

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **TUESDAY, 27 FEBRUARY 2024** commencing at **9.30am**.

The meeting will open with a Karakia.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

The register of interests is no longer included on agendas, however members still have a duty to disclose any interests under this item.

4. MINUTES FOR CONFIRMATION

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Water Supply Bylaw Hearing held on Wednesday, 22 November 2023	14

5. ACTIONS REGISTER 20

6. REPORTS

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7. EXCLUSION OF THE PUBLIC

GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Deputy Mayor Carolyn Eyre
Deputy Chairperson:	Cr Crystal Beavis
Membership:	The Mayor and all Councillors
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws and reviewing the District Plan.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve Council bylaws for consultation.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee², Regulatory Subcommittee and officers under their respective delegations.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Determine all preliminary matters in relation to bylaws, except where expressly reserved for Council under legislation or the bylaw itself. For clarity, this delegation includes those matters to be determined under section 155 Local Government Act 2002.
- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

To	Policy and Regulatory Committee
Report title	Confirmation of Minutes
Date:	Friday, 16 February 2024
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Policy and Regulatory Committee held on Tuesday, 14 November 2023 and the minutes for the Water Supply Bylaw Hearing & Deliberations held on Wednesday, 22 November 2023.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy & Regulatory Committee confirm:

- a. the minutes for a meeting held on Tuesday, 14 November 2023 as a true and correct record; and**
- b. the minutes for the Water Supply Bylaw Hearing and Deliberations meeting held on Wednesday, 22 November 2023 as a true and correct record.**

3. Attachments

Ngaa taapirihanga

Attachment 1 – Minutes from the Policy & Regulatory Committee meeting held on Tuesday, 14 November 2023

Attachment 2 - Minutes from the Water Supply Bylaw Hearing and Deliberations meeting, held on Wednesday, 22 November 2023.

Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngauruawaahia on **TUESDAY, 14 NOVEMBER 2023** commencing at **9.30am**.

Present:

Cr CA Eyre (Chairperson)
Cr C Beavis
Cr JM Gibb
Cr M Keir
Cr K Ngataki
Cr EM Patterson
Cr M Raumati
Cr V Reeve
Cr LR Thomson
Cr P Thomson
Cr D Whyte

Attending:

Mr G Ion (Chief Executive)
Mr R MacCulloch (Manager Customer Support)
Ms M Rinaldi (Corporate Planner)
Mr W Hill (Consents Manager)
Mr J Ebenhoh (Planning & Policy Manager)
Ms S Kelly (Programme Manager District Plan)
Ms K Davis-Miller (Resource Management Policy Manager)
Ms K Ridling (Senior Solicitor RMA)
Mr V Ramduny (Strategic Initiatives and Partnerships Manager)
Ms N Hubbard (Corporate Planning Manager)
Ms M Rinaldi (Corporate Planner)
Ms T O'Shannessey (Monitoring Team Leader)
Mrs LM Wainwright (Democracy Advisor)

The meeting opened with a Karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Ngataki/L Thomson)

THAT the Policy & Regulatory Committee accept the apology from:

- a. Her Worship the Mayor, Mrs JA Church and Cr T Turner for non-attendance.**

CARRIED

P&R2311/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Eyre/Ngataki)

THAT:

- a. the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 14 November 2023 be confirmed;**
- b. all items therein be considered in open meeting, and**
- c. all reports be received.**

CARRIED

P&R2311/02

DISCLOSURES OF INTEREST

Cr Eyre advised members of the Committee that she would declare a non-financial conflict of interest in Item 6.4 *[Appointment of Council's Representative on the Future Proof Hearings Subcommittee]*.

Cr Patterson advised members of the Committee that he would declare a non-financial conflict of interest in Item 6.4 *[Appointment of Council's Representative on the Future Proof Hearings Subcommittee]*.

CONFIRMATION OF MINUTES

Resolved: (Crs Keir/P Thomson)

THAT:

- a. the minutes for a meeting of the Policy & Regulatory Committee held on Tuesday, 3 October 2023 be confirmed as a true and correct record; and
- b. the minutes for a meeting of the Policy & Regulatory Committee (Freedom Camping Bylaw Deliberations) held on Monday, 16 October 2023 be confirmed as a true and correct record.

CARRIED

P&R2311/03

ACTIONS REGISTER – NOVEMBER 2023

Agenda Item 5

The report was received [*P&R2311/02 refers*] and the following discussion was held:

Proposed Water Supply Bylaw 2023

- The Proposed Water Supply Bylaw Hearing & Deliberations would be held on Tuesday, 22 November 2023.

REPORTS

Update on Appeals to the Proposed Waikato District Plan

Agenda Item 6.1

The report was received [*P&R2311/02 refers*]. The Project Manager District Plan, supported by the Senior Solicitor RMA and Resource Management Policy Manager, spoke to the report and the following discussion was held:

- The Environment Court had issued consent orders which confirmed the resolution of 18 appeals. In summary, out of 66 appeals, 18 had been resolved and 48 remain to be resolved either in full or in part. Of these, at least ten (10) appeals would proceed to the Environment Court. It was anticipated that the remaining 38 would be resolved by mid-2024. The Environment Court schedule for 2024 had not been confirmed.
- Throughout 2023, the PDP Subcommittee had reviewed all appeal topics and subtopics. The Appeals team had worked closely with the appellants negotiating appeal resolutions.
- Written and verbal reports were provided to the Committee when required.

- The District Plan process was explained to the Committee. No appeals related to the two (2) previous District Plans of Franklin District Council and Waikato District Council. The National Planning Framework had added a layer of complexity in terms of having two (2) plans.
- Length of time for the District Plan process was discussed. 66 legal processes were running concurrently and would take considerable time to resolve. It was noted that each appeal could have multiple parties attached to it which meant a longer time to resolve.

Adoption of the Freedom Camping Bylaw 2023

Agenda Item 6.2

The report was received [P&R2311/02 refers]. The Corporate Planner, supported by the Monitoring Team Leader, spoke to the report and the following discussion was held:

- The changes made to the Bylaw had been decided through the deliberations process.
- There were inconsistencies between the Bylaw and the two (2) Reserve Management Plans for Onewhero Domain and Te Kauwhata Domain. The Reserve Management Plans would be amended to be consistent with the Freedom Camping Bylaw.
- The Cultural Significance part of the process was explained to the Committee.

Resolved: (Crs Patterson/P Thomson)

THAT the Policy and Regulatory Committee recommends that Council:

- a. **confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- b. **confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that a bylaw is necessary in the Waikato District for one or more of the following purposes:**
 - a. **to protect the area;**
 - b. **to protect the health and safety of people who may visit the area; and**
 - c. **to protect access to the area;**
- c. **confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that the bylaw is the most appropriate and proportionate way of addressing the perceived problem(s) in relation to each area;**
- d. **confirms that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;**
- e. **notes the changes made to the proposed Freedom Camping Bylaw 2023 (Attachment 1), as directed during deliberations by the Policy and Regulatory Committee on 16 October 2023;**

- f. confirms that the **Waikato District Council Freedom Camping Bylaw 2023 (Attachment 2)** is adopted; and
- g. confirms that staff will make changes to reserve management plans to reflect the **Freedom Camping Bylaw**.

CARRIED

P&R2311/04

Ministry for the Environment National Monitoring System and Resource Consent Data
Agenda Item 6.3

The report was received [*P&R2311/02 refers*]. The Consents Manager spoke to the report and the following discussion was held:

- When comparing Waikato District Council against all Councils, the number of applications granted in Waikato District were amongst one of the highest and was indicative that it was a growing district.
- The median number of working days taken to process a consent remains below the national median, despite the median number of days increasing more recently. Processing of applications for Waikato District Council's remained at 45 days.
- The percentage of consents processed by Waikato District Council within statutory timeframes was approximately 95% and remained higher than the national median, although the national median had dropped recently.
- The National Planning Framework plan rules could be scattered through five (5) different chapters which meant more time consuming assessments took place. This assisted in increasing the costs of applications.
- Waikato District Council's cost to process non notified applications was above the national median. This would be indicative of processing consents under two (2) District Plan frameworks and the complexity of one (1) of those plans being under the National Planning Standards template.
- The median cost of processing notified applications was heavily weighted by a small number of very complex applications. Smaller limited notified applications attracted less costs.
- Summary information regarding resource consents was contained in the MfE's Resource Consent Explorer which could be found on the MfE's website at the following links:

<https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/national-monitoring-system/>, and

https://mfenz.shinyapps.io/ResourceConsentsExplorer_2122/.

- MacPherson's Quarry. This was a joint application to Waikato District Council and Waikato Regional Council with the hearing having been heard by a panel of three (3) Commissioners. Prior to the application being notified, it was amended which meant a double assessment of the application. There were many experts involved in the process including landscape, ecology, traffic, acoustic, water quality and geotechnical. The Quarry application was publicly notified which meant costs had increased.
- Waikato District Council's RMA processes had been streamlined and was working efficiently.
- Acknowledgement was given to Council's staff on the work to date.
- Applications received were taken on their own merits when assessed by staff. It was noted that Waikato District Council had the lowest notification rate across the councils.
- Waikato District Council had a small rating base and had a user pay philosophy for RMA applications.
- Hamilton City Council had an operative district plan which had been in place for a number of years and costs had remained more consistent. Costs could not be compared to Waikato District Council.
- A project was being worked on called the P2B2 (Planning to Build Together) which was the biggest transformation that Council was looking at for the resource and building consenting processes. A customer could go online and put in their address which would bring up all the different planning and building rules that related to their property. It was hoped that this project would be up and running within the next 12 months.

Appointment of Council's Representative on the Future Proof Hearings Subcommittee Agenda Item 6.4

Cr Eyre vacated the Chair owing to declaring a conflict of interest, withdrew to the public gallery and did not speak to, or vote on this item.

Cr Patterson declared a financial conflict of interest, withdrew to the public gallery and did not speak to, or vote on this item.

Cr Beavis assumed the Chair for this item.

The report was received [*P&R2311/02 refers*]. The Strategic Initiatives and Partnerships Manager spoke to the report and the following discussion was held:

- Future Proof was developing a Future Development Strategy which would go out for consultation in January 2024.

- The “Future Proof 101 Strategy” workshop would be held on Tuesday, 21 November 2023.

Resolved: (Crs L Thomson/Reeve)

That the Policy and Regulatory Committee recommends to Council that:

- Cr Carolyn Eyre (who is the Deputy Mayor and is also one of Waikato District Council’s representative on the Future Proof Implementation Committee) be Waikato District Council’s representative on the Future Proof Hearings Subcommittee; and**
- Cr Eugene Patterson (who is Council’s alternate representative on the Future Proof Implementation Committee) be Cr Eyre’s alternate should the latter not be able to discharge her duties.**

CARRIED

P&R2311/05

Cr Beavis vacated the Chair following discussion and voting on the above item.

Cr Eyre resumed the Chair for the remainder of the meeting.

Recommendation to Adopt – Significance and Engagement Policy
Agenda Item 6.5

The report was received [*P&R2311/02 refers*]. The Corporate Planning Manager spoke to the report and the following discussion was held:

- The policy sat alongside the Long Term Plan and was used when determining significant decisions through the LTP process.
- The policy had been working well to date and no complaints or issues had been received. The Engagement Strategy was in progress and it was felt that it would be premature to make changes to the Significance and Engagement Policy until that work had been completed. Once the engagement strategy had been adopted, consideration would be given as to whether any changes were required to the policy.

Resolved: (Crs Whyte/Gibb)

That the Policy and Regulatory Committee recommends that Council:

- adopts the Significance and Engagement Policy 2023 (Option One – Attachment 1), and**
- revokes the Significance and Engagement Policy 2020 (Attachment 3).**

CARRIED

P&R2311/06

The meeting closed with a Karakia.

There being no further business the meeting was declared closed at 10.22am.

Minutes approved and confirmed this day of 2023.

Cr C Eyre
CHAIRPERSON

Unconfirmed

Minutes for a hearing of the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Water Supply Bylaw 2023) held in the Council Chambers, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 22 NOVEMBER 2023** commencing at **9.30am.**

Present:

Cr C Eyre (Chairperson)
Cr C Beavis (Deputy Chairperson)
Cr J Gibb
Cr M Keir
Cr E Patterson
Cr M Raumati
Cr V Reeve
Cr L Thomson
Cr T Turner – *from 10.03am*

Attending:

Ms M May (General Manager Service Delivery)
Ms C Biddick (Legal Counsel)
Ms H Beaven (Corporate Planner)
Ms K Atchison (Corporate Planner)
Mr M Telfer (Operations Manager Waikato – Watercare)
Ms N Hubbard (Corporate Planning Team Leader)
Mr T McIntyre (Policy Advisor)
Mr K Martin (Waters Manager)
Mr D Sharma (Three Waters Reform Manager)
Mr J Baldwin (Waters Engineering Manager)
Ms E Saunders (Senior Democracy Advisor)

The Policy and Regulatory Committee opened the meeting with a Karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Patterson/Gibb)

THAT the Policy & Regulatory Committee accept the apologies from:

- a. Her Worship the Mayor, Mrs JA Church, Cr P Matatahi-Poutapu, Cr K Ngataki and Cr P Thomson for non-attendance.**

CARRIED

P&RHE2311/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Eyre/Beavis)

THAT:

- a. the agenda for a meeting of the Policy and Regulatory Committee hearing and deliberations of the Water Supply Bylaw held on Wednesday, 22 November 2023 be confirmed; and
- b. all reports be received; and
- c. all items therein be considered in open meeting with the exception of those items detailed at agenda item 5 which shall be considered with the public excluded.

CARRIED

P&RHE2311/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

Hearing Report on the Water Supply Bylaw 2023
Agenda Item 4.1

The report was received under [P&RHE2311/02] and the following discussion was held:

- The Three Waters Reform Manager opened the hearing with a brief overview of the Water Supply Bylaw history and the provisions that have been made in the 2023 bylaw.
- An overview of the legislative changes that have been incorporated in the bylaw along with the inclusion of Watercare as the Contractor for Waikato District Council.
- The Consultation period ran from 5 October to 5 November 2023.

Submissions:

Mr Charles Fletcher – Tamahere Community Committee:

- Mr Charles Fletcher (Chairperson of the Tamahere Community Committee) spoke to the submission on behalf of the Committee and gave an overview of the different issues the Committee have raised along with the concerns they have with the Proposed Bylaw as outlined in the submission attached to the agenda. d

Mrs G Wilcock:

- Mrs G Wilcock spoke to her submission and provided an overview of the issues along with the concerns she has with the proposed bylaw.
- This bylaw does not allow for the differences between Rural, Urban & Commercial zoned properties and the bylaw needs to reflect the diversity of the Waikato District and cannot be a one size fits all model.
- Concern was raised around the accuracy of water meter records held by Council in comparison to the accuracy of records and as-built plans provided by property owners.
- The use of language in the Bylaw was raised particularly around the responsibilities of Supplier vs Customer.
- Cr Gibb acknowledged the two submitters, thanked them for their presence at the hearing and wanted to ensure the submitters understood that a lack of questions from the Committee is not a reflection of elected members not appreciating the submissions.

Resolved: (Crs L Thomson/Reeve)

THAT the Policy and Regulatory Committee, pursuant to section 83 of the Local Government Act 2002, considers all submissions and, where requested, hears submissions on the Proposed Water Supply Bylaw 2023.

CARRIED**P&RHE2311/03**

The meeting adjourned at 10.08 for morning tea and resumed at 10.31 am.

Deliberations Report on the Water Supply Bylaw
Agenda Item 4.2

The report was received under [P&RHE2311/02] and the following discussion was held:

- Clarification was sought in relation to social media comments on the Council Facebook page and whether it was just these comments that were captured or whether comments on other posts that have been shared by elected members to community pages were also captured?

ACTION: Corporate Planning Team Leader to discuss with Communications team to determine which comments are social media posts are being captured and if posts by elected members are also being captured.

Clause 9.6.1

- A question was raised the submission of the Tamahere Community Committee and the single water meter connection for multiple dwellings and what this may mean for tenants of those properties moving forward. It was noted that it would be a good thing to flesh out what the recommendation is and ensure any concerns are captured.
- It was confirmed that under the Tenancy Act, property tenants can only be charged for water consumption, not the fixed fees incorporated on a properties rating bill. It was further clarified that the liability for payment of a water bill liability sits with the property owner.
- Cr Beavis clarified what the submission for both the Tauwhare Community and the Tamahere Community meant by the requirement of needing two water meters for multiple or secondary dwellings in the rural area and what the main concerns are with this requirement.
- The Waters Manager clarified what having one water tank for two dwellings would mean; this would classify the property owner as a water supplier and therefore they would need to meet the legal standards as a water supplier.
- There was an extensive discussion around the requirement for a second meter for a secondary dwelling and the requirements of property owners around secondary water tanks. The principles of Taumata Arowai was also discussed and the Waters Manager spoke to the number of water suppliers already being used in the Waikato District and what this means for the properties in the Rural area. It was noted that moving forward the Bylaw will require a note outlining the proper requirements of supplying water.
- A comment was noted that Waikato District Council appeared to be more interested in the needs of water suppliers rather than ratepayers and customers.
- Cr Raumati spoke to finding a solution during the deliberations of the hearing particularly for the issues raised around metering and paying for bulk water supply from Hamilton City Council and the Waters Manager noted that they are here to be guided by Council. A further discussion occurred in relation to multiple dwellings and the requirements.
- A change was made to part c) of the clause and it will now read: This applies to properties with a connection to On Demand Water Supply and excludes trickle feed supply, unless requested by the Property Owner which the Committee agreed with.
- A query was raised in relation to multiple dwellings on one Record of Title and the owner of that Title being responsible for the billing. Mr Telfer spoke to this along with the Waters Manager and it was noted that there is concerns around multiple dwellings on one single Record of Title and what impact there may be if further development on the property occurred.
- It was confirmed that whilst the property owner will be sent the water usage bill, the owner can then pass that usage bill onto the tenants of the other dwellings on the property.
- A query was raised in regards to the intent of the bylaw? Are we being overzealous or over regulatory with this bylaw? How do we weigh Customer Service vs Water Supply? The Three Waters Reform Manager along with Legal Counsel spoke to this point and provided clarification for the committee.

- It was suggested that Council could consider an advisory note in the Bylaw that this Bylaw will not be applied retrospectively. It was noted that the statutory position is not to have enforcement retrospectively so the note will not be required.
- The adoption of the Bylaw date vs the enforcement of the bylaw date was clarified for the committee.

Interpretation (Clause 6)

- A question was raised around extraordinary water supply and the steps taken when cutting off trickle feed supply which was answered by Mr Telfer and the Waters Manager.
- How are communities notified of any restrictions? Mr Telfer noted it was done through letter drops, multiple signage in the affected area and social media.
- It was confirmed that this is a matter for the bylaw as it empowers the decision of restrictions and cutting off water supply to be made and it was further noted that extraordinary does not just refer to Rural but Commercial property as well.

General Discussion:

- It was confirmed that a property owner has the ability and is able to turn off a water meter toby if they require.
- It was confirmed that a Property Owner is responsible for the backflow prevention on a water meter and that Council is responsible for the maintenance of the water meter.

Resolved (Crs L Thomson/Keir)

THAT the Policy and Regulatory Committee:

- considers all submissions and the contents of this report in their deliberations on the proposed Water Supply Bylaw 2023;**
- determines that Council has followed the requirements for consultation under the Local Government Act 2002 Section 83;**
- confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- reconfirms, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s) in relation to the water supply network;**
- confirms, in accordance with Section 155 of the Local Government Act 2002, that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and that the bylaw is the most appropriate form of bylaw;**
- recommends that Council revokes the Water Supply Bylaw 2014 (amended in 2021) (Attachment 2); and**

Open – Information only

To	Policy and Regulatory Committee
Report title	Actions Register – February 2024
Date:	27 February 2024
Report Author:	Elaine Digby, EA to the General Manager Customer Support
Authorised by:	Roger MacCulloch, General Manager Customer Support

1. Purpose of the report
Te Take moo te puurongo

To update the Policy and Regulatory Committee on the actions arising from the previous meeting.

2. Staff recommendations
Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee receives the Actions Register for February 2024.

3. Attachments
Ngaa taapirihanga

Attachment 1 – Policy and Regulatory Committee Actions Register February 2024

Policy and Regulatory Committee Actions Register February 2024

	Action	Responsible to Action	Status/Update/Response
1.	<p>Speed Management Plan</p> <p>Council’s Legal Team to provide feedback on “what constituted a material change to the plan”.</p>	<p>Legal Team</p> <p>Toby McIntyre, Policy Advisor, Community Growth</p>	<p>February 2024:</p> <p>To what extent is Council able to amend the Speed Management Plan following formal consultation?</p> <ul style="list-style-type: none"> • Council can amend the Speed Management Plan (or other policies, bylaws, or plans) following consultation and in response to submissions. The purpose of consultation is to hear from the community about Council's proposal. It is reasonable for Council to make changes to the proposal in response to feedback received. • However, the modification of the proposal must not be of such significance that it is so different from the published proposal that the consultation process is subverted in some way. • The extent to which Council can amend plans or policies following consultation depends in part on the consultation material. S.82 of the LGA notes that the public must include clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken.

	Action	Responsible to Action	Status/Update/Response
			<ul style="list-style-type: none"> • The public must be given the chance to participate in consultation procedures. A reasonable person must be able to read and interpret the consultation material and understand the scope of decision making. • Council must assess whether the alterations to the proposal are sufficiently significant that a reasonable person could not foresee them. If such changes are unforeseeable, individuals are consequently deprived of the opportunity to participate in discussions about the modifications. • If substantial changes are suggested after initial consultation, additional engagement with the community may be necessary. This not advised as a standard practice due to the potential creation of onerous processes. <p>To ensure the consultation process is robust, Council may undertake the following processes:</p> <ul style="list-style-type: none"> • Consultation material and submission questions highlights proposed key changes, options, and the scope of decisions that Council is considering.

	Action	Responsible to Action	Status/Update/Response
			<ul style="list-style-type: none">• Early engagement with the stakeholders and/or the community for significant topics, as assessed by Council's Significance and Engagement Policy. This can help to ensure that new ideas or approaches are raised earlier in the process and the public have an opportunity to comment on proposed changes.• In response to shifts in Central Government direction/legislation regarding speed management (and further indicated development) staff have delayed consultation on the Plan until later in 2024. This will allow for inclusion on new guidelines and processes

To	Policy and Regulatory Committee
Report title	Revocation of the Psychoactive Substances Policy 2019
Date:	27 February 2024
Report Author:	Toby McIntyre, Policy Advisor
Authorised by:	Roger MacCulloch, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To recommend to the Council that the Psychoactive Substances Policy 2019 be revoked with immediate effect.

2. Executive summary

Whakaraapopototanga matua

Staff seek approval to revoke the Psychoactive Substances Policy (a Local Approved Products Policy).

Policies are key decision-making documents and therefore need to be kept up to date to ensure that decisions being made are appropriate and consistent. This policy is no longer required as it is both nearing its expiration and has been deemed operationally unnecessary.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee recommends to Council to revoke the Psychoactive Substances Policy 2019 (Attachment I).

4. Background

Koorero whaimaarama

The Psychoactive Substances Policy 2019 was adopted under the provisions of section 66 of the Psychoactive Substances Act 2013 (the Act). The Act enables Council to create a Local Approved Products Policy (LAPP). This is a set of policy criteria and decisions made by a Council, in consultation with its community, which may restrict the location of premises selling psychoactive products in its geographical area.

A LAPP aims to address community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013 (to “regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances”).

The act is intended to apply to substances that induce psychoactive effects (such as euphoria or “highs”) and are not already covered by the Misuse of Drugs Act 1975. It was written in response to the proliferation of synthetic cannabinoids and party pills.

Psychoactive substances can only be sold within the main street of Huntly, as outlined in the policy. There is only one potential retail property permitted to sell psychoactive substances, due to the location of sensitive sites within the designated area in Huntly.

The Psychoactive Substances Policy was first adopted by Council in 2014. The Policy was reviewed and adopted by Council in 2019. No changes, apart from amending the date of the policy, were made to the LAPP. As a result, no public consultation occurred. The LAPP is now required to be reviewed by July 2024.

No applications for licenses to sell psychoactive substances have been made to Council under this policy since it was first adopted in 2014. After consultation with both the Environmental Health and Legal teams, Corporate Planning staff are recommending that the policy is no longer necessary to or required by Council.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

While s66 of the Act allows for Council to have a LAPP (i.e. the Psychoactive Substances Policy), there is no requirement to do so.

An amendment to the Act in 2014 prohibited animal testing in support of product applications. As there is currently no other way to provide products are low risk, there are currently no substances on the Register of Approved Products.

As per the information below, it is highly unlikely that any substances will be added to this register in the near to mid future.

(As per the NZ Police website) “There are currently no psychoactive products approved for use in New Zealand. This is unlikely to change in the near future as restrictions on the use of animal testing make it very difficult for a substance to meet the required standards for approval”.

(As per the Ministry of Health website) “There are no approved products and no applications for a product have been received”.

Another point of consideration is that the while s69(5) of the Act states that “a local approved products policy does not cease to have effect because it is due for review or is being reviewed”, staff are recommending Council proceeds with the revocation, rather than retain the policy beyond its review date. This is in part because the 2019 policy was not consulted on under s83 of the LGA as required. Public consultation is required when the Policy is amended or replaced, specified in s69(2) of the Act.

If, in the future, there were substances that met all requirements for inclusion to the register and licenses for retail sale, there would be enough advance notice to enable Council to go through the s83 process and adopt an up-to-date policy to set out any restrictions deemed necessary.

5.1 Options

Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Committee to consider.

Option 1 - Revoke the policy

The policy has been deemed unnecessary, and advice from the Legal team is to revoke the current policy and adopt a new policy under s83 of the LGA and s69 of the Psychoactive Substances Act, should it become needed in the future.

Staff recommend this option.

Option 2 - Retain the policy

The policy could be retained, however, due to the lack of applications made, that no substances are on the Approved Register, and the lack of s83 consultation when it was last adopted, staff do NOT recommend this option. Further s83 consultation with the community would be required to retain a LAPP.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the preferred option complies with the Council's legal and policy requirements.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

There are no known impacts on Maaori related to this decision.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks

Tuuraru

Should a product become added to the Approved Substances Register, a minor risk could appear, in that staff may need to refocus their work priority to develop a policy.

This wouldn't mean that staff would be unable to do so, but that they would have to deviate from the planned work programme, meaning other timelines may be pushed, however this situation is deemed to be highly unlikely under current legislation.

Given the length of that process, Council would have enough notice to be able to prepare, consult on, and adopt a new LAPP and apply any restrictions deemed necessary.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

6.2 Engagement

Te Whakatuutakitaki

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
	The owner of the policy proposed to be revoked has been consulted and will be notified of the outcome of the report.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps

Ahu whakamua

If the policy is revoked, it will be removed from the policy register and Waikato District Council website.

8. Confirmation of statutory compliance

Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments

Ngaa taapirihanga

Attachment 1 – Psychoactive Substances Policy 2019

Psychoactive Substances Policy (Local Approved Products Policy)

Policy Owner:	Regulatory Manager
Date Approved:	17 July 2019
Next Review Date:	July 2024
Document Number:	2300272
Engagement Required:	External, Special Consultative Procedure (Local Government Act 2002)

Introduction

This policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013.

A Local Approved Products Policy (LAPP) is a set of policy criteria and decisions made by a Council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013.

A LAPP provides the Psychoactive Substances Regulatory Authority (the Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Psychoactive Substances Act 2013 (the Act) which states that *“The purpose of this Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.”*

Objectives

The purpose of this policy is to set a clear framework to be applied to all applications that the Authority’ considers when granting licenses for premises that sell approved products in the Waikato District.

The objectives of this policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that the Council and the community have influence over the location of retail premises in the district.

Application

The policy applies to:

- Any application for a licence under section 16 of the Act to sell approved products from a retail premises from the date that this policy comes into force; and

This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.

The requirements of the Resource Management Act 1991 and Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

Definitions

Approved location	Means the area identified in Schedule 1 where premises from which approved products may be sold are permitted to be located.
Approved product	Means a psychoactive product approved by the Authority under section 37 of the Act.
Authority	Means the Psychoactive Substances Regulatory Authority established by section 10 of the Act.
Licence	Means a licence, granted under section 16 of the Act, that is in force and an interim licence granted under clause 8 of Schedule 1 of the Act.
Psychoactive product or product	Has the meaning given in section 8 of the Act.
Psychoactive substance	Has the meaning given in section 9 of the Act.
Retail premises	Means premises for which a licence to sell approved products by retail has been granted.
Sell	Includes every method of disposition for valuable consideration, for example: <ul style="list-style-type: none"> a) offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale; b) retailing; c) wholesaling and sale and sold have corresponding meanings.
Sensitive site	Includes: <ul style="list-style-type: none"> a) any library, museum, community hall, or recreational facility, owned and/or operated on behalf of the Council for the benefit of the community; b) any marae or place of worship; c) any school, kindergarten, early childcare centre, after school care facility or other educational institution; d) any premises occupied by a social service agency such as Work and Income, food bank or community houses; e) any medical facility or premises providing primary health care services; f) any premises providing counselling services to members of the community, including mental health and drug and alcohol counselling; g) any public reserve or stand alone public toilets; h) any property located in the living or residential zones in the Waikato District Plan.
The Act	Means the Psychoactive Substances Act 2013.

Policy Statements

This policy does not limit the number of retail premises or restrict the issue of new licences, provided the policy criteria outlined below are met.

Location of retail premises from which approved products may be sold

The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.

Location of retail premises in relation to other retail premises from which approved products are sold

Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold.

Location of retail premises in relation to premises or facilities of a particular kind

Retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site.

Note:

1. Separation distances between retail premises shall be measured from the legal boundaries of each property containing the retail premises.
2. A property can potentially contain a retail premises so long as:
 - no part of the road front boundary of the property is within the 100m setback distance measured from the legal boundary of a sensitive site, and
 - no legal boundary of the property containing the retail premises is directly adjoining a sensitive site.
3. The LAPP only applies to the sensitive sites existing at the date the LAPP took effect. These sites are listed in Schedule 2.

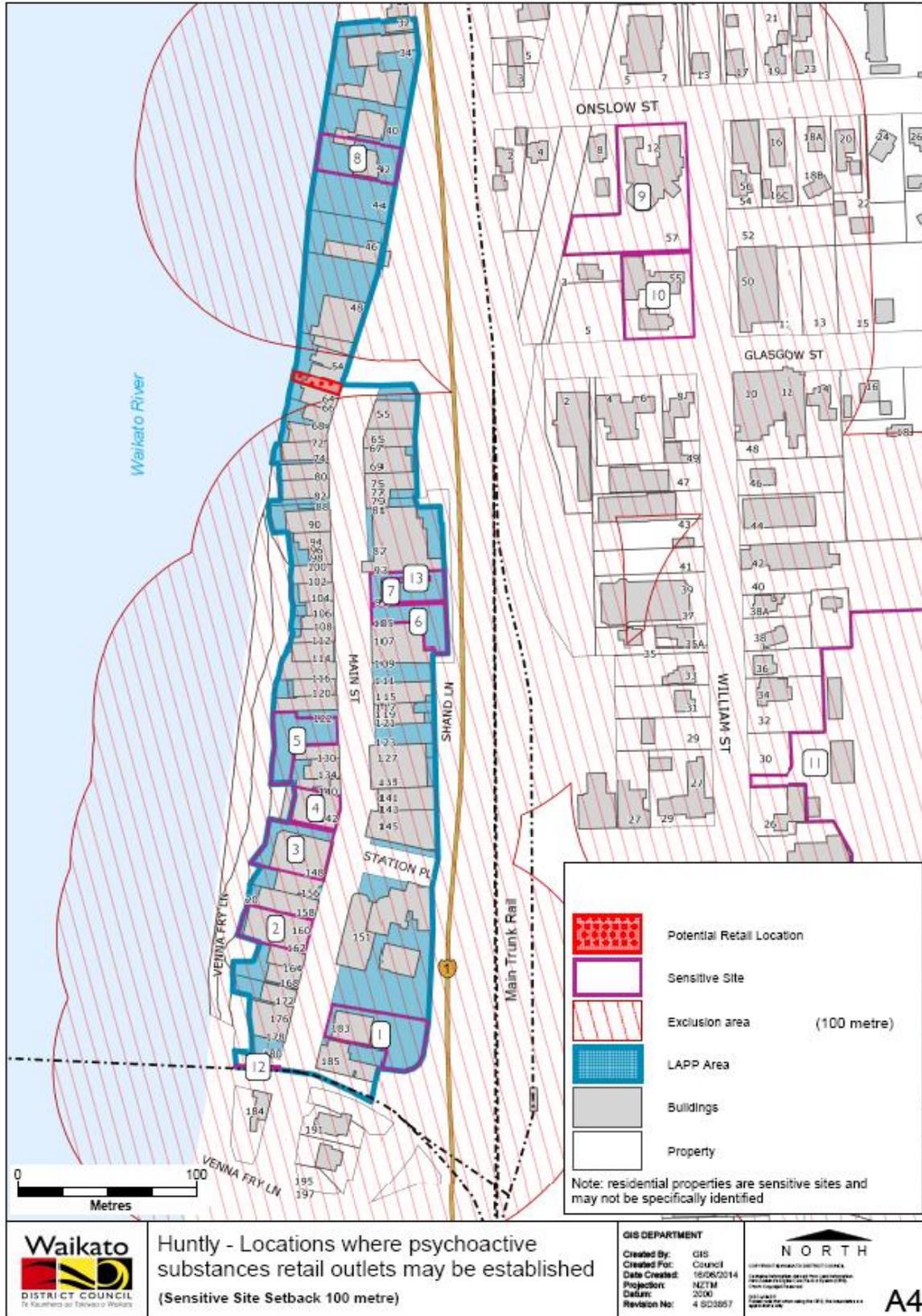
Policy review

The policy will be reviewed:

- (i) every five years as required by the Psychoactive Substances Act 2013; or
- (ii) at the request of the Council; or
- (iii) in response to changed legislative requirements; or
- (iv) in response to any issues that may arise.

Schedule I – Approved locations for retail premises from which approved products may be sold

Retail premises must be located within the business zone identified in the Waikato District Plan and are restricted to the area shown on the following map subject to complying with the proximity requirements to other retail premises and sensitive sites:



Schedule 2 – List of Sensitive Sites shown on Policy Map

ID#	SITE NAME	TYPE	ADDRESS	TOWN
1	Huntly East Medical Centre	Social Support and Health Services	183 Main Street	Huntly
2	Work and Income	Social Welfare Agency	160 Main Street	Huntly
3	Huntly Civic Centre	Community Facility	148 Main Street	Huntly
4	Huntly Library	Community Facility	142 Main Street	Huntly
5	Garden Place	Reserve	124-128 Main Street	Huntly
6	BNZ Plaza	Reserve	105 Main Street	Huntly
7	Public Toilets	Community Facility	95 Main Street	Huntly
8	Dr John Gates Ltd	Social Support and Health Services	42 Main Street	Huntly
9	Trinity Church	Community Facility	12 Onslow Street	Huntly
10	Presbyterian Church	Community Facility	55 William Street	Huntly
11	Davies Park / Huntly South Sports Club	Community Facility	William Street	Huntly
12	Foot bridge over railway bridge	Community Facility	182 Main Street	Huntly
13	Huntly Footbridge	Community Facility	95 Main Street	Huntly

To	Policy and Regulatory Committee
Report title	Climate Response and Resilience Policy Review
Date:	27 February 2024
Report Author:	Rachael Goddard, Climate Action & Sustainability Manager
Authorised by:	Will Gauntlett, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

This report presents a revised Climate Response and Resilience Policy for the Committee's approval.

In August 2020, the Policy and Regulatory Committee adopted an internally focused Climate Response and Resilience Policy. This was updated in early 2022 by the newly appointed Senior Adviser Climate Action and the Planning and Policy Manager.

The latest review responds to current international IPCC (Intergovernmental Panel on Climate Change) reports, new climate science projections and scenarios, the newly adopted Waikato District Council Climate Response and Resilience Strategy, and planned climate change risk assessment.

2. Executive summary

Whakaraapopototanga matua

In August 2020, the Policy and Regulatory Committee adopted an internally focused Climate Response and Resilience Policy. This was updated in early 2022 and has been reviewed again this year based on the latest scientific consensus, climate risk and alignment with the newly approved Climate Response and Resilience Strategy.

The policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is a requirement for the policy to inform decision making and planning when working within council and also with external parties including contractors, sub-contractors, agents, stakeholders and intermediaries.

The policy provides guidance on Council's responsibilities regarding climate change, including how the organisation undertakes actions that minimise the effects of climate change through:

- the reduction of greenhouse gas emissions
- target setting, reporting and benchmarking of greenhouse gas emissions
- the development of adaptation and mitigation measures
- the application of a climate lens across programmes, policies, plans and decision making
- enabling climate action, mitigation and adaptation through education and collaboration
- the assessment and understanding of climate related risks.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee recommends that Council:

- a. adopt the Climate Response and Resilience Policy 2024 (Attachment 1), and**
- b. revoke the Climate Response and Resilience Policy 2021 (Attachment 3).**

4. Background Koorero whaimaarama

In 2015, Mayors and Chairs of New Zealand declared it was critical to have responsive leadership and a holistic approach to climate change, and in 2017 the Local Government New Zealand (LGNZ) statement and commitment was collectively issued.

The Climate Response & Resilience Policy enables best practice, processes and behaviours which are delivered via the climate action and sustainability works programme, the Climate Response and Resilience Strategy with emission targets, and the operational and community Climate Action Plan, in conjunction with Central Government legislation, LGNZ, and Waikato District Council's existing commitments.

Council is currently mandated to prepare our communities for the effects of climate change with regard to risk mitigation of natural hazards, delivering public education and improving community resilience. In addition, climate change where relevant, is factored into existing frameworks, plans, projects and standard decision-making procedures. (RMA Act 1991).

The Policy outlines our commitment to addressing climate change impacts and aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies. These will be further identified as we scope stage I of a climate risk assessment for the district in 2024.

As climate change incorporates a series of legal, indemnity, risk, budgetary, asset, infrastructure, planning, moral, cultural and environmental implications and obligations, the policy outlines climate change considerations and how they are incorporated in plans, policies, decision making, frameworks and deliverables to ensure climate change issues are adequately assessed and addressed.

Chronology of Climate Response and Resilience related Policies, Strategies and Plans:

- Adopted the first Climate Response and Resilience Policy in August 2020
- Adopted Climate Action Plan in December 2020
- Revised Climate Response and Resilience Policy in December 2021
- Adopted Climate Response and Resilience Strategy in October 2023
- Climate Response and Resilience Policy revised November 2023

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Climate change and sustainability encompasses, informs and impacts all areas of the organisation, internally and externally. With the catastrophic climate change related weather events last year, it is especially timely and critical that Council reassess how it prepares for an increase in severity and duration of future projected events and broader social, environmental, economic and cultural impacts. The policy assists the council to mitigate and minimise risk and to embed climate thinking in our operations and planning.

As outlined, local government is mandated to prepare its communities for the impacts of climate change, improve community resilience and make climate change part of existing frameworks, plans, projects and standard decision-making procedures.

The latest appraisal responds to recent IPCC (Intergovernmental Panel on Climate Change) reports, new climate science projections and scenarios, the newly adopted Waikato District Council Climate Response and Resilience Strategy, and climate change risk. In addition, to projected increases in frequency and duration of extreme weather events.

The Policy has been updated and reviewed to include these aspects, in addition to ongoing review and improvements.

5.1 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of the implementation of the Policy.

5.2 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the Policy complies with the Council's legal and policy requirements.

5.3 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

The Policy supports and aligns with Waikato 2070, Future Proof, Blueprints, LTP, Annual Report, Waste Minimisation and Management Plan, and Council's risk framework.

The WDC Climate Response & Resilience Policy states: “WDC is committed to addressing climate change impacts locally now and for the future, by aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies.” This statement aligns with the new Climate Response & Resilience Strategy.

Waikato 2070: District Growth and Economic Development Strategy includes as its aims to:

- Promote sustainable and cost-effective land-use patterns.
- Take leadership and build our district to respond to climate change and help mitigate its effects.

And, in its the Direction Implementation section:

- Educate and develop the communities’ capabilities to adapt to climate change.

5.4 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Climate change impacts will disproportionately affect Maaori wellbeing, health, taonga, traditional practices, cultural and spiritual sites, mahinga kai, hunting and gathering sites and places of historical significance. This in turn will also adversely affect the customs, spiritual, physical, intellectual, and social values that are vital to the health and wellbeing of Maaori identity.

The revised policy acknowledges the impacts to Maaori and also values Te Ao Maaori and the concept of interconnectedness of our people and environment. It also aims to enable understanding and development respectful of the natural environment and our relationship with it.

5.5 Climate response and resilience considerations

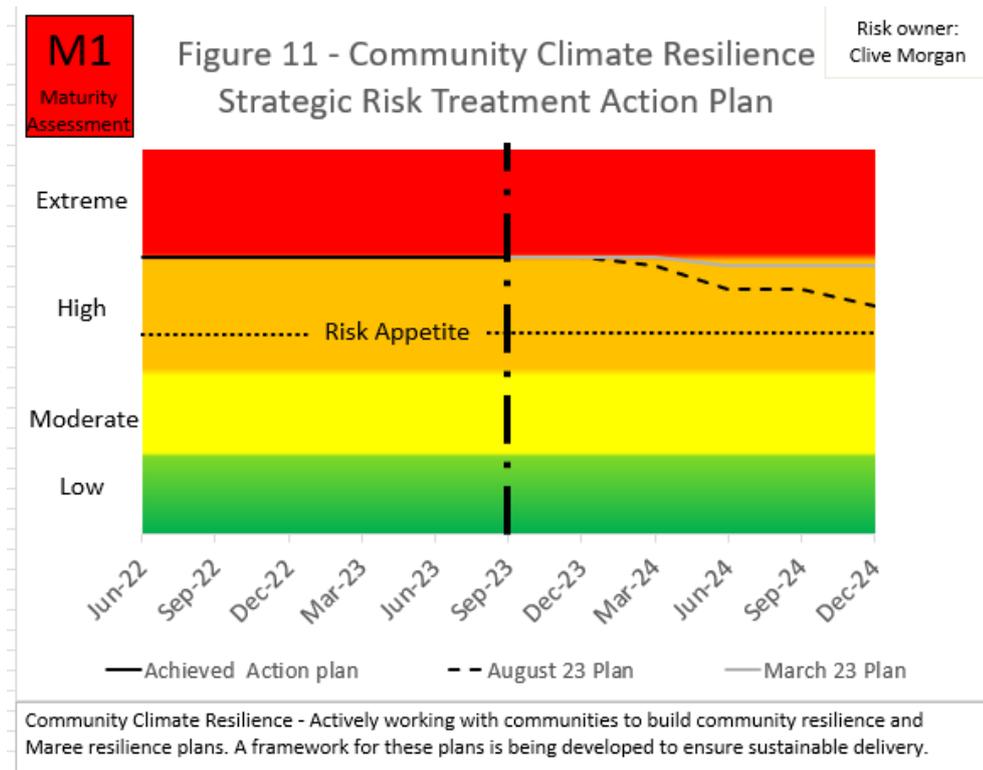
Whaiwhakaaro-aa-taiao

The decisions sought by, and matters covered in, this report are consistent with the Council’s [Climate Action Plan](#), and [Climate Response and Resilience Strategy](#).

5.6 Risks Tuuraru

Climate change is well documented and understood in Council’s risk planning. The following information are extracts from some Deep Drive work Council staff have done into the risks associated with climate change.

Cause	Risk	Consequence	
Because of	There might be...	Resulting in ...	Factor
Due to <ul style="list-style-type: none"> Increasing climate impacts. Communities holding council accountable for climate relief. Diverse and conflicting needs of communities 	Council may be unable to Support communities to adapt to climate impact	Resulting in <ul style="list-style-type: none"> Significant public scrutiny, Community holding council accountable, Financial impact - Increased emergency support required. 	Extreme



Climate Change Risk Impact Areas					
<p>1. Organisational Climate Resilience</p> <p>1a. Failure to deliver, align and report on NZ Government and regional council mandated targets, legislation, statutory obligations and deliverables.</p> <p>1b. Failure to integrate climate change fully and cohesively in policies, strategies, plans and decision making.</p> <p>1c. Limited preparedness, awareness and strategic goals actioned, due to low resource/staff expertise to deliver on climate change expectations.</p>	<p>H</p> <p>M</p> <p>L</p>	<p>2. Infrastructure Climate Resilience.</p> <p>2a. Council experiences financial impact and scrutiny for failing to assess, prepare and adapt land, assets and infrastructure for the impacts of climate change. In addition, costs for upgrading and preparing for impacts.</p> <p>2b. Council infrastructure is inadequate to protect property, communities and life causing significant cost, legal implications, and severe reputational damage.</p> <p>2c. Significant financial impact and legal implications associated with poor planning, consent, zoning and consequential remediation and repair work required/managed retreat.</p>	<p>M</p> <p>H</p> <p>M</p>	<p>3. Community Climate Resilience.</p> <p>3a. Council unable to effectively support Communities to mitigate, respond and adapt to climate impacts as required.</p> <p>3b. Communities hold Council accountable for inaction, poor support or untimely response to adverse and increasing climate impacts.</p> <p>3c. Communities criticise council for failed delivery in targets/ achieving Co2 emissions reduction goals resulting in reputational damage.</p>	<p>M</p> <p>M</p> <p>L</p>
DIRECT CONTROL		DIRECT CONTROL		DIRECT CONTROL/INFLUENCE	

Climate Action and Sustainability Managers proposed assessment considerations 2023.

6. Significance and engagement assessment Aromatawai paahekoheko

6.1 Significance Te Hiranga

The decisions and matters of this report are assessed as low significance, in accordance with the Council's [Significance and Engagement Policy](#), as the Policy is an existing document that does not impact economically, require a change to level of service, or impact staffing.

6.2 Engagement Te Whakatuutakitaki

As the Policy is an existing document with minor amendments and minimal impact on staff workload or procedures, or community effects. The review should not necessitate consultation and collaboration.

The Policy review aims to provide clearer guidance to staff and decisionmakers including Elected Members.

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal. The Climate Action and Sustainability Team, the Planning and Policy Manager and General Manager Community Growth have reviewed the current policy.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees NIL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Iwi. NIL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities. NIL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses. NIL
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other. The updated policy will be socialised with staff on release and education and resources provided to support staff uptake. In addition, the Climate Action and Sustainability Team have developed a Guide for Assessment to apply a climate lens on reporting and decision making and also alignment with the Policy.

7. Next steps Ahu whakamua

The Climate Response and Resilience Policy will be adopted, adhered to and implemented. Staff educational resources and support will be provided to understand, and assist apply and deliver on both the Climate Response and Resilience Policy and the Climate Response and Resilience Strategy, which will also be delivered on by the internal Climate Action Plan in 2024.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Sustainability & Wellbeing Committee Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 –Climate Response and Resilience Policy 2024 (Clean Version)

Attachment 2 –Climate Response and Resilience Policy (with tracked changes)

Attachment 3 –Climate Response and Resilience Policy 2021

Climate Response and Resilience Policy

Policy Owner:	Climate Action and Sustainability Manager
Date approved:	XX
Next review date:	XX
Document number:	XX
Required by legislation:	N/A

1 Introduction

- 1.1 The Climate Response & Resilience Policy enables best practice, processes and behaviours which are delivered via the climate action and sustainability works programme, the Climate Response and Resilience Strategy with emission targets, and the operational and community Climate Action Plans, in conjunction with Central Government legislation, LGNZ, and Waikato District Council's (Council) existing commitments.
- 1.2 Council is committed to addressing climate change impacts locally now and for the future, by aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies.
- 1.3 Council is committed to developing processes, plans and strategies which will support the organisation and the district to take actions which reduce greenhouse gas emissions.
- 1.4 Climate change incorporates a series of legal, indemnity, risk, budgetary, asset management, infrastructure, planning, moral, cultural and environmental implications and obligations, which collectively require climate change considerations to be embedded in plans, policies, decision making, frameworks and deliverables to ensure climate change issues are adequately assessed and addressed.

2 Purpose

- 2.1 The Intergovernmental Panel on Climate Change's (IPCC) Synthesis Report 2023 asserts that major climate changes are inevitable and likely irreversible. and the costs and risks to council are high. Council will need to deploy a broad range of responses, including mitigation, emission reduction, capacity and capability building, behaviour change programmes, adaptation strategies, proactive leadership, robust planning, collaboration, and resilience building. These approaches are inherently dependent on each other to address the long-term impacts, costs, and severity of climate change, in addition to aligning and delivering on Central Government's commitments and obligations to achieving carbon net zero by 2050 via international agreements.

In addition, climate change impacts in the region and district, such as sea level rise, erosion, drought, temperature increases and storms will have adverse consequences on broader social, cultural, economic, and environmental systems. Climate change will have

a greater impact for our disadvantaged community members including, youth, Maaori, disabled and the elderly.

- 2.2 We are currently mandated to prepare our communities for the effects of climate change and incorporate climate change into existing frameworks, plans, projects and standard decision-making procedures. (through the Resource Management Act 1991). In addition, giving consideration to improving community resilience through public education and local planning surveys by IAG (2023) report that 81% of New Zealanders agree that climate change is an important issue to them personally and 74% agree that they have become more concerned about climate change in the past few years (up from 60% in 2018).
- 2.3 This policy provides guidance on Council's responsibilities regarding climate change, including how the organisation undertakes actions that minimise the effects of Climate Change through:
- a) the reduction of greenhouse gas emissions.
 - b) target setting, reporting and benchmarking of greenhouse gas emissions.
 - c) the development of adaptation and mitigation measures.
 - d) the application of a climate lens across programmes, policies, plans and decision making.
 - e) enabling climate action, mitigation and adaptation through planning, education and collaboration.
 - f) the assessment and understanding of climate related risks.

3 Definitions

Carbon Sequestration	<i>The long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change.</i>
Climate Action Plan	<i>A plan detailing steps (including specific projects, policies or planning processes) the organisation will develop and implement to achieve the Climate Action Strategy.</i>
Climate Adaptation	<i>Making changes or adjustments to moderate and live with the impacts of climate change.</i>
Climate Change	<i>Refers to changes in the large-scale, long-term shift in the planet's weather patterns and average temperatures. It includes global warming, changes to weather patterns, sea level rise, pollution, and extreme weather events.</i>
Climate Hazard	<i>A physical process or event that can harm human health, livelihoods, or natural resources including (but not limited to); tropical cyclones, thunderstorms, tornadoes, drought, rain, hail, snow, lightning, fog, wind, temperature extremes, air pollution, and climatic change.</i>
Climate Mitigation	<i>Efforts to reduce or prevent emission of greenhouse gases e.g. using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices, consumers, business or community behaviours.</i>

Climate Response and Resilience Strategy	<i>The overarching document outlining why and how best to achieve business objectives responding to climate change.</i>
Council	<i>Waikato District Council as an organisation.</i>
Emissions	<i>The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, and nitrous oxide.</i>
Resilience	<p><i>An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts.</i></p> <p><i>Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements. New Zealand has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).</i></p>
Risk	<i>An uncertain event or condition that, if it occurs, has a positive or negative effect. Risks can occur from various sources (such as financial, reputation/image, environmental, etc.) and be relevant at either project, operational or strategic levels within the organisation. A risk is quantified in terms of likelihood (probability of occurrence) and consequence (impact).</i>
Risk Assessment	<i>Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.</i>
Risk Management	<i>The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing and evaluating, treating, monitoring and reviewing risks.</i>

4 Application

- 4.1 This policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is their responsibility to ensure that the policy is applied to inform decision making and planning when working within council, and also with external parties including contractors, sub-contractors, agents, stakeholders and intermediaries.
- 4.2 Effective policy implementation is achieved through Council's commitment to:
- a) Undertake necessary work to develop and maintain a robust understanding of Council's Greenhouse Gas Emissions (GHG) and those of our district.
 - b) Assess and understand potential climate-related risks that require adaptation or mitigation.
 - c) Implement initiatives to reduce Council's GHG emissions and to increase resilience through adaptation to climate related risks for Council and the district.
 - d) Implement the Climate Response and Resilience Strategy and Climate Action Plan that includes staged targets, goals, objectives, actions, and indicators for Council and community to improve performance.
 - e) Develop and deliver internal and external engagement, education and behaviour change programmes to deliver on the policy and plan to assist to reach our targets.
 - f) Build knowledge, through capacity and capability building, to better enable all individuals to lead the climate change response.
 - g) Apply climate-lens thinking on decision making, planning and processes.
 - h) Prioritise climate change and emissions reduction initiatives and actions by implementing organisational measures and specific targets through the Long Term Plan and Annual Plan processes.
 - i) Provide appropriate dedicated resources and funding for planning and delivering climate resilience (mitigation and adaptation) initiatives and actions.

5 Relevant Council Documents

Council policies and strategies that guide our responsibilities and decisions include:

- Climate Response & Resilience Strategy;
- Climate Action Plan;
- Taiao (Nature) in the Waikato Strategy;
- Leasing of Reserve Land Policy;
- Procurement Policy;
- Procurement Entitlement and Disposal of Council Vehicles Policy;
- Strategic Land Acquisition & Disposal Policy;
- District Tree Policy;
- General Policies Reserve Management Plan;
- Roadside Weed Spraying (No Spray Zones) Policy;
- Grass Verge Policy;
- Trade Waste and Wastewater Bylaw;
- Waste Management & Minimisation Plan 2018;
- Waikato District Plan – Operative and Proposed (Sustainable housing/consenting) and all stage 2 natural hazards and climate change;
- Development Contributions Policy.

6 Regional, Central Government and International Agreements

Local Regional, Central Government, and International agreements, legislation and strategies that guide our responsibilities and decisions include:

- Te Ture Whaimana o Te Awa o Waikato: Vision and Strategy for the Waikato River;
- Tai Tumu, Tai Pari, Tai Ao: Waikato-Tainui Environmental Plan;
- Waikato Regional Council Climate Action Roadmap;
- Waikato Wellbeing Project;
- Future Proof Strategy;
- Local Government Act 2002;
- Climate Change Response Act 2002;
- Climate Change Response (Zero Carbon) Amendment Act 2019;
- Emissions Reduction Plan 2022 – Te hau maahori ki anamata;
- National Adaptation Plan;
- National Climate Change Risk Assessment 2022;
- National Policy Statement on Urban Development 2020;
- Government Policy Statement on Housing and Urban Development 2021;
- Cop28;
- United Nations Sustainable Development Goals;
- The Paris Agreement.

7 Policy statements

The Local Government Position Statement on Climate Change (Appendix A) describes the approach to Climate Change in the local government area. Waikato District Council has aligned its policy statements to reflect that position statement within the context of our district.

Therefore, we will:

- 7.1 Collaborate with other agencies, organisations, and the community to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities including but not limited to those related to:
 - a) Infrastructure (vertical and horizontal).
 - b) Waste Management.
 - c) Public Transport.
 - d) Building.
 - e) Energy.
 - f) Regulatory function.
 - g) Land use.
- 7.2 Collaborate with neighbouring Territorial Authorities, including Hamilton City Council, Waipa District Council, Waikato Regional Council, Auckland Council, Central Government, and other agencies to gather information, carry out research, develop strategies and processes, collaborate, and to clarify each agency's functions and responsibilities.

- 7.3 Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions, in addition to associated end use impacts where practicable, including our district plans, annual plans, long term plans, urban design and development, building control, energy use, transport planning and waste management.
- 7.4 Set emission reduction targets in line with Central Government and partner Council's commitments e.g. the Paris Agreement, UNSDGs, Glasgow Agreements, Waikato Regional Council.
- 7.5 Incorporate emissions reduction targets into investment decisions that we make on transport, fleet, procurement, waste management, buildings, water and energy use.
- 7.6 Plan for and provide infrastructure which recognises and reduces the risk of hazards, such as floods, storms, and sea level rise including:
 - a) Particular consideration to geographically vulnerable communities.
 - b) Renewal and relocation of coastal infrastructure (including future planning during insurance valuation).
- 7.7 Include the effects of climate change (adaptation) as part of all hazards assessments, and consider the emissions impact (mitigation), in decision making, including through sections in Council report templates.
- 7.8 Plan for the impacts of climate change on Council's three waters infrastructure and services including:
 - a) Factoring climate change projections into all freshwater investments and adapting management practices accordingly.
 - b) Identifying change requirements in infrastructure investment including land use and green infrastructure, e.g. wetlands, rain gardens and swales.
 - c) Considering future requirements for increased water storage solutions.
 - d) Modifying building standards with consideration to water storage and increased efficiency of use.
- 7.9 Promote and encourage the conservation and enhancement of natural environments and their biodiversity to aid in emissions reduction (mitigation) and climate change effects (adaptation).
- 7.10 Strive for best practice in response to Climate Change - including but not limited to reducing greenhouse gas emissions and, where possible, encourage avoidance of risk rather than remedial measures.
- 7.11 Provide information, education, and deliver initiatives to support behaviour change.
- 7.12 Accept that the dissemination of information regarding climate change can be emotive and communicate with communities and stakeholders in an empowering and considerate work manner.
- 7.13 Value Te Ao Maaori and the concept of interconnectedness of our people and environment.
- 7.14 Ensure that the requirements for the Climate Response and Resilience Strategy and the Climate Action Plan, and associated guidance, remains up to date and aligns with current best practice and science projections and research.

8 Policy review

- 8.1 This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Climate Action and Sustainability Manager.
- 8.2 As this policy is an internal Council document, its review will not trigger external consultation under the Council's Significance and Engagement Policy, but internal consultation will be required.

Appendix 1 – Local Government Leaders’ Climate Change Declaration

In 2015, Mayors and Chairs of New Zealand declared an urgent need for responsive leadership and a holistic approach to climate change. We, the Mayors and Chairs of 2017, wholeheartedly support that call for action.

Climate change presents significant opportunities, challenges and risks to communities throughout the world and in New Zealand. Local and regional government undertakes a wide range of activities that will be impacted by climate change and provides infrastructure and services useful in reducing greenhouse gas emissions and enhancing resilience.

We have come together, as a group of Mayors and Chairs representing local government from across New Zealand to:

1. acknowledge the importance and urgent need to address climate change for the benefit of current and future generations;
2. give our support to the New Zealand Government for developing and implementing, in collaboration with councils, communities and businesses, an ambitious transition plan toward a low carbon and resilient New Zealand;
3. encourage Government to be more ambitious with climate change mitigation measures;
4. outline key commitments our councils will take in responding to the opportunities and risks posed by climate change; and
5. recommend important guiding principles for responding to climate change.

We ask that the New Zealand Government make it a priority to develop and implement an ambitious transition plan for a low carbon and resilient New Zealand. We stress the benefits of early action to moderate the costs of adaptation to our communities. We are all too aware of challenges we face shoring up infrastructure and managing insurance costs. These are serious financial considerations for councils and their communities.

To underpin this plan, we ask that a holistic economic assessment is undertaken of New Zealand's vulnerability to the impacts of climate change and of the opportunities and benefits for responding. We believe that New Zealand has much at stake and much to gain by adopting strong leadership on climate change emission reduction targets.

We know that New Zealanders are highly inventive, capable and passionate about the environment. New Zealanders are proud of our green landscapes, healthy environment and our unique kiwi identity and way of life. Central and local government, working together with communities and business, can develop and implement ambitious strategies based on sound science, to protect our national inheritance and security.

Council Commitments

For our part we commit to:

1. Develop and implement ambitious action plans that reduce greenhouse gas emissions and support resilience within our own councils and for our local communities. These plans will:
 - a. promote walking, cycling, public transport and other low carbon transport options;
 - b. work to improve the resource efficiency and health of homes, businesses and infrastructure in our district; and
 - c. support the use of renewable energy and uptake of electric vehicles.
2. Work with our communities to understand, prepare for and respond to the physical impacts of climate change.
3. Work with central government to deliver on national emission reduction targets and support resilience in our communities.

We believe these actions will result in widespread and substantial benefits for our communities such as; creating new jobs and business opportunities, creating a more competitive and future-proof economy, more efficient delivery of council services, improved public health, creating stronger more connected communities, supporting life-long learning, reducing air pollution and supporting local biodiversity. In short, it will help to make our communities great places to live, work, learn and visit for generations to come.

Guiding Principles

The following principles provide guidance for decision making on climate change. These principles are based on established legal and moral obligations placed on Government when considering the current and future social, economic and environmental well-being of the communities they represent.

1. Precaution

There is clear and compelling evidence for the need to act now on climate change and to adopt a precautionary approach because of the irreversible nature and scale of risks involved. Together with the global community, we must eliminate the possibility of planetary warming beyond two degrees from pre-industrial levels. This could potentially threaten life on Earth (Article 2 of the UNFCCC). Actions need to be based on sound scientific evidence and resourced to deliver the necessary advances. Acting now will reduce future risks and costs associated with climate change.

2. Stewardship/Kaitiakitanga

Each person and organisation has a duty of care to safeguard the life-supporting capacity of our environment on which we all depend and to care for each other. Broad-based climate policies should enable all organisations and individuals to do all they feasibly can to reduce emissions and enhance resilience. Policies should be flexible to allow for locally and culturally appropriate responses.

1 These Guiding Principles are established within the: Treaty of Waitangi, Resource Management Act 1991, Local Government Act 2002, Civil Defence and Emergency Management Act 2002, Oslo Principles 2014, Principles of Fundamental Justice and Human Rights.

3. Equity/Justice

It is a fundamental human right to inherit a habitable planet and live in a just society. The most vulnerable in our community are often disproportionately affected by change and natural hazards. Approaches need to consider those most affected and without a voice, including vulnerable members in our community, our Pacific neighbours and future generations.

4. Anticipation (thinking and acting long-term)

Long-term thinking, policies and actions are needed to ensure the reasonably foreseeable needs of current and future generations are met. A clear and consistent pathway toward a low carbon and resilient future needs to provide certainty for successive governments, businesses and communities to enable transformative decisions and investments to be made over time.

5. Understanding

Sound knowledge is the basis of informed decision making and participatory democracy. Using the best available information in education, community consultation, planning and decision making is vital. Growing understanding about the potential impacts of climate change, and the need for, and ways to respond, along with understanding the costs and benefits for acting, will be crucial to gain community support for the transformational approaches needed.

6. Co-operation

The nature and scale of climate change requires a global response and human solidarity. We have a shared responsibility and can not effectively respond alone. Building strong relationships between countries and across communities, organisations and scientific disciplines will be vital to share knowledge, drive innovation, and support social and economic progress in addressing climate change.

7. Resilience

Some of the impacts of climate change are now unavoidable. Enhancing the resilience and readiness of communities and businesses is needed so they can thrive in the face of changes. Protecting the safety of people and property is supported by sound planning and a good understanding of the risks and potential responses to avoid and mitigate risk.



Climate Response ~~&~~ Resilience Policy

Policy Owner:	Rachael Goddard, Senior Advisor Climate Action and Sustainability Manager
Date approved:	13th December 2021 XX
Next review date:	Dec 2022 XX
Document number:	2926096 XX
Engagement required: legislation:	Executive Leadership Team, Councillors, SEG, Climate Action Group N/A

I Introduction

- 1.1 The Climate Response & Resilience Policy enables best practice, processes and behaviours ~~through a proactive climate change and emissions reduction strategy which are delivered~~ via the ~~delivery of climate action and sustainability works programme,~~ the Climate Response and Resilience Strategy with emission targets, and the operational and community Climate Action PlanPlans, in conjunction with Central Government legislation, LGNZ, and Waikato District Council's (Council) existing commitments.
- 1.2 ~~Waikato District~~ Council is committed to addressing climate change impacts locally now and for the future, by aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies.
- 1.3 Council is committed to developing processes, plans and strategies which will support the organisation and the district to take actions which reduce greenhouse gas emissions.
- 1.3.1.4 Climate change incorporates a series of legal, indemnity, risk, budgetary, asset management, infrastructure, planning, moral, cultural and environmental implications and obligations, which collectively require embedding climate change considerations to be embedded in plans, policies, decision making, frameworks and deliverables to ensure climate change issues are adequately assessed and addressed.

~~1~~ Background

2 Purpose

- 1.4.2.1 The Intergovernmental Panel on Climate Change's (IPCC) ~~6th report~~ Synthesis Report 2023 asserts that major climate changes are ~~now~~ inevitable and likely irreversible, and the costs and risks to council are high. Council will require need to deploy a broad range of responses, including mitigation, emission reduction, capacity and capability building, behaviour change programmes ~~and,~~ adaptation strategies, proactive leadership, robust planning, collaboration, and resilience building. These approaches are inherently dependent on each other to address the long-term impacts, costs, and severity of climate change, in addition to aligning and Climate Response and Resilience Policy 2021



delivering on Central Government's commitments and obligations to achieving carbon net zero by 2050 via international agreements.

~~In addition, climate change impacts in the region and district, such as sea level rise, erosion, land use, biodiversity loss, tourism, drought, temperature increases and storms etc will require proactive leadership and adequate tools and resources to assess have adverse consequences on broader social, cultural, economic, and adapt, and to mitigate. Councils also environmental systems. Climate change will have a leadership role to play in their greater impact for our disadvantaged community members including, youth, Maaori, disabled and the elderly.~~

~~We are currently mandated to prepare our communities:~~

~~4.5.2 for the effects of climate change and incorporate climate change into existing frameworks, plans, projects and standard decision-making procedures. (through the Resource Management Act 1991). In addition, giving consideration to improving community resilience through public education and local planning surveys by IAG (2021-2023) report that 79.81% of New Zealanders agree that climate change is an important issue to them personally and 80% believe 74% agree that they have become more concerned about climate change will result in the past few years (up from 60% in more extreme weather-2018).~~



2 Purpose

1.62.3 This policy provides guidance on Council's responsibilities regarding climate change, including how the organisation undertakes actions that minimise the effects of Climate Change through:

- a) the reduction of greenhouse gas emissions.
- b) target setting, reporting and benchmarking of greenhouse gas emissions.
- c) the development of adaptation and mitigation measures.
- d) the application of a climate lens across programmes, policies, plans and decision making.
- e) enabling climate action, mitigation and adaptation through planning, education and collaboration.
- f) the assessment and understanding of climate related risks.

2.3 Definitions

Climate Adaptation Carbon Sequestration	A response to the long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change that seeks to moderate or avoid harm or exploit beneficial opportunities.
Council	The Waikato District Council as an organisation including Elected Members.
Climate Action Plan	A plan detailing steps (including specific projects, policies or planning processes) the organisation will develop and implement to achieve the Climate Action Strategy.
Climate Action Strategy Adaptation	The overarching document outlining why Making changes or adjustments to moderate and how best to achieve business objectives responding to live with the impacts of climate change.
Climate Change	Climate change refers to a significant and extended change to the global climate, becoming increasingly severe over time and resulting in problems for life on earth. Refers to changes in the large-scale, long-term shift in the planet's weather patterns and average temperatures. It includes global warming, changes to weather patterns, sea level rise, pollution, and extreme weather events.
Carbon Sequestration	The long term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change.
Emissions	The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, and nitrous oxide.
Climate Hazard	A physical process or event that can harm human health, livelihoods, or natural resources including (but not limited to); tropical cyclones, thunderstorms, tornadoes, drought, rain, hail, snow, lightning, fog, wind, temperature extremes, air pollution, and climatic change.

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Climate Mitigation	<i>Efforts to reduce or prevent emission of greenhouse gases e.g. using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices, consumers, business or community behaviours.</i>
<u>Climate Response and Resilience Strategy</u>	<i>The overarching document outlining why and how best to achieve business objectives responding to climate change.</i>
<u>Council</u>	<i>Waikato District Council as an organisation.</i>
<u>Emissions</u>	<i>The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, and nitrous oxide.</i>
<u>Resilience</u> <small>NB: in terms of this policy</small>	<i>An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts.</i> <i>Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements. New Zealand has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).</i>
<u>Risk</u>	<i>An uncertain event or condition that, if it occurs, has a positive or negative effect. Risks can occur from various sources (such as financial, reputation/image, environmental, etc.) and be relevant at either project, operational or strategic levels within the organisation. A risk is quantified in terms of likelihood (probability of occurrence) and consequence (impact).</i>
<u>Risk Assessment</u>	<i>Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.</i>
<u>Risk Management</u>	<i>The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing and evaluating, treating, monitoring and reviewing risks.</i>



Resilience <i>NB: in terms of Waikato District Council climate change policy</i>	An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts. Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements. New Zealand has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).
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Risk Assessment	Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.
Risk Management	The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing and evaluating, treating, monitoring and reviewing risks.
Waikato District Council or WDC	The Waikato District Council as an organisation.

3.4 Application

~~3.4.1~~ This policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is their responsibility to ensure that the policy is applied to inform decision making and planning when working within council, and also with external parties including contractors, sub-contractors, agents, stakeholders and intermediaries.

~~3.4.2~~ Effective policy implementation is achieved through Council's commitment to:

- a) Undertake necessary work to develop and maintain a robust understanding of Council's Greenhouse Gas Emissions (GHG) and those of our district, ~~as well as potential climate-related risks that require adaptation or mitigation.~~
- ~~b)~~ Assess and understand potential climate-related risks that require adaptation or mitigation.
- ~~b)c)~~ Implement initiatives to reduce Council's GHG emissions and to increase resilience through adaptation to climate related risks for Council and the district.
- ~~c)d)~~ Implement the Climate Response and Resilience Strategy and Climate Action Plan that includes staged targets, goals, objectives, actions, and indicators for Council and community to improve performance.



- e) Develop and deliver internal and external engagement, education and behaviour change programmes to deliver on the policy and plan to assist to reach our targets.
- f) Build knowledge, through capacity and capability building, to better enable all individuals to lead the climate change response.
- g) Apply climate-lens thinking on decision making, planning and processes.
- e)h) Prioritise climate change and emissions reduction initiatives and actions by implementing organisational measures and specific targets through the LTP Long Term Plan and Annual planning Plan processes.
- f) i) Provide appropriate dedicated resources and funding for planning and delivering climate resilience (mitigation and adaptation) initiatives and actions.

4.5 Relevant Council Documents

<u>Conservation Strategy 2004</u>	<u>Leasing of Reserve Land Policy</u>
<u>Activity Management Policy</u>	<u>Procurement Entitlement & Disposal of Council Vehicles Policy</u>
	<u>Procurement Policy</u>
<u>District Tree Policy</u>	<u>Strategic Land Acquisition & Disposal Policy</u>
<u>Notable Tree Policy</u>	<u>Reserves – Committees of Management Policy</u>
<u>Roadside Weed Spraying – No Spray Zones Policy</u>	<u>Trade Waste Bylaw Charging Policy</u>
<u>Waste Minimisation Plan 2018-2024</u>	<u>District Plan (Sustainable housing/consenting) and all stage 2 natural hazards and climate change</u>
<u>Natural Reserves Management Plan</u>	<u>Grass Verge Policy</u>
<u>Grazing Policy</u>	<u>Refuse Collection and Disposal</u>
<u>Lead Developer Fund (Water/ Wastewater) Policy</u>	<u>Street – Lighting – and Other – Security/Amenity – Lighting Policy</u>
<u>Pathway to a low emissions future in New Zealand (External)</u>	<u>Reserve Contributions & Conservation Covenants</u>

Council policies and strategies that guide our responsibilities and decisions include:

- Climate Response & Resilience Strategy;
- Climate Action Plan;
- Taiao (Nature) in the Waikato Strategy;
- Leasing of Reserve Land Policy;
- Procurement Policy;

Climate Response and Resilience Policy 2021



- [Procurement Entitlement and Disposal of Council Vehicles Policy;](#)
- [Strategic Land Acquisition & Disposal Policy;](#)
- [District Tree Policy;](#)
- [General Policies Reserve Management Plan;](#)
- [Roadside Weed Spraying \(No Spray Zones\) Policy;](#)
- [Grass Verge Policy;](#)
- [Trade Waste and Wastewater Bylaw;](#)
- [Waste Management & Minimisation Plan 2018;](#)
- [Waikato District Plan – Operative and Proposed \(Sustainable housing/consenting\) and all stage 2 natural hazards and climate change;](#)
- [Development Contributions Policy.](#)

56 Regional, Central Government/ and International Agreements

[Climate Change Response Act 2019](https://environment.govt.nz/acts-and-regulations/acts/climate-change-response-amendment-act-2019/) <https://environment.govt.nz/acts-and-regulations/acts/climate-change-response-amendment-act-2019/>

[Paris Agreement](https://environment.govt.nz/what-government-is-doing/international-action/about-the-paris-agreement/) <https://environment.govt.nz/what-government-is-doing/international-action/about-the-paris-agreement/>

[COP26](https://www.beehive.govt.nz/release/nz-joins-global-initiative-tackle-methane) <https://www.beehive.govt.nz/release/nz-joins-global-initiative-tackle-methane>

[UN Sustainable Development Goals](https://www.mfat.govt.nz/en/peace-rights-and-security/our-work-with-the-un/sustainable-development-goals/) <https://www.mfat.govt.nz/en/peace-rights-and-security/our-work-with-the-un/sustainable-development-goals/>



3—Significance

~~3.1 As this Policy is an internal Council document, its review will not trigger external consultation under the Council's Significance and Engagement Policy, but internal consultation will be required.~~

Local Regional, Central Government, and International agreements, legislation and strategies that guide our responsibilities and decisions include:

- Te Ture Whaimana o Te Awa o Waikato: Vision and Strategy for the Waikato River;
- Tai Tumu, Tai Pari, Tai Ao: Waikato-Tainui Environmental Plan;
- Waikato Regional Council Climate Action Roadmap;
- Waikato Wellbeing Project;
- Future Proof Strategy;
- Local Government Act 2002;
- Climate Change Response Act 2002;
- Climate Change Response (Zero Carbon) Amendment Act 2019;
- Emissions Reduction Plan 2022 – Te hau maahori ki anamata;
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- National Climate Change Risk Assessment 2022;
- National Policy Statement on Urban Development 2020;
- Government Policy Statement on Housing and Urban Development 2021;
- Cop28;
- United Nations Sustainable Development Goals;
- The Paris Agreement.

6.7 Policy statements

The Local Government Position Statement on Climate Change (Appendix A) describes the approach to Climate Change in the local government area. Waikato District Council has aligned its policy statements to reflect that position statement within the context of our district. ~~Therefore, we will:~~

Therefore, we will:

~~6.7.1~~ Collaborate with other agencies, organisations, and the community to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities including but not limited to those related to:

- a) ~~Infrastructure (vertical and horizontal).~~
- b) ~~Waste Management.~~
- c) ~~Public Transport.~~
- d) Building.
- e) Energy.
- ~~f) Regulatory function.~~
- ~~g) Land use.~~



- ~~6-27.2~~ Collaborate with neighbouring Territorial Authorities, including Hamilton City Council, Waipa District Council, Waikato Regional Council, Auckland Council, Central Government, and other agencies to gather information, carry out research, develop strategies and processes, collaborate, and to clarify each agency's functions and responsibilities.
- ~~6-37.3~~ Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions, in addition to associated end use impacts where practicable, including our district plans, annual plans, long term plans, urban design and development, building control, energy use, transport planning and waste management.
- ~~6-47.4~~ Set emission reduction targets in line with Central Government and partner Council's commitments e.g. the Paris Agreement, UNSDGs, Glasgow Agreements, Waikato Regional Council.
- ~~6-57.5~~ Incorporate emissions reduction targets into investment decisions that ~~it makes we make~~ on transport, fleet, procurement, waste management, buildings, water and energy use.
- ~~6-67.6~~ Plan for and provide infrastructure which recognises and reduces the risk of hazards, such as floods, storms, and sea level rise including:
- a) Particular consideration to geographically vulnerable communities.



- b) Renewal and relocation of coastal infrastructure (including future planning during insurance valuation).

6.7.7 Include the effects of climate change (adaptation) as part of all hazards assessments, and consider the emissions impact (mitigation), in decision making, including through sections in Council report templates.

6.8.8 Plan for the impacts of climate change on Council's three waters infrastructure and services including:

- Factoring climate change projections into all freshwater investments and adapting management practices accordingly.
- Identifying change requirements in infrastructure investment including land use and green infrastructure, e.g. wetlands, rain gardens and swales.
- Considering future requirements for increased water storage solutions.
- Modifying building standards with consideration to water storage and increased efficiency of use.

6.9.9 Promote and encourage the conservation and enhancement of natural environments and their biodiversity to aid in emissions reduction (mitigation) and climate change effects (adaptation).

6.10.10 Strive for best practice in response to Climate Change - including but not limited to reducing greenhouse gas emissions and, where possible, encourage avoidance of risk rather than remedial measures.

6.11.11 Provide information, education, and deliver initiatives to support behaviour change.

6.12.12 Accept that the dissemination of information regarding climate change can be emotive and communicate with communities and stakeholders in an empowering and considerate work manner.

7.13 Value Te Ao Māori and the concept of interconnectedness of our people and environment.

7.14 Ensure that the requirements for the Climate Response and Resilience Strategy and the Climate Action Plan, and associated guidance, remains up to date and aligns with current best practice and science projections and research.

7.8 Policy review

8.1 This policy shall be reviewed ~~annually from the date of adoption for the first two years, after which it will be reviewed at two~~ three yearly intervals or as otherwise required by the Chief Executive or ~~Communications~~ Climate Action and Sustainability Manager.

8.2 ~~As this policy is an internal Council document, its review will not trigger external consultation under the Council's Significance and Engagement Manager (Project Sponsor) Policy, but internal consultation will be required.~~

Climate Response & Resilience Policy

Policy Owner:	Rachael Goddard, Senior Advisor - Climate Action
Date approved:	13 th December 2021
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I Introduction

- I.1 The Climate Response & Resilience Policy enables best practice behaviours through a proactive climate change and emissions reduction strategy, via the delivery of the Climate Action Plan in conjunction with Central Government legislation, LGNZ, and Waikato District Council's existing commitments.
- I.2 Waikato District Council is committed to addressing climate change impacts locally now and for the future, by aligning operational decisions and policy positions that address greenhouse gas emissions reductions and risk management through appropriate mitigation and adaptation strategies.
- I.3 Climate change incorporates a series of legal, indemnity, budgetary, asset management, infrastructure, planning, and environmental implications and obligations, which collectively require embedding in plans, policies, decision making, frameworks and deliverables to ensure climate change issues are adequately addressed.

2 Background

The Intergovernmental Panel on Climate Change's (IPCC) 6th report asserts that major climate changes are now inevitable and likely irreversible and will require a broad range of responses, including mitigation, behaviour change programmes and adaptation strategies. These approaches are inherently dependent on each other to address the long-term impacts, costs, and severity of climate change, in addition to aligning and delivering on Central Government's commitments and obligations to achieving carbon net zero by 2050 via international agreements.

Climate change impacts in the region such as sea level rise, erosion, land use, biodiversity loss, tourism, drought, storms etc will require proactive leadership and adequate tools and resources to assess and adapt, and to mitigate. Councils also have a leadership role to play in their communities.

Surveys by IAG (2021) report that 79% of New Zealanders agree that climate change is an important issue to them personally and 80% believe climate change will result in more extreme weather.

3 Purpose

This policy provides guidance on Council's responsibilities regarding climate change, including how the organisation undertakes actions that minimise the effects of Climate Change through:

- the reduction of greenhouse gas emissions
- target setting, reporting and benchmarking of greenhouse gas emissions
- the development of adaptation and mitigation measures
- the application of a climate lens across programmes, policies, plans and decision making

4 Definitions

Climate Adaptation	A response to climate change that seeks to moderate or avoid harm or exploit beneficial opportunities.
Council	The Waikato District Council as an organisation including Elected Members.
Climate Action Plan	A plan detailing steps (including specific projects, policies or planning processes) the organisation will develop and implement to achieve the climate action Strategy.
Climate Action Strategy	The overarching document outlining why and how best to achieve business objectives responding to climate change.
Climate Change	Climate change refers to a significant and extended change to the global climate, becoming increasingly severe over time and resulting in problems for life on earth. It includes global warming, changes to weather patterns, sea level rise, pollution, and extreme weather events.
Carbon Sequestration	The long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer climate change.
Emissions	The production and discharge of substances that cause or exacerbate climate change, for example greenhouse gases like carbon dioxide, methane, and nitrous oxide.
Climate Hazard	A physical process or event that can harm human health, livelihoods, or natural resources including (but not limited to); tropical cyclones, thunderstorms, tornadoes, drought, rain, hail, snow, lightning, fog, wind, temperature extremes, air pollution, and climatic change.
Climate Mitigation	Efforts to reduce or prevent emission of greenhouse gases e.g. using new technologies and renewable energies, making older equipment more energy efficient, or changing management practices, consumers, business or community behaviours.

<p>Resilience</p> <p><i>NB: in terms of Waikato District Council climate change policy</i></p>	<p>An ability by the climate, community, built and natural environments to recover from setbacks; an ability which is enhanced by actions and strategies that change processes, practices and structures to prevent, reduce, and/or mitigate climate change severity and effects; and that increase preparedness for any unavoidable impacts.</p> <p>Examples of activities that show resilience include actions to reduce per capita greenhouse gas emissions, planning and preparing for reducing the impacts of climate change, action and advocacy to reduce waste and pollution and creating globally sustainable resource use, supporting business and land use activities that reduce impacts on climate change, as well as implementing processes and advocating to meet climate change mitigation requirements. New Zealand has agreed to such as the Kyoto Protocol, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC).</p>
<p>Risk</p>	<p>An uncertain event or condition that, if it occurs, has a positive or negative effect. Risks can occur from various sources (such as financial, reputation/image, environmental, etc.) and be relevant at either project, operational or strategic levels within the organisation. A risk is quantified in terms of likelihood (probability of occurrence) and consequence (impact).</p>
<p>Risk Assessment</p>	<p>Refers to the overall process of identifying, analysing and evaluating risks. It includes qualitative and, in some cases, quantitative assessment.</p>
<p>Risk Management</p>	<p>The culture, processes, coordinated activities and structures that are directed towards managing adverse effects. The risk management process involves communicating, consulting, establishing context, identifying, assessing and evaluating, treating, monitoring and reviewing risks.</p>
<p>Waikato District Council or WDC</p>	<p>The Waikato District Council as an organisation.</p>

5 Application

- 5.1 This policy applies to all elected members of Council, the Chief Executive Officer, and all employees. It is their responsibility to ensure that the policy is applied to inform decision making and planning when working with external parties including contractors, sub-contractors, agents, and intermediaries.
- 5.2 Effective policy implementation is achieved through Council's commitment to:
- a) Undertake necessary work to develop and maintain a robust understanding of Council's Greenhouse Gas Emissions (GHG) and those of our district, as well as potential climate related risks that require adaptation or mitigation
 - b) Implement initiatives to reduce Council's GHG emissions and to increase resilience through adaptation to climate related risks for Council and the district
 - c) Implement a Climate Action Plan that includes staged targets, goals, objectives, actions, and indicators for Council to improve performance
 - d) Develop and deliver internal and external engagement and behaviour change programmes to deliver on the policy and plan to assist to reach our targets

- e) Prioritise climate change and emissions reduction initiatives and actions by implementing organisational measures and specific targets through the LTP and annual planning processes
- f) Provide appropriate dedicated resources and funding for planning and delivering climate resilience (mitigation and adaptation) initiatives and actions

6 Relevant Council documents

Conservation Strategy <u>2004</u>	<u>Leasing of Reserve Land Policy</u>
<u>Activity Management Policy</u>	<u>Procurement Entitlement & Disposal of Council Vehicles Policy</u>
	<u>Procurement Policy</u>
<u>District Tree Policy</u>	<u>Strategic Land Acquisition & Disposal Policy</u>
Notable Tree Policy	Reserves – Committees of Management Policy
Roadside Weed Spraying – No Spray Zones Policy	Trade Waste Bylaw Charging Policy
Waste Minimisation Plan 2018-2024	District Plan (Sustainable housing/consenting) and all stage 2 natural hazards and climate change
Natural Reserves Management Plan	Grass Verge Policy
Grazing Policy	Refuse Collection and Disposal
Lead Developer Fund (Water/ Wastewater) Policy	Street Lighting and Other Security/Amenity Lighting Policy
Pathway to a low-emissions future in New Zealand (External)	Reserve Contributions & Conservation Covenants

7 Central Government/International Agreements

Climate Change Response Act 2019 <https://environment.govt.nz/acts-and-regulations/acts/climate-change-response-amendment-act-2019/>

Paris Agreement <https://environment.govt.nz/what-government-is-doing/international-action/about-the-paris-agreement/>

Cop26 <https://www.beehive.govt.nz/release/nz-joins-global-initiative-tackle-methane>

UN Sustainable Development Goals <https://www.mfat.govt.nz/en/peace-rights-and-security/our-work-with-the-un/sustainable-development-goals/>

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8 Significance

- 8.1 As this Policy is an internal Council document, its review will not trigger external consultation under the Council's Significance and Engagement Policy, but internal consultation will be required.

9 Policy statements

The Local Government Position Statement on Climate Change (Appendix A) describes the approach to Climate Change in the local government area. Waikato District Council has aligned its policy statements to reflect that position statement within the context of our district. Therefore, we will:

- 9.1 Collaborate with other agencies, organisations, and the community to achieve a consistent understanding of environmental, social, cultural and economic opportunities and consequences of climate change in our communities including but not limited to those related to:
- a) Infrastructure (vertical and horizontal)
 - b) Waste Management
 - c) Public Transport
 - d) Regulatory function
 - e) Land Use
- 9.2 Collaborate with neighbouring Territorial Authorities, including Hamilton City Council, Waipa District Council, Waikato Regional Council, Auckland Council, Central Government, and other agencies to gather information, carry out research, develop strategies and processes, collaborate, and to clarify each agency's functions and responsibilities
- 9.3 Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions, in addition to associated end use impacts where practicable, including our district plans, annual plans, long term plans, urban design and development, building control, energy use, transport planning and waste management
- 9.4 Set emission reduction targets in line with Central Government and partner Council's commitments e.g. the Paris Agreement, UNSDGs, Glasgow Agreements, Waikato Regional Council
- 9.5 Incorporate emissions reduction targets into investment decisions that it makes on transport, fleet, procurement, waste management, buildings, water and energy use
- 9.6 Plan for and provide infrastructure which recognises and reduces the risk of hazards, such as floods, storms, and sea level rise including:
- a) Particular consideration to geographically vulnerable communities

- b) Renewal and relocation of coastal infrastructure (including future planning during insurance valuation)
- 9.7 Include the effects of climate change (adaptation) as part of all hazards assessments, and consider the emissions impact (mitigation), in decision making, including through sections in Council report templates
- 9.8 Plan for the impacts of climate change on Council's three waters infrastructure and services including:
- a) Factoring climate change projections into all freshwater investments and adapting management practices accordingly
 - b) Identifying change requirements in infrastructure investment including land use and green infrastructure, e.g. wetlands, rain gardens and swales
 - c) Considering future requirements for increased water storage solutions
 - d) Modifying building standards with consideration to water storage and increased efficiency of use
- 9.9 Promote and encourage the conservation and enhancement of natural environments to aid in emissions reduction (mitigation) and climate change effects (adaptation)
- 9.10 Strive for best practice in response to Climate Change - including but not limited to reducing greenhouse gas emissions and, where possible, encourage avoidance of risk rather than remedial measures
- 9.11 Provide information, education and deliver initiatives to support behaviour change
- 9.12 Accept that the dissemination of information regarding climate change can be emotive and communicate with communities and stakeholders in an empowering and considerate work manner

10 Policy review

- 10.1 This policy shall be reviewed annually from the date of adoption for the first two years, after which it will be reviewed at two yearly intervals or as otherwise required by the Chief Executive or Communications and Engagement Manager (Project Sponsor).