



**RANGITIKEI**  
DISTRICT COUNCIL  
*Making this place home.*

# ORDER PAPER

## POLICY/PLANNING COMMITTEE MEETING

**Date:** Thursday, 10 April 2025  
**Time:** 1.00pm  
**Venue:** Council Chamber  
Rangitikei District Council  
46 High Street  
Marton

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**Chair:** Cr Piki Te Ora Hiroa  
**Deputy Chair:** Cr Gill Duncan  
**Membership:** Cr Richard Lambert  
Cr Dave Wilson  
Cr Greg Maughan  
Cr Jeff Wong  
Cr Paul Sharland  
Cr Simon Loudon  
Mr Chris Shenton (TRAK representative)  
HWTM Andy Watson

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<b>Locations:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Marton</u>            Head Office            46 High Street            Marton         </td> <td style="width: 50%; vertical-align: top;"> <u>Bulls</u>            Bulls Information Centre            Te Matapihi            4 Criterion Street            Bulls         </td> </tr> <tr> <td style="vertical-align: top;"> <u>Taihape</u>            Taihape Information Centre            102 Hautapu Street (SH1)            Taihape         </td> <td></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	
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**Notice is hereby given that a Policy/Planning Committee Meeting of the Rangitīkei District Council will be held in the Council Chamber, Rangitīkei District Council, 46 High Street, Marton on Thursday, 10 April 2025 at 1.00pm.**

## **Order Of Business**

<b>1</b>	<b>Welcome / Prayer</b> .....	<b>4</b>
<b>2</b>	<b>Apologies</b> .....	<b>4</b>
<b>3</b>	<b>Public Forum</b> .....	<b>4</b>
<b>4</b>	<b>Conflict of Interest Declarations</b> .....	<b>4</b>
<b>5</b>	<b>Confirmation of Order of Business</b> .....	<b>4</b>
<b>6</b>	<b>Confirmation of Minutes</b> .....	<b>5</b>
6.1	Confirmation of Minutes .....	5
<b>7</b>	<b>Follow-up Action Items from Previous Meetings</b> .....	<b>19</b>
7.1	Follow-up Action Items from Policy/Planning Committee Meetings .....	19
<b>8</b>	<b>Chair's Report</b> .....	<b>21</b>
8.1	Chair's Report- April 2025 .....	21
<b>9</b>	<b>Reports for Decision</b> .....	<b>22</b>
9.1	Gambling Venues (Class 4) Policy and TAB Venues Policy Deliberations Report .....	22
9.2	Water Related Services Bylaw Findings and Options.....	38
<b>10</b>	<b>Reports for Information</b> .....	<b>56</b>
10.1	Policy and Bylaw Work Programme Update .....	56
10.2	Strategy/Plan Development and Review Update .....	60
10.3	Economic Update .....	64
10.4	Regulatory Update .....	69
10.5	Huriwaka Windfarm Update .....	80
<b>11</b>	<b>Meeting Closed.</b> .....	<b>86</b>

## **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 13 February 25 and 13 March 2025** are attached.

#### Attachments

1. **Policy/Planning Committee Meeting – 13 February 2025**
2. **Policy/Planning Committee Hearing - 13 March 2025**

#### Recommendation

That the minutes of Policy/Planning Committee Meeting held on 13 February **2025 [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.

#### Recommendation

That the minutes of Policy/Planning Committee Meeting held on 13 March 2025 **[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

## **UNCONFIRMED: POLICY/PLANNING COMMITTEE MEETING**

**Date:** Thursday, 13 February 2025

**Time:** 1.00pm

**Venue:** Council Chamber  
Rangitikei District Council  
46 High Street  
Marton

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Present Cr Dave Wilson  
Cr Gill Duncan  
Cr Piki Te Ora Hiroa  
Cr Richard Lambert  
Cr Paul Sharland  
HWTM Andy Watson

In attendance Cr Simon Loudon  
Mr Kevin Ross, Chief Executive  
Mrs Carol Gordon, Group Manager- Democracy and Planning  
Mr Johan Cullis, Group Manager- Regulatory and Emergency Management  
Ms Katrina Gray, Manager Strategy and Development  
Mr Jarrod Calkin, Economic Wellbeing Lead  
Ms Tiffany Gower, Senior Policy Planner  
Mrs Janna Harris, Corporate Planner  
Mr Bryan Jacobsen, Team Leader Territorial Authority  
Ms Kym Skerman, Manager- Events and Venues  
Ms Kezia Spence, Governance Advisor

**Order of Business**

<b>1</b>	<b>Welcome / Prayer .....</b>	<b>3</b>
<b>2</b>	<b>Apologies .....</b>	<b>3</b>
<b>3</b>	<b>Public Forum .....</b>	<b>3</b>
<b>4</b>	<b>Conflict of Interest Declarations.....</b>	<b>3</b>
<b>5</b>	<b>Confirmation of Order of Business .....</b>	<b>3</b>
<b>6</b>	<b>Confirmation of Minutes .....</b>	<b>3</b>
<b>7</b>	<b>Chair's Report .....</b>	<b>4</b>
7.1	Chair's Report- February 2025 .....	4
<b>8</b>	<b>Reports for Decision .....</b>	<b>4</b>
8.1	Dangerous and Insanitary Buildings Policy .....	4
<b>9</b>	<b>Reports for Information.....</b>	<b>5</b>
9.1	Economic Update .....	5
9.2	Climate Change Strategy and Action Plan - Implementation Update February 2025.....	5
9.3	Strategies/Plans Update.....	5
9.4	Policy and Bylaw Work Programme Update .....	6

## 1 Welcome / Prayer

Cr Hiroa opened the meeting with karakia at 2.01pm.

The Chair acknowledged that Cr Sharland has been appointed to the Policy/Planning Committee.

## 2 Apologies

**Resolved minute number** 25/PPL/001

That the apologies be received from Cr Maughan and Cr Wong.

Cr D Wilson/Cr R Lambert. Carried

## 3 Public Forum

There was no public forum.

## 4 Conflict of Interest Declarations

There were no conflicts of interest declared.

## 5 Confirmation of Order of Business

There was no change to the order of business.

## 6 Confirmation of Minutes

**Resolved minute number** 25/PPL/002

That the minutes of Policy/Planning Committee Meeting held on 20 November 2024 **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- February 2025

The Chair read her report.

**Resolved minute number 25/PPL/003**

That the Chair's Report- February 2025 be received.

Cr P Hiroa/Cr G Duncan. Carried

## 8 Reports for Decision

### 8.1 Dangerous and Insanitary Buildings Policy

Mrs Harris introduced this policy highlighting that this is due for review and that the changes from Ministry of Business, Employment and Innovation have been incorporated into the draft policy.

Officers responded to questions that the best endeavours are undertaken by officers to contact the property owner before accessing. The wording at section 6.2 in the policy will be updated to reflect this.

Officers responded to questions about defined heritage building and that this will likely be a court process. Council do not have the right demolish a building however the committee requested clarity if the Chief Executive can demolish a building to preserve life.

**Resolved minute number 25/PPL/004**

That the report 'Dangerous and Insanitary Building Policy' is received.

HWTM A Watson/Cr D Wilson. Carried

**Resolved minute number 25/PPL/005**

That the Policy/Planning Committee recommends to Council that the Draft Dangerous, Affected, and Insanitary Policy' is adopted for consultation with minor amendment.

Cr P Hiroa/Cr D Wilson. Carried

## 9 Reports for Information

### 9.1 Economic Update

#### Mayor's Taskforce for Jobs update

Mr Calkin highlighted the impressive results for the district with the Mayor's Taskforce for Jobs programme. The Mayor highlighted that Council is a top performer in this space. The second tranche of funding has been received and passed on to the contractor.

#### Market Day update

The committee noted the success of this event and noted that it would be beneficial to be able to be replicated across the district. The committee noted the benefit of having Ms Skerman in her role.

#### **Resolved minute number 25/PPL/006**

That the report "Economic Update" be received

Cr R Lambert/Cr G Duncan. Carried

### 9.2 Climate Change Strategy and Action Plan - Implementation Update February 2025

Officers provided an overview on the Resilience Explorer Pilot project being undertaken in Scott's Ferry.

The Mayor advocated for procurement within council to have a greater climate lens and more consideration of greenhouse gas emissions.

#### **Resolved minute number 25/PPL/007**

That the 'Climate Change Strategy and Action Plan - Implementation Update February 2025' be received.

Cr D Wilson/Cr R Lambert. Carried

### 9.3 Strategies/Plans Update

Officers advised that the government is expected to release the back-to-basics by the middle of the year. It is expected that the report will be reflective of the previous national government and the potential for rates capping and performance bench marking for local government.

#### **Resolved minute number 25/PPL/008**

That the report Strategies/Plans Update be received.

Cr G Duncan/Cr R Lambert. Carried

#### **Resolved minute number 25/PPL/009**

That the Policy/Planning Committee receive the efficiency and effectiveness monitoring for the Commercial zone and note it will be made available on Council's website as part of meeting requirements under section 35(2A) of the Resource Management Act 1991

Cr R Lambert/Cr D Wilson. Carried

**9.4 Policy and Bylaw Work Programme Update**

Officers highlighted the Water Related Services bylaw and that this report will come to the committee in April.

Cr Loudon was appointed to the Policy/Planning Committee at the end of the meeting.

**Resolved minute number 25/PPL/010**

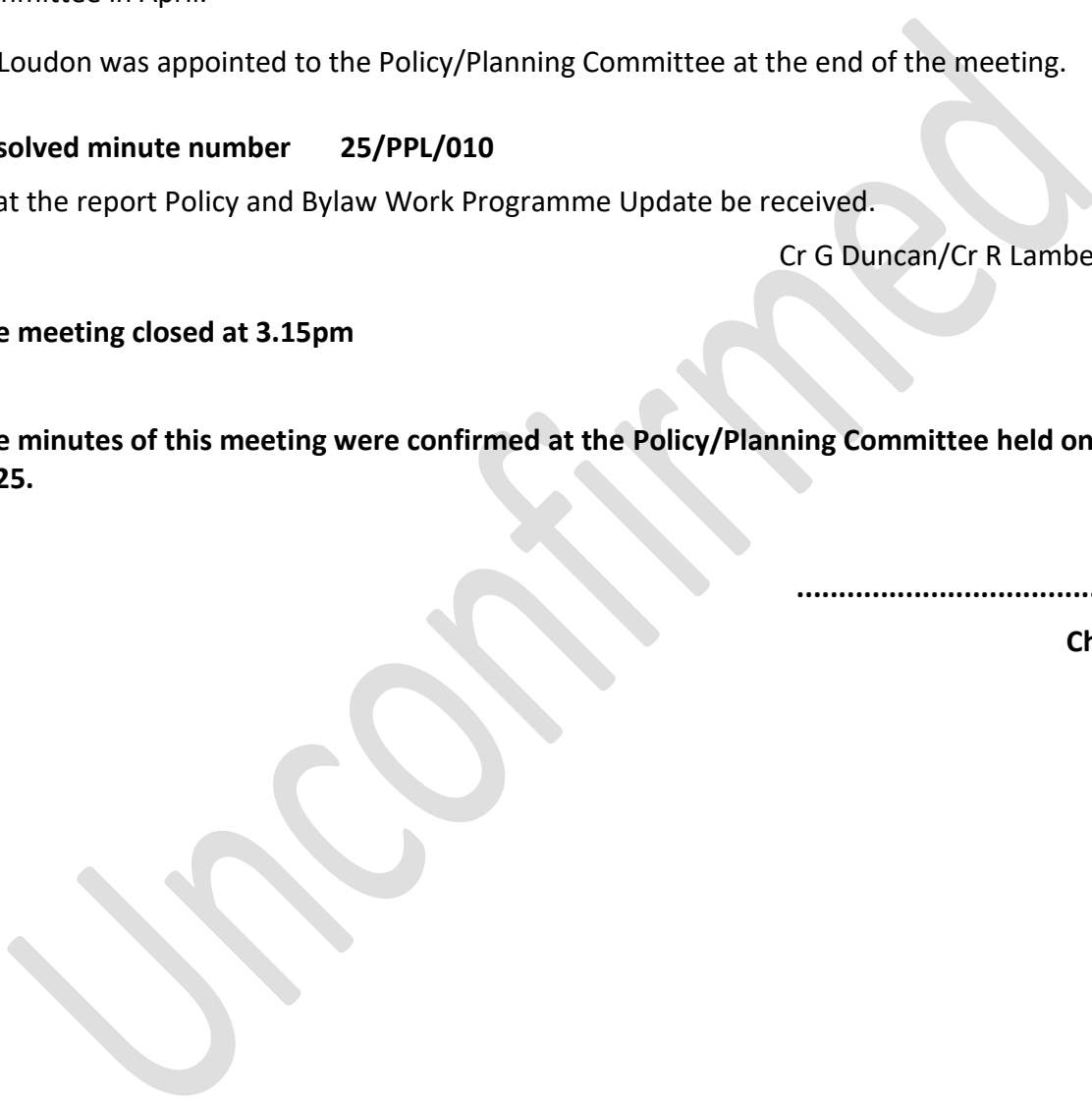
That the report Policy and Bylaw Work Programme Update be received.

Cr G Duncan/Cr R Lambert. Carried

**The meeting closed at 3.15pm**

**The minutes of this meeting were confirmed at the Policy/Planning Committee held on 13 March 2025.**

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**Chairperson**



# MINUTES

## **UNCONFIRMED: POLICY/PLANNING COMMITTEE MEETING**

**Date:** Thursday, 13 March 2025

**Time:** 1.00pm

**Venue:** Council Chamber  
Rangitikei District Council  
46 High Street  
Marton

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Present

- Cr Dave Wilson
- Cr Gill Duncan
- Cr Greg Maughan
- Cr Jeff Wong
- Cr Paul Sharland
- Cr Piki Te Ora Hiroa
- Cr Richard Lambert
- Cr Simon Loudon
- HWTM Andy Watson

In attendance

- Cr Coral Raukawa
- Mrs Carol Gordon, Chief Executive
- Ms Katrina Gray, Group Manager – Strategy, Community and Democracy
- Mr Johan Cullis, Group Manager - Regulatory and Emergency Management
- Ms Janna Harris, Corporate Planner
- Ms Kezia Spence, Governance Advisor

**Order of Business**

**1 Welcome / Prayer ..... 3**

**2 Apologies ..... 3**

**3 Public Forum ..... 3**

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

**5 Confirmation of Order of Business ..... 3**

**6 Reports for Information..... 3**

6.1 Hearing of Submissions on the Draft Gambling Venue (Class 4) Policy and Draft  
TAB Venue Policy..... 3

Unconfirmed

## **1 Welcome / Prayer**

The Chair opened the meeting at 1.00pm.

## **2 Apologies**

No apologies received.

## **3 Public Forum**

There was no public forum.

## **4 Conflict of Interest Declarations**

There were no conflicts of interest declared.

## **5 Confirmation of Order of Business**

There was no change to the order of business.

## **6 Reports for Information**

### **6.1 Hearing of Submissions on the Draft Gambling Venue (Class 4) Policy and Draft TAB Venue Policy**

Commentary is included below.

**Resolved minute number 25/PPL/011**

That the report 'Hearing of Submissions on the Draft Gambling Venue (Class 4) Policy and Draft TAB Venue Policy' be received.

Cr D Wilson/HWTM A Watson. Carried

## Hearing of Submissions on the Draft Gambling Venue (Class 4) Policy and Draft TAB Venue Policy

Submitter name	Organisation	Summary of topic and context	Summary of key questions posted by Elected Members and responses
Madeline Cullen	Problem Gambling Foundation	<p>Tabled presentation provided.</p> <p>Ms Cullen highlighted gambling related harm and importance of prevention.</p> <p>Ms Cullen advocated for a sinking lid policy to mitigate the harms of gambling.</p>	<p><b>Cr Loudon:</b> Do the loss figures include winnings returned to player of the pokie machine?</p> <p><b>Answer:</b> Gross machine profit is once the winnings is removed. The 91 cents back to the player is the lifetime of the machine.</p>
Justin Adams	N/A		<p><b>HWTM:</b> Was AI used to write this submission?</p> <p><b>Answer:</b> It was written by Mr Adams, but AI was used to clarify.</p> <p><b>HWTM:</b> What is the result you're looking for?</p> <p><b>Answer:</b> The biggest issue is continual restriction. Mr Adams supported the current policy of a cap. However, advocates for population growth to be considered.</p> <p><b>HWTM:</b> You support a cap but would like council to consider increasing machine numbers based on population growth?</p> <p><b>Answer:</b> Yes</p> <p><b>Cr Loudon:</b> When you've noted social issues, are these local government or central government issues?</p>

			<b>Answer:</b> There is a responsibility with local government to support and lead.
Jarrold True	Gaming Machine Association of New Zealand	<p>Tabled presentation provided.</p> <p>Mr True advocated for relocation in the policy as it is a harm minimisation tool. This also supports the movement of hospitality venues and relocation for health and safety.</p>	<p><b>HWTM:</b> What is the definition of a sensitive area as referred to in your written submission?</p> <p><b>Answer:</b> Mr True advocated that Council consider a policy which allows council to consider on a case-by-case basis. This allows for a more desirable site, factors that can be considered include residential areas, size of the venue and close by to public spaces.</p> <p><b>Cr Wilson:</b> Te Rapa Tavern was provided as an example, how many gaming machines were on the old site versus the new site?</p> <p><b>Answer:</b> It had 18 on the old site and was able to retain and relocate 18 to the new site. There was no increase in number of gaming machines.</p>
Emma Williams	Te Whatu Ora Health New Zealand	<p>Tabled presentation provided.</p> <p>Noted section 7.2 of the policy and the wording on the maximum number of gaming machines.</p> <p>Ms Williams highlighted that the grant funding is coming from low deprivation areas and yet the grants go back to groups that may not be experiencing the impacts of living in the low deprivation areas.</p> <p>Ms Williams noted that there is not a lot of screening for gambling harm compared to alcohol or smoking.</p>	<p><b>Cr Loudon:</b> Pokies tend to sit in pubs, or could they sit somewhere else?</p> <p><b>Answer:</b> Ms Williams asked is this should be determined by central government or is this something council has control over.</p> <p><b>Cr Loudon:</b> This is an R18 environment that council can have some input in, and there is harm already on these sites.</p> <p><b>Answer:</b> The CBD in the towns is small, with a medium to high deprivation and is challenging to answer. There are saturations in some communities with harmful commodities.</p>



		Ms Williams advocated councillors to speak with surrounding councillors with a sinking lid and how this operates.	
Ben Hodges (Jo Salisbury)	New Zealand Community Trust	<p>Tabled presentation provided.</p> <p>Supported the policy and spoke about the reason not to have a sinking lid.</p> <p>Mr Hodges spoke that the sinking lid may decrease expenditure on pokies but does not decrease gambling harm.</p> <p>Mr Hodges spoke of the deprivation index and that this is likely not the case in the Rangitikei District due to the closeness of town to parks and suburban areas.</p>	<p><b>HWTM:</b> What is the definition of a problem gambler?</p> <p><b>Answer:</b> There are different levels of harm identified, mild gambling harm is defined as having little to no negative impacts. This can be found on the DIA website. Serious problem gamblers are those who experience serious effects on their life.</p>

The meeting closed at 2.00pm.

The minutes of this meeting were confirmed at the Policy/Planning Committee held on 10 April 2025.

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**Chairperson**

Unconfirmed

## 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	13-Feb-25	Can the CE - under urgency, order the disposal or demolition of a buildig to preserve life etc (Context: Dangerous, Affected and Insanitary Buildings Policy)	Johan	<p>There are two sections under the Building Act that are relevant section 129 and 130            The CE can take measures to avoid immediate danger or to fix insanitary conditions if the state of the building:            Immediate danger to the safety of people is likely or immediate action is necessary to fix insanitary conditions, by way of warrant issued under their signature cause any action to be taken that is necessary in their judgement to :            Remove the danger or fix those insanitary conditions....            However the Warrant issued by the CE is subject to : section 130            CE must on completion of action stated in warrant, apply to the District Court for confirmation of the warrant</p> <p>The Court may :            Confirm the warrant without modification            Confirm the warrant subject to modification            Set the warrant aside            The CE does not need to apply to the Court if:            The owner of the building notifies, they do not dispute the entry into owners land and confirms warrant confirmation is not required from the District court and the owner pay the cost associated with the action required to remedy the building.</p>	Completed
2	13-Feb-25	Climate change and whether its covered in any of our procurement	Kezia	<p>This is included in the procurement policy as part of sustainable procurement. This can include minimising greenhouse gas emissions.            increasing biodiversity, minimisation of waste and increased efficiency of materials.</p>	Completed

## **8 Chair's Report**

### **8.1 Chair's Report- April 2025**

**Author:** Piki Te Ora Hiroa, Chair

The Chair may provide a verbal or tabled report at the meeting.

#### **Recommendation**

That the Chair's Report- April 2025 be received.

## 9 Reports for Decision

### 9.1 Gambling Venues (Class 4) Policy and TAB Venues Policy Deliberations Report

**Author:** Janna Harris, Corporate Planner

**Authoriser:** Tiffany Gower, Strategy Manager

#### 1. Reason for Report

- 1.1 The purpose of this report is to provide an analysis of the submissions received during consultation on the Draft Gambling Venues (Class 4) Policy and the Draft TAB Venues Policy for the Policy/Planning Committee to deliberate on.

#### 2. Context

- 2.1 The Gambling Act 2003 and the Racing Industry Act 2020 requires Council to review its policies on Class 4 gambling and TAB venues every three (3) years. As part of this review process, Council must have regard to the social impact of gambling within the district.
- 2.2 These policies must specify if Class 4 venues and standalone TAB venues can be established within the district, and if so, may specify restrictions on the locations of these venues.
- 2.3 In 2024, the Policy/Planning Committee was provided a Social Impact Assessment of Gambling in the Rangitikei District to help inform the review of the Gambling Venues (Class 4) Policy and the TAB Venues Policy.
- 2.4 The Draft Gambling Venues (Class 4) Policy and the Draft TAB Venues Policy were adopted by Council on 12 December 2024 for consultation.
- 2.5 Consultation ran from Tuesday, 21 January 2025 to Monday, 24 February 2025. Five (5) submitters took the opportunity to speak at the oral hearing which was held on 13 March 2025.

#### 3. Submissions Received

- 3.1 Council received a total of 14 submissions on the Draft Gambling Venues (Class 4) Policy and the Draft TAB Venues Policy, including one (1) late submission.
- 3.2 Ten (10) submissions were submitted on behalf of organisations. These included organisations representing gambling related organisations, an organisation that benefits from gambling societies grants, and health related organisations, including Māori health organisations.

#### 4. High level Summary of Submissions

- 4.1 Eight (8) of the 14 submitters support a sinking lid policy for class 4 venues. This compares to five (5) submitters supporting the cap staying at the current level. One (1) further submitter suggested that a population ratio based cap be implemented instead.
- 4.2 Three (3) submitters support the current merging provisions. One (1) submitter would only support merging provisions if the total number of Electronic Gaming Machines (EGMs) in the new venue is no more than the sum of one of the original venues, rather

than the sum of both the original venues. Three (3) submitters state they do not want the policy to allow venues to merge.

- 4.3 Five (5) submitters support the policy allowing venues to relocate. One (1) submitter only supports venues being allowed to relocate if the policy restricts where they can relocate to. Four (4) submitters do not support the policy including relocation provisions.
- 4.4 One (1) submitter also requests that the restriction for new venues not being allowed to establish within 100 meters of an ATM be removed.
- 4.5 Seven (7) submitters state that they do not want TAB venues to be able to establish within the district. One (1) submitter would support TAB venues being able to be established within the district.

## 5. Submission Points Relating to Class 4 Venues by Key Themes

### Sinking Lid

- 5.1 Submitter #02 states that evidence shows that sinking lid policies gradually reduce the number of pokie machines over time. They believe that a sinking lid policy would show Council's commitment to the wellbeing of the community. Furthermore, they stated that 55% of all Councils have a sinking lid policy.
- 5.2 Submitters #2, #13, and #14 state that areas that implement a sinking lid policy see a noteworthy reduction in gambling.
- 5.3 Submitter #11 states that 13 out of the 19 territorial authorities (TA's) in the lower North Island have sinking lid policies in place, 3 TA's do not allow venues to merge, and the joint Wairarapa policy does not allow relocations in high deprivation areas.
- 5.4 Submitter #06 would like Council to consider how a sinking lid policy will reduce gambling in the future.
- 5.5 Submitter #12 states that there is no evidence that sinking lid policies have made a positive contribution to harm minimisation.

Officers comments/analysis:

- 5.6 A number of submitters have highlighted the benefits of a sinking lid policy. These benefits need to be considered by the Committee alongside the benefits for maintaining a cap based policy.

### Risks associated with Gambling

- 5.7 Submitter #02 notes that Class 4 gambling is considered a high risk, high turnover form of gambling, and is particularly harmful due to the continuous nature of this form of gambling. They believe that it is unethical that a majority of EGM expenditure comes from the lowest income households.
- 5.8 Submitters #04, and #09 ask that Council consider pokie proceeds as financial losses to the community, as it is money that people are not keeping within the community or their household, and note the low level of grants being returned to the community.
- 5.9 Submitters #04, and #09 state that all class 4 venues in the district are in medium high and high deprivation areas, noting that this can exacerbate gambling related harm.

Officers comments/analysis:

## ITEM 9.1

- 5.10 Submitters raised a number of concerns associated with the impacts of Class 4 gambling. Most of these risks were highlighted within the Social Impact Assessment. These risks need to be weighed up against the benefits of Class 4 gambling.

Online Gambling

- 5.11 Submitter #02 explains that there is no tangible evidence that reducing EGMs within the district leads to an increase in online gambling, while noting that online gambling is regulated by the Government, not TA's.
- 5.12 Submitter #03 notes that limiting EGMs may unintentionally cause people to move to online gambling and that online gambling is high risk and does not have the benefits that EGMs provide.

Officers comments/analysis:

- 5.13 The Social Impact Assessment explored the potential move towards online gambling. There has been little research in this area, while some believe that reducing EGMs would push people towards online gambling, other research shows that if people cannot gamble at class 4 locations, their money would instead go towards household expenses.

Grants and funding

- 5.14 Submitter #02 points out that only one third of Gaming Machine Profit (GMP) generated in the district in 2023 was returned to this district in the form of grants.
- 5.15 Submitter #03 notes that number of grants are distributed within the district.
- 5.16 Submitter #06 notes that a significant portion of gambling loses do not get returned to communities.
- 5.17 Submitter #08 states that access to trust funding is essential for sport to support the betterment of the community.
- 5.18 Submitter #12 states that they have ringfenced funding to stay within the Rangitikei or surrounding areas. They also note that the community has benefited significantly from funding, which indirectly supports Council as it allows groups to pay for the use of Council facilities.
- 5.19 Submitter #11 states that the level of harm from class 4 venues is not offset by the proceeds that go back to the community.

Officers comments/analysis:

- 5.20 Some submitters point out how the community benefits from grants funding by GMP, while other submitters point out that the expenditure on EGMs is far greater than the amount granted within the district. The Social Impact Assessment further explored the amount spent on EGMs across the district and the total granted within the district.

Cap

- 5.21 Submitter #12 believes a cap is a balanced approach.
- 5.22 Submitter #10 believes the current policy provides a balance between controlling adverse economic impacts and gambling being a form of entertainment. They noted that the current policies have been effective in regulating and controlling gambling within the district, protecting those most at risk. Further, that the current limitations on the number of gaming machines reduce the risk of addiction, fostering a healthier



community. They also state that the current policy provides the community and businesses with stability and predictability.

Officers comments/analysis:

- 5.23 A number of benefits have been raised by submitters. The Committee will need to consider if the benefits for a cap based policy outweigh the benefits of a sinking lid policy. Further information on caps and sinking lid policies can be found within the Social Impact Assessment.

Benefits of gambling

- 5.24 Submitter #03 points out that many people gamble for fun without harm.
- 5.25 Submitter #12 notes that class 4 gambling provides entertainment and social opportunities.

Officers comments/analysis:

- 5.26 Several submitters highlight social benefits associated with Class 4 venues. These benefits were also identified in the Social Impact Assessment.

Relocation

- 5.27 Submitter #03 requests that the relocation provisions are expended to allow relocations under any circumstances if the new location can be shown to be less harmful. This would allow venues to move from a higher deprivation area, to a lower deprivation area. This would also enable businesses to move to modern and attractive buildings to help revitalise business districts. It would also allow venues to move to smaller premises unlocking large areas of land for other purposes such as housing. The submitter also believes venues should be able to move locations if their building is earthquake prone for public safety, and move due to onerous rent or lease terms. The submitter proposes new wording for the policy.
- 5.28 Submitter #03 requests that the requirement for relocated venues to not be within 100 meters of an ATM be removed due to the number of bank and non-bank ATMs as it results in venues being unable to relocate within most business districts, where these venues should be located. It also does not stop people from withdrawing cash at EFTPOS terminals inside a venue.
- 5.29 Submitters #04 and #09 point out that relocation provisions go against the intention of a sinking lid policy.
- 5.30 Submitter #08 supports relocation to allow the number of Class 4 venues to remain the same.
- 5.31 Submitter #09 states that a sinking lid policy that does not allow for relocation is the best measure Council has.
- 5.32 Submitter #12 states that relocation is a harm minimisation tool, that should allow businesses to upgrade their premises.
- 5.33 Submitter #06 supports venues being able to relocate as long as they do not relocate near schools or childcare.

Officers comments/analysis:

- 5.34 There are a number of different views on whether or not relocation provisions are appropriate to be included within the policy. The Committee will need to decide if the

benefits of allowing relocation outweigh the benefits of not allowing relocation of Class 4 venues.

#### Merging

- 5.35 Submitter #06 supports venues being able to merge as long as it results in the number of EGMs decreasing.
- 5.36 Submitter #09 asks that Council utilise its full authority to limit access to pokies by not allowing venues to merge.
- 5.37 Submitter #11 suggests that clause 7.2 is amended to clarify the maximum number of machines permitted if venues were to merge.

#### Officers comments/analysis:

- 5.38 Submitters hold a range of views on whether or not merging of two or more Class 4 venues should be allowed. The Committee will need to consider the views of all submitters and decide if merging should be allowed within the policy.
- 5.39 If the Committee wishes to amend clause 7.2 to provide clarity on how many EGMs can operate in a new venue then officers suggest the following change '*...in the new venue does not exceed 9 ~~of~~ or the combined original total.*' This number can be amended if the Committee wants to reconsider the number of EMGs allowed.

#### Gambling Harm

- 5.40 Submitter #13 believes that Class 4 gaming is the most harmful form of gambling.
- 5.41 Submitter #13 believes that the level of problem gambling is correlated with opportunities to gamble, therefore if the number of EGMs recure, problem gambling should reduce.
- 5.42 Submitter #14 points out the significant loss to Class 4 pokies within the district and highlights that research suggests that if Class 4 gambling isn't an option, money is not spent on online gambling, but rather is absorbed into other household expenses.
- 5.43 Submitters #04 and #09 note that 28% of the district is Māori, and that they negatively experience gambling harm inequalities.
- 5.44 Submitter #07 notes that there are too many machines, and that they are harming families.

#### Officers comments/analysis:

- 5.45 A number of submitters raise concerns about the impact of Class 4 gambling. The Committee need to take these concerns into account when deliberating.

#### Other Comments

- 5.46 Submitter #01 expresses concern that limiting the number of EMG's that can operate in the district could commodify existing use rights and stifle innovation within businesses.
- 5.47 Submitter #01 proposed that Council implements a population ratio-based approach. This would mean the number of EGMs that can establish within the district would increase and decrease alongside the district's population.
- 5.48 Submitter #01 suggests that rather than requiring a 12-month business plan when applying, Council should help businesses develop an operational plan.

- 5.49 Submitter #03 attached legal advice they have received on whether or not an elected member has a conflict of interest.
- 5.50 Submitter #03 presents a number of facts pointing towards a natural decline in the number of EGMs and that the problem gambling rate in New Zealand is low.
- 5.51 Submitter #03 explains the safeguards in place in legislation that venues must comply with.
- 5.52 Submitter #12 believes that regulations create a safe environment and protect individuals.
- 5.53 Submitter #12 notes that most of the Class 4 venues are within high deprivation areas, however this could be due to them being located within town centres, where very few people live.

Officers comments/analysis:

- 5.54 The submitter concerned about EMGs becoming a commodity is noted, however it is outside the scope of what Council can consider when creating a policy. Licences also cannot be traded or sold.
- 5.55 A change in approach to capping the number of EGMs would be complex and difficult to implement as it would require an accurate population count at all times to be able to respond to population changes. Council relies on outside sources such as StatsNZ's census data to accurately determine the population of the district. This would also prove challenging for anyone looking to establish an EGM venue as there would be some uncertainty on the number of EGMs able to operate at any time. This option would also be responsive to an increasing population, where it would be easy to take advantage of an increasing population. However, Council cannot force a venue to stop operating an EGM if the population decreases, making it slow to respond to a decreasing population.
- 5.56 In response to the suggestion that Council should aid businesses in developing a business plan, under the Gambling Act, when applying for a Class 4 licence, an applicant is required to provide information about the financial viability of the proposed gambling operation and how they propose to maximise net proceeds. Developing business plans for this purpose is not a service Council currently offers (or could easily provide).

## 6. Analysis of Submission Points Relating to TAB Venues

- 6.1 Submitter #01 raises a number of concerns that not allowing new TAB venues is creating a monopoly and does not foster a more competitive and dynamic gambling environment. Officers note that this goes beyond what Council is able to consider when developing a TAB policy.
- 6.2 Submitter #02 notes that TAB gambling is considered to be high risk, high turnover gambling.
- 6.3 Submitters #04 and #09 agree that no new TAB venues should be allowed to be established to protect against gambling harm.
- 6.4 Submitter #10 notes that the current policies have been effective in regulating and controlling gambling within the district, and protect those most at risk.

Officers comments/analysis:

6.5 The Committee is required to take into account all submitters points of view when considering of TAB venues should be allowed to establish within the district.

## 7. Analysis of Submission Points Related to Gambling

7.1 Submitter #01 provides comment on the increasing use and convenience of online gambling. They noted that New Zealand is an open and free society, where individuals should be able to participate in legal activities and that all policies must reflect this. The Submitter would prefer Council to focus on promoting responsible gambling.

7.2 Submitter #01 notes a number of benefits of gambling including community building and social interaction, economic benefits, and community support. Officers note that the Social Impact Assessment highlights a number of potential benefits of gambling including those raised by this submitter, but it also identifies that these benefits are often challenged as there has not been enough research to prove the extent of these benefits. Support for gambling often stems from the support these organisations provide to community groups in the form of grants, which is required by legislation.

7.3 Submitter #01 suggests that Council promotes responsible gambling, and improved public awareness. Wider education on the impacts of gambling is better left to organisations that have the resources to better educate and address harm from gambling.

7.4 Submitter #02 highlights that disproportionate level of harm from gambling Māori experience. they also indicate that while many New Zealanders do not experience harm from gambling, a significant minority experience harm themselves, or harm others around them.

7.5 Submitter #02 raises a number of statistics regarding problem gambling within the district, and presents gambling trends within New Zealand.

7.6 Submitters #04 and #09 note a number of long-lasting consequences that gambling can have on whānau and communities.

7.7 Submitter #09 expresses concern about the impact gambling has on Māori and high deprivation communities.

7.8 Submitters #11, #13 and #14 note minority groups are more likely to be affected by gambling harm.

7.9 Submitter #11 states that the Rangitikei only has one gambling harm practitioner based in Te Oranganui, who also supports Whanganui and Ruapehu, making it challenging to assist all whānau.

7.10 Submitter #13 believes gambling is a significant social and economic issue.

7.11 Submitter #14 notes the need for community support and education for gambling related harm.

Officers comments/analysis:

7.12 Many submitters shared their views on whether or not they agree with gambling in principle. While a few submitters point out that there are many benefits of gambling, and that people should be able to choose to participate in gambling, many people have identified that any form of gambling is associated with harm within our communities.

- 7.13 The Assessment of the Social Impact of Gambling recognises that online gambling can impact New Zealanders, however, Territorial Authorities have not ability to regulate online gambling, while a TA's responsibility in regard to Class 4 and TAB gambling is prescribed within legislation.
- 7.14 While deliberating the Committee will need to take into account all views on gambling when deciding on the content of the Class 4 and TAB gambling policies.

## 8. Options Considered

- 8.1 Council is required to have a policy on Class 4 venues and standalone TAB venues, therefore there is no option to not adopt policies on Class 4 venues TAB venues.
- 8.2 The Committee has the following options for the policy on Class 4 venues:
- 8.2.1 Recommend to Council that the Gambling Venues (Class 4) Policy is adopted with/without minor amendment.

OR

- 8.2.2 Request that staff make more significant changes to the Gambling Venue (Class 4) Policy.

If the Committee choose this approach, then it must provide direction on what changes they seek to be made to the policy. Officers will then make these changes and bring the revised policy back to the Committee for its consideration.

- 8.3 The Committee has two options for the policy on standalone TAB venues:
- 8.3.1 Recommend to Council that the TAB Venues Policy is adopted with/without minor amendment.

OR

- 8.3.2 Request that staff make more significant changes to the TAB Venue Policy.

If the Committee choose this approach, then it must provide direction on what changes they seek to be made to the policy. Officers will then make these changes and bring the revised policy back to the Committee for its consideration.

## 9. Financial Implications

- 9.1 There are community groups within the district that rely on receiving grants from societies that operate EGMs. Many societies that operate EGMs have policies that require a majority of the funds they distribute through grants to be returned to the communities the funds were generated within. If Council's position is to have a policy that causes the reduction of Class 4 venues with the district, community groups may find it more difficult to obtain the funding they need to continue operating, putting more demand onto Council to close the resulting funding gap.

## 10. Impact on Strategic Risks

- 10.1 Trust and Confidence is tarnished

- 10.1.1 Gambling can be a controversial topic due to the harm it can cause within the community. However, it also provides vital funding to community groups. When deliberating on these policies, Council must weigh up the benefits and disadvantages of gambling within the Rangitikei District.

## 11. Strategic Alignment

### 11.1 Social Wellbeing

- 11.1.1 All forms of gambling have the potential to negatively affect the social wellbeing of a gambler and their friends and family.
- 11.1.2 Gambling can also support the social wellbeing of the community by providing financial support via grants to clubs and organisations within the district.

### 11.2 Economic Wellbeing

- 11.2.1 There is ongoing debate if EGMs support the venues they operate within by drawing in customers and encouraging them to stay longer, or if they harm businesses by discouraging those who do not like them from entering or staying at these venues.
- 11.2.2 Gambling can be harmful to the economic wellbeing of individuals and families within the district.
- 11.2.3 Community clubs and organisations can be supported by gambling organisations as societies are required to distribute at least 40% of GMP within the community. There is no requirement for this funding to be distributed within the community it was generated within, however many societies that operate in the district have policies requiring a majority of funds to be distributed within the communities they are generated within.

## 12. Mana Whenua Implications

- 12.1 Māori are disproportionately represented in gambling statistics. The most commonly accepted reasoning for this is due to their socio-economic and political status within society. Additional types of gambling harm unique to Māori includes destruction of Māori family values and caregiving practices, damage to mana, erosion of cultural values, and emotional harm to a person's wairua and identity.
- 12.2 The Social Impact Assessment was presented to Te Rōpū Ahi Kā who were asked to provide a recommendation on the current Gambling Venue (Class 4) Policy and TAB Venue Policy. The Komiti made the following recommendation:

***Resolved minute number 24/IWI/049***

*That Te Roopuu Ahi Kaa recoment to the Policy/Planning Commitee Option 3 to replace the current gambling venue (class 4) policy to move to a sinking lid approach with a new policy and Option 2 for the TAB Policy to allow consultation.*

Mr T Curtis/Dr K Gray-Sharp. Carried

- 12.3 Three (3) Māori organisations submitted on this consultation. Te Rangihaeata Oranga (submitter #04) is a Māori gambling harm minimisation service. Te Kāhui Mokoroa (submitter #09) is a Māori gambling harm minimisation Collectively comprised of a number of Māori organisations, Te Oranganui (submitter #14) is a gambling harm practitoner.

## 13. Climate Change Impacts and Consideration

- 13.1 There are no climate change impacts associated with this report.

## 14. Statutory Implications

- 14.1 Council is required to have a policy on Class 4 gambling as well as a policy on standalone TAB gambling. These policies must be reviewed every three years, but to not cease to have effect if they are overdue for review.

Class 4 Gambling

- 14.2 The Gambling Act 2003 sets out Council's responsibilities in relation to Class 4 gambling. The Act requires Council to have a Class 4 policy.
- 14.3 Council's policy is required to either limit the opportunities for gambling in the community, or manage the impacts of gambling within the community. The policy must specify if Class 4 venues can establish in the district, and if so where they can establish. The policy may also restrict the number of EGM's that can operate in a venue and may include a relocation policy.
- 14.4 The matters Council can have regard to when developing a Class 4 policy include the characteristics of the district, proximity to sensitive sites, the cumulative effect of venues within the district, proximity to other venues. The primary activity of venues, and the impact on high deprivation communities.

TAB Venues

- 14.5 The Racing Industry Act 2020 sets out Council's responsibilities regarding standalone TAB venues. Council is required to have a policy stating whether or not standalone TAB venues can be established within the district, and if so, where they can be located.
- 14.6 The matters Council can have regard to when developing a TAB policy include the characteristics of the district, proximity to kindergartens, early childhood centres, schools, places of worship, and other community facilities, and the cumulative effect of additional opportunities for gambling within the district.

**15. Decision Making Process**

- 15.1 During the review of Council's policies on Class 4 and TAB gambling, the Committee considered the social impact of gambling within the District, utilising the *Assessment of the Social Impact of Gambling*.
- 15.2 The Committee proposed amendments to the Gambling Venues (Class 4) Policy and decided to consult on the TAB Venue Policy alongside the Gambling Venues (Class 4) Policy.
- 15.3 The Committee must now deliberate on the written and oral submissions made before recommending to Council that the Class 4 and a TAB venue policy should be adopted.
- 15.4 Once these policies have been adopted the TAB policy will be provided to the DIA and TAB NZ, and the Class 4 policy will be provided to DIA.

**Attachments:**

1. **Class 4 and TAB Gambling Submissions 2025 (under separate cover)**
2. **Oral Hearing Presentations and Tabled Documents (under separate cover)**
3. **Assessment of the Social Impact of Gambling (under separate cover)**
4. **Draft Gambling Venue (Class 4) Policy** [↓](#)
5. **Draft TAB Venue Policy** [↓](#)

**ITEM 9.1****Recommendation 1**

That the report 'Gambling Venues (Class 4) Policy and TAB Venues Policy Deliberations Report' be received.

**Recommendation 2**

That the Policy/Planning Committee receive all submissions, including the late submission made as part of consultation on the Gambling Venues (Class 4) Policy and the TAB Venues Policy.

**Recommendation 3**

That the Policy/Planning Committee recommends to Council that the Gambling Venues (Class 4) Policy is adopted as consulted on [with/without amendment].

**OR**

That the Policy/Planning Committee request that Officers amend the Gambling Venues (Class 4) Policy with the following policy directions;

- [sinking lid/cap],
- [does/does not] have relocation provisions, and
- [does/does not] have merging provisions.

**Recommendation 4**

That the Policy/Planning Committee recommends to Council that the TAB Venues Policy is adopted as consulted on [with/without amendment].

**OR**

That the Policy/Planning Committee requests that Officers develop a new TAB Venue Policy that allows standalone TAB venues to establish within the Rangitikei District.



**Gambling Venue (Class 4) Policy**



<b>Date of adoption by Council</b>	25 March 2004
<b>Resolution Number</b>	04/RDC/064
<b>Date Last Reviewed</b>	xxxx
<b>Resolution Number</b>	xx/xxx/xxx
<b>Date by which review must be completed</b>	xxxx
<b>Relevant Legislation</b>	Gambling Act 2003, Local Government Act 2002
<b>Statutory or Operational Policy</b>	Statutory
<b>Included in the LTP</b>	No

**1. Introduction**

- 1.1. The Gambling Act 2003 requires Council to adopt a Class 4 venue policy and carry out a review every three years.
- 1.2. The Gambling Act 2003 provides the tools for territorial authorities to limit the impact of gambling harm within communities through controlling the number of gambling venues, number of machines and location of venues.

**2. Policy Objectives**

- 2.1. To ensure the Rangitikei District Council and the community has influence over the location of new Class 4 gambling venues and new gaming machines (pokie machines) within the District as a whole in compliance with the Gambling Act 2003.
- 2.2. To place a cap on the number of gaming machines which may be operated in the District.
- 2.3. To ensure that the local community may continue to access funding from the proceeds of Class 4 gaming in the District.

**3. General Conditions (for establishing a Class 4 gambling venue)**

- 3.1. Any new Class 4 venue may only be established on licensed premises where the primary activity is not predominantly associated with family and/or children’s activities.
- 3.2. An applicant for Council consent under this policy must:

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- comply with the objectives of this policy;
  - comply with the general conditions of this policy;
  - meet the application requirements specified in this policy;
  - meet the fee requirements specified in this policy; and
  - consider the proximity of sensitive sites
- 3.3. The application will be publicly notified and a notice will be displayed on the proposed premises.

#### 4. Application Details Council Require

- 4.1. Applications for Rangitikei District Council consent must be made in writing and provide the following information:
- a) Name and contact details of the applicant.
  - b) Street address of premises proposed for the Class 4 venue licence.
  - c) Description of the structure of the applicant (Society or Corporate Society) together with incorporation details:
    - trust and trustee details if appropriate;
    - the names of management staff; and
    - a 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue.
  - d) Details of Host Responsibility policies and procedures covering:
    - training for operational staff on dealing with problem gamblers;
    - provision and display of problem gambling material;
    - support for and supervision of those affected by addictive gambling; and
    - implementation and monitoring plans.
  - e) Details about the venue operator including:
    - operating structure;
    - ownership of the premises;
    - evidence of police approval for owners and managers of the venue; and
    - nature of the businesses operated from the premises.
  - f) A floor plan covering both gambling and other activities proposed for the venue, including:
    - layout of each floor of the venue;
    - location and number of Class 4 machines being proposed for the premises;
    - location of clocks;
    - location and description of signage; and
    - location of displays of problem gambling material.
  - g) Details of liquor licence(s) applying to the premises
  - h) A location map showing the nature of businesses, other Class 4 venues, sensitive sites including but not limited to kindergartens/pre-school, schools, maraes, places of worship (e.g. church, mosque), parks/playgrounds and other activities conducted in the general neighbourhood.

- i) Information about the Trust responsible for the distribution of gambling profits will be made available to the public (as required under the Gambling Act 2003) and to the Rangitikei District Council, and will include:
    - contact details (address, phone numbers, electronic contact); and
    - names of trustees
  - j) Evidence and any supporting material to assure the Rangitikei District Council that their proposed application is a permitted activity under the Rangitikei District Council District Plan, the Resource Management Act 1991 and the Gambling Act 2003.
- 4.2 Council may request comment from health providers or those working with problem gambling.

#### 5. **Number of Gaming Machines Allowed**

- 5.1. New venues may apply for a licence to operate up to 9 gaming machines, providing that the total number of gaming machines in the District does not exceed 58<sup>1</sup>.

#### 6. **Relocation Policy**

##### 6.1. Relocation policy of Class 4 venues

Council will consider granting consent for the relocation of an existing Class 4 venue if the premises cannot continue to operate at the existing site. Examples of such circumstances include but are not limited to the following:

- Expiration of lease;
- Due to a natural disaster or fire, the licensed premises is unfit to continue to operate;
- Property is acquisitioned under the Public Works Act 1981;
- Site redevelopment

##### 6.2 On receiving an application for Council consent for a Class 4 venue to relocate, Council will give consideration to the following matters, namely that the proposed location:

- Is not within 100 metres of the legal site boundary of a kindergarten/pre-school, school, marae, places of worship (e.g. church, mosque), park/playground; and
- Is not within 100 metres of the legal site boundary of other licensed Class 4 venues at the time of application.
- Is not with 100 metres of an ATM

The total number of Class 4 gaming machines at the new premises must be the same or less than the existing Class 4 venue.

#### 7. **Merger of Class 4 venues**

- 7.1. Applications to continue operating Class 4 gaming machines where two or more existing clubs combine, will be considered as a new application for consent.
- 7.2. The Council will issue a consent where two or more existing clubs combine provided:

- the total number of gaming machines in the new venue does not exceed 9 [oref](#) the combined original total;

7.3 An application for consent for the mergers of clubs which hold Class 4 venue licences are required to provide information as detailed in section 4 of this policy, and in addition:

- Copies of the Class 4 venue licences held by all the proposed merging clubs, confirming the current number of machines licenses to be operated in the merging club's venue.

#### 8. Decision making

8.1. The Council has 30 working days to determine a consent application.

8.2. Such determination will be made at the appropriate delegation (officer) level within the Council and will be considered against the criteria set out in this policy.

8.3. When considering an application for a Class 4 venue, the relevant officer will consider:

- comply with the objectives of this policy;
- comply with the conditions of this policy;
- meet the application requirements specified in this policy; and
- the proximity of sensitive sites

#### 9. Application fees

9.1. These will be set by the Rangitikei District Council from time to time, pursuant to section 150 of the Local Government Act and shall include consideration of:

- The cost of processing the application, including any consultation involved;
- The cost of monitoring notification of the distribution of profits and provision of information;
- The cost of reviewing Gambling Venue policies.

#### 10. Adoption and Commencement

10.1. This policy was adopted on xx xxxxxxxx xxxx at the duly notified Council Meeting after completion of the special consultation procedure, of the Local Government Act 2002.

#### 11. Policy Review

This Policy will be reviewed every three years.

## TAB Venue Policy 2025



<b>Date of adoption by Council</b>	30 September 2004
<b>Resolution Number</b>	04/RDC/229
<b>Date Last Reviewed</b>	xxxx
<b>Resolution Number</b>	xx/RDC/xxx
<b>Date by which review must be completed</b>	xxxx
<b>Relevant Legislation</b>	Racing Industry Act 2020, Local Government Act 2002
<b>Statutory or Operational Policy</b>	Statutory
<b>Included in the LTP</b>	No

### 1. Introduction

The Racing Industry Act 2020 requires that the Rangitikei District Council adopt a Totalisator Agency Board (hereinafter referred to as TAB) venue policy for the District in accordance with the special consultative procedure in s83 of the Local Government Act 2002.

The TAB Venue Policy must specify whether or not new TAB venues may be established in the District and, if so, where they may be located. In the development of its policy, Council must have regard to the social impact of gambling on the Rangitikei District communities.

### 2. Policy Objectives

Among the objectives of the Gambling Act 2003 is control of the growth of gambling and the prevention and minimization of harm caused by gambling, including problem gambling. Over and above the objectives stated in the Act, the objective of the Rangitikei District Council’s TAB venue policy is:

- To control the growth of gambling in the Rangitikei District within the scope of the Gambling Act 2003, while providing for the continued availability of sports or race betting within the District in accordance with the purpose and intent of the Gambling and Racing Acts. All current opportunities for sports or race betting within the District have been considered when setting this policy and include current Pub/social outlets and opportunities for telephone and Internet gambling.

### 3. TAB Venue Conditions

There will be no new TAB venues established in the Rangitikei District.

### 4. Policy Review

The TAB Venue Policy will be reviewed concurrently with the Gambling Venue (Class 4) Policy.

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## 9.2 Water Related Services Bylaw Findings and Options

**Author:** Janna Harris, Corporate Planner

**Authoriser:** Tiffany Gower, Strategy Manager

### 1. Reason for Report

- 1.1 The purpose of this report is to present the findings of the review of the Water Related Services Bylaw 2020 (bylaw), and get direction from the Committee on the next steps for this bylaw.

### 2. Context

- 2.1 This bylaw was made by Council on 30 April 2020 under the Local Government Act 2002, and came into force on 8 May 2020, Replacing the Water Related Services Bylaw 2013.
- 2.2 The purpose of this bylaw is to regulate all water related services in the Rangitīkei.
- 2.3 This bylaw is structured in five (5) parts, each part relates to a different water related service, with the exception of final part (Part 5) which sets out the administrative clauses. The four parts relating to water related services are; Public Water Supply, Wastewater and Stormwater Drainage, Private Drains and Watercourses, and Trade Wastes.
- 2.4 The purpose of the Public Water Supply section in the bylaw is to protect the supply of water within the Rangitīkei District.
- 2.5 Wastewater and stormwater are regulated within this bylaw to ensure that these networks are not overwhelmed by excessive amounts of water entering these systems, and to limit the risk of damage from hazardous materials.
- 2.6 There is an extensive private drain network within the district, which has led to a history of inconsistent maintenance and overflows. The purpose of regulating private drains in this bylaw is to provide Council with a way to ensure private drains do not compromise the public drain network or neighbouring properties.
- 2.7 The purpose of addressing trade waste in the bylaw is to ensure trade wastes are treated and disposed of while protecting the health and safety of the public while avoiding adverse effects on the wastewater treatment network.
- 2.8 Officers acknowledge that Local Water Done Well is currently being considered by councils across New Zealand. Changes to who is responsible for the services covered by the bylaw may come into place in the coming years. However, it is important that Council continues to provide for these services, and has the ability to ensure these networks are maintained and not damaged as this process is worked through.

### 3. Section 155 analysis

- 3.1 As a part of the process of reviewing the bylaw, Council must determine under section 155 of the Local Government Act 2002 (LGA):
  - 1) That a bylaw is the most appropriate way of addressing the perceived problem,
  - 2) The bylaw is the most appropriate form of bylaw, and

3) The bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Addressing the perceived problem

- 3.2 The attached review of the bylaw provides an analysis of what parts of the bylaw have been working well, and what areas could be improved. This analysis identifies that the many issues the bylaw sets out to address are still relevant, and therefore need to continue to be addressed through a bylaw. The identified issues are caused by the public either intentionally or unintentionally undertaking actions that compromise the integrity of the water related services within the district. Council has an obligation to ensure that these services are provided to a minimum standard.
- 3.3 The alternative is to not have a bylaw addressing Water Supply, Wastewater and Stormwater Drains, Private Drains, and Trade Wastes. Officers do not recommend this as Council relies on this bylaw to ensure that the networks are protected from being compromised from misuse or intentional/unintentional negligence.

Form of the bylaw

- 3.4 The form of the bylaw refers to the structure and the drafting of individual clauses of the bylaw. At the time of the writing of the Water Related Services Bylaw 2020, the form of the bylaw was considered to be appropriate. However, Officers have reviewed the bylaw and recommend that the form of the bylaw can be improved as a minimum to reduce repetition and increase clarity (as outlined in the attached review document). This would ensure the bylaw can continue to be the most appropriate form.

Consistency with the Bill of Rights

- 3.5 The New Zealand Bill of Rights Act 1990 guarantees a number of rights and freedoms including the right to life and security of the person, democratic and civil rights, non-discrimination and minority rights, and rights on search, arrest and detention. This bylaw does not infringe on any of these rights as described within the Bill or Rights Act.

**4. Discussion and Options Considered**

- 4.1 Option 1: determine a bylaw is appropriate and provide direction on the amendments the Committee seeks to be made to the bylaw
- 4.1.1 This option should be chosen if the Committee agrees that a bylaw is the most appropriate way of addressing the issues raised, while acknowledging that improvements could be made to the form of the bylaw.
- 4.1.2 If this option is chosen Offices seek direction for any additional changes the Committee may be seeking to be made to the bylaw. Officers will use any feedback to draft the amendments to the bylaw before bringing it back to the Committee to adopt it for consultation. This option is recommended by Officers.
- 4.2 Option 2: determine that the current bylaw continues to be fit for purpose and consult on retaining the current bylaw
- 4.2.1 This option should be chosen if the Committee believes that the Water Related Services Bylaw 2020 continues to be fit for purpose.
- 4.2.2 If this option is chosen officers will come back to the Committee with the material required to consult on retaining the bylaw for adoption.

4.3 Option 3: determine that a bylaw is no longer required and consult on revoking the bylaw

4.3.1 This option should be chosen if the Committee believes that a bylaw is no longer required to manage Water Supply, Stormwater and Wastewater Drainage, Private Drains and Trade Waste within the Rangitikei.

4.3.2 If this option is chosen officers will bring back the material required to consult on revoking the bylaw for adoption. This option is not recommended by Officers.

**5. Financial Implications**

5.1 There are no financial implications associated with this report, bylaws are reviewed within existing budgets.

**6. Impact on Strategic Risks**

6.1 There are no strategic risks associated with this report.

**7. Strategic Alignment**

7.1 This bylaw is aligned with the Environmental Wellbeing in Councils Strategic Framework. This bylaw seeks to make sure that our water related services do not have a negative impact on the natural environment, while ensuring that peoples actions do not negatively impact on the network of infrastructure that provide these services.

**8. Mana Whenua Implications**

8.1 There are no mana whenua implications associated with this report.

**9. Climate Change Impacts and Consideration**

9.1 There are no climate change implications associated with this report.

**10. Statutory Implications**

10.1 Section 145 of the LGA provides Council with the power to create bylaws for the purpose 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.

10.2 The LGA also provides specific bylaw making powers to regulate on-site wastewater disposal systems, and trade waste, as well as manage, regulate against, or protect from damage, misuse, or loss, or for preventing the use of land, structures or infrastructure associated with water races, water supply, land drainage, and wastewater, drainage and sanitation.

10.3 The LGA sets out the required timeframes for bylaws to be reviewed. The current Water Related Services Bylaw was adopted on 30 April 2020, after a late review of the pervious Water Related Services Bylaw 2013. This means that a review of the current bylaw must be completed prior to 30 April 2025. This report meets the review requirements.

10.4 The LGA also outlines the process for reviewing bylaws which includes requirements associated with public consultation.



**11. Decision Making Process**

- 11.1 No matter what course of action the Committee chooses, public consultation must occur.
- 11.2 If the bylaw is considered to include any matters that are identified on Council's Significance and Engagement Policy or the change to the bylaw is likely to have a significant impact on the public, consultation must abide by the Special Consultative Procedure in relation to making, amending, or revoking bylaws as set out in section 86 of the LGA. If it is determined that these circumstances do not apply, Council can consult in line with the Principles of Consultation set out in section 82 of the LGA.

**Attachments:**

1. **Water Related Services Bylaw 2020** [↓](#)
2. **Findings of the Review of the Water Related Services Bylaw 2020 (under separate cover)**

**Recommendation 1**

That the report 'Water Related Services Bylaw Findings and Options' is received.

**Recommendation 2**

That the Policy/Planning Committee agree that the on-time statutory review of the Water Related Services Bylaw 2020 is complete, and that:

- i. A bylaw is still the most appropriate way to regulate water related services in the Rangitikei District; and
- ii. The current bylaw could be improved in line with the findings in the findings report; and
- iii. The current bylaw does not give rise to any implications, and is not inconsistent with the New Zealand Bill of Rights Act 1990.

**Recommendation 3**

That the Policy/Planning Committee direct officers to make amendments to the Water Related Services Bylaw and to bring a draft bylaw and consultation material back to the Committee for its consideration at a later date.

**OR**

That the Policy/Planning Committee consider that the current Water Related Services Bylaw is fit for purpose and that officers shall prepare and bring back to the Committee, at a later date, the consultation material for retaining this bylaw.

ITEM 9.2

ATTACHMENT 1

REGULATORY SERVICES

# WATER RELATED SERVICES BYLAW 2020

Date of adoption: 30/04/2020

Resolution number: 20/RDC/135

Date review due: 08/05/2030

Relevant legislation: Local Government Act 2002

Statutory/Policy: No



*Making this place home.*

## WATER RELATED SERVICES BYLAW 2020

### TITLE

This Bylaw shall be known as the Rangitikei District Council Water Related Services Bylaw.

### COMMENCEMENT

This Bylaw comes into force on 8 of May 2020.

### REPEAL

This Bylaw replaces the Rangitikei District Council Water Related Services Bylaw 2013.

### PURPOSE

The purpose of this bylaw is to provide safe and efficient public water supply, wastewater, stormwater and land drainage systems, to encourage economical use of these systems, to protect the associated environment and infrastructure, and to ensure Council's compliance with resource consents associated with these systems, this includes discharges of trade waste to the Councils waste water system."

This Bylaw does not manage or regulate matters that are already provided for in legislation or the Horizons One Plan. It is the responsibility of the consumer to ensure that they comply with any such requirements.

Any person who has permission established under any other act, regulation, or resource consent to carry out any activity, that conflicts with any requirement of this bylaw, does not breach this bylaw when acting in accordance with that permission.

### COMPLIANCE WITH LEGISLATION

Nothing in this bylaw derogates from any provisions set by Local Government.

## INTERPRETATION

### In this bylaw, unless the context otherwise requires:

- 'BACKFLOW' means the reversal of flow of water or mixtures of water and contaminants into the public water supply.
- 'BOUNDARY' as defined in the District Plan.
- 'CHIEF EXECUTIVE' as defined in the Local Government Act 2002.
- 'COMMON PRIVATE DRAIN' means a drain which passes through or serves separately owned premises but excludes land held under strata titles, company share block titles, cross lease titles, and unit titles.
- 'CONDENSING WATER' means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state.
- 'CONNECTION' means the valve, meter, and associated fittings installed and maintained by the Council at a location convenient to the Council on the service pipe at the point of supply.
- 'CONSUMER' means the person, or the authorised agent, who uses, or has the right to use, water supplied by the WSA, drainage and stormwater systems.
- 'CONTAMINANT' as defined in the Resource Management Act 1991.
- 'COUNCIL' as defined in the District Plan.
- 'DIRECT CONNECTION' includes any submersed or submersible outlet or any arrangement of pipes, hoses or fittings temporary or otherwise which renders possible backflow into the public water supply.
- 'DISTRICT' as defined in the District Plan.
- 'District Plan' Means the Rangitikei District Plan
- 'DRAIN' means wastewater drain or stormwater drain; and drainage has a corresponding meaning.
- 'DRAINAGE WORKS' includes all lands, drains, pipes, treatment works, buildings, machinery, and appliances and other things of any kind vested in the Council or acquired or constructed or operated by or under the control of the Council for or relating to the purpose of drainage, whether within or outside the district.
- 'EFFLUENT' means the discharge from any primary treatment tank or process.
- 'FIRE PROTECTION SYSTEM' means a fixed system of pipes, control valves, outlets and related fixed components used to control or extinguish fires. [Note: This does not include fire hose reels].
- 'FIRE SERVICE SUPPLY' means a supply of water to premises solely for the purpose of being used in the event of fire.
- 'FITTING' means any apparatus or appliance together with the necessary accessories and Connection which may be attached to or associated with the plumbing or drainage system of any premises, or which is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.
- 'HARMFUL MATERIALS' means products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream; likely to be deleterious to the health and safety of the Council's staff, approved contractors and the public, or be harmful to the wastewater system.
- 'INTERCEPTOR TRAP' means any trap used to prevent any unwanted material or substance (liquid or solid) from entering a public drain or any gases escaping from the system and includes a grease trap, master trap, silt trap, petrol and oil interceptor.
- LEVEL OF SERVICE means the performance standards on which the WSA undertakes to supply water to consumers, as outlined in Council's Long Term Plan.
- 'METER' means a Council owned meter to measure the flow of supplied water or other liquid.
- 'OCCUPIER' means any person, including the owner, who for the time being, is in control of any premises.
- 'ORDINARY SUPPLY' means a category of metered water supply which is available on demand directly from the point of supply subject to an agreed level of service as set out in the Council's Long Term Plan.

- 'OUTFALL' means an extension of a drainage system that is under the jurisdiction of the Council or other owner, or an approved disposal system within or outside the confines of the premises.
- 'PERMIT' means any permit or consent required by this bylaw or any relevant legislation.
- 'POINT OF SUPPLY' means the point where the service pipe meets the road boundary.
- 'PRIVATE DRAIN' means a drain that serves one or more lots where the lots are in common ownership or used for common activity.
- 'PRIVATE DRAINAGE SYSTEM' means the system of pipes and fittings installed on the premises (including a private drain and a private common drain) to convey the wastewater or stormwater of the premises to the public wastewater or stormwater system and where a public system is not available includes any approved disposal systems within or outside the confines of the premises.
- 'PRIVATE WATER SUPPLY' means the water supply system installed within the premises to provide the piped supply of hot and cold water to the sanitary fixtures and appliances fitted within the premises.
- 'PUBLIC DRAIN' means any passage, channel or pipe on, over or under ground by which stormwater is conveyed and which is under the control of Council. For the purposes of this bylaw, drains within New Zealand Transport Agency owned land are deemed to be public drains. A public drain may occur on public or private land.
- 'PUBLIC WATER SUPPLY' means the same as the definition of 'waterworks' in the Local Government Act 2002.
- 'RESTRICTED SUPPLY' means water supplied via a restrictor at a regulated flow rate as determined by the WSA and charged on a per unit basis.
- 'RESTRICTOR' means a device installed within the connection to control the flow of water to private property.
- 'SANITARY FIXTURE' means any fixture which is intended to be used for sanitation, personal washing or excretion.
- 'SERVICE PIPE' means the section of water pipe between a water main and the point of supply.
- 'STORMWATER' includes surface water, ground water, subsoil water, artesian water, and rainwater, and water emanating from a stormwater drain, stream, river, lake, estuary, or sea and where so designated by the Council, condensing water or cooling water.
- 'STORMWATER DRAIN' means a drain primarily for the reception and discharge of stormwater.
- 'SUPPLY PIPE' means the section of pipe between the point of supply and the consumer's premises through which the water is conveyed to the premises.
- 'SURFACE WATER' means all naturally occurring water, other than subsurface water, which results from rainfall on the site or water flowing onto the site including that flowing from a drain, stream, river, lake or sea.
- 'TRADE PREMISES' means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes.
- 'WASTE DISPOSAL UNIT' means a device designed to disintegrate organic waste material to a state suitable for disposal to a wastewater drain.
- 'WASTEWATER DRAIN' means a drain primarily for the reception and discharge of contaminants.
- 'WATER SUPPLY AUTHORITY' (WSA) means the operational unit of Council responsible for the supply of water, including its authorised agents.
- 'WATER BODY' means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.
- 'WATERCOURSE' means the same as the definition in the Land Drainage Act 1908.
- 'WATER WORKS' means the same as the definition in the Local Government Act 2002.

## PART 1 PUBLIC WATER SUPPLY

### 1. OBJECTIVES

The objectives of Part 1 of this Bylaw are to:

- a) Ensure the appropriate and responsible use of potable water by consumers in the Rangitikei District;
- b) Prescribe the conditions which shall apply to any connection to the public water supply;
- c) Safeguard the public water supply from contamination so as to ensure a good supply of potable water and to prevent waste.

### 2. APPLICATION FOR CONNECTION AND SUPPLY

1. Any person requiring a new connection for the supply of water must complete an application form obtained from the WSA, provide any information requested by the WSA, including a detailed plan showing the proposed work and pay the prescribed fee.
2. No person may make any connection (or any variation to any connection) to the public water supply without the written consent of the WSA.
3. Any person seeking the provision of a temporary water supply for a specific function shall apply to the WSA.

### 2. APPROVAL OF APPLICATIONS FOR CONNECTION AND SUPPLY

- 2.1. An application under clause 2 may be approved by the WSA as either an ordinary supply or an extraordinary supply as the WSA thinks fit and after consideration of:
  - a) The Rangitikei District Council Water Supply Operational Guidelines.<sup>1</sup>
  - b) Any level of service referred to in the Long Term Plan.
- 2.2. Council is not obliged to approve any application.
- 2.3. An approved application for connection and supply which has not been actioned within 6 months of the application will lapse, unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

### 3. ACCEPTANCE OF SUPPLY CONSTITUTES AGREEMENT

- 3.1. If an application for the supply of water under clause 2 is approved by the WSA and, if required, a connection is provided, then the acceptance by the applicant (the consumer) of the supply from the WSA constitutes an agreement between the consumer and the WSA for the consumer to comply with the requirements of this bylaw.
- 3.2. Where there is any change of consumer, the acceptance by the new consumer of an existing supply from the WSA constitutes an agreement between the new consumer and the WSA for the new consumer to comply with the requirements of this bylaw.
- 3.3. Any change in the use of commercial or industrial premises that may have an effect on backflow prevention measures requires written notification to the WSA in order to assess the suitability of backflow prevention measures on site, even if notification of the change in use of the premises is not required under the Building Act 2004.

<sup>1</sup> Subject to amendment only by Council resolution.

#### 4. RESPONSIBILITY FOR WORK PERFORMED

- 4.1. Every consumer supplied with water by the WSA shall be responsible for ensuring that any work done on its private water supply complies with this bylaw and any relevant legislation, and shall not allow any connection or fitting to be in disrepair or in any way defective so that water is wasted or contaminated.

#### 5. EXISTING PIPES AND FITTINGS

- 5.1. Any existing supply pipes, distributing pipes or fittings may be connected to the public water supply after the commencement of this bylaw, with the approval of the Council.

#### 6. ONE POINT OF SUPPLY

- 6.1. The Council may require one Point of Supply to each parcel of land for which a separate certificate of title is held, or to each dwelling or premises on that parcel of land. Lots held in contiguous ownership shall be treated as one parcel of land.

#### 7. CONTINUITY OF SUPPLY

- 7.1. No allowance or compensation will be made or allowed by the Council if the water supply is restricted or interrupted, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose.
- 7.2. All Consumers who, for the purpose of continuing a business or process, or for any other reason, are dependent upon a constant supply of water must provide their own water storage of a minimum capacity as required for their circumstances.

#### 8. PRESSURE

- 8.1. The Council does not guarantee any specified maximum or minimum pressure in the Public Water Supply and no allowance or compensation will be made or allowed on account of a change of pressure in the supply.

#### 9. DAMAGE

- 9.1. The Council will not be held responsible for any damage from any cause that may arise by the bursting or overflow of any pipes, fittings, valves or appliances connected to a private water supply.

#### 10. PROHIBITION OR RESTRICTION OF SUPPLY IN SPECIAL CIRCUMSTANCES

- 10.1. If at any time the Chief Executive considers that because of drought or for any other reason an adequate supply of drinking water may be at imminent risk and that extraordinary measures are necessary in order to conserve the available water supply, the Chief Executive may, by notice, restrict or prohibit the use of water for any specified purpose or for any specified period. This may apply to the whole or part of the District.
- 10.2. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.
- 10.3. No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.
- 10.4. The Chief Executive may delegate to any other officer of the Council the Chief Executive's powers under clause 10.1.

#### 11. SUPPLY FROM STANDPIPES OR HYDRANTS

- 11.1. No person may take water from standpipes or hydrants or any other part of the public water supply without the prior approval of the WSA. Fire and Emergency New Zealand are exempt from this restriction whilst undertaking their legal responsibility.

**12. PROTECTION OF WATERWORKS**

12.1. No person may enter onto any land owned or occupied by the WSA and used for public water supply without first obtaining the written permission of the WSA.

**13. PROTECTION OF SUPPLY PIPES**

13.1. No supply pipe or fitting may be laid or fixed through, in, or into any drain, sink, ash pit, or manure pit, nor through, or in, contaminated land or near any place where the public water supply may become contaminated, without the prior written consent of the WSA and on such terms and conditions as the WSA considers appropriate.

13.2. Any person proposing to carry out excavation work shall view the 'as built' information held by the WSA, which records the location of its buried services. At least five working days' notice in writing must be given to the WSA in the event that excavation will occur in the vicinity of its services.

**14. DAMAGE**

14.1. Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

**15. DRAWN WATER NOT TO BE RETURNED**

15.1. No person shall return to any part of the public water supply, any water drawn from any part of the public water supply or from any other source, except with the consent of the WSA.

**16. PREVENTION OF BACKFLOW**

16.1. Consumers requiring a new connection to the public water supply (including any connection that was previously disconnected) must install a backflow prevention system that complies with the relevant provisions of the Health (Drinking Water) Amendment Act 2007.

16.2. Consumers with existing connections that do not have a backflow prevention system shall be required by the WSA to install appropriate devices if required by the WSA to prevent an unsanitary situation.

**17. NOTICE WHEN SUPPLY NOT REQUIRED**

17.1. When any premises supplied with water by the WSA becomes unoccupied or for any other reason a supply of water is no longer required, the consumer must immediately give notice in writing to the WSA.

17.2. If the water supply connection has not been used for a period of 12 months or it is left in a condition that could be detrimental to the public water supply, the WSA has the right to remove that water supply connection. Reinstallation of the connection must be paid by the consumer.

**18. METERING**

18.1. The WSA reserves the right to fit a water meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

18.2. Where meters are installed, the consumer shall pay all charges as determined by the WSA. The WSA may use its discretion to reduce any such charges in extraordinary circumstances.

18.3. Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested (provided that it is not within three months of the last test). If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.

18.4. In the event water used for fighting a fire passes through a water meter, the consumer will estimate the quantity of water used for the purpose of extinguishing the fire/s and apply to Council to have this quantity credited.



## PART 2 WASTEWATER AND STORMWATER DRAINAGE

### 19. OBJECTIVE

- 19.1. The objective of this part of the bylaw is to define the Council's requirements and provide for the protection of the land, structures, and infrastructure associated with wastewater drainage and stormwater drainage.

### 20. PROTECTION OF THE DRAINAGE WORKS

- 20.1. Unless authorised by the Council no person may:
- a) Cause or allow the entry into any drain or fitting any earth, stones, sand, silt, refuse, human effluent, or material except such matter as is normally discharged through a house drain.
  - b) Enter any drain, pumping station building or related accessory, or any wastewater treatment area.
  - c) Operate, remove, cover or interfere with any cover of any manhole, inlet or other equipment associated with any drain.
  - d) Erect any structure over, or within a distance of one metre from the side of any public drain. This provision does not apply to boundary fences erected across drains.
  - e) Lay any public or private utility service or private drain:
    - i) Along the line of an existing public drain; or
    - ii) Within a parallel distance of one metre from the nearest part of any public drain.

### 21. WASTEWATER DRAINS

- 21.1. Unless authorised by the Council no person may:
- a) Cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter a wastewater drain or a drain connected with a wastewater drain.
  - b) Cause or allow any water which may contain fat, sediment or other extraneous matter to be discharged from a butcher's shop, fish shop, restaurant or other premises (except a standalone dwelling used for residential purposes) where food is prepared, processed or served, directly to a wastewater drain or a drain connected to a wastewater drain.
  - c) Use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste.
  - d) Cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any wastewater drain.

## 22. PROTECTION OF STORMWATER SYSTEM

- 22.1. Landowners shall at all times maintain waterways in a manner that allows free unimpeded water flow.<sup>2</sup>
- 22.2. Unless authorised by the Council no person may:
  - a) Conduct surface water or subsoil water into a stormwater drain, except through a master trap or silt traps, or similar devices, situated in an approved position within the premises;
  - b) Allow a private drain to remain in use where silt or solids are likely to enter a stormwater drain through such drain; or
  - c) Cause or allow any steam, or any other matter (solid or liquid) at a temperature of more than 3 degrees variance to the receiving water temperature to pass into any stormwater drain.

## 23. PROTECTION OF WATERWAYS

- 23.1. Unless authorised by the Council no person may:
  - a) Sweep, rake, place, throw, or discharge any matter or thing including any dust, earth, rubbish, refuse, grass clippings or animals into any system that discharges into a reticulated system, that obstructs or will be likely to obstruct the free flow of water in the reticulated system.
  - b) Erect a structure, place any material or thing, or plant trees, hedges or other plants within the setback areas as required in the district plans where it will obstruct or be likely to obstruct the free passage along the banks of the water body of machinery or apparatus used for the purpose of improving, cleaning or maintaining the waterway. If any structure is erected, material or thing is placed, or any tree, hedge or other plant is planted or allowed to grow in breach of this sub-clause, the Council may by notice in writing require the owner or occupant of the land on which the breach has occurred to remove such structure, material, thing, tree, hedge or other plant.

## 24. REMOVAL OF OBSTRUCTIONS AND RISKS IN THE WATER BODY

- 24.1. The Council may require the removal, poisoning, cutting, or treating (whether with or without the removal of the poisoned, cut or treated portions) of trees, plants, weeds, or growths that obstruct or will be likely to obstruct the free flow of water in any water body. Consent may be required from Horizons Regional Council in order to carry out any such works.

<sup>2</sup> Note: Any such activity may require resource consent from Horizons Regional Council, depending on the nature of the water body, its location and the methods used.

## PART 3 PRIVATE DRAINS AND WATERCOURSES

### 25. OBJECTIVES

- 25.1. The objectives of Part 3 of this Bylaw are to:
- a) Ensure the maintenance of private drains and watercourses to avoid the increase of surfacewater runoff onto any other property or road;
  - b) Ensure the avoidance of contamination of any drain or water body.

### 26. PRIVATE DRAIN TO SERVE LAND HELD UNDER THE SAME TITLE

- 26.1. A private drain may pass only through land held under the same title it is intended to serve, and may not pass through adjacent land without the written approval of the Council. Consent may also be required from Horizons Regional Council.

### 27. COMMON PRIVATE DRAINS

- 27.1. The installation of a common private drain must be approved in writing by the Council and that approval shall be subject to any conditions that the Council considers appropriate.
- 27.2. No approval will be issued for a common private drain which has to traverse any land other than that which it is intended to serve to reach an approved outfall unless the Council is satisfied that the drain is of sufficient capacity to serve the total development possible on that land.

### 28. MAINTENANCE OF PRIVATE DRAINAGE SYSTEMS AND WATER BODIES

- 28.1. Council records are maintained at [www.intramaps.co.nz](http://www.intramaps.co.nz) to identify where the responsibility for maintaining private drains resides. The maintenance and effective operation of a private drainage system is the responsibility of the owner(s) or occupier(s) of the premises that the private drainage system serves unless Council contribute stormwater to a private drain in the urban boundary and that drain then forms part of the stormwater network, Council will be responsible for the maintenance of that drain.
- 28.2. Where the private drainage system does not connect to the reticulated system, consent may be required from Horizons Regional Council for the discharge of wastewater or stormwater.
- 28.3. A private drainage system must be protected in an approved manner where it could be damaged by vehicular traffic, impact or tree root penetration, or any other source.
- 28.4. Where any private drainage system becomes blocked the owner(s) or occupier(s) of the premises served by the private drainage system must have it cleared immediately. If immediate arrangements are not made to clear the blocked system, the Council may serve notice on all owners or occupiers of the premises the private drainage system serves to have the blockage cleared within twenty four (24) hours of the issue of that notice.
- 28.5. Where there is failure to comply with a notice the Council may cause a blocked private drainage system to be cleared, and whether this action is taken or not, may recover the cost of the work from the owner(s) or occupier(s) of the premises served with the notice.
- 28.6. If, in clearing a blockage, it becomes clear that the blockage is within the drainage works and the blockage has not been caused by misuse by the owner or occupier of the premises, the Council will reimburse the owner or occupier for the reasonable costs incurred in clearing the blockage.

## 29. MAINTENANCE OF COMMON PRIVATE DRAINS

- 29.1. Council records are maintained at [www.intramaps.co.nz](http://www.intramaps.co.nz) to identify where the responsibility for maintaining common private drains resides. This is usually with the owner(s) or occupier(s) of the property. In certain circumstances this may not be the case, where Council contribute stormwater to a common private drain in the urban boundary and that drain then forms part of the stormwater network, Council will be responsible for the maintenance of that drain. Council will amend its records upon notification of errors in its records maintained at [www.intramaps.co.nz](http://www.intramaps.co.nz) that are confirmed upon investigation.

## 30. DISUSED DRAINS

- 30.1. The owner of any premises within which there is a disused part of any private drainage system shall arrange for it to be disconnected and sealed in an approved manner.

## PART 4 TRADE WASTES

### 31. OBJECTIVES

31.1. The objectives of Part 4 of this Bylaw are to:

- a) Prescribe the conditions which shall apply to any commercial or industrial trade waste discharges to Council's wastewater system;
- b) Prescribe the correct storage of materials in order to protect the wastewater system from spillage.

### 32. CONTROL OF DISCHARGES

32.1. No person shall:

- a) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this bylaw; or
- b) Discharge, or allow to be discharged, a prohibited waste into the wastewater system; or
- c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent; or
- d) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent.

32.2. In the event of failure to comply with 32.1 (A)-(D), the Council may physically prevent discharge into the wastewater system if a reasonable alternative action cannot be established with the discharging party or parties.

32.3. Any person discharging to the Council's wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

### 33. INTERCEPTOR TRAPS

33.1. An approved interceptor trap must be installed in any property where, in the opinion of the Council, any contaminant is likely to enter any drain or sewer or where any nuisance is created.

### 34. STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS OR HARMFUL MATERIALS

34.1. All persons in trade premises shall take all reasonable steps to prevent the accidental or intended entry of any harmful materials.

34.2. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any substance as defined by HSNO or any other harmful materials in a manner that may cause the material to enter the wastewater system and cause harmful effects.

Note: Harmful materials are defined in the interpretation section of this bylaw.

### 35. TANKERED WASTES

- 35.1. Council may accept tankered wastes for discharge at an approved location, in accordance with the criteria in the Rangitikei District Council Trade Waste Operational Guidelines.
- 35.2. Tankered wastes shall not be discharged into Council's wastewater system by any person without the written consent of Council.
- 35.3. Any person illegally disposing of, or causing to be disposed, tankered wastes either by incorrect disclosure of contents (quantity or nature of materials) or dumping into the Council's wastewater or stormwater systems at other than the prescribed locations will be in breach of this bylaw.

### 36. APPLICATION FOR CONSENT TO DISCHARGE

- 36.1. An application shall be made to Council by any person wishing to discharge any trade waste into Council's wastewater system. The Council shall approve or decline the application (with or without conditions) after consideration of the Rangitikei District Council Trade Waste Operational Guidelines.
- 36.2. Council is not obliged to approve any application.
- 36.3. Council shall acknowledge the application in writing within 10 working days of receipt of the application.
- 36.4. Within 20 working days of receipt of the application, Council shall inform the applicant via an appropriate written notice that their application has been:
  - a) Granted as a permitted trade waste;
  - b) Granted as a conditional trade waste, and give notice of the conditions imposed on the discharge; or
  - c) Declined, and give a statement of reasons for the refusal.
- 36.5. Council shall advise the duration of any granted consent, and reserves the right to require reassessment of any consent if it is considered that the quantity and/or nature of the discharge has significantly changed from that provided for under any existing consent.

### 37. MONITORING

- 37.1. Council is entitled to monitor or audit any trade waste discharge for compliance.
- 37.2. Council shall determine the most appropriate method of monitoring in accordance with the Rangitikei District Council Trade Waste Operational Guidelines.
- 37.3. All costs for monitoring shall be met by the discharger.

### 38. SUSPENSION OR CANCELLATION OF ANY CONSENT TO DISCHARGE

- 38.1. Council may suspend or cancel any consent to discharge at any time, following 20 working days' notice and consultation with the consent holder or person discharging any trade waste.
- 38.2. Matters that shall be taken into account for the suspension or cancellation of any consent are outlined in the Rangitikei District Council Trade Waste Operational Guidelines.

<sup>3</sup> Subject to amendment only by Council resolution.

## PART 5 MISCELLANEOUS

### 39. FEES

- 39.1. Where this bylaw provides for the Council or WSA to issue a certificate, permit, or consent, or give its authority for anything, or carry out an inspection or disconnection of any services, the Council may require the payment of a fee. Any such fee shall be prescribed by the Council under Section 150 of the Local Government Act 2002, and included in Council's annual schedule of fees and charges.
- 39.2. Any person receiving an invoice for cost recovery shall be provided with any information or calculations used to determine the extent of any charges and/or fees due.

### 40. BREACHES AND INFRINGEMENTS

- 40.1. Every person or consent holder or owner or occupier of a trade premises who:
  - a) Fails to comply with or acts in contravention of any provision of this bylaw; or
  - b) Breaches the conditions of any consent granted pursuant to this bylaw; or
  - c) Fails to comply with a notice served under this bylaw,

Commits an offence under section 239 of the Local Government Act 2002, and is liable to a fine as specified in section 242 of the Local Government Act 2002, or the issue of an infringement notice under section 245 of the Local Government Act 2002.

- 40.2. In all cases, Council may recover any costs associated with the damage to the Council water supply, wastewater or stormwater systems, and/or the breach of bylaw in accordance with sections 175 and 176 of the Local Government Act 2002 respectively.
- 40.3. In some cases, an offence under this bylaw may also constitute breach of the Horizons One Plan, which may result in enforcement action by Horizons Regional Council.

### 41. REVIEW OF DECISIONS

- 41.1. If any person is dissatisfied with any decision made by a Council officer under this bylaw, that person may, by notice delivered to the Rangitikei District Council Chief Executive not later than 20 working days after the decision by the officer is served upon that person, request that the Chief Executive review any such decision. This decision shall be final. Nothing in this clause shall affect any right of appeal under the Local Government Act 2002.

## 10 Reports for Information

### 10.1 Policy and Bylaw Work Programme Update

**Author:** Janna Harris, Corporate Planner

**Authoriser:** Tiffany Gower, Strategy Manager

#### 1. Reason for Report

- 1.1 To provide an update on the policy and bylaw work programme.

#### 2. Policy Programme Update

- 2.1 Officers have continued to progress the review of the Gambling Venue (Class 4) Policy, TAB Venue Policy, and the Dangerous, Affected and Insanitary Building Policy. The policy register attached provides an update on the status of all policies (Attachment 1)
- 2.2 The Gambling Venue (Class 4) Policy and the TAB Venue Policy was out for consultation from 21 January 2025 until 24 February 2025. During this consultation period, fourteen (14) submissions were received. Five (5) of these submitters spoke to the Policy/Planning Committee at the meeting held on 13 March 2025. A separate deliberations report can be found within this order paper.
- 2.3 A Draft Dangerous, Affected and Insanitary Building Policy was presented to this committee at the February Policy/Planning Committee Meeting. The changes that the committee recommended were presented to Council at the 27 March Council meeting. Subsequently, the Draft Policy was adopted for consultation alongside the Annual Plan 2025/26 starting 4 April 2025. Council will deliberate on this policy alongside the Annual Plan 2025/26 at the meeting currently scheduled for 5 June 2025.

#### 3. Bylaw Programme Update

- 3.1 The Bylaw register attached provides an update on the status of all bylaws (Attachment 2).
- 3.2 An initial review of the Water Related Services Bylaw has been completed. A separate report within this order paper provides the findings of this review and seeks direction from the Committee on the next steps.
- 3.3 The Mokai Bridge Bungy Jumping Bylaw was due to be reviewed by 30 April 2023. This bylaw was not reviewed prior to this date. If a bylaw is not reviewed within the statutory timeframes, it is automatically revoked 2 years after the date it was due to be reviewed. This means that the bylaw will be automatically revoked on 30 April 2025. On this date the bylaw will be removed from Council's website. June 2024, the Policy/Planning Committee considered options for revoking the bylaw or developing a new bylaw and decided to allow the bylaw to lapse. If in the future Council wishes to have a bylaw to control buggy jumping on the Mokai Bridge, a new bylaw will need to be drafted.

#### 4. Financial Implications

- 4.1 There are no financial implications associated with this report. The policy and bylaw work programmes are undertaken within existing budgets.



**5. Impact on Strategic Risks**

5.1 There are no strategic risks associated with this report.

**6. Strategic Alignment**

6.1 The development and review of all policies and bylaws are undertaken with the intention of improving the wellbeing of the district by providing safe and pleasant spaces for the community.

**7. Mana Whenua Implications**

7.1 Any mana whenua implications associated with a particular policy or bylaw are explained within the report associated with the review of that policy or bylaw. This report is only providing an update on the wider work programme.

**8. Climate Change Impacts and Consideration**

8.1 There are no climate change impacts associated with this report.

**9. Statutory Implications**

9.1 As the Mokai Bridge Bungy Jumping Bylaw was not reviewed within the statutory timeframes as outlined in section 159 of the Local Government Act 2002, the bylaw is automatically revoked 2 years after it was due to be reviewed under section 160A of the Local Government Act 2002.

**10. Decision Making Process**

10.1 There are no decisions to be made in association with this report.

**Attachments:**

1. **Policy Register** [↓](#)
2. **Bylaw Register** [↓](#)

**Recommendation**

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

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	Deliberation report provided in Order Paper.
Gambling Venue (Class 4) Policy	Gambling Act 2003	12/12/2019	12/12/2022	High	Regulatory Democracy & Planning	Deliberation report provided in Order Paper.
Flying Drones in Council Parks - interim guideline	Civil Aviation Authority Part 101	27/07/2024	No requirement	Low	Regulatory Democracy & Planning	Not due for review.
Disposal of Surplus Lands and Buildings		26/02/2015	N/A	High	Assets & Infrastructure	Review to begin when staff available.
Social Media Policy		1/08/2021	No requirement	Medium	Democracy & Planning	Review underway.
Treasury Management Policy	Local Government Act 2002 S102, 104, 105	30/09/2023	No requirement	Medium	Corporate Services	Review date set September 2026.
Statement on Development of Māori Capacity to Contribute to Decision Making	Local Government Act 2002 S81, Sch10 clause 8	27/06/2024	No requirement	Medium	Democracy & Planning	Not due for Review.
Significance and Engagement Policy	Local Government Act 2002 S76AA	16/05/2024	No requirement	Low	Democracy & Planning	Not due for review.
Development Contributions Policy	Local Government Act 2002 S102, 106	16/05/2024	16/05/2027	Low	Assets & Infrastructure Corporate Services	Not due for review.
Revenue and Finance Policy	Local Government Act 2002 S102, 103	16/05/2024	No requirement	Low	Corporate Services	Not due for review.
Community Housing Policy		29/08/2024	29/08/2027	Medium	Community Services	Not due for review.
Procurement Policy		29/08/2024	No requirement	Medium	Corporate Services	Not due for review.
Smokfree and Vapefree Policy		29/08/2024	No requirement	Medium	Democracy & Planning Community Services	Not due for review.
LGOIMA Requests Policy		1/05/2023	No requirement	Low	Democracy & Planning	Review to commence in near future
Dangerous and Insanitary Buildings Policy	Building Act 2004 S131	25/06/2020	25/06/2025	Low	Regulatory Democracy & Planning	Consultation began 4 April.
Delegations to Positions Policy		24/05/2023	20/11/2025	Low	Democracy & Planning	Council set review date for November 2025.
Local Governance Statement	Local Government Act 2002	31/03/2023	31/03/2026	Low	Democracy & Planning	Not due for review.
Dog Control and Ownership Responsibility Policy	Dog Control Act 1996 S10	26/05/2016	17/03/2026	Low	Regulatory Democracy & Planning	Review to begin late 2025, alongside the Control of Dogs Bylaw.
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	Review to follow 2025 triennial election.
Code of Conduct	Local Government Act Sch7 15	23/11/2022	No requirement	Low	Democracy & Planning	Review to follow 2025 triennial election.
MOU: Tūtohinga		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 Democracy & Planning	No review planned.
Reducing or Waiving Fees for internal consenting costs		1/10/2015	No requirement	Low	Regulatory Democracy & Planning	No review planned.
Partnership Between the Local Authority and the 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.
Road Naming Policy		N/A	N/A	Low	Regulatory Democracy & Planning	Review timeframe dependent on staff capacity
Media Policy		20/09/2022	N/A	Medium	Regulatory Democracy & Planning	Review underway.

Bylaw Register					
Document	Requirement/Enabling Legislation	Last reviewed	Review due	Responsible	Comment / Update
Mokai Bridge Bungy Jumping Bylaw	Local Government Act 2002	30/04/2013	30/04/2023	Democracy & Planning	Not being reviewed.
Control of Dogs Bylaw	Dog Control Act 1996	26/05/2016	17/03/2026	Regulatory	Review to begin late 2025.
	Local Government Act 2002			Democracy & Planning	
Traffic and Parking Bylaw	Land Transport Act 1998	15/03/2023	15/03/2028	Democracy & Planning	Not due for review.
Liquor Control Bylaw	Local Government Act 2002	30/11/2018	13/09/2028	Democracy & Planning	Not due for review.
Animal Control Bylaw	Local Government Act 2002	31/01/2019	12/07/2028	Democracy & Planning	Not due for review.
Stock Droving and Grazing Bylaw	Land Transport Act 1998	26/09/2019	22/08/2029	Assets & Infrastructure	Not due for review.
	Local Government Act 2002			Regulatory	
Water Related Services Bylaw	Local Government Act 2002	30/04/2020	30/04/2025	Assets and Infrastructure, Democracy and Planning	Review in progress, update provided within Order Paper.
Food Business Grading Bylaw	Food Act 2014	28/10/2021	28/10/2026	Regulatory	Not due for review.
	Local Government Act 2002			Democracy & Planning	
Signs and Public Places Bylaw	Local Government Act 2002	29/08/2024	29/08/2029	Democracy & Planning	Not due for review.

**10.2 Strategy/Plan Development and Review Update****Author:** Tiffany Gower, Strategy Manager**Authoriser:** Katrina Gray, Group Manager - Strategy, Community and Democracy**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 Government has announced its intention to review the Local Government Act 2002. Officers will keep up to date with the progress of this review as Council's Strategic Framework will need to be reviewed to ensure alignment.

**3. Strategy/Plan Reviews**

- 3.1 A list of Council's strategies and plans is attached (Attachment 1).
- 3.2 Notable updates for April 2025 include:
- *National Planning Standards / E-Plan implementation (in progress)*. The e-plan was formally launched on 9 January 2025. All planning applications are being lodged under the e-plan provisions.
  - *Waste Management Minimisation Plan (in progress)*. The Draft Plan is being consulted on (from 4 April to 5 May) alongside the Draft Annual Plan 2025/2026, the Draft Dangerous, Affected and Insanitary Building Policy, and proposed fees and changes schedule 2025/2026.
  - *Economic Wellbeing Strategy (in progress)*. This is being drafted and has been titled "Rangitikei Tomorrow". The final draft strategy is expected to be ready for the committees review at the June meeting.
  - *Annual Plan 2025/26 (in progress)*. The Draft Annual Plan 2025/2026 has been prepared and is out for consultation until 5 May.
  - *Proposed Plan Change 3 – Urban Growth (in progress)*. Technical assessments are well underway. Landowner engagement and mana whenua engagement has commenced. Wider public, informal pre-consultation for this plan change is planned for April/May. Officers are planning a workshop for Council in May.

**4. Options Considered**

- 4.1 There are no options associated with this report.

**5. Financial Implications**

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

**6. Impact on Strategic Risks**

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

**7. Strategic Alignment**

7.1 Council's strategies and plans are key components of Council's strategic framework. A review of the strategies and plans layer of the strategic framework is planned as a key task once resourcing allows.

**8. Mana Whenua Implications**

8.1 There are no direct mana whenua implications associated with this report. Strategy/plan development occurs alongside Council's Te Rōpū Ahi Kaa Komiti and directly with iwi and hapū where relevant.

**9. Climate Change Impacts and Consideration**

9.1 There are no relevant climate change considerations.

**10. Statutory Implications**

10.1 There are no direct statutory implications.

**11. Decision Making Process**

11.1 There are no decisions required associated with this report.

**Attachments:**

1. **Strategies and Plans Register 2025** [↓](#)

**Recommendation**

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

Strategy / Plan Register					
	Summary	Status	Legislation	Responsible Department	Comment / Update
<b>Strategies</b>					
Strategic Framework	Sets out the purpose, vision, community outcomes and strategic priorities	Adopted as part of the LTP 2024-34	Non-statutory	Strategy, Community & Democracy	Work to update the Strategic Framework will commence following the local government election and when clarity is provided re Government direction "Back to Basics". Updated Strategic Framework will underpin the 2027 - 2037 LTP.
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 & Projects	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.
Pae Tawhiti Rangitikei Beyond - Community Spatial Plan	Provides the blueprint for how we want the Rangitikei district to develop over the next 30 years.	Adopted September 2023	Non-statutory	Strategy, Community & Democracy	Complete.
Parks, Open Spaces and Sporting Facilities Strategy	To provide a framework to underpin Council decision-making on investment in parks and reserves.	Complete	Non-statutory	Assets, Infrastructure & Projects	Complete.
Climate Impact Strategy and Action Plan	Set's out Council's direction and actions in responding to climate impacts.	Adopted February 2024	Non-statutory	Strategy, Community & Democracy	Complete.
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 2021-31 LTP	Non-statutory	Strategy, Community & Democracy	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 2021-31 LTP	Non-statutory	Strategy, Community & Democracy	Development in progress. A workshop was held with Council and initial stakeholder interviews undertaken in early August. A report was provided to TRAK and a workshop also held.
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	Review planned for 2025.
Heritage Strategy	Provides a long term vision to guide Council's management of heritage resources throughout the Rangitikei District	Adopted 31 March 2016	Non-statutory	Strategy, Community & Democracy	Review unable to be commenced due to internal resourcing.
Property Strategy	Development of a strategy that identifies which properties Council should retain or dispose.	Complete	Non-statutory	Assets, Infrastructure & Projects	Complete.
<b>Plans</b>					
Long Term Plan 2024-34	Set's out the activities Council plans to undertake and how it will be funded for 2024-34.	Adopted 27 June 2024	Local Government Act 2002	Strategy, Community & Democracy	Adopted 27 June 2024.
Annual Plan 2025/26	Set's out the activities Council plans to undertake and how it will be funded for 2025/26. Updated year from the LTP.	To be adopted June 2025	Local Government Act 2002	Strategy, Community & Democracy	Project underway. Workshops held in late 2024 and early 2025. Consultation to occur from 4 April to 5 May 2025.
Roading Activity Management Plan	Comprehensive plan on how Council's roading assets should be maintained and renewed.	Complete	Non-statutory	Assets & Infrastructure	Reviewed and updated for the 2024 LTP.
3 Waters Activity Management Plan	Comprehensive plan on how Council's 3 Waters assets should be maintained and renewed.	Complete	Non-statutory	Assets, Infrastructure & Projects	Reviewed and updated for the 2024 LTP.
Social Infrastructure Asset Management Plan	Comprehensive plan on how Council's Social Infrastructure assets should be maintained and renewed.	Complete	Non-statutory	Assets, Infrastructure & Projects	Reviewed and updated for the 2024 LTP.
Destination Management Plan	Provides the plan for growing the visitor economy.	Adopted March 2022	Non-statutory	Strategy, Community & Democracy	Complete.
Waste Management and Minimisation Plan 2018 - 2024	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 & Projects	The Waste Assessment was adopted, and development of a new Waste Management Minimisation Plan agreed by Council at the 27 June 2024. Council has had a workshop on the draft WMMP. The draft WMMP with be consulted on simultaneously with the Annual Plan (4 April - 5 May).
Urban Tree Plan	Provides guidelines for tree management throughout the District.	Adopted in 2017	Non-statutory	Assets, Infrastructure & Projects	No review scheduled.
Turakina Town Centre Plan	Sets out a plan for the Turakina Town Centre.	February 2016	Non-statutory	Strategy, Community & Democracy	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	Strategy, Community & Democracy	Key aspects incorporated into the Community Spatial Plan. However, plan retains value as a stand alone document.
Marion Town Centre Plan	Sets out a framework for the future management of the Marion Town Centre.	December 2014	Non-statutory	Strategy, Community & Democracy	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.
Hunterville Town Centre Plan	Sets out a plan for the Hunterville Town Centre.	August 2014	Non-statutory	Strategy, Community & Democracy	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	Strategy, Community & Democracy	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	Strategy, Community & Democracy	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.
Marion Streetscape Upgrade Plan	Sets out the upgrade for the Marion Town Centre.	Not yet commenced	Non-statutory	Strategy, Community & Democracy	In progress. A consultant has been procured for the works and public/stakeholder drop in sessions have been held.
Rangitikei District Plan	Sets out the objectives, policies and rules for land use in the District.	Operative - October 2013	Resource Management Act 1991	Strategy, Community & Democracy	Plan Change 3 Urban Growth - In progress. The acceleration of this phase has been funded through the Better Off fund. ePlan and National Planning Standards - ePlan (including national planning standards transition) operative 9 January 2025. Efficiency and effectiveness report for the Commercial zone complete.
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 & Projects	Subject to "continuous review" under the Reserves Act. Not scheduled for specific review.
Marion Park Management Plan (Part Two)	A management plan for Marion Park.	Adopted 3 November 2016	Reserves Act 1977	Assets, Infrastructure & Projects	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 & Projects	Work is underway on assessing the Bulls reserve/recreation land and the development of a Master Plan for the Bulls Domain will be included in this work. Mana whenua engagement has commenced and stakeholder engagement is being planned.
Centennial Park Management Plan (Part Two)	A management plan for Centennial Park.	Adopted 1 May 2014	Reserves Act 1977	Assets, Infrastructure & Projects	Not scheduled for review.
Taihape Memorial Park Management Plan (Part Two)	A management plan for Memorial Park.	Adopted 25 March 2010	Reserves Act 1977	Assets, Infrastructure & Projects	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 & Projects	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 & Projects	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 & Projects	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 & Projects	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 & Projects	Completed in 2023.
Welcoming Communities Plan	A community-owned plan to be more open and accepting and build our cultural diversity and inclusion.	Complete	Non-statutory	Strategy, Community & Democracy	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 has been implemented of the Welcoming Community website and can be accessed via the RDC main website. The ongoing principles continue to be delivered from our Community Hubs, with staff keeping up to date and will continue to add website information for newly arrived individuals and families to our district.
Bulls Parks Plan	A master plan for the parks in Bulls.	In progress	Non-statutory	Assets, Infrastructure & Projects	Consultant procured and background work commenced. Mana whenua engagement has begun and stakeholder engagement is being planned.

### 10.3 Economic Update

**Author:** Jarrod Calkin, Economic Wellbeing Lead

**Authoriser:** Katrina Gray, Group Manager - Strategy, Community and Democracy

#### 1. Reason for Report

- 1.1 The purpose of the report is to provide the Policy/Planning Committee with an economic update for the district and the key actions Officers are taking to support business and the district.

#### 2. Local Insights and Update

- 2.1 The quarterly economic indicators for December have been released and the Quarterly Economic Update for the district was released in March. The link for the December quarter is attached [Quarterly-Economic-Update-December-2025web.pdf](#). Some key insights are provided below:

2.1.1 GDP in the district grew by 0.8% against a regional (-0.2%) and national (-0.5%) decline.

2.1.2 Consumer spending is down 4.3% across the district and after accounting for inflation and population growth, is close to 7% on a per capita basis.

2.1.3 Annual residential new dwelling consents are up 34% on the same period a year ago.

2.1.4 Housing sales are up 36.7% while prices have come back 6.4% with an average house price now \$415,527. Housing affordability has also been improving with the average house price now sitting at 3.5x household income compared to 4.7x for Manawatu-Wanganui and 6.7x for New Zealand.

2.1.5 The tourism sector is experiencing significant decline with expenditure in this sector back 12.2% and a reduction by 6.2% of annual guest nights in the district. 90% of the tourism expenditure for Rangitikei is domestic tourism meaning a tightening of the national economy has a greater effect on our tourism sector.

- 2.2 In February the Reserve Bank of New Zealand agreed to a 50-basis point reduction in the official cash rate bringing it down to 3.75%. At the time the rationale was based on subdued economic activity, domestic inflation easing and unemployment activity continuing to soften.

2.2.1 The next Monetary Policy Review is scheduled to occur on Wednesday 9 April. Economists are again predicting anywhere from 0.25% to 0.50% reduction in the official cash rate at this review and are signalling a floor of 3.25% for 2025. A verbal update will be provided at the meeting.

- 2.3 There has been no update to the inflation data shared in the February update. The next release of inflation data is 17 April 2025 and currently sits at 2.2%.

#### 3. Business Rangitikei

- 3.1 Business Rangitikei held their AGM on 11 March 2025.



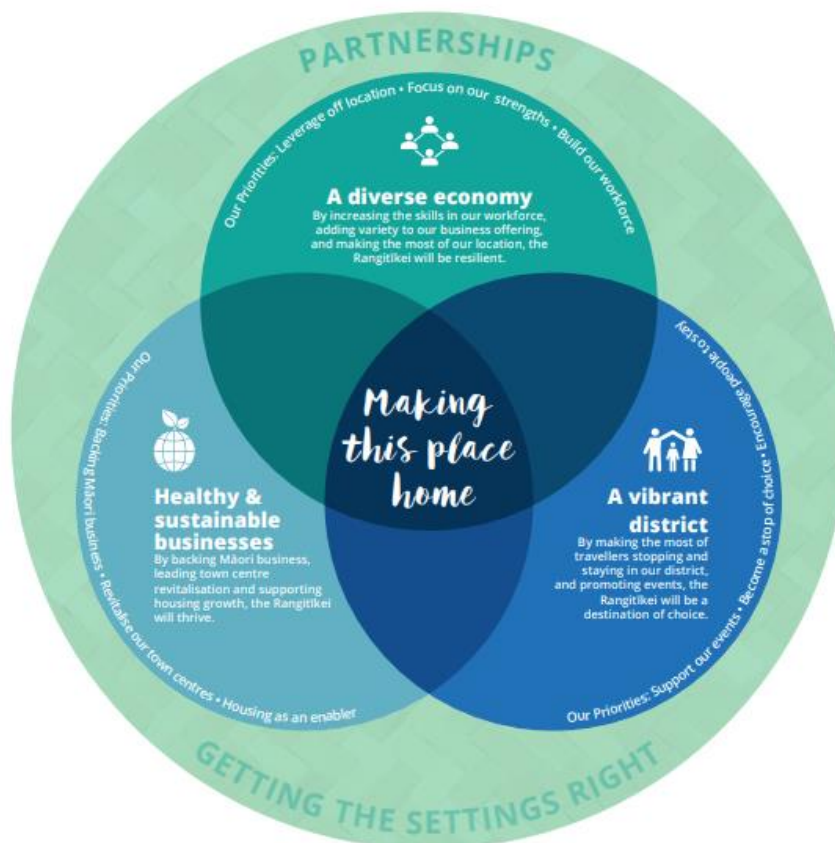
- 3.2 The meeting was a chance to discuss the highlights from the previous year and look forward to the year ahead which includes plans around growing membership, supporting business initiatives, benefits for members and a professional services database.
- 3.3 An additional 5 members were added to their committee taking the total number of committee members to 8.
- 3.4 Business After 5’s have re-started successfully in 2025 with events held in Taihape, Marton and Rāta. These continue to be well supported by a combination of business owners, building owners, sector leaders and elected members.

**4. Economic Strategy**

- 4.1 Council Officers are in the final stages of drafting the Rangitīkei District Economic Strategy which is being titled ‘Rangitīkei Tomorrow!’.
- 4.2 The final draft strategy is expected to be ready for the Committee’s review at the June meeting.
- 4.3 We have provided a copy of the ‘strategy on a page’ which highlights our vision, foundations, economic goals and priorities.

# RANGITĪKEI TOMORROW

Economic Strategy and Action Plan



**5. Mayors Taskforce for Jobs**

- 5.1 The Mayors Taskforce for Jobs programme continues to perform at a level well beyond the contracted requirements.
- 5.2 Up to the end of March, the programme nationally has placed 1,353 people into work. 106 of these are in the Rangitikei District making up nearly 8% of the national performance.
- 5.3 At the beginning of March, Council was invited to apply for an additional pool of funding within the programme referred to as the F25 Initiative Fund. This fund was only available to Council's who have met their tranche 2 funding and delivered at least 75% of the required placements.
- 5.4 The fund allowed for Council to apply for up to an additional \$50,000+gst to deliver 10 additional placements at a rate of \$5,000+gst per placement. There were conditions associated with the initiative fund where the placement must be made at either Council or Council linked employment to be eligible.
- 5.5 Council Officers worked with James Towers Consultants Limited and His Worship the Mayor to determine an application of 4 placements and \$20,000+gst was appropriate. Council Officers were advised on 21 March that our application has been successful.

**6. Marton Streetscape Design Update**

- 6.1 A workshop was held with elected members and the consultants on 6 March. During the workshop we discussed the current state, shared feedback from the community event and collected input into the design and plan.
- 6.2 On this day there were multiple stakeholder and user group sessions which were well attended and allowed each group to share their thoughts, insights and vision for the town centre.
- 6.3 The next phase is for the streetscape plan to be drafted.

**7. Town Centre Better Off Funding**Bulls

- 7.1 The first map has been printed and is ready to be placed at the bus stop. The remaining 4 maps will be printed during April and put up in the coming weeks.
- 7.2 The mural on the wall beside the chemist has begun and is expected to be completed within 3 weeks provided the weather allows. A visual will be provided to elected members once completed.
- 7.3 There are still up to 8 rubbish bins in Bulls being refurbished and once completed, will be picked up by the parks team and replaced through the town. It is expected there will be 4-5 spare bins which will be stored and used as replacements in the event of damage to any of the bins.
- 7.4 An additional initiative for Bulls has been agreed in partnership with Sport Whanganui. This initiative involves putting play art on the ground around walkways to encourage physical activities when using the walkways and will improve the vibrancy of these areas.

Taihape

- 7.5 The map for Taihape is still being drafted and once ready, will be shared with the working group for their feedback.
- 7.6 The picnic area and shelter at the gumboot throwing lane is progressing with Council Officers taking the lead on the planning and construction of this work. An approach has been made to Taihape Area School to see if there are any students who would be interested in assisting the project which has been well received and is likely to happen.
- 7.7 The work being completed at the Gumboot is underway. Replanting will begin when the weather allows and pavers will be laid from the footpath to the Gumboot. It is anticipated this will be completed within 6 weeks.

**8. Financial Implications**

- 8.1 There are no financial implications relating to this report.
- 8.2 Council Officers would like to note we are taking a milestone based approach to passing on the additional funds received for the Mayors Taskforce for Jobs programme. Due to the Initiative Fund having requirements around eligibility, we have determined this is the best approach to minimise risk and reduce the chance of having to collect income back from the consultant.

**9. Impact on Strategic Risks**

- 9.1 There are no strategic risks relating to this report.

**10. Strategic Alignment**

- 10.1 Economic Wellbeing is a community outcome and Town Centre Revitalisation is a strategic priority within the Strategic Framework for Council. Although no decisions are required through this report, the purpose of the information is to support Council with decisions relating to Town Centre and Economic Wellbeing, giving the report strong strategic alignment.

**11. Mana Whenua Implications**

- 11.1 There are no known mana whenua implications relating to this report.
- 11.2 Ngā Wairiki Ngāti Apa are involved in the development of the Marton Streetscape Upgrade Plan and Officers are working with a designated representative as part of the design phase.

**12. Climate Change Impacts and Consideration**

- 12.1 There are no climate change impacts or considerations relating to this report.
- 12.2 Any climate change impacts relating to the Marton Streetscape Upgrade will be considered through the development of the plan.

**13. Statutory Implications**

- 13.1 There are no statutory implications relating to this report.

**ITEM 10.3**

**14. Decision Making Process**

14.1 This report is for information purposes only and there are no decisions relating to this report.

**Recommendation**

That the report 'Economic Update' be received.

## 10.4 Regulatory Update

**Author:** Johan Cullis, Group Manager Regulatory Services and Emergency Management

**Authoriser:** Carol Gordon, Chief Executive

### 1. Reason for Report

- 1.1 The purpose of the report is to provide the Committee with an update regarding Regulatory matters across the District.

### 2. Context

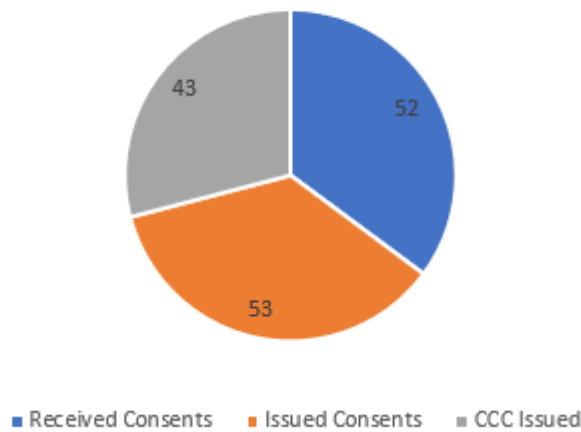
Determinations:

- 2.1 Determinations are a mechanism under the Building Act 2004 which allows parties to apply to the Ministry of Business, Innovation & Employment (MBIE) to determine disputes in relation to applying the Building Act, Building code, Regulations and standards.
- 2.2 The Building team received a complaint about structures/buildings being built on a property in the Taihape West Slip Zone. During the investigation the team discovered that three separate structures/buildings had been built ranging in size from about 10 to 30 square meters.
- 2.3 The two smaller structures/buildings were found that one contained a toilet and the other a shower, the larger of the three structures was occupied and used for human habilitation/living.
- 2.4 The team has been dealing with the absent owners (overseas) for some time now and the matter has escalated from letter to Notice to Fix (three) and two infringements. The notices to fix alleges non compliance with section 17 and 40 of the Building Act (Building is not in accordance with the Building Code and No Building Consent).
- 2.5 The owners have now applied to MBIE to determine if the buildings/structures require building consent under section 40 of the Building Act 2004 as they advocate that the building work undertaken is exempt.
- 2.6 It however needs to be noted that although there are many exemptions under the Building Act 2004, to meet this, the exemption work undertaken must meet **ALL** requirements for that specific building work including meeting the Building code.
- 2.7 All submissions have been sent to MBIE in early December 2024, at the date of this report the determination is yet to be assigned to a case officer.
- 2.8 MBIE however has issued a determination 2025/013 which relates directly to tiny homes consisting of two units joined at right angles to be immovable and therefore meets the definitions of a building under section 8 & 9 of the Building Act 2004.
- 2.9 The determination also found that work undertaken also required building consent under section 40 of the Act. The outcome of this finding may affect more than 500 tiny homes across New Zealand.

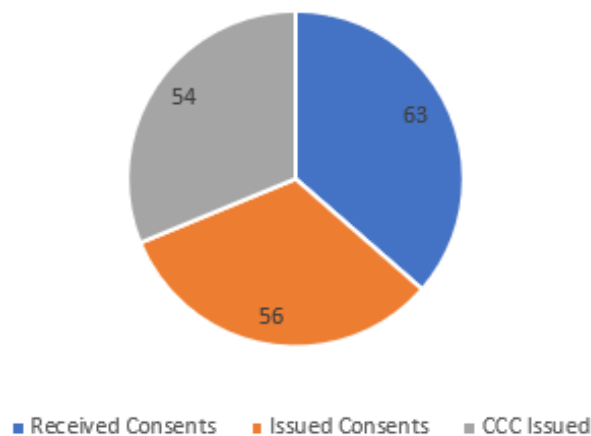
**3. Impacts/Changes in Building Team environment**

- 3.1 In recent months there have been several different impacts in the building sector some which is driven by the Coalition Government in relation to proposed legislative changes, being more exemptions (Granny Flats), remote inspections, self-certifying and Nationalising/Regionalising Building Consent Authorities. MBIE in a recent update to staff have indicated they have received submissions on these various topics and are currently working on a document to the Minister with recommendations on how to progress these matters.
- 3.2 Building work across the sector is still decreasing with about 15,668 fewer new homes a year are being consented compared to two years ago. The value of new building work being consented continued to decline in January, both on a monthly and annual basis. January all building work accounted for \$1.772 billion, a 12.1% drop, and for the last 12 months to the end of January this year, \$26.662 billion down 6.7 % from end of January 2024.
- 3.3 Our District however is seeing a slight increase in consent numbers. As at 28 March 2025 we have received 63 new consents, issued 56 consents and 54 CCC's compared to last year at 28 March 2024 we received 52 consents, issued 53 consents and issued 43 CCC's.

Building Consents & CCC at 28 March 2024



Building Consents & CCC at 28 March 2025



- 3.4 The Building Consent Authority underwent a routine two yearly accreditation audit, undertaken by Accreditation International New Zealand (IANZ) during 18-20 February 2025 to determine compliance with the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006.
- 3.5 During the audit the BCA received no serious non-compliances, 16 non-compliances, 20 recommendations and 5 advisory notes. To continue being an accredited BCA the 16 non-compliance have to be addressed and cleared within three months of receiving the audit report, being 6 June 2025. Recommendations do not have timeframes, but if not actioned in some manner may turn into a non-compliance at the next routine audit. Advisory notes are just that and require no action and are optional (BCA decision) to include within the audit report.
- 3.6 The BCA is currently working on an implementation action plan and submitting evidence for IANZ to assess for the 16 non-compliances to achieve compliance and recommendation of continued accreditation in the low risk category, meaning routinely audited every two years.
- 3.7 Although we have 6 more non-compliances compared to the last audit in 2023, it should be noted that a much more detailed look in general is being applied by auditors and this is evident that across BCA's and in our own Region 3 neighboring BCA's have been classified as moderate risk, meaning a reaudit within 12 months due to serious non-compliance findings.

#### **4. Financial Implications**

- 4.1 There are no financial implications associated with this report.

#### **5. Impact on Strategic Risks**

- 5.1 There are no impacts on Councils strategic risks.

#### **6. Strategic Alignment**

- 6.1 There are no matters that impact on Councils strategic framework associated with this report.

#### **7. Mana Whenua Implications**

- 7.1 Officers are not aware of mana whenua implications associated with this report.

#### **8. Climate Change Impacts and Consideration**

- 8.1 There are no climate change impacts associated with this report.

#### **9. Statutory Implications**

- 9.1 There are no statutory implications associated with this report.

#### **10. Decision Making Process**

- 10.1 This item is for information only and no decisions are required.

**ITEM 10.4**

**Attachments:**

1. **Determination 2025/013** [↓](#)
2. **IANZ report 18 to 20 Feb 2025 (under separate cover)**

**Recommendation**

That the Regulatory Update report be received



**BUILDING  
PERFORMANCE**

# Determination 2025/013

## The issue of a notice to fix for building work carried out without building consent

**3B Princes Street, Waikari, Hurunui**

### Summary

This determination considers an authority's decision to issue a notice to fix for work it considered was building work carried out without a building consent when one was required. The dispute centres on whether the work that was carried out is building work regulated under the Building Act and for which a notice to fix could be issued. The determination also considers the form and content of the notice to fix.



**Figure 1: The cottage (photograph taken by the authority)**

Reference 3730

Determination 2025/013

2.4. Photographs taken by the authority on 8 March 2024 show:

- a heat pump/air conditioning unit attached to the west facing exterior wall
- an external water heating unit attached to the south facing wall
- a connection to a power supply box
- storm water downpipes which discharge into in-ground risers
- waste water pipes fitted underneath the cottage
- a gully trap connecting to drains
- timber steps leading to the French doors on the east facing entrance
- a number plate and registration attached to one unit
- a connection to potable water supply
- two disconnected tow bars on the ground beneath one of the units.

2.5. Sewer and stormwater drainage systems have been installed to the authority's outfalls.

2.6. The units' chassis' are supported by timber blocks placed on concrete pads. Several wheels were off the ground at the time of the inspection due to the site being unlevel.<sup>2</sup>

### The notice to fix and the owner's response

2.7. The notice was issued 18 March 2024 and identified the 'particulars of contravention or non-compliance' as:

Date the breach occurred: **8<sup>th</sup> March 2024**

Building work has been carried out without the required building consent. This includes the building (tiny home trailers which are connected and are not moveable) and the installation of an on site drainage system in breach of Sec 40 of the Building Act 2004.

2.8. The notice to fix provided for the following remedies:

Apply for a Certificate of Acceptance by **18/04/24** (any request for information (RFI) letters and rectification work must be completed within 28 days of any request) or

Remove the illegal building work by **18/04/24**.

<sup>2</sup> The owner has since built up timber ramps for the wheels.

Reference 3730

Determination 2025/013

- 2.13.2. The condition of requiring [requests for further information] to be satisfied within 28 days is an “unlawful demand”.
- 2.13.3. The removal as a remedy “is unlawful” and not a remedy for section 40, and an application for a certificate of acceptance cannot be demanded/required.
- 2.13.4. “If there are no lawful remedies then we suggest this is an indication that the particulars of contravention are misstated as no offence is present”.
- 2.14. The owner “...accepted that a [certificate of acceptance] for drainage connection was acceptable...”.
- 2.15. The letter stated that the owner “formally [notifies the authority] under s167 that the [notice] has been complied with to the extent the law requires”.
- 2.16. On 14 May 2024, the authority responded to the owner with a “notice of decision under section 167”. The authority referred to a site visit carried out on 24 April 2024 and what it had observed about the units and the cottage. Inspections carried out by the authority observed various points about the joining of the two units which prevent the units moving apart easily (for example, carpet, sealant and tape). The authority also notes that drainage and plumbing work had been carried out.
- 2.17. The authority set out its view that the units joined together became components of a larger single structure and became “a combined non-moveable unit that is not a vehicle”, and that it was an immovable structure intended for occupation by people and falls within the definition of a building under section 8(1)(a) of the Act. The authority also noted that the units when combined were immovable and were being used for long term occupation, so met the criteria in section 8(1)(b)(iii). In drawing this conclusion, the authority observed the “combined unit has the wheels of one unit at 90 degrees to the wheels of the other unit”.
- 2.18. The authority considered the work carried out “to convert the units to a building, and any subsequent building work” was within the ambit of the Act, and building consent was required unless it was exempt work under section 41.
- 2.19. The authority’s letter advised the date for the notice to be complied with was extended and that it would apply for a determination. It also referred to various points relating to the Resource Management Act 1991 and District Plan requirements.<sup>6</sup>
- 2.20. On 15 May 2024, the manufacturer wrote to the owner and authority, stating:

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<sup>6</sup> I note that the definition for a building under the Building Act differs from that under the Resource Management Act.

Reference 3730

Determination 2025/013

If either 1 or 2 applies then there is still no current or continuing offence under s40 to which a NTF could be considered. There is nothing to "fix". (because no building work has been done on site not covered by a CoA application)

- 3.2. The owner has made an application for a certificate of acceptance for the drainage, "which must alone justify a new NTF".

### **The authority**

- 3.3. With the application for determination, the authority submitted it considered whether the cottage came within the definition of a building under section 8(1)(b)(iii). The authority "confirmed that the [cottage] was for long term accommodation" and considered it to be immovable.
- 3.4. The authority noted that sewer and stormwater drainage systems were installed to the authority's outfalls, with no building consent having been applied for in relation to that work.

## **4. Discussion**

- 4.1. The matter for determination is the authority's exercise of its power of decision in issuing the notice to fix. To decide this matter, I have considered:

- 4.1.1. whether the cottage is a building under the Act
- 4.1.2. whether building work was undertaken by the owner in contravention of section 40
- 4.1.3. the form and content of the notice.

### **Is the cottage a building under the Act?**

- 4.2. The authority considers the cottage is a 'building', and that the owner carried out 'building work' for which building consent was required without such consent, in contravention of section 40.
- 4.3. The owner's view is that the cottage is not a 'building' but rather it is two vehicles that are not immovable.
- 4.4. For the authority to issue the notice to fix for a contravention of section 40, the cottage must fall within the definition of 'building' under section 8 and not be excluded under section 9. Further, 'building work' as defined by section 7 must have taken place, and was carried out without building consent when consent was required.
- 4.5. Section 8 defines what 'building' means and includes in the Act:

Reference 3730

Determination 2025/013

and water. Wastewater pipes were plumbed into an inground facility. There was even a bay window and a ranchslider.

[32] Judge Thomas and Duffy J were both correct in finding that the C22 duplex was a building within the general definition. ...

- 4.11. In this case, the cottage has many of the same characteristics as the 'duplex' in *Te Puru (CA)*. Its construction consists of many normal housing materials, and it has the internal layout of a small home. The towbars for each unit have been removed and the cottage sits on timber blocks. The cottage is connected to power and water, and waste and stormwater drainage systems have been installed (in this case to the authority's outfalls). It has ranch sliders and French doors.
- 4.12. Further, and critical to my decision, is that like in *Te Puru*, the cottage in this case is formed of two units that independently may fall within the definition of 'vehicle' (as submitted by the owner) but have been joined together to form a 'T-bone' shape or duplex. *Te Puru (HC)* is clear that this new, single 'item' or cottage, is what falls for consideration under section 8(1)(b)(iii) and the cottage in this case cannot be considered a vehicle. The Court of Appeal found "It would have been wholly artificial to assess the duplex by its constituent parts", and confirmed the duplex was a building under the general definition in section 8(1)(a).
- 4.13. I acknowledge the manufacturer has designed the units to limit the number of steps and time that would be necessary to 'de-link' the units and has used connections that are intended to be easily detached, such as strops/ratchet straps and sealant. However, I must follow the approach taken by the courts and assess the cottage as it presents. The units are clearly joined together creating the cottage, regardless of the fact that they are able to be detached. As such, I find that the cottage is a building under the general definition in section 8(1)(a).

#### Contravention of section 40

- 4.14. Section 164(1)(a) provides for an authority to issue a notice to fix if it considers, on reasonable grounds, that a specified person is contravening or failing to comply with the Act or its regulations. In this case, the notice to fix has been issued to the owner, who is a specified person under section 163.<sup>9</sup>
- 4.15. The notice alleges a contravention of section 40. Section 40(1) provides that a person must not carry out any building work except in accordance with a building consent.
- 4.16. Section 41(1)(b) states that a building consent is not required if the building work falls within the exemptions under Schedule 1. Schedule 1 prescribes building work for which building consent is not required. To issue a notice to fix, an authority must

<sup>9</sup> Section 163 defines a 'specified person' to whom a notice can be issued, and this includes the owner of the building and the person carrying out the building work if the notice relates to the building work being carried out.

Reference 3730

Determination 2025/013

that owners must be “fairly and fully” informed by the particulars in the notice to fix, so that they can address the identified issues.

4.22. In this case, under ‘Particulars of contravention or non-compliance’, the notice stated:

Building work has been carried out without the required building consent. This includes the building (tiny home trailers which are connected and are not moveable) and the installation of an on site drainage system in breach of Sec 40 of the Building Act 2004.

4.23. As described previously, the individual units were constructed offsite by the manufacturer and relocated to the owner’s property. In my view, the notice is not sufficiently clear that it is the connection or joining of the units which is the building work carried out onsite by the owner in contravention of section 40, rather than the construction of the units themselves. I also consider that there is a lack of detail given in relation to the drainage.

4.24. As such, the notice did not adequately specify the “particulars of contravention or non-compliance” as required by the prescribed form. I consider a notice to fix must contain sufficient clear and specific details regarding the contravention, in this case a contravention of section 40 required a description of the building work and its requirement for building consent, to inform the recipient fairly and fully about the basis for the notice. The notice was not clear on the particulars of the contravention in respect of the building work carried out on site in contravention of section 40.

4.25. Regarding the remedies and timeframe, the notice stated:

**To remedy the contravention or non-compliance you must**

- Apply for a Certificate of Acceptance by **18/04/24** (any request for information (RFI) letters and rectification work must be completed within 28 days of any request) or
- Remove the illegal building work by **18/04/24**.

**This notice must be complied with by: 18/04/2024**

4.26. Section 165(1)(b) provides that a notice to fix must state a “reasonable timeframe” within which the notice must be complied with. The owner considers that the timeframe (one month) was inadequate. In my view, the timeframe was reasonable, as it provided sufficient time for the owner to either remove the building work or to apply for a certificate of acceptance.

4.27. The owner also considers that a certificate of acceptance cannot be “demanded”. Section 165(1)(c) states that if a notice to fix “relates to building work that is being or has been carried out without a building consent, it may require the making of an application for a certificate of acceptance for the work”. Therefore, applying for a certificate of acceptance is a lawful option to include as a remedy for a section 40 contravention.

Reference 3730

Determination 2025/013

## 5. Conclusion

- 5.1. The cottage is a building under section 8(1)(a). The onsite joining of the individual units and the connection to the authority's waste and storm water disposal systems was building work undertaken without building consent when consent was required. As such, there were grounds to issue the notice to fix to the owner under section 164.
- 5.2. However, the particulars of contravention were inadequate, as the notice did not clearly set out what building work was undertaken by the owner in contravention of section 40. Further, a notice to fix is not an appropriate place to manage timeframes for the certificate of acceptance process.

## 6. Decision

- 6.1. In accordance with section 188 of the Building Act 2004, I determine that there were grounds to issue notice NF0358. However, because the particulars of contravention were inadequate, I reverse the notice.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 28 February 2025.

**Rebecca Mackie**

**PRINCIPAL ADVISOR DETERMINATIONS**

## 10.5 Huriwaka Windfarm Update

**Author:** Johanna Verhoek, Planner

**Authoriser:** Johan Cullis, Group Manager Regulatory Services and Emergency Management

### 1. Reason for Report

- 1.1 The purpose of this report is to provide information to the Committee on Manawa Energy Ltd's Proposed Huriwaka Wind Farm and the consent process that this proposed project will follow.

### 2. Context

- 2.1 The Fast-track Approvals Act 2024 (Act) came into force in December 2024. Its purpose is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
- 2.2 The Huriwaka Wind Farm proposal by Manawa Energy Ltd was listed in the Act as eligible for the fast-track process. A brief description of the proposed application is to construct and operate a wind farm comprising approximately 60 wind turbines and transformers to connect and supply electricity to the national grid. It is proposed to be located on the Hihitahi Plateau, 123 km north of Taihape and 10 km southeast of Waiouru.
- 2.3 An expert panel appointed by the Environmental Protection Authority (EPA) will consider the substantive application once it is lodged, rather than Council in its regulatory function under the Resource Management Act 1991. The panel will decide whether to hold a hearing and set conditions if the application is approved.
- 2.4 If approved and conditions are issued, the obligation to monitor the activity and enforce the consent and conditions is Council's.

### 3. Discussion and Options Considered

- 3.1 The proposal is located within both the Ruapehu and Rangitīkei Districts. The regulatory arms of these Councils (Rangitīkei & Ruapehu) have agreed to engage SLR Consulting, specifically Louise Cowan, to act on our behalf when responding to requests from Manawa Energy Ltd to engage on the application pre-lodgement, and in response to requests from the EPA to engage in the Fast-track Approvals process once the substantive application has been lodged.
- 3.2 Manawa Energy Ltd has commenced pre-lodgement engagement with Council and other parties. Early analysis has commenced, which is attached to this report for consideration and feedback.
- 3.3 Manawa Energy Ltd has advised that they intend to submit their substantive application with the EPA in May 2025. Once this application has been lodged the process and timeframes are driven by the Act, and Council will have only a limited amount of time to provide comment on the application to the Panel for their consideration.

### 4. Financial Implications

- 4.1 There are no financial implications associated with this report.



**5. Impact on Strategic Risks**

- 5.1 There is potential for risk in relation to Council's trust and confidence being tarnished. Resource consent in the early 2000's for a windfarm at the site (known as Central Wind) which was a controversial project when it was initially consented and strongly opposed by certain groups within the community, in particular the Moawhango Village. There is potential for people to misunderstand Council's role in this process, in that the Council will not be hearing or deciding the substantive application to the EPA. Instead, the consideration and decision-making process sites entirely with the expert panel, who will be appointed by the EPA.

**6. Strategic Alignment**

- 6.1 This proposal is in alignment with the Council's Strategic Framework, as the planned windfarm contributes to climate change initiatives, thereby supporting the Environmental Wellbeing of the District. Additionally, if approved and constructed, the windfarm will create local employment opportunities during the construction phase, enhancing the District's Economic Wellbeing, in particular for Taihape. However, it is important to note that when the windfarm was initially consented in the early 2000s, it faced significant opposition from the broader Taihape community, particularly from Moawhango Village. The concern was that the project would negatively impact the Cultural Wellbeing of the community by altering the connection residents have to the village, a relationship they highly value.

**7. Mana Whenua Implications**

- 7.1 No mana whenua implications have been identified in association with this report.
- 7.2 SLR will ensure that Manawa Energy Ltd are engaging with mana whenua. Furthermore, the Act requires consultation with any relevant iwi authorities and any relevant treaty settlement entities.

**8. Climate Change Impacts and Consideration**

- 8.1 There are no climate change impacts associated with this report.

**9. Statutory Implications**

- 9.1 There are no statutory implications associated with this report.

**10. Decision Making Process**

- 10.1 This report is for information and there are no decisions requested.

**Attachments:**

1. **Planning Memo Huriwaka** [↓](#)

**Recommendation**

That the 'Huriwaka Windfarm Update' report is received.

**Planning Memo – Huriwaka Windfarm**

<b>Background:</b>	<p>Manawa Energy Limited (MEL) have a project listed in Schedule 2 of the Fast-track Approvals Act 2024 (FTAA 2024) identified as Huriwaka Wind Farm. This project entails the construction and operation of a wind farm comprising approximately 60 wind turbines and transformers, and connection and supply of electricity to the national grid. This project is different from the previously consented (now lapsed) Project Central Wind by Meridian Energy Limited, in that it has moved further away from the Moawhango Village community and has more and larger turbines. MEL have commenced a pre-lodgement consultative process with Rangitikei District Council and Ruapehu District Council, including the provision of draft application documents for comment. MEL are looking to lodge the substantive application, involving resource consents under both the Ruapehu and Rangitikei District Plan, with the Environmental Protection Authority (EPA) by the end of May 2025. Consents will also be required under the Horizons One Plan.</p>
<b>Site:</b>	<p>The Site is situated approximately 123km north of Taihape and 13km south-east of Waiouru. The Site comprises approximately 71 km<sup>2</sup> of privately owned rural pastoral farmland and part of the New Zealand Defence Force (NZDF) Training Area. The first 6km of the primary site access, which forms part of the Project Envelope, navigates the NZDF managed area. The Site spans the boundary between Ruapehu and Rangitikei District Councils and is within the jurisdiction of Horizons Regional Council. The Site consists of a number of high plateau areas, with deeply incised, steeply sided drainage valleys. The wind turbines are proposed to be on plateau areas known as the Motukawa Plateau, in the south-western sector, the Mounganui Plateau, in the northern sector, and the Pukemako Ridge in the south-eastern sector of the 'Project Envelope'. Along the northern boundary of the Site, where the Mounganui Plateau drops steeply to lower levels via a northerly facing slope, there are several smaller incised drainage gullies draining to the north and into the Hautapu Stream that drains the Waiouru Army Training Area (NZDF area).</p>
<b>Project Description:</b>	<p>The civil works associated with the Huriwaka Wind Farm will involve construction of:</p> <ul style="list-style-type: none"> <li>• Up to 60 wind turbine foundations.</li> <li>• 9.5 km of primary access roading from SH1 through the NZDF land to those areas of the Project Envelope where wind turbines and key infrastructure will be established.</li> <li>• 43.5 km of access roads within the Project Envelope which connect the turbine sites which are mainly situated on higher plateau areas.</li> <li>• 3.5 km of access roading which connects the Electricity Switching Yard to the entrance off Te Moehau Road.</li> <li>• 4 km of HV transmission line access tracks which provide access within the Project Envelope to each of the transmission line towers; and</li> </ul>

- 10.5 km of maintenance tracks (including upgrades to existing tracks) to provide construction access, along with access for daily operations / maintenance post construction. The design of the Huriwaka Wind Farm also includes three bridges, turbine hardstands and associated crane pads, laydown areas, disposal sites, four permanent meteorological masts and four temporary meteorological masts, a temporary concrete batching plant, underground reticulation cabling, underground transmission lines, pylon platforms a substation, switching yard and operation and maintenance facilities.

The final selection of a specific wind turbine has not yet been confirmed. However, for the purposes of assessing potential effects associated with the civil works a maximum height of 230m to the blade tip has been assessed. The following dimensions have been utilised for the civil works (i.e. width of access roads, radii of corners, etc):

- Hub Height: 135 m
- Rotor Diameter: 150 m
- Blade Length: 73 m.

Earthworks associated with the proposal include total cut volume of 468,000m<sup>3</sup>, total fill volume of 241,700m<sup>3</sup>, total topsoil stripping of 263,600m<sup>3</sup> over a total disturbed area of 133ha. Erosion and sediment control management will be undertaken across the site, including silt fences and super silt fences, decanting earth bunds, sediment retention ponds and the like.

The primary access road is a 6m wide unsealed road that provides access from the new entrance at SH1 through to the parts of the Project Envelope where the wind turbines and primary infrastructure will be located. This primary access road is to be constructed through land which is under the ownership and management of the NZDF.

Post construction of the wind farm, the primary access road width is to remain at 6m to allow access for heavy maintenance activities over the life of the wind farm. Day to day operational access to the wind farm will be via Motukawa Station. Concrete required to construct each turbine foundation is proposed to be batched on site by establishing a mobile concrete batching plant. Each foundation is likely to require around 1,080cu.m of concrete each.

To construct the road pavements, approximately 280,000cu.m of aggregate needs to be imported from external quarries to the north and south of the project.

As part of the establishment of the site for construction the Manawa and the contractors will need to establish temporary security, site offices and worker facilities. It is anticipated that this will be required at two locations, one near the entrance of SH1 and one at Motukawa Station on Te Moehau Road. These will typically consist of temporary portacom style buildings, ablution block (with temporary holding tanks) and supporting unsealed carparking areas. Rainwater harvesting, power and communications connections will be provided. Wastewater will be

	<p>managed using holding tanks which will be pumped out and trucked offsite to an appropriate facility.</p> <p>A 33kV internal cable reticulation system is required between the turbines and the site substation. These cables will be placed in trenches running along the formed access roads to connect turbines to the proposed substation.</p> <p>The substation will consist of a building and fenced off area of 6,500m<sup>2</sup> to house the control room (typically 250m<sup>2</sup>), switch room (typically 250m<sup>2</sup>), transformers and associated electrical hardware to connect into the overhead transmission line.</p> <p>At the termination point of the wind farm transmission line a switching station is required to connect the site transmission into the Transpower 220kv transmission line.</p> <p>A transmission line will be constructed between the central substation and switching station location near Te Moehau Road.</p> <p>The expected construction duration from commencement of civil works until completion of turbine erection is 36 months.</p>
<p><b>Application Documents:</b></p>	<p>To date Council have received the following draft documents for consideration:</p> <ul style="list-style-type: none"> <li>• Aeronautical Assessment</li> <li>• Archaeological Assessment</li> <li>• Civil Infrastructure Report</li> <li>• Ecology Reporting</li> <li>• Economic Assessment</li> <li>• Geotechnical Assessment</li> <li>• Integrated Transportation Assessment</li> <li>• Landscape Assessment</li> <li>• Noise Effects Assessment</li> <li>• Preliminary Site Investigation – Contaminated Land</li> <li>• Radio Compatibility Report</li> <li>• Recreation Assessment</li> <li>• Shadow Flicker Assessment</li> <li>• Stormwater Report</li> </ul> <p>Council are still waiting to receive the following information:</p> <ul style="list-style-type: none"> <li>• Assessment of Environmental Effects, which sets out the planning considerations for the proposal.</li> <li>• Records of Title to identify the relevant properties and ownership.</li> <li>• Construction Management Plan</li> <li>• Traffic Management Plan</li> <li>• Ecology – Long Tailed Bat Assessment</li> <li>• Cultural Impact Assessment</li> <li>• Any evidence of consultation with other stakeholders.</li> </ul>
<p><b>Zoning</b></p>	<p>Rangitikei District Plan Rural Zone</p>
<p><b>Limitations/Overlays &amp; Controls:</b></p>	<p>Adjoining: Protected Areas – Conservation, Protected Areas – Reserve (Hihitahi Sanctuary) Proximity: High Voltage Transmission Lines</p>

<b>Overall Status:</b>	<a href="#">Renewable electricity generation, other than domestic scale wind turbines</a> – Discretionary Activity in accordance with Rule REG-R3 of the Rangitikei District Plan. As a Discretionary Activity there are no matters over which discretion is restricted.
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**11 Meeting Closed.**