

MEETING – AGENDA –

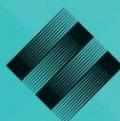
Ngā Take



POLICY COMMITTEE

Komiti Kaupapa Here

PP21-1
Thursday, 18 February 2021
Council Chambers
Barkes Corner, Tauranga
9.30am



*Western Bay of Plenty
District Council*

Policy Committee

Membership

Chairperson	Mayor Garry Webber
Deputy Chairperson	Cr Monique Gray
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Development, review and approval of strategies and plans in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Development of the Future Development Strategy and urban settlement plan.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- To report to Council on financial implications of policies and recommend any changes or variations to allocated budgets.
- Listen to and receive the presentation of views by people and engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the special consultative procedure as required by the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of the social and cultural wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.

- Develop the draft Statement of Intent for any Council Council-Controlled organisation (CCO) and review, assess and make recommendations to Council on any modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) or governance arrangements.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Land Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards,
 - Maketu-Te Puke Ward Forum
 - Kaimai Community Ward Forum
 - Katikati- Waihi Beach Ward Forum

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that a Policy Committee Meeting will be held in the Council Chambers, Barks Corner, Tauranga on:
Thursday, 18 February 2021 at 9.30am

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1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

6 PUBLIC EXCLUDED ITEMS**7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

8 PRESENTATIONS

9 REPORTS

9.1 ADOPTION OF THE DRAFT WATER RATES REMISSION POLICY 2021 AND DRAFT MULTIPLE PAN WASTEWATER REMISSIONS POLICY 2021 FOR PUBLIC CONSULTATION

File Number: A3948471

Author: Matthew Leighton, Senior Policy Analyst

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

1. The Committee is asked to approve the draft Water Rates Remission Policy 2021, the draft Multiple Pan Wastewater Remissions Policy 2021, and Statements of Proposal for public consultation in accordance with the requirements of the Local Government Act 2002.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 18 February 2021 titled "Adoption of the Draft Water Rates Remission Policy 2021 and Draft Multiple Pan Wastewater Remissions Policy 2021 for Public Consultation" be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the draft Water Rates Remission Policy 2021, the accompanying statement of proposal, summary and feedback form, as appended to the agenda report, are adopted for consultation pursuant to s109 of the Local Government Act 2002, concurrently with the Long Term Plan 2021-31 consultation.
4. That the draft Multiple Pan Wastewater Remissions Policy 2021, the accompanying statement of proposal, summary and feedback form, as appended to the agenda report, are adopted for consultation pursuant to s109 of the Local Government Act 2002, concurrently with the Long Term Plan 2021-31 consultation.

BACKGROUND

2. The Water Rates Remission Policy was last adopted in 2015 with a partial review in 2019. The Multiple Pan Wastewater Remissions Policy was last adopted in 2015. The policies must be reviewed every six years, and this must involve consultation.
3. The Water Rates Remission Policy provides for the part remission of excess water usage caused by previously undetected leaks. It sets out the conditions for a successful application, how a remission is calculated and how much an applicant would be remitted.
4. The Water Rates Remission Policy is regularly used. Last year, 203 applications were approved under the Water Rates Remission Policy.
5. The Multiple Pan Wastewater Remissions Policy's objective is to allow for fair and reasonable relief to property owners, who have wastewater charges greater than a domestic household based on the presence of multiple pans, but who believe that their wastewater charges are not a true reflection of their actual use of wastewater treatment capacity.
6. The Multiple Pan Wastewater Remissions Policy is regularly used. Each year Council contacts all properties eligible for a remission. Last year, 257 remissions were processed under the policy.

7. The Local Government Act 2002 (LGA), sections 102 and 109 enable the development of rates remission policies. This also requires consultation under the principles of section 82 for the development of and review of policies.

Review of the Water Rates Remission Policy

8. The Water Rates Remission Policy has been in place since 2008.
9. Simplified, the policy is that we remit 50% of the water lost through a leak at someone's property, and only for a six-month billing cycle.
10. The process of district wide metering was completed in June 2018 (with some additional meters added since then). Water metering has had a positive impact in identifying and remedying leaks, as it incentivises property owners to take action early to reduce their water bills.
11. The policy is generally working well. The overall policy objectives are still valid and recognises the need to be fair and reasonable. The approach is adequate.

Review of the Multiple Pan Wastewater Remissions Policy

12. The policy is used to mitigate the demands placed on ratepayers by the multiple pan charge, where the toilets don't get as much use as forecast. The policy does this by looking at actual water use as a proxy for wastewater demand.
13. The policy originated in a remission for not-for-profit enterprises. In 2015, the policy was reviewed to widen the scope of remissions and to offset some of the big changes to rates as a result of the move to district wide wastewater Uniform Targeted Rates (UTRs).
14. Of 425 premises rated, we contacted 281 last year to offer them a remission. 257 took up the offer of a remission. Customers charged under the Trade Wastes Bylaw and retirement homes are not eligible for a remission.
15. The policy is generally working. The overall policy objectives are still valid and recognises the need to be fair and reasonable. The approach is adequate.

Proposed changes

16. There are several minor changes recommended to the Water Rates Remission Policy. This would provide clarity, such as clearly setting out where property owners' responsibility begins and Council's ends, what we expect in an application, and removing duplication with the Terms and Conditions. These are included in the track changed version attached (Attachment 1).
17. A new section has been included in the Multiple Pan Wastewater Remissions Policy. While the policy is proposed to largely continue as is, the new section states that Council Community Halls and Marae will be fully remitted for the multiple pan charge wastewater rate. Through the review, it was identified that both Council Community Halls and Marae provide for community wellbeing. They both act as community meeting spaces and are used to support communities in civil defence emergencies. The full remission of the multiple pan charge will encourage connections and deliver environmental benefits as well. The changes are set out in the track changed version attached (Attachment 4). It should be noted that payment of the Uniform Targeted Rate (currently \$944.09 in 2020/21) is still payable, aside from the remission of multiple pan charges.

SIGNIFICANCE AND ENGAGEMENT

18. The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

19. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
20. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because of:
- The likely public interest in the proposals included in the draft policies;
 - The number of ratepayers, residents and visitors to the district that may be affected by the policy provisions; and
 - The requirement to undertake an LGA consultative process that gives effect to the requirements of section 82.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

21. Council must undertake a consultation process that gives effect to the requirements of section 82 of the Local Government Act 2002. It is proposed that consultation will run concurrent with the Long Term Plan consultation. It is proposed that we use the www.hellofuturedistrict.co.nz website, as well as the planned community events, throughout the consultation period. A more formal opportunity for people to present their views will be provided, subject to registration.

Interested/Affected Parties	Planned consultation		
General Public	The consultation that gives effect to the requirements of section 82 under the LGA will be used, with consultation open for over a month. Feedback will be sought through the use of our online submission form, hard copy submission forms and the opportunity for spoken interaction provided through community events, or by registering for a more formal 'hearings style' meeting.	Planned	Completed
Community Halls and Marae	A letter will be sent to the relevant Hall Committees and Marae to notify them of the proposed changes to the Multiple Pan Wastewater Remissions Policy.		

ISSUES AND OPTIONS ASSESSMENT

22. The Committee may resolve to adopt the draft policies and statements of proposal for consultation, or may wish to not adopt them for consultation at this point.

Option 1A Adopt the draft Water Rates Remission Policy for Consultation concurrent with the LTP 2021-2031	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<u>Advantages:</u> <ul style="list-style-type: none"> • Policy review process can continue within proposed timeframes, for completion in July 2021. • The draft policy is reflective of discussions with the Committee. • The community can provide feedback on the draft policy.

	<ul style="list-style-type: none"> • Efficiencies are gained through concurrent consultation alongside the LTP 2021.
Costs (including present and future costs, direct, indirect and contingent costs).	Staff time may be required to deal with queries from the community about the proposed changes to the policy, and to progress the subsequent stages of the review. However, this can be managed within existing staffing and budgets.

Option 1B Do not adopt the draft Water Rates Remission Policy for consultation	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<u>Disadvantages:</u> <ul style="list-style-type: none"> • Policy review timeframes will be compromised, and the full review process may not be able to be completed prior to adoption of the LTP 2021. The policy is due to be reviewed prior to July 2021. • The amendments proposed in the policy cannot be implemented until a final policy is adopted. <u>Advantages:</u> <ul style="list-style-type: none"> • Further changes to the policy can be explored and considered by the Committee prior to consultation.
Costs (including present and future costs, direct, indirect and contingent costs).	If the policy review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.

Option 2A Adopt the draft Multiple Pan Wastewater Remissions for Consultation concurrent with the LTP 2021-2031	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<u>Advantages:</u> <ul style="list-style-type: none"> • Policy review process can continue within proposed timeframes, for completion in July 2021. • The draft policy is reflective of discussions with the Committee. • The community can provide feedback on the draft policy. • Efficiencies are gained through concurrent consultation alongside the LTP 2021.
Costs (including present and future costs, direct, indirect and contingent costs).	Staff time may be required to deal with queries from the community about the proposed changes to the policy, and to progress the subsequent stages of the review. However, this can be managed within existing staffing and budgets.

Option 2B	
Do not adopt the draft Multiple Pan Wastewater Remissions Policy for consultation	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<u>Disadvantages:</u> <ul style="list-style-type: none"> • Policy review timeframes will be compromised, and the full review process may not be able to be completed prior to adoption of the LTP 2021. The policy is due to be reviewed prior to July 2021. <u>Advantages:</u> <ul style="list-style-type: none"> • Further changes to the policy can be explored and considered by the committee prior to consultation.
Costs (including present and future costs, direct, indirect and contingent costs).	If the policy review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.

STATUTORY COMPLIANCE

23. The recommendations in this report ensure Council complies with the Local Government Act 2002.

Community input will be sought through a consultation process that gives effect to the requirements of section 82 of the LGA.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Policy and LTP budgets	Ongoing budget for policy reviews. This review can be managed within existing staffing and budgets.

ATTACHMENTS

1. Draft Water Rates Remission Policy [↓](#) 
2. Draft Statement of Proposal - Water Rates Remission Policy 2021 [↓](#) 
3. Draft Water Rates Remissions Policy 2021 - Submission form [↓](#) 
4. Draft Multiple Pan Wastewater Remissions Policy 2021 [↓](#) 
5. Draft Statement of Proposal - Multiple Pan Wastewater Remissions Policy 2021 [↓](#) 
6. Draft Multiple Pan Wastewater Remissions Policy 2021 - Submission form [↓](#) 

Council Policy



Water Rates Remission Policy

1. Relevant Legislation

- Local Government Act 2002
- Local Government (Rating) Act 2002

2. Definitions

Estimated average consumption

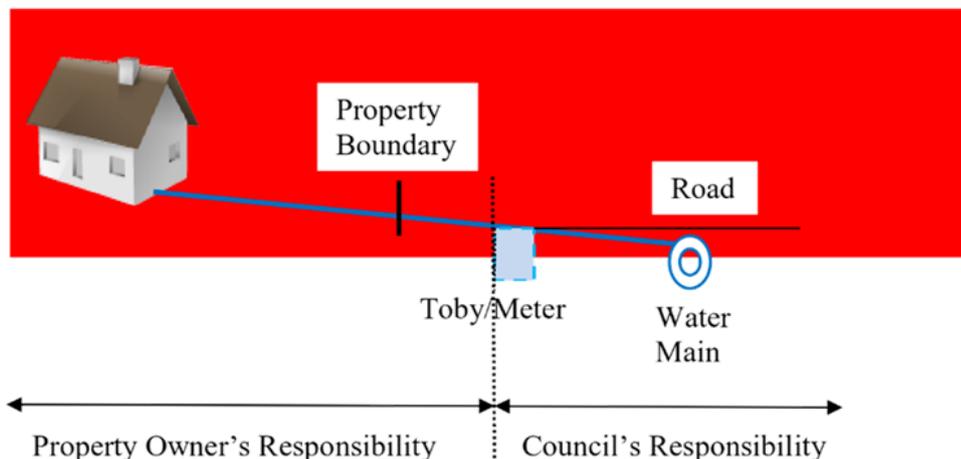
means the consumption for the period since the previous reading of the meter based on the average of the previous four or six billing periods charged to the customer in order to account for seasonal variations (fewer billing periods may be used if meter history is not available).

Excessive water consumption

means a significant increase in consumption of water, based on the *estimated average consumption* that is directly attributable to leaks in the internal reticulation (water supply) of a rating unit connected to the Council’s water supply network

Internal reticulation

means any pipes, plumbing and fittings that are the rating unit owner’s responsibility past the point of supply (as persee the Western Bay of Plenty District Council Water Supply System - Terms and Conditions for the Supply of Water for further detailfigure below) – The figure below is indicative.



Council Policy



Water Rates Remission Policy

3. Policy Objective

To provide certainty regarding the conditions which must be satisfied before Council will accept an application for the remission of *excessive water consumption* charges from a metered Council water supply caused by previously undetected leaks.

To provide fair and reasonable relief to ratepayers who have *excessive water consumption* due to leakage and to encourage customers to get all leakage repaired in a reasonable timeframe.

4. General Obligations

Council has no obligation to pay for water losses within private properties. It is the rating unit owner's responsibility to maintain the plumbing and fittings and to pay for any repairs to the *internal reticulation* serving a private rating unit.

However, Council has resolved to assist customers with a remission if they have had the leak repaired and have not made a remission request within the previous five years.

Customers have a responsibility to ensure the condition of their dwelling does not contribute to a failure of the plumbing system.

Where a dwelling or rating unit is left vacant for an extended period of time owners/occupants should consider shutting off the water supply and draining all pipes and appliances.

5. Conditions of Application

Council will accept applications for remission of *excessive water consumption* charges from a metered Council water supply provided that:

- 5.1. The application must be made in writing and signed by the owner(s)
- 5.2. ~~For properties already connected to a metered Council water supply~~ The application for remission must be made within 6 months of the invoice date. ~~For newly metered properties the application for remission can be made up to 15 months from the date of connection to the metered Council water supply.~~
- 5.3. The ratepayer must supply to Council evidence that the *excessive water consumption* is a result of a leak at the rating unit.
- 5.4. The ratepayer must supply satisfactory evidence to Council ~~within 3 months~~ that:
 - a) a leak has been repaired (plumbers receipt and/or photographs);
 - b) the leak was repaired as soon as possible once it was discovered; or
 - c) the leak was repaired as soon as possible once advised of the excessive water consumption.

Council Policy



Water Rates Remission Policy

6. Conditions of Remission

- 6.1. Only one remission will be granted in any five year period per rating unit. However, where a rating unit has a change of ownership, Council may consider an application from the new owner(s) within the five year period.
- 6.2. The maximum remission will be 50% of the cost of the difference between the *estimated average consumption* and the actual water consumption for that billing period.
- 6.3. Remissions under \$5,000 can be approved by the Finance Manager. Remissions in excess of \$5,000 must be approved by the Chief Executive.
- 6.4. A record of the remission, as evidence of a previous failure in the *internal reticulation*, will be placed on the Building-Property File of the rating unit.

7. Estimating Consumption

- ~~7.1. If any meter is out of repair or ceases to register, or is removed, Council will estimate the consumption for the period since the previous reading of the meter (based on the average of the previous four or six billing periods charged to the customer) and the customer will be charged according to the estimate. Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four or six billing periods would be an unreasonable estimate of the consumption, Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer will be charged according to that estimate.~~
- ~~7.2. If metering indicates a significant increase in consumption to a premises, which is established as being caused by a fault with the meter or other exceptional circumstances, the Council may estimate consumption as set out under section 6 above.~~
- ~~7.3.7.1. Where the seal or dial of a meter is broken, Council may declare the reading void and estimate consumption as provided above. For the purpose of establishing actual water consumption and *estimated average consumption* Council may need to estimate consumption as per the WBOPDC Terms and Conditions for the Supply of Water.~~

8. When the Policy doesn't apply

This Policy does not apply where:

- 8.1. The circumstances do not meet the conditions of Sections 7-5 or 6 above:

Council Policy



Water Rates Remission Policy

- 8.2. usage above the customer's average monthly consumption is due to seasonal usage such as watering of gardens, filling swimming pools or spas, washing vehicles or similar as this describes water supply knowingly used by the customer;
- 8.3. water loss is due to theft, vandalism or construction damage as the responsibility to resolve these issues lies with the customer;
- 8.4. the leak was caused by a third party from whom the customer is able to recover their costs.

9. Associated Council Policies and Procedures

- Western Bay of Plenty District Council's Long Term Plan
- Western Bay of Plenty District Council's Annual Plan
- Western Bay of Plenty District Council Water Supply System – Terms and Conditions for the Supply of Water 2008
- Western Bay of Plenty District Council Water Supply System Bylaw

Group	Finance and Technology Services	Contact: Kumaren Perumal	Group Manager, Finance & Technology
Supersedes	2014		
Creation Date	2008	Resolution Reference	Finance and Risk Committee
Last Review Date	2019	Resolution Reference	C26.8
Review Cycle	Review 1 year after completion of District-wide water metering and 5 yearly thereafter. Review every 6 years	Date	2026 4
Authorised by	Council	Date	6 June 2019



Draft Water Rates Remission Policy 2021



Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Water Rates Remission Policy and is seeking your views on the proposed changes.

This policy allows for water rates to be partly written off for ratepayers who have suffered a water leak.

The policy is generally working well. However there are some minor changes proposed to provide better clarity and remove duplication.

This Statement of Proposal summarises the proposed changes to the bylaw.

Reasons for the proposal

The current Water Rates Remission Policy is now due for review, as required by the Local Government Act 2002. The policy is due for statutory review by 1 July 2021.

The reasons for reviewing the policy are to:

- Ensure that it is fit for purpose with the change in the district since 2014; and
- To meet statutory timeframes for review.

Summary of proposed changes

There are limited changes proposed in the draft policy, as it considered that the operative policy is generally fit for purpose.

The main areas of change proposed in the Water Rates Remission Policy are:

- **Editorial changes:** There are several minor changes required to the policy necessary for clarity, such as clearly setting out where property owners' responsibility begins and Council's ends, what we expect in an application, and removing duplication with Council's Terms and Conditions for the Supply of Water.

The draft policy with tracked changes is provided alongside this Statement of Proposal.

Have your say

We need your feedback by 4pm x xxxx 2021

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://www.hellofuturedistrict.co.nz/>
- Posting it to: *Multiple Pan Wastewater Remissions Policy Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barks Corner head office, 1484 Cameron Road, Greerton, Tauranga
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke

- The Centre – Patuki Manawa. Katikati Library, Service Centre and Community Hub, 21 Main Road, Katikati
- Waihi Beach Library and Service Centre, Waihi Beach Rd
- Omokoroa Library and Service Centre, 29 Western Avenue, Omokoroa

Feedback forms are available online, through calling the call centre to request a hard copy, or at our service centres.

Giving effective feedback

Online and hard copy submission forms provide the opportunity to express your views on the proposals. These forms include a question on the key changes we are consulting on, and ask for your opinion on it.

You may also wish to comment on specific the clause(s) of the draft policy, and state why the clause is supported, not supported, or how it could be amended.

If you would like to give feedback in person, we're coming to a neighbourhood near you, with a trio of free community events across the District.

- Jubilee Park, Te Puke - Saturday 20 March (4pm – 7pm)
- Maramatanga Park, Te Puna - Friday 26 March (4pm - 7pm)
- Waihi Beach Community Centre - Saturday 27 March (4pm - 7pm)

Alternatively, please email haveyoursay@westernbay.govt.nz or phone 07 571 8008, or make sure you have ticked the box on the submission form, by Friday 26 March 2021 to secure a timeslot and receive further information regarding a more formal opportunity to present your views.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you have questions, or if you would like to give feedback in person, we encourage you to email haveyoursay@westernbay.govt.nz or phone 07 571 8008. If you have expressed a wish to give feedback in person, staff will be in touch to arrange a time.

Review Timeframes:

- Period for feedback opens: x xxxxx 2021
- Period for feedback closes: x xxxxx 2021
- Hearings (if required): xxxxx 2021

Also out for consultation

You may also wish to have your say on these other items out for consultation:

- Long Term Plan 2021-2031 (x xxxxx – x xxxxx)
- Multiple Pan Wastewater Remission Policy (x xxxxx – x xxxxx)
- Revenue and Financing Policy (x xxxxx – x xxxxx)
- Fees and Charges 2021/2022 (x xxxxx – x xxxxx)

Please visit hellofuturedistrict.co.nz to learn more.



Feedback Number and Date Received
Office use only

Have your say on the future of your District



Western Bay of Plenty District Council

FEEDBACK FORM

- Draft Water Rates Remission Policy 2021



We appreciate you taking the time to let us know what you think about our Draft Water Rates Remission Policy. Please read the statement of proposal and draft policy, available at any of our service centres or at hellofuturedistrict.co.nz and then let us know what you think!

Visit hellofuturedistrict.co.nz to make a submission online.

Otherwise fill out this feedback form and either

- Deliver your submission to the Katikati, Te Puke, Omokoroa and Waihi Beach Library and Service Centres or the Main Council Office at Barkes Corner
- Email it to haveyoursay@westernbay.govt.nz
- Mail it to: Long Term Plan
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 4pm, x xxxxx 2021

Name:

First name

Surname

Organisation (only if submitting on behalf):

Postal address:

Home phone:

Mobile:

Email:

Signature:

Date:

I would like to give feedback in person (please let us know before XXXXXXX)

Yes/No

(If you answered 'yes' to giving feedback in person, staff will be in touch to arrange a time.)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Council Policy



Multiple Pan Wastewater Remissions Policy

1. Relevant Legislation

- Local Government Act 2002
- Local Government Act 1974
- Local Government Rating Act 2002

2. Definitions

Actual water consumption

means the usage of water at an individual property based on the most recent four water supply meter readings in order to account for seasonal variations.

Wastewater estimation

means actual water consumption multiplied by a factor of 0.85

3. Policy Objective

To provide fair and reasonable relief to property owners, who have wastewater charges greater than a domestic household based on the presence of multiple pans, but who believe that their wastewater charges are not a true reflection of their actual use of wastewater treatment capacity.

To provide certainty regarding the conditions which must be satisfied before Council will accept an application for the remission of multiple pan wastewater charges.

The charging of wastewater will still require that a multiple pan charge is levied on those properties that have more than one (1) pan, but allows for an assessment of wastewater remission based on the conditions of application and remission.

4. General Obligations

Council has no obligation to remit for individual wastewater charges.

However, Council has resolved to assist wastewater customers with a remission if they believe that their wastewater charges, based on multiple pans, are not a true reflection of their actual use of the Council wastewater treatment capacity.

The wastewater contributions from individual households generally tend to be biodegradable and non-toxic to the biological processes at the wastewater treatment plant. The exception to this is when household cleaning products,

Council Policy



Multiple Pan Wastewater Remissions Policy

solvents, paint thinners, motor oil, petrol, pesticides and herbicides are put into the sewer in significant quantities. Many of these are diluted to the point where they do not pose a problem to the treatment plant but some can be problematic even in small quantities.

The wastewater discharge from commercial and industrial activities will in future be assessed against both the new formula and the Trade Waste Bylaw. This is in order to assess which is the most justifiable method of charging based on;

- a) the composition and / or volume of their wastewater discharge
and
- b) any additional treatment demands the discharge requires

Council will annually, prior to the initial rates demand being sent, write to all property owners eligible for a multiple pan wastewater remission advising them of the policy and requesting that they advise Council if they wish to apply for a remission.

5. Conditions of Application

Council will accept applications for remission of wastewater charges to properties connected to the Council owned wastewater reticulated network provided that:

- a) To resolve any doubt this policy expressly excludes rest homes and retirement villages irrespective of their commercial or charitable status;
- b) The application does not apply to schools as these are charged wastewater under the existing nationally accepted Donnelly Formula;
- c) The application does not apply to customers charged under the Trade Waste Bylaw
- d) The application applies to all residential, commercial, industrial and not-for-profit activities that do not fall in any of clauses 5 a),b) and c) above;
- e) The application must be made in writing and signed by the property owner(s);
- f) The application must relate to a property fitted with a functioning Council water meter;
- g) The water consumption for the previous four (4) billing periods was been verified by water meter readings undertaken by Council staff;
- h) The application for wastewater remission must be made prior to the issuing of the first (July/December) rates installment for a full remission;

Council Policy



Multiple Pan Wastewater Remissions Policy

- i) Applications received after the issuing of the first (July/December) rates installment will only be eligible for a 50% remission;
- j) Applications will not be backdated.

6. Conditions of Remission

- a) Only one remission will be granted annually per qualifying property.
- b) Each remission will be assessed on a case by case basis.
- c) The maximum remission will be the difference between;
 - i. one sewerage charge for wastewater for the first pan plus the number of multiple pan charges applicable to the property, and
 - ii. one sewerage charge for wastewater for the first pan plus a wastewater charge of 85% of the actual average daily water usage based on the previous 4 billing periods.
- d) Remissions under \$5,000 can be approved by the Finance Manager. Remissions in excess of \$5,000 must be approved by the Chief Financial Officer.
- e) Council Community Halls and Marae (eg. Whare Kai, Whare Paku, but not including papakāinga) are eligible for the full remission of the multiple pan charge (clause 6(c) does not apply in these instances).

7. Wastewater Estimation and Remission Calculation

- a) The wastewater estimation is based on the following;

Average district household daily water usage;

220 litres per person per day and 2.7 people per household = 0.6 m³ of water

Average district household daily wastewater discharge;

Wastewater estimation = actual water consumption x 0.85

0.6 m³ of water x 0.85 = 0.5 m³ of wastewater
- b) The wastewater estimation calculation is based on the following formula;

Wastewater estimation charge = 1 sewerage charge + [(estimated daily wastewater use in m³ – 0.5 m³) / 0.5] x 1 sewerage charge]
- c) If in assessing the application for remission the wastewater is identified as having treatment requirements greater than that of domestic wastewater the applicant will be advised that they will be transitioned to wastewater charging under the Trade Waste Bylaw provisions.

Council Policy



Multiple Pan Wastewater Remissions Policy

8. Associated Council Policies and Procedures

- Western Bay of Plenty District Council's Long Term Plan;
- Western Bay of Plenty District Council's Annual Plan;
- Western Bay of Plenty District Council Water Supply System – Terms and Conditions for the Supply of Water;
- Western Bay of Plenty District Council's Tradewaste Bylaw or its replacement
- Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage
- Western Bay of Plenty District Council Wastewater Drainage Bylaw
- **Wastewater Drainage Bylaw 2020**

DRAFT

Council Policy



Multiple Pan Wastewater Remissions Policy

Group	Policy, Planning & Community	Contact Emily Watton	Policy and Planning Manager
Supersedes	2015		
Creation Date	2021	Resolution Reference	
Last Review Date	2015	Resolution Reference	
Review Cycle	Six yearly	Date	
Authorised by		Date	

DRAFT



Draft Multiple Pan Wastewater Remissions Policy 2021



Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Multiple Pan Wastewater Remissions Policy and is seeking your views on the proposed changes.

This policy's objective is to allow for fair and reasonable relief to property owners, who have wastewater charges greater than a domestic household based on the presence of multiple pans, but who believe that their wastewater charges are not a true reflection of their actual use of wastewater treatment capacity.

The policy is generally working well and Council proposes to largely retain the current policy in its current form. A new section is proposed to make Council Community Halls and Marae eligible for a full remission of the multiple pan charges.

Reasons for the proposal

The current Multiple Pan Wastewater Remissions Policy is now due for review, as required by the Local Government Act 2002. The policy is due for statutory review by 1 July 2021.

The reasons for reviewing the policy are to:

- Ensure that it is fit for purpose with the change in the district since 2015; and
- To meet statutory timeframes for review.

Summary of proposed changes

Whilst the policy is proposed to largely continue as is, the new section states that Council Community Halls and Marae will be fully remitted for the multiple pan charge wastewater rate.

Through the review, it was identified that both Council Community Halls and Marae provide for community wellbeing. They both act as community meeting spaces and are used to support communities in civil defence emergencies.

The full remission of the multiple pan charge will encourage connections and deliver environmental benefits as well. It should be noted that payment of the Uniform Targeted Rate (currently \$944.09 in 2020/21) is still payable aside from the remission of multiple pan charges.

The changes are set out in the draft policy provided alongside this Statement of Proposal.

Have your say

We need your feedback by 4pm x xxxx 2021

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://www.hellofuturedistrict.co.nz/>
- Posting it to: *Multiple Pan Wastewater Remissions Policy Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barkes Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - The Centre – Patuki Manawa. Katikati Library, Service Centre and Community Hub, 21 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, 29 Western Avenue, Omokoroa

Feedback forms are available online, through calling the call centre to request a hard copy, or at our service centres.

Giving effective feedback

Online and hard copy submission forms provide the opportunity to express your views on the proposals. These forms include a question on the key changes we are consulting on, and ask for your opinion on it.

You may also wish to comment on specific the clause(s) of the draft policy, and state why the clause is supported, not supported, or how it could be amended.

If you would like to give feedback in person, we're coming to a neighbourhood near you, with a trio of free community events across the District.

- Jubilee Park, Te Puke - Saturday 20 March (4pm – 7pm)
- Maramatanga Park, Te Puna - Friday 26 March (4pm - 7pm)
- Waihi Beach Community Centre - Saturday 27 March (4pm - 7pm)

Alternatively, please email haveyoursay@westernbay.govt.nz or phone 07 571 8008, or make sure you have ticked the box on the submission form, by Friday 26 March 2021 to secure a timeslot and receive further information regarding a more formal opportunity to present your views.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you have questions, or if you would like to give feedback in person, we encourage you to email haveyoursay@westernbay.govt.nz or phone 07 571 8008. If you have expressed a wish to give feedback in person, staff will be in touch to arrange a time.

Review Timeframes:

- Period for feedback opens: x xxxxx 2021
- Period for feedback closes: x xxxxx 2021
- Hearings (if required): xxxxx 2021

Also out for consultation

You may also wish to have your say on these other items out for consultation:

- Long Term Plan 2021-2031 (x xxxxx – x xxxxx)
- Water Rates Remission Policy (x xxxxx – x xxxxx)
- Revenue and Financing Policy (x xxxxx – x xxxxx)
- Fees and Charges 2021/22 (x xxxxx – x xxxxx)

Please visit hellofuturedistrict.co.nz to learn more.

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Feedback Number and Date Received
Office use only

Have your say on the future of your District



Western Bay of Plenty District Council

FEEDBACK FORM

- Draft Multiple Pan Wastewater Remissions Policy 2021



We appreciate you taking the time to let us know what you think about our Draft Multiple Pan Wastewater Remissions Policy. Please read the statement of proposal and draft policy, available at any of our service centres or at hellofuturedistrict.co.nz and then let us know what you think!

Visit hellofuturedistrict.co.nz to make a submission online.

Otherwise fill out this feedback form and either

- Deliver your submission to the Katikati, Te Puke, Omokoroa and Waihi Beach Library and Service Centres or the Main Council Office at Barkes Corner
- Email it to haveyoursay@westernbay.govt.nz
- Mail it to: Long Term Plan
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 4pm, x xxxxx 2021

Name:

First name

Surname

Organisation (only if submitting on behalf):

Postal address:

Home phone:

Mobile:

Email:

Signature:

Date:

I would like to give feedback in person (please let us know before XXXXXXX)

Yes/No

(If you answered 'yes' to giving feedback in person, staff will be in touch to arrange a time.)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.



Please use the space below to comment on the Draft Multiple Pan Wastewater Remissions Policy 2021. You can attach extra pages if necessary.

1. One change to the Multiple Pan Wastewater Remissions Policy is proposed:

A new section is proposed to make Council Community Halls and Marae eligible for a full remission of the multiple pan charges.

- Option 1** I agree with the change to the policy proposed
- Option 2** I do not agree with the change to the policy proposed
- Option 3** Other (please comment below)

Multiple horizontal lines for writing a response. A large, light grey 'DRAFT' watermark is oriented diagonally across the page.

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process.

The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

9.2 PROPOSED DRAFT CONCEPT PLAN AND NAMING PROPOSAL FOR 83 FORD ROAD, MAKETU

File Number: A3961114

Author: Katy McGinity, Senior Recreation Planner

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

1. Council is asked to approve the proposed draft concept plan and naming proposal for 83 Ford Road, Maketu for community engagement in accordance with the requirements of section 83 of the Local Government Act 2002.

RECOMMENDATION

1. That the Senior Recreation Planner's report dated 18 February 2021 titled 'Proposed Draft Concept Plan and Naming Proposal for 83 Ford Road, Maketu' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Policy Committee [approves/does not approve] the name *Otaiparia Reserve*, to be proposed for consultation in accordance with Council Reserve Management Plan P8 Naming Policy.
4. That the Policy Committee [approves/does not approve] the release of the draft Concept Plans as attached to this report for community consultation under Section 83 of the Local Government Act 2002.
5. That the indicative costs for implementation of the concept plan (as set out at paragraph 14 of this report) be referred to the Long Term Plan 2021-2031.

BACKGROUND

2. 83 Ford Road comprises of 3 hectares of fee simple land adjoining the Kaituna River and was purchased by Council for community use in June 2016. The land includes the Tukotahi Marae, a boat ramp and jetty and existing carpark area. Its strategic location provides connections to land owned by Bay of Plenty Regional Council along Kaituna River to Te Pourepo O Kaituna and the Tauranga Eastern Link Cycleway.
3. Historically, the land was Maori Customary Land known as 'Te Tumu Kaituna No. 11A No1. Block' however through the Native Land Court process on 7 July 1982 it ceased to be Maori Land.
4. Pre-engagement to seek community ideas and identify future use and opportunities for the site took place over a three-week period from Thursday 27 August to Friday 18 September 2020.
5. During this pre-engagement phase, Council hosted an on-site Community Open Day on 3 September 2020 so the community could find out more information, talk to elected members and staff, and provide any feedback they had. Tangata Whenua were also invited to attend the open day and contribute to the discussion. People also provided their ideas via Council's Have Your Say Western Bay site and via email.
6. Communication channels to help promote the pre-engagement opportunity included a media release targeting Te Puke Times and Mai Maketu, Council's Facebook, and signage at the boat ramp near the site.
7. Council staff have also engaged with the neighbouring dairy farmer. Access to the farm by all vehicles (including milk tankers) is currently through the site across Council land. At this stage the informal arrangement allowing the milk tanker to access the neighbouring farm will continue

once a day. If required, signage can be erected to notify other users about the tanker. The farmer has agreed to use his own land for other farm related traffic.

8. Security issues were also raised by the farmer. The proposed CCTV cameras will help monitor activities in and around the site. An existing security fence could also be re-positioned along the farmer's boundary.
9. Council and Bay of Plenty Regional Council are also engaging with the farmer on a related matter around a potential land exchange in order to facilitate the completion of the cycleway which will link to the site. This is ongoing.
10. While there are several other sites in and around Maketu earmarked for future development including Spencer Avenue and the Information Centre, 83 Ford Road serves a different purpose and function. The site provides users with a valuable connection to the water allowing for a range of people to utilise and enjoy the varied space. It is a unique site in a strategic location, allowing for an ambitious concept plan.

RESERVE NAMING

11. The site is currently known as 83 Ford Road due to its location however we are now proposing to rename it, to better reflect its historic significance.
12. Our policy acknowledges the New Zealand Geographical Board (Ngā Pou Taunaha O Aotearoa) *Rule of Nomenclature* which provides guidelines encouraging the use of original place names from Tangata Whenua, in relation to their tribal boundary.
13. 'Otaiparia' is the name historically used by Tangata Whenua in reference to the area. It is suggested that the proposed name change form part of the formal consultation and engagement process for this site. Council will consider all feedback received about the proposed name, prior to making any decision.

INDICATIVE COSTS FOR DEVELOPMENT

14. The below indicative costs are recommended to be referred to the Long Term Plan 2021-2031. These costs are indicative only and based on the Councils levels of service. There is also the assumption that lessees would fund the development and maintenance of their sites.

83 Ford Road Concept Plan – Indicative costings						
Plan #	Details – 2021 - 2031	21/22	22/23	23/24	24/25	26/31
	Site clean up, toilet removal, fence removal, tyre removal	20,000				
	Pouwhenua, waharoa and Te Reo signage design/planning	10,000				
	Pouwhenua, waharoa and Te Reo signage construction		50,000			
	Community signage board		10,000			
	Existing road upgrade				40,000	
	CCTV Camera	10,000				
1	Cycleway				2,000	
2	Waka Ama Area	17,000				
3	Overflow Parking					25,000
3	Events Parking		20,000			

4	Environmental enhancement and planting	20,000				
5	Concession Spaces			30,000		
6	Toilet, power, septic tank consent		30,000			
6	Toilet, power, septic tank construction	50,000	150,000			
7	Bicycle Facilities			10,000		
8	Boat Ramp				20,000	130,000
9	Elevated Picnic Area		15,000			
9	Site and Park Furniture			15,000		15,000
10	Open Space development		10,000			
11	Amenity trees and perimeter planting	20,000			10,000	
11	Pedestrian Paths		25,000			
13	Tukotahi Marae Visitors Parking		25,000			
15	Service/ Accessibility Parking	13,000				
	Total – \$792,000	160,000	335,000	55,000	72,000	170,000

SIGNIFICANCE AND ENGAGEMENT

15. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of the anticipated level of community interest, the proposed development costs, the requirement to consult, and recognising the Māori cultural values and their relationship to land and water.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Planned Consultation		
Name of interested parties/groups	<ul style="list-style-type: none"> • Maketu Coastguard • Maketu Hoe Waka Club • Motiti Island stock barge users • Neighbours (including dairy farm next to site) • Bay of Plenty Regional Council 	Planned	

Tangata Whenua	<ul style="list-style-type: none"> • Te Maru o Kaituna River Authority • Maketu Tangata Whenua and Marae are included with stakeholders to receive written invitations. 		
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Engagement Plan	Dates
Develop web page and online engagement media promotions, which will also provide background information, draft plans and online feedback submission forms.	19 February 2021 – 12 April 2021
Advertisements in Notice board, Weekend Sun, Te Puke Times, Mai Maketu, Bay of Plenty Times.	12 April 2021 – 12 May 2021
Immediately adjoining land owners and stakeholders to receive written invitations.	19 February 2021 onwards
Maketu Tangata Whenua and Marae are included with stakeholders to receive written invitations to provide feedback and attend Have Your Say open day.	19 February 2021 onwards
Media releases for online engagement on the Have Your Say website.	12 April – 12 May 2021
Consultation period	12 April – 12 May 2021
Have Your Say open day – 83 Ford Road, Maketu	1 May 2021

ISSUES AND OPTIONS ASSESSMENT

<u>Option A</u>	
That the Policy Committee [approves/does not approve] the name <i>Otaiparia Reserve</i> , to be proposed for consultation in accordance with Council Reserve Management Plan P8 Naming Policy.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Gives effect to Councils Reserve Management Plan P8 naming policy process. • Appropriately recognises significance of area to Tangata Whenua • Including the proposed name for this consultation process enables wider community feedback, and also means that a separate naming consultation process will not be required at a later date. <p>Disadvantages:</p>

	<ul style="list-style-type: none"> Some members of the community will already be familiar with the name Ford Road.
Costs (including present and future costs, direct, indirect and contingent costs).	Some minor administrative work to amend reserve name.
<u>Option B</u>	
That the Policy Committee [approves/does not approve] the release of the draft Concept Plan as attached to this report for community consultation under Section 83 of the Local Government Act 2002.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> Economic Social Cultural Environmental 	Advantages: <ul style="list-style-type: none"> Gives effect to key themes of pre-engagement feedback. Generates positive community interest toward reserves and their development. Provides certainty and transparency regarding Councils approach to management of this reserve. Supports community aspirations and a sense of ownership of reserve development. Reflects and enhances current use of site by different user groups. Disadvantages: <ul style="list-style-type: none"> Nil.
Costs (including present and future costs, direct, indirect and contingent costs).	Implementation costs to be considered through the Long Term Plan 2021-2031 process, with opportunities for volunteer contributions to progress some of the work.

STATUTORY COMPLIANCE

- The proposed concept plans are proposed to be released for consultation in accordance with Section 83 of the Local Government Act 2002, to seek further feedback on the proposals.
- The proposed concept plan (including proposed re-naming process) is consistent with the goals and approach to the Recreation and Open Space Strategy.
- Reserves planning and policy development are the responsibilities of the Policy Committee, which has delegated authority to hear submissions to a draft reserves management plan/concept plans and adopt or not adopt accordingly.
- Implementation funding is proposed to be considered through the Long Term Plan 2021-2031 process.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
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Long Term Plan 2021-2031	Concept plan implementation funding to be referred to the Long Term Plan 2021-2031 process.
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ATTACHMENTS

1. **Attachment 1 - Proposed draft concept plan and naming proposal for 83 Ford Road, Maketu - Statement of proposal (PDF)** [↓](#) 
2. **Attachment 2 - 83 Ford Road, Maketu Submission Form** [↓](#) 



Proposed draft concept plan and naming proposal for 83 Ford Road, Maketu

Statement of Proposal

February 2021

Introduction

83 Ford Road comprises of 3 hectares of fee simple land adjoining the Kaituna River. It was purchased by Council for community use in June 2016. The land includes the Tukotahi Marae, a boat ramp and an established carpark area. Its strategic location provides connections to land owned by Bay of Plenty Regional Council along Kaituna River to Te Pourepo O Kaituna and the Tauranga Eastern Link Cycleway.

Council sought the views of the community for ideas and identification of future use and opportunities for the site in August/September 2020. During this pre-engagement phase, Council hosted an on-site community open day on 3 September 2020 so the community could find out more information, talk to elected members and staff, and provide any feedback they had. Tangata Whenua were also invited to attend the Open Day and contribute to the discussion. People also provided their ideas via Council's Have Your Say Western Bay site and via email.

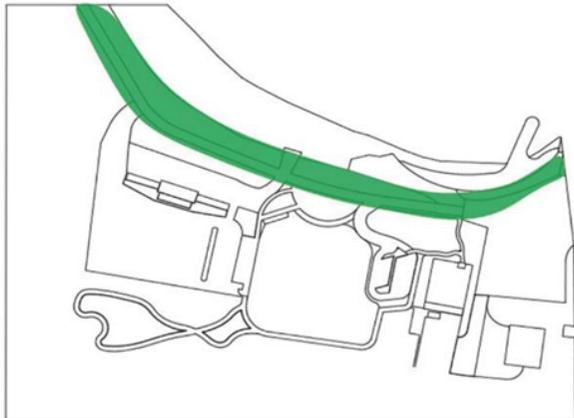
In total, 98 pieces of feedback were received during the pre-engagement process of which 97 were via the online feedback form and Have Your Say Western Bay site and 1 email. The 'Have Your Say' website had 635 visits in total with 130 visitors downloading an information document. The top three current activities and future use/groups identified through feedback received are set out in the table below.

Question	Responses	Count
What activities do you currently do near the site?	Boating	37% (60)
	Fishing	31% (50)
	Swimming	11% (18)
Please share your ideas on how you would like to see this site developed for future use, or what groups, activities or clubs could be based at this site?	Maketu Volunteer Coastguard	34% (61)
	Upgrade the facility/area	13% (24)
	Community Hub/Learning Centre	13% (23)

What is proposed?

We considered the feedback received so far and undertook further site visits to assess how the draft concept plan could respond to the key themes of feedback received. The draft concept plan also aims to enhance current use of the site by various user groups including the Maketu Coastguard, Maketu Hoe Waka Club, boaties and the Motiti Island stock barge.

The site forms part of flood protection from the Kaituna River and includes a stop bank running through the site from Ford Road to the point where the site meets the stop bank on the Bay of Plenty Regional Councils land to the North West. The area comprising the stop bank is unable to be lowered. The top of the stop bank will continue to be used as an access way for cyclists and vehicle access to the overflow/events parking area



[Birds eye view of site with green area showing stop bank for reference]

The following information and rationale sets out the key user group areas and features identified during the pre-engagement period, and how it is proposed they are reflected in the draft concept plan for formal engagement. The information is aligned with the numbers in the key on the draft concept plan.

Maketu Hoe Waka Club

The draft concept plan reflects the club's current use of the site and provides an area for continued storage on site and access to the water to launch their waka. It also provides for the development of waka launching facility onto the river. A parking area for the club has been included in the plan which would provide for approximately 17 car parks. Use of the site by the club would be formalised through a lease agreement between Council and the club.



[Side profile (not to scale) of Maketu Hoe Waka Club area to illustrate raised area connecting to cycleway and vehicle access]

Overflow/events carpark

There is an existing carpark area which was previously used by the Kaituna River re-diversion project and is currently being used by Downer as a base for their power line project in the area. The draft concept plan provides for this area to be utilised as an overflow/events car parking space for both boats/trailers as well as cars. The draft concept plan currently provides for approximately 14 more boat trailer parks, approximately 16 carparks and two accessibility car parks. The plan also provides for an area at the edge of this carpark facing the multi-use open space area for potential use as powered sites for use as concession spaces for food trucks, e-bike power stations and other vendors. It is proposed that entry and exit to the overflow/events carpark is via the same access way to reduce large vehicles towing boats travelling alongside the picnic area and ablutions.

Environmental enhancement and native planting

Pre-engagement feedback indicated the desire to protect the local environment and increasing pest control in the area. The draft concept plan provides an area where native plantings, fauna and flora and wetlands restoration can be established as well as a storm water runoff area from the events/overflow carpark. Initial costings for this have been included in the indicative costings for the project.

Ablutions and location

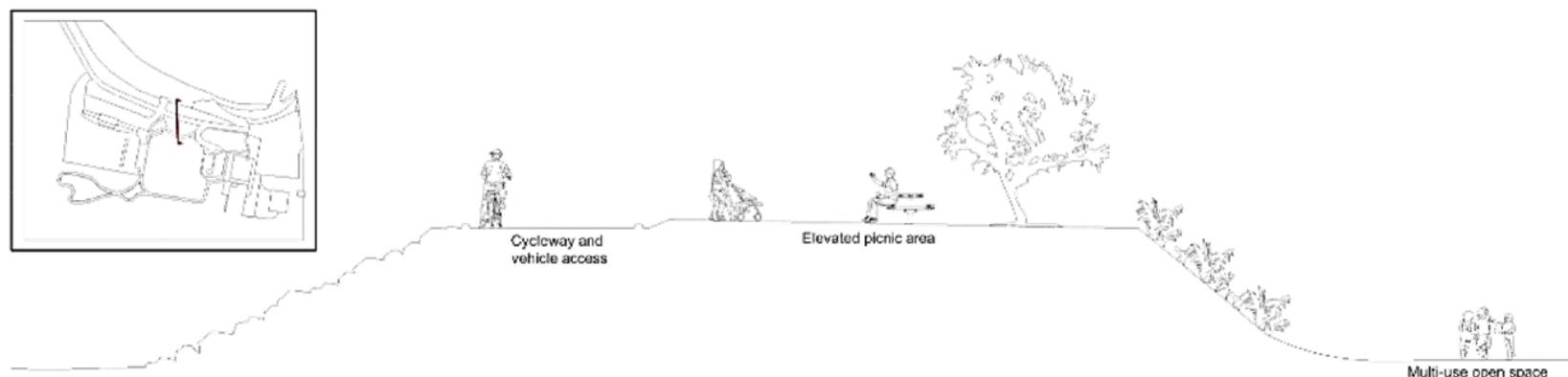
Pre-engagement feedback indicated the need for public toilet facilities at the site. The draft concept plan provides for this in a location accessible from the multi-use open space and picnic areas. Its location provides access to existing septic tank systems and costs have been included in the indicative costings.

Bicycle parking

The draft concept plan provides for bicycle parking for cyclists using the area. Its strategic location will provide eventual connection to the Tauranga Eastern Link Cycleway so usage by cyclists is expected to increase over time with the site likely to become a destination point. This also reflects the pre-engagement feedback received with electric bike charging facilities also being mooted as an additional feature (not included in indicative costings).

Elevated picnic area

The draft concept plan proposes to develop a raised area beside the existing access way to provide for a picnic area where users can gather and have a view of the estuary providing users a connection to the water. This area offers elevated views of the river and the multi-use open space area, while also providing a safe area away from the roadway along the top of the stop bank.



[Side profile (not to scale) of picnic area to illustrate elevated picnic area connecting to Multi-use open space]

Multi-use open space

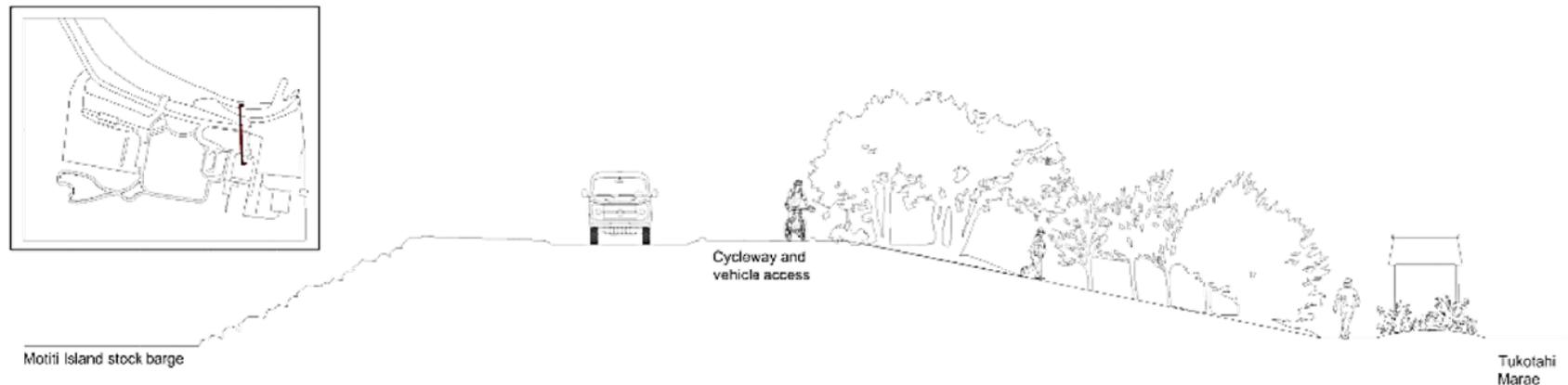
The draft concept plan provides for a large grass area that could be used for a variety of activities at the site, including but not limited to events, additional overflow car parking and markets. The plan provides for an area at the edge of the overflow carpark facing the multi-use open space for potential development as powered sites for use as concession spaces for food trucks and other vendors to support events held in this space.

Tukotahi Marae and visitor carpark

The draft concept plan provides scope for the Tukotahi Marae to be used by community groups and provides approximately 11 dedicated carparks to be developed for visitors. This reflects the pre-engagement feedback which indicated a desire for the area to have a Community Hub/Learning Centre in the existing Marae building. This site could also potentially be utilised as a base for the activities of Te Maru o Kaituna River Authority. The draft concept plan also provides for a shared access way (with Maketu Coastguard) for service delivery vehicles and accessible car parking which would have room for up to six car parks.

The draft concept plan reflects the placement of the waharoa (entrance way) located at the front of the Marae and allows for this and the area around it to be the main pedestrian entrance to the Marae with car parking now being located to the Western side of the Marae building. This

design reduces conflict between people using the Marae and vehicles accessing the site and helps provide a better connection to the Kaituna River.



[Side profile (not to scale) of Tukotahi Marae to illustrate raised area connecting cycleway and vehicle access]

Maketu Coastguard

The Maketu Coastguard presented their proposal to the Maketu - Te Puke Ward Forum in March 2020 to develop a Coastguard training base in the immediate vicinity of Ford Road and the Kaituna River. Pre-engagement feedback indicated a lot of support for the Maketu Coastguard's proposed use of the site.

The draft concept plan reflects this and the Coastguard's desire to be located with a line of sight to where their rescue vehicles are located further along the estuary. The site is primarily used for water-based activities, so the Coastguard's location next to the river is important for training and education purposes

It is understood that the Coastguard's development proposal includes car parking for their purposes and it would share an access way with the Marae building, service delivery and accessibility car parking which will have room for up to six carparks. Use of this site would be done so

through a formal lease agreement between Council and the Coastguard, with the new development having in place shared facilities with scope for community use.

Pump station

Bay of Plenty Regional Council has indicated that they need to replace the pump station currently located near the site. Their consultant engineer has identified a possible place for relocation of the pumps which is reflected on the draft concept plan near the Coastguard area.

Motiti Island Stock Barge

The draft concept plan includes the existing wharf where the Motiti Island Stock Barge docks. There is no change suggested to this area at this time.

Existing boat ramp

The draft concept plan includes the existing boat ramp on the site. There is no change suggested to this area at this time.

Other general features not specified on the draft concept plan

Pouwhenua, Waharoa and Te Reo signage and information

Pre-engagement feedback highlighted the importance of signage to inform visitors about the area and its history, including maps and storyboards. A signage plan will need to be developed in accordance with Council's reserves and road signage policies and usage of Pouwhenua, Waharoa and Te Reo signage will be a key feature as included in the indicative costings.

Freedom camping

There were mixed views on providing for freedom camping in the carpark. The current bylaw does not permit freedom camping on this site, but an assessment will be made as part of the next bylaw review. It should be noted that there can be benefits from the passive surveillance indirectly offered by freedom campers, which assists with managing potential anti-social behaviour which is important in a rural setting environment. Freedom campers will be able to use the carparks and facilities throughout the daytime.

Waste disposal

There were a range of comments made concerning waste disposal and the suggested installation of rubbish bins. Council's Waste Management and Minimisation Bylaw 2013 promotes waste minimisation and waste management objectives.

As outlined in the Reserves Management Plan policy on litter disposal the provision of rubbish bins for the collection of litter is not considered appropriate or necessary on all reserves, and generally the public will be encouraged to take their litter away with them. Where rubbish is generated due to a particular event or activity, the cost of removal will fall upon the organisers.

Safety and security

Consideration will need to be given to how the Council can ensure protection of its assets given the site's remote location. The Reserve Management Plan policy on safety and security can assist in the management of people's own safety, and the security of their property while using the facilities, with signage advising of any issues of concern. The development and management of the site has taken Crime Prevention through Environmental Design (CEPTD) principles into account.

There is an existing security camera at the existing boat ramp and initial costs for additional CCTV cameras at the site have been included in the plan's indicative costings.



Proposed naming – [Otaiparia Reserve]

The reserve is currently known as 83 called Ford Road due to its location however we are now proposing to rename it, to better reflect its historic significance.

Our policy acknowledges the New Zealand Geographical Board (Ngā Pou Taunaha O Aotearoa) Rule of Nomenclature which provides guidelines encouraging the use of original place names from Tangata Whenua, in relation to their tribal boundary.

'Otaiparia' is the name historically used in reference to the area by Tangata Whenua. It is suggested that the proposed name change to Otaiparia Reserve form part of the formal consultation and engagement process for this site.

What will the proposed development costs be?

Council will consider including the development costs in the Long Term Plan 2021-31, to enable the concept plans to be implemented. The indicative costs will be spread over several years and will be dependent on community use and demand for facilities.

Assumptions are that costs are indicative only and based on Council's levels of service and lessees to fund development and maintenance of their own site.

83 Ford Road Concept Plan – Indicative costings						
Plan #	Details – 2021 - 2031	21/22	22/23	23/24	24/25	26- 31
	Site clean up, toilet removal, fence removal, tyre removal	20,000				
	Pouwhenua, waharoa and Te Reo signage design/planning	10,000				
	Pouwhenua, waharoa and Te Reo signage construction		50,000			
	Community signage board		10,000			
	Existing road upgrade				40,000	
	CCTV Camera	10,000				
1	Cycleway				2,000	
2	Waka Ama Area	17,000				
3	Overflow Parking					25,000
3	Events Parking		20,000			

4	Environmental enhancement and planting	20,000				
5	Concession Spaces			30,000		
6	Toilet, power, septic tank consent		30,000			
6	Toilet, power, septic tank construction	50,000	150,000			
7	Bicycle Facilities			10,000		
8	Boat Ramp				20,000	130,000
9	Elevated Picnic Area		15,000			
9	Site and Park Furniture			15,000		15,000
10	Open Space development		10,000			
11	Amenity trees and perimeter planting	20,000			10,000	
11	Pedestrian Paths		25,000			
13	Tukotahi Marae Visitors Parking		25,000			
15	Service/ Accessibility Parking	13,000				
	Total – \$792,000	160,000	335,000	55,000	72,000	170,000



Feedback Number and Date Received
Office use only

Have your say on the future of your District



Western Bay of Plenty District Council



FEEDBACK FORM

- Draft Concept Plan for 83 Ford Road, Maketu

Thanks for taking the time to let us know what you think about our draft concept plan for Ford Road. Please read the statement of proposal and draft concept plan available at any of our service centres or at haveyoursay.westernbay.govt.nz, and then let us know what you think!

Visit haveyoursay.westernbay.govt.nz to make a submission online.

Otherwise, fill out this feedback form and either:

- Deliver your submission to one of our library and service centres
- Scan and email it to haveyoursay@westernbay.govt.nz
- Mail it to: Draft Ford Road Concept Plan
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143.

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 5pm, Wednesday 12 May 2021

Name:

First name

Surname

Organisation (only if submitting on behalf):

Postal address:

Home phone:

Mobile:

Email:

Signature:

Date:

(Signature of person making submission or person authorised to sign on behalf of organisation/person making submissions)

Want to talk to us? Come to our Have Your Say Event on Saturday 1 May 2021, 10am to 1pm at Tukotahi Marae, 83 Ford Road, Maketu. This is a drop-in event and upon arrival you'll be required to register.

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process.



3. Does the draft concept plan provide for all users of the site?

- Yes
- No

4. If not, who else do you think will use the site and when?

Lined area for handwritten response, overlaid with a large 'DRAFT' watermark.

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process.



5. Proposed name change - Otaiparia Reserve

This site is called 83 Ford Road due to its location. We are proposing to rename it Otaiparia Reserve to better reflect its historic significance. Do you agree with the proposed name change?

- Yes
- No

6. If not, what name do you suggest and why?

Handwritten text: Otaiparia Reserve



7. Please provide any other comments on the Ford Road draft concept plan.

Lined area for providing comments, featuring a large, faint 'DRAFT' watermark.

9.3 ADOPTION OF ELDER HOUSING SECTION 17A REVIEW

File Number: A3968325

Author: Jodie Rickard, Senior Policy Analyst

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

The purpose of this report is to present the Section 17A review of Council's elder housing activity for adoption.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 18 February 2021 titled 'Adoption of Elder Housing Section 17A Review' be received.
2. That the report relates to an issue that is considered to be of **High** significance in terms of Council's Significance and Engagement Policy.
3. That the Policy Committee adopts the report titled "Review of the Western Bay of Plenty District Council's Elder Housing Activity" (**Attachment 1** to this report).
4. That the report is considered "More Information" and is referenced in the Long Term Plan 2021-2031 Consultation Document, to support Council's key proposal to retain its elder housing activity.

BACKGROUND

The review of Council's elder housing activity was initiated through Council's Housing Action Plan 2018. The review was a key action because it enables Council to look at an area where there is a high need in the community, where Council currently plays a significant role, and ask if there are better ways the service could be provided to get better outcomes.

The review commenced in 2019, with Council agreeing the key driver was "to increase the amount of elder housing provided in the District."

Several other Councils have also recently completed reviews of their elder housing activity, with different options being chosen.

Through a series of workshops, community engagement, and options assessment held throughout 2020, Council determined its preferred option.

The preferred option is to continue to provide elder housing as an activity of Council, and to redevelop its stock over time so that more housing can be provided.

The preferred option has been included in the Long Term Plan (LTP) 2021-2031 Consultation Document as a key proposal. Formal consultation will occur from March to April 2021. Final decisions on the preferred option will be made as part of the LTP decision-making process.

The Section 17A review also includes conditions regarding the preferred option. Those conditions are:

1. The activity is a 'ring fenced' activity of Council. This means the revenue (from rental income) covers the expenditure, including all interest costs, of providing the activity.
2. The activity is to provide elder housing for those aged 65 years and over (or the equivalent of the age of eligibility for New Zealand superannuation) and with limited financial means.

3. Sites are redeveloped over the next 30 years to ensure the units are fit for purpose for tenants needs. Redevelopment will be funded from the activity revenue, and external sources on a case-by-case basis where that is an option.
4. An operational policy is developed which sets out eligibility criteria and tenancing guidelines. The policy will include a clause that weekly rents are set to no more than 35% of the net weekly rate of NZ superannuation, minus the accommodation supplement.

Conditions 1 and 3 have been included in the Draft LTP 2021-2031.

The operational policy will be scoped with the Policy Committee at its workshop in March 2021. This will confirm the 'cohort' elder housing is provided for as set out in Condition 2.

SIGNIFICANCE AND ENGAGEMENT

1. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

2. In terms of the Significance and Engagement Policy this decision is considered to be of High significance. This is because it affects a strategic asset of Council, and the level of service Council provides for a significant activity of Council.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

3. Engagement on the Section 17A review

Council has engaged with the public on elder housing through its pre-engagement on the LTP 2021-2031. This included asking for people's views on whether Council should continue to provide elder housing, how it should be funded, and what should happen if Council decided not to continue providing elder housing.

The feedback received is included in the Section 17A review. It was used to inform Council's decision making on the preferred option included in the LTP 2021-2031 Consultation Document.

Council staff and elected members also met individually with all elder housing tenants. This occurred on two occasions. The tenant's views were recorded, and are also included in the Section 17A review.

Staff also engaged with the Bay of Plenty District Health Board. This was to ensure a clear picture of accommodation needs and demands of older people was formed, and to understand the differing needs of older tenants and how that affects tenancy management.

The preferred option included in the LTP 2021-2031 Consultation Document will be part of the formal LTP consultation running from March to April 2021. The feedback received will be used for deliberations on the LTP 2021-2031, and final decisions will be made as part of the LTP 2021-2031 adoption.

Interested/Affected Parties	Completed engagement, planned consultation		
General Public	LTP 2021-31: Phase 2 pre-engagement. Online survey.	Planned	Completed

Tenants	<p>Tenants engaged through two individual meetings, held in March and June 2020, and in December 2020.</p> <p>Independent facilitator contracted as part of the process. The independent facilitator was able to be contacted by tenants or their support people on an 0800 number to discuss any part of the proposal.</p> <p>Feedback received by the independent facilitator has been collated and included in the Section 17A review.</p>		
Ward Forums	<p>Engagement held through ward forums – roundtable sessions with participants.</p> <p>Feedback collated and included in LTP phase 2 feedback.</p>		
BOP District Health Board	<p>Face to face meeting with the Allied Health team to discuss the needs of older tenants and how that affects tenancy management.</p>		
General public and stakeholder engagement	<p>Formal consultation through the LTP 2021-2031 Phase 3 engagement (special consultative procedure).</p>		

ISSUES AND OPTIONS ASSESSMENT

- Council has already endorsed the preferred option set out in the Section 17A review, and has included that in the LTP 2021-31 Consultation Document.
- If Council chooses not to adopt the Section 17A review, the preferred option will still be consulted on through the LTP Phase 3 engagement (special consultative procedure). However the Section 17A review will not be included as 'more information' that people can then refer to, to understand more about Council's decision making process.

Option A Adopt Section 17 A review Include as 'more information' for reference for the LTP 2021-31 Consultation Document	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>This option does not directly impact the four wellbeings, however the recommendation of the review does have significant impacts.</p> <p>The preferred option is to retain the elder housing activity, and to redevelop the stock over time so that it is fit for purpose and more housing for older people is provided.</p> <p>This is considered to have positive social and economic impacts.</p> <p>Assessment of these disadvantages and advantages will be included in the LTP deliberations where the final decision will be made.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>There are no direct costs from adopting the Section 17A review report.</p>

	<p>The decision Council makes through the LTP deliberations will have costs. These include:</p> <ul style="list-style-type: none"> - Ongoing operational costs (both for tenancy management services and property management services) - Capital costs for redevelopment. <p>The full costs of the service are included in the Section 17A report.</p> <p>The 'ring fencing' of the activity means these costs will be funded from the revenue generated by the activity.</p> <p>To do this, Council is increasing rents, to \$180 a week in year 1 and \$220 a week in year 2 of the LTP (noting that tenants can access the Accommodation Supplement).</p>
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	The Section 17A review recommends development of an operational policy to guide rent setting and tenant eligibility decisions. This will be progressed through the Policy Committee.
Option B	
Do not adopt the Section 17A review and its recommendations	
Assessment of advantages and disadvantages including impact on each of the four well-beings	The Section 17A review informs the key proposal for elder housing included in the LTP Consultation Document. The key direct disadvantage of not adopting this Section 17A review is that the preferred option in the LTP Consultation Document will not have any supporting information.
<ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	
Costs (including present and future costs, direct, indirect and contingent costs).	There are minimal costs of not adopting the Section 17A review.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	The implications are that the Section 17A review is not available to support the key proposal for elder housing in the LTP Consultation Document.

Table 2**STATUTORY COMPLIANCE**

6. Section 17A of the Local Government Act 2002 sets out specific requirements that must be met when completing a review of a council activity. The review needs to consider options for the governance, funding, and delivery of the activity.
7. The assessment of these options is included in Part 11 of the attached Section 17A report. Some options were not considered viable, as per the table below:

Option	Reason not progressed
Delivery by a Council controlled organisation (CCO)	The activity is a relatively small activity of Council. The size of the portfolio (70 units) and current operational management

	<p>arrangements (two internal staff property managers). The establishment, management and administration of a CCO is not considered cost effective given the size of the activity.</p>
<p>Delivery by a council controlled organisation in which Council is one of several shareholders</p>	<p>There are no existing local CCOs that could take over service delivery of the activity. For the same reasons above, becoming a shareholder in an existing CCO of another local authority is not considered cost effective or efficient.</p> <p>Establishing a CCO to do this is not considered cost effective.</p> <p>In addition, the local authority who Council would be in the best position to work with on this option is Tauranga City Council (TCC). TCC completed a review of their elder housing activity in 2018, and are progressing with divestment.</p>
<p>Delivery is carried out by another local authority</p>	<p>As above, TCC are the local authority that could take over service delivery. They have already made the decision to divest their portfolio.</p>
<p>Responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is carried out by either a CCO, a CCO in which Council is one of several stakeholders, another local authority, or another person or agency</p>	<p>Council could consider governance and funding being delegated to a joint committee or other shared governance arrangement. Given the size of the activity, however, and the size of Council, the additional administration required for this is not considered cost effective or efficient. The activity is currently managed effectively under existing committee delegations and terms of reference.</p>

FUNDING/BUDGET IMPLICATIONS

8. The preferred option is to continue to provide elder housing as an activity of Council, and to redevelop its stock over time so that more housing can be provided.
9. The 'ring fencing' of the activity means that all expenditure incurred will be covered by income (rental income), including funding capital costs of redevelopment. This is reflected in the Long Term Plan 2021-31 Consultation Document, and the draft Revenue and Financing Policy that is part of the Long Term Plan 2021-2031.
10. There are therefore no ongoing costs to ratepayers associated with this report.

ATTACHMENTS

1. **Review of the Western Bay of Plenty District Council's Elder Housing Activity** [↓](#) 



*Western Bay of Plenty
District Council*

Review of the Western Bay of Plenty District Council's **Elder Housing Activity**

February 2021

Produced by: Jodie Rickard

Senior Policy Analyst

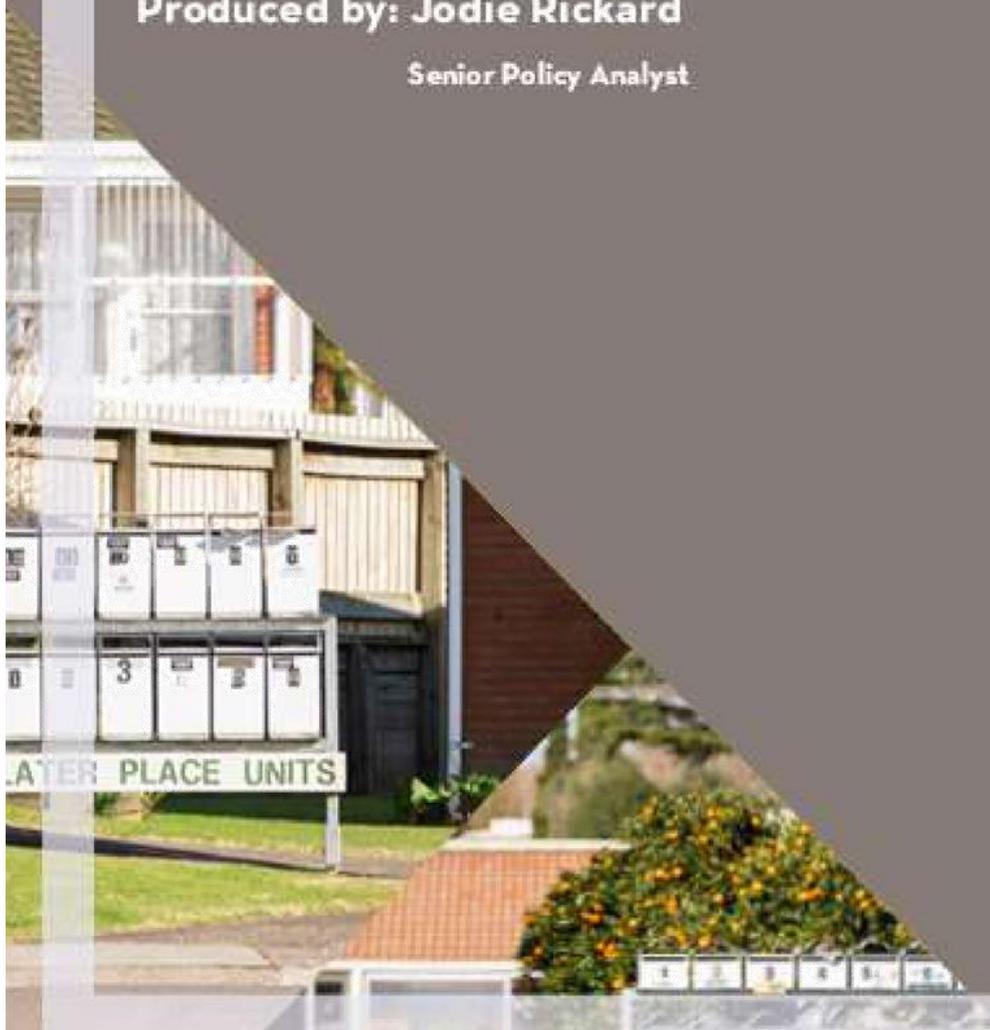




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FINAL REPORT

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This document is the review of Western Bay of Plenty Council's Elder Housing Activity, undertaken under Section 17A of the Local Government Act 2002. The reports recommendations have informed Council's key proposal for elder housing included in the Long Term Plan 2021-2031 consultation document.

Project Status:





1. Executive Summary

This report reviews Western Bay of Plenty District Council's Elder housing activity, including its current cost-effectiveness, its operations, and alternative service delivery options. The review has been undertaken at the request of Council, and satisfies the requirements of Section 17A of the Local Government Act 2002.

Two key documents have informed this review:

- the Western Bay of Plenty Housing Demand and Need Assessment, completed in December 2017, and
- older people and the rental market in the Western Bay of Plenty Sub-region – A working paper prepared for the Population Ageing Technical Advisory Group, completed in November 2016.

Both reports highlight the growing need for affordable rental accommodation for those aged over 65 years, and the significant projected increases in this need over the next 30 years.

In recognition of this, Council identified a key driver for the review of its elder housing activity as being a need to increase the amount of affordable rental accommodation provided for those aged 65 years and over, and of limited means, in the district.

Other key factors identified for the review were:

- Providing a financially sustainable service (revenue covers costs),
- Maintaining affordability for tenants,
- Being able to provide accommodation that is fit for purpose for modern living needs, and
- Ensuring the accommodation continues to provide for people aged over 65 years, and of limited means.

A working group of elected members was established to progress the review. The process included:

- engagement with tenants via face to face meetings and newsletters
- wider public engagement through the development of the 2021-2031 Long Term Plan.
- Condition assessments of the units and analysis of the financial viability of the activity.
- Development and assessment of options, using weighted scoring.

Recommendation

Taking into account the research and analysis of options in this review, it is recommended that Council continue to provide elder housing, as an activity of Council, with the following conditions:

1. The activity is a 'ring fenced' activity of Council. This means the revenue (from rental income) covers the expenditure, including all interest costs, of providing the activity.
2. The activity is to provide elder housing for those aged 65 years and over (or the equivalent of the age of eligibility for New Zealand superannuation) and with limited financial means.
3. Sites are redeveloped over the next 30 years to ensure the units are fit for purpose for tenants needs. Redevelopment will be funded from the activity revenue, and external sources on a case-by-case basis where that is an option.
4. An operational policy is developed which sets out eligibility criteria and tenancing guidelines. The policy will include a clause that weekly rents are set to no more than



35% of the net weekly rate of NZ superannuation, minus the accommodation supplement.

2. Introduction

This report reviews the Western Bay of Plenty District Council's Elder Housing activity with respect to the current service delivery model, its cost effectiveness, and alternatives for future delivery options.

To satisfy the requirements of s17A of the Local Government Act 2002 (discussed in Section 4), this report must assess the cost effectiveness of the current arrangements of Council's Elder Housing activity, and to consider partnerships with other councils and/or entities to deliver services more efficiently. These requirements are viewed as a minimum. A wide range of service delivery options have been considered and assessed against the key driver and secondary drivers of the review, as determined by Council.

The key driver for this review is:

- a need to increase the amount of affordable rental accommodation provided for those aged 65 years and over, and of limited means, in the district.

The secondary drivers are:

- Providing a financially sustainable service (revenue covers costs),
- Maintaining affordability for tenants,
- Being able to provide accommodation that is fit for purpose for modern living needs, and
- Ensuring the accommodation continues to provide for people aged over 65 years, and of limited means.

3. Context

3.1 Background to Western Bay of Plenty District Council's elder housing

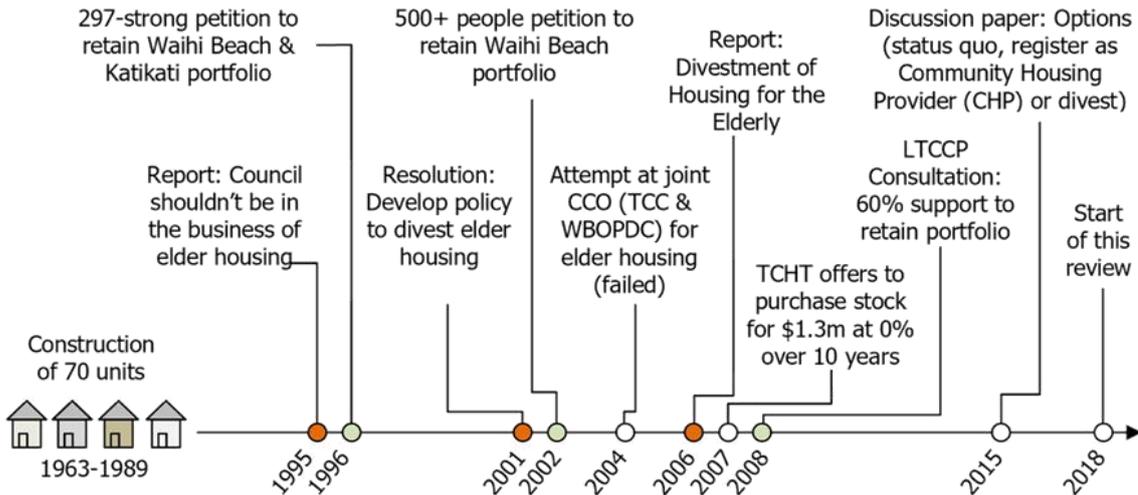
The Western Bay of Plenty District Council's housing stock of 70 elder housing units were constructed between 1963 and 1989. More detailed information on each village is provided in Section 4 of this report.

Units at Waihi Beach are located on land which is held "on trust" (similar to endowment land) that essentially restricts the use of the land to affordable accommodation for superannuates. Any sale or transfer of this land would be subject to sections 140 and 141 of the Local Government Act 2002, whereby such sale or transfer to a party (including a Community Housing Provider) would also mean transferring the restriction of land use. If transferring this land to another entity, a reasonable attempt must be made to notify the donor of the property (or their successor) that Council intends to sell the land, and provide them with a reasonable opportunity to comment on the intended sale. Council may instead lease the land without being subject to sections 140 and 141 of the Local Government Act 2002.



3.2 Previous decisions on the elder housing activity

Council first considered whether or not it should remain in the business of providing elder housing in 1995. It has reviewed its position on elder housing several times, with motions to retain the housing portfolio largely driven by public support. Notably, a petition was received in 2002 which contained over 500 signatures to retain the Waihi Beach units. The following timeline summarises Council’s political history on elder housing:



Council’s current position on elder housing

The Western Bay of Plenty District Council does not have a strategy or policy for the management of its elder housing portfolio. Instead, the activity is outlined in the Long Term Plan under the Community Facilities group of activities. The outline in the 2018 Long Term is as follows:

Local authorities have had a long standing role in providing housing for older people which enables those on low incomes to live in a safe, secure and well-maintained environment.

There has been a lot of discussion in recent years about whether Council should be in the business of providing housing for older people. Feedback from our communities signalled support for Council’s ongoing involvement and we will continue to provide housing for older people while it remains a self-funding activity. However, we will investigate the implications of recent changes to legislation which excludes local government from subsidy funding arrangements.

Our District is seeing increasing numbers of older people living longer. At the same time, and largely as a consequence of population growth, there has been a decline in the affordability of housing across our District. As a result we are likely to see an increased demand for housing for older people on low incomes.

The challenges and opportunities that an ageing population present are being increasingly considered in planning for a sustainable future and we are actively considering ways to improve housing affordability (e.g. removing barriers to development/fast tracking development applications).



3.3 Western Bay of Plenty District Council Housing Action Plan

Council's Housing Action Plan (HAP) seeks that "all Western Bay of Plenty residents are well housed". The plan was adopted by Council on 18 October 2018 and includes a number of subsidiary projects, one of which is this review of the elder housing activity.

The agreed action in the HAP for elder housing is to review the cost effectiveness and service delivery of Council's elder housing activity, with a view to increasing the supply of elder housing across the district.

The action plan has an aspirational vision which sees all residents having access to homes that are:

Affordable: The right size house at the right price

Accessible: In the right location, and designed to meet my needs

Habitable: That's warm, dry and healthy

With security of tenure: For as long as I need it.

It is noted that this vision cannot be achieved by Council alone, however Council will position its activities and influence to contribute towards achieving the vision, within its resourcing capabilities.

These focus areas have been considered as part of the assessment of options for the elder housing service delivery.



4. Legal Requirements for this Review

This review has been carried out in accordance with Section 17A of the Local Government Act 2002 (LGA). Section 17A requires Council to review the cost-effectiveness of current arrangements for meeting the needs of communities within its district. The legislation is essentially designed to encourage councils to seek efficiencies and to encourage partnerships with other councils and/or entities to deliver services more efficiently, where that is identified as a worthwhile option.

Section 17A directs that such a review must consider options for the **governance, funding, and delivery of services** including but not limited to:

- a) *responsibility for governance, funding, and delivery is exercised by the local authority;*
- b) *responsibility for governance and funding is exercised by the local authority, and responsibility for delivery is exercised by—*
 - (i) *a council-controlled organisation of the local authority; or*
 - (ii) *a council-controlled organisation in which the local authority is one of several shareholders; or*
 - (iii) *another local authority; or*
 - (iv) *another person or agency;*
- c) *responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is exercised by an entity or a person listed in paragraph (b)(i) to (iv).*

This review has considered Council's approach to elder housing within a wider context, taking into account Council's Housing Action Plan and the needs of the community.

4.1 Key driver and secondary drivers for this review

Through discussions with elected members at policy and planning workshops in 2018 and 2019, Council's general position on elder housing has been a desire to retain the portfolio, but only if the scheme can be self-funding. Further, the supply of elder housing should increase as the number of houses has been stagnant for a long time, while demand has increased.

The Housing Need and Demand assessment (discussed further in Section 5 of this report) indicates that demand will continue to increase in the future. This also reinforced Council's Housing Action Plan (HAP) vision that Western Bay of Plenty residents be well housed in terms of affordability, accessibility, habitable spaces, and with security of tenure.

The key driver for change, endorsed by the Policy Committee, is:

"That the supply of elder housing is increased in the Western Bay of Plenty."

This doesn't necessarily mean that Council would pay for and develop elder housing directly, rather that Council can assist other organisations and leverage the existing portfolio in order to ensure the supply of elder housing is increased in our district – irrespective of who manages that portfolio. The direction of Council was that different options for ownership and delivery could be explored through the Section 17A process.



Other drivers for change

The following are considered to be other drivers for change, which have fed into this review:

- Economic drivers:
 - Debt: To eliminate/reverse the increasing deficit in the elder housing current account balance
 - Upcoming renewals and maintenance costs may increase given the age of the stock, particularly with new Tenant Warrant of Fitness standards.
- Efficiency:
 - It may be more efficient for the operation as a whole to be managed by one group who specialise in elder housing / social housing services, especially in relation to support services for the elderly
- Increase/decrease current level of service:
 - Consideration for meeting an increased level of service for tenants if desired (such as maintenance, support services)
- Limitations of ownership, such as no current accessibility to Income Related Rent Subsidy (IRRS) scheme (to be explored).

4.2 Council Direction and key messages

At a workshop on 5 December 2018, the Policy Committee agreed on the drivers for the review, and that alternative service delivery options must not include selling the elder housing stock on the open market. At a subsequent workshop on 16 July 2019, the Committee endorsed a draft project plan, with the expectation that a more refined consultation approach be presented to Council in early 2020.

A project Working Group was established, consisting of four elected members, staff and an independent external facilitator.

At the workshop on 16 July 2019, the Policy Committee also reaffirmed the key messages which underpin the project. These are:

- Council is reviewing the cost effectiveness of its elder housing activity;
- Council is exploring alternative service delivery options for its elder housing activity;
- Elder housing provides affordable, accessible and habitable accommodation with security of tenure for tenants;
- The key driver for change is to increase the supply of elder housing in the Western Bay of Plenty, irrespective of who manages the portfolio; and
- The goal of the review is to achieve a higher standard of living for the existing and future tenants of our elder housing units.

These messages were used for interaction with the public, including tenants, and formed the foundation of the review insofar as they outlined Council's intentions for the review.



5. Housing demand and supply for people aged 65 years and over in the Western Bay of Plenty

5.1 Housing Need and Demand

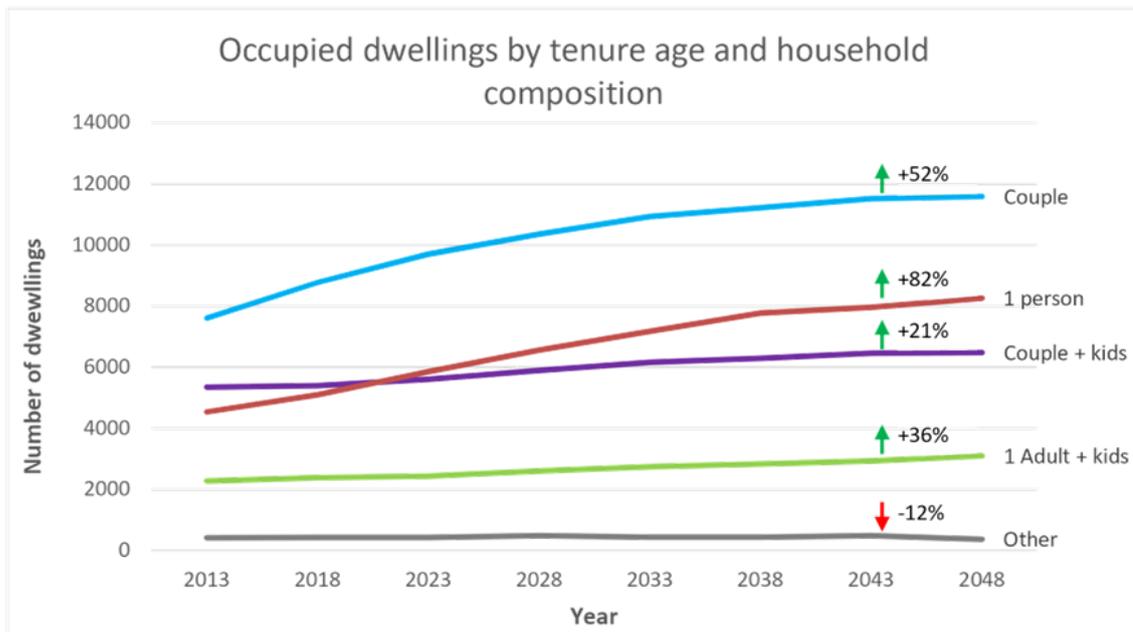
In 2017, Western Bay of Plenty District Council, Tauranga City Council, SmartGrowth and BayTrust commissioned a study on the housing demand and need of the sub-region, with a 30 year view. The report, published in December 2017, provides a forecast on housing supply and demand to the year 2047 including housing types, demographic distribution of housing demand and housing affordability. Modelling was based on a range of data sources from SmartGrowth, NIDEA and Statistics New Zealand (including Census data).

Overall the study found that the number of people aged 65 years and older who are renters is projected to increase by 182% in the Western Bay of Plenty over 30 years from 2017 to 2047. While the study calculated housing demand for all age groups and household types, it concluded that the projected increase in housing need from 2017 to 2047 was primarily “a reflection of the projected increase in the number of older one-person and couple-only renter households aged 65 years and older”, given their proportion of all renter households increases over time.

The key findings of the report are as follows:

Demand:

- Renter occupied dwellings with people aged 65 years and older are projected to increase by 6,830 (or 222%) in Tauranga and 1,970 occupied dwellings (or 182%) in Western Bay of Plenty;
- An increase in households aged 65 years and older from 32% in 2017 to 43% in 2047.
- 8,200 more dwellings are required within the Western Bay (excluding Tauranga) by 2047, with an annual average demand between 430 and 220 dwellings;
- 3,460 households are experiencing “housing need” today;
- Demand for dwellings by family composition (owner-occupied and renters) forecast to 2048:





- By 2047 there will be an additional need for 2,580 dwellings with 2 bedrooms or less, and 5,400 dwellings with 3 bedrooms or more, compared with the year 2017.

Affordability:

- The number of couple-only (no children) renters is increasing.
- Unaffordability trend is increasing.
- House prices have been increasing by double the rate of income since 1991.
- Nearly 90% of renters cannot affordably purchase a home greater than \$500,000.
- Median house price in March 2017 was \$620,000 in Tauranga, and \$550,000 in Western Bay of Plenty district.
- Lower quartile housing value was \$450,000 in 2017 in the Western Bay of Plenty district.

Housing Types:

- 85% of new dwellings since 2001 were 3, 4 or 5 bedroom.
- 510 more 1 & 2-bedroom owner-occupied homes will be needed by 2047.
- 2,070 more 1 & 2-bedroom rental dwellings will be needed by 2047.
- Generally, there is projected increase in demand for multi-unit vs standalone dwellings, particularly for renters.

Overall, the forecast paints a relatively bleak future in terms of rising unaffordability, and the relatively high number of new dwellings needing to be constructed each year, as well as a discourse in housing typology where 85% of developments only catering to the 3+ bedroom housing typologies rather than the much higher need for 1-2 bedroom houses.

5.2 Affordable, independent rental options for people aged 65+ years

In November 2016, a report on Older People and the Rental Market in the Western Bay of Plenty Sub-region (Tauranga and Western Bay of Plenty combined areas) was released. The report was prepared for the SmartGrowth Population Ageing Technical Advisory Group, and was part of the Ageing Well National Science Challenge.

A subsequent research paper, released in April 2020, on the housing trade-offs of seniors, also provides useful insights.

The 2016 research paper identified that:

- 60.5% of older renters in the sub-region were aged between 65-74 years. Almost one third were aged 76 and older.
- Most older renters live in private rentals.
- Of those who live in Council accommodation (provided by both Tauranga City and Western Bay of Plenty District Councils), the age profile is higher. 56 percent are aged 75 and over.
- Rents in the private rental market are high if the older person is reliant on NZ superannuation or the veteran's pension.
- There is a small amount of stock that caters specifically for older tenants, by providing accessible features – this is more likely to be provided by council and community housing providers, rather than the private market.
- Older renters are more likely to have a disability than other owner-occupiers, and those living in Council housing are more likely than those in private rentals to have a disability. This is also driven by the higher proportions of Council housing tenants who are over the age of 75 years.



- There is evidence that private rental stock is in poorer condition than Council or community housing provided stock.
- Retirement villages in the sub-region provide no rental accommodation.

The 2020 research paper identifies that:

- people living in rental accommodation derive wellbeing from that accommodation when they feel they have security of tenure.
- Older people want smaller and accessible accommodation that is warm and dry.

6. Western Bay of Plenty District Council's elder housing portfolio

Overview of portfolio

The Western Bay of Plenty District Council's housing stock of 70 elder housing units were constructed between 1963 and 1989. They are located across the district in Waihi Beach, Katikati, and Te Puke. All of the villages are well located in terms of their proximity to shops and public amenities.

The units are generally structurally sound, however some major repairs are needed in the next 10 years, such as roof replacements. The houses have not been modernised since their construction, and currently do not cater well for cars and mobility scooters. For most units, the kitchens, hot water cylinders, and electricity distribution boards have not been replaced since their original installation.

Collectively, the elder housing portfolio has a capital valuation (land and buildings) of \$11,825,000 as at 1 July 2020. The land is valued at \$3,875,000.

The data below includes information on the condition of the existing stock and the redevelopment potential of the sites.



Yeoman Flats, Katikati

17 Heron Crescent, Katikati

Built: 1982

Site: 946m² (1 lot)

Units: 4

Size of Units: Approx. 45m²

Buildings Valuation: \$443,000 (1 July 2020)

Land Value (combined with HJ Cooper Flats): \$690,000.

Location: Very well located with shops and public facilities very close by and a park next door.

Current Condition: The units are in a fair-good condition. No urgent work is required. However, given the age of the units ongoing maintenance and replacements of components will be necessary.

Estimated costs of maintenance over 10 years: \$178,841.25.

Redevelopment potential: There is significant scope to redevelop this site. The site is flat and well located. The units are standalone with significant space around them. They would also be relatively easy to move off the site.



H J Cooper Flats, Katikati

13 & 15 Heron Crescent

Built: Four units in 1977 and three units in 1979 and

Site: 1,560m² (2 lots)

Units: 7

Size of Units: Approx. 50m² (single), and Approx. 60m² (double)

Buildings Valuation: \$770,000

Valuation: Combined with Yeoman Flats: \$690,000 (1 July 2020)

Location: Very well located with shops and public facilities very close by and a park next door.

Current Condition: The units are in a fair-good condition. No urgent work is required. However, given the age of the units ongoing maintenance and replacements of components will be necessary.

Estimated costs of maintenance over 10 years: \$302,364.30

Redevelopment potential: there is significant redevelopment potential, however it would mean demolition of the existing units. The site is flat and well located.



Ulster Flats, Katikati

5-7 Tui Place

Built: 1970s

Site: 1,346m² (2 lots)

Units: 6

Size of Units: Approx. 45m²

Buildings Valuation: \$944,000

Land Valuation: \$395,000.

Location: Well located with shops public facilities close by and a public park next door including the Dave Hume pool.

Current Condition: The units are in a fair-good condition. There are some wall linings that contain asbestos, that require labelling. Floor coverings and bathroom facilities are dated. It is anticipated replacement and upgrades will be required within the next 10 years. This is included in the estimated costs of maintenance.

Estimated costs of maintenance over 10 years: \$215,613.30.

Redevelopment potential: Space available for some additional units, would require relocation of existing units. Modernisation/upgrade potential as well.



Lee Street, Te Puke

Built: Nine in 1970, three in 1986 and two in 1987

Site: 2,234m² (3 lots)

Units: 14

Size of Units: Approx. 45m²

Building Valuation: \$1,723,000

Land Valuation: \$390,000 (1 July 2020).

Location: Nestled in residential area. Short drive to shops and public amenities.

Current Condition: The units are in a fair-good condition. Floor coverings, bathroom and kitchen facilities are dated. It is anticipated replacement and upgrades will be required within the next 10 years. This is included in the estimated costs of maintenance.

Estimated costs of maintenance over 10 years: \$419,517.

Redevelopment potential: No room on site for additional units. Modernisation/upgrade potential only.



Slater Place, Te Puke

9 Slater Place

Built: Approx. Six in 1970, six in 1974 and eight in 1986

Site: 3196m² (4 lots)

Units: 20

Size of Units: Approx. 45m²

Building Valuation: \$1,970,000

Land Valuation: \$750,000

Location: Shops nearby, public amenities a short drive away.

Current Condition: The units are in a fair-good condition. It is anticipated that on older units roofing, including gutter eaves and downpipes, will need replacement within the next 10 years. There is also some subfloor cracking to Unit 3. Aluminium joinery in Units 7-12 is anticipated to need full replacement within the next 10 years. These components have been included in the estimated costs of maintenance.

Estimated costs of maintenance over 10 years: \$449,590.

Redevelopment potential: No room on site for additional units. Modernisation/upgrade potential only.



Stafford Clark Court, Waihi Beach

Built: 1974

Site: 4,029m² (2 lots)

Units: 19 (18 singles, 1 double)

Size of Units: Approx. 45m²

Building Valuation: \$2,100,000

Land Valuation: \$1,650,000(1 July 2020)

Location: Shops and public amenities (including the beach) are a short drive away.

Current Condition: Units are in a fair-good condition. It is anticipated that the units will require repainting within the next 10 years. Floor coverings and bathrooms facilities will also require replacement within the next 10 years. These components have been included in the estimated costs of maintenance.

Estimated costs of maintenance over 10 years: \$761,341.36.

Redevelopment potential: Available space is relatively steep and unsuitable for building on, so little opportunity for additional units. Modernisation/upgrade potential.



Tenancy management services

Two Property Services Officers manage the tenancy and maintenance of the units, as part of their role. The elder housing portfolio is split into two areas, being 'East' (Te Puke) and 'West' (Katikati and Waihi Beach). The property services officers are also responsible for management and maintenance of Council's other community facilities in those areas, such as libraries and service centres, and other project work as required.

Council has agreed criteria that is applied to tenancy applications. In considering these applications the property services officers also work to ensure that prospective tenants will be a good fit within the village.

The criteria for tenants are:

- Aged 65 years and over
- Receiving NZ superannuation or similar
- Have a medical doctor's certificate to verify the applicant is able to care for themselves and live independently
- Provide two written reference or details of two people willing to provide verbal references
- Demonstrate a genuine housing need, which is assessed on the basis of having assets with the value of no more than \$20,000 (including motor vehicles).
- May earn up to \$100 a week from any benefit, dividends, income (employment) beneficiary or trust, or interest.
- Preference currently given to applicants with a history of residency in the Western Bay of Plenty District.

Downers are contracted to undertake regular upkeep of lawns, clean gutters and paths, and an annual maintenance check of the portfolio. Their contract is sometimes varied to include miscellaneous maintenance issues such as repairing footpaths and pipes.

Endowment Land

A portion of the Stafford Clark Court units in Waihi Beach are located on land which is noted as "endowment land". The land is technically held "in trust" by WBOPDC, who inherited it from the former Ohinemuri County Council.

According to the Controller and Auditor General¹, endowment land or land held on trust can only be sold if:

- Council gives notice of its intention to sell in its draft LTP, and
- The notice of intention to sell includes the use of the proceeds of the sale, and
- The sale is not expressly prohibited by the terms of the endowment/trust, and
- Council uses the proceeds of the sale as set out in the terms of the endowment/trust.

Documents used in the original transfer on trust states that the land is to be used for:

"...the purpose of erecting and providing thereon residential flats for occupation by indigent persons comprising in particular (and without derogating from the generality of that description of persons) widows and/or widowers pensioners super-annuitants and/or other elderly needy persons or to use the said land in conjunction with or appurtenant to the use of

¹ From: "Local Government: Results of the 2003/04 Audits", Section 2.3: Sale of Endowment land (https://www.oag.govt.nz/2005/copy_of_2003-04/part2-3.htm)



adjoining land used or to be used by the Corporation or its successor for the purposes aforesaid and the Corporation doth hereby accept this transfer".



Legal advice

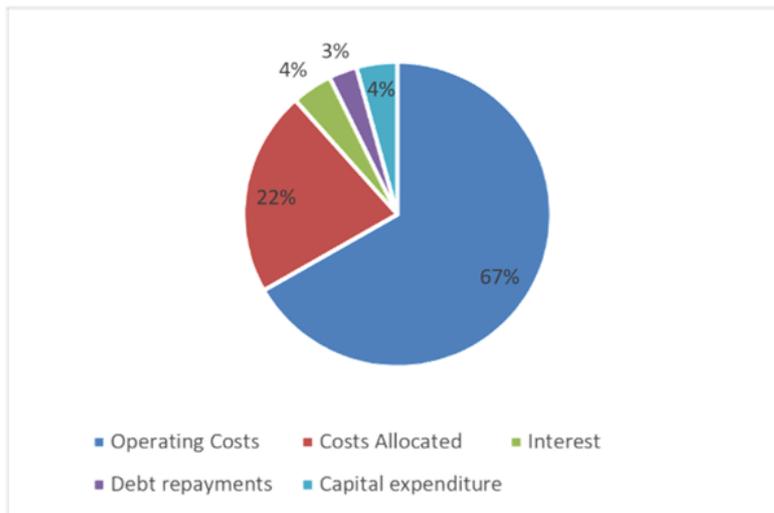
Council sought legal advice from Cooney Lees Morgan about the potential to transfer or lease ownership of this land to a Community Housing Provider (CHP), should such option be chosen. The advice is summarised as follows:

1. The village at Waihi Beach comprises two lots, being Lot 4 DPS13255 ("Lot 4") and Lot 8 Block VIII DP17197 ("Lot 8")
2. Neither lot is "endowment" land. Both lots were held "on trust".
3. Lot 4 remains as being held "on trust", however Lot 8 is no longer subject to the trust imposed because it was subject to a lease which has expired.
4. Council is able to transfer Lot 4 to a CHP, subject to sections 140 and 141 of the Local Government Act (land held as an endowment or on trust must be used for its purpose). Lot 8 is not subject to those sections.
5. In transferring Lot 4 to a CHP, a reasonable attempt must be made to notify the donor of the property (or their successor) that Council intends to sell the land, and provide them with a reasonable opportunity to comment on the intended sale. The donor of Lot 4 was Ralph Lewis Brown, Lindsay Brown and Stewart Raymond Brown.
6. While Lot 8 is not subject to the same legal restrictions, the legal advice suggests contacting the donor Cuthbert Stafford Wilson Clark or their successor(s) in any case, as they may take a different view of the leasehold interest being expired.
7. Council may take monetary payment if selling to a CHP (assuming the CHP continues to operate within the bounds of the trust agreement), however any proceeds would need to be applied in a manner consistent with the purpose of the trust. This is mandatory for Lot 4, and recommended for Lot 8 (the trust no longer exists, however a conservative approach would be to treat both lots equally).
8. If the land is sold to a CHP, there is nothing stopping the CHP from later selling the land on the open market; subsequent owners would not be obliged to continue to use the flats for elder housing. Given this, Council may register an encumbrance on the titles to ensure future use of the land is for elder housing only, or otherwise require the CHP to have to offer back the land to Council if the CHP wishes to sell
9. Leasing the land to a CHP would not trigger the sale restrictions of sections 140 and 141 as above, as Council would retain ownership of the land, where Council could continue to comply with the trusts for the land.

7. Current financial position

Rent is the only income stream for this activity. It is currently set at \$129.50 per week for a single tenant, and \$184 per week for a couple. Total income from rent has increased from \$357,162 in 2011, to \$457,141 in the 2020 financial year.

For the 2019/20 financial year, total expenditure was \$532,444, which included:

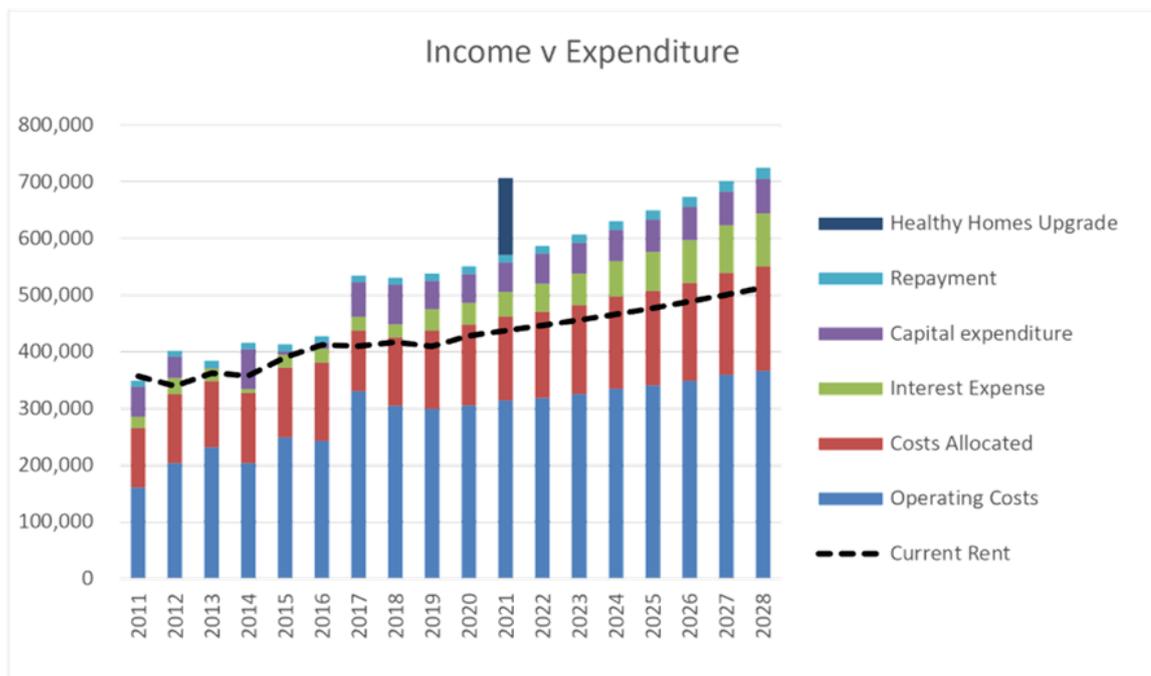


Operating Costs: \$355,221 (67%)
 Costs allocated (Council overheads): \$115,772 (22%)
 Interest expense: \$22,842 (4%)
 Debt repayments: \$15,766 (3%)
 Capital expenditure: \$22,843 (4%)

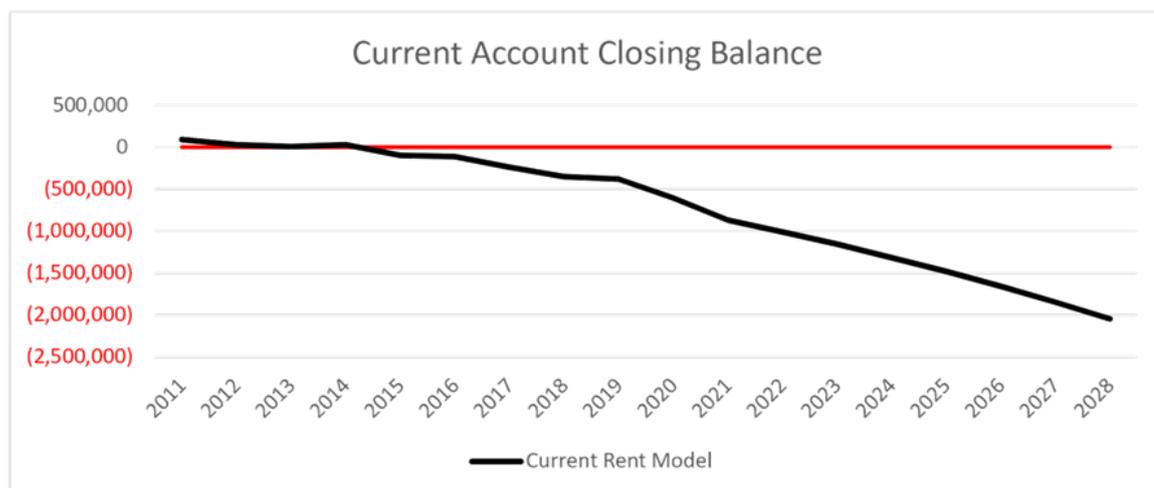
Depreciation of \$115,772 was recorded, however this is not funded.

Condition assessments anticipate maintenance requirements of \$2.33 million over the next 10 years.

The overall account balance for Council’s elder housing activity is exponentially losing value over time. While the account balance in 2011 was recorded at \$90,812, it is currently valued at -\$380,699, and projected to be -\$2,045,612 by 2028², taking into account inflation. Essentially, the activity’s income (rent) is not keeping up with the increase in costs, at an exponential rate.



² This figure assumes rent increases of CPI only, and no other changes to service delivery.



A detailed table of income and expenditure from 2011 to 2028 is provided in **Appendix B: Actual and forecast pensioner housing income/expenditure** (forecast derived from LTP 2018; including inflation).

8. Current tenant income

For clarity, and to aid in affordability calculations, the following main benefits are available to Council's elder housing tenants (figures after tax, per week, as at 1 April 2020³):

New Zealand Superannuation (single, living alone): \$423.83

New Zealand Superannuation (couple, no children): \$652.04

Winter Energy payments (single, living alone): \$20.45 per week (\$40.91 during COVID)

Winter Energy payments (couple, no children): \$31.82 per week (\$63.64 during COVID)

Winter Energy payments are enabled under the Social Security Act 2018. Payments run for 12 weeks (3 months) beginning 1 May, and for superannuation is paid on a fortnightly basis. The scheme is available to anyone currently receiving superannuation and is paid automatically (there is no sign up required).

Tenants may also be eligible for other benefits such as for disability support. Any income received by the tenant may impact the amount of these benefits.

9. Availability of rental subsidies

Access to the Income-Related Rent Subsidy (IRRS)

The Income Related Rent Subsidy (IRRS) is one method used by the Ministry of Housing and Urban Development to address housing affordability. It is provided to make accommodation more affordable for those on low incomes who are in social housing. The subsidy bridges the gap between market rent and an affordable rental rate for those on low incomes, which is

³ <https://www.workandincome.govt.nz/map/deskfile/nz-superannuation-and-veterans-pension-tables/new-zealand-superannuation-and-veterans-pension-ra.html>



considered to be 25% of the income of a tenant. The tenant pays 25% of their income as rent, and the Ministry of Social Development (MSD, who administer the IRRS) pay the difference between that rent and the market rent, directly to the housing provider. The IRRS is only available to those on the social housing register who meet a strict income and cash asset criteria.

The IRRS is currently only available to tenants of Kainga Ora and Community Housing Providers (CHPs). Local authorities are explicitly excluded from receiving the IRRS. This means that tenants in Council's current elder housing units are ineligible. To date there have been no signals from Central Government that this will change, and it is unlikely to be part of government's work programme in the near future.

Use of the IRRS was considered in the options assessment, for options where a community housing provider could in theory access the IRRS.

Based on the current rental charged by Council, the calculated income-related rent for existing tenants would be \$105.96 (being 25% of their income), where MSD would pay the landlord an additional \$144.04 to bridge the rent income up to \$250. Couples would pay \$163.01.

It must be noted the IRRS is currently only available for new tenants rather than existing tenants, with prospective tenants identified from the social housing register. The options assessment is based on this eligibility.

Accommodation Supplement

The Accommodation Supplement is a means tested rent-dependant subsidy provided directly to the tenant from MSD. It is available to low-income earners with cash assets of less than \$8,100. Some of Council's existing tenants already receive the Accommodation Supplement, and the majority of those who don't currently receive it would qualify. *This needs to be confirmed.*

The Accommodation Supplement subsidises the rent by 70% (rounded up) above a particular threshold, which for a superannuitant or person on the veterans pension is \$106 for single, living alone, or \$163 for a couple (as at 1 April 2020 ⁴). This means that for all rent above \$106, a qualifying tenant will receive a subsidy of 70% of that rental cost. The amount of accommodation supplement received by single tenants is therefore calculated as follows:

$$\text{Accommodation Supplement} = \left(\text{Rent} - \underset{\substack{\text{minimum} \\ \text{rent}}}{\$106} \right) \times \underset{\substack{70\% \text{ subsidy,} \\ \text{rounded up}}}{0.7}$$

The subsidy has a maximum level that will be paid, which varies across the country. For the Western Bay of Plenty, the maximum subsidy is \$105 for a single person living alone, and \$155 for a couple.

The following table illustrates how the accommodation supplement affects rent levels for a single tenant:

⁴ <https://www.workandincome.govt.nz/map/deskfile/extra-help-information/accommodation-supplement-tables/new-zealand-superannuation-and-veterans-pension-cu-01.html>



	Current rent	Rent: \$180	Rent: \$200	Rent \$220	Rent \$250
Rent charged	\$129.50	\$180	\$200	\$220	\$250
Accommodation Supplement	\$16.45	\$51.80	\$65.80	\$79.80	\$100.80
Effective accommodation cost (rent minus subsidy)	\$113.05	\$128.20	\$134.20	\$140.20	\$149.20
Rent as a %age of NZ Super (\$423.83 a week after tax)	26.6%	30.2%	31.7%	33%	35%
Rent as a %age of NZ Super, including the winter energy payment, assessed at \$431.69 a week after tax	26.2%	29.7%	31%	32.5%	34.5%

Overall the IRRS offers a better subsidy than the Accommodation Supplement. However, the IRRS is only available to social housing tenants of Kainga Ora and Community Housing Providers, whereas the Accommodation Supplement is available to Council's tenants.

10. Feedback received on the elder housing service

Tenant's Views

In March and June 2020 Council staff and elected members visited each tenant to hear first hand what they thought of Council's elder housing service, and any concerns or ideas they had for the future.

Overall, the level of satisfaction with the units and service from Council was high. Feedback was that Council's units are well managed. The tenants are comfortable in their units and feel that they can live comfortably, as the rent is affordable.

A specific point raised by some of the tenants was that Council's property staff do a good job of vetting prospective tenants, so that new tenants are a 'good fit' with the village. There was some feedback that the existing criteria for selecting tenants (over 65 years and with limited means) is appropriate.

The overall feedback is summarised below:

Key positive feedback:

- Great location
- Affordable
- Feel Safe



- Security of Tenure
- Villages are well managed.

Suggested improvements

- Parking safety
- Accessibility
- Lack of power points in the units (use of extension leads can be a hazard).

This feedback provides useful guidance for assessing options and considering the tenant’s perspectives.

Community feedback received through Phase 2 LTP Engagement (Hello Future District)

The wider community provided feedback through the Phase 2 LTP engagement. This was via an online survey that was open from September 14 to 2nd October 2020. The questions and answers are set out here:

1. Should Council continue providing elder housing?

Should Council continue providing elder housing?

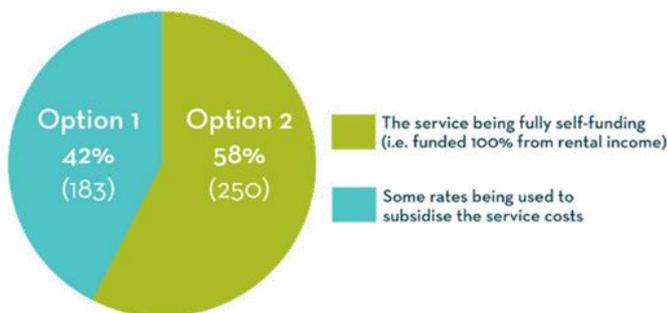
Yes 63% (328)

No 37% (196)

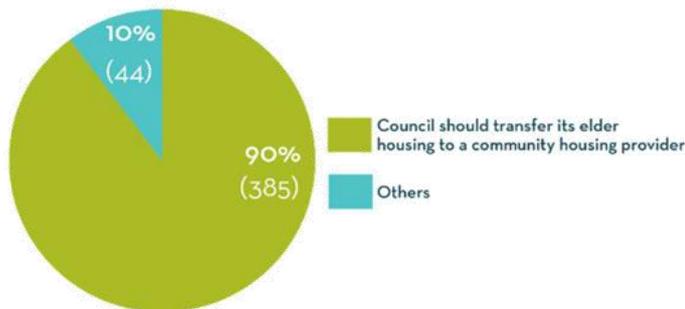
It should continue to be Council-run.

It should be run by someone else.

2. If Council does continue providing elder housing, then what do you prefer?



3. If Council doesn’t continue providing elder housing, what do you think should happen?



Note: The numbers in brackets next to the %ages indicate the number of actual responses received.



50 comments were also received. The comments ranged from:

- those who believed it was critical for Council to continue to provide elder housing,
- those who thought Council should retain the land but lease the units and management of those to an external provider,
- those who felt the housing should be available for a wider range of people with needs.

A few comments were also made on different accommodation models such as Abbeyfield.

Some people commented that it may be better for others to provide elder housing if they can access more funding and provide a better service. Their comments included the proviso that rents needed to remain affordable.

Feedback from Bay of Plenty District Health Board on the elder housing service

Feedback was sought from staff from the Bay of Plenty District Health Board (DHB), to gain a better understanding of how to work with tenants who are becoming less able to live independently, and need to transition to a rest home.

The DHB staff confirmed Council's tenancy agreements are appropriate as they give the ability to work with tenants when they are no longer able to live independently.

It is worth noting the process to transition to a rest home is not straightforward. Spaces are limited. The DHB staff expressed the significant need for affordable elder housing units, and the positives they see from Council providing these units, if only at a limited number.

There was some clarity given on what it means to be able to live independently. Independent living does not mean that a person does not have any disabilities or need support to live in their own home. Independent living means someone can still manage their own lives and make decisions. They may need assistance with some tasks due to a disability (e.g. vision impairment). It's important to note that while modern health advances and lifestyle changes mean people are experiencing disabilities or illnesses later in life than previously, it may also mean they are living with a disability or illness for a longer period of time, as people are generally living longer.

The DHB staff make assessments on whether people are able to live independently or not. Council staff work with the district health board on this process where it is considered it is needed.

The engagement with the District Health Board was useful for understanding how services to older people, and the transition to a rest home is managed. It is intended the DHB will continue to provide input throughout the review process.

11. Options Assessment

Overview of options

As set out in Section 4, Council is required, as part of a Section 17A review, to consider the following options:

Options for the **governance, funding, and delivery of services** including but not limited to:



- a) *responsibility for governance, funding, and delivery is exercised by the local authority:*
- b) *responsibility for governance and funding is exercised by the local authority, and responsibility for delivery is exercised by—*
 - (i) *a council-controlled organisation of the local authority; or*
 - (ii) *a council-controlled organisation in which the local authority is one of several shareholders; or*
 - (iii) *another local authority; or*
 - (iv) *another person or agency:*
- c) *responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is exercised by an entity or a person listed in paragraph (b)(i) to (iv).*

Note that clause b) separates **governance and funding** from **service delivery** – so the governance and funding remains with the Council, but the delivery of the elder housing activity is undertaken by another entity.

Under clause c), the difference is that the governance and funding is delegated to either a joint committee or a other shared governance arrangement of Council, and the delivery of the service is undertaken by either a council controlled organisation, another local authority, or another person or agency.

In considering these requirements, Council gave direction to consider the following options for the elder housing activity:

1. Maintain the status quo
2. Retain portfolio and increase rents to cover costs of maintenance and enable redevelopment of stock over time.
3. Divest the housing portfolio and activity to a Community Housing Provider (preferably local).
4. Gift the housing portfolio and activity to a Community Housing Provider (preferably local, with additional conditions of sale such as expansion of the portfolio).
5. Retain ownership of the land, and lease the portfolio to a Community Housing Provider.
6. Establish a Community Housing Provider entity of which Council retains a 49% share.

The following section explores the viability of each of these options, primarily from a cost efficiency perspective. Consideration should also be given to other matters such as access to pastoral care for tenants, and long-term security of tenure for existing tenants.

Options not progressed

Council has not progressed the following options:

Option	Reason not progressed
Delivery by a Council controlled organisation (CCO)	The activity is a relatively small activity of Council. The size of the portfolio (70 units) and current operational management arrangements (two internal staff property managers). The establishment, management and administration of a CCO is not considered cost effective given the size of the activity.



Delivery by a council controlled organisation in which Council is one of several shareholders	There are no existing local CCOs that could take over service delivery of the activity. For the same reasons above, becoming a shareholder in an existing CCO of another local authority is not considered cost effective or efficient. Establishing a CCO to do this is not considered cost effective. In addition, the local authority who Council would be in the best position to work with on this option is Tauranga City Council (TCC). TCC completed a review of their elder housing activity in 2018, and are progressing with divestment.
Delivery is carried out by another local authority	As above, TCC are the local authority that could take over service delivery. They have already made the decision to divest their portfolio.
Responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is carried out by either a CCO, a CCO in which Council is one of several stakeholders, another local authority, or another person or agency	Council could consider governance and funding being delegated to a joint committee or other shared governance arrangement. Given the size of the activity, however, and the size of Council, the additional administration required for this is not considered cost effective or efficient. The activity is currently managed effectively under existing committee delegations and terms of reference.

Assessment Process

As part of initiating this review, the Policy Committee endorsed the formation of a working party. The working party followed an options assessment process, using a weighted scoring sheet. This has informed the development of this paper for the wider Committee to consider. The working party's scoring sheet is attached as Appendix B to this paper.

A weighted scoring sheet was used to rank the options that are being considered. This involves

1. setting the criteria
2. weighting that criteria based on its importance
3. scoring each option against each criteria.
4. determining which option has come out as the preferred option.

Criteria

The following criteria were developed and agreed, based on the direction given by the Policy Committee through previous workshops:

Affordable: The option is able to be structured so that the effective rent for tenants is set at no more than 35% of net income. Income is assessed as being the equivalent of NZ



Superannuation, which is current \$423 a week (after tax). So, the effective rent should be less than \$148 a week.

Financially sustainable: The option is able to be structured so that it is covering its costs.

Administratively straightforward: The option needs to be straightforward to implement (not overly complex which would add costs).

Ability to redevelop so service is fit for purpose: the option would enable sites to be redeveloped so that fit for purpose housing, and more units, could be built.

Meets needs of tenants: ability to provide a high level of service and provide additional support services for tenants if required.

Assumptions

Some key assumptions were made for the options assessments:

- Income is assessed as being the New Zealand Superannuation.
- Tenants will be eligible for the accommodation supplement, which will enable their effective rent to remain below 35% of net income.
- Redevelopment costs can be funded from rental income, if the rent is increased. The rental increases can be maintained at a level that keeps tenants effective rent at less than 35% of their income (this is linked to the assumption above, that tenants will be eligible to receive the accommodation supplement).
- Existing tenants will not be able to access the Income Related Rent Subsidy (IRRS), if the units are transferred to a Community Housing Provider (CHP). This is based on advice received to date from Ministry of Housing and Urban Development (MHUD).
- Council as a provider is excluded from receiving the Income Related Rent Subsidy, and this will continue.
- Council will develop an elder housing policy to guide the setting of rents and tenant eligibility criteria, that aligns with the options assessment criteria and eligibility criteria for receiving government accommodation subsidies.
- The 'cohort' that accommodation is provided for remains those over the age of 65 years (or equivalent age for eligibility to receive NZ superannuation), with limited financial means, and who are able to live independently.



Outcome of options assessment

The working group did a 'weighted scoring' assessment of each option against the criteria. The full assessment table is attached as Appendix C to this report.

There were two options that scored highly:

Retain and loan fund redevelopment of the sites.

And

Divest to a community housing provider (CHP).

These options enable the existing level of service to be maintained, ensure the revenue can cover expenditure, and are straightforward to implement. Both would enable redevelopment of the sites to occur over a period of time.

The potential advantage of transferring to a CHP is the ability to access wrap-around support services. While the CHP would also be able to access the IRRS over time, this would not have an immediate impact, as existing tenants are not eligible.

The potential advantage of the service remaining with Council is the ability to continue the current level of service, including vetting prospective tenants. Council is not a social housing provider and so does not need to meet any other requirements to ensure tenants are receiving rental subsidies.

Risk Analysis

Given how closely the two options were scored, an analysis of the potential risks of each option was undertaken.

Risk	Option 1: Council retain units, increase rent, redevelop units over time.	Option 2: Council divest units to a Community Housing Provider
Service Delivery	<p>Council will continue to provide its current level of service. There is a high level of satisfaction from tenants with the existing level of service.</p> <p>Risk assessment score: 1</p> <p><i>Note: The report includes recommendations for a policy to ensure this level of service continues over time.</i></p>	<p>Community Housing Providers are well regulated to ensure they are providing a quality service.</p> <p>There is a risk that the service delivery is at the discretion of the CHP. While safeguards can be put in place through the sale and purchase agreement, these may be legally difficult to enforce.</p> <p>Risk Assessment score: 2</p>
Financial Risk	<p>Construction costs are difficult to predict. There is a risk project costs are underestimated, which could lead to redevelopment not</p>	<p>As with Council carrying out a redevelopment programme, the same risks exist.</p>



	<p>being viable (or rents needing to be increased to such an extent the objective of providing affordable rental accommodation is no longer met).</p> <p>Risk assessment score: 3</p>	<p>The risk to Council is however significantly reduced, as Council would not be involved.</p> <p>Risk assessment score: 1</p>
<p>Redevelopment does not progress</p> <p><i>Explanation of risk: A key driver of the review is that the number of units available is increased over time. This is in response to the significant existing and projected demand for units that exists. If the redevelopment does not progress, this is a risk to the overall purpose of the review.</i></p>	<p>Future Councils may decide the costs associated with redevelopment are too high, and these costs outweigh the benefits.</p> <p>It should be noted this is a risk that exists with any Council project.</p> <p>Risk Assessment score: 2</p>	<p>Community Housing Providers work closely with Central government agencies, to understand demand and supply of units and to support redevelopment projects.</p> <p>CHPs usually require third party investment to progress redevelopment, such as a guaranteed rental income stream from central government.</p> <p>There is a risk that once divested the CHP may not have the financial capability to redevelop the units, in particular if safeguards around existing tenants are locked in place through the sale and purchase agreement.</p> <p>Risk Assessment score: 3</p>
<p>Reputational risk</p>	<p>Public sentiment is in favour of Council continuing to provide elder housing. Continuing to provide the service means rents will need to increase. The public has also overall supported increases in rents to cover the cost of the service.</p> <p>There is a reputational risk if Council makes significant increases to rents, and the perceived impact this will have on tenants.</p> <p>Risk Assessment score: 2</p>	<p>Public sentiment is in favour of Council continuing to provide elder housing. A decision to divest to a community housing provider may not be well received by the community.</p> <p>Risk Assessment score: 4</p>
<p>Loss of operational knowledge</p>	<p>Risk Assessment score: 1</p>	<p>Risk Assessment score: 4</p>
<p>Total Risk Assessment score</p>	<p>9 LOWEST RISK OPTION</p>	<p>14</p>



Risk Assessment score:

1: Low, 2: medium / low 3: Medium, 4: Medium / High, 5: High

Preferred Option

Based on the weighted scoring assessment and risk analysis, the preferred option is:

Option 2: Council retains its elder housing activity, and loan funds redevelopment.

The preferred option is proposed to be included in the Draft LTP 2021-2031 supporting information and Consultation Document, for formal consultation through Phase 3 LTP 2021-2031, in March / April 2021.

12. Recommendations

Option recommendation

Based on the outcomes of this report, it is recommended that Council continue to provide elder housing as an activity of Council, with the following conditions:

1. The activity is a 'ring fenced' activity of Council. This means the revenue (from rental income) covers the expenditure, including all interest costs, of providing the activity.
2. The activity is to provide elder housing for those aged 65 years and over (or the equivalent of the age of eligibility for New Zealand superannuation) and with limited financial means.
3. Sites are redeveloped over the next 30 years to ensure the units are fit for purpose for tenants needs. Redevelopment will be funded from the activity revenue, and external sources on a case-by-case basis where that is an option.
4. An operational policy is developed which sets out eligibility criteria and tenancing guidelines. The policy will include a clause that weekly rents are set to no more than 35% of the net weekly rate of NZ superannuation, minus the accommodation supplement.



13. Appendix A: Approaches taken by other Councils

Tauranga City Council (TCC): Divest

Tauranga City Council commissioned a section 17A review from the New Zealand Housing Foundation. This was published in June 2017, and through its Long Term Plan process in 2018 TCC resolved to divest their elder housing portfolio to one or more registered Community Housing Providers. They are currently seeking expressions of interest from CHPs.

TCC found that the elder housing portfolio was costing more than the income generated by residents, and that the ageing housing stock would require significant capital works in the near future, or \$15 million to redevelop all houses over the next 10 years. TCC has stated that the primary consideration in deciding to divest was to ensure welfare protection of the tenants. While the stock is worth approximately \$31 million, the sale of the housing stock would be impaired/restricted based on its required use and need for substantial redevelopment and modernization.

Proceeds from the sale will be set aside in a reserve for future elder or social housing related use.

Whakatāne District Council: Divest

On 26 June 2014, Whakatāne District Council Moved to transfer its 79 elder housing units (within 6 villages) to an approved Community Housing Provider, to be considered and recommended by a new Social Housing Sub-Committee.

In February 2015, the council sought expressions of interest from CHP's to purchase and operate the housing portfolio. The housing stock was divested to Tawanui Community Housing (formerly Tauranga Community Housing Trust) in October 2015.

Palmerston North City Council: Status quo (with redevelopment)

Palmerston North City Council (PNCC) has diversified its housing stock of approximately 400 units to provide for social housing as a whole (not just for the elderly). PNCC has a "Social Housing Working Group" which directs the future of the portfolio. Recently PNCC invested \$6.5 million in redeveloping its holdings at Papaioea Place by demolishing the existing 44 units and replacing with 48 modern units.

Currently PNCC is looking to build additional new housing by 2021, and to review the delivery of housing by 2019. There are no plans as of yet to divest or sell their portfolio.

Hamilton City Council: Divest

Hamilton City Council (HCC) transferred its elder housing stock of 344 elder housing units to Accessible Properties New Zealand Ltd in March 2016. The sale took 16 months to initiate and complete (HCC resolved to sell its elder housing stock to a community housing provider on 27 November 2014). Conditions of the sale included that the existing tenants be able to remain within the portfolio indefinitely, and that the stock remain for social housing purposes for the next 10 years.

The review did not include Section 17A LGA as it was before section 17A was introduced, however there was a statement of proposal available for the 284 submitters involved. The key



reason for selling the portfolio was to cut the ongoing financial loss of the elder housing operation, which at the time was losing \$213,000 per year.

To aid the social housing provider, only 20% settlement was required up front, with a 3-year period to pay the remaining 80%. Most of the proceeds of the sale will go into repayment of council debt, and a portion (approximately 10%) will be used to pay back endowment funds.

Waipa District Council: Market rates + divest + increase stock

In 2014, Waipa District Council (WDC) decided to retain its 131 elder housing units and move to self-funding portfolio with rents set at market rates. As part of its commitment to increase elder housing supply, WDC sold 99 of its units in 2017 to Habitat for Humanity, using the proceeds to purchase 12 new units.

Christchurch City Council: "At arms length" 49% stake in CHP

In 2014, Christchurch City Council (CCC) decided (via the special consultative procedure) to retain ownership of its 2,306 elder housing units but lease it to a new trust called the Otautahi Community Housing Trust. TCC refers to this as the "at arms length" approach, whereby the council retains a 49% stake in the housing stock.

CCC transferred its \$50 million worth of land and assets to the new trust, plus \$0.5 million to finance its establishment. This allows access to the IRRS up to 80% of market rents, while the trust can then pay CCC annually for the maintenance, refurbishment and replacement of the houses (initially set at \$12 million per year).

Auckland City Council: Council-controlled organisation

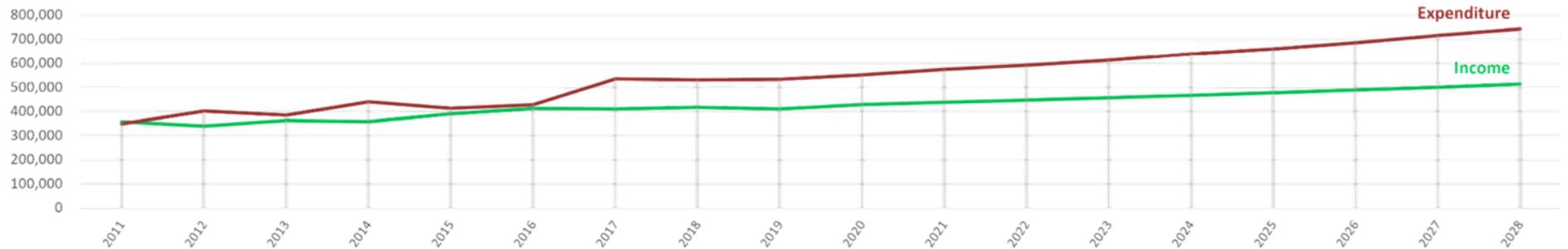
Auckland Council retains full ownership of its elder housing stock via Panuku Development Auckland (PDA), being a council-controlled organisation. Through consultation on its 2015 Long Term Plan, Council directed PDA to partner with a registered CHP in order to access IRRS. A mandate was passed in December 2016 to partner with the Selwyn Foundation.

Units in the existing portfolio deemed to be not fit-for-purpose will be sold, with proceeds being re-invested into the development of existing or new elder housing villages. PDA was set up with a \$20 million loan from Auckland Council, as interim support to development until sales proceeds can be realized.

14. Appendix B: Actual and forecast pensioner housing income/expenditure (forecast derived from LTP 2018; including inflation)

	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Actual 2018	Budget 2019	Forecast 2020	Forecast 2021	Forecast 2022	Forecast 2023	Forecast 2024	Forecast 2025	Forecast 2026	Forecast 2027	Forecast 2028
Income	357,162	339,893	362,689	358,431	390,243	412,324	410,244	417,487	410,000	428,400	437,640	446,880	456,540	466,620	477,540	488,880	500,640	513,660
Expenditure																		
Operating Costs	160,740	203,674	231,376	227,944	249,005	242,607	330,573	304,794	299,527	305,518	314,191	318,697	325,586	334,996	340,562	348,649	359,420	366,322
Capital Allocated	104,692	121,898	116,642	123,561	123,444	138,332	107,307	120,287	137,928	142,337	147,963	152,020	156,772	162,701	166,860	172,427	179,361	184,482
Interest Expense	20,131	28,275	22,645	6,914	22,258	24,563	24,115	24,067	33,906	40,453	46,966	54,231	61,947	70,305	79,542	89,327	99,910	111,555
Capital Expenditure	53,038	37,888	950	70,098	6,027	10,977	60,919	69,401	50,000	51,000	52,100	53,200	54,350	55,550	56,850	58,200	59,600	61,150
Payment (net)	10,395	10,164	13,133	11,868	12,608	11,262	11,688	12,382	11,684	12,385	13,129	13,916	14,751	15,636	16,574	17,569	18,623	19,740
Surplus/Deficit	71,599	(13,954)	(7,974)	11	(4,464)	6,822	(51,751)	(31,660)	(61,361)	(59,908)	(71,480)	(78,068)	(87,765)	(101,382)	(109,424)	(121,523)	(138,051)	(148,699)
Surplus + CAPEX	63,433	48,052	14,083	81,965	18,635	22,239	72,607	81,783	61,684	63,385	65,229	67,116	69,101	71,186	73,424	75,769	78,223	80,890
Surplus gain/loss	8,165	(62,005)	(22,057)	(81,954)	(23,099)	(15,418)	(124,358)	(113,443)	(123,045)	(123,293)	(136,709)	(145,184)	(156,866)	(172,568)	(182,848)	(197,292)	(216,274)	(229,589)
Surplus Balance	90,812	28,807	6,750	(75,204)	(98,303)	(113,721)	(238,079)	(351,523)	(474,568)	(597,861)	(734,570)	(879,754)	(1,036,620)	(1,209,188)	(1,392,036)	(1,589,328)	(1,805,602)	(2,035,191)

Total Income vs Expenditure (including debt and CAPEX)





15. Appendix C – Options Assessment Table

Purpose: To assess options for delivery of elder housing service.

Criteria (clearly spelled out as positive statements)	weight	Option 1 Status Quo		Option 3 Retain and loan fund redevelopment		Option 4 Divest to a CHP		Option 5 Retain land and lease to a CHP		Option 6 Gift land to a community housing provider		Option 7 Set up a separate entity where Council is 49% shareholder	
		rating	weighted score	rating	weighted score	rating	weighted score	rating	weighted score	rating	weighted score	rating	weighted score
Criteria 1: Rent at 35% or less of income (NZ super or equivalent).	250	100%	250	75%	187.5	75%	187.5	75%	187.5	75%	187.5	75%	187.5
Criteria 2: Financially viable (revenue covers expenses, including previous shortfalls).	250	0%	0	75%	187.5	100%	250	25%	62.5	0%	0	50%	125
Criteria 3: Option is administratively easy to set up and implement.	100	100%	100	100%	100	75%	75	75%	75	50%	50	0%	0
Criteria 4: The units are fit for purpose for the tenants (this means they are redeveloped to meet tenants' needs)	250	25%	62.5	100%	250	25%	62.5	25%	62.5	25%	62.5	50%	125
Criteria 5: Tenants are supported to access to wraparound support services.	150	25%	37.5	25%	37.5	75%	112.5	75%	112.5	75%	112.5	75%	112.5
Totals	1000		450		762.5		687.5		500		412.5		550

Rating: Excellent ★★★★★(100%); Good ★★★★(75%); satisfactory ★★★ (50%); mediocre ★★ (25%); poor ★ (0%)

9.4 ISLAND VIEW RESERVE PLAYGROUND CONCEPT PLAN ADOPTION

File Number: A3968453

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Gary Allis, Deputy Chief Executive

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of the final concept plan for the new playground at Island View Reserve, Waihi Beach.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 18 February 2021 titled 'Island View Reserve Playground Concept Plan Adoption' be received.
2. That the Reserves & Facilities Landscape Architect's Report dated 2 February 2021 be received.
3. That the Policy Committee adopts the Final Concept Plan - Island View Reserve Playground dated 2 February 2021 (shown as **Attachment 1** of the report).

BACKGROUND

This request for the final concept plan adoption is the culmination of extensive community, school and Tangata Whenua consultation and workshops with elected members. The proposed Final Concept Plan for adoption is included within **Attachment 1**.

The feedback analysis of the draft concept plan, publicly consulted in August 2020, is included within **Attachment 2**. This Summary Engagement Report has grouped the responses into three groups.

- GROUP 1 - wants the playground and likes the concept.
- GROUP 2 - wants the playground but the concept didn't have enough play value.
- GROUP 3 - doesn't want the playground and doesn't like the concept.

At the Policy Committee workshop on 5 November 2020, direction was given for staff to assess whether additional play value could be achieved within the budget by seeking quotes for the draft concept plan, through a tender process.

The tender process sought achievable additions/upgrades to improve the play value of the draft concept design. This resulted in additional play value being incorporated into the Final Concept Plan within budget. Staff believe that the concerns of the consultation response GROUP 2 have been addressed.

Attachment 3 - "Additional Play Value", identifies additional play equipment & upgrades incorporated since the initial draft concept plan that was publicly consulted upon.

The idea to include a Tuatara sculpture adjacent the playground entrance was raised by Tangata Whenua. Project staff support the Tuatara sculpture proposal and are investigating options. External funding may be required if there is no contingency funding remaining, noting that the playground construction is not dependent on procurement of the sculpture.

SIGNIFICANCE AND ENGAGEMENT

Overall assessment

Low significance

Explanation for assessment

The nature of the project adds recreation value to the community and all funding is in place. The supporters outnumber the detractors and this project has been consulted on extensively.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Refer to **Attachment 2** - Summary Engagement Report - Island View Reserve Playground Draft Concept Plan

Staff recently attended the Waihi Beach Community Board workshop held on 25 January 2021 and updated the board on the additional play value.

ISSUES AND OPTIONS ASSESSMENT

There are only two options considered – adopt or do not adopt the concept plan.

Option A	
That the Policy Committee adopts the Final Concept Plan - Island View Reserve Playground dated 2 February 2021. Attachment 1.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings:</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Positive economic outcome within approved LTP budget. • Positive Social impact – opportunity for playground users to participate in recreation and enhances the recreational network connectivity • Positive cultural connections with Tangata Whenua (eg, with Tuhua) and supports story telling opportunities • Low to negligible environmental impact on the rear dune system due to its small footprint on the landscape <p>Disadvantages:</p> <ul style="list-style-type: none"> • Location and design does not satisfy all those consulted • Potential increase in any anti-social behaviour as a result of more Reserve users • This is a known archaeological landscape – low risk of archaeological disturbance • Increased Reserve patronage may negatively impact the local environment
Costs (including present and future costs, direct, indirect and contingent costs).	All costs within the approved LTP budget

Option B	
That the Policy Committee does not adopt the Final Concept Plan - Island View Reserve Playground dated 2 February 2021. Attachment 1.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings:</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Some submitters would be satisfied with no change to this Reserve • Mitigates any risk of archaeological disturbance (note – an Archaeological Authority has been granted for this project) • Removes any further impact on the environment <p>Disadvantages:</p> <ul style="list-style-type: none"> • Council’s reputation damaged • Stakeholder relationships damaged • Tangata Whenua relationships damaged • Public disillusioned with Council’s engagement process.
Costs (including present and future costs, direct, indirect and contingent costs).	Existing planning expenditure wasted but funds would be available for other projects subject to further planning and consultation

STATUTORY COMPLIANCE

All consents have been obtained from the Archaeological Authority and the Landowner support has been obtained (Department of Conservation). No other compliance issues are outstanding

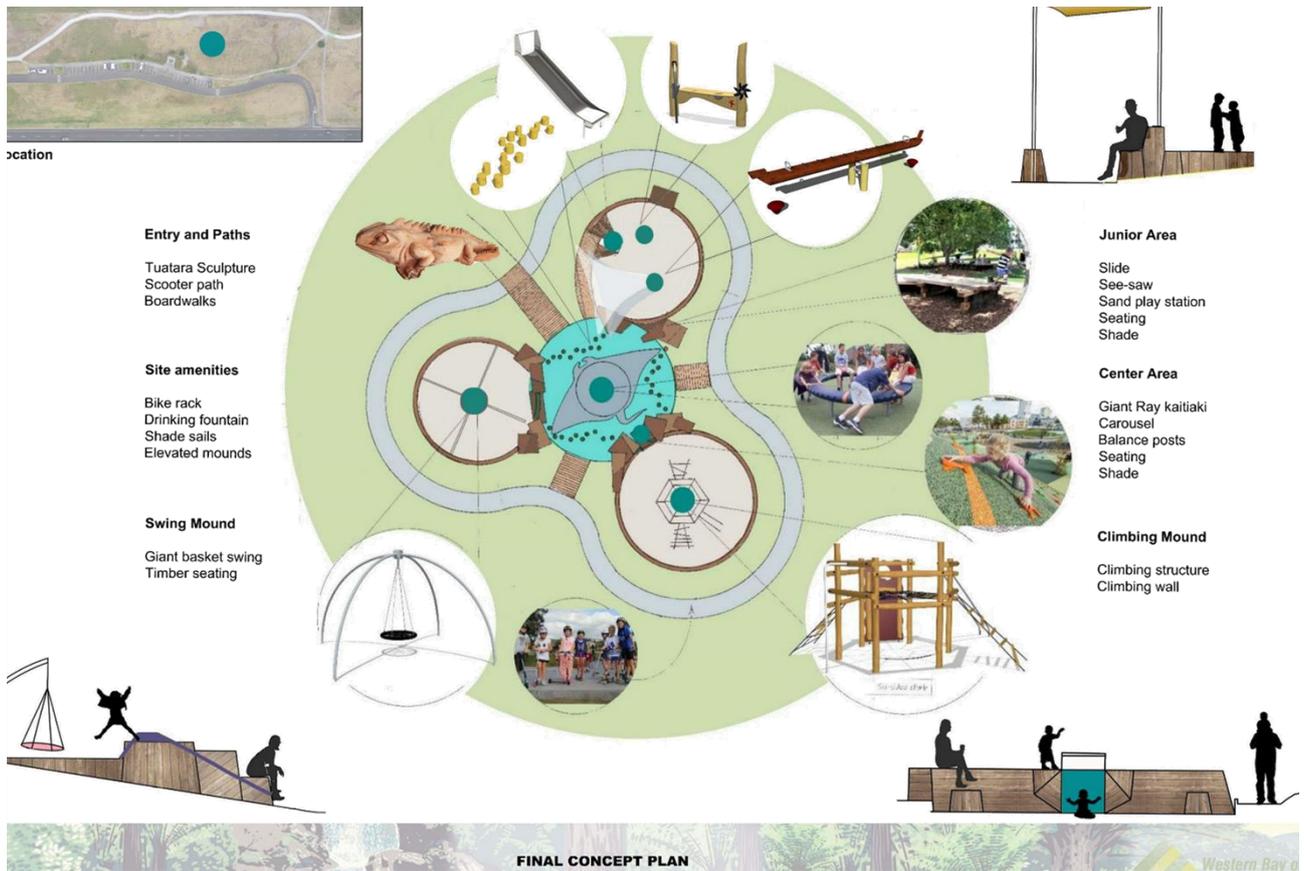
FUNDING/BUDGET IMPLICATIONS

The approved LTP project 237109 budget allocations described below:

Item	Value (\$)
Approved LTP budget	\$225,000
Expenditure to date (consents / engagement)	-\$5,000
Remaining budget available	\$220,000
Playground improved design / construction tender outcome	-\$199,000
Contingency	\$21,000

ATTACHMENTS

1. **Final Concept Plan - Island View Reserve Playground** [↓](#) 
2. **Summary Engagement Report - Island View Reserve Playground Draft Concept Plan** [↓](#)
3. **Additional Play Value - Island View Reserve Playground Draft Concept Plan** [↓](#) 



Summary Engagement Report Island View Reserve Playground Draft Concept Plan

Engagement process:

- Following the pre-engagement earlier this year on the Island View Reserve New Playground and Barbeque project, the public engagement on the draft concept design plan took place over a four-week period from Tuesday 4 August to Tuesday 1 September 2020
- People provided feedback on the draft plan via Council's Have Your Say Western Bay site, email and letter
- Communications channels to help promote the engagement opportunity included a media release targeting the Waihi Leader, Sunlive and Katikati Advertiser, Council's Facebook, letters to directly affected residents, and emails to key stakeholders living in the Waihi Beach community.

Number and types of feedback received:

- Have Your Say Western Bay site/online feedback form = 66 pieces of feedback received
- Email = 7 pieces of feedback received
- Letter = 1 piece of feedback received
- Total number of feedback received = 74.

Visitation stats to the Have Your Say site:

- Total visits = 681
- Informed visitors (e.g. downloaded a document) = 220
- Aware visitors (e.g. visited the HYS site) = 581.

Questions asked on the feedback form:

- Do you like the overall draft design?
- Please tell us your thoughts on the draft design.
- Do you think this draft design caters for all age groups?
- Please comment on any specific play equipment you would like to see included that isn't in the draft design.

Deep dive into the feedback

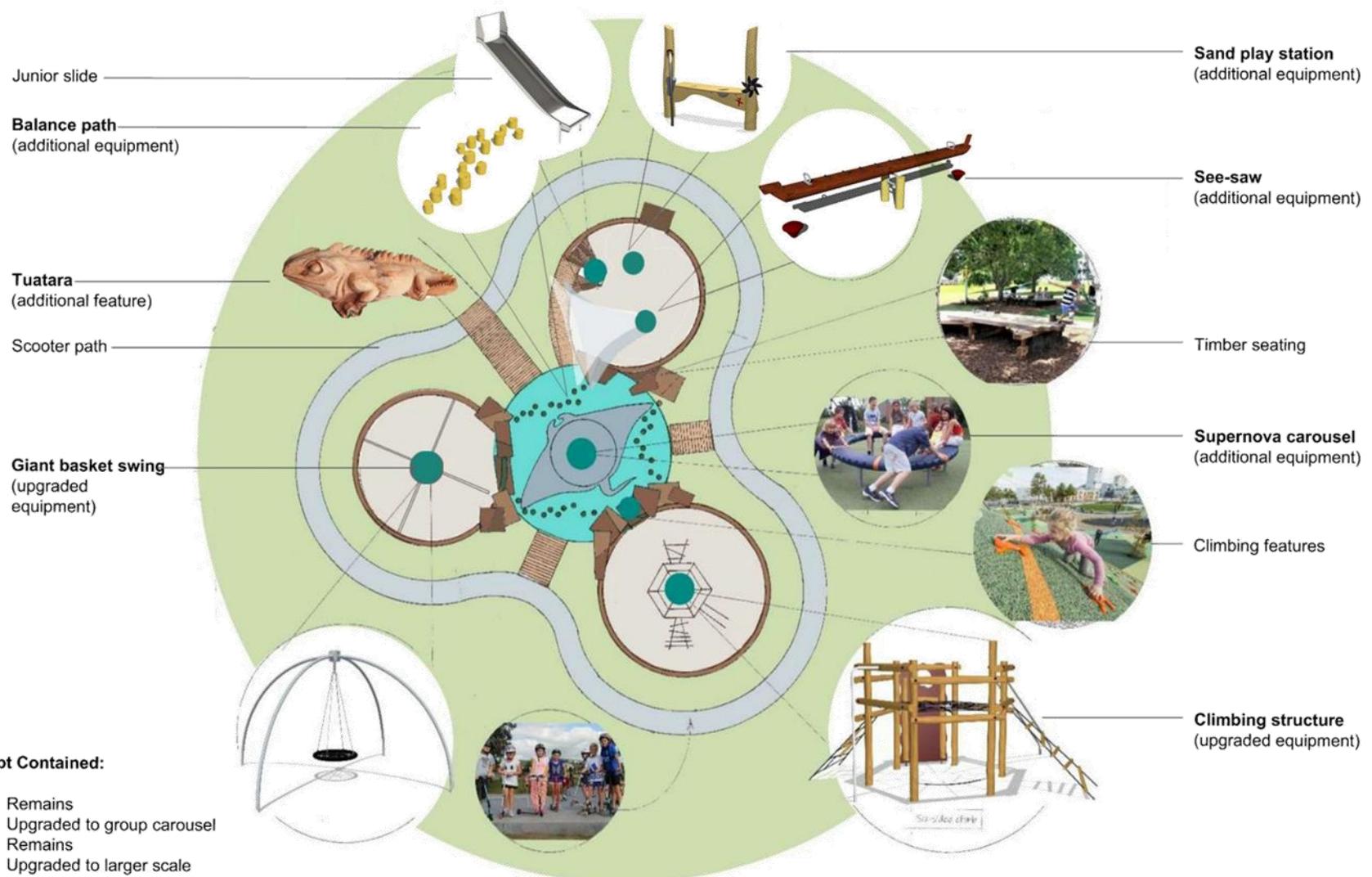
While the above graphs illustrate clearly that there is a lack of support for the draft concept design plan, after delving deeper into the feedback, essentially there are three 'camps' that exist with this project:

Camp 1	Camp 2	Camp 3
24 people said yes they liked the overall draft design	24 people said they don't like the overall draft design because it lacks imagination (not because they do not want a playground and barbeque to be built)	23 people said they don't like the overall draft design because they do not want a playground and barbeque to be built at all
Comments: <ul style="list-style-type: none"> • Good to see a new playground being built • Great design/great draft (modern, attractive, accessible, creative, stylish) • Looks good • Looks inviting • Looks accommodating • Offers a range of amenity value • Love the draft plan 	Comments: <ul style="list-style-type: none"> • Needs more equipment/not enough equipment • Underwhelming/boring • Lacks ambition • Lacks vision 	Comments: <ul style="list-style-type: none"> • Doesn't add any value to the area • Would encourage more freedom campers to use the barbeque and playground (more rubbish and noise) • Other playgrounds near the reserve can be used instead • Birdlife/dotterel nesting around the reserve needs protection • Loss of naturalness is a huge concern, doesn't need man-made structures, leave it green and natural • Cost of \$225,000 is not a prudent spend of ratepayers' money.

Ideas on play equipment and amenities that could be provided at the reserve (not in any order of priority):

- Adult exercise equipment
- Beach toy library
- BMX bike/scooter track
- Complete the bike track
- Fitness trail
- Flying fox
- Mini football
- Monkey bars
- More climbing equipment e.g. climbing rope tree
- More slides
- More swings
- Musical instruments
- Needs more play equipment for older children
- Outdoor shower
- Rubbish bins
- Scooter/skate path (similar to Omokoroa)
- Seesaw
- Trampolines
- Water feature/water play.

Ends



Previous Draft Concept Contained:

Junior Slide	Remains
Spinner	Upgraded to group carousel
Scooter Path	Remains
Basket swing	Upgraded to larger scale
Shade sails	Remains
Climbing features	Remains
Timber seating	Remains



9.5 DRAFT CCTV MANAGEMENT PLAN

File Number: A3982316

Author: Tom Rutherford, Policy Analyst

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

1. The Committee is asked to consider the adoption of the CCTV Management Plan.

RECOMMENDATION

1. That the Policy Analyst's report dated 18 February 2021 titled 'Draft CCTV Management Plan' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Policy Committee adopts the draft CCTV Management Plan.
4. That the CCTV Management Plan is considered 'More Information' and is referenced in the Long Term Plan 2021-2031 Consultation Document, to support Council's key proposal to include a budget of \$50,000 per annum for the next three years for new CCTV cameras.

BACKGROUND

Currently, the Western Bay of Plenty District has 48 CCTV cameras installed in public spaces (excluding TECT Park), including in Te Puke, Maketu, Ōmokoroa, Katikati, and Pukehina, most of which are monitored 24-7 by our security contractor Tarnix, and several more which are recorded but not monitored. Almost all of these are located within urban areas. Footage from these cameras is linked to a centralised monitoring system in Te Puke.

Council's surveillance system does not prevent criminal activity. However, the network is expected to act as a *deterrent* to criminal activity, and to aid policing matters by *collecting visual evidence* of criminal activities.

For clarity, information collected by the surveillance system could include the following:

- Video and still footage
- Number plates (from Automatic Number Plate Recognition cameras)
- Time and date
- A catalogue of notable events in recorded footage (summary of event, location, date and time)
- Traffic statistics

The development of a CCTV Policy is on the Policy Committee's work programme. In May 2020, the Committee endorsed the use of the Privacy Commissioner's guidelines for CCTV policy development. This sets out a three stage process for policy development:

1. Evaluate whether CCTV is needed
2. Develop a business/management plan which sets out the CCTV strategy (outcomes, system to be used etc.)
3. Develop a CCTV policy which outlines how the system will be operated and the rules which staff will abide by when using the system

The Committee endorsed that the purpose of CCTV cameras is to provide a safer environment for the community and to protect Council's assets and infrastructure by:

- Monitoring identified trouble spots, as a deterrent to criminal activity and antisocial behaviour;
- Monitoring council assets.

In July 2020, the Committee considered a draft management plan (step two of the process), and directed staff to undertake pre-engagement on agreed questions, alongside phase 2 of the Long Term Plan pre-engagement. At this time, the Committee agreed that CCTV for community safety purposes should be funded by general rates, and those for Council asset protection by the relevant activity of Council.

In December 2020, the Committee received an update on the new Privacy Act 2020, feedback received through recent community engagement, and direction was sought on the remaining outstanding matters to finalise the management plan and to prepare the CCTV Policy.

Through a series of workshops, community engagement, and options assessment held throughout 2020, Council determined its preferred option.

The preferred option is to include a budget of \$50,000 per annum for the next three years for new CCTV cameras. This funding will be used if there are any requests from the community or through community boards for new cameras, where those requests meet the criteria outlined in the management plan.

The preferred option has been included in the Long Term Plan (LTP) 2021-2031 Consultation Document as a key proposal. Formal consultation will occur from March to April 2021. Final decisions on the preferred option will be made as part of the LTP decision-making process. Any required amendments to the Management Plan will be considered through that process.

SIGNIFICANCE AND ENGAGEMENT

1. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

2. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of the level of financial implications, level of community interest in CCTV provision, community engagement undertaken to date and the District already has a CCTV and surveillance network which is operational.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

1. In 2020, Council has engaged with the community on CCTV through its pre-engagement on the LTP 2021-2031. This included asking for people's views on how much CCTV in public spaces did they want, what are their expectations from CCTV, and how it should be funded.

The feedback received showed a difference of opinion within the community around the use and expectations of CCTV.

- 617 people gave feedback on how much CCTV in public spaces they wanted, 48% were in favour of more cameras being operational than we currently have, 46% were happy with the current number of cameras we have, and 5% were in favour of having no CCTV at all.

- 614 people gave feedback on what their expectations on CCTV were, 49% were in favour of recording and not regular monitoring of the cameras, with the recordings only being accessed as needed, 48% were in favour of 24/7 live monitoring of most cameras, which is the current arrangement, and 4% had a different expectation for CCTV.
- The submissions around the funding of CCTV indicate a strong level of support for district-wide funding (split between ratepayers). 605 submissions were received, 61% were in favour of district-wide funding, 20% preferred targeted rates for nearby ratepayers, 13% did not want Council to fund CCTV at all, and 6% recommended a different mechanism for funding CCTV.

The preferred option included in the LTP 2021-2031 Consultation Document will be part of the formal LTP consultation running from March to April 2021. The feedback received will be used for deliberations on the LTP 2021-2031, and final decisions will be made as part of the LTP 2021-2031 adoption.

Interested/Affected Parties	Completed engagement, planned consultation		
General Public	LTP 2021-2031: Phase 2 pre-engagement. Online survey. Feedback collated and included in LTP Phase 2 feedback.	Planned	Completed
Ward Forums	Engagement held through Ward Forums. Roundtable sessions with participants. Feedback collated and included in LTP Phase 2 feedback.		
General Public and Stakeholder Engagement	Formal consultation through the LTP 2021-2031 Phase 3 engagement (special consultative procedure).		

ISSUES AND OPTIONS ASSESSMENT

1. Council has already endorsed the preferred option and has included that in the LTP 2021-2031 Consultation Document.
2. If Council chooses not to adopt the CCTV Management Plan, the preferred option will still be consulted on through the LTP 2021-2031 Phase 3 engagement (special consultative procedure). However, the CCTV Management Plan will not be included as ‘More Information’ that people can refer to, to understand more about the management of the District’s CCTV security network.

Option A Adopt CCTV Management Plan Include as ‘More Information’ for reference for the LTP 2021-2031 Consultation Document	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	The preferred option is to include a budget of \$50,000 per annum for the next three years for new CCTV cameras. This funding will be used if there are any requests from the community or through community boards for new cameras, where those requests meet the criteria outlined in the management plan. This is considered to have positive social impact. Assessment of these advantages and disadvantages will be included in the LTP

	deliberations where the final decision will be made.
Costs (including present and future costs, direct, indirect and contingent costs).	<p>There are no direct costs associated from adopting the CCTV Management Plan.</p> <p>The decision Council makes through the LTP deliberations will have costs. These include:</p> <ul style="list-style-type: none"> • Ongoing operational costs - for monitoring, electricity, and telecommunications. • Capital costs – for the purchase of new and replacement cameras.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	The CCTV Management Plan supports the development of an operational CCTV policy. This will outline how the system will be operated and the rules which staff will abide by when using the system.
Option B	
Do not adopt the CCTV Management Plan	
Assessment of advantages and disadvantages including impact on each of the four well-beings	The CCTV Management Plan informs the key proposal for CCTV security cameras included in the LTP Consultation Document. The key direct disadvantage of not adopting this CCTV Management Plan is that the preferred option in the LTP Consultation Document will not have any further information.
Costs (including present and future costs, direct, indirect and contingent costs).	There are no direct costs of not adopting the CCTV Management Plan.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	The implications are that the CCTV Management Plan is not available to support the key proposal for CCTV security cameras in the LTP Consultation Document.

STATUTORY COMPLIANCE

1. The two principle Acts applicable to CCTV and the Management Plan are the Privacy Act 2020 and the Search and Surveillance Act 2012. The Local Government Official Information and Meetings Act 1987 also applies in relation to requesting information. The draft Management Plan has been developed to give effect to these legislative requirements.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
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2021 – 2031 LTP	The preferred option is to include a budget of \$50,000 per annum for the next three years for new CCTV cameras. This funding will be used if there are any requests from the community for new cameras, where those requests meet the criteria outlined in the management plan.
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1. There is therefore no ongoing costs to ratepayers associated with the CCTV Management Plan. The CCTV Management Plan does support the decision towards the additional \$50,000 per annum allocated towards CCTV in the LTP Consultation Document.

ATTACHMENTS

1. **Draft CCTV Management Plan** [!\[\]\(64d0243f63e444a9c7f3e7648cef8609_img.jpg\) !\[\]\(e9398ee27332834496c1eade24e6d842_img.jpg\)](#)



*Western Bay of Plenty
District Council*

CCTV Management Plan

February 2021

Produced by: Tom Rutherford

Policy Analyst

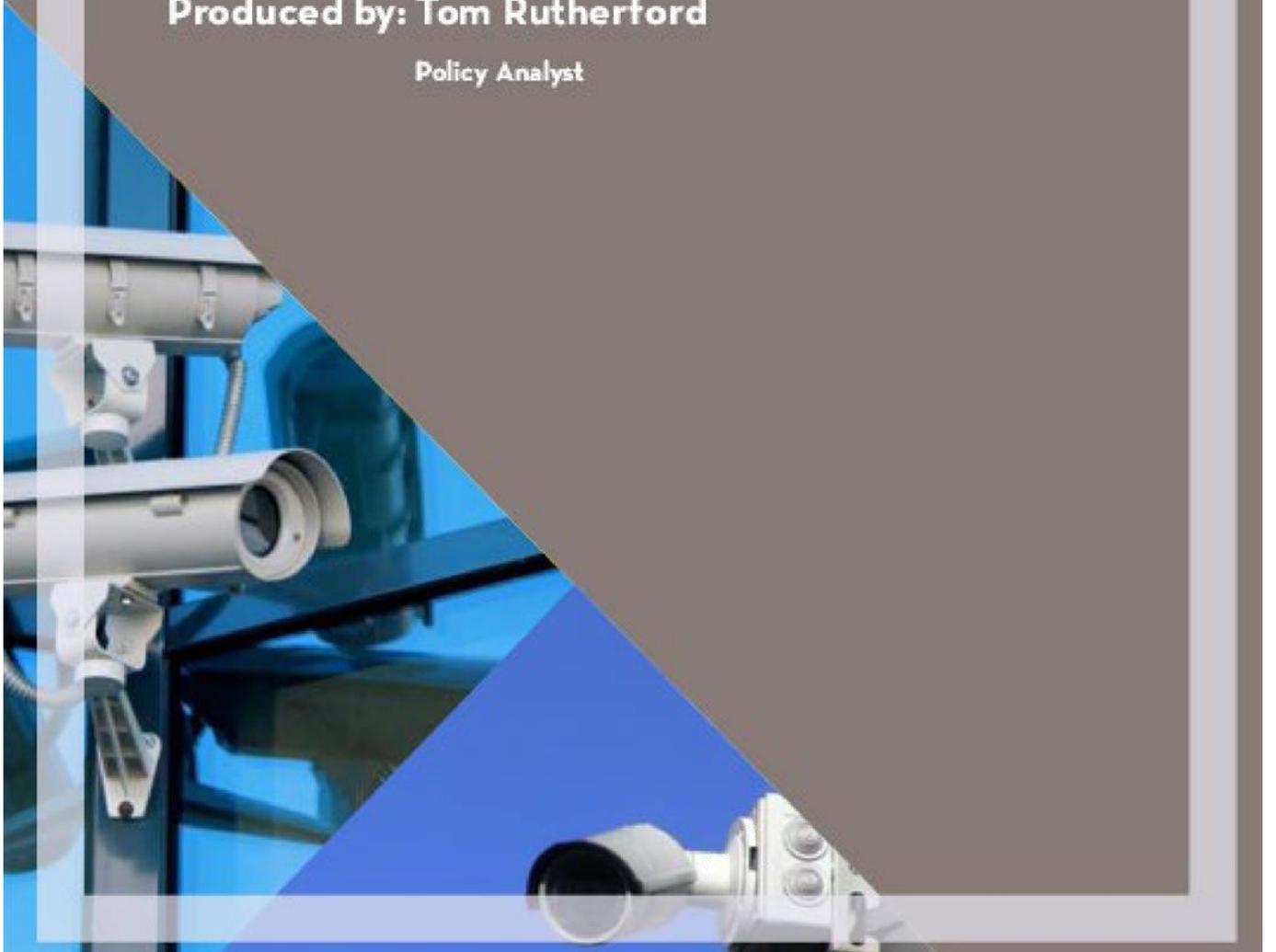


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1. About this plan

This management plan sets out how Council's surveillance system ("CCTV") will be managed to fulfil the purpose and expected outcomes outlined in Section 3 below.

This management plan follows the guidance of the Privacy Commissioner's "Privacy and CCTV" document (October 2009), and complies with the principles of the Privacy Act 2020.

Council's CCTV Policy focusses on the handling of information in terms of compliance with the Privacy Act, such as footage, reporting, resourcing, operational procedures, complaints and audits.

2. Definitions

Authorised person – an employee of a CCTV provider or an employee of the Western Bay of Plenty District Council with delegation to access CCTV footage in accordance with the Privacy Act 2020. NZ Police are considered Authorised Persons when requesting information in accordance with the Search and Surveillance Act 2012.

CCTV Asset Manager – is Council's Strategic Property Manager, and carries out the roles and responsibilities set out in section 11.2 of this Management Plan.

Council Facilities CCTV network – Cameras located on and within council buildings (such as the Barks Corner Office, service centres/libraries and utilities).
Note: this is a different network of cameras to the District CCTV network.

Council Facilities CCTV Provider – the organisation that Council has entered into a contractual arrangement with the purposes of monitoring the Council Facilities CCTV network.

District CCTV network – the network of cameras installed in public spaces throughout the Western Bay of Plenty district (excluding TECT Park), monitored by the District CCTV Provider.

District CCTV Provider – the organisation that Council has entered into a contractual arrangement with the purposes of monitoring the District CCTV network.

3. Purpose and expected outcomes

Purpose

The purpose of CCTV cameras is to provide a safer environment for the community and to protect Council's assets and infrastructure by:

- Monitoring identified trouble spots, as a deterrent to criminal activity and antisocial behaviour
- Monitoring council assets

Expected outcomes

Council's surveillance system does not prevent criminal activity. However, the network is expected to act as a *deterrent* to criminal activity, and to aid policing matters by *collecting visual evidence* of criminal activities.

Information collected

For clarity, information collected by the surveillance system could include the following:

- Video and still footage
- Number plates (from Automatic Number Plate Recognition cameras)
- Time and date
- A catalogue of notable events in recorded footage (summary of event, location, date and time)
- Traffic statistics

4. Legislative context

The two principle Acts applicable to CCTV are the Privacy Act 2020 and the Search and Surveillance Act 2012. The Local Government Official Information and Meetings Act 1987 also applies in relation to requesting information.

4.1. Privacy Act 2020

The Privacy Act 2020 provides a framework to protect New Zealanders' privacy rights. One critical part of the Privacy Act 2020 is the requirement for mandatory breach reporting in certain circumstances. If organisations experience a privacy breach that could cause serious harm, they must notify the Privacy Commissioner and anyone affected by the breach.

The Privacy Act 2020 outlines clear guidelines around the use of CCTV for businesses, agencies and organisations. In summary, these are:

1. Deciding whether CCTV is right for you
2. Have a clear plan
3. Selecting and positioning cameras
4. Make people aware of the CCTV
5. Collecting only necessary images
6. Using the CCTV images
7. Storage and retention of images
8. Controlling who can see the images
9. Audit and evaluation

Alongside the guidelines for the use of CCTV, the principles of the Privacy Act must also be adhered to. In summary, these are:

1. Personal identifying information may only be collected if it is necessary. It is not to be collected unless for a lawful purpose connected with a function or activity of the agency.
2. Information to be sourced directly from the individual concerned.

3. Individuals need to be aware of the information being collected, the purpose of collection, intended recipients of information, who the collector of information is, the rights to access and collect personal information.
4. No unlawful, unreasonable or unfair collection.
5. Information to be protected from loss, modification, unwanted access or other misuse.
6. Individuals shall be entitled to access information on themselves.
7. Individuals may request correction to information.
8. Information collected is checked for accuracy before use.
9. Information not to be kept for longer than necessary.
10. Information only to be used for the purpose collected, unless it's public information, not unfair, not unreasonable, authorised by the individual concerned, or necessary for law enforcement.
11. The organisation may only disclose personal information in limited circumstances.
12. Information may only be disclosed to organisations in other countries where there are similar protections. Otherwise, they must agree to sufficiently protect the information.
13. Unique identifiers can only be used when necessary. The unique identifier shall not be the same as one given by another agency.

4.2. Search and Surveillance Act 2012

The Search and Surveillance Act covers police powers, enforcement agency powers (which includes local government), warrants, seizing property, retention and disposal of surveillance data, and covert surveillance. Under this Act, Council's surveillance system must not include covert surveillance unless a warrant is first obtained.

5. Existing District CCTV network

As at November 2020, there are 48 CCTV cameras installed in public spaces throughout the Western Bay of Plenty district (excluding TECT Park), including in Te Puke, Maketu, Ōmokoroa, Katikati, and Pukehina, most of which have been installed by the District CCTV Provider. Almost all of these are located within urban areas. Footage from these cameras is linked to a centralised monitoring system in Te Puke.

Cameras located along the State Highway network in the district are owned by Waka Kotahi and operated by Tauranga City Council, and therefore are not included in the scope of Council's proposed policy. While Waka Kotahi do have cameras along the highway network, the only entities which fund cameras in public spaces are Council and our security contractor.

Cameras located on and within council buildings (such as the Barks Corner Office, service centres/libraries and utilities), have been installed by the Council Facilities CCTV Provider, with footage recorded to a local Network Video Recorder (NVR) and does not link to the same network monitored by the District CCTV Provider. Most footage from those cameras is linked to a centralised NVR, located at Council head office (Barks Corner). Footage from cameras within TECT Park is stored on site and monitored by TECT Park rangers.

6. Indicative costs and funding

6.1. Approximate capital and operational costs

As at November 2020, surveillance cameras generally cost in the range of \$4,000 to \$8,000 to install, depending on the type of camera used and location in relation to services (including power and data transmission services). This means that the installation of cameras in rural areas is often more expensive.

The average cost of a camera (including installation costs) to date is approximately \$5,800. Some locations may also require on-site power (such as solar panels) and additional telemetry relays for data transmissions, which add to this cost. All cameras are a depreciating asset.

The following figures can be used to approximate the monthly costs of each camera in Council's surveillance network, noting these are indicative figures:

- **Monitoring (per camera):** \$135 per month (average)
- **Electricity costs (mains available):** \$10 per month
- **Telecommunication costs:** \$0 (via telemetry, otherwise \$100 per month via broadband)
- **New Camera (including installation):** \$5000
- **Replacement Camera:** \$3,000

The life of a Camera is generally between 3 and 8 years. The total average operational costs per camera (when including depreciation over a minimum 3-year period, and for telemetry based communications) is approximately \$3,673 per year.

6.2. Funding

Budget for the existing surveillance infrastructure shall be included in the Long Term Plan. Through its Long Term Plan, Council will determine an annual budget from which it may allocate funding to new cameras requested by the community, that meet the purpose and criteria set out in this management plan. CCTV required for Council assets shall be funded by the relevant Activity.

7. Maintenance and renewals

Cameras are to be maintained to a level necessary such that footage is clear enough to meet the expected outcomes (per Section 2). That is, footage must be able to be used to aid Police in identifying persons involved in criminal activity, which compromises community safety or damages Council assets.

7.1. Annual reviews

Annual reviews must consider both the quality and necessity of each camera.

Quality

The output quality and general performance of each camera within Council's surveillance is to be reviewed annually. If the output or performance of a camera is

deemed to be substandard (in terms of its ability to meet the expected outcomes), the following considerations should be made:

- Camera position (can the position of the camera be modified to increase the quality and/or performance of a new camera at that location)?
- Technological upgrades (is it appropriate, and within budget, to upgrade the existing camera? The new camera needs to meet the purpose while also being compliant with the principles of the Privacy Act 2020)
- Financing (is there sufficient budget to allow for the replacement of the camera and to pay for the ongoing operational costs)

Necessity

Cameras which no longer meet the purpose of the surveillance network need to be removed, in line with the Privacy Act 2020. Ongoing operational costs will also be saved by removing unnecessary cameras.

As such, in addition to quality and performance, the *necessity* for each camera must be reviewed annually. That is, each camera is to be reviewed with respect to that camera being required to meet the purpose (per Section 3). If a camera is deemed unnecessary, it shall be decommissioned by the end of that financial year.

The method of decommissioning is at the discretion of the CCTV Asset Manager. Any proceeds from decommissioning a camera should be deposited into an asset replacement fund. This will support the purchasing and operational costs of new cameras in the future.

7.2. Service provider reviews

The security monitoring contract shall be reviewed by the Asset Manager every three years (or in accordance with the service provider contract), and be subject to Council's procurement guidelines. This is to coincide with the Long Term Plan development process and should include an in-depth review of current service delivery contracts, the necessity of cameras, long-term budgets, compliance with the Privacy Act, and levels of service, among other matters.

8. Criteria for additional surveillance cameras in the District CCTV network

Additional cameras to the surveillance network must meet the following criteria prior to installation and operation:

- The camera meets the purpose of this management plan (and will not operate outside of the purpose); and
- The Privacy Act 2020 must be adhered to at all times; and
- The location and position of the camera does not view private spaces (unless the camera is equipped to use Privacy Enhancing Technology to block the view of those areas, and the owners of those spaces must be consulted prior to installation); and
- Justification on whether the footage from the proposed camera should be live monitored, or recorded for access when required¹.

¹ Note: Council's general approach for cameras for community safety purposes: urban cameras should be live monitored, and rural cameras should be recorded. A decision will be made by Council on the type of surveillance as part of the Annual CCTV Request Process outlined in section 12.

- Installation costs of the camera are considered reasonable and can be met by the existing budget and meet Council's procurement guidelines; and
- Operational costs of the camera can reasonably be met by the existing budget; and
- The installation of the camera does not have a negative impact on the wider surveillance network in any way; and
- The type of camera is appropriate for the location and to meet the purpose of this management plan (see Section 8.1).

Areas of high criminal activity can be defined using policedata.nz, with data available at meshblock level.

Additional considerations:

- Where multiple cameras have been requested, installations should be prioritised by the amount of criminal activity in that area.
- Existing cameras may be moved from one location to another to improve operational efficiency, and do not need to meet the above criteria.
- Cameras should be monitored on a live 24-7 basis in areas of high criminal activity or in sensitive areas (such as high value assets).
- NZ Police should be consulted on the final position of new cameras, where these are being installed for community safety purposes.

All new cameras require approval from Council through the Annual CCTV Request Process outlined in Section 12. .

9. Deployment strategy

It's acknowledged that over time technology will advance and new types of cameras may become available that will supersede the below. The types of cameras will be reviewed over time.

At the time of preparing this management plan the following specifications are considered fit for purpose.

9.1. Types of cameras

Standard cameras:

For most camera locations, a standard camera should be capable of at least 2 megapixel imagery, include Pan, Tilt and Zoom capability ("PTZ"), and have infrared capability (for night time surveillance).

ANPR (Automatic number-plate recognition) cameras:

ANPR may be used in addition to, or instead of, a standard camera in any location, provided installation and ongoing operational costs can be met. While ANPR cameras can also operate as a standard camera in terms of collecting footage during the day, they are not appropriate for regular night footage (the contrast levels required for capturing number plates at night essentially render other imagery as unviewable).

ANPR cameras would usually be utilised for areas of particular high traffic inflow. Areas such as, entrances and exits into suburbs/towns, should be prioritised for ANPR cameras.

Mobile cameras:

Mobile cameras can be utilised for a variety of reasons and seasons. Fundamentally, mobile cameras should be installed when they are needed for a specific period of time. If an area becomes a hotspot during a particular season and needs additional monitoring for a set period of time, this would allow for mobile cameras to be set up. The criteria outlined in Section 7 must be met by the mobile camera at all times.

Should a mobile camera be necessary, signage must be placed near that camera so that public are aware of the operation, and the list of locations updated whenever the camera is moved. The CCTV Asset Manager will be responsible for authorising new cameras, including the location, installation, and de-installation of mobile cameras.

9.2. Networking

"CCTV" stands for Closed Circuit Television; it is a term which the general public is familiar with. The surveillance network acts as a "closed circuit" to the extent that data transmission from the cameras, either via telemetry, mobile network, broadband or fibre, is only accessible by one network. However, the technology does allow the "circuit" to be opened if needed, for example footage can be shared in real-time with an Authorised person.

The majority of the network is linked to Council's District CCTV Provider, who are based in Te Puke. The network is linked via telemetry, with some linked via mobile network and some via broadband.

Cameras that do not link to the CCTV provider in Te Puke do not have a wider network than their immediate vicinity (see Section 10.4 below for where that information is stored).

9.3. Minimising impacts on privacy

Cameras are to be positioned such that they cannot film private spaces. Where a camera placement cannot avoid private spaces, Privacy Enhancing Technologies (PET) are to be employed to digitally screen out those areas.

Authorised persons are to be trained to proactively monitor activities only within the scope of the purpose of surveillance. Authorised persons will be vetted and trained not to divulge information unless required for law enforcement purposes. Council's District CCTV Provider which monitors live camera footage, also records the actions of their staff in the monitoring room.

10. Operation of surveillance network

10.1. Monitoring

Camera footage which is stored by Council's CCTV provider will be monitored by authorised persons in real-time on a 24 hour, 7-day basis, including public holidays. Criminal incidents which may impact on community safety will be reported directly to police via radio, at the discretion of authorised persons (based on their trained judgement), or otherwise simply recorded for reference or future investigations. The actions of the District CCTV Provider authorised persons are also recorded.

Use of footage

In line with the Privacy Act 2020, information collected by the CCTV cameras will only be used for the purpose for which it was collected. Information collected by the CCTV cameras will be used for:

- Detection of criminal offences or other activity which may pose a risk to community safety, or which may damage/disrupt Council assets, which occur in view of the cameras.
- In the case of a criminal offence, footage may be given directly to the police either in real time or delayed, or described via audio (such as via police radio), in accordance with Principles 10 and 11 of the Privacy Act 2020.
- Monitoring of Council assets and facilities to support asset management and to inform decision-making by monitoring use and demand.
- Other matters, with prior approval given by the CCTV Asset Manager, provided the matter complies with legislation.

10.2. Access to information

Access to live camera footage and stored information by the security contractor is limited to:

- Security Contractor personnel (who have been vetted by Police)
- Western Bay of Plenty District Council staff (who have delegated authority to do so)
- New Zealand Police
- People approved by the CCTV Asset Manager who have a valid interest in live and stored information that meets current legislative thresholds.

Access to live camera footage and stored information which is not held by Council's CCTV provider is limited to authorised persons.

In accordance with Principle 6 of the Privacy Act 2020, any individual may request footage of themselves. Proof of identity is required to ensure that the request is indeed from the individual concerned. The Local Government Official Information and Meetings Act 1987 allows Council the right to charge for the time incurred to retrieve the information for requests which take considerable time to complete.

Authorised persons

Any authorised persons that have access to live camera footage and stored information, must adhere to the principles of the Privacy Act 2020 at all times.

Western Bay of Plenty District Council staff must have authorisation by either the Chief Executive or the CCTV Asset Manager.

A log shall be maintained by the CCTV Asset Manager of all access to the CCTV data. The log shall record the name of the person who accessed the data, the purpose of the access, the day and time of access, the duration of access and the outcome of/or action taken because of accessing data.

10.3. Storage of information

Information collected through the surveillance network will be stored securely by Council's CCTV provider, except for the following locations:

- TECT Park
- Council head office (Barkes Corner)
- Pātuki Manawa - Katikati library and service centre
- Te Puke library and service centre
- Waihi Beach library and service centre
- Kiwicamp facilities
- Other locations determined by the CCTV Asset Manager

Information stored by Council's CCTV provider is stored at the contractor's headquarters; footage is held for a period of up to 60 days.

Information not stored by Council's CCTV provider is stored on site at those locations. Footage is generally held for up to 30 days.

10.4. Signage and public awareness on Council-owned land

Signage advising of CCTV installation will be installed on the main entrance doors and at reception where installed inside buildings. For CCTV surveillance outside, members of the public should be able to view a sign advising of camera operation before moving into coverage area. Where portable cameras are installed and shifted around at intervals, Council will need to ensure that signage for cameras is also moved. The erection and maintenance of the signs is the responsibility of the Council.

11. Responsibilities

11.1. Authorised persons

Authorised persons, which are either authorised by the Chief Executive, the CCTV Asset Manager, or are staff of Council's CCTV provider, must at all times comply with the Privacy Act 2020, and be vetted by NZ Police. NZ Police may also monitor CCTV footage. Monitors (screens displaying footage) shall, as far as possible, not be located in such a position that would enable them to be viewed or accessed by any other staff or members of the public.

Any confirmed breach of access to the Council's CCTV footage will be treated as non-compliance with the Council's workplace standards and subject to disciplinary action.

11.2. CCTV Asset Manager

Council shall at all times have a staff member assigned to the role of CCTV Asset Manager. The CCTV Asset Manager is responsible for the purchase of new and replacement cameras, to give effect to Council decision making.

The CCTV Asset Manager is responsible for authorising which staff can view CCTV footage (except for staff of District CCTV Provider and Council Facilities CCTV Provider), ensuring new installations meet the expectations of this management plan, annual reviews, and triennial reviews of the CCTV network.

The CCTV Asset Manager is responsible for facilitating an annual process with elected members to allocate the CCTV budget as set out in Section 12.

The CCTV Asset Manager is responsible for keeping an up to date list of surveillance cameras across the district on Council's public website.

The CCTV Asset Manager is responsible for maintaining a log of all access to the CCTV data. The log shall record the name of the person who accessed the data, the purpose of the access, the day and time of access, the duration of access and the outcome of/or action taken because of accessing data.

The CCTV Asset Manager is responsible to report on questions as proposed by elected members, community boards, ward forums and district residents.

The CCTV Asset Manager is responsible for the managing of the district and facilities networks. Any cameras that have been procured for asset protection services are the responsibility of the relevant activity manager.

The asset manager shall be the person who holds Council's role of Strategic Property Manager.

12. Annual CCTV Request Process

The CCTV Asset Manager will organise each year for the budget of the fund available to be advertised and will facilitate the process for applications to be made.

Community boards, ward forums and district residents shall make applications for the installation of new CCTV cameras through the Annual CCTV Request Process.

Each applicant must ensure that their application has been fully completed, meets all the criteria set out in Section 8 and is submitted by the closing date specified in the advertisement.

An assessment panel will rank each application against the criteria outlined in Section 8 of this Management Plan.

A decision on the successful applicants will be made by elected members through the relevant Council committee.

The CCTV Asset Manager will be responsible for notifying successful and unsuccessful applicants following Council's decisions, and the procurement of cameras in accordance with Council's decisions.

9.6 LOCAL ELECTORAL (MAORI WARDS AND MAORI CONSTITUENCIES) AMENDMENT BILL - MAYOR WEBBER'S SUBMISSION

File Number: A3992313

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Jan Pedersen, Group Manager People And Customer Services

EXECUTIVE SUMMARY

This report provides Mayor Webber's submission on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill for your information.

RECOMMENDATION

1. That the Senior Governance Advisor's report dated 18 February 2021, titled 'Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill – Mayor Webber's Submission', be received and the information noted.

ATTACHMENTS

1. Local Electoral (Maori Wards and Maori Constituencies) Amendment Bill - Mayor Webber's Submission [↓](#) 



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Office of the Mayor

11 February 2021

Committee Secretariat
Māori Affairs Committee
Parliament Buildings
Wellington

Name: His Worship the Mayor
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, TAURANGA 3143
Daytime telephone: 0800 926 732
Email address: Garry.Webber@westernbay.govt.nz

Dear Sir/Madam

Submission to: Māori Affairs Select Committee on
Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill

Kōrihi te manu
Takiri mai te ata
Ka pō, ka ao, ka awatea
Tihei mauriora

*As the bird sings, morning dawns and the day has broken
Behold there is life!*

As Mayor of Western Bay of Plenty District Council, I would like to take this opportunity to thank the Māori Affairs Select Committee for the opportunity to submit on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill (**the Bill**).

I would like to speak to this submission if the opportunity is available.

About the Western Bay of Plenty District

Western Bay of Plenty District Council is a territorial local authority covering approximately 195,000 hectares. The population of the District is currently 53,900. Towns in the District include Maketu, Te Puke, Katikati, Omokoroa and Waihi Beach. The Western Bay of Plenty District's constituency has one of the highest percentages of Māori among local authorities in New Zealand.

I support the intent of the Bill

A1223355



I acknowledge the changes to the Local Electoral Act 2001 outlined by the Minister of Local Government, the Honourable Nanaia Mahuta and fully support the Bill as it is written.

Since 1867 it has been an essential part of New Zealand's electoral process and its constitutional law, that Māori have a privileged position in the government of this country¹

When heading a commission into the proposal to establish Māori seats for the Bay of Plenty Regional Council, Judge Peter J Trapski was considering a matter that the Bill seeks to address and that is the merit of specific Māori representation in Local Government. In his report, Judge Trapski heavily referenced a Royal Commission review of our national Electoral System undertaken in 1986, noting that Māori seats in Parliament were regarded as an important symbol to Māori people of their special status as the indigenous people of New Zealand and were an important concession to, and the principal expression of their constitutional position under the Treaty of Waitangi. He further noted that the proposal to establish Māori seats at a Local Government level would give Māori no more voting power than the general population and that having 3 of the 12 Bay of Plenty Regional Councillors elected from the Māori electoral roll, accurately reflected the Māori population of the region. As we know, Māori seats on the Bay of Plenty Regional Council were established by an Act of Parliament following the enquiry headed by Judge Trapski and they have operated as an important and well regarded function of that Council for over two decades.

Council's legislative obligations

The Treaty of Waitangi imperatives referred to by Judge Trapski are further provided for in the legislation that drives local government business. Section 4 of the Local Government Act 2002 recognises the responsibility to take appropriate account of the principles of the Treaty of Waitangi and provides the means for maintaining and improving opportunities for Māori to contribute to local government decision making. Section 81 of the Local Government Act 2002 further speaks to this, requiring local authorities to establish and maintain processes for Māori to contribute to local decision making, and to consider ways of fostering Māori capacity to contribute to local decision making.

Section 8 of the Resource Management Act 1991 requires any power exercising or fulfilling any obligation under that Act, to take into account the principles of the Treaty of Waitangi and the Local Electoral Act 2001 itself requires a local authority to consider the representation of Māori.

The decision on whether or not to provide a Māori ward is a local one, made based on an informed and considered view of the needs and preferences of a local community, especially of iwi and hapū. Some communities that have strong mechanisms for Māori representation in local government may see no need for a Māori ward. Having said that, if, after making such a decision to establish a Māori ward, the Local Electoral Act does currently include a provision which provides for that decision to be challenged by way of a binding poll of local electors. There is no such trigger for binding polls with regard to other decisions around wards and constituencies, and as such the current legislative provisions place a higher procedural standard on one particular representation arrangement than applies to others, which is unfair. The Bill rightly addresses this unfairness.

Furthermore, when undertaking a representation review, the first principle that requires to be satisfied is "what are our communities of interest and how do we cater for their

¹ Trapski, P.J. Judge. 1998. *"The Proposal to Establish a Maori Constituency for Environment B.O.P."* Tauranga: Hearings Commissioner.

representation?" Surely in our area, where we have a group of 20%, they must meet the community of interest test. Establishing a Māori ward is but one means that Council's can give effect to these statutory obligations, but it is the only mechanism that guarantees Māori representation at the decision making table.

The Western Bay of Plenty District experience

We have 11 iwi and 74 hapū within our rohe and while no representation system is perfect it needs to represent the people it affects. The introduction of Māori Wards recognises this and paves the way for fairer representation.

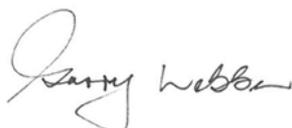
In 2011, the Western Bay of Plenty District Council commissioned a Māori Forum Representation Report. The report recommended the establishment of Māori wards as a priority over other considerations of the review.

In November 2017, the majority of Western Bay of Plenty District Councillors voted to establish a Māori ward as part of its representation review. This decision was made following work undertaken with Council's Partnership Forums (a recommendatory body made up of representatives of iwi and hapū in our district). Following that decision Council received a valid demand for a poll on the decision which was held under the current provisions of the Local Electoral Act. The poll saw 40.38% of eligible electors' vote in the poll, of which 78.09% were against the establishment of a Māori ward. As a result, Council's decision was over turned.

As Mayor, I, together with our Council work very closely with our iwi and hapū communities. Our initial decision to establish a Māori ward reflects that. The return of 172 hectares of land at Panepane to the five hapū of Matakana Island is but another example of the great outcomes that can be achieved on the back of strong relationships with iwi and hapū. Treaty of Waitangi settlements are beginning to see local iwi and hapū flex their political muscle and further express their social, economic, health and environmental aspirations for their rohe. Increasingly that is resulting in co-governance arrangements with local government. The position and role of Tangata Whenua in the social, political, economic and environmental landscape (both locally and nationally) is as strong as it has ever been, seeing benefits for the whole community. Providing a pathway to establishing Māori wards or constituencies without the unfair possibility of having that decision challenged by a binding poll of electors can only enhance this.

I'd like to thank the Minister for the courage of her conviction to bring this issue to the public forum. In light of all that is mentioned here and reflecting on other views I have heard expressed in support of the Bill, it is timely that it has been introduced to the House and once again I support the Bill as it is currently written.

Ngā mihi,



Garry Webber

His Worship the Mayor – Western Bay of Plenty District Council

10 INFORMATION FOR RECEIPT