

5 April 2023

[REDACTED]

Tēnā koe [REDACTED]

### **Request for information 2023-050**

I refer to your request for information dated 11 March 2023, which was received by Greater Wellington Regional Council (Greater Wellington) that day. You have requested the following documents:

- 1 *A written code of behaviour for workers working out in the community.*
- 2 *A policy and procedure for receiving and managing written complaints from people in the community when risks are identified and people such as ourselves feel unsafe with a council workers' behaviour.*
- 3 *A policy and procedure, for the use of technology during work time/phones used by council workers which includes the use of phones belonging to the organisation and the use of workers personal phones used during work-time, taking photos of people on private land, the length of time photos taken are kept, where these photos are stored, the time photos are stored before they are deleted and who in council has access to these photos within council.*
- 4 *A policy and procedure which will involve your HR when the workers version of truth regarding the situation is incorrect. In fact, the council worker did not engage in any conversation before he took the photos and one of his team, apologised immediately when the action occurred saying "he's had a rough morning".*
- 5 *A copy of all the photos taken.*
- 6 *A copy of the longstanding agreement between territorial authorities in the region that you reference."*

## Greater Wellington's response

We attach the following information in relation to your request:

- 1 Greater Wellington's Code of Conduct (Attachment 1)
- 2 Greater Wellington's Complaints Handling Procedure (Attachment 2).
- 3 Greater Wellington's Recording Policy (Attachment 3)
- 4 Greater Wellington's dismissal procedure (Attachment 4).
- 6 The Administration of Watercourses Agreement (Attachment 5).

We have refused part 5 of your request under section 17(e) of the Local Government Official Information and Meetings Act 1987 on the basis that "the document alleged to contain the information requested does not exist...". Prior to your request, Greater Wellington decided not to take any further action on the alleged dumping of rubbish, so the photos were deleted as they were no longer needed (in line with our *Recording Policy* and the Privacy Act 2020).

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Luke Troy  
Kaiwhakahaere Matua Strategy | General Manager Strategy



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PROACTIVE RELEASE



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# **Greater Wellington Regional Council**

## **Code of Conduct**

**November 2015**

PROACTIVE RELEASE

## Introduction

### **This is your personal copy of Greater Wellington's Code of Conduct.**

This Code gives guidance on issues of particular importance to Greater Wellington. It is designed to support and reinforce Greater Wellington's values of focusing on 'positive, durable relationships', 'innovation', and 'delivering on our promises and commitments'.

Greater Wellington's strength relies upon the professionalism and integrity of our employees. For this reason, it is important that we define the standards of behaviour expected of employees and ensure that you are aware of those standards. The way you conduct yourself reflects on you, your colleagues and Greater Wellington as a whole.

As local government employees, our actions have the capacity to affect the lives of many people. Therefore, we must carry out our functions in a transparent manner and be accountable to our stakeholders, which include members of the public. We must be able to withstand public scrutiny and be prudent in the way we manage our business.

It is important that everyone who works at Greater Wellington meets these standards of behaviour when carrying out their duties at work. It is not my intention to expect everyone to be perfect and not make the occasional mistake. Mistakes can help us improve and develop. What is important is the manner in which we deal with mistakes. I expect everybody to acknowledge a mistake, take responsibility and work to resolve the mistake.

Please read this Code of Conduct carefully and continue to refer to it in your work. Discuss it with your manager and colleagues – it may have specific implications for your area of work.



**Greg Campbell**

Chief Executive

November 2015

# Greater Wellington's expectations of all employees

Greater Wellington employees are expected to exercise sound judgement when determining their actions. It is important to be aware that our actions, internally and externally, need to be able to withstand public scrutiny.

## As an employee you are expected to:

### 1. Act with integrity in all aspects of your employment by:

- Being fair, impartial, responsible and trustworthy.

### 2. Treat others with respect by:

- Being courteous, sensitive to others' needs and prepared to listen.
- Not discriminating, harassing or intimidating colleagues or members of the public.
- Valuing equality and diversity by understanding our differences.
- Respecting the cultural background of colleagues and members of the public.
- Having proper regard for the safety of others.
- Being open and honest in our communications.

### 3. Perform your duties to the best of your abilities by:

- Being professional and responsive.
- Showing commitment to producing high quality work and striving for continuous improvement.
- Demonstrating initiative and being creative in resolving problems. Seeking improved solutions.
- Making decisions appropriate to your role and being responsible for those decisions and their outcomes.
- Being supportive of your colleagues and accepting your responsibilities as a team member.



- Ensuring that you are not in possession of, or under the influence of illegal substances while performing work for Greater Wellington.
- Avoiding behaviour that would impair your work performance. This includes consuming alcohol at your place of work without the approval of your Department/General manager. Social Club events are deemed to have this approval. At all times you are expected to act in a socially acceptable and mature manner.
- Complying with the code of any professional body that you are affiliated with where this impacts upon your work with Greater Wellington.

**4. Uphold the reputation and standing of Greater Wellington by:**

- Being positive and proactive in your customer service (e.g. by ensuring that customers get the information they need in the timeframes agreed).
- Obtaining your manager's approval before commencing any activity, business interest or employment that has the potential to conflict with Greater Wellington activities.
- Maintaining the same standard of behaviour, as when you are at work, when travelling on Greater Wellington business or in situations where you could be perceived as a representative of Greater Wellington.
- Complying with Greater Wellington's media policy by ensuring all media contacts are notified to General Managers and the Communications Department.
- Having a neat and tidy standard of dress appropriate to your duties.
- Behaving in a manner that will not bring Greater Wellington into disrepute.
- Complying with all Greater Wellington policies, processes, standards and values.

**5. Act in a politically neutral manner by:**

- Ensuring that advice given and actions taken are impartial and maintain public confidence.
- Ensuring your individual comments do not compromise Greater Wellington (e.g. by stating or implying that your personal view on an issue is the view of Greater Wellington or putting yourself in a situation where there is an actual or potential conflict of interest).
- Ensuring that your activities and contribution to any public debate or discussion are consistent with the need for you to be politically neutral in your work.



- Ensuring that you do not publicly criticise Greater Wellington in the performance of its statutory responsibilities.
- Ensuring your participation in political matters does not bring you into conflict or the appearance of conflict with your duty to act in a politically neutral manner.
- Ensuring that you do not let your personal beliefs or commitments adversely affect your ability to carry out your functions at Greater Wellington.

**6. Use Greater Wellington information and property appropriately by:**

- Being responsible for the security of confidential information that you gain during your employment with Greater Wellington. Using all information gathered by Greater Wellington, and your knowledge of systems and processes, to perform Greater Wellington's business only.
- Treating all Greater Wellington's assets with care and respect.

**7. Act within the law and all relevant legislation**

- Ensuring that you act in accordance with the law generally and all legislation which impacts upon your work at Greater Wellington, in particular.

**Additional expectations of managers**

There are additional expectations of managers who lead teams.

**As a manager you are expected to:**

- Guide employees in accordance with Greater Wellington policies, processes, standards and systems that are in place to support you in your role as a manager (e.g. training and development programmes, performance management processes).
- Lead by example. Model the standard of behaviour expected of all employees.
- Represent Greater Wellington when interacting with your staff.
- Take final responsibility for the quality of work performed and the decisions made by your employees while performing work for your Department.



## **Consequence of behaviour in breach of the Code of Conduct**

Behaviour or actions that are investigated and found to be in breach of the Code of Conduct may result in disciplinary action. The action taken will depend on the severity of the breach. In all instances you will have an opportunity to provide an explanation of your conduct and have the right to be represented by your Union or another representative.

Details of the disciplinary process and procedure can be found in the Collective Employment Agreement and Individual Employment Agreements and any applicable policies.

PROACTIVE RELEASE



# Greater Wellington Regional Council's Complaints Handling Procedure

Greater Wellington Regional Council's systems for processing complaints made to the Council by members of the public.

<b>Policy owner</b>	Chief Executive
<b>Position administering this policy</b>	General Manager, People and Capability
<b>Date policy comes into effect</b>	The first working day following the date of approval by the Chief Executive.
<b>Related policies and legislation</b>	GWRC management policies
<b>Policy review date</b>	By 31 December 2016
<b>Policy history</b>	Policy reviewed and updated March 2013

Approved: David Benham  
Chief Executive

Date: 3 April 2013

## 1. Purpose

This policy outlines a consistent approach to handling complaints from the public. It applies to those complaints that may involve potential substantive reputational, financial and/or legal risks for Greater Wellington Regional Council.

## 2. Background

This policy has been developed to ensure that complaints from the public are treated in a consistent, timely and efficient manner.

This policy does not apply to complaints received or related to:

- Metlink services: Metlink has its own approved policy in place for the processing of complaints relating to the passenger transport network.
- Employee behaviour: complaints about employee behaviour are dealt with through Human Resources processes.
- Issues which do not pose any substantive risk to GWRC's reputation, finances and/or legal position and can be dealt with promptly by the relevant Manager without warranting a detailed investigation.

## 3. Process

Staff members receiving complaints should refer all complaints to their Manager. The Manager should exercise a judgement as to whether the complaint is one to which this policy applies; if in doubt the complaint should be brought to the attention of the relevant General Manager.

If the complaint may give rise to substantive reputational, financial and/or legal risks for GWRC then the complaint must be referred to the relevant General Manager. If the complaint is not in written form (e.g. made in person or over the phone) then the General Manager should be provided with a brief note setting out the relevant details (nature of complaint, complainant name and contact details, time and date of the complaint, etc).

General Managers are responsible for considering complaints and for providing responses to complainants. General Managers decide whether the complaint should be brought to the attention of the Chief Executive. These processes are to be undertaken in consultation with the General Manager, People and Capability, to ensure a consistent "whole of organisation" approach to the management of complaints.

Complainants should be responded to within 20 working days. Details of the complaint, investigation, response and action taken need to be filed appropriately.

<b>Recording Policy</b>	
<b>Purpose</b>	To clarify whether and how recording of Greater Wellington's business activities should occur.
<b>Vision</b>	Greater Wellington has a clear sense of whether and how recording its business activities should occur, and it safeguards and effectively manages any recorded business and personal information.
<b>Rationale</b>	To provide guidance for Greater Wellington's staff, contractors, and third party agents so that recording, and managing recordings, of business and personal information is appropriate and minimises the risk of security and privacy breaches.
<b>Policy Owner</b>	Principal Privacy Officer
<b>Responsibilities</b>	<p>Privacy officers:</p> <ul style="list-style-type: none"> <li>• Communicating this policy and related guidance to Greater Wellington's staff (including people leaders)</li> <li>• Advising on issues related to, and reviewing, the operation of this policy and any related guidance.</li> </ul> <p>Tier 2 to 4 people leaders – implementing this policy and any related guidance with Greater Wellington's staff, contractors, and third party agents.</p> <p>ICT department – enabling appropriate Greater Wellington assets and resources, and appropriate related use, to implement this policy and any related guidance.</p>
<b>Application</b>	<p>Greater Wellington's staff, contractors, and third party agents that record, and manage recordings of, Greater Wellington's business activities (including any personal information).</p> <p>Applicable media for recording include photos, video footage, and/or audio (including an auto-generated transcript of an audio recording).</p> <p>Use of Greater Wellington assets or resources, including laptops, mobile phones, digital cameras, closed circuit television systems, and applications (e.g. Microsoft Teams).</p> <p>This policy does not apply to:</p> <ol style="list-style-type: none"> <li>a Recording at public events and the publishing of related photos and video footage for marketing and promotional purposes – see Greater Wellington's <a href="#">Photo and Video Use Guidelines for marketing communications 2021</a></li> </ol>

	<p>b Installing and/or operating a Greater Wellington camera surveillance system – see the <a href="#">Policy on the Installation and Use of Camera Surveillance Systems 2022</a> and any related set of camera surveillance system standard operating procedures</p> <p>c Recording of calls by Greater Wellington’s Contact Centre or Customer Care Centre</p> <p>d Recording that is reasonable personal use under the <a href="#">Information Technology Security and Appropriate Use Policy 2021</a>.</p>
<b>Related Legislation and Policy</b>	<p><a href="#">Code of Conduct 2015</a></p> <p><a href="#">Information Management Policy 2020</a></p> <p><a href="#">Information Technology Security and Appropriate Use Policy 2021</a></p> <p><a href="#">Local Government Official Information and Meetings Act 1987</a></p> <p><a href="#">Local Government Act 2002</a></p> <p>Office of the Privacy Commissioner’s <a href="#">Privacy and CCTV: A guide to the Privacy Act for businesses, agencies and organisations 2009</a></p> <p>Office of the Privacy Commissioner’s <a href="#">Releasing personal information to Police and law enforcement agencies: Guidance on health and safety and Maintenance of the law exceptions 2017</a></p> <p><a href="#">Policy on the Use of Camera Surveillance Systems 2018</a></p> <p><a href="#">Photo and Video Use Guidelines for marketing communications 2021</a></p> <p><a href="#">Privacy Act 2020</a></p> <p><a href="#">Privacy Incident Management Guidance 2020</a></p> <p><a href="#">Privacy Policy 2020</a></p> <p><a href="#">Public Records Act 2005</a></p> <p><i>Retention and Disposal Schedule (once approved)</i></p>
<b>Effective Date</b>	1 November 2022
<b>Review Date</b>	31 December 2025

Approved:  \_\_\_\_\_

Date: 10 October 2022

Chief Executive

<b>Recording Policy</b>	
<b>Purpose and Principles</b>	<p>This policy outlines the requirements for:</p> <ol style="list-style-type: none"> <li>a Recording and managing photos, video footage, and/or audio (including an auto-generated transcript of an audio recording) of Greater Wellington’s business activities</li> <li>b Protecting the privacy relating to recorded persons and property under the Privacy Act 2020 and Greater Wellington’s privacy arrangements</li> <li>c Ensuring compliance with other relevant legislation, Greater Wellington’s relevant policies and guidance, and the Office of the Privacy Commissioner’s guidance.</li> </ol> <p>The recording principles are that:</p> <ul style="list-style-type: none"> <li>• Recording of personal information should only occur where the recording: <ul style="list-style-type: none"> <li>○ Is of a Greater Wellington business activity</li> <li>○ Is needed for that business purpose</li> <li>○ Will be used or shared for a related Greater Wellington business purpose</li> <li>○ Captures the least amount of personal information needed</li> <li>○ Is made or copied, masked or edited, and/or used or shared with a Greater Wellington asset or resource</li> <li>○ Is notified to the proposed recorded persons before recording commences</li> <li>○ Is accessed, used, and shared only by those that have an appropriate business reason for accessing the recording.</li> </ul> </li> <li>• The Greater Wellington business purpose must be known when the recording is proposed; and be clear and precise, without being too detailed.</li> <li>• Recording of matters covered by other Greater Wellington policies and guidance (e.g. at public events) should be managed under those arrangements.</li> <li>• Recording arrangements for third party agents should be set out in the related contract or agreement with Greater Wellington.</li> </ul>
<b>Policies</b>	<p><b>Before and during recording</b></p> <p>Apply the recording principles when considering whether and how to record.</p> <p>First consider other options than recording to achieve the Greater Wellington business purpose.</p>

## Recording Policy

Consider not recording where a proposed recorded person indicates they don't wish to be recorded, or won't participate because of the proposed recording.

Where it is not possible to record the least amount of personal information needed to achieve the Greater Wellington business purpose, either:

- Consider not recording; or
- Mask or edit the recording to remove the unneeded personal information before using or sharing the recording.

Where a nearby person or property may be recorded, and such recording is not needed for the Greater Wellington business purpose, either:

- a Exclude that person or property from the recording;
- b Obtain the prior permission of that person or the property owner to the recording of the person or property; or
- c If either a or b is not possible, mask or edit the recording to remove that person or property before using or sharing the recording.

Give appropriate advance notice<sup>1</sup> to any proposed recorded person.

Consult a privacy officer and the Manager Legal & Procurement where Greater Wellington proposes to record, or use or share an existing recording of:

- Sensitive personal information; or
- A meeting for a Greater Wellington disciplinary process or prosecution.

### **After recording**

Where a Greater Wellington asset or resource automatically generates a transcript of an audio recording, this transcript is not considered to be an authoritative record.

Where sensitive personal information is recorded unintentionally, either obtain the recorded person's permission, or edit out this information, before using or sharing the recording.

Ensure:

- a The recording is transferred securely from the Greater Wellington asset or resource and stored securely in Greater Wellington's managed storage system
- b The recording is named to make it readily findable and retrievable
- c Any residual version of the recording is deleted safely from the Greater Wellington asset or resource.

<sup>1</sup> In a manner that complies with Information Privacy Principle 3(1) – section 23 of the Privacy Act 2020.

## Recording Policy

Permit appropriate access to the recording (including any copy) only to the specific positions, and for the appropriate access (e.g. viewing), needed for the Greater Wellington business purpose.

### **Use and sharing of the recording**

Use and share the recording only for the Greater Wellington business purpose for which it was made.

Consult a Greater Wellington privacy officer before considering use or sharing of the recording for another purpose.

When sharing the recording, including under an exception in Information Privacy Principle 11:

- a Copy and then edit all or any part of the original recording, as required
- b Ensure the copy, or edited copy, is accurate
- c Store the copy or edited copy securely, name it distinctly from the original recording, and ensure it is readily findable and retrievable
- d Share the copy or edited copy securely
- e When providing a copy or edited copy to an external agency (including a law enforcement agency), retain another copy for Greater Wellington's reference.

### **Requests for access to, and correction of, a recording**

#### ***Requests under the Privacy Act 2020***

A recorded person may request, and obtain a copy of, any part of the recording that captures their personal information.

A recorded person may also ask Greater Wellington to correct their personal information in an edited copy of the recording.

Processing of these requests must comply with Information Privacy Principles 6 and 7 respectively, and all such requests should be referred to [privacy@gw.govt.nz](mailto:privacy@gw.govt.nz).

#### ***Information requests***

A person (other than the recorded person) or agency may legally request or (in the case of a law enforcement agency) demand, under a relevant statute, all or any part of the recording. Processing of this request must comply with that statute and Information Privacy Principle 11 (as applicable).

Recording Policy	
	<p><b>Retention and disposal of the recording</b></p> <p>Retain the recording for the relevant period stated in Greater Wellington’s retention and disposal schedule or until that recording is no longer needed for the Greater Wellington business purpose; then destroy or archive the recording.</p> <p><b>Breaches and complaints</b></p> <p>Manage a potential or actual privacy breach relating to the recording under the <i>Privacy Incident Management Guidance 2020</i>.</p> <p>Any breach of this policy by a:</p> <ul style="list-style-type: none"> <li>a Greater Wellington employee or contractor may be considered a breach of the <a href="#">Code of Conduct 2015</a> that may be investigated and result in disciplinary action</li> <li>b Person acting for a third party agent may result in Greater Wellington making a formal complaint to that third party agent.</li> </ul> <p>Any complaint or queries about the operation of this policy and any related guidance should be referred to the Principal Privacy Officer or <a href="mailto:privacy@gw.govt.nz">privacy@gw.govt.nz</a>.</p>
<b>Guidance</b>	<p>The following guidance supports this policy:</p> <ul style="list-style-type: none"> <li>• <a href="#">Teams recording guidance</a></li> <li>• <a href="#">Recording privacy statement template</a>.</li> </ul>
<b>Definitions</b>	<p><b>Asset</b> refers to all information, data, hardware, software, communications, and other devices that are owned or used by Greater Wellington (refer the <a href="#">Information Technology Security and Appropriate Use Policy 2021</a>).</p> <p><b>Business activities</b> includes Greater Wellington’s administrative activities (under the Local Government Act 2002 and contracts), and statutory activities (under specific relevant legislation).</p> <p><b>Contractor</b> means any person employed by Greater Wellington under a fixed-term employment contract for service.</p> <p><b>External agency</b> means a third party that is <u>not</u> acting as Greater Wellington’s third party agent (e.g. the NZ Police, or an insurance company).</p> <p><b>Greater Wellington business purpose</b> means a purpose connected with, or directly related to a purpose connected with, the exercise of Greater Wellington’s lawful powers, functions, and duties in undertaking its business activities.</p> <p><b>Personal information</b> means information about an identifiable individual (see section 7 of the Privacy Act 2020).</p>

## Recording Policy

**Recorded person** is a person whose image, video footage, and/or audio is captured in a recording.

**Recording** refers to the action by Greater Wellington of capturing images, video footage, and/or audio (including an auto-generated transcript of an audio recording) to be viewed and/or listened to later; rather than the process or business of storing these matters.

**Resource** refers to a device, networking, Wi-Fi, communications service, software, computing facility, or anything that is maintained by third parties but is available for use by agreement, or is leased or under license, to Greater Wellington (refer to the [Information Technology Security and Appropriate Use Policy 2021](#)).

**Sensitive personal information** is information about a person that has some real significance to them, is revealing of them, or generally relates to matters that a person might wish to keep private.

**Share** or **sharing of** a recording generally means providing or disclosing it to an external party, including responding to a legal demand and publication (making the recording available to the public).

**Third party agent** means any person or agency working under a contract for services with Greater Wellington that has agreed to act as the latter's agent (i.e. they act on behalf of Greater Wellington).

**Use of** or **using** a recording includes viewing, editing, copying, and making it available within Greater Wellington.

## Greater Wellington's dismissal procedure – extract from the Collective Employment Agreement

### Dismissal procedure

The Employer expects its employees to perform their job in a competent and acceptable manner. In the event of alleged unacceptable performance, or misconduct, the following steps must be taken prior to dismissal.

#### Step 1

The employee will be advised of an allegation of misconduct or given a clear statement of the areas where their job performance is not up to the required standard. They will also be given the opportunity to provide an explanation. If, after carefully considering the staff member's explanation), the Manager still considers that unacceptable performance or misconduct is established, a first warning must be given to the staff member by their immediate Supervisor or the Department Manager. This warning must identify the non-performance and/or misconduct. In the case of non-performance, the staff members must be advised of the specific standards or actions required by them and the time frame in which their performance standards must be lifted, or actions completed.

In the case of misconduct) the warning must make clear that any further misconduct will result in a final warning.

This first warning will be recorded in writing and placed on the staff member's personal file. This warning will remain in force for six months.

Where misconduct is considered serious enough a final written warning may be issued without prior application of a first warning.

#### Step 2

Where the staff member's performance standards do not improve to an acceptable level or further misconduct occurs, the staff member will be given another opportunity to explain. If such explanation is unsatisfactory, their immediate Supervisor or the Department Manager will give a final warning to the staff member. This warning will constitute a second and final warning and will advise that dismissal will result if performance does not improve to a specified level within a stated period of time, or further misconduct occurs. Subject to the staff member's agreement, a copy of such written warning will be sent to the staff member's authorised representative. This written warning will remain in force for twelve months.

#### Step 3

Where the staff member fails to lift performance standards or further misconduct occurs within a 12 month period, the Employer may terminate the staff member's employment in accordance with this Clause.

At any time during the three steps, the employee may choose to have a representative present.

## Greater Wellington's dismissal procedure – extract from the Collective Employment Agreement

### Summary dismissal

The Employer reserves the right to summarily dismiss a staff member. The Employer may summarily dismiss a staff member for:

#### **i Serious misconduct**

Behaviour that is considered to be serious misconduct includes for example:

- theft or the unauthorised removal or possession of the Employer's property
- discrimination as defined by the Human Rights Act 1993 and the Employment Relations Act 2000
- being in possession of, or consumption of illicit drugs, or alcohol, whilst performing work for the Employer
- deliberate acts or disobedience or disorderly conduct
- wilful damage to the Employer's property
- falsification of the Employer's records
- violent behaviour
- failure to comply with applicable health and safety procedures and regulations
- gross misuse of a computer, e.g. accessing inappropriate websites
- downloading offensive material or deliberately introducing virus material

The above are examples of serious misconduct. Other behaviour may also be considered serious misconduct.

ii Acts of dishonesty by the staff member

iii Where the staff member is convicted of any criminal offence other than offence which in the reasonable opinion of the General Manager does not affect duties with respect to the Employer and not otherwise amounting to serious misconduct.

Where summary dismissal is contemplated, the Employer reserves the right to suspend the staff member on normal pay to allow investigation of the incident prior to a decision being made.

WELLINGTON REGIONAL WATER BOARD

NON-PAID

P.O. Box 11-245, WELLINGTON.

MEETING : 8 September 1980

File(s): 8/50/-

Referred to : JAJ  
 action  
 information

COMMITTEE : Water and Soil Management

EXTRACT from Minutes of Meeting held on 25 August, 1980

RECOMMENDATION (S)      ADOPTED  
 AMENDED

9. ADMINISTRATION OF WATERCOURSES AGREEMENT:  
 (8/50)

Report by Catchment Engineer dated  
 20 August, 1980.

(No: 1390)

RESOLVED TO RECOMMEND:

"That in order to clarify the situation with regard to maintenance of watercourses on private property in urban areas over those sections of the stream where the Board has agreed to contribute towards the cost of maintenance, that maintenance be defined as follows: -

"Maintenance of a watercourse is defined to be any works to be required to remove impediments to the flood carrying capacity of the stream including the removal of obstructions, excavations of accumulations of shingle and any associated works, but excluding erosion control works unless those works are required as a consequence to the works detailed above, and excluding the protection, stabilisation or reconstruction of structures such as retaining walls, bridge abutments or pipelines which are endangered or have failed as a result of the actions of a watercourse, such works to remain the responsibility of either the landowner or the Authority controlling the structure." "

The Catchment Engineer agreed to discuss the proposed definition with engineers of the constituent local authorities.

# WELLINGTON REGIONAL WATER BOARD

P.O. Box 11-245, WELLINGTON.

*Copies to*

*JME*

*MBG*

*Please*

8/50 JAJ:iah

REPORT NO: M/C

20 August 1980

TO THE CHAIRMAN AND MEMBERS OF THE WATER AND SOIL  
MANAGEMENT COMMITTEE

## ADMINISTRATION OF WATERCOURSES AGREEMENT

In mid 1977, following an analysis of some of the problems which contributed to the magnitude of the consequences of the 20 December, 1976 flood, and after considerable discussion at a technical level between the Board's engineering staff and the engineering staff of the constituent local authorities, the Board concluded an Agreement with those Authorities concerning the administration of watercourses.

In summary, the Board agreed to accept administrative control of certain named rivers and streams or parts thereof in the Wellington Region, including all streams and watercourses in rural areas. At the same time, the Board agreed that for certain of the streams over which the Board had administrative control, it would meet a proportion, ranging from half cost to full cost of the maintenance required in the named rivers and streams. The detail of this was set out in a Schedule.

The philosophy behind the Administration of Watercourses Agreement was that timely and often minor expenditure by the wider community on a work in a stream has the potential to reap significant benefits for quite large sections of that community through the avoidance of flooding which could result from failure to achieve adequate controls of structures and minimum standards of maintenance in the stream.

This policy has proved an effective one enabling, from the maintenance point of view, adequate attention to be given to problems which arise in rivers and streams from time to time, ensuring this minimum standard of maintenance.

However, it has been found necessary to seek a definition of the word "maintenance" as particularly in the urban areas certain owners or occupiers of land through which streams flow, have interpreted maintenance to mean any remedial work whatsoever. In particular, many property owners are concerned with minor bank erosion, a characteristic of most natural stream channels, and expect Board staff to take necessary steps to control such erosion.

In many cases these minor bank erosion situations, which it is conceded may be a cause of great concern to the landowner in question, could cost a great deal to effectively control and result in an aesthetic improvement only to the property through which the stream flows, and cannot be seen to give any benefit to the wider community. In other cases, erosion is occurring which, if unchecked, could lead to the failure of structures such as retaining walls or bridges serving the property through which the stream

flows. In these latter cases, there is no benefit to the community at large in undertaking the works, all benefit accruing directly to the owner responsible for the structure. In such cases, if the Board were to undertake remedial works, there is the risk that if an extreme event occurs the protective works and indeed the structure itself could fail, resulting in the Board being held liable for damage to the structure itself.

Where erosion is occurring adjacent to publicly owned land, particularly land which is used for recreational purposes, it should be apparent that erosion control works are to the benefit of the wider community and therefore can be justified under the Administration of Watercourses Agreement.

The above examples have been described in order to acquaint members of the position and the difficulties encountered in administering the maintenance part of the Administration of Watercourses Agreement. In order to overcome these problems and to clarify the Board's policy from its staff's and the public's point of view, a clarifying definition of maintenance is recommended below.

RECOMMENDATION:

I therefore recommend: -

That in order to clarify the situation with regard to maintenance of watercourses on private property in urban areas over those sections of the stream where the Board has agreed to contribute towards the cost of maintenance, that maintenance be defined as follows: -

"Maintenance of a watercourse is defined to be any works to be required to remove impediments to the flood carrying capacity of the stream including the removal of obstructions, excavations of accumulations of shingle and any associated works, but excluding erosion control works unless those works are required as a consequence to the works detailed above, and excluding the protection, stabilisation or reconstruction of structures such as retaining walls, bridge abutments or pipelines which are endangered or have failed as a result of the actions of a watercourse, such works to remain the responsibility of either the landowner or the Authority controlling the structure."

  
J.A. Jones  
Catchment Engineer  
for: CHIEF ENGINEER

8/50 JAJ:iah

Jones

16 November, 1977

The Town Clerk,  
Wellington City Corporation,  
P.O. Box 2199,  
WELLINGTON.

Dear Sir,

Administration of Watercourses

The Board at meetings in April and July this year received reports from the Chief Engineer concerning administration of watercourses in the Wellington Region. Following the April meeting, the recommendations of the Chief Engineer were circulated to the territorial local authorities for their comments and these comments were incorporated in the final report put to the July meeting. Since that time there have been some delays in seeking clarification on certain matters relating to the administration and maintenance of watercourses on Crown land and the special case of Lower Hutt City which had previously entered into agreements with the then Hutt River Board before this Board was constituted.

I am now in a position to set out the policy concerning administration of watercourses adopted by the Board for your Council's area.

The Board has agreed to accept administrative control of the Makara and Ohariu Streams and their tributaries, the Karori Stream below the urban area, and the Porirua Stream from below Downers Bridge at Glenside.

Further, I advise that the Board has agreed to meet two thirds of the cost of maintenance for the section of the Porirua Stream referred to above provided your Council meets the remaining one third. It is recommended that your Council finances the one third from general rating, on account of the size of the urban area served, but this does not preclude your Council from recovering from property owners as each case merits if they so prefer. The Board's two thirds contribution will also apply to sections of the stream owned by your Council for necessary maintenance, excepting that maintenance required to protect road bridges or culverts.

In particular, would you please note that in line with this policy, the maintenance of the Glenside culvert is still your Council's responsibility.

You are also advised that pursuant to a resolution at the Board's meeting in August, the maintenance costs of watercourses on Crown land over sections which the Board will exercise administrative control will be financed in accordance with the above policy provided the land is in areas zoned urban and is under the full control and management of your Council or else the land is residential, commercial or industrial and is in an area zoned urban and for which grants equivalent to full rates are paid.

In the case of the Makara, Ohariu and rural section of the Karori Stream, where the land is mainly all privately owned, the normal Soilcon Subsidies will apply subject to the Standard Conditions and, unless your Council is an owner of land adjacent to the stream or stands to accrue any benefit from any works which the Board undertakes, a contribution from your Council for any maintenance work will not be sought.

You are also advised that the Board has resolved to reserve the right to review and modify or cancel the above financial arrangements at its pleasure.

It is accepted that all other streams and watercourses within the urban area of the City will be administered by your Council pursuant to the powers vested in it under the Land Drainage Act 1908 and the Municipal Corporations Act.

Yours faithfully,

  
G.E. Sheehan  
Secretary