



RANGITIKEI
DISTRICT COUNCIL
Making this place home.

ORDER PAPER

POLICY/PLANNING COMMITTEE MEETING

Date: Thursday, 15 February 2024

Time: 1.00pm

Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Chair: Cr Piki Te Ora Hiroa

Deputy Chair: Cr Gill Duncan

Membership: Cr Richard Lambert
Cr Dave Wilson
Cr Greg Maughan
Mr Chris Shenton (TRAK representative)
HWTM Andy Watson

For any enquiries regarding this agenda, please contact:

Kezia Spence, Governance Advisor, 0800 422 522 (ext. 917), or via email

kezia.spence@rangitikei.govt.nz

Contact:	0800 422 522 info@rangitikei.govt.nz www.rangitikei.govt.nz (06) 327 0099				
Locations:	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <u>Marton</u> Head Office 46 High Street Marton </td> <td style="vertical-align: top; width: 50%;"> <u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls </td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 20px;"> <u>Taihape</u> Taihape Information Centre 102 Hautapu Street (SH1) Taihape </td> </tr> </table>	<u>Marton</u> Head Office 46 High Street Marton	<u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls	<u>Taihape</u> Taihape Information Centre 102 Hautapu Street (SH1) Taihape	
<u>Marton</u> Head Office 46 High Street Marton	<u>Bulls</u> Bulls Information Centre Te Matapihi 4 Criterion Street Bulls				
<u>Taihape</u> Taihape Information Centre 102 Hautapu Street (SH1) Taihape					
Postal Address:	Private Bag 1102, Marton 4741				
Fax:	(06) 327 6970				

Notice is hereby given that a Policy/Planning Committee Meeting of the Rangitikei District Council will be held in the Council Chamber, Rangitikei District Council, 46 High Street, Marton on Thursday, 15 February 2024 at 1.00pm.

Order Of Business

1	Welcome / Prayer	4
2	Apologies	4
3	Public Forum	4
4	Conflict of Interest Declarations	4
5	Confirmation of Order of Business	4
6	Confirmation of Minutes	5
	6.1 Confirmation of Minutes	5
7	Follow-up Action Items from Previous Meetings	10
	7.1 Follow-up Action Items from Policy/Planning Committee Meetings	10
8	Chair's Report	12
	8.1 Chair's Report - February 2024	12
9	Reports for Decision	13
	9.1 Policy/Bylaw Work Programme Update and Bylaw Review	13
	9.2 Proposed Schedule of Fees and Charges 2024/25	44
	9.3 Proposed Smoke and Vape-free Policy	46
10	Reports for Information	57
	10.1 Strategy/Plan Development and Review Update	57
	10.2 Coalition Government 100-day Plan	63
11	Discussion Items	69
	11.1 Policy/Planning Committee - Review of Terms of Reference	69
12	Meeting Closed.	72

AGENDA

1 Welcome / Prayer

2 Apologies

3 Public Forum

4 Conflict of Interest Declarations

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of items on this agenda.

5 Confirmation of Order of Business

That, taking into account the explanation provided why the item is not on the meeting agenda and why the discussion of the item cannot be delayed until a subsequent meeting, [enter item number](#) be dealt as a late item at this meeting.

6 Confirmation of Minutes

6.1 Confirmation of Minutes

Author: Kezia Spence, Governance Advisor

1. Reason for Report

- 1.1 The minutes from Policy/Planning Committee Meeting held on 12 October 2023 are attached.

Attachments

1. **Policy/Planning Committee Meeting - 12 October 2023**

Recommendation

That the minutes of Policy/Planning Committee Meeting held on 12 October 2023 [**as amended/without amendment**] be taken as read and verified as an accurate and correct record of the meeting, and that the electronic signature of the Chair of this Committee be added to the official minutes document as a formal record.

MINUTES



RANGITIKEI
DISTRICT COUNCIL
Making this place home.

UNCONFIRMED: POLICY/PLANNING COMMITTEE MEETING

Date: Thursday, 12 October 2023
Time: 1.00pm
Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Present

Cr Piki Te Ora Hiroa
Cr Gill Duncan
Cr Dave Wilson
Cr Greg Maughan
Cr Richard Lambert
HWTM Andy Watson

In attendance

Cr Jeff Wong
Mr Kevin Ross, Chief Executive
Mr Arno Benadie, Chief Operating Officer
Mrs Carol Gordon, Group Manager- Democracy and Planning
Ms Gaylene Prince, Group Manager- Community Services
Ms Katrina Gray, Senior Strategic Planner
Ms Kezia Spence, Governance Advisor

Order of Business

1 **Welcome**..... 3

2 **Apologies** 3

3 **Public Forum** 3

4 **Conflict of Interest Declarations**..... 3

5 **Confirmation of Order of Business** 3

6 **Confirmation of Minutes** 3

7 **Chair’s Report** 3

 7.1 Chair's Report - October 2023..... 3

8 **Reports for Information**..... 4

 8.1 Update on the 2024-2034 Long Term Plan 4

 8.2 Strategy/Plan Development and Review Update 4

 8.3 Policy/Bylaw Work Programme Update..... 4

ITEM 6.1 ATTACHMENT 1

Unconfirmed

1 Welcome

Cr Piki Te Ora Hiroa opened the meeting at 1.04pm.

2 Apologies

No apologies received.

3 Public Forum

No public forum.

4 Conflict of Interest Declarations

No conflict of interests were declared.

5 Confirmation of Order of Business

No changes to the order of business.

6 Confirmation of Minutes

Resolved minute number 23/PPL/079

That the minutes of Policy/Planning Committee Meeting held on 10 August 2023 **without amendment** be taken as read and verified as an accurate and correct record of the meeting, and that the electronic signature of the Chair of this Committee be added to the official minutes document as a formal record.

Cr G Duncan/Cr D Wilson. Carried

7 Chair's Report

7.1 Chair's Report - October 2023

The report was taken as read.

Resolved minute number 23/PPL/080

That the Chair's Report – October 2023 be received.

Cr Te Ora Hiroa/Cr G Maughan. Carried

8 Reports for Information

8.1 Update on the 2024-2034 Long Term Plan

The report was taken as read.

Resolved minute number 23/PPL/081

That the Update on the 2024-34 Long Term Plan report be received.

Cr G Duncan/Cr D Wilson. Carried

8.2 Strategy/Plan Development and Review Update

Councillors discussed the importance of the asset management plan and having a greater focus on social infrastructure rather than just three waters infrastructure.

Councillors noted a significant risk to council is the depreciation on councils assets.

Resolved minute number 23/PPL/082

That the report 'Strategy/Plan Development and Review Update' be received.

Cr D Wilson/Cr R Lambert. Carried

8.3 Policy/Bylaw Work Programme Update

Ms Gray advised that a new corporate planner will be starting soon.

Resolved minute number 23/PPL/083

That the report 'Policy/Bylaw Work Programme Update' is received.

Cr R Lambert/Cr G Duncan. Carried

The meeting closed at 1.42pm

The minutes of this meeting were confirmed at the Policy/Planning Committee held on .

.....
Chairperson

7 Follow-up Action Items from Previous Meetings

7.1 Follow-up Action Items from Policy/Planning Committee Meetings

Author: Kezia Spence, Governance Advisor

1. Reason for Report

1.1 On the list attached are items raised at previous Policy/Planning Committee meetings. Items indicate who is responsible for follow up, and a brief status comment.

2. Decision Making Process

2.1 Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

Attachments:

1. Follow-up Actions Register [↓](#)

Recommendation

That the report 'Follow-up Action Items from Policy/Planning Committee Meetings' be received.

Current Follow-up Actions

Item	From Meeting Date	Details	Person Assigned	Status Comments	Status
1	15-Jun-23	Smokefree - vaping Policy - schedule it in for the next 1-2 years, bring an approach back to the next meeting	Katrina Gray	This is included in the order paper	Completed.
2	15-Jun-23	Heritage Strategy - when is this going to be reviewed?	Gaylene Prince	The Heritage Strategy will be reviewed in 2024 (timeframe for this review will be considered in early 2024).	Completed.

8 Chair's Report

8.1 Chair's Report - February 2024

Author: Piki Te Ora Hiroa, Chair

Tena Koutou katoa,

He mihi mahana mo te tau hou! Greetings everyone for this our first meeting of the New Year!

Just an acknowledgement for the ongoing work that has been carried out by staff since our last meeting back in October. At that time, we were still waiting to see the outcomes of the General Election, and 5 months later we are now busily working under the National Lead - Coalition Government. Local Government /councils across the country are looking at what some of the key changes will look like ahead of us that may include enacting, reacting and possibly retracting initiatives, that had been put in by the previous government. One would always hope that whatever changes come "communities and their people" need to be at the forefront of those decision-making outcomes.

We have a fairly full agenda for today's hui, with items that are business as usual such as draft fees and charges, Policy/Bylaw work programme, and Policy /Planning Committee Review. Another important item on the agenda is the Coalition Government 100 day-plan which will certainly have a direct impact on some of the everyday workings of every council in our country.

I am confident that we will ensure that we never lose sight of our communities that put us in these positions to govern and we all ultimately want what's best for everyone!

Pearls of wisdom

"Even if you're on the right track, you'll get run over if you just sit there!"

Recommendation

That the Chair's Report – February 2024 be received.

9 Reports for Decision

9.1 Policy/Bylaw Work Programme Update and Bylaw Review

Author: Janna Isles, Corporate Planner

Authoriser: Katrina Gray, Senior Strategic Planner

1. Reason for Report

- 1.1 The purpose of this report is to update the Policy/Planning Committee on the status of Council bylaws and policies and present the review of the Public Places, Trading in Public Places and Control of Advertising Signage Bylaws for discussion.

2. Work Programme

- 2.1 The Bylaw Register and Policy Register are attached.
- 2.2 The top priorities are the Public Places Bylaw, Control of Advertising Signage Bylaw, Trading in Public Places Bylaw, and Flying of Drones Policy. The review of these bylaws recommenced late 2023 after delays due to a change in staff. The Flying of Drones Policy will be presented to the April 2024 Policy/Planning Committee meeting.
- 2.3 Review of the Smokefree Policy also commenced late 2023. A separate report is provided in the agenda on this policy.

3. Review of the Public Places, Trading in Public Places and Control of Advertising Signage Bylaws

3.1 Background and context

3.1.1 Section 145 of the Local Government Act 2002 (LGA) provides Council with the power to create bylaws for the purposes of:

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

3.1.2 A bylaw cannot be created for the purpose of maintaining visual amenity or aesthetics.

3.1.3 The Public Places Bylaw 2013, Trading in Public Places Bylaw 2013 and Control of Advertising Signage Bylaw 2013 were all adopted on 31 January 2013 after a review of the corresponding 2007 bylaws as required by section 158 of the LGA. A further review of these bylaws must occur within ten years of the date in which the bylaw was last reviewed as outlined in section 159 of the LGA.

3.1.4 This deadline has lapsed, which means Council is no longer able to review these bylaws. The current bylaws remain in effect for 2 years. If Council has not revoked these bylaws by 31 January 2025, these bylaws will be automatically revoked as required by section 160A of the LGA.

3.1.5 If Council wishes to retain bylaws addressing public places, advertising signage in public places, and trading in public places, Council will need to adopt new bylaws addressing these topics.

3.2 Purpose of the current bylaws

- 3.2.1 The purpose of the Public Places Bylaw is to control activities in public places to ensure the public are able to enjoy public places without concern for their safety or experiencing nuisances.
- 3.2.2 The purpose of the Trading in Public Places bylaw is to regulate the conduct of people selling goods and services in public places.
- 3.2.3 The purpose of the Control of Advertising Signage Bylaw is to ensure advertising signs in public places, or visible from public places are erected, maintained, and display in a way that is not a nuisance, danger or offensive.

3.3 Implementation of the current bylaws.

- 3.3.1 A number of requests have been received by Council related to these bylaws since 2019. Common issues include concerns about signs, preaching, queries around trading in public places and 221 request relating to fly-tipping alone. These issues have been addressed in the proposed Signs and Public Places Bylaw.

4. Proposed changes

- 4.1 The three bylaws are generally working well in practice. Officers recommend that the general intent of the bylaws remain. The changes recommended are outlined below.

4.2 **Combining the three bylaws**

- 4.2.1 After reviewing the Public Places Bylaw, Trading in Public Places Bylaw, and the Control of Advertising Signage Bylaws, Officers identified that the intent of these bylaws are similar in which they are focused on regulating activities within public places to ensure that people can enjoy activities without experiencing any nuisances or risking their safety. Officers found that the content of these bylaws work well within one bylaw due to the similar intent, and reduced overlap in content.
- 4.2.2 The proposed bylaw has been titled Rangitīkei District Council Signs and Public Places Bylaw 2024.

4.3 **Structure for clarity and ease of use**

- 4.3.1 The structure of the bylaw has been updated to reduce repetitiveness, improve clarity, and align the structure with other Council bylaws. Despite the restructure, the content primarily retains the intent of the current bylaws.
- 4.3.2 The Signs and Public Places Bylaw has been written in 5 parts:
- Part 1: Introduction
 - Part 2: Public Places
 - Part 3: Trading in Public Places
 - Part 4: Signs
 - Part 5: Enforcement
- 4.3.3 Within part 1 you will find the administrative content required by legislation including the scope of the bylaw, commencement date, the bylaws repealed on the commencement of this bylaw, definitions relevant to this bylaw, and delegation under the proposed bylaw.

- 4.3.4 Part 2 reflects the content of the current Public Places Bylaw. The changes proposed are discussed further below.
- 4.3.5 Part 3 reflects the content of the current Trading in Public Places Bylaw. The changes proposed are discussed further below.
- 4.3.6 Part 4 reflects the content of the current Control of Advertising Signage Bylaw. The changes proposed are discussed further below.
- 4.3.7 Part 5 covers further administrative details including the process for applying for dispensation, the penalties for breaching the bylaw, and when exemptions apply in certain situations.
- 4.3.8 The content within each part has been reorganised to simplify the structure and improve readability. This has been achieved by grouping similar issues by topic. For example, a majority of provisions related to vehicles can now be found under the heading 'use of vehicles' rather than under multiple headings including damage to public places, public safety and nuisance, and vehicular crossings.

4.4 Dispensation Process

- 4.4.1 Under the current bylaws it is possible for a person to apply for dispensation to undertake a prohibited activity under the current bylaws, however there is no clear dispensation process.
- 4.4.2 In the proposed bylaw, the dispensation section clearly allows any person to apply for permission to undertake any activity that the bylaw prohibits. This section reduces repetition throughout the bylaw as each section does not need to state 'unless with the permission of Council.'
- 4.4.3 This new dispensation process clearly allows Council to choose whether or not permission is granted for a prohibited activity. If permission is granted, Council has the ability to impose conditions, or in certain circumstances to revoke the permission. This is being proposed to provide realistic expectations for anyone seeking permission for prohibited activities.

4.5 Exemptions

- 4.5.1 This is a new section proposed to be included in the proposed Signs and Public Places Bylaw. This is a brief section proposed to provide officers and emergency services staff permission to breach provisions in the bylaw when undertaking their roles.
- 4.5.2 This section also states that the customary rights of Iwi are not affected by this bylaw.

4.6 Definitions

- 4.6.1 A number of new definitions have been incorporated into the Signs and Public Places Bylaw. These definitions have been included to improve clarity, reduce ambiguity and to provide definitions for words not incorporated in the current bylaws. The new definitions include:
 - (a) Approved or Approval,
 - (b) Bicycle,
 - (c) Busking,

- (d) Event,
- (e) Goods,
- (f) Noise Enhancing Device,
- (g) Nuisance,
- (h) Person,
- (i) Preaching,
- (j) Skateboard,
- (k) Trading,

4.6.2 All definitions previously found in the bylaws have been reviewed and updated to reduce ambiguity.

4.7 Preaching, Busking, and Soliciting Donations

4.7.1 The current Public Places Bylaw does not allow for preaching, busking, or soliciting donations activities to take place in public places without council providing prior permission. As identified within the assessment of consistency with the New Zealand Bill of Rights Act 1990 within the Section 155 analysis below, there is some concern that this clause is inconsistent with the New Zealand Bill of Rights Act 1990. Officers propose to make preaching, busking, and soliciting donations permitted on the basis that the proposed conditions are adhered to.

4.7.2 The conditions proposed regulate the hours, duration, and the way this activity can be undertaken. This is to ensure that preaching, busking, and soliciting donation activities can occur in a way that limits the possibility of these activities infringing on others enjoyment of public places.

4.7.3 Officers have proposed to limit these activities to certain areas within public places. The places these activities may be permitted in could be restricted to the town centres. Officers seek Elected members feedback on limiting these activities to certain places. Do elected members seek to have these activities limited to certain areas, and if so, what areas would Elected Members seek to have these activities limited to? If elected Members do wish for the location of these activities to be limited, maps and/or descriptions can be included in the bylaw to illustrate the permitted areas.

4.7.4 Also prohibited in the Public Places Bylaw 2013, is the distribution of any printed or written material advertising any product, service or entertainment. In the past those who undertake these activities have expressed that they do not agree with this clause and have received dispensation from Council to distribute these materials. This is why Officers have proposed to allow the distribution of these materials, along with the condition that those distributing the material are responsible for removing any litter attributed to the distribution of the advertising material.

4.8 Trading of Goods in Public Places

4.8.1 The Trading in Public Places Bylaw requires any person wishing to sell goods in a public place, to first obtain a licence. The purpose of requiring a licence is to:

- (a) Ensure these activities are dispersed across public places, and are not operating in conflict with one another,
- (b) Avoid damage to the surrounding public place,
- (c) Protect public health and safety,
- (d) Avoid any obstruction of traffic and pedestrians.

4.8.2 Officers do not propose making any changes to the intent of these sections. The proposed bylaw still requires anyone wishing to trade in a public place to first obtain a licence from Council. However, Officers have proposed updates to improve clarity.

4.8.3 The proposed bylaw does not identify any areas where trading in public places is prohibited. If desired prohibited areas can be included in the bylaw, however it was not deemed necessary due to the requirement to obtain a licence before the activity can be undertaken. At the time of assessing the licence, the authorised officer can consider the chosen location to be inappropriate.

4.9 Goods Displayed in Public Places

4.9.1 The Public Places Bylaw 2013 states that no person shall expose for sale any article whatsoever without the prior permission of Council.

4.9.2 The districts town centre plans were created with a place-based approach, focusing on making our town centres ‘people places.’ This can be partly achieved by allowing more flexibility for the use of public spaces within town centres.

4.9.3 The current Public Places Bylaw restricts use of public spaces, which extends to outside retail and hospitality businesses. This means that the public places bylaw contradicts the intentions of the town centre plans.

4.9.4 Officers propose to allow shop owners the ability to display goods intended for sale or tables and chairs outside their store, provided they meet the conditions set out in the proposed bylaw. The proposed conditions are not restrictive, only restricting the size of the display to ensure the footpath is clear of any obstruction for passing pedestrians.

4.10 Public Safety and Nuisances

4.10.1 This proposed section has been revised and significantly reduced in size. A majority of the details no longer found in this section have not been removed, but rather moved to a more appropriate section of the bylaw.

4.11 Vehicles

4.11.1 Upon review of the Vehicular Crossing section of the Public Places Bylaw 2013, Officers recommend that this section is refocused, and the heading is changed to ‘Use of Vehicles.’

4.11.2 In the current Vehicular Crossing section, there is a lot of unneeded crossover with the Traffic and Parking Bylaw 2023. Officers have proposed that the focus of this section should instead be on prohibiting the use of a vehicle in a way that would cause a nuisance or safety concerns for others enjoying public places.

4.12 Refuse

- 4.12.1 This section has been rewritten to change the focus. The list of materials that cannot be left on the kerb for refuse collection has been removed from the bylaw. This has been suggested as Council is not responsible for kerbside collection. Kerbside rubbish collection is a topic for consultation for the Long Term Plan. If Council commences kerbside refuse collection and experiences safety and hazard concerns, an additional section can be added to address the issues at a later date.
- 4.12.2 There has been concerns about fly tipping in the district. The focus of the proposed refuse section is to directly ban fly tipping to provide another mechanism for Council to take enforcement action if required.

4.13 Stock on Public Places

- 4.13.1 Upon review of the stock on public places section, it was deemed that the detail was unnecessary as most of this detail was reflecting the information provided in the Stock Droving and Grazing Bylaw. Officers consider that the Stock Droving and Grazing Bylaw is a more appropriate location for this detail.
- 4.13.2 The new focus of the stock in public places section is to provide rules to ensure stock does not cause any damage to public places.

4.14 Skateboards

- 4.14.1 This is a proposed addition to the bylaw. In the Public Places Bylaw 2013, the definition of vehicle captures skateboards. This means that any restrictions to vehicles also restricts skateboards.
- 4.14.2 Creating a new skateboard definition along with provisions specifically for skateboards allows Council to ensure skateboards are being used in a safe way without imposing restrictive constraints on their use.
- 4.14.3 If Council wishes to impose stricter rules on the use of skateboards further rules can be imposed. This could be achieved by limiting their use within certain areas, such as not allowing their use in the main streets. However, this approach is not considered to be necessary at this time due to a lack of reported issues resulting from the use of skateboards.

4.15 Mind Altering Substances

- 4.15.1 The clause in the current Public Places Bylaw prohibiting any person to '*consume, inject, or inhale, any mind-altering substances or offer to sell such substances to any person*' is proposed to be removed from the bylaw. Upon reviewing this clause Officers were of the opinion that controlling mind-altering substances is a police matter, and Council Enforcement Officers would not be enforcing this clause.

4.16 Signs

- 4.16.1 The way the Control of Advertising Signage Bylaw was previously written has had the potential to cause confusion between the role of the bylaw and the role of the District Plan. The review of this bylaw has attempted to rectify this by removing any cross over and clarifying the role of the signage bylaw. Information regarding the building act has also been reviewed, and consequently been removed from the bylaw to further help clarify the role of the bylaw. An

explanatory note has been kept in the bylaw as a reminder that in addition to compliance with this bylaw, the Building Act must also be complied with.

4.17 Lighting of signs

4.17.1 A new approach to the lighting of signs is proposed in the Signs and Public Places Bylaw. Rather than relying on the ability to measure the level of light emitted by signs, Officers proposed to change the focus to limiting safety concerns by the way lights are used on signs. This change makes it easier for those installing lights on signs to understand what lights they are able to use, while also making it easier for Officers to enforce these rules.

4.18 Repair and removal of signs

4.18.1 Review of the repair and removal of signs section has found that the section is unnecessary detailed. This section has been revised to only contain necessary information.

5. Section 155 analysis

5.1 As part of the process of creating a bylaw Council must determine (s155):

- (a) That a bylaw is the most appropriate way of addressing the perceived problem,
- (b) The proposed bylaw is the most appropriate form of bylaw, and
- (c) Is not inconsistent to the New Zealand Bill of Rights Act 1990.

5.2 Appropriateness of the proposed bylaw

5.2.1 In order to be able to determine if a bylaw is the most appropriate method for addressing the perceived problem, Council must first understand the perceived problem. Council has proposed to impose this bylaw to address the perceived issues of enjoyment of and safety of the public using public places. The main issues identified that the bylaw should address include damage to public places, obstruction of public places, visible identification of buildings, use of public places to not impede on others enjoyment of the space, conduct of the sale of goods in public places, and the regulation of signage to ensure safety. The alternative is to not have a bylaw. This option is not considered appropriate as Council would no longer be able to manage signs and activities in public places.

5.3 Appropriateness of the form of the bylaw

5.3.1 The 'form of the bylaw' refers to the structure of the bylaw and the drafting of the individual clauses. Officers have reviewed the Public Places Bylaw 2013, Trading in Public Places Bylaw 2013, and Control of Advertising Bylaw 2013 and consider the majority of the controls to be appropriate. At the time of the last review of these bylaws, they were considered to be written in the most appropriate form of bylaw. From this review, Officers have proposed changes to a few of the controls to ensure these bylaws continue to be written in the most appropriate form. Officers propose a number of changes to the definitions section, rewriting to improve the language and restructuring of the bylaw to improve clarity.

5.4 *Assessment of the consistency with the New Zealand Bill of Rights Act 1990*

5.4.1 The New Zealand Bill of Rights Act 1990 guarantees a number of rights and freedoms including but not limited to freedom of expression, manifestation of religion, and freedom of peaceful assembly.

5.4.2 The Public Places Bylaw 2013 Section 6(j) solicit any subscription, collection or donation, preach or undertake any busking and section 6(k) Distribute any printed or written material advertising any product, service or entertainment risks inconsistency with the New Zealand Bill of Rights Act. Officers have redrafted this clause to set out conditions for preaching, busking and soliciting donations rather than banning the activity.

5.4.3 Officers do not consider there to be any clauses that are inconsistent with the New Zealand Bill of Rights Act 1990 in the proposed Signs and Public Places Bylaw.

6. Consultation

6.1 If Council wishes to adopt the proposed bylaw, Council must first use the special consultative procedure. The special consultative procedure requires a draft of the proposed bylaw along with a statement containing any reasoning and the determination of appropriateness (section 155 analysis).

6.2 If Council chooses to not adopt a new bylaw, consultation is still required and must include a statement explaining that the bylaw is to be revoked along with any reasoning and a report on the determination of appropriateness.

6.3 Timeframes for consultation will be developed once the Policy/Planning Committee has recommended the draft Bylaw to Council for adoption for consultation. Consultation will occur following the Long Term Plan consultation (not at the same time). Officers recommend that the Policy/Planning Committee is delegated authority for the hearing of submissions and deliberations for the proposed bylaw.

7. Options

7.1 Option 1: Recommend to Council that the draft Signs and Public Places Bylaw is adopted for consultation.

Option 1 is appropriate if the Committee is satisfied the draft bylaw is ready for public consultation.

7.2 Option 2: Request staff undertake further work on the draft Signs and Public Places Bylaw to be reconsidered at the April 2024 Policy/Planning Committee meeting.

Option 2 is appropriate if there is additional work the Committee would like completed to prepare the draft bylaw for consultation.

7.3 Option 3: Determine that the bylaw is no longer required and recommend to Council that Council consults on revoking the Public Places, Trading in Public Places, and Control of Advertising Signage bylaws.

Option 3 is not recommended as it would remove the ability for Council to manage trading, signage and other activities in public places.

7.4 Option 4: Determine that a bylaw is no longer required and allow the existing Public Places, Trading in Public Places and Control of Advertising Signage bylaws to lapse on 31 January 2025.

Option 4 is not recommended as it would remove the ability for Council to manage trading, signage and other activities in public places.

8. Financial Implications

8.1 There are no financial implications. Bylaw development and enforcement costs are included in existing budgets.

9. Impact on Strategic Risks

9.1 The Strategic Risk *Regulatory effectiveness is questioned* is associated with this report. If a bylaw or policy is not reviewed within the legislative deadlines, they become unenforceable. While these bylaws remain in force, there may be a reputational risk letting the bylaw or policy pass the deadline for review.

10. Mana Whenua Implications

10.1 No mana whenua implications have been identified.

11. Statutory Implications

11.1 The statutory implications have been explained above.

12. Decision Making Process

12.1 The decision-making process has been explained above.

Attachments:

1. **Bylaw Register** [↓](#)
2. **Policy Register** [↓](#)
3. **Draft Signs and Public Places Bylaw 2024** [↓](#)

Recommendation 1

That the report 'Policy/Bylaw Work Programme Update and Bylaw Review' be received

Recommendation 2

That the Policy/Planning Committee recommend to Council that the 'Rangitīkei District Council Signs and Public Places Bylaw 2024' bylaw be adopted for consultation.

OR

That the Policy/Planning Committee request that staff undertake further work on the draft 'Rangitīkei District Council Signs and Public Places Bylaw 2024' before being reconsidered at the April 2024 Policy/Planning Committee meeting.

OR

That the Policy/Planning Committee determine that the bylaw is no longer required to and recommend to Council that Council consults on revoking the Public Places, Trading in Public Places, and Control of Advertising Signage bylaws.

OR

ITEM 9.1

That the Policy/Planning Committee determine that the bylaw is no longer required and allow the Public Places, Trading in Public Places, and Control of Advertising Signage bylaws lapse on 31 January 2025.

Recommendation 3

That the Policy/Planning Committee recommends to Council that, in accordance with section 155 of the Local Government Act, a bylaw is the most appropriate way of dealing with the management of nuisances created from signs in public places, trading in public places, and other uses of public places, and that the draft Rangitikei District Council Signs and Public Places Bylaw 2024 is the most appropriate form of a bylaw, and there are no implications under the New Zealand Bill of Rights Act 1990.

Bylaw Register					
Document	Requirement/Enabling Legislation	Last reviewed	Review due	Responsible	Comment / Update
Trading in Public Places Bylaw	Local Government Act 2002	31/01/2013	31/01/2023	Regulatory Democracy & Planning	Under review. Review recommenced after change in staff.
Public Places Bylaw	Local Government Act 2002	31/01/2013	31/01/2023	Regulatory Democracy & Planning	Under review. Review recommenced after change in staff.
Control of Advertising Signage Bylaw	Local Government Act 2002	31/01/2013	31/01/2023	Regulatory Democracy & Planning	Under review. Review recommenced after change in staff.
Mokai Bridge Bungy Jumping Bylaw	Local Government Act 2002	3/10/2013	30/06/2023	Democracy & Planning	Not proposed for review at this stage.
Control of Dogs Bylaw	Dog Control Act 1996	26/05/2016	27/11/2026	Regulatory Democracy & Planning	Not due for review.
Traffic and Parking Bylaw	Land Transport Act 1998	15/03/2023	15/03/2028	Regulatory Democracy & Planning	Not due for review.
Liquor Control Bylaw	Local Government Act 2002	30/11/2018	29/11/2028	Regulatory Democracy & Planning	Not due for review.
Animal Control Bylaw	Local Government Act 2002	31/01/2019	31/01/2029	Regulatory Democracy & Planning	Not due for review.
Stock Droving and Grazing Bylaw	Land Transport Act 1998, Local Government Act 2002	26/09/2019	26/09/2029	Assets & Infrastructure Regulatory Democracy & Planning	Not due for review.
Water Related Services Bylaw	Local Government Act 2002	30/04/2020	8/05/2030	Assets and Infrastructure, Democracy and Planning	Not due for review.
Food Business Grading Bylaw	Food Act 2014	28/10/2021	28/10/2031	Regulatory Democracy & Planning	Not due for review.

Policy Register						
Document	Requirement/Enabling Legislation	Last reviewed	Review due	Priority	Responsible	Comment / Update
TAB Venues Policy	Racing Industry Act 2020	26/09/2019	26/09/2022	High	Regulatory Democracy & Planning	To be reviewed 2024.
Gambling Venue (Class 4) Policy	Gambling Act 2003	12/12/2019	12/12/2022	High	Regulatory Democracy & Planning	To be reviewed 2024.
Flying Drones in Council Parks - interim guideline	Civil Aviation Authority Part 101	1/10/2015	No requirement	High	Regulatory Democracy & Planning	Under review. Review recommenced after change in staff.
Social Media Policy		1/08/2021	No requirement	Medium	Democracy & Planning	Under review, no timeline for completion.
Treasury Management Policy	Local Government Act 2002 S102, 104, 105	22/10/2020	No requirement	Medium	Corporate Services	Review on hold due to prioritisation of other work.
Statement on Development of Māori Capacity to Contribute to Decision Making	Local Government Act 2002 S81, Sch10 clause 8	28/06/2018	No requirement	Medium	Democracy & Planning	To be reviewed alongside the 2024-34 LTP.
Significance and Engagment Policy	Local Government Act 2002 S76AA	9/06/2021	No requirement	Medium	Democracy & Planning	To be reviewed alongside the 2024-34 LTP. Council workshop held.
Development Contributions Policy	Local Government Act 2002 S102, 106	9/06/2021	9/06/2024	Medium	Assets & Infrastructure Corporate Services	To be reviewed alongside the 2024-34 LTP. Council workshop held.
Revenue and Finance Policy	Local Government Act 2002 S102, 103	9/06/2021	No requirement	Medium	Corporate Services	To be reviewed alongside the 2024-34 LTP. Council workshop held.
Community Housing Policy		9/08/2018	9/08/2024	Medium	Community Services	Update to occur in 2024.
Procurement Policy		27/03/2014	No requirement	Medium	Corporate Services	Review planned for 2024.
Smoking (and Vaping) Policy		N/A	N/A	Medium	Democracy & Planning Community Services	Review began late 2023.
LGOIMA Requests Policy		1/05/2023	No requirement	Low	Democracy & Planning	ELT set review date of May 2025.
Dangerous and Insanitary Buildings Policy	Building Act 2004 S131	25/06/2020	25/06/2025	Low	Regulatory Democracy & Planning	Not due for review.
Delegations to Positions Policy		24/05/2023	No requirement	Low	Democracy & Planning	Adopted May 2023, with a review of delegations to follow. Council set review date for policy of November 2025.
Local Governance Statement	Local Government Act 2002	31/03/2023	31/03/2026	Low	Democracy & Planning	Reviewed following the 2022 triennial election.
Dog Control and Ownership Responsibility Policy	Dog Control Act 1996 S10	26/05/2016	26/05/2026	Low	Regulatory Democracy & Planning	Not due for review.
Rates Postponement Policy	Local Government Act 2002 S102	25/06/2020	25/06/2026	Low	Corporate Services	Not due for review.
Local Easter Sunday Trading Policy	Shop Trading Hours Act 1990 P2 S5a	16/12/2021	16/12/2026	Low	Regulatory	Not due for review.
Rates Remission Policy	Local Government Act 2002 S102, 109	9/06/2022	9/06/2028	Low	Corporate Services	Not due for review.
Rates Remission Policy for Māori Freehold Land	Local Government Act 2002 S102, 108	9/06/2022	9/06/2028	Low	Corporate Services	Not due for review.
Standing Orders	Local Government Act 2002 Sch7 27	23/11/2023	No requirement	Low	Democracy & Planning	Reviewed following the 2022 triennial election.
Code of Conduct	Local Government Act Sch7 15	23/11/2022	No requirement	Low	Democracy & Planning	Reviewed following the 2022 triennial election.
MOU: Tūtohunga		17/12/2019	No requirement	Low	Democracy & Planning	No review planned.
External Grant Applications		11/05/2017	No requirement	Low	Community Services	No review planned.
Rural Water Supply Policy		1/12/2017	No requirement	Low	Assets & Infrastructure	No review planned.
Reducing or Waiving Fees for Use of Council Facilities		1/10/2015	No requirement	Low	Community Services	No review planned.
Reducing or Waiving Fees for internal consenting costs		1/10/2015	No requirement	Low	Democracy & Planning	No review planned.
Private Sector		14/11/2014	No requirement	Low	Community Services	No review planned.
Appointment of Directors	Local Government Act 2002 s57	21/07/2008	No requirement	Low	Democracy & Planning	No review planned.
Agreed Terms of Reference Te Roopuu Ahi Kaa		30/09/2004	No requirement	Low	Democracy & Planning	No review planned.
Road Naming Policy		N/A	N/A	Low	Regulatory Democracy & Planning	Development of a formal policy needed, but not able to be completed within current staff capacity.

**RANGITĪKEI DISTRICT COUNCIL
SIGNS AND PUBLIC PLACES BYLAW 2024**

DRAFT

ITEM 9.1 ATTACHMENT 3

PART 1 - INTRODUCTION 3

1 SCOPE 3

2 COMMENCEMENT 4

3 REPEALS 4

4 DEFINITIONS 4

5 DELEGATION..... 6

PART 2 – PUBLIC PLACES 7

6 PUBLIC SAFETY AND NUISANCES 7

7 PREACHING, BUSKING AND SOLICITING DONATIONS 7

8 OBSTRUCTING PUBLIC PLACES..... 8

9 GOODS AND OUTDOOR DINING IN PUBLIC PLACES 9

10 DAMAGE TO PUBLIC PLACES 9

11 USE OF VEHICLES 10

12 BUILDING IDENTIFICATION 10

13 STOCK ON PUBLIC PLACES..... 10

14 FENCES 11

15 BICYCLES, SKATEBOARDS AND MOBILITY DEVICES 11

16 REFUSE 11

PART 3 – TRADING IN PUBLIC PLACES 12

17 TRADING IN PUBLIC PLACES..... 12

PART 4 – SIGNS..... 14

18 GENERAL CONTROLS ON SIGNS 14

19 SIGNS OVER FOOTPATHS 14

20 SIGNS AND FLAGS ON FOOTPATHS AND BERMS..... 15

21 SIGNS AFFECTING TRAFFIC SAFETY 16

22 SIGNS AFFECTING TRAFFIC SAFETY 16

23 LIGHTING OF SIGNS 16

24 TEMPORARY SIGNS..... 17

25 REPAIR OR REMOVAL OF SIGNS 17

PART 5 – ENFORCEMENT 18

26 DISPENSATION..... 18

27 OFFENCES AND PENALTIES..... 18

28 EXEMPTIONS..... 19

PART 1 - INTRODUCTION**1 SCOPE**

- 1.1 This bylaw is made under section 145 and 146 of the Local Government Act 2002, the Land Transport Act 1998, and the Litter Act 1979. Council has the ability to adopt bylaws for the following general purposes:
- (a) Protecting the public from nuisance;
 - (b) Protecting, promoting, and maintaining public health and safety;
 - (c) Minimising the potential for offensive behaviour in public places.
- 1.2 The general purpose of this bylaw is to:
- (a) Protect the public from nuisance and maintain the amenity and safety of public places.
 - (b) Regulate trading in public places.
 - (c) Regulate signs in public places.
- 1.3 In particular, this bylaw addresses:
- (a) Damage to public facilities which may have an adverse effect on other users of these facilities,
 - (b) Obstruction of public access and projections onto public spaces,
 - (c) Identification of properties,
 - (d) Use of public places that have a detrimental effect on the ability of the public to enjoy these spaces,
 - (e) To regulate the conduct of people selling goods and services in public places'
 - (f) To regulate the conduct of people using vehicles, trailers or relocatable structures to sell goods and services in public places.
 - (g) To regulate signs to ensure the safety of vehicles and pedestrians using public places.
- 1.4 Nothing in this bylaw detracts from any provision of, or the necessity for compliance with other Council Bylaws, Rangitikei District Plan, requirements imposed by Horizons Regional Council, the Department of Conservation or any other legislation.
- 1.5 This Bylaw is consistent with the New Zealand Bill of Rights Act 1990 and does not affect Iwi customary rights. Council is committed to protecting fundamental rights and freedoms such as the right to freedom of expression and freedom of peaceful assembly.

Note: New Zealand Transport Agency, Waka Kohtahi as a road controlling authority has its own bylaws for the control of signs on State Highways within the Rangitikei District.

Note: This bylaw does not regulate signs that are regulated through the Rangitikei District Plan, traffic signs, or signs required by statute.

2 COMMENCEMENT

- 2.1 This bylaw was adopted by Council on XXXXX and commences on XXXXXXXX.

3 REPEALS

- 3.1 The following bylaws are revoked on the commencement date of this bylaw:
- (a) Public Places Bylaw 2013
 - (b) Trading in Public Places Bylaw 2013
 - (c) Control of Advertising Signage Bylaw 2013

4 DEFINITIONS

- 4.1 For the purposes of this bylaw, unless the context otherwise requires, the following definitions shall apply:

APPROVED or **APPROVAL** means written approval, permit or consent provided by Council, including any Authorised Officer.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority, and may include a police officer.

BICYCLE means any wheeled device having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes power-assisted bicycles. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

BUSKING means any person who performs or entertains in a public place whether for free or for reward or other and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form. 'Busk' and 'busking' means the same.

COUNCIL means the Rangitikei District Council.

EVENT means an organised temporary activity that takes place on one or more days including, without limitation, an organised gathering, demonstration, competition, parade,

FOOTPATH means a path or way primarily designed for, and used by pedestrians, and includes a footbridge.

GOODS means any product or service.

MATERIAL means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

NOISE ENHANCING DEVICE means any type of microphone, sound system, speaker or similar that emits sound whether it be music or voice.

NUISANCE has the same meaning given by section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

PERSON includes a natural person, a corporation sole, and a body of persons whether incorporated or not.

PREACHING means any person reading, speaking or using any other method of creative expression to share their beliefs whether or not they are religious.

PUBLIC PLACE means a place that is:

- (a) Under control of Council
- (b) Open to, or used by the public, whether or not payment is required for admission; and includes:
 - i. Any part of a public place
 - ii. Any reserve, park, domain, beach, foreshore and recreation grounds
 - iii. Any road, footpath, accessway, throughfare and berm owned by Council. This does not include private roads or roads owned by Waka Kotahi

SERVICE DELIVERY VEHICLE means any vehicle being used for the purpose of delivering goods to the building of any business or organisation and does not involve the sale of the goods to the general public in any place.

SIGN means any device, character, graphic or electronic display, whether temporary or permanent, which:

- (a) is for the purposes of:
 - (i) identification of or provision of information about any activity, property or structure or an aspect of public safety;
 - (ii) providing directions; or
 - (iii) promoting goods, or events;
- (b) is projected onto, or fixed or attached to, any structure or natural object including any vehicle or trailer; and
- (c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.
- (d) for the purpose of this bylaw, any bunting, poster, mural, banner flag, billboard footpath/sandwich board, or projection is also to be considered a sign.

SKATEBOARD A wheeled device controlled or propelled by gravity or by energy exerted by the rider, or equivalent device propelled by a battery including but not limited to skateboards, roller skates, scooters, trolleys, electric scooters, or similar recreational devices. This does not include any wheelchair, baby or adult carriage or bicycle.

STOCK means Cattle, sheep, horse, deer, donkeys, mules, goats, pigs, alpacas, llamas, poultry and any other animal farmed or contained by humans of any age or gender.

TEMPORARY SIGN means any sign advertising any forthcoming event, which is continuously displayed for no more than 3 calendar months in any 1 year, and includes:

- (a) A parliamentary or local authority election, or candidates for any such election; or
- (b) Construction or development works on a building site or demolition site; or
- (c) The sale, auction, or lease of the property or land the sign is located on; or
- (d) Any exhibition or entertainment event.

TRADING means an activity undertaken by any person involving the sale of goods, or the offering of a commercial service for payment, or any other compensation in a public place, including but not limited to pop up stalls, mobile shops, temporary drinks outlets, and temporary food outlets. A trading activity may be temporary or permanent, occurring on a one-off basis or as a series of events. Trade and trading have a corresponding meaning.

VEHICLE means a device equipped with wheels, tracks or revolving runners upon which it moves or is moved. It includes:

- (a) Trailers
- (b) Caravans
- (c) Boats
- (d) The shell or hulk of a vehicle

but does not include:

- (e) A perambulator or pushchair
- (f) A mobility scooter
- (g) A bicycle
- (h) A skateboard
- (i) A motorised wheelchair.

5 DELEGATION

- 5.1 In this Bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive who may delegate all or part of that function to any Authorised Officer.

PART 2 – PUBLIC PLACES**6 PUBLIC SAFETY AND NUISANCES**

- 6.1 Any person in a public place must not:
- (a) Set off any fireworks or explosive material or allow the setting off of fireworks or explosive matter in a manner which creates or is likely to create a nuisance to users of any public place;
 - (b) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
 - (c) Take off or land any aircraft including model aeroplanes, hot air balloon, hang glider, parachutes or similar, except in an emergency;
 - (d) Conduct any activity, including the playing of any game recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
 - (e) Beg in a manner that may intimidate or cause a nuisance to any person.
 - (f) Allow or cause the drippings of eaves or other projections of any building to fall in a manner likely to cause a nuisance.

7 PREACHING, BUSKING AND SOLICITING DONATIONS

- 7.1 Preaching and busking is only permitted in the areas identified in schedule 1.
- 7.2 Before commencing this activity, permission must be granted by the owners of the business or the owner of the building the activity is operating outside. The owners that provided permission may withdraw their consent at any time. If consent is withdrawn the activity must stop immediately.
- 7.3 A person may not undertake this activity for more than a total of 2 hours on any given day.
- 7.4 No person may undertake this activity in a way that causes a nuisance to any person.
- 7.5 No tables or chairs may be placed on the footpath in association with this activity.
- 7.6 Direct interaction with the public associated with this activity must be initiated by the member/s of the public.
- 7.7 No noise enhancing device may be used in association with this activity.
- 7.8 No person shall distribute any printed or written material advertising any product, service or entertainment in a way that does or is likely to cause a

nuisance. Any person distributing printed or written advertising material in a public place shall be responsible for the removal of any litter attributed to the distribution of the advertising material.

- 7.9 The activity must be undertaken in a way then ensures that access is not impeded to fire exits, fire hydrants, shop and business entranceways, rubbish receptacles, pedestrian flow, or street furniture stands.
- 7.10 Display stands associated with this activity must:
- i. Be a maximum of one display stand associated with a person undertaking this activity may be used at any one time.
 - ii. Be erected at the beginning of the activity, and removed when the activity ends.
 - iii. Incorporate the logo or name that clearly identifies the organisation or person responsible for it.
 - iv. Not exceed 500mm(w) x 500mm(d) x 1200mm(h).
 - v. Not obstruct the path of pedestrians, and must leave a gap of at least 2m for pedestrians to pass.

8 OBSTRUCTING PUBLIC PLACES

- 8.1 Any person in a public place must not:
- (a) Obstruct, impede, interfere with, cause a nuisance or block pedestrian or vehicular traffic access on, to or from a public place
 - (b) Obstruct, remove, or damage any culvert, sewer or drain on any public place;
 - (c) Place, leave or permit any object or thing, including without limitation any vehicle, packing case, crate, basket, cask, barrel, package or other encumbrance which creates or is likely to create a nuisance;
 - (d) Participate in any assembly or associate with other persons in a way that impedes pedestrian or vehicular access to buildings facing onto the public place or organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place which creates or is likely to create a safety hazard or a nuisance;
 - (e) put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, awning, or other obstruction or projection of any kind whatsoever in, on, over or under a public place. This restriction shall not apply to any veranda or awning erected pursuant to a requirement of the District Plan;

- (f) allow any gate or door on a property abutting a public place, to swing over or across the public place;
- (g) allow vegetation to encroach on to or over any public place to obstruct or interfere with street lighting or the free movement of persons or vehicles using that public place;
- (h) place any item on a footpath unless in accordance with section 9.

9 GOODS AND OUTDOOR DINING IN PUBLIC PLACES

- 9.1 Goods intended for sale or display by shop owners, or tables and chairs for outdoor dining, may be set out on a footpath directly outside the shop to which they relate provided.
- (a) The goods or tables and chairs do not extend past the store frontage to which they relate;
 - (b) There is a minimum of 2 metres of footpath clear for pedestrian traffic.

10 DAMAGE TO PUBLIC PLACES

- 10.1 No person in a public place can do, cause or permit to be done any act whatsoever by which damage is caused to any public place including:
- (a) Interfere with, destroy, deface, pollute, remove or apply advertising devices to any;
 - a. Natural feature animal or plant including grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - b. Ornament, statue, building, structure or facilities.
 - c. Name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building
 - (b) be in control of any animal so that it damages any part of a public place;
 - (c) Remove any sand, soil or other naturally occurring material found in a public place;
 - (d) Open any drain or sewer on, or disturb or remove the surface of, any public place.
 - (e) Carry out an activity where a sign indicates that the activity is prohibited or otherwise regulated.
- 10.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by Council.
- 10.3 Any person wishing to gain access to a beach shall use a designated access where this is available.

11 USE OF VEHICLES

- 11.1 Any person in a public place must not:
- (a) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - (b) No person may operate any vehicle to cross any water channel in any public place other than over a crossing properly constructed for such purpose.
 - (c) Use any vehicle whose wheels or tracks cause or may cause damage to the surface or any part of the road.
 - (d) Keep any inoperable vehicle unless such vehicle can be made complete and in working order within a period of 24 hours, subject to being removed and impounded at the owners expense if not removed within a period of 24 hours;
 - (e) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place;
 - (f) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.
 - (g) Use any vehicle in a way that it may damage any part of a public place;

12 BUILDING IDENTIFICATION

- 12.1 Address numbers allocated by Council are required to be displayed in a position so it is readily visible from the road, or public place to which it has frontage.
- 12.2 The owner or occupier of every building or group of buildings forming part of a complex must mark such building, complex, or letterbox associated with that building or complex with numbers no less than 50mm in height for residential buildings and letterboxes, and not less than 150mm in height for all other buildings, regardless of the building or complex being identified by other means.
- 12.3 Numbers required by 12.1 must be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

13 STOCK ON PUBLIC PLACES

- 13.1 No person shall permit any stock to be on a reserve, beach, footpath or cycle track or other area designated as an area prohibited, or Council has prohibited the entry of stock by resolution or public notice, without the prior consent of Council.

- 13.2 Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 13.3 Any person being the owner of or having control of any horse or stock in a public place shall immediately remove any faeces deposited by that horse or stock from any public place.

14 FENCES

- 14.1 No person shall allow any rail, gate, or fence adjacent to a public place to be in a state of disrepair or in a state that Council considers to be a danger to the safety of people using the public place.
- 14.2 No person may erect or permit to be erected electrified fencing or barbed wire within 1 metre of the boundary of any public place unless the height of the barbed wire is at least 2 meters above ground level, or the electrified fencing is at least 3 meters above ground level.
- 14.3 Clauses 14.2 shall not apply within areas zoned as rural under Council's district plan, except when the fence abuts or adjoins a footpath.

15 BICYCLES, SKATEBOARDS AND MOBILITY DEVICES

- 15.1 A person must not use or ride a bicycle, Skating Device or Mobility Device in any public place in a manner as to be, in the opinion of Council:
- (a) Intimidating;
 - (b) Dangerous;
 - (c) A Nuisance;
 - (d) Likely to cause damage to property.

16 REFUSE

- 16.1 No person shall take to any place of disposal material of any kind which has been prohibited by the Council.
- 16.2 On premises set aside by the Council for the disposal of refuse, no unauthorised person can enter, loiter, disturb any deposit of refuse, or remove any article or material of any kind.
- 16.3 No person shall place, leave, dump, or fly tip waste of any type in a public place including but not limited to;
- (a) Place or leave litter or any material or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;

- (b) Deposit in or around a public litter receptacle any household waste, recyclable waste, green waste, commercial waste, trade refuse or hazardous waste;
- (c) Interfere with any refuse which is awaiting collection by an authorised collector.
- (d) Throw or in any way deposit any offensive matter including without limitation dead animals or parts of dead animals and animal waste,
- (e) Every person must properly dispose of the body or part of the body of any animal belonging to them, or in their charge or keeping, that has been killed or died while straying or being driven on any public place.

PART 3 – TRADING IN PUBLIC PLACES

17 TRADING IN PUBLIC PLACES

- 17.1 No person may undertake a trading activity in a public place without obtaining a licence from Council.
- 17.2 The application of the licence must be made in writing on the appropriate form.
- 17.3 If the applicant wishes to sell goods at a location outside an existing shop or business, the application must include written consent from that shop or business owner.
- 17.4 Licence holders must comply with the conditions an authorised officer deems fit to impose on the licence.
- 17.5 The licence may specify without limitation:
 - (a) The name of the licence holder;
 - (b) The duration of the licence;
 - (c) The location to which the licence applies;
 - (d) The type of trading activity the licence allows;
 - (e) The hours allowed for trading by the licence;
 - (f) The use of signage
- 17.6 The Council may, at its discretion, review, withdraw or alter conditions on a licence with a minimum of 24 hour notice given to the permit holder.
- 17.7 The Council may immediately without notice alter, suspend, or cancel any licence if:
 - (a) licence conditions are being breached;
 - (b) Urgent works are required in the public place where the licence applies;
 - (c) Urgent action is required to protect the public in the public place where the licence applies.

- 17.8 Where a licence has been suspended or cancelled the licence holder must immediately remove any vehicle, stall, goods, and materials used in the trading activity from the public place.
- 17.9 A licence granted by this bylaw is not transferable to any other person.
- 17.10 A licence cannot be transferred to any other trading activity carried out by the person.
- 17.11 Council may by resolution prescribe fees for licences or site rentals or both.
- 17.12 Every licence holder shall always display their licence in a way that is visible to the public when engaged in the licenced activity.
- 17.13 Exemptions for requiring a licence to trade in public places:
- (a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 (2), Part 10 of the Fisheries Act 1996;
 - (b) Service delivery vehicles including milk vendors;
 - (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.
 - (d) The organiser of a community event may apply on behalf of a specified group of people who are intending to sell goods as part of that event, if a licence is granted it will apply to that group.

PART 4 – SIGNS**18 GENERAL CONTROLS ON SIGNS**

- 18.1 No person may display a sign in a public place or on or overhanging any land or building owned by the Council without a permit from the Council unless:
- (a) The display of the sign is authorised by this bylaw or a permit is issued under this bylaw; or
 - (b) The display of the sign is expressly allowed by a resource consent under the Resource Management Act 1991.
- 18.2 No person may place or allow to remain in place any sign which explicitly or implicitly:
- (a) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination as set out in the Human Rights Act 1993;
 - (b) Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
 - (c) Is offensive, threatening or insulting; or
 - (d) Incites or encourages any persons to commit any offence.
- 18.3 All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public.
- 18.4 The owner of the sign is responsible for ensuring the sign does not pose a danger to property or the public.
- 18.5 No person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material. Note: This clause does not apply to any advertising material on a stationary or moving vehicle where that advertising material is permitted as a condition of a licence to trade in a public place issued by the Council, or where the advertising material relates to the business that owns the vehicle.

Note: Any sign that requires a building consent must have obtained the consent before the sign is erected.

Note: Signs that are located on any privately owned premises within the district are required to comply with the district plan.

19 SIGNS OVER FOOTPATHS

- 19.1 All signs suspended from verandas over public places shall be:

- (a) No closer that 2.4m to the footpath beneath the sign;
- (b) Set back at least 600mm from an imaginary vertical line from the road kerb;
- (c) If located on the veranda fascia, be not more than 900mm in depth, or protrude more than 200mm from the fascia;
- (d) If located under the veranda fascia, at right angles to the fascia line, and be limited to one per site;
- (e) If located on top of the veranda, be more that 1.2m high, not more than 1.8m² in area and limited to one per site; and
- (f) Advertise only businesses, services and products located on the site of the sign.

20 SIGNS AND FLAGS ON FOOTPATHS AND BERMS

- 20.1 No person may display a footpath or flag sign on a footpath or berm unless;
- (a) The sign advertises the business or relates to the business activity of the business it is located outside of; and
 - (b) There is not more than one flag sign or footpath sign for each business; and
 - (c) The sign is located adjacent to the business to which it relates; and
 - (d) The sign is not displayed when the business is not open to the public; and
 - (e) There is a minimum width of footpath free from obstruction of 2 metres
 - (f) The footpath sign or flag sign is placed immediately adjacent to the footpath kerb, provided that it does not protrude onto the road; and
 - (g) The sign complies with the following specifications:

Footpath sign	
Maximum height	1.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres

Flag sign	
Maximum height	2.0 metres
Maximum width	0.9 metres
Maximum base spread	0.6 metres
Maximum flagpole height	3.0 metres

21 SIGNS AFFECTING TRAFFIC SAFETY

- 21.1 No sign shall be placed or be allowed to remain where in the opinion of the Council that sign would:
- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - (b) Distract or be likely to distract the attention of road users;
 - (c) Resemble or likely to be confused with any traffic sign or signal;
 - (d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
 - (e) Create or be likely to create in any way a danger to road users.

22 SIGNS AFFECTING TRAFFIC SAFETY

- 22.1 No sign shall be placed or be allowed to remain where in the opinion of the Council that sign would:
- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - (b) Distract or be likely to distract the attention of road users;
 - (c) Resemble or likely to be confused with any traffic sign or signal;
 - (d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
 - (e) Create or be likely to create in any way a danger to road users.

23 LIGHTING OF SIGNS

- 23.1 Signs must not be flashing, animated, or reflective, and must not contain moving lights, lasers or images.
- 23.2 Illuminated signs must:
- (a) have all floodlights or concealed lighting directed solely on to the advertisement and its surrounds;
 - (b) have any light source shielded so that glare does not extend beyond the advertisement;
 - (c) with the exception of neon signs, have no light source visible to passing motorists with a light output greater than that of a 65W incandescent bulb;
 - (d) not be illuminated in a way that makes the sign appear to move, shimmer, flash, strobe, sparkle or revolve;

- (e) not be illuminated in a way that it causes a nuisance or traffic hazard.

24 TEMPORARY SIGNS

- 24.1 Any temporary sign shall comply with the rules about the number, size, and type of signs, contained in the Rangitikei District Plan for the zone in which the sign is erected.
- 24.2 No election signs shall be placed on any public place.
- 24.3 Temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- 24.4 No person shall allow, or allow any other person, on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of:
 - (a) Any temporary sign advertising land or premises for sale, auction or lease after one calendar month after the date of settlement; or
 - (b) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.

Note: Election signs are also required to comply with any electoral regulations.

25 REPAIR OR REMOVAL OF SIGNS

- 25.1 The Council may require the owner of any sign that is deemed non-complying, unsafe or unauthorised to remove or repair that sign. If the owner is unknown, Council has the right to remove the sign.
- 25.2 A publicly visible sign must be removed as soon as reasonably practical and within 2 days once the sign is no longer required for advertising purposes.
- 25.3 The Council may pull down, alter or remove any poster or sign and recover the costs of removal from the persons placing the poster or sign if it has been placed on any:
 - (a) Building or structure without the permission of the owner of that building or structure;
 - (b) Surface, building or structure in a public place not being a designated poster site;

PART 5 – ENFORCEMENT**26 DISPENSATION**

- 26.1 A person may request permission from Council, to undertake any activity not allowed by this bylaw.
- 26.2 Any person wishing to obtain Council approval for the purposes of this bylaw must make a written application to Council.
- 26.3 On receipt of an application, along with receipt of full payment of a fee if required, Council may grant the approval, refuse the approval, or request further information.
- 26.4 Any approval granted under clause 25.3 may be subject to any conditions imposed by Council that Council considers to be appropriate.
- 26.5 A person granted an approval with conditions imposed under 25.4 must comply with those conditions.
- 26.6 Council may revoke, modify or cancel any Council approval granted under this bylaw if;
- (a) Any conditions of the approval are not complied with,
 - (b) There is material change in circumstances which requires the approval, or any conditions imposed on an approval, to be revoked or modified, or
 - (c) The information provided to Council in support of the approval application is found to be incorrect or misleading.
- 26.7 Council must give the approval holder written notice of its intention to revoke, modify or cancel any Council approval or conditions under 25.6, including a description of why the revocation, modification or cancellation is necessary.
- 26.8 After receipt of a notice issued under clause 25.7, and if an approval holder disputes the need for revocation or modification, the approval holder may submit any relevant information to Council within 5 working days, after which the Council will make a final decision.

27 OFFENCES AND PENALTIES

- 27.1 Any person who does not comply with any requirement or condition of their approval or acts contrary to any prohibition or resolution made in this bylaw, commits an offence against this bylaw.
- 27.2 Every person who obstructs or hinders any authorised officer in the exercise of their powers under this bylaw shall be liable to prosecution for an offence against this bylaw.
- 27.3 Any breach of this bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000 as set out in the Local Government Act 2002.

- 27.4 Council may use its powers under the Local Government Act 2002 to enforce this bylaw.

28 EXEMPTIONS

- 28.1 An Iwi's customary rights are not affected by this bylaw.
- 28.2 The prohibitions and restrictions contained in this bylaw do not apply to
- (a) any Authorised Officer when engaged in the performance of their regular duties;
 - (b) any emergency vehicle at the time of being engaged in urgent official emergency business;
 - (c) any vehicle being used for an event or activity with an approved traffic management plan where operation of the vehicle is compliant with that traffic management plan;
 - (d) any vehicle carrying out, or involved in the delivery of a public work where:
 - i. no other practicable alternatives to the activity are available;
 - ii. the vehicle is being used with due consideration to the other road users;
 - iii. the activity is one that the council, at its discretion, considers is reasonably necessary for the purposes of the public work.

9.2 Proposed Schedule of Fees and Charges 2024/25

Author: Janna Isles, Corporate Planner

Authoriser: Katrina Gray, Senior Strategic Planner

1. Reason for Report

- 1.1 The purpose of this report is to present the Proposed Schedule of Fees and Charges 2024/25 to the Policy/Planning Committee for discussion.

2. Proposed changes to fees and charges

- 2.1 The Schedule of Fees and Charges are updated every year to reflect the changes in costs that Council incurs to deliver the services and facilities.
- 2.2 Councils standard approach to setting the fees and charges for the year is to adjust the fees and charges from the previous year by the CPI provided by BERL. For 2024/25, 3.9% has been applied to all fees and charges, with three exceptions:
- Fees and charges with no changes.
 - Fees and charges proposed to increase more than CPI.

Fees and charges with no changes

- 2.3 There are a number of services Council does not currently have fees or charges for, including;
- Borrowing library items, along with renewals and overdue items
 - Use of computers at libraries;
 - Some cemetery charges for children and stillborn;
 - Disposal of fluorescent tubes and eco bulbs at transfer stations;
 - Recycling at transfer stations;
 - Council publications requested by residents and ratepayers;
 - Disposal of up to 20kg of hazardous waste.
- 2.4 Upon review of these charges, it is recommended that these services continue to be offered at no charge.
- 2.5 There are also a number of fees that Council collects but is unable to set the level of the fee as they are set by Central Government. Fees set by Central Government include official information requests and licencing fees.

Fees and charges with additional increases

- 2.6 The following fees are proposed to be increased more than CPI:
- Fees for the disposal of whiteware, large photocopies and stereos, gaming consoles, keyboards, speakers, and small e-waste are proposed to be introduced. The purpose of this is to encourage the repair and maintenance of these small items and cover the cost of their disposal. The proposed fees range between \$8 and \$19. These fees are in line with what other councils charge.

- Items including fridges and freezers, TVs, monitors, and E-waste are proposed to increase greater than CPI. These increases are to cover the true cost of disposal and are in line with the fees set by other councils.
- The per tonne rate for refuse is proposed to increase by CPI plus \$10. The additional increase is to cover the increase of the Ministry for the Environment levy.
- All fees collected by transfer stations for the disposal of items has been rounded up for cash handling purposes.
- A change to the way building consent fees for domestic/residential small projects are charged is proposed. The fees associated with domestic/residential small projects have been increased by \$100 and now incorporate the charge for a code compliance certificate. The increase of \$100 is offset by removing the code compliance certificate fee (which was \$350).

3. Financial Implications

- 3.1 The Schedule of Fees and Charges sets the level of fees and charges Council will charge for the associated financial year.

4. Impact on Strategic Risks

- 4.1 There are no impacts on Council's strategic risks.

5. Mana Whenua Implications

- 5.1 There are no mana whenua implications associated with this report.

6. Statutory Implications

- 6.1 A number of fees are required to be consulted on using the special consultative procedure set out in the Local Government Act 2002.
- 6.2 The Proposed Schedule of Fees and Charges 2024/25 will be adopted for consultation by Council alongside the draft Long Term Plan 2024-34.
- 6.3 After consultation, Council will reconsider the Schedule of Fees and Charges before will adoption.

Attachments:

1. **Schedule of Fees and Charges 2024/25 (under separate cover)**

Recommendation

That the report 'Proposed Schedule of Fees and Charges 2024/25' be received.

Recommendation

That the Policy/Planning Committee recommend to Council that the 'Proposed Schedule of Fees and Charges 2024/25' [as amended/without amendment] is adopted for consultation to occur alongside the Long Term Plan 2024-34.

9.3 Proposed Smoke and Vape-free Policy

Author: Michael Hodder, Advisor to the Chief Executive

Authoriser: Carol Gordon, Group Manager - Democracy & Planning

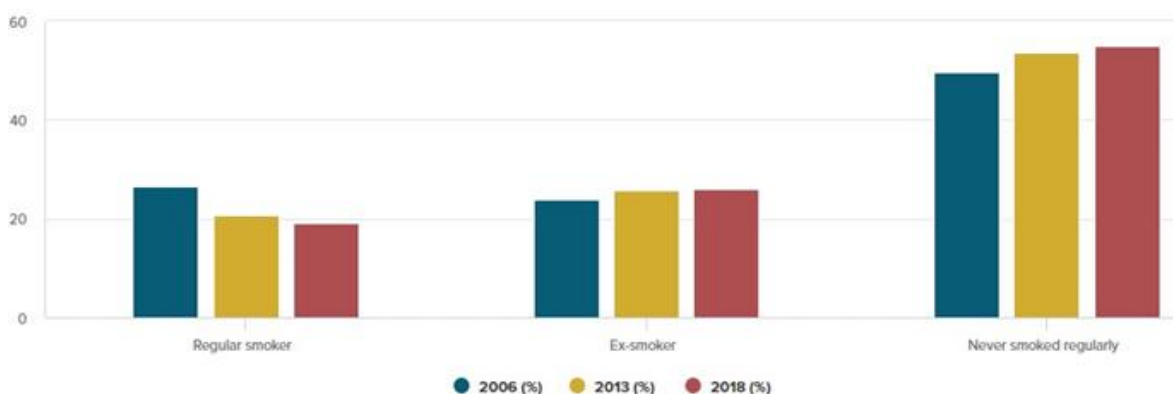
1. Reason for Report

- 1.1 The report addresses the interest expressed by the Policy/Planning Committee to consider a smoke and vape-free policy.
- 1.2 Direct evidence of community concern about smoking and vaping in places owned or controlled by Council is sparse, but that may be as a result of people thinking that Council is unable to act. In 2021 there was a complaint recorded in the service request system from a mother at the Marton playground about the lack of signage which she could otherwise have used to alert a smoker at that place, and there have been incidents of vaping in the Marton Library.

2. Context

- 2.1 In 2011, Central Government set a goal that by 2025 fewer than 5% of New Zealanders would be smokers, recognising that tobacco was a leading cause of lung cancer. The intention is that this goal will be achieved by:
 - protecting children from exposure to tobacco marketing and promotion,
 - reducing the supply of, and demand for tobacco, and
 - providing the best possible support for quitting.
- 2.2 Regular smoking by people aged 15 and over in the Rangitīkei District is declining, but at the 2018 Census was still about 19.0%, substantially higher than the mean result for the whole of New Zealand, 13.2% and well short of Central Government's 2025 goal. In addition, over 50% of Rangitīkei residents aged between 30 and 64 reported as regular smokers in 2018. Using the calculations suggested by Gisborne District Council this means around \$15.7 million was spent in 2018 by Rangitīkei residents on tobacco products.

Cigarette smoking behaviour for people in Rangitīkei District, 2006–18 Censuses



- 2.3 There has been a more rapid decline in the number of regular smokers who identify as Māori but in 2018 this was 31.9%,¹ which is substantially higher than for all Rangitīkei residents.
- 2.4 There is no equivalent information available for vaping, although some targeted studies have been undertaken on secondary school students, commented on below. Vaping was initially seen as a way to help regular smokers stop smoking, as evident in the fact sheet released by the Ministry of Health in 2019.² However, the Ministry was clear in its position:
- Vaping is not for children and young people.
 - Vaping is not for non-smokers.³
 - Vaping can help some people quit smoking.
 - Vaping is not harmless, but it is less harmful than smoking for smokers.
 - The best thing you can do for your health is to be smokefree and vape-free.

In addition the Ministry's current position is 'Although vaping is not smoking it is a health risk and should be recorded in clinical records'.⁴

- 2.5 However, vaping has become more popular with non-smokers, and the Asthma and Respiratory Foundation has drawn attention to research from the World Health Organisation that vaping can also be a gateway to smoking, especially youth.⁵ This phenomenon prompted the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 which bracketed vaping and smoking. As well as specifying that there could be no more than 600 outlets across New Zealand permitted to sell smoked tobacco products and prohibiting sale or delivery to anyone under 18 years, the Act limits vape outlets to permanent structures where vapes sales constitute 70% (in exceptional cases 60%) of total sales from those retail premises. In its 100-day plan, the Coalition Government committed to repealing these provisions.⁶ There is considerable opposition to this.⁷
- 2.6 There have been targeted studies which provide evidence of the extent of vaping among young people. Below is an extract from the report compiled by the Ha Collective⁸ in July 2022, from an online survey of 2,021 rangatahi across eight schools in Auckland (4), Dunedin (3), and Gisborne (1):

¹ <https://www.stats.govt.nz/tools/2018-census-place-summaries/rangitikei-district#health>

² <https://vapingfacts.health.nz/>

³ The Asthma Foundation is concerned that vaping can trigger asthma: https://www.asthma.org.nz/pages/vaping-can-trigger-asthma?_pos=1&_sid=aaf32ae6f&_ss=r

⁴ <https://www.health.govt.nz/our-work/preventative-health-wellness/smokefree-2025/information-practitioners-patients-who-are-quitteing-smoking/recording-vaping-status> (Update 22 August 2023).

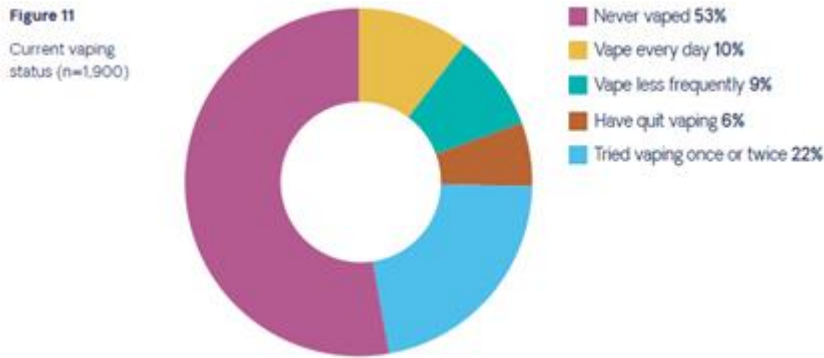
⁵ World Health Organisation, Report on the global tobacco pandemic 2023, p. 123. <https://iris.who.int/bitstream/handle/10665/372043/9789240077164-eng.pdf?sequence=1>

⁶ <https://www.rnz.co.nz/news/political/503534/government-confirms-its-100-day-plan>

⁷ <https://www.thepress.co.nz/nz-news/350131525/christchurch-council-joins-call-keep-smokefree-rules>

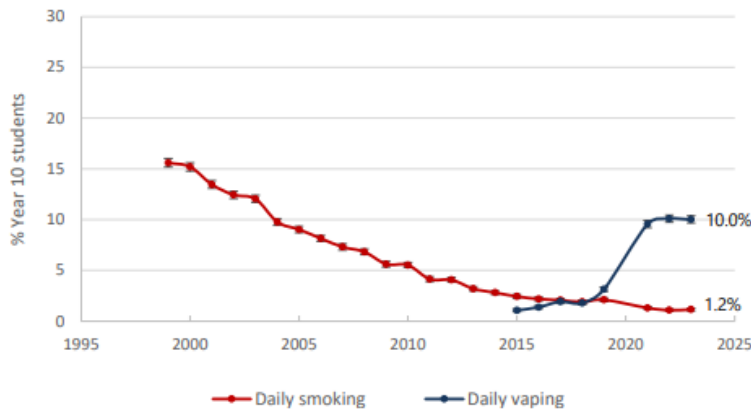
⁸ A project organised by Curative with funding from Te Whatu Ora.

ITEM 9.3



- 2.7 In comparison, 74% of rangatahi in the Ha Collective sample had never smoked, 16% had tried smoking just once or twice, 2% used to smoke regularly, but don't anymore, and 6% currently smoke "occasionally" or "regularly". 9% of those who don't vape have tried smoking at least once, compared to 76% of those who vape every day and 46% of those who vape less frequently.
- 2.8 The changing take-up of smoking and vaping by young people is depicted in the following graph, taken from the ASH Year 10 Snapshot Survey 2023. 29,260 students participated that year.

Figure 1: Youth daily smoking (1999–2023) and daily vaping prevalence (2015–2023)



- 2.9 However, while regular smoking remained the same as in 2022 (2.8%), regular vaping significantly decreases for the second consecutive year (18.2% in 2022 to 16.4% in 2023). 'Regular use is defined as participants that report smoking or vaping either daily, weekly, or monthly.⁹ This suggests that promotions against regular vaping are having an impact.
- 2.10 The Ha Collective report looked to understand rangatahi's interests and stress to give context for vaping use. Its summary conclusion includes the following:

.....[in those rangatahi who vape daily]...stress frequency is high (53% feeling stressed out or worried every day), and not all of them are turning to, or able to turn to, their interests to help them cope. Instead, they tend to engage in high-risk behaviours (including alcohol, drugs, self-harm, as well as vaping) as coping strategies. Given that daily vapers are more likely than non-vapers to currently feel like they are coping well with their feelings of stress, trying to stop them from vaping would be inadvisable without ensuring beforehand that accessible and

⁹https://assets.nationbuilder.com/ashnz/pages/70/attachments/original/1702170472/2023_ASH_Y10_Snapshot_Toplevel_smoking_and_vaping_FINAL.pdf?1702170472

appealing alternatives for stress relief have been properly integrated into their lives and made readily available.

- 2.11 This perspective conflicts with the intention to denormalise the use of vaping. However, the Ha Collective report notes that rangatahi who vape try to keep that activity unknown to their parents and teachers.
- 2.12 Because of their recent introduction, the long-term effects of vapes or the harm to bystanders from second-hand vapour are not known. However, the Asthma and Respiratory Foundation has also noted research in Southern California which shows that exposure to second-hand aerosols from e-cigarettes is associated with increased risk of bronchitis symptoms and shortness of breath among young adults, especially among those who don't smoke or vape themselves.¹⁰
- 2.13 Vapes can have a higher volume of nicotine than regular cigarettes. The Australian Department of Health and Aged Care issued a statement in September 2019 linking e-cigarettes with lung cancer.¹¹ From 1 March 2024, the Australian Commonwealth Government is requiring all legally permitted vapes to be available only in pharmacies by prescription. Disposable vapes have been banned.¹²

3. Discussion and Options Considered

- 3.1 There are several agencies very concerned about the incidence of smoking and vaping such as the Cancer Foundation and the Asthma and Respiratory Foundation who have been keen to see the Council adopt a policy. Te Whatu Ora has a similar view. A policy, if adopted, signals to the community that the Council wishes to contribute to denormalising smoking and vaping. Currently, the incidence of smoking is higher in the Rangitīkei than for the country as a whole.
- 3.2 One option is to adopt a bylaw instead. However, that is both a more expensive and inflexible approach, given the way bylaws need to be enforced. In addition, a bylaw is less likely to gain positive community support.
- 3.3 A second option is to do nothing, i.e. to accept that interested external organisations and the Government do not need Council's clear acknowledgement of concern and interest in denormalising smoking and vaping. That is not the view of the Cancer Society, the Asthma and Respiratory Foundation, Sport Whanganui or Te Whatu Ora.
- 3.4 The third option is to adopt a policy. A draft is provided as an attachment (Refer to Attachment 1). As suggested during the discussion by the Policy/Planning Committee at its meeting on 12 October 2023, the draft policy has had regard for similar policies adopted by other councils.
- 3.5 The draft policy proposes to prohibit smoking and vaping at all Council-owned or controlled recreation areas, within or near Council-owned facilities or buildings and all outdoor/footpath dining areas within the town central business districts. However, it would allow the Council's Chief Executive to set aside a designated area near the Council

¹⁰ Islam T, Braymiller J, Eckel SP, Liu F, Tackett AP, Rebuli ME, Barrington-Trimis J, McConnell R. Secondhand nicotine vaping at home and respiratory symptoms in young adults. *Thorax*. 2022 Jul;77(7):663-668. doi: 10.1136/thoraxjnl-2021-217041. Epub 2022 Jan 10. PMID: 35013000; PMCID: PMC9203939. However, although cited by the World Health Organisation in its 2023 *Report on the global tobacco epidemic*, their conclusion (p.62) is that 'further research is needed to fully understand the health effects of second-hand aerosols': <https://iris.who.int/bitstream/handle/10665/372043/9789240077164-eng.pdf?sequence=1>

¹¹ <https://www.health.gov.au/news/e-cigarettes-linked-to-severe-lung-illness>

¹² <https://www.tga.gov.au/products/unapproved-therapeutic-goods/vaping-hub/reforms-regulation-vapes>

building for staff who are smokers or vapers and to suspend parts of the policy in a special circumstance like a declared emergency. New or renewed contracts, leases and licences will require compliance with the policy as will funding grants administered by Council.

- 3.6 Setting aside designated areas will be criticised by partner agencies as being contrary to the objective in the policy to contribute to denormalising smoking and vaping. However, both these activities are legal and at least some staff who are vaping do so in the aim of giving up smoking. On balance, Council considers it is preferable to confine such activities in spaces which are safe and out of public view.
- 3.7 The policy commits the Council to support initiatives from agencies such as Te Whatu Ora to encourage local businesses or organisations to be smoke and vape free.

4. Financial Implications

- 4.1 Signage at Council recreation areas, facilities and buildings will need to be updated to signify they are no smoking and no vaping places. While this might be done as permanent signage is replaced, suitable bilingual signage can readily be downloaded for free from the Smokefree website and added to Council's existing signs.¹³ In its policy, Gisborne District Council notes that in areas where children are present, smokers are more likely to comply with smokefree signage, and that caregivers are more likely to ask smokers to stop or move away in well sign posted smokefree areas.
- 4.2 In its comments on the initial draft of the policy, Te Whatu Ora urged Council commit to a sustained effort on communicating the policy and in working with them and other partner agencies. Given the particular issue with vaping, the policy specifies that the Youth Council will be asked for its view about this. Regular promotion would be likely to gain wider community awareness and positive support for the policy, but there could be resourcing implications for Council's Communications team. The position taken in the policy is that the Council's relationship with partner agencies is a supportive role.
- 4.3 Monitoring the suggested measures of success will need periodic work by staff but this will have minimal impact on other scheduled activity.

5. Impact on Strategic Risks

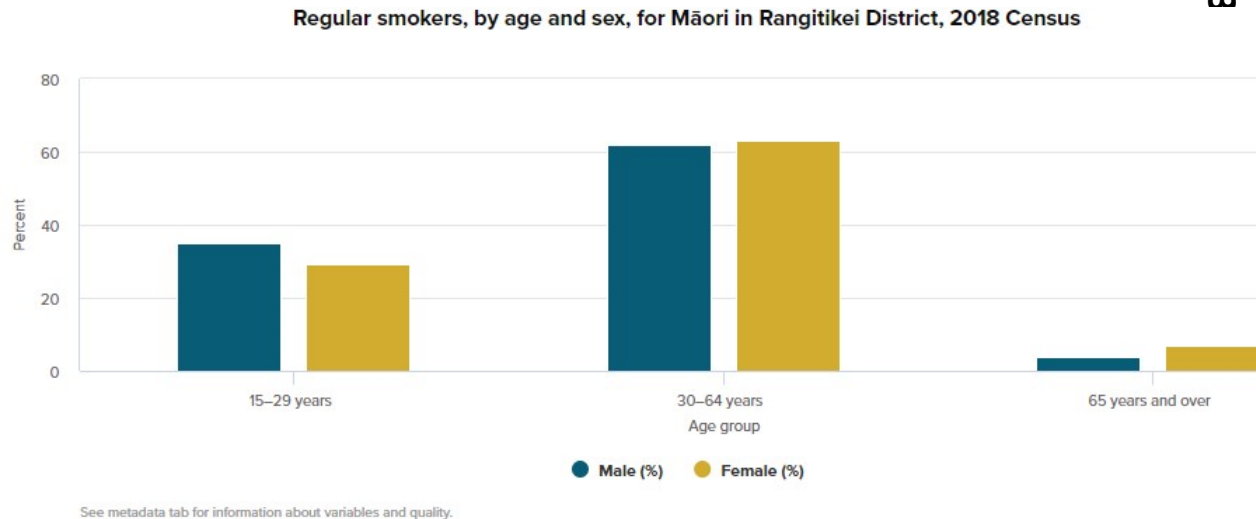
- 5.1 One of Council's strategic risks is that trust and confidence, i.e. is that Council misunderstands community expectations or fails to work with advocacy groups either of which may lead to continuous public criticism, particularly in social media and division among elected members and staff.
- 5.2 There is a risk of criticism that:
 - central government's health agencies have the primary responsibility - however, Council has a statutory role in public health and the policy acknowledges this and the supportive role that it will take in relation to government health agencies, and
 - the lack of an enforcement mechanism means that a Council policy is simply 'virtue-signalling' - however, that 'signalling' has strong support from agencies like the Cancer Society and the Asthma and Respiratory Foundation in helping to denormalise smoking and vaping.

¹³ <https://smokefree.org.nz/resource-library>

5.3 The Council's Risk and Assurance Committee will be alerted to the policy, if adopted.

6. Mana Whenua Implications

6.1 Māori have higher numbers who are smokers than the population generally in the District:



6.2 There is no equivalent data distinguishing Māori from non-Māori for vaping.

6.3 If the policy is adopted for consultation, Council would alert members of Te Roopuu Ahi Kaa and liaise with relevant agencies such as Te Kōtuku Hauora and Mokai Patea Services for their views about the policy and its effective implementation.

7. Statutory Implications

7.1 The Smokefree Environments and Regulated Products Act 1990 covers a range of venues including workplaces managed by local authorities but does not extend to outdoor areas. Being under control of local authorities, they were given the discretion on whether to impose restrictions, a position unchanged by the amendments to this Act assented to in 2022¹⁴.

7.2 The Act provides for local authority by-law making powers on such matters. This was left unchanged by the amendments. However, those local authorities which have decided to support the Smokefree 2025 goal have opted for policies rather than bylaws – i.e. preferring voluntary compliance and persuasion over enforcement¹⁵. In part, this reflects the inflexibility of the bylaw mechanism.

7.3 The exercise of this discretion given to local authorities has a statutory basis. Section 23 of the Public Health Act 1956 provides that 'it shall be the duty of every local authority to improve, promote and protect public health within its district'.

7.4 There is no statutory requirement for Council to consult on a policy which is not prescribed by legislation, and which is essentially educational and depends on voluntary compliance.

¹⁴ Ministry of Health submission to Parliament's Public Health Committee, March 2020 on the Smokefree Environments and Regulated Products Amendment Bill.

¹⁵ Whanganui District Council initially had a bylaw in 2010, but revoked it in 2017 when the current policy was adopted.

8. Conclusion

- 8.1 There is a strong case for Council to have a Smoke and Vape-free Policy, having regard for the extent of smoking by residents of the District and findings about the use of vapes, especially by younger people. The long-term effects of vapes cannot yet be known, but there is considerable concern within New Zealand about the implications - especially given the increasing use of vapes.
- 8.2 Apart from its own commitment to community outcomes, Council has a statutory obligation to improve, promote and protect public health within the District. This could assume greater significance if the Coalition Government carries out its intention to repeal the Regulated Products (Smoked Tobacco) Amendment Act.
- 8.3 The scope of the suggested draft policy is modelled on similar policies adopted by other local authorities and has been influenced by comment from interested agencies. The main driver of costs is the extent to which Council promotes the policy and engages with other relevant agencies.
- 8.4 Unlike a bylaw, there is no enforcement mechanism for a policy. Its effect relies on voluntary compliance and signage in the relevant places.
- 8.5 Consultation is not mandatory but would be part of the process on ensuring the policy is effective.

9. Decision Making Process

- 9.1 The Committee may decide to recommend to Council that it approves public consultation and delegate to the Committee to consider submissions and report its finding to Council. However, the Committee may wish to have further work done on the policy before making such a recommendation.
- 9.2 Alternatively, the Committee may decide, having considered this report and the draft policy, not to proceed further.

Attachments:

1. **Draft: Smoke and Vape Free Policy** [↓](#)

Recommendation 1:

That the report 'Proposed Smoke and Vape free policy' and the draft policy be received.

Recommendation 2:

That the Policy/Planning Committee:

EITHER

- a. requests further clarification (to a subsequent meeting of the Committee) on [issue(s) to be inserted] before deciding on whether to recommend public consultation on a draft smoke vape-free policy:

OR

- b. recommends to Council that it approves public consultation on the draft smoke and vape-free policy (with any further amendments) on the basis that this will increase

public awareness and support for the initiative, and delegates to the Policy/Planning Committee to consider oral and written submissions and report its finding to the Council:

OR

- c. recommends to Council that it authorises the Chief Executive to sign the draft smoke and vape policy [as amended] without public consultation on the basis that this allows the policy to be brought into effect without further delay:

OR

- d. decides not to progress action on a draft smoke and vape policy on the basis that it will contribute little to the denormalising of smoking and vaping.

Smoke and Vape-free Rangitikei Policy

1. Reasons

- 1.1 Rangitikei District Council's current community outcomes includes promoting healthy and resilient communities. The Smoke and Vape-free Rangitikei Policy contributes towards this outcome.
- 1.2 The Smokefree Environments and Regulated Products Act 1990 (amended in 2023) covers workplaces managed by local authorities but does not extend to outdoor areas. Decisions about these are for local authorities, and most have adopted policies to limit smoking and vaping in such places. This recognises that section 23 of the Public Health Act 1956 provides that 'it shall be the duty of every local authority to improve, promote, and protect public health within its district'.
- 1.3 The Council recognises that, while initially a means to assist people quit smoking, vaping has become increasingly promoted to and used by those who have never smoked, especially younger people, and in some instances had led to people starting smoking.¹ This is why the Policy does not differentiate between smoking and vaping.
- 1.4 The Policy contributes towards the Council's commitment to Central Government's Smokefree Aotearoa 2025 (SF2025) objective. It supports positive public education messaging efforts to de-normalise behaviours associated with smoked tobacco products, vaping (electronic cigarettes) and heated tobacco products (HTP).

2. Context

- 2.1 In the smoke and vape-free areas identified in Section 4 of this Policy, Council will encourage compliance, through education and signage, to support Rangitikei communities to become smokefree/vape-free and reduce the associated litter issues. The policy depends on voluntary compliance and persuasion: unlike a bylaw, there are no enforcement mechanisms.
- 2.2 Council will collaborate with its partner organisations and agencies responsible for delivering SF2025 objectives to assist the Rangitikei District to become smokefree/vape-free where possible.

3. Definitions

Smoking

Smoking is inhaling and exhaling the smoke of burning tobacco typically through cigarettes, cigars or pipes. It includes herbal tobacco and psychoactive substances, including synthetic cannabis.

Vaping

Vaping is using an e-cigarette, a device that heats a liquid to produce vapours that users inhale. Liquids used in e-cigarettes may contain nicotine and other toxic chemicals.

¹ This recognises the position behind the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 which strikes a balance between ensuring vaping products are available for smokers who want to switch to a less harmful alternative and ensuring these products aren't marketed or sold to young people. The Act makes the legal position clear:

- Section 2(4)(b) - "a vaping device is not a medical device within the meaning of the Medicines Act 1981."
- Section 24(4)(c) - "a vaping substance is not a medicine within the meaning of the Medicines Act 1981."

The Ministry of Health's current position is 'Although vaping is not smoking it is a health risk and should be recorded in clinical records'.

4. Objectives

4.1 This Policy has the following objectives:

- reduce the prevalence of smoked tobacco, the litter from cigarette butts, the harm from second-hand smoke, and the use of electronic cigarettes/vapes in Council-owned, controlled, leased, facilities or occupied buildings and outdoor public spaces,
- deliver Council leadership for a smokefree and vape-free District,
- support the efforts of Council's partner agencies responsible for achieving the SF2025 objective in the District and the Horizons region.

5. Scope

5.1 The following areas in the Rangitikei District are smokefree/vape free:

- a. all Council-owned or controlled parks, playgrounds, sports fields, reserves, skateparks, campgrounds and swimming pools,
- b. all Council-owned or controlled facilities or buildings such as libraries, community housing and public toilets. This includes the immediate (within four metres) surrounding outdoor public space, e.g. footpaths adjacent to entranceways, except for those facilities where there are Council staff who are smokers/vapers. In such cases, the Council's Chief Executive may establish a designated area, to be away from windows and doors, dry, and not visible to the public.
- c. all outdoor/footpath dining areas within the central business districts of the District's towns and townships as defined in the pedestrian veranda overlay in the District Plan. Council will specify this requirement (and signage) when permitting use of such outdoor/footpath areas.
- d. bus stops and shelters, and
- e. beaches.

No ashtrays will be provided in these areas.

5.2 All new or renewed contractual agreements to hire, lease or occupy Council-owned or controlled buildings and facilities will be required to be smokefree/vape-free.

5.3 All Council funded, administered, and supported events will be smokefree/vape free.

5.4 Council will be a supportive partner with Health New Zealand / Te Whatu Ora, local businesses, organisations, and agencies to encourage and support any business or organisation that wishes to become a smokefree/vape free area.

5.5 Council's Chief Executive may temporarily suspend parts of the policy in a declared emergency or other special circumstance. Any such decision shall be publicly notified and reported to the next meeting of the Council.

6. Implementation

To implement this policy, Council will:

- display signage with smokefree and vape-free messaging at Council buildings, facilities and parks and reserve areas, maximising the use of resources at smokefree.org.nz,
- on review, Council documents (e.g. reserve management plans), will make reference to smokefree and vape-free public places,
- on review, community leases and licences will require the leased premises to be smokefree and vape-free,

- include a 'no smoking/vaping on premises' clause in the Council's terms and conditions for hiring any Council venue,
- include a smokefree and vape-free compliance requirement in Council contracts which require work in Council-owned or controlled areas (unless specifically exempted by the Council's Chief Executive) when the contracts are negotiated or renewed,
- include a smokefree and vape-free requirement in all funding agreements through the grant schemes administered by Council.
- consult Council's Youth Council on their views about discouraging vaping by young people, and
- provide support to Government's health agencies and other interested agencies in their initiatives to denormalise smoking and vaping.

7. Application and review

- 7.1. Council will review the policy at times determined by Council, which may be in response to legislative or policy changes including any potential changes to the Smokefree Aotearoa 2025 goal as appropriate.
- 7.2. The following measures of success will be used as the basis of any review of the Policy:
- the number of people smoking/vaping overall and in areas designated by the Policy reduces,
 - awareness of, and public support for, smokefree and vape-free public areas increases, and
 - cigarette butt litter in parks reduces.
- These will be measured using the Census, service requests, community surveys and information from the Parks team.
- 7.3. If a Council-funded event is found not to be taking steps to discourage smoking and vaping, that may influence a decision on a subsequent application for Council support.
- 7.4 The policy will take effect from the date it is signed by the Chief Executive.

7 February 2024

10 Reports for Information

10.1 Strategy/Plan Development and Review Update

Author: Katrina Gray, Senior Strategic Planner

Authoriser: Carol Gordon, Group Manager - Democracy & Planning

1. Reason for Report

- 1.1 To provide the Policy/Planning Committee with an overview of Council's strategies and plans.

2. Strategic Framework

- 2.1 Council's Strategic Framework (Kowhai) was reviewed as part of the development of the 2024-34 Long Term Plan. It sets out Council's vision, community outcomes, priorities, strategies, and plans.
- 2.2 The development of clear strategies is an important part of meeting Council's vision and community outcomes. The strategies set out the goals and rationale for a particular topic and will guide any relevant underlying plans. The plans provide a detailed picture of how the higher order strategies and goals will be implemented, timing and responsibilities.
- 2.3 Council's strategies and plans are influenced by the overarching layers in the strategic framework hierarchy. They should be developed to implement Council's vision, community outcomes and priorities.
- 2.4 Following Council's review of the Strategic Framework for the 2024-43 LTP, the list of Council's strategies and plans will be reviewed to assess gaps in the framework.
- 2.5 A matrix has been developed to assist Council decision-making (**Attachment 1**). The matrix enables Council to assess projects or programmes against the criteria in the matrix to determine the level of alignment with Council's strategic framework.

3. Strategy/Plan Reviews

- 3.1 A list of Council's strategies and plans is attached (**Attachment 2**).
- 3.2 The following strategies/plans have been completed, are under development, or due to commence in 2023/24:
 - Pae Tawhiti Rangitikei Beyond – Community Spatial Plan (complete - adopted September 2023).
 - Parks, Open Spaces and Sporting Facilities Strategy (complete, implementation plan under development).
 - Climate Impact Strategy and Action Plan (due to be adopted by Council in February 2024).
 - Waste Strategy/Waste Management and Minimisation Plan (in progress, phase 2 due for completion in June 2024).
 - Long Term Plan 2024-34 (including activity management plans - in progress).

- Heritage Strategy (review to commence in 2024).
- Economic Development Strategy (review to commence in late 2023/24).

3.3 District Plan Review

Urban Growth

3.3.1 Officers have engaged the services of GHD to provide Water and Wastewater assessments for Marton, Bulls, Taihape, Hunterville and Mangaweka (the towns/settlements Council identified for future growth in its Community Spatial Plan). GHD will also do a high level Stormwater assessment of the identified growth areas.

3.3.2 These assessments are the first of the technical investigations that are needed to be undertaken to support the urban growth plan change. They will help us better understand constraints and costs for developing the identified growth areas and should indicate which areas are more suitable for development/rezoning.

3.3.3 Officers have also completed the data gathering phase of the Efficiency and Effectiveness Monitoring Report (Jan 2019-Dec 2023) and are now entering the data analysis phase. This report focuses on the Residential and Rural Living zones and will inform what District Plan provisions should be amended/updated as part of the urban growth plan change. It will be complete by the April Policy/Planning Committee meeting, and officers intend to go through this with the Committee before the report is released for public viewing.

3.4 National Planning Standards

3.4.1 Officers have made good progress on the implementing the National Planning Standards for format and structure. This requires the District Plan to be restructured and formatted in accordance with the national standards and does not require public notification (unless changes more significant than consequential amendments are required). This work is required to be completed in 2024. Officers will also investigate the feasibility of implementing the Definitions standard alongside the structure and format standards (required by November 2026).

Future priorities

3.4.2 Officers are also starting to consider priorities for the wider review of the District Plan. Officers are planning on commencing work on the Rural Zone and Open Space Zone reviews as the next priority in 2024. The Rural Zone review will address key issues such as papakāinga and implementing the National Policy Statement for Highly Productive Land.

4. Financial Implications

4.1 There are no direct financial implications. Any strategies/plans are developed within budget.

5. Impact on Strategic Risks

5.1 There is no direct impact on Council's strategic risks associated with this report.

6. Mana Whenua Implications

6.1 There are no direct mana whenua implications. Strategy/plan development occurs alongside Council's Te Roopuu Ahi Kaa Komiti where relevant.

7. Statutory Implications

7.1 There are no direct statutory implications.

8. Decision Making Process

8.1 This item is not considered to be significant.

Attachments:

1. **Strategic Framework - Prioritisation Matrix Template** [↓](#)
2. **Strategy / Plan Register** [↓](#)

Recommendation

That the report 'Strategy/Plan Development and Review Update' be received.

TEMPLATE

User Notes:
 Step 1) Rate each criterion from 0 - 5.
 Step 2) Describe how each consideration will be met, if applicable.

Criteria	Weight (wt%)	Considerations	Rating 0 - 5	Average x	Score x x wt%
Environmental Wellbeing <i>A district that has high quality built environments and healthy natural environments</i>	17%	Does this project support climate impact initiatives (e.g. adaptation, mitigation).		#DIV/0!	#DIV/0!
		Does this project support improving natural environment outcomes?			
		Does this project enhance the built environment (e.g. increase walkability, connectivity, high quality urban development)?			
Social Wellbeing <i>A district where people thrive</i>	17%	Does this project contribute to building relationships with community groups, iwi and social service providers?		#DIV/0!	#DIV/0!
		Does this project facilitate community groups, iwi, or social support agencies to support our communities?			
		Does this project support improved education, training, or health services or community health outcomes			
		Does this project support the provision of safe spaces for our community to connect.			
Economic Wellbeing <i>A district where people want to live and do business</i>	17%	Does this project support increased business growth and development (including for the primary sector)? This includes increasing the skilled workforce and diversification and increasing automation and AI in the primary sector.		#DIV/0!	#DIV/0!
		Does this project support increased residential growth? E.g. increasing the population to 25,000			
		Does this project enhance the Rangitikei brand and support increased visitors, including boutique tourism?			
		Does this project support revitalised town centres?			
Cultural Wellbeing <i>A district with diverse unique communities where people have a strong sense of belonging</i>	17%	Does this project enhance belonging and connection to place?		#DIV/0!	#DIV/0!
		Does this project enhance the Rangitikei or town specific identity?			
		Does this project support the retention of young people, families returning home, or achieving a smoother age demographic?			
		Does this project embrace or celebrate cultures and identities, including increasing ethnic diversity			
		Does this project support community-led development initiatives.			
A trusted partner with iwi <i>A district leading collaboration with tangata whenua</i>	17%	Does this project uphold Te Tiriti o Waitangi/the Treaty of Waitangi principles and provisions?		#DIV/0!	#DIV/0!
		Does this project support tangata whenua residential or economic growth?			
		Does this project represent the narratives and korero of Tangata Whenua?			
		Does this project contribute to achieving agreed environmental aspirations of mana whenua?			
Strategic Priorities	17%	Working collaboratively to improve community wellbeing		#DIV/0!	#DIV/0!
		Enhancing our community hubs			
		Town centre revitalisation			
		Connecting with the Central North Island			
		Facilitating growth			

Score #DIV/0!

Overall Score (%): #DIV/0!

Strategy / Plan Register					
	Summary	Status	Legislation	Responsible Department	Comment / Update
Strategies					
Waste Strategy	Provides a medium to long term direction and vision of what we want to achieve in this activity over the next 30 years.	In development	Non-statutory	Assets & Infrastructure	Phase 1 of this work is complete - a roadmap of how RDC will set direction based on industry best practice and potential central government goals. Stage 2 - developing the strategy is phase 2 and will be completed by June 2024.
Pae Tawhiti Rangitikei Beyond - Community Spatial Plan	Provides the blueprint for how we want the Rangitikei district to develop over the next 30 years.	In development	Non-statutory	Democracy & Planning	The Community Spatial Plan was adopted by Council on 28 September 2023.
Parks, Open Spaces and Sporting Facilities Strategy	To provide a framework to underpin Council decision-making on investment in parks and reserves.	In development	Non-statutory	Assets & Infrastructure	Strategy has been completed. An implementation plan is being developed and will be completed by June 2024.
Climate Impact Strategy and Action Plan	Set's out Council's direction and actions in responding to climate impacts.	In development	Non-statutory	Democracy & Planning	Funding has been received from the Better Off fund to outsource the development of a Climate Strategy and Action Plan. The Strategy and Action Plan is due to be adopted by Council in February.
Housing Strategy 2021 - 31	Provides a 10-year Council strategy to consider housing needs and potential solutions in eight sectors in the District.	Adopted as supporting information to the 2021-32 LTP	Non-statutory	Community Services	Council have given direction that Officer focus should be limited to the business case for 22 Tui Street, Taihape. The need for this strategy should be reviewed alongside a review of the strategies/plans section of the strategic framework.
Economic Development Strategy 2021 - 31	Provides a 10 year Council strategy for economic development which outlines 10 priorities and 4 enablers.	Adopted as supporting information to the 2021-32 LTP	Non-statutory	Community Services	This strategy will be reviewed in 2024.
Enforcement (Regulatory) Strategy and Prosecution Policy	Sets out the principles and processes which Council uses to achieve regulatory compliance in a fair and consistent way	Adopted 26 April 2018	Non-statutory	Regulatory	N/A
Heritage Strategy	Provisions a long term vision to guide Council's management of heritage resources throughout the Rangitikei District	Adopted 31 March 2016	Non-statutory	Community Services	Review to commence in 2024.
Property Strategy	Development of a strategy that identifies which properties Council should retain or dispose.	N/A	Non-statutory	Assets & Infrastructure	Complete.
Plans					
Long Term Plan 2024-34	Set's out the activities Council plans to undertake and how it will be funded for 2024-34.	To be developed during 2023/24.	Local Government Act 2002	Democracy & Planning	On track.
Long Term Plan 2021-31	Set's out the activities Council plans to undertake and how it will be funded for 2021-31.	Adopted June 2021.	Local Government Act 2002	Democracy & Planning	Complete.
Annual Plan 2023/24	Set's out the activities Council plans to undertake and how it will be funded for 2022/24. Updated year from the LTP.	To be adopted June 2023.	Local Government Act 2002	Democracy & Planning	Complete.
Roading Activity Management Plan	Comprehensive plan on how Council's assets should be maintained and renewed.	To be developed during 2023.	Non-statutory	Assets & Infrastructure	To be reviewed and updated for the 2024 LTP.
3 Waters Activity Management Plan	Comprehensive plan on how Council's assets should be maintained and renewed.	To be developed during 2023.	Non-statutory	Assets & Infrastructure	To be reviewed and updated for the 2024 LTP.
Social Infrastructure Assets Management Plan	Comprehensive plan on how Council's assets should be maintained and renewed.	To be developed during 2023.	Non-statutory	Assets & Infrastructure / Community Services	To be reviewed and updated for the 2024 LTP.
Destination Management Plan	Provides the plan for growing the visitor economy. Sets out how Council intends to promote efficient and effective waste management and minimisation within its district.	Adopted March 2022	Non-statutory	Community Services	Implementation commenced. <ul style="list-style-type: none"> Assisting with a community led project: a purpose built 200km supported multi-day cycle trail that runs through the Rangitikei District from the Napier/Taihape Road to the West Coast at Koitiata. It would pass by five existing tourist lodges and through the towns of Taihape, Mangaweka and Hunterville offering opportunities for business growth and development. We have formed the Trust group which will be the steering group for the project and able to apply for funding to develop certain areas. Regular and ongoing Social Media posts to promote different aspects and events in the Rangitikei region: This has been focussed on golf, our river, our accommodation options, and major events. Ongoing updates and the additions of events happening in our region on our new 'Events Calendar' developed for the Visit Rangitikei website. Updates and checking of the business, accommodation, and café listings. Promotion of the Rangitikei District as a cycle destination by showing various loops and point to point rides with accommodation options nearby. These will be displayed on the Visit Rangitikei website and in a brochure form outlining as much detail as possible which will include, distance, elevation, estimated time, water refilling options, sites along the route and nearby accommodation options. Another DMP initiative is a photography trail throughout the Rangitikei Region that will be linked together through the mapping of routes that take people off the main roads to some of the hidden scenic gems in the district.
Waste Management and Minimisation Plan 2018 - 2024	Provides the plan for growing the visitor economy. Sets out how Council intends to promote efficient and effective waste management and minimisation within its district.	Adopted 28 June 2018	Required under the Waste Minimisation Act 2008	Assets & Infrastructure	The review has commenced as is aligned with the Waste Strategy.
Urban Tree Plan	Provides guidelines for tree management throughout the District.	Adopted in 2017	Non-statutory	Assets & Infrastructure	No review scheduled.
Turakina Town Centre Plan	Sets out a plan for the Turakina Town Centre.	February 2016	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document.
Mangaweka Town Centre Plan	Sets out a plan for the Mangaweka Town Centre.	February 2016	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document.
Maraton Town Centre Plan	Sets out a framework for the future management of the Maraton Town Centre.	December 2014	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document. Parts of the Town Centre Plan will be implemented through use of Better Off funding for town centre revitalisation.

ITEM 10.1 ATTACHMENT 2

Huntermville Town Centre Plan	Sets out a plan for the Huntermville Town Centre.	August 2014	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document.
Bulls Town Centre Plan	Sets out a framework for the future management of the Bulls Town Centre.	June 2014	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document. Parts of the Town Centre Plan will be implemented through use of Better Off funding for town centre revitalisation.
Taihape Town Centre Plan	Sets out a framework for the future management of the Taihape Town Centre.	January 2014	Non-statutory	Democracy & Planning	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document. Parts of the Town Centre Plan will be implemented through use of Better Off funding for town centre revitalisation.
Rangitikei District Plan	Sets out the objectives, policies and rules for land use in the District.	Operative - October 2013	Resource Management Act 1991	Democracy & Planning	Phase 1 of the review has commenced - Plan Change 3 Urban Growth. The acceleration of this phase has been funded through the Better Off fund. Officers have started the implementation of the national planning standards - structure and format standard.
Recreational Parks and Reserves Management Plan - Part One	Sets out the management objectives and policies for recreational reserves Council administers under the Reserves Act 1977.	Adopted 1 May 2014	Reserves Act 1977	Assets & Infrastructure	Subject to "continuous review" under the Reserves Act. Not scheduled for specific review.
Marton Park Management Plan (Part Two)	A management plan for Marton Park.	Adopted 3 November 2016	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Bulls Domain Management Plan (Part Two)	A management plan for the Bulls Domain.	Adopted 1 May 2014	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Centennial Park Management Plan (Part Two)	A management plan for Centennial Park.	Adopted 1 May 2014	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Memorial Park Management Plan (Part Two)	A management plan for Memorial Park.	Adopted 25 March 2010	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Wilson Park Management Plan (Part Two)	A management plan for Wilson Park.	Adopted 30 July 2009	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Dudding Lake Management Plan (Part Two)	A management plan for Dudding Lake.	Adopted 26 November 2009	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Bulls Old Courthouse and Goal Management Plan (Part Two)	Historic reserve management plan for the Old Courthouse and Goal	Adopted 25 March 2010	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Historic Reserves Management Plan	Sets out the management objectives and policies for historic reserves Council administers under the Reserves Act 1977.	Adopted 25 March 2010	Reserves Act 1977	Assets & Infrastructure	Not scheduled for review.
Taihape Domain Master Plan	An integrated masterplan for the development, use and upgrade of Taihape Domain.	Endorsed 25 July 2023	Non-statutory	Assets & Infrastructure	Complete.
Welcoming Communities Plan	A community-owned plan to be more open and accepting and build our cultural diversity and inclusion.	N/A	Non-statutory	Community Services	Complete <ul style="list-style-type: none"> • Welcoming Communities program is no longer being Government funded or delivered by Immigration New Zealand beyond June 2024 due to the new government priorities. • The final phase of our Community Action Plan is implementing the Welcoming Communities website (funding was received for this) into daily operation, capturing and updating links from Welcoming Communities government departments. • Our Welcoming Community principles will continue to be delivered from our Information Centres, and those staff will continue to update and add website information for newly arrived individuals and families to our district

10.2 Coalition Government 100-day Plan**Author:** Katrina Gray, Senior Strategic Planner**Authoriser:** Carol Gordon, Group Manager - Democracy & Planning**1. Reason for Report**

- 1.1 To provide the Policy/Planning Committee with an overview of coalition government 100-day plan.

2. 100-day Plan

- 2.1 The coalition government of National, New Zealand First and Act parties have set out a 100-day plan (refer to **Attachment 1**). The plan sets out 49 actions under three themes the Government is working to implement in their first few months.
- rebuild the economy and ease the cost of living
 - restore law and order
 - deliver better public services
- 2.2 Nine actions under ‘rebuild the economy and ease the cost of living’ will have a direct impact on local government. The potential impact of these is outlined below.

3. Changes to the resource management system

4. Begin efforts to double renewable energy production, including a NPS on Renewable Electricity Generation

- 3.1 There has been a significant increase in interest in the development of wind and solar farms in the Rangitikei in recent times. A National Policy Statement for Renewable Electricity Generation has been in effect since 2011. During 2023, the Labour Government consulted on a proposed National Policy Statement for Renewable Electricity Generation and on developing a new National Environmental Standard for Renewable Electricity Generation. This review focused on strengthening national direction in favour of increasing electricity being generated from renewable resources.
- 3.2 The likely outcome of this action will be revised national direction that Council will need to submit on, and then implement which will make it easier to establish renewable electricity generation activities.

21. Repeal the Spatial Planning and Natural and Built Environment Act and introduce a fast-track consenting regime.

- 3.3 The former Labour Government enacted the Spatial Planning (SPA) and Natural and Built Environment (NBEA) Acts during 2023 which were set to significantly reform the resource management system. The coalition Government has already repealed these Acts and reverted to the Resource Management Act 1991 (RMA). The Government has retained the fast-track consenting system that formed part of the NBEA while they develop a replacement fast-track consenting regime which they intend to introduce within the first 100 days.

- 3.4 The Government has also indicated that the second phase of the reform (after the first 100 days) will be to amend the RMA to “*make it easier to consent new infrastructure including renewable energy, allow farmers to farm, build more houses, and enable aquaculture and other primary industries*”.
- 3.5 A third phase has been indicated which will be a replacement of the RMA with a model based on property rights.
- 3.6 Correspondence from the Government has indicated that Treaty settlements will be protected through the reform process.
- 3.7 These changes mean that Council will retain all existing responsibilities under the RMA (rather than preparing for a transition to a regional system). There will also be further legislative change that Council will need to submit on.

22. Begin to cease implementation of new Significant Natural Areas and seek advice on operation of the areas.

- 3.8 The National Policy Statement for Indigenous Biodiversity (NPS-IB) was enacted in 2023. One of the requirements under the NPS-IB is for every territorial authority to undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs. Territorial authorities were required to complete this mapping and then notify a plan change to include the qualifying SNAs. Under the NPS-IB Councils were required to notify a plan change with SNAs by 2028.
- 3.9 The changes proposed by the coalition government are likely to save costs to Council by not requiring significant investment in the mapping of SNA’s.

24. Begin work to enable more houses to be built, by implementing the Going for Housing Growth policy and making the Medium Density Residential Standards optional for Council.

- 3.10 The Going for Housing Growth policy focuses on unlocking land for housing, infrastructure financing tools and housing performance incentives for councils. It is unlikely that changes under this plan will place mandatory requirements on the Rangitikei District as the focus is on “major towns and cities” (tier 1 and 2 local authorities). The Medium Density Residential Standards did not apply to the Rangitikei District (only tier 1 and 2 local authorities). Therefore, this change will not impact on Council. The most significant change for the Rangitikei are the proposed changes to the National Policy Statement for Highly Productive Land to potentially remove LUC 3 from being identified as highly productive. This change could influence rural subdivision and urban rezoning.

Additional changes to the resource management system not specifically identified in the 100-day plan.

- 3.11 The Government has agreed to review and replace the National Policy Statement for Freshwater Management 2020 (NPS-FM). The work is expected to take between 18 and 24 months and will include a public consultation process. The NPS-FM impacts Council’s consenting processes for three waters infrastructure. Changes to the NPS-FM will have the most significant impact for Council on the consenting of three waters infrastructure.

4. Three waters

20. Introduce legislation to repeal the Water Services Entities Act 2022.

- 4.1 The coalition Government intends on repealing the Three Waters legislation related to water service entities and reinstating the previous legislation. The repeal bill will be introduced on 13 or 15 February and will proceed under urgency. It is not expected to be referred to a Select Committee which means there will be no call for submissions. This change means that Council needs to incorporate three waters information for a full ten years into the 2024 long term plan. This was a change that Council had anticipated and has been incorporated into our long term plan documents.
- 4.2 The detail in the repeal bill is not known but is unlikely to detail the Government's plan for water services, Local Water Done Well. However, by the end of February the Minister of Local Government will be announcing the Government's new model of a council-controlled organisation for three waters, to be enabled by legislation. Such organisations will be able to make the long-term investments needed. They will usually be owned by a group of councils. Rangitikei's Chief Executive is working with other chief executives of the territorial authorities in the Horizons region to work through how this model could be implemented. One factor influencing this work is the Government's stated intention of requiring every council, within twelve months of the repeal bill being passed, to deliver a plan for how they will transition their water services to a new model that meets water quality and infrastructure investment rules, while being financially sustainable in the long-term. The Minister will be required to sign off these proposals.
- 4.3 The previous government provided transition support funding for all councils. This has stopped. The National Transition Unit in the Department of Internal Affairs will be fully disestablished. The savings will be redirected back to Government. To date there has been no mention of any change to the Better Off Fund from which Council is to receive a total of \$1.883 million for eight projects.

5. Roading

12. Begin work on a new GPS reflecting the new Roads of National Significance and new public transport.

- 5.1 The government has identified 13 new projects (none of which are in, or impact on the Rangitikei District). The implications will not be known until NZTA Waka Kotahi approve the funding for the 2024-27 NLTP.

14. Stop blanket speed limit reductions and start work on replacing the Land Transport Rule: Setting of Speed Limits 2022.

- 5.2 In December 2023 amendments were announced which removed the mandatory requirement to develop speed management plans. This has meant Council has stopped work on developing a speed management plan for the Rangitikei. The Ministry has commenced work on developing a new rule and will provide updates this year.

6. Regulation

18. Start work to improve the quality of regulation.

- 6.1 Officers understand the review will be focused on regulation impacting the primary sector. No further detail is available at this time.

7. Financial Implications

7.1 There are no financial implications associated with this report.

8. Impact on Strategic Risks

8.1 Two of Council's strategic risks are relevant to this item:

8.1.1 Legal and political environment requires excessive resources.

8.1.2 Changes to governmental legislation are transformational.

9. Mana Whenua Implications

9.1 There are no mana whenua implications as a result of this report.

10. Statutory Implications

10.1 There are no statutory implications as a result of this report.

11. Decision Making Process

11.1 This report does not trigger any decision-making requirements.

Attachments:

1. **Coalition Government 100 day plan** [↓](#)

Recommendation

That the report 'Coalition Government 100-day Plan' be received.

Coalition government 100-day plan

Rebuild the economy and ease the cost of living

1. Stop work on the Income Insurance Scheme.
2. Stop work on Industry Transformation Plans.
3. Stop work on the Lake Onslow pumped hydro scheme.
4. Begin efforts to double renewable energy production, including a NPS on Renewable Electricity Generation.
5. Withdraw central government from Let's Get Wellington Moving (LGWM).
6. Meet with councils and communities to establish regional requirements for recovery from Cyclone Gabrielle and other recent major flooding events.
7. Make any additional Orders in Council needed to speed up cyclone and flood recovery efforts.
8. Start reducing public sector expenditure, including consultant and contractor expenditure.
9. Introduce legislation to narrow the Reserve Bank's mandate to price stability.
10. Introduce legislation to remove the Auckland Fuel Tax.
11. Cancel fuel tax hikes.
12. Begin work on a new GPS reflecting the new Roads of National Significance and new public transport priorities.
13. Repeal the Clean Car Discount scheme by 31 December 2023.
14. Stop blanket speed limit reductions and start work on replacing the Land Transport Rule: Setting of Speed Limits 2022.
15. Stop central government work on the Auckland Light Rail project.
16. Repeal the Fair Pay Agreement legislation.
17. Introduce legislation to restore 90-day trial periods for all businesses.
18. Start work to improve the quality of regulation.
19. Begin work on a National Infrastructure Agency.
20. Introduce legislation to repeal the Water Services Entities Act 2022.
21. Repeal the Spatial Planning and Natural and Built Environment Act and introduce a fast-track consenting regime.
22. Begin to cease implementation of new Significant Natural Areas and seek advice on operation of the areas.
23. Take policy decisions to amend the Overseas Investment Act 2005 to make it easier for build-to-rent housing to be developed in New Zealand.
24. Begin work to enable more houses to be built, by implementing the Going for Housing Growth policy and making the Medium Density Residential Standards optional for councils.

Restore law and order

25. Abolish the previous Government's prisoner reduction target.
26. Introduce legislation to ban gang patches, stop gang members gathering in public, and stop known gang offenders from communicating with one another.
27. Give Police greater powers to search gang members for firearms and make gang membership an aggravating factor at sentencing.
28. Stop taxpayer funding for section 27 cultural reports.
29. Introduce legislation to extend eligibility to offence-based rehabilitation programmes to remand prisoners.
30. Begin work to crack down on serious youth offending.
31. Enable more virtual participation in court proceedings.
32. Begin to repeal and replace Part 6 of the Arms Act 1983 relating to clubs and ranges.

Deliver better public services

33. Stop all work on He Puapua.
34. Improve security for the health workforce in hospital emergency departments.
35. Sign an MoU with Waikato University to progress a third medical school.
36. By 1 December 2023, lodge a reservation against adopting amendments to WHO health regulations to allow the government to consider these against a "national interest test".
37. Require primary and intermediate schools to teach an hour of reading, writing and maths per day starting in 2024.
38. Ban the use of cellphones in schools.
39. Appoint an Expert Group to redesign the English and maths curricula for primary school students.
40. Begin disestablishing Te Pūkenga.
41. Begin work on delivering better public services and strengthening democracy.
42. Set five major targets for health system, including for wait times and cancer treatment.
43. Introduce legislation to disestablish the Māori Health Authority.
44. Take first steps to extend free breast cancer screening to those aged up to 74
45. Repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and regulations
46. Allow the sale of cold medication containing pseudoephedrine
47. Begin work to repeal the Therapeutics Products Act 2023
48. Establish a priority one category on the social housing waitlist to move families out of emergency housing into permanent homes more quickly
49. Commission an independent review into Kāinga Ora's financial situation, procurement, and asset management

11 Discussion Items

11.1 Policy/Planning Committee - Review of Terms of Reference

Author: Katrina Gray, Senior Strategic Planner

Authoriser: Carol Gordon, Group Manager - Democracy & Planning

1. Reason for Report

- 1.1 For the Policy/Planning Committee to discuss changes to the Committee's terms of reference.

2. Background

- 2.1 Council has historically established several standing committees, even though there is no statutory requirement to do so and decided to continue this approach for the 2022-25 triennium. The Mayor has the power to establish committees and appoint the chair.
- 2.2 The Policy/Planning Committee was re-established with the following purpose:
"To ensure the Council has a comprehensive planning, policy and regulatory framework which reflects legislative requirements and builds resilient communities."
- 2.3 At the time of re-establishment, it was noted that the Committee may be re-focused and that a review of the Terms of Reference is needed.
- 2.4 The current Terms of Reference are attached, these have been in place since 2013.

3. Discussion

- 3.1 The Committee will have the opportunity to discuss its purpose and opportunities for reviewed/revised Terms of Reference. Staff will present some options to aid discussion.

Attachments:

1. **Previous Terms of Reference** [↓](#)

Recommendation

That the report 'Policy/Planning Committee - Review of Terms of Reference' is received.

Previous Terms of Reference (2018)

Policy / Planning Committee ¹

Establishment	Terms of Reference
<p><i>Purpose</i>²:</p> <p>To ensure the Council has a comprehensive planning, policy and regulatory framework which reflects legislative requirements and builds resilient communities</p> <p><i>Field of Activity</i>:</p> <p>Outcomes</p> <p>The Council and the community are confident that.....</p> <ul style="list-style-type: none"> • the Council’s plans are developed openly with the District’s communities, reflect agreed priorities and are effectively implemented. • the Council’s policies and bylaws recognise and support the priorities of the District. • the Council’s engagement with communities – <ul style="list-style-type: none"> (i) is robust, (ii) occurs collaboratively, (iii) secures support from external agencies including central government, and (iv) builds resilience. • Council is well informed of all relevant government legislation and policies, and endeavours to influence proposed changes to these 	<ol style="list-style-type: none"> 1. *Annual Plan/Long Term Plan 2. Legislation and governance issues 3. *Statutory non-financial policies and statements 4. Consultation processes⁶ 5. Governance-level policies (non-statutory) 6. Path to Well-being Initiative and other community development programmes 7. District Plan monitoring 8. *Bylaw development and review 9. Emergency management planning <p>*Up to adoption</p> <p><i>Exclusions</i></p> <p>Matters prohibited under clause 32(1) Schedule 7 of the Local Government Act 2002 from being delegated:</p> <ul style="list-style-type: none"> • the power to make a rate, • the power to make a bylaw, • the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan, • the power to adopt a long-term plan, annual plan or annual report, • the power to appoint a chief executive, • the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement, or • the power to adopt a remuneration and employment policy. <p>Other matters to be dealt with directly by Council</p> <ul style="list-style-type: none"> • Council’s governance structure, standing orders etc., • Council representation on external bodies,

¹ Resolved Minute Number 13/RDC/260, Thursday 31 October 2013

² Resolved Minute Number 13/RDC/307, Tuesday 26 November 2013

⁶ Clause 76AA of the Local Government Act 2002 Amendment Bill 2013 provides for a Significance and engagement policy.

<p>where the interests of the District are significantly affected.</p> <p><i>Membership</i>³:</p> <p><i>Current membership</i>:</p> <p>Cr His Worship the Mayor, Andy Watson – <i>ex-officio</i></p> <p><i>Chair</i> Cr Angus Gordon⁴</p> <p><i>Meeting Frequency</i>⁵:</p> <p>Meets on the 2nd Thursday of the month and other times as business requires.</p>	<ul style="list-style-type: none"> • Remuneration to Elected Members (including allowances and reimbursement of expenses), • Delegations to the Chief Executive and other staff, • Submissions (and deliberation on submissions), • Petitions and Public Forum, • Recommendations from the Community Boards or any Council committee (including Te Roopu Ahi Kaa, the community committees and the rural water supply management sub-committees), • Reports from the Chief Executive on staffing, internal capability, process and system improvements, and other operational matters, and • Any matter deemed necessary to be considered in a ‘public excluded’ meeting. <p>Any resolution at any Committee which three or more Elected Members vote against and ask for their votes to be recorded or which the Chair rules (on the basis of advice from the Chief Executive) as being substantially different from any option presented in the officer’s report – such resolutions to be recast as recommendations to the Council.</p> <p><i>Delegations</i> Each Committee has the power to delegate to a sub-committee any authority or power to determine matters within its field of activity or responsibility, as covered by Section 32(3) of Schedule 7 of the Local Government Act 2002</p>
---	---

³ Resolved Minute Number 13/RDC/308, Tuesday 26 November 2013

⁴ Resolved Minutes Number 16/RDC/287, 3 November 2016

⁵ Resolved Minute Number 13/RDC/324, Tuesday 26 November 2013

12 Meeting Closed.