

Walking and cycling strategy LGOIMAs

The Council has received a number of requests for information and comments in relation cycleways and its walking and cycling strategy. A number of these answers can be found in the following documents:

- The Walking and Cycling Strategy - <https://www.tasman.govt.nz/my-council/key-documents/more/transport/walking-and-cycling-strategy/>
- Walking and Cycling Strategy Consultation Report
https://tasman.infocouncil.biz/Open/2021/11/SPC_20211111_AGN_3980_AT_WEB.htm
- Walking and Cycling Strategy Submissions Report (went to Submissions Hearing on 21 April
https://tasman.infocouncil.biz/Open/2022/04/SH_20220421_AGN_4219_AT_WEB.htm
- Walking and Cycling Strategy Approval Report
(went to Strategy and Policy on 26 May –
https://tasman.infocouncil.biz/Open/2022/05/SPC_20220526_AGN_4131_AT_WEB.htm

1.0. What data was used to evaluate the need for any of the cycle-ways proposed for the Tasman District?

The Council gathered data and information as part of the consultation and creation of the Council's Walking & Cycling Strategy ([Walking and Cycling Strategy | Tasman District Council](#))

1.1. When were these respective data sets gathered?

See above.

1.2. How were these data sets gathered?

See above

1.3. Who instigated or requested these plans be considered and implemented?

The projects were envisaged by the Council's Walking & Cycling Strategy ([Walking and Cycling Strategy | Tasman District Council](#)), and the Council's Long Term Plan 2021-31 included projects for cycle lanes in Richmond and Motueka.

1.4. Is it true that these infrastructure initiative were actually initiated by central government?

See above regarding initiation. A significant portion of the funding is coming from the Government's Carbon Emission Reduction Fund.

1.5. What criteria has been established to allow for effective and meaningful post analysis of each project to evaluate successful project design, implementation and outcome?

Each design is subject to Safe System Assessment by independent experts. The Walking & Cycling Strategy sets out the targets. Cycle count data, and travel to work survey data from the Census, will help provide information on progress towards targets.

1.6. What review of social patterns and behaviours has been carried out to indicate a need for the proposed move towards an increase in cycle transport options?

Please refer to the [Walking and Cycling Strategy | Tasman District Council](#)

2.0. Have the "feedback" pages submitted in response to these projects across the Tasman District been read and reviewed by a sub-committee of Councillors – Councillors who were voted in to Council to represent our interests?

Elected members are provided a summary of all feedback and often read the feedback provided in full to inform their decision-making.

2.1. Why did a District-wide project not attract a District-wide consultation that called for submissions that would be read and heard by a subcommittee of Councillors?

The Council carried out wide consultation and hearing process for its Walking & Cycling Strategy [Walking and Cycling Strategy | Tasman District Council](#). More direct consultation has occurred as part of the design process for the current projects.

2.2. Is the Council not required to consult with all affected members of the community when undertaking major projects?

Refer to Q2.1's response.

Is the Council aware of and following its consultation policy and community engagement requirements?

Refer to Q2.1's response.

2.3. Why did the Transport Choices Programme require and adopt such a radical change away from the usual consultation process to "feedback?"

We are always looking for new ways to engage better with our community. While we believe the engagement undertaken meets the consultation requirements of the Local Government Act by undertaking feedback we have taken the opportunity to make minor adjustments to the wider plans that have already been consulted on.

2.4. Why has the Council resorted to rolling out this project in "bite-sized chunks?" This seems to be a mechanism to control and limit complaints.

Further, is this the beginning of gradualism being introduced by the Council on controversial projects?

The overall Transport Choices Programme is being rolled out in stages in line with funding and contractor availability.

3.0. Why has the Council chosen to not adequately and appropriately consult with local businesses affected by these projects and works?

The Council believes that it has adequately engaged and consulted with the community including local businesses in relation to these projects.

3.1. Where is the Council's impact report detailing how any plans involving cycleways, walkways and loss of car-parking would impact the longevity, sustainability and accessibility of local businesses?

See documents associated with the creation of the Walking and Cycling Strategy [Walking and Cycling Strategy | Tasman District Council](#)

3.2. Will you, members of the Council be held personally (severally and collectively) liable for the loss in the profits of any and all businesses affected by these works when comparing the difference between the profits in the 12 (twelve) month period prior to works with the 12 (twelve) month period immediately post works?

Multiple studies have found that replacing on-street parking with a bike lane has little to no impact on local business, and in some cases might even increase business. In any event the Council does not accept any responsibility for any alleged loss.

Council funds come ultimately from ratepayers in the community. It is not in the interests of the community for the Council to 'guarantee' profits for businesses. No liability is accepted.

- 3.3. **There are many in the community who have cited and raised safety concerns regarding these works and proposed projects. Will you, members of the Council be held personally (severally and collectively) liable for any accidents and injuries caused as a result of these works?**

The community, through our consultation as part of developing the [Walking and Cycling Strategy](#), told us that building safer, separated facilities for walking and cycling and crossings would encourage them to walk and cycle more.

The Council does not accept liability for any accidents or injuries caused as part of individuals use of public infrastructure.

- 3.4. **Who will be responsible for regulating the traffic (usage) on these cycleways?**

Further, will cyclists be prohibited from using the road where there is a designated cycleway available?

Traffic enforcement is a matter for the Police. Cyclists are legally permitted to cycle on roads but access to safe cycleways mean they are more likely to use them.

- 3.5. **What are the safety considerations when a car breaks down and is forced to park in a cycleway?**

Further, if cyclists are to use the road in order to go around a broken down car parked in a cycleway and this is deemed by 'The Council' to be safe, why couldn't the parks outside the Pohara store remain in place? Cyclists could be directed to ride on the road around these for this brief section of their journey.

There is a significant difference between what is reasonable in the event of an accident or breakdown and cars regularly pulling in and out of cycleways.

- 3.6. **Will the Council reinstate the parking in front of the Pohara General Store and Campground back to how it was when the new layout is proven to be more hazardous?**

The new layout will be reviewed and any changes for safety reasons will be considered.

- 3.7. **Will you, members of the Council be held personally (severally and collectively) liable for all costs associated with the reinstatement of any infrastructure altered as part of these works when they are proven to be unfit for purpose, more hazardous or undesirable by the community?**

We note with concern what appears to be a distinct lack of foresight to evaluate where the best options for safe cycling and walking solutions be implemented in a manner that enhances a synergistic outcome and positive future experience for all road users including motorists, pedestrians, cyclists, commercial vehicle drivers, trucks, buses, tourists and emergency vehicles. Council believes it has considered the options and come up with approaches that will enhance the transportation experience for all road users. Should changes be required then this cost will need to be met from rates. No liability on behalf of staff or the Council as a whole is accepted.

- 3.8. **What Public Liability and Indemnity insurance policies do you as members of 'The Council' have in place to cover you in the event of a safety incident that we as a community have made you expressly aware of? Especially if this involves children and young families.**

The Council does have a number of insurance policies however it is unclear how this could be called upon in relation to this question.

- 4.0. **We have seen moves around the globe to reduce car ownership and force people to relocate from rural settings into city living and smaller environs. In this context, will you confirm the Council has no intention of implementing such proposals and ideologies?**

Further, will the Council guarantee that the cycle-ways are not the first phase of any such overall plan?

The Council's purpose is to improve the region and make it a better place to live for everyone. This includes enabling different transport and living options for those who wish to enjoy them.

- 4.1. **Will you, members of the Council commit to researching these identified organisations (United Nations (UN), World Economic Organisation (WEF), World Health Organisation (WHO)), their intentions and published documentation to fully understand what the communities concerns are regarding their stated objectives and how they will affect all of us if allowed to be implemented here in the Tasman District?**

While it is understood that a minority in the community have concerns about the above organisations those concerns are not shared by the vast majority of ratepayers or the Council.

- 4.2. **How many cameras does the Council currently operate in each area across the Tasman District?**

There are 64 cameras operating within the Tasman District.

Further, how many more are proposed to be installed in each area across the Tasman District?

There are no immediate plans, however if the need arises through community demand or to protect community owned assets they will be considered.

- 4.3. **How many of these cameras have facial recognition software?**

None

Further, how many of these cameras have number plate reading capabilities?

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- 4.4. **Who has access to the feed from these cameras?**

The Council is careful that any personal information it collects is used, stored and disclosed in lines with our obligations under the Privacy Act 2020.

- 4.5. **How is the Council ensuring the rights and privacy of the people across the Tasman District are protected in regards to the digital surveillance via these cameras?**

The Council is careful that any personal information it collects is used, stored and disclosed in lines with our obligations under the Privacy Act 2020.

- 5.0. **Are ratepayers in the Tasman District the nominated party responsible for all debts and liabilities made under the Local Government Funding Agency (LGFA)?**

No. Under the local government act 2002 Council is a separate legal entity to its ratepayers and citizens. Councils have historically provided a charge over future rates revenue as security for their financial obligations. The security provided to the LGFA by a council against their borrowing and to back the LGFA guarantee is no different to that which has existed for decades. As at 30 June 2023, there are seventy-one council guarantors of LGFA and seventy-seven council borrowers.

- 5.1. **Is any security held over ratepayers properties? If 'yes', by who?**

No - there is no security held over any properties in the district. However should a ratepayer fail to meet a required financial payment (such as the payment of rates) then the Council can use a legal process to put a charge on their property.

Further, if ratepayers are providing the security to guarantee the return on bonds the LGFA sell on the market, why have ratepayers not been explicitly made aware of this?

The Council as a separate legal entity to ratepayers has secured its borrowings from the LGFA When the Council joined the LGFA we consulted with the public as required under the LGA.

Why the lack of consultation and full disclosure regarding such a serious and important issue?

Refer to previous answer.

In response to the questions 5.0 and 5.1 above, please find attached ["explanation of](#)

[Council borrowing and LGFA guarantee.pdf](#) .

This document provides answers to the questions raised above in detail.

5.2. How can ratepayers be a party to any contract or commercial obligation that they have not been explicitly made aware of and have not expressly agreed to?

As above the Council is a separate legal entity to ratepayers. Individual ratepayers are not a party to these agreements.

5.3. As this constitutes an express trust arrangement, can you please advise who is the Trustee and who is the Beneficiary? And, what are the fiduciary obligations of the trustee?

This question does not reflect the reality of the situation.

5.4. If you, 'The Council', default on your loan repayments or your loan is called in, what happens to ratepayers' properties?

In this extremely unlikely event, nothing – there would likely be a rate imposed across the district to fund the outstanding debt.

Further, does any party under the LGFA arrangements have the ability to impose additional levies on ratepayers?

No there is only the guarantee of the LGFA as a whole and the provisions in Councils Debenture Trust deed

If 'yes', who would be instructing such levies to be added and under what circumstances could this eventuate?

In response to the questions above, please find attached:

"[explanation of Council borrowing and LGFA guarantee.pdf](#)"

This document provides answers to the questions raised above in detail.

6.0 Why have the most vulnerable members of our community (elderly, those physically less able, families with young children) not been taken into consideration in your planning and decision making processes to provide inclusive plans for our communities?

Their views have been taken into consideration. However if you have ideas of how to better engage with these vulnerable members of the community please let us know.

7.0 In the midst of increasing rates costs and a cost of living crisis; with our farmers and growers under immense financial pressure and our local businesses struggling to cope why are these not the primary concerns of the Council and immediate problems to solve?

Further, why are we spending public funds on cycleways rather than addressing these objectively more pressing and serious issues?

Further, what are you ('The Council') doing to support our local, small business communities?

Giving people choices in how they live, work and commute safely does assist with the cost of living. The Council is aware and conscious of these issues and this will be considered as part of the Long Term Plan consultation and process which we encourage you to be a part of.

8.0 Considering we can't even afford to maintain the infrastructure we already have why are we creating more?

Further, how is any additional infrastructure going to be maintained? Where is the budget and funds for this on-going additional maintenance going to come from?

These kinds of questions are being considered as part of the Council's Long-Term Plan process and will be consulted on then. It is recommended that everyone become informed and involved in that process.

8.1. Regarding our published National debt of \$155 billion which is going up \$3,000,000 per hour; all of which we will have to pay off through our rates and taxes, why does the Council believe it is necessary and appropriate to spend our public funds (even if via the NZTA (government) when we as a community consider this to be a waste of our money?

Further, how can the Council justify and consider this expenditure to be fiscally responsible?

This statement is not supported by the consultation and engagement received as part of the walking and cycling strategy.

9.0 In 2011 the people of Tasman voted overwhelmingly (74%) against amalgamation with Nelson. The cost of the referendum was over \$300,000.

Recently the Deputy Mayor suggested the question of amalgamation should be revisited. The the council debt is over \$250,000,000 and rates are rising faster than the cost of living.

Why is this being tabled now, especially considering the cost for a referendum will now will likely be closer to \$500,000?

The reference to the amalgamation referendum was in response to the Future for Local Government review. The comment was made to promote discussion. A referendum was not mentioned.

Further, how does the Deputy Mayor propose the referendum is going to be paid for?

As above, there are currently no plans for a referendum, therefore Council does not hold this information.

10.0 Regarding any information, evidence and/or data supplied to the Council from an external agency (whether central government, department, or otherwise) which is to be used to justify a policy or proposal; does the Council verify this information before this information is used?

Council is entitled to rely on information provided by Central Government agencies and other experts that it engages.

11.0 Further, have you undertaken this verification regarding the 'climate change' information you are basing current policies on? If so, can you please provide this to us?

Climate change is real, and the Council is entitled to rely on information provided by Central Government agencies and other experts that it engages.

12.0 Have all conflicts of interest been declared with regards to these 'Council Works'?

Council is confident that all potential, perceived or actual conflicts of interest in relation to this project have been managed appropriately.

Further, can you please provide a complete copy of your conflicts of interest registry?

We have decided to refuse your request for information to protect the privacy of our staff.

13.0 If you, 'The Council' refuse to engage with the community in a meaningful way, why would we continue funding (through our rates) these costs you continue to occur?

Further, if you refuse to hear the concerns of the very people you are either elected or appointed and paid to serve, how can any Council employee or elected officer claim to be able to undertake

their role if they are not prepared to listen to those whom they are working for?

The Council thinks that it has engaged appropriately with the community and is acting in the best interests of the community as a whole.