

Title: **Roles of Regional and Territorial Councils**

Purpose: This paper is to assist Te Awarua o Porirua Whaitua Committee to understand the roles of regional councils and territorial authorities (city and district councils). It expands these roles and activities and the influence they have on land and water management.

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Contents

1.	Introduction	3
2.	Legislation	3
2.1.	Local Government Act 2002	3
2.2	Resource Management Act 1991	4
3.	Wellington Water.....	5
4.	Working example	6
5.	Conclusion	6

1. Introduction

The main pieces of legislation regional councils and city and district councils are guided by are the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA).

There are many things under their control that will impact aquatic receiving environments, from disposal of sewage to land management.

Activities on the land affect water quality and water quantity, and water management can affect land management. The effects move from the land to groundwater, streams and rivers and then into marine receiving environments. Integrating the management of land and water resources at a catchment scale makes sense. Regional and territorial councils both have roles in managing land and water.

2. Legislation

2.1. Local Government Act 2002

The LGA provides all councils with the power to decide which activities they undertake and the manner in which they undertake them. These powers are limited by the purpose of local government under the LGA which is:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

The LGA is the key tool (rather than the RMA) for all councils to obtain funds and allocating those funds to undertake their functions. Councils, under Schedule 10 of the LGA, have an obligation to undertake asset and activity planning. Schedule 10 provides instructions for producing Long Term Plans (LTP), Annual Plans, Annual Reports and Asset Management Plans.

Local authorities are required to prepare LTPs every three years that set out how the council intends to deliver important community services in prudent and sustainable ways, for a period of at least 10 years. The purpose of a long term plan is to:

- describe the activities of the local authority; and
- describe the community outcomes of the local authority's district or region; and
- provide integrated decision-making and co-ordination of the resources of the local authority; and
- provide a long-term focus for the decisions and activities of the local authority; and
- provide a basis for accountability of the local authority to the community.

The LGA was amended in 2014 to require councils to prepare infrastructure strategies for at least a 30 year period. The purpose of an infrastructure strategy is to identify significant infrastructure issues over the period and identify options for managing those issues and the implications of those options. They are to cover as a minimum, the five key assets of water supply, stormwater, wastewater, council-owned roading and flood protection, and can include any other significant assets (i.e. social infrastructure like pools and parks). The first strategies are currently being prepared and consulted on alongside the 2015-25 long term plans.

Under the LGA territorial authorities are responsible for a wide range of local services including roads, water reticulation, sewerage and refuse collection and local regulations (such as bylaws), economic development, and land use planning. Other non-core services can include libraries, parks and recreation services. Territorial authorities have to balance infrastructure upgrade spending against other priorities and the interests of a wide audience of ratepayers.

2.2 Resource Management Act 1991

The RMA sets out how the environment is to be managed. The use of natural resources in New Zealand, on land and out to 12 nautical miles at sea, is subject to the requirements of the RMA and its subsequent statutory documents (see Figure 1).

Under the RMA are several tools to allow for administering and applying the Act: national environmental standards, the New Zealand Coastal Policy Statement, national policy statements, specific regulations and water conservation orders.

Under the RMA (s.30) regional councils are charged with the integrated management of the natural and physical resources of a region through developing and implementing a regional policy statement and regional plan(s) that make decisions about:

- taking, damming and diverting water
- discharges of contaminants to land, air or water
- controlling land use for the purpose of managing water quantity and quality
- the coastal marine area
- soil conservation
- land use to avoid natural hazards
- investigating land to identify and monitor contaminated land
- aquatic biodiversity

District and city councils, through their District Plans, are responsible (s. 31 RMA) for making decisions about:

- the effects of land use
- the effects of activities on the surface of rivers and lakes
- noise
- terrestrial biodiversity

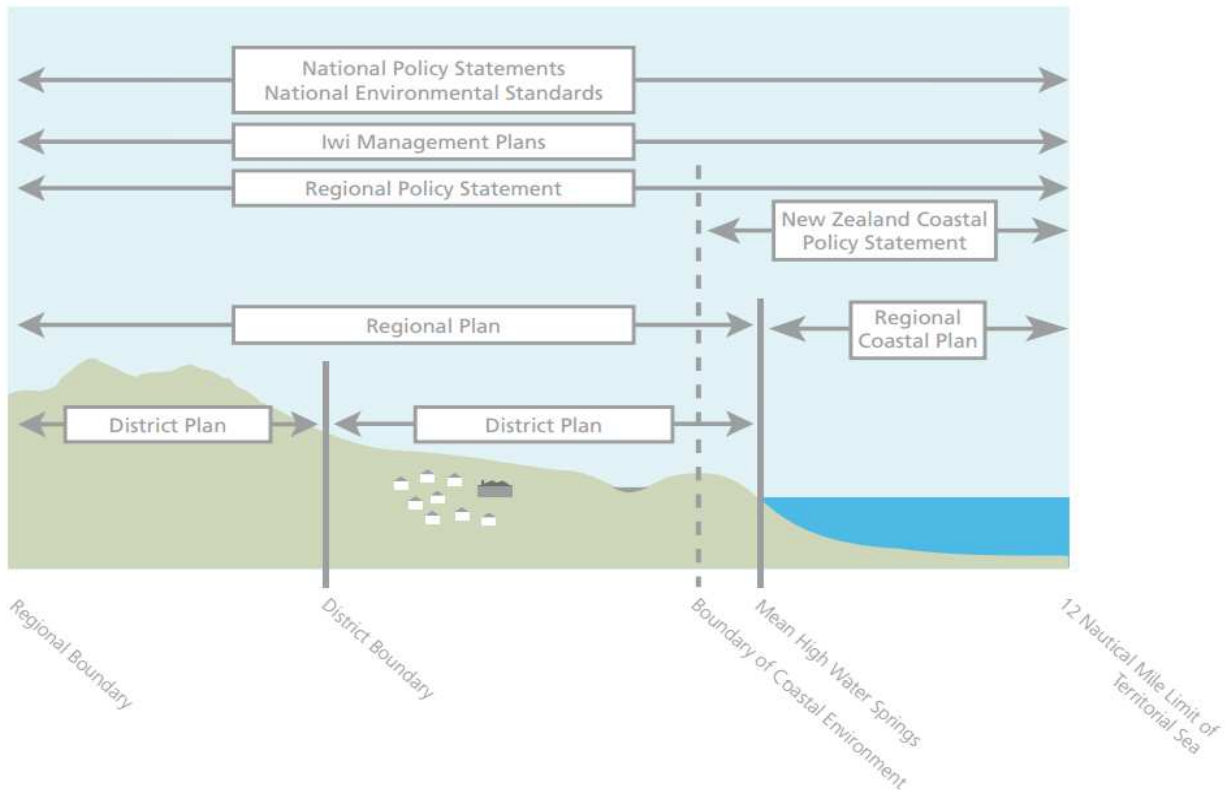


Figure 1. Planning documents under the RMA and how they apply to land and water

3. Wellington Water

Wellington Water is jointly owned by Hutt, Porirua, Upper Hutt and Wellington City Councils, and the Greater Wellington Regional Council.

Wellington Water manages the three waters networks (drinking water, stormwater and wastewater) on behalf of these councils and provides advice about how best to invest in their future development.

Each of the five councils owns its water services assets (pipes, pump stations, reservoirs and treatment plants) and decides (after considering advice from Wellington Water) what level of service it will provide to their community and the investment levels to achieve this. The councils then consult with their communities.

The scope of Wellington Water’s functions involves consulting, planning, monitoring, coordinating and delivery of services to keep water safe to drink, deliver it to homes and businesses, and ensure that stormwater and wastewater does not harm the environment (including compliance with the RMA), to ensure that the levels of service that councils have agreed with ratepayers through their Long Term Plans are met.

Wellington Water is a key partner in the whaitua process.

4. Working example

The following provides an example of the distinction between regional council and local council roles in the land use-water management space. The example involves stormwater management.

Regional councils regulate discharges out of stormwater pipes under s.15 of the RMA. Both regional and district/city councils can regulate the use of land under s.9 of RMA to control the quality and quantity of stormwater entering stormwater systems. Examples of land use controls include controlling urban design, the amount of impervious surface and the handling and storage of materials that could become contaminants.

District/city councils can also control the discharge of contaminants into their stormwater networks via a bylaw made under the LGA. Another option is for regional councils to delegate their enforcement powers to local councils to assist local councils to reduce the risk of unauthorised discharges out of their networks. GWRC has delegated to Hutt City Council (HCC) the power to take specified enforcement action in relation to unauthorised discharges into the HCC's stormwater network.

5. Conclusion

Local authorities have diverse community requirements and circumstances within which they operate, each with their own demands. These differ widely in relation to activities they undertake. However they must provide the local public services and the local infrastructure that communities need to survive and prosper.

Regional councils are primarily concerned with environmental resource management, flood control, air and water quality, pest control, and, in specific cases, public transport, regional parks and bulk water supply. They regulate natural and physical resources through regional plan provisions and resource consents.

Territorial authorities are responsible for a wide range of local services including roads, water reticulation, sewerage and refuse collection, libraries, parks, recreation services, local regulations, community and economic development, and town planning.

The effective management of land and water can be achieved by considering all the management tools available, including regional and district plan provisions, non-regulatory methods (education programs, incentives), investment in infrastructure, flood management plans, and bylaws.

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