



Local Government New Zealand

te pūtahi matakōkiri

NC40-06

New Zealand Local Government Association Inc (Trading as *Local Government New Zealand*)

ANNUAL GENERAL MEETING Wednesday 19 July 2006 Wellington Town Hall, Wellington

1. WELCOME

The President, Basil Morrison, extended a warm welcome to members for the 2006 *Local Government New Zealand* Annual General Meeting. The President welcomed Life Member Don Riesterer and acknowledged the apologies from our Life Members who could not be in attendance today, Stuart Macaskill, Sir Ross Jansen, Geoff Geering, Sir Gordon Mason, Kerry Marshall and Ken Thomas. It was also noted with sadness the loss of Life Member, John Chaffey earlier this year.

2. APOLOGIES

Apologies were received from:

Sir Ross Jansen	Life Member
Geoff Geering QSO	Life Member
Sir Gordon Mason OBE	Life Member
Kerry Marshall	Life Member
Ken Thomas QSO	Life Member
Gary McPhee	Carterton District
Garry Moore	Christchurch City
Helen Broughton	Christchurch City
Harry Wilson	Environment Waikato
Lindsay McKenzie	Environment Southland
Mark Ball	Franklin District
Tracy Hicks	Gore District
Tony Marryatt	Hamilton City
Bob Simcock	Hamilton City
Andrew Caseley	Hawkes Bay Regional
Michael McCarthy	Horizons Regional
Greg Boyle	Horowhenua District
Garry Jackson	Hurunui District
Glen Innes	Mackenzie District
Sir Barry Curtis	Manukau City
Peter Tennent	New Plymouth District
L Young	Northland Regional
Warren MacLennan	Northland Regional
John Brockies	North Shore City
Stephen Cairns	Otago Regional
John Law	Rodney District
Kevin Winter	Rotorua District

Geoff Keeny	Rotorua District
Mike McVicker	Rotorua District
Malcolm Lyall	Selwyn District
Roger Twentyman	Taranua District
Bob Dickinson	Tasman District
Trevor Norris	Tasman District
Stuart Crosby	Tauranga City
Peter Harris	Waikato District
Gavin Ion	Waikato District
Alan Livingston	Waipa District
Peter Lee	Waipa District
Pam Spite	Waitaki District
David Jack	Waitomo District
Graeme Weld	Western Bay of Plenty District
Chris Ingle	West Coast Regional
Denis Shannahan	West Coast Regional
Robin Reeves	Westland District

Moved John Hurley (Tasman District) and seconded by Mark Ammon (Waitomo District)

That the apologies be received.

CARRIED

3. DEBATING AND VOTING PROCEDURES

The Chief Executive, Eugene Bowen read the debating procedures as per the AGM Business Papers. He also noted that the voting procedures would differ from previous years in that electronic voting will be utilised. This being the case the chairperson, in putting a motion, shall call for an expression of opinion, the first will be on the voices, the second on a show of hands and the third, on a poll vote utilising electronic voting.

The Chief Executive advised that as a result of the movement in subscriptions for this financial year there are eight councils who have acquired an extra vote. These are Franklin District, Otorohanga District, Stratford District, South Wairarapa District, Upper Hutt City, Westland District, Southland District and Gore District. Their voting cards have been updated and will be included in any vote from the floor today.

There was one proxy vote received from Stratford District Council.

4. PROCEEDINGS

(i) 2005 Annual General Meeting

Moved by Mark Farnsworth (Far North Regional) and seconded by Mary Bourke (South Taranaki District):

That the 2005 Annual General Meeting proceedings be received.

CARRIED

The President advised of an amendment on page 9, second last paragraph, remove Jack Mackerchar and replace with John O'Neill.

Anne Candy requested that Manukau be spelt correctly within the obituaries list.

5. ANNUAL REPORT

Moved by the President and seconded by Kerry Prendergast (Wellington City):

That the report, as presented by the President be received.

CARRIED

President Basil Morrison: For an organisation that exists to influence politicians and the political agenda, the general election was obviously the most important political event of this past year. The general election provided Local Government New Zealand with an occasion to develop a manifesto of key policy items and issues that we want the Government to address over the next three years. This was an opportunity for us to consult with our membership and get some agreement on some key issues which we presented to the key political parties and representatives.

While we need to stay in contact with all parties, our formal relationship is with the Government of the day via the Central/Local Government Forum. This Forum met twice last year and continues to be an effective way for Ministers and our National Council to discuss and raise awareness of local government issues.

Underpinning our political engagement is the shared necessity for Government and local government to act in partnership, with clarity about their respective roles and with both sides possessing the necessary resources and tools to fulfil their responsibilities. One of the key projects relating to this is the joint funding review. The first part of this project was completed during the year and the findings are now being used to develop workable policy options. Other key projects for the year included progress on the review of the Financial Assistance Rates, urgent attention to community safety concerns and police resourcing levels, further attention and resources to address New Zealand's infrastructure problems and progress on the regulatory framework.

It is pleasing to report that some of these efforts were confirmed in the 2006 Budget - more funding for roads, funding for council drinking water structures, an increased allocation to front-line policing, more attention to biosecurity and funding for the rates rebates scheme. The Financial Assistance Rate review remains an ongoing challenge for us as our rural councils face additional demands on their already constrained rating bases.

During the year we have also continued to advocate to councils to respond to local needs and for a regulatory framework that minimises compliance and ensures the flexibility for councils to address the widely differing and specific needs of their communities. National standards, while attractive to many in central government, often end up imposing solutions on localities where no problem exists. Local Government New Zealand will continue to advocate for mutually agreed solutions between local government and Government, to ensure in all cases that the costs of the remedy are justified by the benefits conferred.

For all councils the focus of this year has been on the development of the Long Term Council Community Plans (LTCCPs) and the associated auditing processes. I'm proud of the extent councils have virtually all passed with flying colours.

The recent decision by the Office of the Auditor General, to write off a significant portion of the audit cost of the first of LTCCPs represents a welcome investment by Government in building local government capability. This is example where national representation works to the benefit of all of our members.

I would like to thank the National Council, Eugene and the staff of Local Government New Zealand for their contributions during the year. I would also like to thank you, our membership, for your continual support of the work that we do through your attendance at

meetings, your input into submissions and for many of your staff, their contribution to no less than 190 committees, project groups or consultative teams organised by government departments this past year.

Every day we are dealing with a huge range of issues affecting local government. Our aim is to represent the national interests of local government. We recognise that from time to time, this may not coincide with the preferences of some of our members but please remember that our overwhelming aim is to ensure the best outcome nationally for our members.

Paul Matheson (Nelson City): asked, following the appalling speech we had from the Leader of the Opposition yesterday, what additional efforts are going to be put into educating the National Party on the workings of local government?

The President replied that we have already established a working arrangement with the National Party which has four local government spokespeople, John Carter, Richard Worth, Sandra Goudie and Mark Blumsky. We have agreed to meet with the party representatives on a bi-monthly basis in an effort to facilitate a better appreciation and understanding of the work of local government and our achievements.

6. FINANCIAL STATEMENTS 2005/2006

Moved by the President and seconded by Jenni Vernon (Environment Waikato):

That the Financial Statements for the year ended 31 March 2006 be received and adopted.

CARRIED

Michael Redman (Hamilton City) queried whether the net cash outflow of \$402,000 (in Note 7) was related to sundry creditors, deferred income and other items, and after a cash surplus of \$206,027, asked if this was a timing issue. The Chief Executive confirmed that it was a timing issue reflecting delays in invoicing and receiving subscriptions for 2006.

7. REMITS

(i) 2005 Remit: Report on Outcomes

The Chief Executive noted the detailed report outlining the progress that had been undertaken on the remits passed at the 2005 AGM and invited questions from the floor.

Moved by Lawrence Yule (Hastings District) and seconded by David Walter (Taranaki Regional):

That the report be received.

CARRIED

(ii) 2006 Remits for Consideration

Remit 1 Public Sale of Fireworks

Moved by David Ogden (Hutt City) and seconded by Alan Milne (Kapiti Coast District):

That *Local Government New Zealand* advocate that Central Government imposes tighter controls on the public sale of fireworks.

CARRIED

David Ogden (Hutt City) asserted that the importation of fireworks has increased significantly. Last year 1,700 tonnes of fireworks was imported for sale to the public, a 50 per cent increase on 2004, as stated by the Environmental Risk Management Authority. According to the Fire Service the explosive power of fireworks is increasing, with some static fireworks now reaching hundreds of feet in the air, making them virtually indistinguishable from skyrockets in terms of the distance they travel.

Both these factors have led to a steady rise in fireworks-related fires in the past few years culminating in last year's Guy Fawkes being the worst in 10 years for the emergency services. In the 10 day period when fireworks were legally for sale, October 27 to November 5, fire fighters attended over 700 fireworks related fires, on vegetation, buildings and cars, as well as nuisance fires. Police attended nearly 1,200 fireworks related instances with 21 per cent of all call-outs for disorderly behaviour being bomb incidents and property damage related to fireworks. There were 1,867 fires, up 70 per cent on 2004 and the highest number since skyrockets were banned. The biggest rise was in small fires such as those in rubbish bins and letter boxes, up 50 per cent on 2004 to about 350 fires.

There is a high level of concern about the misuse of fireworks and the growing strain it is putting on police resources. The Fire Service reported last year that the historical incidence of fireworks being shot at people, animals and vehicles did not change. What was different was such things as fireworks being shot at gas stations and petrol stations, and also set off in a commercial forest. We should not to forget the horrific injuries sustained by people as a result of fireworks, such as the case of an 11-year old Auckland boy who suffered the loss of an eye when a firework exploded in his face. Or, the boy who was burnt on the back of his neck in Horowhenua as the result of fireworks being thrown at him from a passing car.

These are not isolated cases; they happen year after year in this country. I believe it's time that Local Government New Zealand joins the Police, the Fire Service and the SPCA in lobbying central government for legislative change to the sale of fireworks. The Government must review the types of fireworks available for sale to the public and ban those which are deemed dangerous, just like they did with skyrockets a few years ago. We have the public support to do something. A Fire Service survey of 1000 police revealed 54 per cent supported a total ban on the sale of fireworks to the public, and another poll on the Stuff website showed the same result. I suspect that what I am proposing, which is a compromise solution, would enjoy even greater support.

George Wood (North Shore City) congratulated Hutt City for having taken the initiative to bring this remit to the national meeting. During the 10 days leading up to Guy Fawkes last year there was mayhem throughout the country, especially in the suburban and urban areas of New Zealand. As Mayor Ogden stated 1,700 tonnes of fireworks was bought into New Zealand last November and itinerant sellers set up all over Auckland selling fireworks to anyone at bargain prices. Local Government New Zealand should advocate, in a positive way, tighter controls around the sale of fireworks. I believe that the next Guy Fawkes will probably be worse, and that we should be very supportive of any initiatives taken.

Adrienne Staples (South Wairarapa District) spoke in support of the remit. I am not a person who believes in over-regulation and I believe in personal responsibility, but the fire power that we are now importing into this country by the way of fireworks has hugely increased from the days of Catherine wheels and sparklers. As an individual, I'm one of those people who have had my letterbox blown up, I've had an \$800 vet's bill for a horse and another bill for a fence, a \$500 panel beater's bill for damage to my car and quite frankly, I just don't see why we need fireworks. Local government is in a position to say enough is enough.

Bede O'Malley (Ashburton District) spoke in support of the remit and congratulated Hutt City for bringing it forward. In the Ashburton District, like a lot of rural areas, this particular week in November is a nightmare for owners of animals particularly horse owners. It is no laughing

matter when owners of livestock have to administer sedative action to get through the week, and we fully support the recommendation.

Tim Shadbolt (Invercargill City) spoke against the remit noting that there will be moaning about government imposing more red tape and more regulations and more inhibitions on our life. Invercargill communities have not indicated any concerns around Guy Fawkes. Local government should not be stopping people from having fun.

Mark Ammon (Waitomo District) spoke against the remit indicating reservations about more controls on fireworks. There are amateur fireworks displays on the coast, a tradition on New Years Eve and a lot of people have fun. Sometimes we need to be careful what we're asking for because we can become complete killjoys. If this remit is passed I would like to suggest that we try to think constructively about how we can address the problem but still enable New Zealanders to have that bit of fun at New Years Eve and Guy Fawkes.

David Walter (Taranaki Regional) spoke against the motion. Concern was mentioned earlier this morning about the application of national conditions or standards in areas where there maybe no problem, and I think this probably exists for a lot of rural New Zealand where, for decades, there have been incident-free gatherings around bonfires. There is a problem in cultivated areas, but I would be a little nervous about representing all communities, particularly large areas of rural New Zealand, and imposing these constraints.

Remit 2 Telecommunications Act

Moved by Jenny Brash (Porirua City) and seconded by David Ogden (Hutt City):

That *Local Government New Zealand* seek to have the Government promote an amendment to s142(1) of the Telecommunications Act 2001, so that a local authority has the normal rights of a landowner to decide whether to agree to the location of telecommunications or other facilities on road reserve.

CARRIED

Jenny Brash (Porirua City) presented the remit. Porirua City Council were confronted with a situation last year where a telecommunications company sought a Certificate of Compliance for a telecommunication mast and related equipment on a road reserve. The mast fell within the permitted use provision of the district plan. The decision to grant a Certificate of Compliance provoked alarm and anger in the community due to the concern about the proximity of the mast to houses, and we are not the only council that has faced this situation. A number of people within the community expected council would have, like a normal land owner, the ability to decline a request from a telecommunications company, for using the road reserve.

It is our view that the pre-emptive right of telecommunication companies to occupy the road reserve is no longer appropriate. Assertion of these rights by telecommunication companies can lead to strong antagonism and opposition in the community. It is far better for the telecommunication companies and for the community if a consultative process is followed to find a solution that meets the operational needs of the telecommunication company, while seeking to meet the concerns of the community.

The policy paper being developed by the Ministry of Economic Development is proposing a contrary view to this remit. The view of the local government sector is not clear on this issue and we need the debate to find some clarity, because this issue is not going to go away.

Judy Waters (Environment Canterbury) supported the remit noting the importance for local authorities to have the right to refuse these activities near houses. People are getting more

and more concerned about the effects of electromagnetic radiation, and to be able to say that telecommunication companies cannot put something like a cell phone tower near houses, is vital. Overseas authorities do not allow this and neither should New Zealand authorities.

David Adamson (Southland District) spoke against the remit advising that there has been a lot of work done on utilities and there needs to be recognition that roads are a utility corridor. We need to be very careful about asking for full private rights over roadways because we have to ensure that we are making provision for our future technology and services. This remit goes slightly further than local government would want to go.

Alick Shaw (Wellington City) expressed some concern regarding the remit noting that we should avoid making judgements where there is a wealth of science (specifically about cell phone towers) indicating one thing, and a wealth of emotion from the public indicating quite another. Local authorities enjoy some degree of protection acting as we are currently required but as the work is refined more generally in respect of the placement of utilities on public land, we must be involved in developing the policy. We could very well find ourselves in circumstances where we are subject to a far greater degree of public pressure. Were issues addressed under the proper processes of the RMA for example, where a private land owner gives consent for a cell phone tower, we then have to address those matters in respect of proven science. Simply withholding landowner consent, goes to the core of undermining decisions being made on the basis of an assessment of effects.

Gordon Crudden (Palmerston North) spoke for the motion in principle, but with an important qualification. On the basis of the supporting paper, it does not go far enough because the Porirua statement says the primary issue is one of ownership versus stewardship. So far as local authority stewardship is concerned it is limited to local roads and not to state highways going through territorial authorities. And if this remit was accepted it would be important for Local Government New Zealand to persuade central government that we also want control where we do not have stewardship. Councils are the controlling authority over local roads but do not have control over state highways.

Philippa Barriball (Thames-Coromandel District) spoke against the remit. Essentially the district plan allows control of a situation like this if it is a permitted activity. The Thames-Coromandel District's concern is that we are a district that needs telecommunications. It is vital for our economic future and the economic future of this country. The district plan under the Resource Management Act gives councils the needed control.

Jenny Brash (Porirua City) noted the concerns and advised that the district plan would need a change and that it could be appealed. The change to the Telecommunications Act would have broader benefits of protecting the rights of territorial authorities as land owners of road reserve, to guard against visual clutter. Support for this remit does not go against technology and the cellular network necessary for the future. This is about local decision making and stopping imposition of the pre-emptive right of utilities at a national level to use our road reserve in any way they wish. Are we actually going to leave this sort of decision making of the Telecommunications Act for utility providers at a national level, or are we going to actually trust our own judgement to make rational decisions at the local level.

Remit 3 Land Transport Funding

Moved by David Ogden (Hutt City) and seconded by Jenny Brash (Porirua City):

That [Local Government New Zealand] agree that the present funding arrangements for land transport are currently incapable of meeting New Zealand's needs into the future.

CARRIED

David Ogden (Hutt City) presented the remit. In just the past ten years, despite the annual real per capital petroleum excise collected has fallen by around \$300 million. The current funding arrangements for land transport simply are not sustainable. There is a trend to smaller, efficient cars which reduce the petrol excise revenue. Councils complete ten year plans, but Government allocates annually. Councils borrow to fund a new structure, but Government pays out of the current year's revenue. Central government needs a steer from local government. The way we fund road transport is fraught with potholes, and requires a big shake-up, so that we can be confident that New Zealand's future needs are met. To do nothing would be negligent.

Remit 4 LTCCP Audit Requirements

Moved by Robin Leiffering (Whangarei District) and seconded by Jenny Brash (Porirua City):

That [Local Government New Zealand] request Government to review the Impounding Act 1955 'Stock straying or Wandering on Roads'.

CARRIED

Robin Leiffering (Whangarei District) spoke to the remit. In preparing the summary of fatalities, serious injury, minor injury and non-injury accidents caused by stock across the nation, Whangarei District found that they were not different from most councils and presented statistics from across the country. The statistics show serious social costs for our communities. The uses and users of rural roads in the 50 years since the Impounding Act was last visited in 1955, have changed dramatically.

In recent times the number of large four wheel drive vehicles, frequently towing large boats, using rural roads to access remote beaches and lakes has increased substantially. Large numbers of both Kiwis and overseas visitors are driving big campervans where they never went before. Small rural schools have closed and children are travelling longer distances on buses on back country roads. The rural residential lifestyle has put commuters into SUVs, able to manage rural roads at greater speeds. In Section 82 of the Transit New Zealand Act and in the Animal Law Reform Act of 1989, this matter has been addressed for motorways, but in neither case does it cover local roads. Currently the 1955 Act allows a maximum fine of \$100 for costs incurred in impounding or destroying stock. This is inadequate.

Wandering stock is not always the result of negligence, but where it is, there is no deterrent. In reviewing the Act, a mechanism to require land owners to stock-proof fencing bordering a road would need to be addressed. Whangarei District ask for support in requesting Government to review the 50 year old Impounding Act. The outcome would hopefully include consultation with local government.

Dave Steele (Rodney District) supported the remit commenting that the road statistics prove how much of a problem this is and the costs to local authorities. Farmers should be thinking of the accidents that could happen when their stock stray onto roads.

Ian McLennan (Waikato District) spoke against the motion noting that there are adequate provisions under the current Fencing Act laws to address the issue of wandering stock. Invariably it is very hard to say that there is a failing on the part of the farmer in relation to his fencing but there can also be situations where it is an act of a third party going into a paddock leaving gates open.

Robin Leiffering (Whangarei District) replied that the statistics show that there was not one council where this issue had not been a problem and reiterated that this is not the time to debate the outcome of how it would be managed, but rather that Local Government New Zealand work with central government in addressing what is really a very worrying issue.

There is a need to really look at those who are responsible for the negligence in the maintenance of their fencing.

8. REPORTS FROM ZONES AND SECTORS

Moved by John Forbes (Opotiki District) and seconded by Kerry Prendergast (Wellington City):

That the Reports from Zones and Sector Groups be received.

CARRIED

9. OBITUARIES

The following obituaries were received during the year or were recorded by members during the AGM:

Peter Malone	Nelson City
Barry A Thompson	Waimakariri District
Peter Chisholm	Carterton District
Mick Munford	Horowhenua District
Barbara Hager	Horowhenua District
George King	Horowhenua District
Leslie Owen Baty	Horizons Regional
John Gluyas	Ashburton District
Des Perie	Clutha District
Jack Farrell	Papakura District
Leslie Paske	Wellington City
Barry O'Connor	Environment Waikato
Patrick Kelliher	Palmerston North City
Stuart Redpath	Opotiki District
Jeremy Dwyer	Hawkes Bay Regional/Hastings District
Ivan Hunt	Manawatu District
George Wright	Kapiti Coast District Council
Peter Hansen	Wellington City
Margaret Donnelly	Kapiti Coast District Council
Harry Bean MBE	Auckland City
John Chaffey	Life Member
Stephen Thompson	Wellington City
Audrey Dejong	South Taranaki District
George Bird	South Taranaki District
John Simpson	Mackenzie District
Benjamin Winchcombe	Rangitikei District

We recognise their contribution to local government, and in many cases, over a long period of time, and are in debt to these people for helping to build our nation.

12. OTHER BUSINESS

The President advised that the next Annual General Meeting would be held in Dunedin on Wednesday 18 July 2007.

The President also acknowledged the efficiency of the electronic voting and thanked the staff for the work put into securing a system that saves so much time and accurately provides an outcome.

The President declared the meeting closed at 11:50am.

Signed:

President, Basil Morrison

Dated:

unconfirmed