/recent contracts, which require extension or form the basis of a negotiated contract.

Authority to dispense with competitive tendering

A decision to dispense with competitive tendering, where the expenditure or financial commitment is likely to be for a total sum of \$250,000 or more, may be made by the Contracts Subcommittee.

A decision to dispense with competitive tendering where the expenditure or financial commitment is likely to be for a total sum of \$100,000 or more, but less than \$250,000 may be made by the Chief Executive.

Alternative to competitive tendering

If warranted by the exceptional circumstances of the case and approved, the contract may be undertaken by negotiation with a specific provider of goods or services.

Decision to be in writing

Every decision made to dispense with competitive tendering, and if applicable, to undertake a contract by negotiation, shall be recorded in writing, shall specify the reasons for the decisions and shall be signed by the approved.

Policy of buying locally

All things being equal, preference is to be given to local tenderers.

3.17 Instalment rating

The following system of instalment rating was adopted by Council by resolution passed at an extraordinary Council meeting held on 09 June 2010 (M.P.96):

1. **THAT** Council agree to stop the current two cycle rates instalment arrangements and include a one cycle arrangement (as per the table below) in the rates resolution for financial years from 2010-2011 onwards
2. **THAT** instalments due and payable dates are as follows:

Instalment	Due Date
1	31 August
2	31 October
3	15 January
4	28 February
5	30 April

3.18 Differential rating system

The Differential Rating System is contained in the Revenue and Financing Policy, as amended in 2008, in the Council's Long Term Council Community Plan 2009-2019, with definitions contained in the Funding Impact Statement of the 2008-2009 Annual Plan.

3.19 Upper Hutt drainage district

The following special order resolution was passed on 11 June 1996 and confirmed on 31 July 2006;

THAT pursuant to Section 443 of the Local Government Act 1974, the Council resolve, by way of Special Order, to declare those areas of the city as are shown edged in black on Plan No. 5788, to be an urban drainage area for the purpose of the construction and maintenance of work for the drainage of land in the area to be known as the Upper Hutt Urban Drainage Area, as from 1 July 1996.

The area boundaries of the Upper Hutt Urban Drainage District were altered by the Council by resolution passed on 22 June 2005 [*Policy Committee, M.P. 70, 15 June 2005*]. The amendment had the effect of adding three further areas to the district, namely (1) Mount Marua, (2) Waitoka Estate, and (3) Brentwood School.

3.20 Rate remission and postponement policies

General Remissions Policy

In addition to mandatory remissions under Part 1 of Schedule One of the Local Government (Rating) Act 2002, that it is Council policy to grant a 30 percent remission on all rates and uniform charges levied on:

- a. land owned or occupied by or in trust for any society or association of persons, whether Incorporated or not, and used principally for games or sports other than racing, trotting and dog racing (First Schedule, Part 2, clause 2)
- b. land owned or occupied by or in trust for any society or association or persons, whether incorporated or not, whose object or principal object or one of whose principal objects is to promote generally the arts or any purpose of recreation, health, education or instruction for the benefit or residents or any group or groups of residents of the district.

The schedules for categories of non-rateable land which are fully non-rateable and those categories which are 50 percent non-rateable are found in Schedule One of the Local Government (Rating) Act 2002.

Policy on Remission or Postponement

Objective

To enable the Council to act fairly and reasonably when rates have not been received by the due date.

Conditions and criteria

1. Upon receipt of an application by a ratepayer, or if identified by the Council, Council may remit or postpone rates or penalties where it is demonstrated that the rates or penalty has been levied because of an error by the Council.
2. Upon receipt of an application from the ratepayer, and subject to the qualification below, the Council may remit a penalty where:
 - a. the ratepayer has a two-year history of regular payment of rates or can demonstrate that the delay in payment is due to an extraordinary circumstance

OR

- b. the ratepayer has entered into an agreement with the Council for the payment of rate arrears, and that agreement is being complied with

OR

- c. the ratepayer has set up automatic payments set at such a level that the annual rates are paid over the financial year.

3. Upon receipt of an application by a ratepayer, or if identified by the Council, Council may postpone rates or penalties where it is demonstrated that the rates or penalty that have been levied are causing extreme financial hardship to the ratepayer.

Applications under this criteria will generally only be considered when applicants:

- a. are unable to pay their rates because of personal circumstances
- b. have tried all other avenues to fund their rates
- c. have no significant assets
- d. are prepared to receive a legal charge to the Council over the property.

Conditions

The Council reserves the right to impose conditions on the remission or postponement of rates or penalties.

Decisions

Decisions on the remission or postponement of rates and penalties are delegated to Council Officers. All delegations are recorded in the Council's delegation manual.

Rates Remissions Policy for Economic Development

Objectives of the Policy

To promote employment and economic development within the city by offering rates remission to:

- assist new businesses to become established in the city
- assist existing businesses in the city to expand and grow.

Conditions and criteria

This policy applies to commercial and/or industrial development that involves the construction, erection or alteration of any building or buildings, fixed plant and machinery, or other works intended to be used for industrial, commercial or administrative purposes. Residential developments will not qualify for remission under this Policy.

In considering applications for remission Council will have regard to the extent applications meet the following guidelines:

- the development is of importance for the future economic development of the city. This may be demonstrated by the scale, type or nature of the development
- the number of new employment opportunities the development will create. Generally development would be expected to create a minimum number of new full-time equivalent jobs (as defined in the Funding Impact Statement of Council's current Annual Plan)
- the amount of new capital investment the development will bring into the city. The amount of new investment should be not less *than* a minimum amount (as defined in the Funding Impact Statement of Council's current Annual Plan) unless the business falls within the criteria identified below. Consideration will be given to the extent that the new development would increase the rating base.

Council may be willing to consider cases where the business does not meet the guidelines as outlined above, when the development is of importance for the future economic development of the city and any of the following may apply:

- the business demonstrates a long term commitment to remain and operate in the city. Property ownership or a long-term lease of property may be accepted as a proof of commitment
- the development protects or retains cultural aspects of the city e.g. maintains and protects a heritage building
- the development adds new and/or visually attractive infrastructure/buildings to the city
- it is likely that any remission granted would provide encouragement or impetus to proceed with the development.

The presentation of any such applications to Council will be at the discretion of the Chief Executive and Director of Business Development Services.

The discretion of Council will apply in every case and simply meeting the criteria does not create any entitlement to rates relief.

3.21 Policy on distribution of rates funding surpluses

That any distribution of rates surpluses be made in accordance with the following priorities:

Water Rates

Any surpluses are to be used in the following priority:

1. smoothing the fluctuation in the bulk water levy
2. debt repayment
3. non-recurring capital works
4. in the application of the surplus for items 1-3 above, the funds applied are limited to one-third of the total surplus available.

Stormwater rates

Any surpluses are to be used in the following priority:

1. debt repayment
2. non-recurring capital works
3. general stormwater expenditure.

Wastewater rates

Any surpluses are to be used in the following priority:

1. debt repayment
2. non-recurring capital works
3. general wastewater expenditure.

General rates

Any surpluses are to be used in the following priority:

1. maintain a minimum balance of \$500,000 for working capital requirements
2. one-off major capital expenditure
3. debt repayment or investment.

3.22 Disaster recovery funding

The following policy was adopted by Council at its meeting held in December 1993 on the recommendation of its Policy and Planning Committee [M.P. 369, 1 December 1993]:

THAT in view of the requirements for a disaster recovery plan; Council resolves that the total of its special funds shall not be reduced below the sum of \$2.5M except with the express prior approval of the Council.

3.23 Fraud Policy

The Upper Hutt City Council is committed to a zero tolerance policy in relation to fraud. All allegations or suspicions of fraud will be investigated.

Principles

1. For the purposes of this policy, the term 'fraud' includes theft, misappropriation and/or any other fiscal irregularities
2. The Chief Executive will assign responsibility for the investigation of any alleged or suspected fraud
3. All investigations of alleged or suspected fraud involving employees will be undertaken in terms of the current policy contained in the staff manual
4. How Council will meet its responsibilities in respect of the Protected Disclosures Act 2000 is described in the current policy in the staff manual
5. Any investigation into alleged or suspected fraud not involving staff will be conducted on a confidential basis and will respect the principles of natural justice
6. The Council will pursue the recovery of lost money or other property wherever possible and practicable
7. Council will maintain appropriate systems of internal control to mitigate the risk of fraudulent activity

The Chief Executive will report on:

- a. the actions and impacts of all investigations of cases of alleged or suspected fraud
- b. all cases of alleged or suspected fraud for which investigations have not been completed.

This reporting will be to both Council and the external auditors.

Chapter 4 – Policies relating to Asset Management and Operations functions

4.1 Requirement for underground services

It is a condition of the issue of a building consent for any new dwelling on any allotment that is permitted to have more than one dwelling on it, that all electrical and telecommunication services to the new dwelling are to be placed underground from the street supply.

4.2 Boundary fences on rural roads

In the case of all rural subdivision applications, existing roadside fences, unless required by the Director of Asset Management and Operations to be relocated to the road reserve boundary, for safety, capacity, access to utility services or maintenance reasons, may remain on their existing alignment provided that:

- a. a survey is to be submitted showing the location of the fence relative to the road reserve boundary and carriageway
- b. the maximum encroachment onto the road reserve is not to exceed that of the existing roadside fence at the time of application for subdivision
- c. no trees are to be planted, no structures are to be erected or sight-lines obstructed within the occupied road reserve
- d. when the occupier is notified that the road reserve is required by Council, the occupier must relocate the fence to the legal road boundary at their cost, within the time, being not less than three months, stipulated in the notice
- e. this condition is to be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 and is to be registered against the title to each of the new lots to which it applies. A copy of the consent notice is to be placed in the building envelope for each lot for which it applies and it is to be recorded on any project information memoranda and land information memoranda.

4.3 Advanced direction signs

Prior to the erection of any large advance direction sign, discussions will take place with any property owners adjoining possible sites to obtain an agreement as to the positioning of the sign. If an agreement cannot be reached then in the interests of traffic safety, the site of the sign will be in accordance with guidelines as set down in the Land Transport Rule – Traffic Control Devices 2004 including any subsequent amendments.

4.4 Policy for erection of directional signage

The purpose of directional signs is to direct visitors and those unfamiliar with the area to and around the city, leaving them with the impression of a well managed and friendly place.

The following policy describes directional signs, including commercial directional signs that may be erected.

Signs that will be erected and maintained at Council cost:

- primary schools
- colleges (public)
- New Zealand Army
- Rimutaka Prison
- churches
- camping grounds
- Council offices
- recreation facilities (Te Marua Speedway, golf courses, shooting ranges, etc. but not for minor activities if included on a signposted park or reserve)
- parks and reserves
- voluntary attractions (Silverstream Railway, vintage machinery etc.)
- industrial and commercial areas
- Central Business District
- rural areas (Mangaroa, Whitemans Valley, Akatarawa etc.)
- Information Centre
- Police from within the CBD
- public toilets
- marae
- other cities/districts (Kapiti, Lower Hutt, Masterton etc.)
- Citizens' Advice Bureau

Commercial signs for which approval may be given to be erected:

- primary schools (private)
- colleges (private)
- retirement villages
- hotels
- motels and similar
- medical centres
- tourist attractions (Staglands, Moss Green Gardens etc.)

The applicants for all commercial signs are required to:

- pay all supply and erection costs
- full costs of replacement signs if the sign requires replacement
- be in locations that are approved by Council
- be of materials and colours that are approved by Council
- be removed immediately the commercial identity ceases to exist

Council will straighten and clean any approved commercial signs as part of its ongoing maintenance contract.

4.5 Solid waste management plan

Residents within the urban and rural area of Upper Hutt shall have the availability of a weekly refuse and recyclables collection service. Collection days are listed on the Council's website. For business in the central business district of the city a bi-weekly service is available, being Tuesday and Friday mornings.

Conditions of collection (applicable to both urban and rural collections)

There is no refuse or recyclables collection service available to industrial properties.

Only official Upper Hutt City Council refuse bags available from local retailers will be collected. The official refuse bag for Upper Hutt City Council is plastic.

Refuse bags and recycling bags are to be placed at the kerbside/edge of carriageway prior to 7.30am on morning of collection.

Recycling is to be placed in plastic semi-transparent supermarket bags with handles tied. Newspapers and cardboard is to be tied up in bundles to a maximum size of 1000mm x 600mm x 300mm.

Items accepted for recycling will be those published from time to time by Council in the Upper Hutt Leader.

General

Council continues its association through the Hutt Valley Services Committee with the Hutt City Council and encourages efficient development of the Silverstream Landfill including investigation into landfill-based waste minimisation.

Council has adopted the Proposed Industrial Waste Policy as detailed in the report of the Hutt Valley Services Committee held on 3 April 1995, Item 7 'Industrial Waste Policy'.

On 10 December 2003 Council adopted the Hutt Valley Waste Management Plan as detailed in the report of the Hutt Valley Services Committee held on 21 November 2003.

4.6 Blocked (sewer) house drains

The following procedure is to be followed in the event of a blocked sewer drain:

1. contact the Upper Hutt City Council phone (04) 527 2169 (24 hours)
2. on receiving the call, Council staff will determine through discussions with the resident, whether the blockage is in the sewer main or within the resident's drain. If the main is blocked, Council staff will carry out the necessary remedial work
3. however, if the sewer main is not blocked, the resident will be notified and required to engage a drain layer to clear the blockage
4. if the drain layer suspects that the blockage is caused by a defect outside the property boundary he shall expose the inspection point at the boundary
5. if there is a defect (e.g. a collapsed pipe, tree roots growing through a joint) in the sewer connection and the defect is either at the junction to the main or is outside the boundary, the drain layer shall clear the blockage. He shall then advise Council (during normal working hours) to arrange for a combined inspection by the drain layer and Council staff
6. subject to clause 8, if this defect is the cause of the blockage Council may reimburse the resident for reasonable drain layer's costs
7. if however, there is no obvious defect in the sewer connection outside the boundary or at the junction to the main, the resident shall be responsible for all costs incurred in clearing the blockage
8. if the sewer drain is private from the Council main, costs are the responsibility of the property owner except if the defect is due to damage from a Council tree.

4.7 Blocked (stormwater) house drains

The following procedure is to be followed in the event that a resident's stormwater drain is blocked:

The resident will be asked to take the following steps:

1. check that the spouting (roof guttering) is clear and the inlet to the downpipe is not obstructed (tree leaves are removed for blocking spouting and an annual cleaning of the spouting is recommended)
2. check that the stormwater does not go to a soak pit (given that the majority of Upper Hutt is built on river gravels, soak pits are a form of stormwater drainage in some parts of the city)
3. check that the kerb outlet is free by pushing something (e.g. drainage rods) up the pipe from the outlet. The responsibility for the condition of a stormwater connection (or kerb outlet) outside the boundary and the clearing of the connection is the property owner's responsibility.

The stormwater outlet could be any one of the following:

- connection to a kerb outlet
- connection to a stormwater main
- connection to a private drain (open)
- connection to a public drain (open)
- connection to a soak pit

If the stormwater goes to a Council stormwater main or public open drain, and the blockage is outside the boundary of the resident's property, the Council should be contacted for advice. On receiving a resident's call, Council staff will carry out an inspection to confirm that the blockage is either the main (or blocked open drain) or within the resident's drain.

If the main or public open drain is blocked, Council staff will carry out the necessary remedial work. However, if the main or public open drain is not blocked the resident will be notified and required to engage a drain layer to rectify the problem. All stormwater property drains are private for the complete length of the drain, including on road reserves and adjacent properties, and its maintenance including replacement of it, is the responsibility of the property served by the drain.

4.8 Water conservation policy

THAT Council use its best endeavours to minimise the Unaccounted for Water (UFW).

THAT education and advertising programmes be established with the objective of reducing the average annual consumption per dwelling to 195m³ pa.

THAT Council confirms the policy of installing and maintaining a meter at the consumer's cost on all commercial, industrial, non-rateable and rural properties serviced.

THAT the policy of replacing extraordinary supply meters up to and including 50mm diameter every ten years be adopted, with meters larger than 50mm diameter to be checked for accuracy every three years with maintenance work or replacement of the meter carried out whenever meters have errors of more than 3.9 percent at the minimum flow period, all at the cost of the consumer as owner of the meter.

THAT the existing practice of replacing inappropriate water meters when they are identified at the cost of the consumer be confirmed.

THAT minimum night flow surveys are carried out whenever monitoring of area meters and reservoir outlet meters indicates a need.

THAT all applications for LIM's (Land Information Memoranda) and PIM's (Project Information Memoranda) be advised that Council prefers the installation of dual flush toilets, reduced flow shower roses, water efficient appliances and hot water systems designed to minimise water consumption.

THAT the policy of advertising and enforcing the hosing regulations and water supply bylaws be continued.

THAT the present practice of requiring all new subdivisional areas of significance to install bulk meters be continued.

That for any new residential subdivision of up to six [6] Lots a water meter is required on one [1] of those lots for monitoring purposes. For six [6] Lots or more one [1] water meter is required for the first six [6] Lots and then one [1] per ten [10] Lots thereafter.

4.9 Maintenance of Heretaunga drain

Council is responsible for the removal of obstacles, scrub and weed in the flow path of the Heretaunga drain which prevents the drain from fulfilling its function of carrying adequate flows.

Council expects individual property owners to be responsible for the maintenance of that part of the Heretaunga drain that runs through their property, including but not limited to the following:

1. provision of support to the banks or structures on or near the banks of the drain
2. removal and maintenance of trees and other foliage on or near the banks of the drain
3. reinstatement of damage to the banks or structures on or near the banks of the drain which arises from erosion caused by the natural action of the flow of water in the drain.

4.10 Water conservation – garden watering restrictions

In the interests of conservation and responsible management Council will use measures to manage the water supply; measures will include the imposition of water restrictions in accordance with the Upper Hutt City Council Water Supply Bylaw 2008.

A single garden watering system or sprinkler or soaker hose or an unattended hose may be used at each premise in the morning between 6am and 8am, and in the evening between 7pm and 9pm. Premises with odd numbers can water on Tuesdays, Thursdays and Saturdays. Premises with even numbers can water on Wednesdays, Fridays and Sundays. Restrictions apply all year.

In accordance with the water restriction triggers agreed with Greater Wellington Regional Council, Council will also impose the water restrictions below, if not already imposed, in the following circumstances:

1. the use of all garden sprinklers and irrigation systems be banned in the event of any one of the following events occurring:
 - a. the Wainuiomata water treatment plant being shut down due to lack of source water to treat
 - b. the rolling 24 hour mean level in the Hutt aquifer falling below 2.5 meters for more than 48 hours consecutively
 - c. useable storage in the Stuart Macaskill Lakes (Te Marua) falling below 50 percent of maximum capacity.

2. all domestic outdoor water use be banned should any two of the following conditions occur concurrently:
 - a. the Wainuiomata water treatment plant being shut down due to lack of source water to treat
 - b. the rolling 24 hour mean level in the Hutt aquifer falling below 2.5 meters for more than 48 hours consecutively
 - c. useable storage in the Stuart Macaskill Lakes (Te Marua) falling below 50 percent of maximum capacity.

4.11 Vehicle crossing policy

A vehicle crossing is defined as extending between the property boundary and the kerb or edge of the seal line.

Vehicle crossings shall be installed by and at the cost of the property owner.

In regards to vehicle crossings constructed prior to January 1993 which incorporate the footpath – Council will pay for reconstruction of the footpath section of the vehicle crossing if it has been damaged, provided the property owner replaces the remainder of the vehicle crossing to Council's current standard. Once Council has upgraded the footpath section to the vehicle crossing standard, the property owner is responsible for future maintenance of the whole crossing.

Where grounding of a vehicle is caused by a vehicle crossing profile not suitable for the vehicle being used, then replacement of the crossing with a suitable profile is the responsibility of the property owner. Such responsibility shall extend to altering driveways and footpaths where it is necessary to lower these to achieve satisfactory access. Alterations to footpaths shall comply with the New Zealand Standard NZS4121, Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons. If after considering all options, satisfactory entrance to the property can still not be obtained without lowering of the carriage shoulder, then provided road safety and services are not compromised, Council will locally modify the road shoulder at Council's expense.

Where it is possible that vehicle crossings could be affected by resurfacing, Council will, prior to resurfacing of the carriageway, check for visual signs of grounding and determine crossing profiles. Where resurfacing will cause grounding on existing crossings that comply with Council's current standard, Council will carry out such modifications to either the vehicle crossing or the road carriageway to prevent grounding from occurring. This policy is not retrospective.

Where road reconstruction is proposed that involves kerb and channel and/or shoulder reconstruction, Council will as far as practical and economic improve the access to properties where grounding is a problem.

4.12 Policy for the installation of footpaths

The criteria used to set and review the forward works programme are:

The road is classified as urban

Footpaths will be installed on at least one side of all urban roads. In these circumstances, urban roads are classified as being roads with a speed limit of 70km/h or less servicing residential, commercial or industrial properties.

An exception to this rule is that where a rural road provides a link between urban areas, or to activities such as recreational or sporting facilities likely to attract pedestrians within a reasonable walking distance (e.g. Alexander Road), a footpath should be considered.

Pedestrian demand

Where a road has footpath on only one side, construction of a new footpath on the opposite side of the road will be considered where there is significant benefit to pedestrians in doing so. This benefit could include:

- reducing the number of times pedestrians need to cross a busy road, which can both improve safety for pedestrians and reduce delays to motorists.
- providing a direct link to a location or activity likely to generate pedestrian traffic (e.g. a school, retirement village, etc.)
- providing a direct link between facilities (e.g. a bus stop and a suburban shopping area).

Acceptance by the residents

Prior to commencing the work at any site, consultation is carried out with the residents across whose frontage the footpath is to be constructed. This will be done as part of the preparation of the draft Annual Plan for the year when the work is to be carried out. This is done to ensure that the current residents find the construction of the footpath acceptable. Generally the work will only proceed if a simple majority of adjacent residents agree.

An exception to this rule is that where the work is required for public safety, access for the elderly or a similar reason; and there were therefore significant benefits to the greater community, then the community benefits would need to be weighed against the objections of individual residents.

When the current residents reject the proposal, it is moved to the end of the current forward programme. Doing so allows future consultation to determine whether circumstances or demand has changed.

Requests from residents

The need for a new footpath on any urban road previously not programmed will be reviewed upon receipt of a request from a member of the public to do so.

4.13 Rentals for leases and licences to occupy Council land

The following Policies were adopted by the Council at its meeting on 24 May 1995 on the recommendation of the Policy and Planning Committee (MP 117, 17.5.95)

- 3.1 THAT** the annual rentals for leases and licences to occupy Council land be based on the overall true costs less a fixed subsidy
- 3.2 THAT** the proposed rentals shown on the table attached to the report be progressively introduced over a three year period commencing from the date of the Council resolution and/or applied at the next rent review
- 3.3 THAT** leases and licences to occupy be renewed as they fall due for a period of five years with rental calculated on the basis detailed in the report.

The report referred to is at pages 37-49 of the agenda for the Policy and Planning Committee meeting held in 17 May 1995.

4.14 Corporate energy management policy

Objective

To reduce the Upper Hutt City Councils energy bill to the lowest practical level while still meeting operational needs of the business.

Policy

The Upper Hutt City Council will give due regard to the efficient use of energy and by minimising consumption to reduce both expenditure and environmental impact.

4.15 Tree removal policy

The following documents the existing policies applied when requests are received from residents for the removal of a particular tree on Council land.

The request is received and a full on-site assessment of the tree is carried out detailing the following:

1. identification of the tree
2. full description on its – age, height, spread, health, form etc
3. its location in relation to the complainant
4. identification of any physical damage caused by the tree to either the roading infrastructure, private property or underground services
5. a full assessment of the alleged nuisance and the severity of the effects.

Develop a solution that will (where possible) alleviate the problem. This often includes pruning, crown reduction, removal of branches, the pruning of roots etc. In some situations it may not be possible to carry out the remedial work to solve the problem and in such a case removal of the tree may be the only option. A judgment must therefore be made in these situations as to whether the problem is severe enough to warrant removal.

In general, trees are removed from the Council property for the following reasons:

- the tree is causing or is likely to cause danger to the life, health or property of the applicant or any person residing with the applicant
- the tree is damaged beyond repair and would be unlikely to develop into an atypical form
- the tree is diseased and is likely to die
- the tree is inappropriately placed and is likely to or is causing undue damage to underground services (namely sewer and stormwater pipes) and/or the roading infrastructure
- the tree is obstructing a view which diminishes the value of a property
- any other undue interference with the reasonable enjoyment of land for residential purposes.

With regard to the above reasons, the first three points (one, two and three) would result in the immediate removal of the tree. However, in considering whether to remove a tree based on points four, five and six, consideration is given to factors such as; the extent of the damage, the cost of repairs, the cost of ongoing maintenance, the potential for further damage to occur, the availability of alternative solutions, the extent of severity of the effects on the enjoyment or value of the property, including the loss of views.

These costs and effects are then balanced against the following factors:

- the general interest of the public in maintaining an aesthetically satisfying environment
- the desirability of protecting public areas containing trees
- the value of the tree as a public amenity
- any historical, cultural or scientific significance of the tree.

Summary

In developing the current policy, reliance has been placed on New Zealand common law practice, as described in an article prepared by Gerard Kilpatrick, a partner in the Auckland Lawlink firm Webster Malcolm & Kilpatrick which appeared in the November 1994 edition of Lawlink (a newsletter published by a group of Law firms located throughout New Zealand). Mr Kilpatrick concluded his article by saying:

‘You will see that the law is loaded in favour of the tree. A mere wish for a tree to be removed is insufficient – there needs to be hardship caused by undue obstruction of a view, or actual or potential danger to health.’

The existing policy on tree removal recognises and gives effect to the common law in New Zealand relating to trees, and balances the needs of individuals against the needs of the wider community.

4.16 Smoke free policy in parks and open spaces

1. **THAT** all Council owned playgrounds, sports fields, open space reserves and the lawn area at the rear of H²O Xtream, be subject to the smoke free policy as outlined below, and be adopted and included in the Manual of Policies
2. **THAT** the policy be educational as opposed to penal in seeking compliance.

That all Council owned sportsfields, playgrounds and open spaced reserves are deemed and promoted as smoke free areas.

That the public be encouraged through signage and publicity to maintain a clean, healthy environment in areas that are primarily used by young people for sporting and recreation activity.

4.17 Residential letterbox location

Where the entrance to a property is of such a gradient so as to make it unsafe for a cycle to stop, turn and exit to service a letter box situated on the property boundary then the letter box can be relocated into the road reserve as follows:

1. If there is a footpath between the road kerb and the property boundary line then the letterbox may be relocated no closer to the kerb line than 0.5 metres behind the rear (property side) of the footpath.
2. If there is no footpath then the letterbox may be sited no closer than 0.5 metres towards the property boundary, measured from the back (property side) of the kerb.
3. Prior to the erection of any letterbox within the road reserve the property owner must check for any underground services. Should any services be damaged by the installation of the letter box then the property owner will be held liable for all costs to restore these services.

This concession is a last resort and Council expects that every endeavour will be made to find a suitable location outside of the road reserve where ever possible.

Should the location of any letterbox be considered a road safety hazard then Council will require it to be relocated at no cost to Council.

Council will also not accept any responsibility for damage caused to any letterbox that is situated within the road reserve no matter what the cause.

4.18 Excavations within the carriageway

The city has adopted the “National Code of Practice for Utilities Access to the Transport Corridor” as a means of controlling the activities within the Transport Corridor throughout the city.

In accordance with the guidelines, a supplement of “Local Conditions” has been produced that covers the entire Hutt Valley. This means that persons carrying out excavations within the carriageway in either Hutt City or Upper Hutt City are working to the same conditions.

Under this code, any person wishing to make an excavation within the carriageway must obtain a “Works Approval Notice” (WAN) from Council.

The WAN can be obtained by registering with the Before U Dig website and completing the request for service plans and ticking the excavation box. This will automatically lodge a “Carriageway Access Request” (CAR) which, when approved will be responded to with a Works Authority Notice (WAN). No work is to proceed unless a WAN has been received. The only exception to this is for emergency work when a retrospective CAR is to be lodged.

There is no charge to register with “Before U Dig”

Chapter 5 – Policies relating to Environmental Services functions

5.1 Parking enforcements

The purpose of the Parking Enforcement policy is to promote free access to and through the Central Business District. To achieve this Council will educate motorists on time share parking, both in the city centre and in the shopping parades (listed below), and will enforce both parking time limits and the No Stopping and Double Parking rules.

- Fergusson Drive Tararua shops (near Twiglands)
- Fergusson Drive Silverstream shops (near Railway station)
- Ward Street/McLean Street (corner and Railway shops)
- Ward Street/Miro Street (and opposite Heretaunga College)
- Silverstream Village Centre (on street)
- Camp Street – Trentham shops
- Akatarawa Road – Brown Owl shops

In the interests of road safety, stationary vehicle offences may be enforced throughout the district of Upper Hutt.

5.2 Dog control policy

Interpretation

“**ACT**” means the Dog Control Act 1996, and includes all amendments.

“**GUIDE DOG**” means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog.

“**HEARING EAR DOG**” means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog.

“**WORKING DOG**” means:

- a. any guide dog, hearing ear dog or companion dog as defined in the Act;
- b. any dog-
 - i. kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
 - ii. kept solely or principally for the purposes of herding or driving stock; or

- iii. kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- iv. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - a. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - b. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the function, duties, and powers of that Service; or
 - c. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- v. owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- vi. declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

“DANGEROUS DOG” means any dog the authority has reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife due to sworn evidence, owner admitting their dog is dangerous or the owner has been convicted of an offence under section 57A(2).

“MENACING DOG” means any dog the authority considers may pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to observed or reported behaviour OR shows characteristics typically associated with the dog's breed or type listed in Schedule 4 of the Act.

“NEUTERED DOG” means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

“OWNER”, in relation to any dog, means every person who:

- a. owns the dog; or
- b. has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c. the parent or guardian of a person under the age of 16 years who:
 - i. is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

- ii. is a member of the parent or guardian's household living with and dependant on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

"**RESPONSIBLE OWNER POLICY**" will apply to any owner of a dog who:

- a. applies for RESPONSIBLE OWNER STATUS and has their application approved; and
- b. controls his or her dog; and
- c. whose dog is securely contained within the property while allowing people access to a door of the residence on the property without encountering their dog or has signs erected on or near the front entrance of the property alerting people to the presence of the dog; and
- d. registers his or her dog by the appropriate due date (1 August of each registration year or before the dog is three months of age); and
- e. has not had a dog impounded more than once within the last twelve months; and
- f. has not been issued with an infringement notice within the last twelve months; and
- g. has never received a conviction for an offence under the Act; and
- h. has not had a dog classified 'menacing' or 'dangerous' because of observed behaviour, where the classification has not been rescinded; and
- i. who ensures that any outside kennels are weatherproof and maintained in a hygienic manner.

"**RURAL DOG**" means a dog that is kept or usually kept on a property in one of the rural zones including the rural lifestyle zone, under Council's District Plan.

Introduction

The Dog Control Act 1996 came into force on the 1st July 1996.

- a. to make better provision for the care and control of dogs:
 - by requiring the registration of dogs; and
 - by making special provision in relation to dangerous and menacing dogs; and
 - by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- b. to make provision in relation to damage done by dogs.

Under the Act, Council is required to adopt a policy on dogs covering the following matters:

- identifying public places where dogs are allowed access
- bylaws made under the Act
- fees
- classifying owners as probationary
- disqualifying owners from owning dogs
- the issuing of infringement notices

The Policy can include any other details as the territorial authority thinks fit. When adopting a policy on dogs, the Council must have regard to the following matters:

- the need to minimize danger, distress and nuisance to the community generally; and
- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- the exercise and recreational needs of dogs and their owners.

These matters have been considered in the development of this Policy.

Restriction on the number of dogs

The maximum number of dogs over the age of three months to be kept firstly, on any property having an area of 1,000 m² or less, situated in any rural zone and secondly, on any other property in the city, is two.

Council has delegated authority to its Director of Environmental Services to grant exemptions from this policy in certain circumstances.

An exemption may be granted to owners to whom the Responsible Owner Policy applies, if their property is fully fenced to the satisfaction of the Director of Environmental Services and subject to the written consent of owners and occupiers of neighbouring properties stating that they have no objection to the keeping of more than the permitted number of dogs on that property. Applications for an exemption should be made using the relevant form.

Every additional dog must be applied for and an exemption approved by the Director of Environmental Services.

Any person not satisfied with a decision by the Director of Environmental Services, or who believes that the neighbours' consent referred to above has been unreasonably withheld, may refer the matter to the appropriate Council Committee for a final determination.

On leash controlled areas and off leash dog exercise areas

All dogs except working dogs in public places are to be controlled by being kept on a leash or harness at all times that they are in a public place, other than those places designated as dog exercise areas.

All dogs in public places, except working dogs that are working, are to be controlled by being on a leash or harness in the following areas, and at the times stipulated:

- all streets zoned as residential, commercial and industrial in the Upper Hutt City Council District Plan at all times;
- all playgrounds at all times;
- all sports fields while a sporting event is in progress;
- all parks while Council approved activities are in progress; and
- Birchville Park and Te Haukaretu Park at all times.

Fouling in public places

Every person, while having in his or her care or control, any dog which fouls any public place with faecal matter, is required to remove such faecal matter immediately. The faecal matter is to be disposed of responsibly.

Confinement

Bitches in season are to be effectively confined during the whole of that period, but adequately exercised.

Diseased dogs

No person owning or having control of any mangy or otherwise diseased dog, shall take the same into any public place or permit such dog to remain there. The owners of dogs with these conditions are to be responsible for the proper treatment of their animals.

Impounding or removal of dogs from a property

Any dog found on any land or premises other than the property of its owner may be impounded except where it is under the control of its owner.

The occupier or person in charge of any land or premises may seize any dog that comes onto their land or premises and deliver it to the owner or a Dog Control Officer for impounding.

A Dog Control Officer will remove and impound a barking dog following non-compliance with a notice, where he or she has received a further complaint and considers it is still causing distress to any person.

A Dog Control Officer may seize and impound a dog which is believed to be unregistered or where the owner has not complied with menacing dog classification requirements.

A Dog Control Officer may seize and impound a dog, which is on land or premises occupied by its owner, if it is not under the direct control of a person or confined in such a way that it cannot freely leave the premises.

Impounding fees will be set by the Council annually. Additional impounding charges will be made for a second and third impounding in any twelve [12] month period from the date of the first impounding. Sustainance fees are charged for dogs being kept in the pound facility.

No dog will be released from the pound unless it is registered, and all fees and charges have been paid. Any dog born after 1 July 2006 that is impounded must be microchipped prior to release. Any dog born prior to 1 July 2006 only requires microchipping at its second or subsequent impounding.

An unregistered dog may not be released to any person without first being implanted with a microchip.

As soon as practicable after any dog which is wearing a current registration label or disc has been impounded, or where the owner of the dog is known through some other means, the owner will be given written notice that the dog has been impounded and that unless the dog is claimed and any fees paid within seven [7] days of the receipt of that notice, it will be re-homed, sold, destroyed or otherwise disposed of in such manner as Council sees fit.

Dog Control Act 1996 | section 63(3)

Where the owner of the dog is not known and cannot be identified from the dog registration label, disc or microchip number, Council may, after seven [7] days, re-home, sell, destroy or otherwise dispose of the dog in such manner as it sees fit.

Impounded dogs will not be released to any individuals or organisations for the purpose of testing or vivisection.

Minimum standards for accommodation of dogs

Every owner shall, in respect of every dog in the care of that owner:

- provide adequate kennelling or other housing so sited as to ensure adequate shade, warmth and dry conditions, and of a sufficient size to allow the dog to freely move, stretch out, stand up or recline (where kennels are outside they are to be weatherproof and maintained in a hygienic and nuisance free condition)
- provide proper care and attention, sufficient food and water, and adequate exercise.

Barking

The owner of any dog found to be causing a nuisance by barking persistently and loudly, following a complaint to Council and verified by a Dog Control Officer will be required to take all reasonable steps to prevent that dog from creating a nuisance by barking.

Barking is unlikely to be considered a nuisance unless the following criteria are met:

- continuous barking/howling: for ten [10] minutes or more in any one hour period
- response barking: more than five [5] barks at a time which is repeated on average every one half hour during a daytime period or once per hour on average over a night time period
- in addition the barking must be considered loud enough to be heard beyond the dog owners' property causing persons to wake at night.

In the event that the owner cannot or will not take all reasonable steps to prevent the dog from causing a nuisance by barking, the Dog Control Officer will issue the owner a notice to remove the dog from the property. If that notice is not complied with, the Dog Control Officer will remove the dog from the

property and impound it, where he or she has received a further complaint and considers it is still causing distress to any person.

Classification of probationary owners

Where any person is convicted of any offence (not being an infringement notice) under the Act or has received three infringement notices in 24 months, Council will classify that person as a probationary owner for a period of 24 months.

The probationary classification has the following effects:

- the owner is not allowed to own any other dogs than were owned at the time the classification was made
- the owner must dispose of any unregistered dogs
- the owner must undertake training approved by Council

A probationary owner has the right to object to the classification and have their objection heard by Council.

Disqualification of owners

Any owner convicted of an offence under the Act or who has received three infringement notices within a continuous period of 24 months can be immediately disqualified from owning any dog. A probationary owner who is convicted of a further offence or receives three further infringement notices can be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

Classification as dangerous dog

Under the Act the Council shall classify as a dangerous dog:

- a. any dog in respect of which the owner has been convicted of an offence under [section 57A(2)]; and
- b. any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; and
- c. any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

In addition to all other obligations, the owner of any dog that is classified as dangerous must:

Dog Control Act 1996 | section 32(a)

- keep the dog in a securely fenced portion of the owners property that is not necessary to enter to obtain access to at least one door of any dwelling on the property
- ensure the dog is muzzled in any public place
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of Council

The owner has the right to have the classification reviewed through a Council Hearing.

The owner has a right to have the classification reviewed through a Council hearing.

Classification as menacing dog

Under the Act a dog may be classified as menacing due to its breed or behaviour. Council will where appropriate classify dogs as menacing.

In addition to all other obligations, the owner of any dog that is classified as menacing must:

- ensure the dog is muzzled in any public place
- ensure the dog is microchipped within 1 month of classification
- if classified under section 33A of the Act (classification by deed) ensure the dog is neutered within 1 month of classification

The owner has the right to have the classification reviewed through a Council Hearing, and if confirmed as 'menacing' the muzzling requirement must remain, but the Council may determine whether or not the dog must be neutered. In exercising its discretion the Council's Hearing Committee may have regard to:

- the nature of the incident which has caused the dog to be classified menacing;
- whether the owner is a registered breeder;
- whether due to medical or age concerns the dog should not be neutered in accordance with a written recommendation from a vet.

Objections to dog or owner classification of owners objecting to notices to remove a barking dog from a property or against a muzzle order

An owner requesting to be heard in support of a written objection to classification or a notice to remove a barking dog from their property or an instruction to muzzle their dog will have the objection heard by Council.

On determining an objection, Council shall give written notice of its decision and the reasons for it, to the owner within seven days of such hearing.

Microchipping of dogs

Where a dog is classified as dangerous, or menacing, or was born after 1 July 2006 and it is registered for the first time or is impounded for a second time, the owner must provide permanent identification of the dog by arranging for the dog to be properly implanted with an approved microchip.

Fees and charges

Council will operate a registration fee system that provides for fee reductions and incentives that encourage dog owners to take a responsible attitude to ownership.

The registration fees structure allows for rebates for the following:

- rural dogs
- responsible owner policy
- prompt payment
- neutered dogs
- rehomed dogs

Notes

1. The prompt payment rebate is allowed if the fee is paid by 1st August in the year it is due. In addition, all owners registering a rehomed dog, which has been impounded, will qualify for the prompt payment rebate.
2. Applications for neutered or spayed dogs are to be accompanied by a certificate from a Veterinary Surgeon as verification.
3. The Responsible Owner Policy fee classification is available to an owner who meets the definition of the Responsible Owner Policy in the Interpretation section of this Policy.

The owner must apply for Responsible Owner Status and agree to meet the requirements of the Responsible Owner Policy.

People applying for Responsible Owner Policy classification will have their properties inspected to ensure that they meet the requirements of the Policy.

Revenue

The Council's dog control function is fully funded from the revenue derived from dog fees and charges.

All money received from this source is to be expended only for the purposes of dog control.

The principal purposes to which this money is to be put are:

- dog control, including enforcement of the laws and patrols
- attending complaints and incidents
- the operation of the impounding facilities
- keeping the Dogs Register and associated administration.

Infringement Notices

Council will use the infringement notice system and fee levels provided for in the Act. The fees outlined are as at 21 March 2011 and are subject to change to comply with any amendment made to the infringement fees in the Dog Control Act 1996 or by regulations.

Except in the case of unregistered dogs, or dog attacks, infringement notices will only be issued after a dog owner has failed to respond to a Council requisition.

Brief description of offence and infringement fee

Wilful obstruction of Dog Control Officer or Dog Ranger	\$750
Failure or refusal to supply information or wilfully providing false particulars	\$750
Failure to supply information or wilfully providing false particulars about dog	\$750
Failure to comply with any bylaw authorised by the section	\$300
Failure to comply with effects of disqualification	\$750
Failure to comply with effects of classification of dog as dangerous dog	\$300
Fraudulent sale or transfer of dangerous dog	\$500
Failure to comply with effects of classification of dog as menacing dog	\$300
Failure to implant microchip transponder in dog	\$300
False statement relating to dog registration	\$750
Failure to register dog	\$300
Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
Failure to advise change of dog ownership	\$100
Failure to advise change of address	\$100
Removal, swapping, or counterfeiting of registration label or disc	\$500
Failure to keep dog controlled or confined	\$200
Failure to keep dog under control	\$200
Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter, and to provide adequate exercise	\$300
Failure to carry leash in public	\$100
Allowing dog known as dangerous to be at large unmuzzled or unleashed	\$300

Bylaws

A bylaw will be adopted that gives effect to this policy.

5.3 Earthquake Prone, Dangerous and Insanitary Buildings Policy 2006

Introduction and background

Section 131 of the Building Act 2004 requires all Territorial Authorities (TAs) to adopt a policy on earthquake-prone buildings by 31 May 2006. The definition of an earthquake-prone building is set out in section 122 of the Building Act 2004 and in the related regulations that define a moderate earthquake.

The Earthquake Prone, Dangerous and Insanitary Buildings Policy was adopted by the Council on 15 March 2006 in accordance with the new requirements of the Building Act 2004.

The policy is required to state:

- i. the approach that the Council will take in performing its functions under the Building Act 2004;
- ii. the Council's priorities in performing those functions; and
- iii. how the policy will apply to heritage buildings.

The Council has made use of the Department of Building and Housing's (DBH) guidance document and, for ease of reference; the policy has been set out in the same format as the DBH policy template.

Policy approach

Policy principles

The Council has noted that provisions of the Building Act 2004 in regard to earthquake-prone, dangerous and insanitary buildings reflect the government's broader concern with the Health and Safety of the public in buildings and, more particularly, the need to address life safety in earthquakes. The Council has also noted that the development of these policies is up to each TA and has responded accordingly.

Overall approach

Earthquake prone buildings

Upper Hutt City lies in a medium to high seismic city zone, with a number of significant active faults, including the Wellington fault, Akatarawa fault, Otaki Forks fault, Moonshine fault and Whitemans Valley fault, all of which are large and close enough to potentially cause significant damage to the city.

The city buildings comprise a range of types reflecting steady development over more than 100 years and range from wood, unreinforced masonry and brick buildings to multi-storey steel and concrete buildings.

This policy reflects the Council's determination to reduce earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers.

The Upper Hutt City Council is committed to ensuring that Upper Hutt City is a safe and healthy place to live in. The Building Act 2004 provides the means to ensure that buildings which become dangerous or insanitary are improved to meet the Building Code standards, and the Council wishes to administer the Building Act in a fair and reasonable way.

The Council proposes to carry out an initial desktop review to ascertain possible earthquake-prone buildings, followed by an evaluation of these buildings. The Council will then follow an implementation programme for buildings identified as "earthquake-prone" according to a categorised list.

Dangerous and insanitary buildings

Dangerous and insanitary buildings will be dealt with in the same way as the Council already deals with these buildings – by responding to complaints received from the public and advice received from the New Zealand Fire Service.

Identification process

Earthquake-prone buildings

Upper Hutt City Council will undertake an initial desktop review of the Council files to assess which buildings could be earthquake-prone and follow this with a brief inspection of each building, where necessary.

A programme will be undertaken to carry out initial evaluation of performance in an earthquake, based on information obtained by using the New Zealand Society for Earthquake Engineering (NZSEE) Initial Evaluation Method.

Owners will be required to do a detailed assessment on buildings identified as earthquake-prone in the initial evaluation, unless otherwise agreed in discussion following the initial evaluation.

A list will be collated of earthquake-prone buildings according to the results of the assessments. The list will categorise the earthquake-prone buildings according to the following.

Category A:	Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4.
Category B:	Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3.
Category C:	Buildings with a Heritage Classification under the Council's District Plan.
Category D:	Buildings with an Importance Level less than 3 as defined in AS/NZS 1170.0: 2002.

This identification process will be undertaken over a four [4]year period beginning in 2007.

Dangerous and insanitary buildings

The Council will respond to building complaints received from the public and to advice received from the NZ Fire Service and then investigate and assess the condition of the building.

Assessment criteria

The definition of earthquake-prone Buildings is given in section 122 of the Building Act 2004 and the definition of a moderate earthquake is given in Regulation SR 2005/32.

The Council will use the NZSEE's initial evaluation method as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3010 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

The Council will assess dangerous buildings in accordance with section 123 of the Building Act 2004.

Taking action on earthquake-prone dangerous and insanitary buildings

The Council, on being satisfied that a building is earthquake-prone, dangerous or insanitary will:

- advise and liaise with owners of buildings identified as earthquake-prone, dangerous or insanitary to discuss action to be taken
- encourage owners of buildings identified as earthquake-prone to carry out an independent assessment of the structural performance of those buildings
- the Council will liaise with the Fire Service to discuss the proposed action when notification has been received from the Fire Service of a dangerous building
- use the powers given in section 124 of the Building Act 2004 to take action regarding earthquake-prone buildings to serve notice requiring them to remove the danger
- where it is considered measures are necessary to avoid immediate danger or to fix insanitary conditions, the Council will use the powers given in section 129 of the Building Act 2004
- in the case of a building that, due to its structural condition is considered to be dangerous because it is likely to collapse, in whole or in part, potentially causing injury to occupants or persons in areas adjacent to the building, immediate evacuation, the fencing off of the building, shoring up of structures and the preparation and implementation of a Temporary Protection Plan to ensure security (fire and vandalism) of any vacant buildings will be required
- on being advised of conditions that are alleged to be insanitary within the provisions of section 123 of the Building Act, the buildings will be inspected and a determination made as to whether action is required under section 124 or 129 of the Act. [Note: Provisions exist in the Health Act 1956 to deal with nuisance conditions related to certain matters associated with housing under Section 29(f) overcrowding likely to be injurious to health or section 42 because of insanitary conditions likely to cause injury to the health of persons or are dwellings unfit for human habitation]
- give owners information about the right of appeal in respect of such notice.

Interaction between Earthquake-Prone Building Policy and related sections of the Building Act 2004

Alteration to existing building

When an application for a consent for a significant alteration to a building is received and the building has an earthquake-prone strength of less than ten percent of the Code, the building will be required to be strengthened to at least 33 percent of Code as part of the consent.

Owners of buildings with a strength between ten percent and 33 percent will be given consent for alterations and will be served with a notice under section 124 of the Building Act requiring action within the timetable in the outline implementation programme.

Change of use

When an application for a consent involving a change of use is received, the requirements at the Building Act, section 115, for the building to be strengthened to as near as is reasonably practicable to the strength of a new building would be followed.

Dealing with building owners

Before exercising its powers under section 124, the Council will seek, within a defined time-frame, to discuss options for action with owners with a view to obtaining from the owner a mutually acceptable approach for dealing with the danger, leading to receipt of a formal proposal from the owners for strengthening or removal of earthquake-prone buildings, or otherwise dealing with the dangerous or insanitary situation by alterations to the building, removal, or action being taken under the Health Act 1956.

In the event that discussions do not yield a mutually acceptable approach and proposal, the Council will serve a formal notice on the owner in accordance with section 124 of the Building Act 2004.

Recording a building's EPB status

Upper Hutt City Council will keep a register of all earthquake-prone buildings noting the status of requirements for improvement or the results of improvement as applicable. In addition, the following information will be placed in the LIM for each earthquake-prone building:

- statement that the building is on the Council's register of earthquake-prone buildings
- date by which strengthening or demolition is required (if known)
- statement that further details are available from the Council property file.

Access to information

Information concerning the earthquake status of a building will be contained in the property file. If a notice under section 124 is issued in respect of any earthquake-prone, dangerous or insanitary building then a record of that will also be available on the relevant property file and be included in the relevant LIM.

In granting access to information concerning these buildings, the Council will conform to the requirements of the relevant legislation.

Priorities

Earthquake-prone buildings

Upper Hutt City Council has prioritised both the identification and the requirement to strengthen or demolish buildings as follows.

Figures in brackets indicate the latest date for identification and notification (this process is outlined in section 1(c) of this document) and the maximum time for strengthening or demolition respectively. Times required for strengthening or demolition commence on the date of issue of formal notice. Specific times will be assigned for action according to the assessment of structural performance and the nature of the concerns.

The order will be as indicated below.

Category A:	Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4 (December 2008, 15 years).
Category B:	Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3 (December 2009, 20 years).
Category C:	Buildings with a Heritage Classification under the Council's District Plan (December 2010, 25 years).
Category D:	Buildings with an Importance Level less than 3 as defined in AS/NZS 1170.0: 2002 (December 2011, 30 years).

Once each category has been reviewed and the earthquake-prone buildings within it identified, the process of liaising with owners and serving notice on them will commence. Identification of buildings in each category will proceed according to the priorities identified above. The overall approach and timetable is summarised in the Outline Implementation Programme.

Dangerous and insanitary buildings

Priority for action will be decided after investigation of complaints and Fire Service notifications are complete.

Heritage buildings

Special considerations and constraints

The Council believes it is important that its District Plan listed heritage buildings, structures and objects are protected and appropriately upgraded to mitigate the risk of loss of life and loss of heritage fabric in the event of a major earthquake. However, intrinsic heritage values of these buildings, places and objects must be protected and not adversely affected by structural improvement measures. Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings. To ensure that the heritage values are retained, protected and adequately secured against earthquakes, every effort will be made to meet the Council's heritage objectives set out in this policy, and the Upper Hutt City Council District Plan.

When considering heritage buildings under the Earthquake-Prone, Dangerous and Insanitary Policy, account will be taken of:

- a. the importance of recognising any special traditional and cultural aspects of the intended use of a building
- b. the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

When dealing with earthquake-prone, dangerous and insanitary heritage buildings, the Council will ensure the development of special and appropriate recovery management and planning for heritage buildings to ensure, where possible, risk mitigation for the protection of heritage fabric and values. The skills of suitably qualified professionals with heritage expertise will be engaged to advise and recommend actions.

Chapter 6 – Policies relating to Business Development Services functions

6.1 Policy on Class 4 Gambling and TAB Venues

Adopted by the Upper Hutt City Council on 16 April 2010

Introduction

Under the Gambling Act 2003, pubs and clubs are covered by Class 4 licensing provisions. An operator wanting to establish a new venue or to increase the number of machines that may be operated at an existing venue must gain consent from the territorial authority. Council consent is required as the first stage of the process to gain a Class 4 Venue licence from the Department of Internal Affairs.

Objectives of this Policy

- to ensure the Council and the community has influence over the location of new Class 4 Gambling Venues within the city;
- to allow the community to have access to gambling venues for entertainment purposes and to benefit from the proceeds;
- to recognise the issue of problem gambling and take appropriate steps to reduce it, particularly through the facilitation of responsible gambling;
- to manage the growth of gaming machines within the district; and
- to encourage clarity regarding the past distribution of gambling funds.

Where and How Class 4 Gambling Venues may be established

Section 101(4) of the Gambling Act 2003 notes that a territorial authority may have regard to any relevant matters, including the following, when determining its Gambling Venues Policy:

- a. the characteristics of the district and parts of the district;
- b. the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
- c. the cumulative effects of additional opportunities for gambling in the district;
- d. how close any venue should be permitted to be to any other venue;
- e. what the primary activity at any venue should be.

Gambling venues may be established within Upper Hutt City business commercial zones¹, subject to:

- it being a Racing Board Venue² or a venue at which the primary activity of the venue is for sporting or recreational activities within a licensed chartered club; or for the sale of liquor, or for food and liquor, in premises which have an "on" licence for a bar, hotel or tavern (excluding premises that are cafes and restaurants);
- machines being in a separate location from family activities;
- games rooms being well lit, preferably by natural light, and having clocks within easy view of machines;
- provision of details on the staff training programme, particularly related to problem gambling;
- provision of details outlining the policies and programmes in place for the distribution of funds;
- Trust/Corporate Society application forms being clearly accessible to the public (keeping in mind that children are not permitted to enter gaming rooms);
- meeting application and fee requirements;
- gaming machines must not be visible from the footpath, street, road or highway; and
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005³.

In addition, Council will take into consideration the proximity of any new or relocating venue to an existing Class 4 Gambling or Racing Board Venue;

Establishment of a Class 4 Gambling Venue that is subject to the above consideration will be at the discretion of Council.

NB: Part 2, Section 113 of the Gambling Act 2003, notes that key persons must not be involved in certain activities or decisions pertaining to the distribution of net proceeds from Class 4 Gambling venues, i.e. bar staff and/or patrons must not influence the way gambling proceeds are allocated.⁴

Numbers of gambling machines to be allowed

- venues that did not hold a licence on 17 October 2001 are restricted to a maximum of 9 gaming machines
- venues that have been without a licence for 6 months or more are restricted to 9 gaming machines
- venues that held a licence on 17 October 2001 and that have not been without a licence for 6 months or more may apply to increase the number of machines operated at a venue, up to a maximum of 18
- ministerial approval is required if a venue wants to increase machine numbers to:
 - a maximum of 30 at any existing venue where two or more clubs want to merge;
 - a maximum of 18 machines for new club venues.

¹ As set out within the Upper Hutt City District Plan.

² As determined by the Racing Act 2003.

³ To note, a requirement of the Control of Advertising Signs Bylaw 2005 is that anybody using sandwich board signs on footpaths must first obtain Council Consent.

⁴ A key person who knowingly allows a venue to contravene section 113 of the Gambling Act 2003 is liable to a fine not exceeding \$10,000.

Cap on the number of gaming machines

The maximum number of gaming machines permitted per venue is set by the Gambling Act 2003. The maximum number of gaming machines permitted within Upper Hutt is set by the Council.

The number of electronic gambling machines in Upper Hutt City shall be capped at 174 for the duration of this policy. A review of this cap and the Gambling Venue Policy shall take place in early 2013.

Harm Prevention and Minimisation Regulations 2004

As at October 2005, all new gaming machines are required to have design features that provide the player with information:

- on game characteristics, including the odds of winning a game and the average amount of money paid out per machine (compared to how much goes in);
- on individual player information, including the duration of play, the amount of money the player has spent and net wins and losses during the session of play;
- that interrupts play at irregular intervals, not exceeding 30 minutes, to provide information of the duration of play and the net wins and losses.

From 1 July 2009, all gaming machines are required to have design features (as identified above) that provide player information on game characteristics, individual play (e.g. amount spent and duration) and the current time.

Transfer of Existing Class 4 Gambling Venue Conditions

Where an existing Class 4 Gambling Venue is ceasing to operate, the Council may, at its own discretion, allow the transfer of existing venue conditions to another location(s) that meets the criteria of the existing policy.

Generally, the conditions to be met for a transfer of venue conditions to be considered, in addition to those contained elsewhere in this policy, are:

- the existing venue must be ceasing to operate as a Class 4 Gambling venue;
- the new venue must be operated by the same corporate society operating the existing venue;
- the new venue must be in a similar geographic location as the existing venue;
- the new venue will be permitted to have the same number of machines as the existing venue, subject to any restrictions applicable under the Gambling Act 2003; and
- the merging of existing venue conditions and transferred venue conditions is not permitted.

Applications

Applications for Council consent must be made on the approved application form provided and must provide:

- name and contact details for the applicant;
- venue details, including trading name and street address of premises proposed for the Class 4 licence;
- contact details for management staff;
- the number of gaming machines being proposed for the premises;
- a floor plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and the location of clocks and windows within the games room;
- details of how the proposal complies with the Council's Gambling Venues Policy;
- evidence of the liquor licence(s) applying to the premises;
- a copy of the staff training programme, including information on how to spot and offer prescribed information to problem gamblers;
- the application fee;
- documentation outlining the policies and programmes in place for the distribution of funds; and
- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

Application fees

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venues Policy.

The application fee will be reviewed by Council each year as part of the Annual Plan Fees and Charges review.

6.2 New Zealand Racing Board (including TAB) Venue Policy

Introduction

Under the Racing Act 2003, when the New Zealand Racing Board wants to establish a new and/or relocating venue it must gain consent from the territorial authority.

Objectives of this policy

- to ensure the Council and the community has influence over the location of new and/or relocating Racing Board Venues within the city;
- to allow the community to have access to gambling venues for entertainment purposes;
- to manage the growth of gambling within the district; and

Where and how New Zealand Racing Board (including TAB) venues may be established

Part 6A of the Racing Act 2003 notes that a territorial authority may have regard to any relevant matters (including the following) when determining its Racing Board Venue Policy:

- the characteristics of the district and parts of the district;
- the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
- the cumulative effects of additional opportunities for gambling in the district.
- the social impact of gambling within the territorial authority district; and
- the location of new racing board venues.

New Zealand Racing Board (including TAB) venues may be established within Business Commercial zones⁵, subject to:

- meeting application and fee requirements;
- all gambling venue advertising signs must comply with the Upper Hutt City Council - Control of Advertising Signs Bylaw 2005.

In addition, Council will take into consideration the proximity of any new or relocating venue to an existing Class 4 gambling or racing board venue;

Establishment of a racing board venue that is subject to the above consideration will be at the discretion of Council.

⁵ As set out within the Upper Hutt City District Plan.

Applications

Applications for Council consent for new and/or relocating Racing Board Venues must be made on the approved application form provided and must provide:

- name and contact details for the applicant;
- venue details, including trading name and street address of premises proposed for the Racing Board Venue;
- contact details for management staff;
- the application fee;
- evidence that the premises, for which the Class 4 venue licence is being applied for, complies in all respects to the provisions of the Building Act 2004 and the Resource Management Act 1991.

Application fees

Fees are set by Upper Hutt City Council and shall include consideration of:

- the cost of processing the application;
- the cost of monitoring consents; and
- the cost of triennially reviewing the Class 4 Gambling and New Zealand Racing Board (including TAB) Venue Policy.

The application fee will be reviewed by Council each year as part of the Annual Plan Fees and Charges review.

Chapter 7 – Policies relating to Community Services Functions

7.1 Loans from amenities fund

Guidelines for loans from the fund are as follows:

Eligibility criteria for loans

1. Those bodies eligible to make applications for loans from the Council shall be those bodies which;
 - a. are non-profit making bodies constituted and, where applicable, registered so as to be legal “persons”
 - b. can show that they will provide or obtain funding (excluding loan finance) from a source other than the Amenities Fund of at least 65 percent of the project for which they are applying for a loan
 - c. are applying for a loan for the purpose of the provision of new or extension of existing facilities within the city, which will benefit the wider community.
2. When considering an application for funding the Council shall take into account the factors listed below, but reserves the right to decline any application at its sole discretion:
 - a. the ability of the organisation to service the loan
 - b. the number of people and/or organisations to benefit from the project;
 - c. whether or not the project duplicates any existing facilities
 - d. the amount of contribution from the applicant.

Procedures for the making of loans

1. Every loan shall be by way of a written loan agreement and must be uplifted within six months of the date of approval, otherwise approval will lapse and further application will be required to be made
2. The Council may, at its discretion, require a qualifying body to provide security for a loan that it receives in accordance with this policy
3. Interest on the outstanding balance of any loan made shall be charged by the Council to the body receiving the loan. Interest rates applicable to every loan shall be notified to the borrower for the forthcoming year on or before the anniversary of the lending date. Interest shall be payable on annual instalments on each anniversary of the lending date. Every loan made shall contain an interest review clause permitting the interest rate to be varied during the term of the loan on the following anniversary of the lending date

4. The interest rates as at 30 September 2011* shall be as follows:

Year 1	0%
Year 2	1%
Year 3	2%
Year 4	3%
Year 5 and subsequent years	3%

* Reviewed annually

5. The principal amount of every loan shall be repaid by the borrower to the Council in equal instalments during the term of the loan, the instalments to be paid on each anniversary of the lending date.
6. The term and amount of any loan made from the Amenities Fund shall be determined by the Council.

7.2 Community grants

The purpose of the Community Grants Scheme is to support the development of a positive healthy city by contributing financially to local organisations which strengthen the community support network in Upper Hutt.

The priorities for the funding are:

- a. indirect programme costs or running costs for organisations involved in community support work
- b. projects which enhance existing community support programmes where additional resources are required
- c. community driven initiatives for events or programmes which promote a sense of community or contribute to community well-being.

The criteria for the allocation of funding under this scheme is:

- a. applicants must show a strong need for the service, programme or event and wide community benefit
- b. there must be demonstrated need for the additional funding
- c. applicants should be able to show substantial volunteer involvement and self-help
- d. applicant must demonstrate limited ability to access other local sources of funding.

Note

Applicants who qualify for other funding or a project which is eligible to receive direct funding from central government will not normally be considered.

Annual school prizes will be made from the Community Grants Fund.

7.3 H²O Xstream policies

All policies relating to H²O Xstream are contained in the Operations Manual 2010. This manual is reviewed and updated annually. An audit of the manual takes place each year by NZ Recreation Association pool-safe assessors. The Operations Manual is held on the H²O Xstream premises.

7.4 Library policies

A 'Collection Development Policy' is held at the library. This policy provides the guiding principles for the selection and ongoing management of the library's collections.