

Report 11.196
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Committee Annual Plan Hearings Committee
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Submissions received on the Proposed Annual Plan 2011/12 (including amendments to policies and 10-Year Plan 2009-19)

1. Purpose

This report provides an overview and highlights the key issues contained in the submissions that Greater Wellington received on:

- Proposed Annual Plan 2011/12
- Proposal to amend the Treasury Risk Management Policy contained in the Regional Council's 2009-2019 Long Term Council Community Plan and to invest in New Zealand Local Government Funding Agency Limited (proposal to join the LGFA)
- Proposed Resource Management Charging Policy
- Proposed Dangerous Dams Policy.

2. Significance of the decision

The matters requiring a decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

3. Background

This report complements Report 11.198 which sets out the process for handling submissions, both at this meeting and following the consideration of submissions.

This year, concurrent with consultation on the proposed Annual Plan 2011/12, Greater Wellington consulted on:

- Proposal to amend the Treasury Risk Management Policy contained in the Regional Council's 2009-2019 Long Term Council Community Plan and to invest in New Zealand Local Government Funding Agency Limited (proposal to join the LGFA)
- Proposed Resource Management Charging Policy
- Proposed Dangerous Dams Policy.

Members of the public could make submissions on all four processes at the same time. All oral submissions will be heard at the hearing concurrently, however separate decisions will be made on each of the proposals.

A full copy of the submissions has been provided to the hearing committee. Print-outs of the summaries of the submissions and General Managers' responses are attached as **Attachments 1-4**.

4. Proposed Annual Plan 2011/12

The decision making process for the Annual Plan is prescribed in the Local Government Act 2002 and requires the use of the special consultative procedure.

A summary of the proposed Annual Plan 2011/12 was distributed to all households in the region. The summary identified the key projects proposed for 2011/12, and key changes from the 10-Year Plan 2009-19, categorised by eight activity groups. The summary also contained details of the proposed rates.

A print out of the summaries of the submissions and General Managers' responses from the submissions database is attached as **Attachment 1**.

4.1 Origin of submissions

In total 257 submissions were received on the proposed Annual Plan 2011/12. The number of submissions grouped according to organisations, local government, central government and individuals is as follows:

Organisations (including community groups)	20
Local government	8
Central government	2
Individuals	<u>227</u>
	257

4.2 Submitters' responses to key issues

Table 1 provides a snapshot of the number of submissions received on each topic. Sections 4.2.1 to 4.2.9 of this report summarise the key themes outlined in the submissions.

Table 1: Number of submissions on each topic

Resource Management - planning	12
Resource Management - resource consent service	3
Resource Management - compliance and enforcement	3
Resource Management - pollution prevention and control	3
Resource Management – State of the Environment monitoring	2
Resource Management - environmental education and community engagement	7
Resource Management – Wairarapa Water Use Project	11
Transport - regional transport network planning	64
Transport – encouraging sustainable transport choices	11
Transport - public transport services	146
Water - collection, treatment and delivery	12
Water - infrastructure	11
Water - planning for future demand and supply	24
Water - conservation programmes	11
Parks and Forests - recreational, facilities and services	6
Parks and Forests - parks network planning	10
Parks and Forests - environmental protection and enhancement	1
Parks and Forests – marketing and community relations	3
Safety and Flood Protection - floodplain management planning	17
Safety and Flood Protection - flood protection infrastructure	9
Safety and Flood Protection - environmental enhancement of river corridors	4
Safety and Flood Protection - flood warning service	1
Safety and Flood Protection - civil defence and emergency management	4
Safety and Flood Protection - harbour management	2
Land Management - pest management	8
Land Management - biodiversity	12
Land Management - soil conservation	4
Land Management - Akura Conservation Centre	2
Regional Sustainable Development - regional resilience	21
Regional Sustainable Development - Warm Greater Wellington	6
Regional Sustainable Development - Wellington Regional Strategy	9
Community - democratic services	12
Community - relationship with Maori	5
Community - Westpac Stadium	1
Finance	10

Finance - rates	85
Non-Greater Wellington Topics	23
General comments	54

4.2.1 Rates

Whilst there were submissions that both supported and opposed the proposed rates for 2011/12, the majority of submitters were supportive. This acceptance or support was often conditional on Greater Wellington delivering the improvements promised, particularly in regard to improved rail services. Among both those that supported and those that opposed the proposed rates increase, affordability of rates, having consideration for those on a fixed income and the need to be prudent were recurring themes. Those that opposed the proposed rates increase commented on the need to demonstrate value for money, make savings, do less with more and focus on core services rather than “nice-to-haves”.

A number of submitters commented on the variation of rates charges across the region.

4.2.2 Transport

Transport, particularly public transport, attracted the highest number of submissions of any individual topic or activity.

The majority of submitters supported the regional rail package – which was seen as a necessary investment given the current state of the service and rising petrol costs. Of those that supported the regional rail package, a number of submitters questioned the efficiency of refurbishing of the Ganz Mavag units as opposed to replacing them with new trains and would have liked to have seen more analysis of this. Questions about the additional ongoing costs of maintenance of both rolling stock and stations were also raised. Those submitters that did not support the regional rail package mostly objected on the basis of the increase in rates or questioned the need for ownership of the infrastructure.

There were a large number of submissions that expressed dissatisfaction with the current level of service provided by the rail system. There were also a large number of submissions seeking a range of location specific service improvements to both rail and bus services, including additional services to Otaki and Masterton.

There were a number of submissions supporting and promoting initiatives to increase walking and cycling. In particular, a group of submissions sought an off-road cycle and pedestrian facility on State Highway 2 between Ngauranga and Petone. These submitters have been notified of the consultation currently underway on the draft Hutt Corridor Plan.

Submissions both supported and objected to any future light rail system in Wellington City.

Other issues that attracted a number of submissions were the introduction of integrated ticketing and the affordability of public transport fares.

4.2.3 Water supply

A number of submissions, both on the Proposed Annual Plan and the Proposed Dangerous Dams Policy, highlighted the need for resilience in the water supply, especially with the risk of earthquakes.

There were mixed views about how Greater Wellington should meet future water demands. Many submissions sought an increased focus on water conservation and demand management activities, others supported a new water storage lake.

A number of submissions were received opposing fluoridation of the water supply.

4.2.4 Safety and flood protection

Submitters generally supported the proposed safety and flood protection activities. A number of submitters expressed disappointment in the delay or deferral of flood protection infrastructure projects and requested that this work be accelerated. A group of submitters disputed the accuracy of the current flood hazard maps for the Wainuiomata River and reassessment of the flood hazard in the 2011/12 financial year. Submissions also highlighted the need for coordinated civil defence.

4.2.5 Resource management

Submitters generally supported the proposed resource management activities, particularly development of the regional plan and the feasibility study for the Wairarapa Water Use Project.

4.2.6 Regional sustainable development

A number of submitters expressed support for Greater Wellington completing climate change and water strategies. Some submitters were concerned that strategies were not enough and wanted a greater focus on implementation actions. There was mixed views on initiatives relating to the Wellington Regional Strategy. Some submitters supported things such as the Genuine Progress Index and Grow Wellington, others did not.

4.2.7 Parks and forests

Greater Wellington's purchase of Baring Head was acknowledged and supported. Some community groups expressed concerns about extending the parks network without increasing the parks budget and the impact this would have on park assets. Some noted a decrease in the budget for ranger services.

4.2.8 Land management

Submitters generally supported land management activities. A number congratulated Greater Wellington on the establishment of the Biodiversity

Department. Most submitters expressed a preference for Greater Wellington to maintain, if not extend, projects in this area.

4.2.9 Community

Some submissions raised a variety of matters around governance and representation, but there was no overall theme. A small number of submissions were received regarding iwi internships – there was equal support and opposition.

5. Proposal to join the LGFA – Comment

The decision making processes for an amendment to the Long Term Plan is prescribed by the Local Government Act 2002 and includes using the special consultative procedure.

A summary of the Statement of Proposal was included in the summary of the proposed Annual Plan 2011/12 and distributed to all households in the region.

A print out of the summaries of the submissions and General Managers' responses from the submissions database is attached as **Attachment 2**.

Greater Wellington received 86 submissions on the LGFA from a mixture of individuals and organisations. Of these, the overall nature of responses was:

Support	48
Neutral	15
Oppose	23
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	86

Of those opposed to the proposal, approximately half simply did not understand what was being proposed, whilst the balance had clear opinions. The submissions raised similar issues to those noted by Greater Wellington at the time of approving the Statement of Proposal for consultation. Submitters' grounds for opposing the proposal were broadly:

1. Fear of the joint and severely guarantee, especially in light of the Christchurch situation
2. Doubts about the savings possibilities, ie, 0.4% over other market options
3. General opposition to councils having any involvement in CCTOs due to perceptions of incompetence
4. The additional cost of bureaucracy associated with running the entity.

In summary, no new issues were raised, what remains at issue is judgement as to the perceived risk/return trade-off.

6. Proposed Resource Management Charging Policy – Comment

The decision making process for adopting the Resource Management Charging Policy 2011 is prescribed in the Resource Management Act 1991 and requires use of the special consultative procedure set out in section 83 of the Local Government Act 2002.

A summary of the proposed policy was included in the summary of the proposed Annual Plan 2011/12 and distributed to all households in the region.

A print out of the summaries of the submissions and General Managers' responses from the submissions database is attached as Attachment 3. The submissions raised matters which officers consider warrant the Committee considering making specific changes to the proposed Policy. These are identified below under "suggested change to the proposed Policy". It should be noted that the General Managers' responses have been drafted as if the Committee has recommended the suggested changes to the Policy.

6.1.1 General comments

A summary of the submissions received on the Resource Management Charging Policy is provided below:

Total supporting 14

Total opposing: 11

Total neutral: 45

70

Over 90% of submissions were received from residents living in urban parts of the region. The main concern expressed by opponents was around the issue of affordability and raising the charge out rate in these challenging economic times.

The number of submissions received from those most affected by the Policy (i.e. consent holders) was minimal, (we are aware of only two consent holders that have made a submission), despite the fact that all consent holders were individually notified of the key proposed changes to the Policy.

6.1.2 Federated Farmers submission

The only submission with detailed and specific comments was received from Federated Farmers. Their submission included the following recommendations:

1. Requesting that the consents process is further streamlined and that opportunity for bulk processing of consent applications is explored further.
2. Consideration be given to a separate application fee for replacement discharge to land consents.

3. Adding a compliance category that provides for agricultural discharges to be inspected once every three years if a good compliance history.

The principles in the Policy provide a good place to promote streamlined consent processes advocated by Federated Farmers. Where appropriate, officers already look for opportunities to streamline consent processing (e.g. through standard report and consent condition templates) and bulk processing of application (e.g. for Wairarapa water takes in the same aquifer or catchment).

Suggested change to proposed Policy

It is proposed that the principles be updated to reflect Federated Farmers recommendations.

In terms of the application fee for replacement discharge to land consents, the majority (approximately 95%) of agricultural discharge to land applications are for replacement consents, hence the fee structure reflects the average costs for processing most replacement consents. The hours provided for with the application fee has not changed in the proposed Policy.

Finally, officers' experience with monitoring agricultural discharges is that there are frequently changes in farm staff and operation/practice within a three year period. Hence it is important to monitor every agricultural discharge annually. Those that do not comply with this frequency are often monitored more frequently, and charged accordingly. Whilst Greater Wellington used to monitor some agricultural discharges every three years up, we found that many of the farms inspected once every three years were found to be non-complying and were required to go back to annual inspections.

7. Proposed Dangerous Dams Policy - Comment

The decision making process for adopting the Dangerous Dams Policy 2011 is prescribed in the Building Act 2004 and requires use of the special consultative procedure set out in section 83 of the Local Government Act 2002.

A summary of the proposed Policy was included in the summary of the proposed Annual Plan 2011/12 and distributed to all households in the region.

A print out of the summaries of the submissions and General Managers' responses from the submissions database is attached as **Attachment 4**. The submissions raised matters which officers consider warrant the Committee considering making specific changes to the proposed Policy. These are identified below under "suggested change to the proposed Policy". It should be noted that the General Managers' responses have been drafted as if the committee has recommended the suggested changes to the Policy.

7.1 Origin of submissions

A total of 81 submissions were received on the Proposed Dangerous Dams Policy. Below is a breakdown of submissions grouped according to organisation, local government, and individuals.

Organisations (including community groups)	3
Local Government	3
Individuals	<u>75</u>
	81

7.2 Submitters' responses to the Proposed Dangerous Dams Policy

51 submitters indicated their support for the proposed Policy and 9 submitters opposed the proposed Policy. The remaining 20 submitters neither supported nor opposed the proposed Policy.

Those submitters that opposed the proposed Policy were concerned about:

- leading to an increase in rates
- being a money making exercise at the expense of farmers
- adding another layer of red tape or being totally unnecessary.

It is unlikely the adoption of the Policy will lead to an increase in rates, as the cost associated with the identification and remediation of dangerous dams will be born by the dam owner.

The policy only applies to 'large' dam owners where a dam retains 3 metres or more depth and holds 20 000 or more cubic metres volume of water or other fluid. Most farm dams will not reach the threshold of a 'large dam' and therefore the Policy does not apply to them.

The Building Act 2004 requires Greater Wellington to develop and adopt a policy on Dangerous Dams. If owners of large dams are complying with all other dam safety requirements, they are unlikely to ever be affected by the proposed Policy.

Submitters from Local Government and one organisation raised some specific issues with the proposed Policy. Those issues have been summarised and commented on below.

7.2.1 Costs incurred by the dam owner

Several submitters indicated the Policy was not clear on which actions would incur costs to the dam owner. Greater clarity on the financial responsibilities in the event of a dispute as to whether a dam was dangerous or not was also sought.

Section 6.3 of the Policy states that Greater Wellington will consult with the dam owner before undertaking further assessment of a dam, as the cost of the assessment will be borne by the dam owner. Section 6.4 the process in the event of a dispute, but is silent on where the financial responsibilities fall.

Suggested change to proposed Policy

It is proposed that the Policy is amended to clarify which actions incur costs for the dam owner by adding a new section.

7.2.2 Definitions

One submitter requested definitions for medium and high potential impact dams to be included in the Policy.

Dam classification categories medium and high potential impact are defined in the Building (Dam Safety) Regulations 2008. Medium and high potential impact categories are therefore essential to the Policy, however, the proposed Policy does not include their definitions.

Suggested change to proposed Policy

It is proposed that definitions for medium and high potential impact dams are included in the Policy.

7.2.3 New Dams

One submitter requested the Policy clarify how new dams were identified and how soon after construction they need to be assessed.

The proposed Policy does not explicitly state how and when it will apply to new dams.

Suggested change to proposed Policy

It is proposed to amend the Policy to specifically state how new dams are identified and when they will be assessed.

7.2.4 ‘Potentially’ dangerous, earthquake prone or flood prone dams

One submitter felt the use of ‘potentially’ in section 6.2 was inappropriate in the context of the Policy and was not consistent with the legislation.

The intent of using the term ‘*potentially* dangerous’ in the proposed Policy was to allow a full assessment of a dam to be undertaken before it was deemed dangerous.

Suggested change to proposed Policy

It is proposed to reword appropriate sections of the Policy to remove the word ‘potentially’.

7.2.5 Timeframes for information

One submitter requested the Policy clarify the timeframes for information requested and time the information needs to be assessed.

The proposed Policy specifies some timeframes for the supply of information e.g. section 6.4. In other situations no timeframes are specified and the proposed Policy indicates Greater Wellington will work with dam owners to agree timeframes. The proposed policy has taken this approach in recognition that each dam is unique and the appropriate technical expertise may be difficult to access.

Suggested change to proposed Policy

It is proposed that clarification is added to timeframes where appropriate.

7.2.6 Contacting the dam owner

A submitter requested changes to section 6.3 to clarify that Greater Wellington *will* make contact with the dam owner before undertaking further assessment of a dam, rather than *will make every effort* to contact the dam owner.

As the cost of the assessment will be borne by the dam owner, it is reasonable that Greater Wellington *will* be required to consult with the dam owner before undertaking further assessments.

Suggested change to proposed Policy

It is proposed that the words *make every attempt to* be deleted from section 6.3.

7.2.7 Effective date of the Policy

One submitter considers that it is not practical to implement a Dangerous Dams Policy until the relevant regulations come into force.

There are number of standards and criteria required to determine whether a dam is dangerous, earthquake-prone or flood-prone. Many of the criteria have yet to be regulated or the regulations are not yet in force.

The Building Act 2004 requires all regional councils to adopt a policy on dangerous dams and review that policy within 5 years of adoption. Greater Wellington adopted its first Dangerous Dam Policy in 2006 and is therefore required to review the Policy, even though the standards and criteria for determining a dangerous dam have yet to be regulated.

The proposed Policy establishes the process and procedures for identifying and taking action on dangerous dams. It is envisaged regulations come into force, Greater Wellington's Dangerous Dams Policy will not need to be reviewed – the standards and criteria specified in the regulations will simply be applied in the Policy to determine whether a dam is dangerous, earthquake-prone or flood-prone.

Suggested change to proposed Policy

It is proposed to amend the Policy to reflect that it will not come in to effect until three months after the Building (Dam Safety) Regulations 2008 come in to force, or when regulations prescribing the criteria and standards to determine dangerous, earthquake-prone and flood-prone dams are gazetted, if not gazetted prior.

It is proposed to amend the Policy to note that it will not be reviewed when regulations come in to force. The Policy will simply become operative three months later.

7.2.8 Definition of 'large dam'

A submitter opposes the definition of 'large dams', opposes this definition to trigger action at landowner cost; and recommends the discussion of the proposed Dangerous Dams Policy be deferred pending the outcome of the Department of Building and Housing (DBH) Review of Dam Safety.

In March 2010, the DBH began a review of the Dam Safety scheme. A key issue the review considered was the definition of a large dam. In July 2010 the DBH consulted on increasing the threshold of a large dam (i.e. increasing the depth and volume requirements) but as yet has not proposed or made any changes to legislation.

As mentioned in section 4.2.7 above, Greater Wellington is required to review its Dangerous Dams Policy. Although a review is in progress, the current definition of large dam defined in the Building Act 2004, must be adopted in the Policy.

Section 133A of the Building Act 2004 specifies that the dangerous dam provisions apply to large dams. Greater Wellington does not have the discretion to set a different threshold for determining a dangerous dam.

Suggested change to proposed Policy

It is proposed to amend the Policy to indicate that any changes to the Building Act 2004 (in particular changes to the definition of large dam) will not require the Policy to be reviewed. The new definitions will simply replace the existing.

8. Recommendations

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report and the attachments.*

Report prepared by:

Report approved by:

Report approved by:

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Attachment 1: Proposed Annual Plan 2011/12 – Summaries of submissions and General Managers’ responses

Attachment 2: Proposal to amend the Treasury Risk Management Policy contained in the Regional Council’s 2009-2019 Long Term Council Community Plan and to invest in New Zealand Local Government Funding Agency Limited – Summaries of submissions and General Managers’ responses

Attachment 3: Proposed Resource Management Charging Policy (2011) – Summaries of submissions and General Managers’ responses

Attachment 4: Proposed Dangerous Dams Policy – Summaries of submissions and General Managers’ responses