



Kaipara te Oranganui

**Kaipara
District**

Two Oceans Two Harbours

Kaipara District Council Briefing Agenda

Date: Wednesday 5 February
Time: 9:30 am
Location: Mangawhai Club
219 Molesworth Drive
Mangawhai

Elected Members: His Worship the Mayor Dr Jason Smith
(Chairperson)
Cr Anna Curnow
Cr Victoria del la Varis-Woodcock
Cr Karen Joyce-Paki
Cr Jonathan Larsen
Cr Mark Vincent
Cr Peter Wethey
Cr David Wills
Cr Eryn Wilson-Collins

*For any queries regarding this meeting please contact
the Kaipara District Council on (09) 439 7059*

Wednesday, 5 February, 2020

9:30 am

Mangawhai Club

219 Molesworth Drive

Mangawhai Heads

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Hearings Commissioner Policy

Meeting: Kaipara District Council Briefing
Date of meeting: 05 February 2020
Reporting officer: Jason Marris, General Manager Engagement & Transformation

Purpose/Ngā whāinga

To present a Draft Hearing Commissioners Policy to elected members for discussion, and to receive feedback on any changes before the Draft Policy is presented for adopted at a Council meeting.

Context/Horopaki

There are situations under the Resource Management Act 1991 (RMA) where an application (e.g. for resource consent, variation of resource consent conditions, a private plan change, etc.) will require a hearing or an independent decision.

In these instances, the matter would be heard by a hearing panel or Independent Hearing Commissioner acting under delegations from Council. The delegations are to be made under section 34A(1) of the RMA.

These delegations allow a hearing panel or Independent Hearing Commissioner to hear and either make a decision, or recommend a decision to the Council to endorse. A hearing panel can be comprised of Hearing Commissioners who are either internal (elected members) or external (Independent Commissioners), or a mixture of both.

Independent Commissioners are experienced planning professionals who are not elected members or employees of the Council.

There are some circumstances under legislation, such as under sections 100A(4) and 357AB(2) of the RMA, where a Council must delegate its functions, duties and powers to hear and decide an application or objection to one or more Independent Hearing Commissioners. This is when Council has been requested to do so by an applicant, submitter or both. In these cases, these sections require an exclusive delegation to Independent Hearing Commissioners only, i.e. not a mixed panel.

All Commissioners, internal and external, are required to fulfil the accreditation requirements of the RMA before being considered as a Commissioner. The accreditation required is the Ministry for the Environment certificate under the Making Good Decisions programme.

Currently, all RMA applications the Kaipara District Council receives are heard by an Independent Hearing Commissioner, or a hearing panel made up of Independent Hearing Commissioners. Council has a list of Independent Hearing Commissioners it can call on to assist with hearings. Preference is given to those Independent Hearing Commissioners who have an excellent past track record of completing their work to a high standard and in a timely manner.

There is currently no policy to guide how Commissioners are put onto the list and how they are chosen for appointment for a particular application. There is also no guidance for Internal Hearing Commissioner appointment.

The Draft Policy (**Attachment A**) is considered a transparent, unbiased method for selecting Independent Hearing Commissioners to be on Council's Independent Hearing Commissioners List and provides a method on how they will be selected to sit on any given hearing panel. It also provides the criteria and process for an Internal Hearing Commissioner to sit on hearing panels to hear private plan change applications.

Discussion/Ngā kōrerorero

It is vital that RMA decisions or recommendations that are made, are based on sound advice, in a professional manner, free from any actual or perceived conflicts of interest or bias that could open the path for challenges. In order to do this, the Council needs to appoint appropriately accredited and qualified Hearing Commissioners and delegate to them the functions, powers and duties under section 34A(1) of the RMA to hear and make decisions.

Council staff have prepared a Draft Hearing Commissioners Policy (**Attachment A**) for elected members to discuss. This Draft Policy has been prepared with input from the Planning and Regulatory Working Group (Working Group) that existed during the term of the previous Council.

The Working Group was established in response to a notice of motion that was passed in July 2017 which requested a new policy and procedure around the appointment of Commissioners to hearing panels. This led to the establishment of a wider working group to look at regulatory and then planning issues. The terms of reference for this Working Group stated its purpose as;

“To review the process for appointing Independent Commissioners and provide advice and feedback on regulatory, planning and policy related matters”.

The Working Group’s responsibilities included developing a policy with regards to appointment of Independent Commissioners.

In developing this policy, the Working Group considered that clear and transparent direction is needed on the use of Internal and Independent Hearing Commissioners, including:

- a) How Independent Hearing Commissioners are recruited to the Council’s Independent Hearing Commissioners List;
- b) The process for selecting and appointing an Independent Hearing Commissioner/s to a hearing panel;
- c) How elected members can serve as Internal Hearing Commissioners;
- d) How disputes over appointments will be resolved;
- e) The standardisation of Hearing Commissioners’ remuneration; and
- f) To ensure hearings comply with legislation and the principles of fairness and natural justice.

The Draft Policy shown in **Attachment A** has been prepared to address these matters.

Under the Draft Policy, most hearings will continue to be heard by a single Independent Hearing Commissioner. More complex cases and those requiring specific technical expertise may require a panel of several Independent Hearing Commissioners with one acting as Chair.

The Draft Policy directs that one Internal Hearing Commissioner, may be appointed to a private plan change hearing panel. Such a panel will include at least one Independent Hearing Commissioner, who will act as Chair, and will have a casting vote.

It is considered best practise that Internal Hearing Commissioners not be appointed to hearing panels considering Council initiated plan changes or any case in which Council has an interest. This is to minimise the risk of allegations of predetermination or challenges to a Council decision from a perceived conflict of interest, which can result in costly court processes.

The direction of this Draft Policy is broadly consistent with that of other Councils in New Zealand. For example, Whangarei District Council allows one Internal Hearing Commissioner to sit on private plan change hearing panels. However, most Councils rely heavily, if not exclusively, on Independent Hearing Commissioners to hear most matters.

Table 1 sets out what kind of common applications would be heard by Internal and/or Independent Hearing Commissioners under the Draft Policy.

Table 1 – Summary of panel composition

Situation	Make up of Hearing Panel	Explanation
Consent Application – where Council is the applicant.	Independent Hearing Commissioners	In some cases, council's activities require it to apply for Consent e.g. in relation to road construction activities. In such cases, council would have a clear conflict of interest.
Council initiated Plan Change	Independent Hearing Commissioners	As Council is the entity driving the change, it can be perceived that council has a clear conflict of interest.
Private consent application (e.g. for subdivision consent or resource consent or to alter consent conditions)	Independent Hearing Commissioners	The majority of consent applications require only a single Independent Hearing Commissioner to hear them. Therefore, there is limited opportunity for an Internal Hearing Commissioner to sit on the hearing panel. Applications for larger, more complex cases which require a panel of hearing commissioners are rare and often attract public attention. This means there is a risk of community pressure and allegations of predetermination if elected members sit on these hearing panels.
Private Plan Change	Independent and Internal Hearing Commissioners	Unlike a consent application, which merely seeks to work around the rules in the District Plan for a single project, Plan Change applications seek a change to the District Plan rules. Thereby, they seek to change the requirements for future projects as well as the project at hand. In light of this, there can be value in having an Internal Hearing Commissioner contributing to the direction taken. This is because the decision can affect the future direction of development in the district.
All other matters under the RMA (e.g. notice of objection, notice of requirement to designate land etc.)	Independent Hearing Commissioners	Most of these matters seldom require more than one Independent Hearing Commissioner to hear them. Therefore, there is limited opportunity for an Internal Hearing Commissioner to sit on the hearing panel.

The following points were also given consideration by the Regulatory Working Group but were not included in the Draft Policy:

- a) Include a Regulatory Committee in the council committee structure and that the role of appointing Hearing Commissioners to any given hearing panel be delegated to that Committee.

This was not included in the Draft Policy because it would include an extra step to the process and would make it difficult for Council to meet its statutory timeframes for processing resource consents and other applications under the RMA. Further, it is the remit of the Mayor to include a committee of this nature in the structure;

- b) Internal Hearing Commissioners (elected members) being able to sit on all hearing panels.

Council's in house legal expert advised that Council initiated resource consents and plan changes, where Council was the applicant, proposed a high risk around conflicts of interest. The risk of conflict of interest and political pressure were also identified as risks for applications that related to a single development.

- c) Hearing panels being allowed to include more than one Internal Hearing Commissioner.

This is considered not best practice. The cost of remunerating Hearing Commissioners are passed on to the applicant. In the interests of keeping applications affordable, hearing panels should not include more members than is necessary. Additional members on a

hearing panel should be in response to special expertise being required e.g. geotechnical, air quality or tikanga Maori; and

- d) Internal Hearing Commissioners (elected members) being able to act as hearing panel chairs.

Internal Hearing Commissioners serving as Hearing Panel Chairs is widely considered not best practice in decision-making, especially in terms of reducing the risk of potential allegations of predetermination or bias. It also protects elected members from being exposed to undue community pressure. It would also place a lot of extra work on the elected member serving in this role.

While the Draft Policy concentrates on hearings for RMA matters, there are many situations under other Acts such as the Local Government Act 2002 that require hearings.

Hearing panels under other Acts will typically be comprised of elected members only, either as a full Council or a panel of elected members. In this situation elected members are not considered Internal Hearing Commissioners, and do not require specific qualifications.

The Local Government Act 2002 allows these hearing panels to include a mix of elected members, iwi partners and members of the public, so long as they have the appropriate delegations through a Council resolution.

The attached Draft Hearings Commissioners Policy of December 2019 was referred to the Council's Legal advisor whose advice was:

- a) That the December Policy version did take into account all the comments that were received;
- b) That the December Policy version addresses the matter of perceived conflict when internal Hearings Commissioners are considered and that the Policy reduces the perception of bias, predetermination or conflict of interest;
- c) It is reiterated that the delegation in terms of sec 34A, especially to internal Hearings Commissioners, has to be clearly recorded by Council resolution; and finally
- d) That in terms of sec 34A(1A) Council must consult with tangata whenua with an implication to appoint a commissioner with an understanding of tikanga Māori and the perspective of local iwi or hapū which is not clearly provided for in the Policy.
- e) That section 4.3 of the policy be expanded to include that Council must appoint at least one Hearings Commissioner with tikanga Māori knowledge, in consultation with the relevant iwi authority. The Draft Policy has been amended to provide for this requirement.

Next steps/E whaiake nei


Council staff will amend the Draft Hearing Commissioners Policy presented with this report to give effect to the feedback received from elected members at this briefing.

The amended Draft Policy shall then be presented to a Council Meeting for adoption.

Attachments/Ngā tapiritanga

	Title
A	Appointment of RMA Commissioners Policy - DRAFT

Mark Schreurs, 13 January 2020

	Title of Policy	Hearing Commissioners Policy		
	Sponsor	General Manager Engagement and Transformation / Chief Executive	Authorised / adopted by	
	Author	Kathie Fletcher	Date authorised / adopted	
	Type of Policy	Administration	Last review date	
	File Reference	3825.01	Next review date	

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	14 March 2019	Kathie Fletcher	Draft Policy for discussion at 4 April 2019 Council Briefing.
1.1	25 June 2019	Kathie Fletcher	Draft Policy for discussion by Regulatory Working Group with three sets of tracked changes
1.2	23 July 2019	Kathie Fletcher	All tracked changes from the above accepted and minor changes from the Regulatory Working Group at their 23 July 2019 meeting. Circulated to the Regulatory Working Group for their comment via e-mail.
1.3	05 December 2019	Kathie Fletcher	Amended version following input from Regulatory Working Group, legal advice and staff. To be discussed at 05 February 2020 Council Briefing.
1.4	16 January 2020	Kathie Fletcher	Addition of tikanga Māori as a criterion as a result of a legal opinion.

1 Background

This policy outlines how the Kaipara District Council (the Council) will appoint Independent Hearings Commissioners under the Resource Management Act 1991 (RMA) and delegate to them, the functions, powers and duties under section [34A\(1\)](#) of the RMA to hear and/or make decisions on RMA hearings matters also having regard to section [34A\(1A\)](#) of the RMA referring to tikanga Māori knowledge .

This Policy also outlines how Council will appoint appropriately accredited elected members to act as Internal Hearing Commissioners alongside Independent Hearing Commissioners.

Hearing Commissioners are required to provide sound advice and make sound decisions, following robust practice, without any conflicts of interest or bias. The processes outlined in this Policy are designed to support Hearing Commissioners to achieve this.

2 Objective

- a) Provide guidance, transparency and consistency on:
 - Recruitment of Independent Hearing Commissioners to the Council's Independent Hearing Commissioners List.
 - The process for selecting and appointing Independent Hearing Commissioners to a hearing/hearing panel.
 - Elected members serving as Internal Hearing Commissioners.
- b) Ensure hearings involving Hearing Commissioners comply with legislation and the principles of fairness and natural justice.
- c) Ensure appropriate expertise is available for complex or joint hearings (i.e. with Northland Regional Council (NRC)).

3 Definitions

In this policy, the following terms and phrases shall have these meanings:

Appointment means the formal process by which the Council appoints individuals to serve as Hearing Commissioners on behalf of the Council under this Policy.

Authorisation means the formal process by which the Council delegates specific authority to individuals to undertake RMA functions of Hearing Commissioners on Council's behalf.

Council, unless stated otherwise, means the Kaipara District Council.

Independent Hearing Commissioner means a person who is not an elected member, nor an employee of the Council, who has been appointed by the elected Council to be a Hearing Commissioner to conduct hearings and who has been authorised to either make decisions on behalf of, or recommendations to, the elected Council.

Independent Hearing Commissioners List ('the List') means a list of those persons who have been appointed and authorised by resolution of the elected Council to be Independent Hearing Commissioners.

Internal Hearing Commissioner means an elected member of the Council, who has been appointed by the elected Council to be a Hearing Commissioner to conduct hearings, who is appropriately accredited and who has been authorised to either make decisions on behalf of, or recommendations to, the elected Council.

Recruitment means the process of advertising for, interviewing and recommending Independent Hearing Commissioners to the elected Council for appointment.

Selection means the selection of an appropriate Independent Hearing Commissioner from the Independent Hearing Commissioner List or an Internal Hearing Commissioner to hear a specific matter on behalf of the elected Council.

NB: All statutory references are references to the Resource Management Act 1991 unless stated otherwise.

4 Policy Statement

4.1 Appointment to Independent Hearing Commissioners List

Council will maintain a list of Independent Hearing Commissioners who collectively have the range of skills needed for future hearings. There is no set number of Independent Hearing Commissioners that can be included on the List. However, it is recommended that between 10-15 Independent Hearing Commissioners be included to meet potential demand.

Council will review this list every three years, following the triennial local body elections, or as required to assess if there are any specialist skills required that are not available in the existing pool.

Council will advertise for applications from Independent Hearing Commissioners to be on the List every three years following the triennial local body elections, or as required. This may be advertised in numerous ways but will always include a notice in a newspaper circulating in the district.

Applicants should complete the Standardised Commissioner Curriculum Vitae ([Appendix 1](#)) which may be accompanied by a full curriculum vitae and such other supporting information as the applicant desires.

Skilled persons sought will generally have some legal, planning, community, political, scientific, technical, landscape, heritage, ecological, urban design, engineering or tikanga knowledge and experience. Their previous work should demonstrate sound unbiased decision making, effective report writing and analytical skills and demonstrate process of thought (i.e. how and why the decision was reached).

Final approval and listing will be based on the following attributes:

- a) Mandatory Pass or Fail
 - Must be accredited by the Ministry for the Environment as a RMA Commissioner with evidence provided.
 - Must accept terms and conditions of contract.
 - Applicants must provide written acceptance of proposed charge-out rates.
- b) Relevant skills 40% ranking
 - Ability and experience to undertake work successfully and efficiently on a hearing panel or as the sole Commissioner.
 - Ability to assess information and facts, with a working knowledge of the RMA.
Sufficient cultural, legal, planning or technical background and wide experience across a range of matters anticipated to arise in future hearings e.g. tikanga Māori, coastal development, engineering, landscape architecture.
- c) Relevant experience 40% ranking
 - Ability to assess information, with a working knowledge of the RMA.
 - Have been involved in projects with successful outcomes over last five years.
 - Sound references.
 - Demonstrate other relevant life experience e.g. experience operating a local business, developing properties or managing a farming operation.
- d) Local knowledge 20% ranking
 - Local knowledge particularly knowledge of local strategic documents e.g. District Plan and Regional Policy Statement.

Independent Hearing Commissioners who are endorsed as Chair by the Ministry for Environment will also be required.

Final approval and listing of Chairs will be based on the following attributes:

- e) Mandatory Pass or Fail
 - Must be accredited by the Ministry for the Environment as a RMA Commissioner with evidence provided of Chair endorsement.
 - Must accept terms and conditions of contract.
 - Applicants must provide written acceptance of proposed charge-out rates.
- f) Report writing skills 20% ranking

- Proven ability to write good reports including effective analysis, demonstration of process of thought and clear written decisions.
- g) Relevant skills 30% ranking
- Ability and experience to undertake work successfully and efficiently when chairing a Hearing Panel.
 - Ability to assess information and facts, with a working knowledge of the RMA.
 - Sufficient cultural, legal, planning or technical background and wide experience across a range of matters anticipated to arise in future hearings e.g. tikanga Māori, coastal development, engineering, landscape architecture.
- h) Relevant experience 30% ranking
- Experience in assessing information, with a working knowledge of the RMA.
 - Have been involved in projects with successful outcomes over last five years, as a Commissioner and as a Chair.
 - Sound references.
 - Demonstrate other relevant life experience e.g. experience operating a local business, developing properties or managing a farming operation.
- i) Local knowledge 20% ranking
- Local knowledge particularly knowledge of local strategic documents e.g. District Plan and Regional Policy Statement.

All applicants who demonstrate that they have the above attributes will be put forward to a Council meeting for a resolution that they be approved and included on the List. This resolution appointing Independent Hearing Commissioners to the List will include conferring on them the necessary delegations under the RMA e.g. section [34A\(1\)](#). Once approved by Council, final contracts will be issued to the successful Independent Hearing Commissioners.

4.2 Internal Hearing Commissioners List

The Council will maintain a list of current elected members who are accredited to serve as Internal Hearing Commissioners. The Council will review this list every three years, following the triennial local body elections, or as required. Training will be offered to elected members who are interested in becoming Hearing Commissioners. On the successful completion of the Ministry for the Environment Making Good Decisions training programme, the elected member will be listed as an Internal Hearing Commissioner.

4.3 Appointment of Independent Hearings Commissioners to a Hearings Panel

When appointing Independent Hearing Commissioners to hear an application, appeal etc., Staff will follow these steps:

- a) Review the List and shortlist those Independent Hearing Commissioners who have the relevant subject knowledge, necessary skills and experience to hear a consent application or plan change.

- b) Arrange the Independent Hearing Commissioners on the short list in alphabetical order and further prioritise them based on additional disbursements they will incur i.e. those who will incur less travel and accommodation costs will be ranked higher than those who will incur higher costs.
- c) Contact the Independent Hearing Commissioners on the short list one after the other in order (as per above), to confirm their availability. In the event that the first on the short list refuses, staff will check the availability of the next person on the short list and so forth in order until an Independent Hearing Commissioner is found to be available.
- d) If selection is required for another hearing panel and the same names are selected for the short list, the listing order will start from where it finished for the previous selection process (i.e. the person who accepted the position last time shall be the last to be offered the position next time), so that the equal opportunity is afforded to all those on the List.
- e) Council reserves the right to appoint Independent Hearing Commissioners who are not on Council's List to a hearing panel on a case by case basis. This will typically only be done for hearings where the necessary subject knowledge to hear a case cannot be sourced from the List. In such cases, the appointment and delegation must be approved by Council resolution.
- f) The Independent Hearing Commissioners appointed to any given hearing panel and the process used to appoint them shall be disclosed to the public and communicated to the applicant.
- g) Council staff will record when an Independent Commissioner is used, including what knowledge was required, the short list and why selected. This information will be made available upon request.
- h) At least one of the hearing panel Commissioners must have an understanding of tikanga Māori and the perspective of local iwi or hapū.

4.4 Appointment of Internal Hearing Commissioners to a Hearings Panel

Suitably qualified elected members of the Council may be appointed to serve as Internal Hearing Commissioners provided they:

- a) Fulfil the accreditation requirements of the RMA by holding a current Ministry for the Environment certificate under the Making Good Decisions programme.
- b) Do not have any actual or perceived conflict of interest or potential bias.
- c) Are not the elected member for the ward in which the development/matter the hearing relates to is located.
- d) Are able to take on the workload involved (e.g. the need to read through and analyse all submissions).
- e) Can be available as required for the duration of the hearing and any work associated with supporting the Chair to write the decisions report.

Subject to the other requirements of this policy (e.g. conflict of interest) and availability, elected members will be appointed to serve as an Internal Hearing Commissioners on private plan change

hearing panels of two or more panel members. No more than one Internal Hearing Commissioner will be appointed per panel.

The panel Chair and any other member(s) of the panel shall be Independent Hearing Commissioners. Where the hearing panel consists of an even number of members, the Chair shall have a casting vote.

Internal Hearing Commissioners will not be appointed to hearing panels other than those for private plan changes.

Selection of an Internal Hearing Commissioner to serve on a given hearing panel shall follow the same process as for Independent Hearing Commissioners under clause 4.3. Appointment of an Internal Hearing Commissioner to a hearing panel shall be by Council resolution, with that resolution to include the necessary delegations under the RMA.

4.5 Disputes over Appointments

Where any person wishes to dispute one or more appointments under 4.3 and 4.4 to the hearing panel, the matter shall be referred to the Chief Executive Officer of the Kaipara District Council for resolution.

4.6 Independent Hearing Commissioner Remuneration to be Standardised

Independent Hearing Commissioners' remuneration shall be standardised and will be reviewed not less than every three years.

All Independent Hearing Commissioners must agree to these standard rates as part of their contract when being appointed to the List. Disbursements such as travel and accommodation expenses shall be negotiated individually.

In such cases that an Independent Hearing Commissioner/s with special skills is required and is not available through the List, Council shall engage and remunerate such a Commissioner at a rate agreed between Council and that Commissioner. In the event that the agreed rate is higher than the standard rates, the agreed rate must be approved by Council's Chief Executive Officer.

The Council will on-charge remuneration costs to applicants or submitters as the case may require.

NB: Remuneration for Internal Hearing Commissioners is set by the current Local Government Members Determination.

4.7 Independent Hearing Commissioners on non RMA Hearing Panels

Beyond the RMA, there are numerous situations within local government which require consultation and the presenting of submissions to a hearing e.g. Bylaws, Reserve Management Plans and the Long Term Plan.

These hearings may be heard by the full elected Council or by a hearing panel consisting of a subset of elected members. Depending on the situation, the elected Council may delegate the function to hear and make decisions and then report back, or delegate to hear and make

recommendations to the elected Council, for the elected Council to adopt. Non-elected members may also be appointed, by resolution of the elected Council, to sit on these hearing panels alongside elected members. These individuals may be representatives from Mana Whenua, members of a Council Committee (e.g. the Taharoa Domain Governance Committee) or Independent Hearing Commissioners depending on the nature of the matter being discussed.

This Policy directs that one or more Independent Hearing Commissioners may be appointed to non RMA hearings panels where Council determines that specialist expertise would benefit the panel's deliberations.

NB: Elected members serving on non RMA hearings panels are acting as elected members, not as Internal Hearing Commissioners, and as such no special qualifications are required. No special qualifications are required for non-elected members appointed to a non-RMA hearing panel.

4.8 Appendix 1: Standardised Hearing Commissioner Curriculum Vitae

Hearing Commissioner Contact Details																												
Name:																												
Company																												
Contact Phone:	Mobile:	Work:																										
Contact E-mail:																												
Relevant Qualifications																												
Address:	Postal:	Physical:																										
	Post Code:																											
Identify the last five Hearings you have been involved in.	Hearing Title	Date	Organisation	Outcome																								
References:																												
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<input type="checkbox"/> Planning Policy – Plan Changes	<input type="checkbox"/> Noise/Acoustic																											

Kaipara District Environmental Scan 2019

Meeting: Council Briefing
Date of meeting: 05 February 2020
Reporting officer: Mark Schreurs, Policy Analyst

Purpose/Ngā whāinga

This report presents the Kaipara District Environmental Scan 2019 to elected members for information.

Context/Horopaki

The purpose of the Environmental Scan is to provide a facts based overview of the environment in which Kaipara District Council operates, as well as what trends are driving changes in this environment. This includes information on the physical environment, demographic trends, economy and state of the district's infrastructure. While the information presented in this document is intended to inform decision-making, this document does not make recommendations.

The Environmental Scan is structured around the New Zealand Treasury's four capitals; human, social, natural, and financial/physical, and the four well-beings that define the purpose of local government; social, economic, environmental, and cultural (section 10 of the Local Government Act 2002). In the Environmental Scan these are interpreted as the following sections:

- a) Kaipara – two oceans, two harbours (natural, environmental);
- b) Demography – the people and communities of Kaipara (human, social, cultural);
- c) Economy – our livelihoods (economic); and
- d) Infrastructure (financial/physical).

The Environmental Scan pulls together information from a variety of sources, including Statistics New Zealand and Infometrics, as well as an analysis of Council's internal records (e.g. resource consent data). It also draws on a variety of technical reports available to Council. However, no primary research on the part of Council staff was undertaken in developing the document.

Discussion/Ngā kōrerorero

The Environmental Scan is a key document informing the development of Kaipara District Council's next Long Term Plan and 30 Year Infrastructure Strategy. It also serves as a reference document for Council staff when developing other plans and strategies. The Environmental Scan is prepared every three years at around the same time as the Local Body Elections so it can be available to inform newly elected members of the environment in which the Council operates. The Environmental Scan is also made available to the public on Council's website, both for their information and to provide an easy source of data that can be quoted in support of applications and submissions – e.g. community groups and clubs applying for funding may want to support their application by explaining how their local population has grown.

This Environmental Scan is dated October 2019 and presents the most current data available at that time. While the data presented in this report is constantly being updated and more recent data is now available, it is not possible to constantly keep updating the report. That said, staff have been monitoring recent data releases and are satisfied that the trends reported in the Environmental Scan have not changed even if the latest figures showing where these trends are up to has been updated.

Next steps/E whaiake nei

The Environmental Scan will be used to inform Council's future plans. It will be made available publicly via our website.

Attachments/Ngā tapiritanga

	Title
A	Kaipara District Environmental Scan 2019

Mark Schreurs, 18 December 2019



Kaipara District Environmental Scan

October 2019

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1 Executive Summary

This Environmental Scan was compiled in October 2019. The purpose of this document is to provide a fact-based overview of the environment in which Kaipara District Council operates. This includes information on the physical environment, demographic trends, economy and state of the district's infrastructure. While the information presented in this document is intended to inform decision-making, this document does not make recommendations.

This report finds Kaipara is a geographically extensive district centred around the northern reaches of the Kaipara Harbour (the largest harbour in the southern hemisphere). Kaipara Harbour is a significant nursery ground for key fishery species but has and is experiencing significant degradation through sedimentation. Kaipara has some extensive areas of highly versatile soils while most of the district is comprised of more marginal hill country. The main geological hazards affecting the district are land instability (slumping and sliding) and consolidation settlement in soft ground under the load of new buildings. Kaipara, together with the wider Northland region, is considered among the most technically stable areas in the country (meaning there is a low risk of damaging earthquakes).

Kaipara has a mild, humid subtropical climate. Rainfall is typically plentiful all year round with sporadic very heavy falls however, droughts and floods are not uncommon. Climate change is anticipated to make Kaipara drier with droughts more common.

Kaipara District Council has been advised to plan for a sea level rise of 1.5m above the 1986-2005 baseline over the next 100+ years. Sea level rise of this magnitude will have significant ramifications for the Kaipara District due to its proximity to the ocean, extensive tidal river network, and large expanses of low-lying land.

Kaipara had a 2018 estimated resident population of 23,200 persons and is experiencing strong growth (20.6% from 2013 to 2018), driven by migrants leaving Auckland. Migrants to Kaipara are typically those nearing retirement age and, increasingly, young families. All areas of Kaipara are now growing strongly though most growth is centred on Mangawhai (60% increase from 2013 to 2018) and the Kaiwaka-Oneriri area (34% increase between 2013 and 2018). Employment growth is evident across the district; however, job creation has been limited in Mangawhai suggesting those moving to Mangawhai are typically either retired/semi-retired or commuting back to Auckland for work or working remotely.

Dargaville has seen a 13% population growth between 2013 and 2018, far exceeding dwellings growth of 2% over the same period. Consequently, house prices climbed 60.5% over the three years to 30 June 2017 and the town now has a shortage of available rental properties. This disproportionately affects lower income families for whom rent represents a greater proportion of their total income.

Most areas of Kaipara have medium to low wellbeing scores according to the New Zealand Index of Multiple Deprivation. Deprivation was generally worse in urban centres than in the rural areas between them with indicators for education and access to services scoring particularly poorly across all areas.

Kaipara's economy is founded on its primary industries, particularly the dairy sector, supported by a strong manufacturing sector. It is evident that in good growing seasons the district as a whole is able to prosper with GDP growth far exceeding that in other districts. Conversely, drought years and years

with lower dairy payouts have the opposite effect. In all, Kaipara's economic performance shows far greater year on year fluctuations than other areas of Northland and New Zealand generally.

Kaipara's economy is currently performing well with GDP growth averaging 3.6% per annum from 2015 to 2018, though this has since slowed to 1.9% over the 12 months to June 2019. Kaipara's economy is anticipated to slow further over the near term, in line with a slowdown in the national economy. Kaipara's unemployment rate is currently at its lowest rate in the last decade at just 4.3% in June 2019.

Kaipara's tourism sector is continuing to perform well, with visitor activity increasing even as the outlook for tourism nationally worsens due to falling international tourist arrivals and the slowing national economy weighing on domestic tourists. Guest nights in Kaipara rose 5.6% over the year to June 2019 with a 0.9% lift in tourism spending also observed.

Northland (including Kaipara) has poor connectivity (both internally and to the rest of New Zealand) via land transport (road and rail). Despite planned improvements to the state highway network north of Auckland City, Northland's road connections will continue to have significant areas of low resilience. Of Kaipara's local roads (roads other than state highways) 71% or 1,119km are unsealed and 450km are sealed. These land transport challenges have a negative impact on access for Kaipara's goods to international markets.

Northland's rail system has been maintained in a state of 'managed decline' for some years. Services on the Dargaville branch and to the Far North district remain suspended though the lines remain in place. The remainder of the North Auckland Line (NAL) continues to operate between Auckland and Fonterra's dairy factory at Kauri (just north of Whāngārei) however, deferred maintenance has seen train speeds lowered. The key reason for rail's failings in Northland is that the network has no connection to Northland's port. There is a proposal to build a rail link to Northport at Marsden Point however this has yet to be realised. The Government, announced in September 2019 that it would invest \$94.8 million to maintain and improve the NAL between Swanson and Whāngārei. However, despite this investment, Northland's railways are unlikely to play a significant role in moving the region's freight without being connected to the port.

Northland's port at Marsden Point (Northport) is a natural deep-water port with flexible facilities capable of handling large multi-purpose vessels. The port has ample vacant industrial zoned land to facilitate its expansion. Consideration is currently being given to developing capacity at Northport to replace Auckland as one of two strategic North Island ports, together with associated rail line upgrades and development. Such a development could be beneficial for the Kaipara district.

Kaipara's telecommunications infrastructure is undergoing considerable improvement with increasing mobile phone and broadband coverage and expansion of the ultra-fast broadband fibre network. In addition, the opening of the Hawaiki submarine cable with its Mangawhai landing station makes Mangawhai well positioned to attract future digital industries.

Potable water supplies and reticulated wastewater systems are provided to only a limited number of Kaipara communities and there is pressure to connect more households and communities. In particular, Mangawhai, which is fast emerging as the district's largest centre, is currently almost entirely dependent on private roof water tanks for its water supply. Mangawhai's wastewater scheme is relatively new and

can have its capacity progressively increased to cope with Mangawhai's growth into the future. However, an additional disposal site for the treated wastewater will be required as wastewater volumes grow. Across the remainder of the district's water, wastewater and stormwater networks, ageing infrastructure will create the need for increased renewals over the next five to ten years.

Kaipara district has the second largest area in New Zealand protected by land drainage schemes after the Hauraki Plains. This includes the Dargaville central business district and Ruawai township as well as vast areas of productive farmland with highly versatile soils in the Ruawai, Aratapu, Hoanga and Parore areas. Much of this area is presently just above or just below mean sea level and concerns are growing that the projected sea level rise could make defence of this area unviable. Kaipara District Council is committed to working with its communities to address this issue.

2 Introduction

The Environmental Scan provides an overview of the Kaipara district; the land, its people, their economy and the infrastructure on which it relies. Its purpose is to both identify the environment as it exists at present and to identify emerging trends and potential drivers for change.

The Environmental Scan is structured around the New Zealand Treasury's four capitals; human, social, natural and financial/physical, and the four wellbeings that define the purpose of local government; social, economic, environmental, and cultural (section 10 of the Local Government Act 2002). In the Environmental Scan these are interpreted as the following sections:

3. Kaipara – two oceans, two harbours (natural, environmental);
4. Demography – the people and communities of the Kaipara (human, social, cultural);
5. Economy – our livelihoods (economic); and
6. Infrastructure (financial/physical).

The Environmental Scan pulls together information from a variety of sources including Statistics New Zealand and Infometrics as well as an analysis of Council's internal records (e.g. resource consent data). While the information and analysis presented in this report is intended to support planning and decision-making functions of Council, it is not the role of this document to make recommendations or advise actions.

The Environmental Scan is a key document informing the development of Kaipara District Council's Long Term Plan and 30 Year Infrastructure Strategy. It also serves as a reference document for Council when developing other plans and strategies. The Environmental Scan is prepared every three years at around the same time as the Local Body Elections so it can be available to inform newly elected members of the environment in which the Council operates. The Environmental Scan is also made available to the public on Council's website, both for their information and to provide an easy source of data that can be quoted in support of applications and submissions e.g. community groups and clubs applying for funding may want to support their application by explaining how their local population has grown.

3 Kaipara – Two Oceans, Two Harbours

Mai Waipoua ki Pouto i Te Tai Hauāuru

Whakawhiti atu i te raki o te moana o Kaipara ki Oruawharo

Mai Oruawharo ki Mangawhai ki te rāwhiti

Mai Mangawhai ki Tangiteroria, whakahoki atu ki Waipoua

When introducing one's self or giving a pepeha, one often begins by describing the maunga (mountains), awa (rivers) and moana (harbours) that collectively comprise the land from which one comes. These features are the landmarks which tell us we are home.

Kaipara's geology, topography, soils and climate offer both unique opportunities and constraints. These affect where settlements and infrastructure can be built and what crops can be grown.

3.1 Land around the water – our maunga, awa and moana

Kaipara is one of the few districts that stretches from the west coast to the east coast; from Ripiro Beach on the Tasman Sea to Mangawhai Heads on the Pacific Ocean. The district includes two harbours, the Kaipara opening to the Tasman Sea and the Mangawhai Harbour opening to the Pacific Ocean.

The roughly triangular district stretches from a thinning of the North Auckland Peninsula south of Kaiwaka and Mangawhai in the southeast, around the foothills of the Brynderwyn Ranges and through the Northland hinterland to reach the Waipoua Forest in the northwest. From there the district extends down the west coast to the Kaipara Harbour entrance at Pouto. The district is bisected by the Northern Wairoa River and its tributaries, which flow into the northern end of the Kaipara Harbour. A map of the district is shown in Figure 1.



Figure 1: Map of the Kaipara district

Kaipara Maunga

In the northern part of the district, the tupuna mountain of Maunganui holds a commanding presence at the head of Ripiro Beach. This small remnant of a once massive volcano still measures 459m above sea level and is a pillar for the Te Roroa people.

The highest peak in Kaipara and second highest in Northland is the tupuna mountain of Tutamoe at 770m above sea level. Tutamoe presides over much of the Northern Kaipara District. Both Northland's east and west coasts can be seen from the summit which can be accessed via a walking track from Tararua Road.

The two rocky peaks of Maunga Tokatoka and Maungaraho preside over the south western Northern Wairoa area. These mountains are the exposed roots of former volcanoes and today form prominent local landmarks.

Tangihua, at 627m above sea level is the highest peak in the Tangihua Range. This dividing range between the east and west forms a prominent boundary between the Kaipara and Whāngārei districts.

Pukekaroro together with nearby Pukepohatu/Baldrock are the prominent peaks presiding over the southeast of the district. Pukekaroro is the Papa Maunga for Te Uri o Hau. Both Baldrock and Pukekaroro are of volcanic origin. Baldrock is composed of dacite lava, while Pukekaroro is mainly tuffs with thin lava flows.

Waipoua Forest

The Waipoua Forest straddles Kaipara's northern boundary. The Waipoua and adjoining forests of Mataraua and Waima, collectively comprise the largest remaining tract of the native forest that once covered most of Northland. These forests are managed as part of the Conservation Estate and are home to large stands of kauri trees, including Tane Mahuta, the largest known kauri tree alive today.

Tane Mahuta, the Waipoua Forest and nearby Trounson Kauri Park are among Northland's major tourist attractions and contribute greatly to attracting tourists to the region.

However, these forests are under threat from kauri dieback (*Phytophthora agathidicida*), a plant pathogen that can kill kauri of all ages. Kauri dieback lives in the soil and infects kauri roots. There is no cure for kauri dieback, and the disease kills most if not all the kauri it infects.

Kauri dieback is spread by soil disturbance (e.g. under boots, machinery or even by animals such as pigs), just a pinhead of soil can spread it. The Department of Conservation (DOC) and Te Roroa, as kaitiaki over Waipoua Forest, are working to protect Tane Mahuta from this disease.

Ripiro Beach and the Pouto Peninsula

Most of Kaipara district's west coast is comprised of consolidated and active sand dunes running from Maunganui Bluff in the north to Pouto Point in the south. This long peninsula's eastern edge is bounded by the Kaihu Valley in the north and the Northern Wairoa River and Kaipara Harbour in the south. The peninsula's western edge is bounded by the Tasman Sea and lined by the extensive Ripiro Beach.

Ripiro Beach is a long sandy beach running almost the whole length of the Kaipara district's west coast. The beach serves as a road and is drivable over the whole of its 107km length. The beach is lined by sandy bluffs along its northern extent and active sand dunes along its southern extent. It also adjoins an extensive area of shifting sand at its southern end near Pouto.

This natural wilderness area is popular for surfing, fishing, off-road driving, motorcross riding and forms part of the route of the Kaipara Missing Link Cycle Trail (one of the New Zealand Cycle Trail's Heartland Rides). These activities can damage these fragile sand dune environments if not undertaken responsibly.

There are also concerns about coastal erosion in some areas along the beach, particularly at Bayllys.

Kai Iwi Lakes

The Pouto Peninsula is dotted with fresh water dune lakes along the whole of its length. The best known of these are the Kai Iwi Lakes, three of which Kai Iwi, Taharoa and Waikare are located within the Taharoa Domain; a large recreation reserve administered by the Kaipara District Council in partnership with Te Roroa and Te Kuihi as Mana Whenua.

The Kai Iwi Lakes have exceptionally high water quality and are of high ecological significance. The Taharoa Domain is popular for camping, hiking, swimming, water skiing, kayaking, trout fishing and sailing. The Domain incorporates two campgrounds which are managed by Kaipara District Council and its popularity appears to be growing with both campers and day visitors.

Northern Wairoa River

The Northern Wairoa River and its tributaries are a dominant feature of the northern and western Kaipara district. The Northern Wairoa River is the longest and largest river in Northland draining a catchment of 3,650km² which stretches across all three Northland districts. The river flows into the Kaipara Harbour and is tidal for about 100km of its lower length (Northland Regional Council [NRC], 2019). Strong tidal currents and the mixing of fresh and salt water keep sediment suspended and result in the river having a muddy brown appearance for much of its lower reach.

The lower reaches of the Northern Wairoa River are surrounded by extensive flood plains, including the Ruawai, Hoanga and Kaihu Valley areas. These areas are protected by land drainage schemes and harbour some of the district's most fertile soils. Consequently, this area is responsible for production of almost the whole of New Zealand's kumara crop.

Flooding remains a concern in much of the Northern Wairoa catchment, especially as the effects of climate change begin to be realised.

Kaipara Harbour

The Kaipara Harbour is the largest enclosed harbour in the Southern Hemisphere and New Zealand's largest estuarine ecosystem (Integrated Kaipara Harbour Management Group [IKHMG], 2019). The Kaipara Harbour is the receiving environment of a massive 640,000ha catchment that extends across the Auckland and Northland regions and includes almost the whole of the Kaipara district (see Figure 2) (IKHMG, 2019).



Figure 2: Extent of the Kaipara Harbour catchment (IKHMG, 2019)

Evidence exists that the Kaipara Harbour plays a significant fisheries role in the wider west coast North Island ecosystem as a nursery ground for key commercial and recreational species including snapper, grey mullet, flounder, white shark, hammerhead shark and rig (IKHMG, 2019).

The Kaipara Harbour has suffered a prolonged period of degradation, primarily due to the release of sediment from the deforestation of its catchment (IKHMG, 2019). This degradation continues into the present with inputs of sediment from streambank and hill country erosion continuing to be the primary pollutant (IKHMG, 2019).

To address the ongoing environmental degradation of the Kaipara Harbour, Mana Whenua under the leadership of Ngāti Whātua, established the Integrated Kaipara Harbour Management Group (IKHMG) in 2005, of which Kaipara District Council is a participating partner (IKHMG, 2019). The IKHMG is a multiple-stakeholder partnership combining two approaches to environmental management: one indigenous (Mātauranga Māori) and the other derived from western science. This forms the basis for future research, planning, policy development and management of the Kaipara Harbour's ecosystems; harbour and catchment (IKHMG, 2019).

Mangawhai Harbour

The Mangawhai Harbour opens to the Pacific Ocean on Kaipara district's east coast and is protected from the open ocean by a large sand spit. The sand spit is the result of sand being pushed north across the harbour mouth by wave action (known as longshore drift). The longshore drift pushes the harbour entrance further north until it meets the hard rock of Mangawhai Heads and can go no further. The harbour entrance is kept open by the force of tidal flows in and out of the harbour as well as flows of fresh water from the harbour's catchment flowing into the sea.

The sand spit is a dynamic landform and can change in response to wave action, ocean and tidal currents. In the years leading up to 1991, a series of large storms (including Cyclone Bola in 1987) caused the Mangawhai Harbour entrance to block up with sand and a new entrance to form further down the sand spit. This new entrance would have gradually been forced northward by the long shore drift current to resume its usual position, however in the meantime it was proving hazardous for navigation. In response, a large number of committed locals gathered together, dug out the usual harbour entrance and stopped up the new entrance.

Following this event, the Mangawhai Harbour Restoration Society was formed to maintain the Mangawhai Harbour into the future. The Society's work has included establishing a nursery to grow native spinifex and pingao plants to stabilise the Mangawhai sand spit, dredging of the Mangawhai Harbour and harbour entrance to improve navigability and removing mangroves.

The Mangawhai Harbour is also a key habitat and foraging ground for the New Zealand fairy fern/tara iti which nests on the Mangawhai sand spit. With a population of around 45 individuals that includes approximately 12 breeding pairs, the New Zealand fairy tern is probably New Zealand's most endangered indigenous breeding bird (DOC, 2019).

3.2 Geology – bones of the landscape

Kaipara's geology is important to understand, because it speaks to the geotechnical properties, strength characteristics, and engineering properties of the rocks and soils (ENGEO, 2019). It is the foundation upon which our district is built.

The Kaipara district is characterised by rolling hills of some of the most diverse and complex geology in all of New Zealand (ENGEO, 2019). The basement rock (commonly called bedrock) of the Kaipara District is typically comprised of thin-bedded, alternating fine grained sandstone and argillite (claystone/mudstone) with massive beds of laminated argillite and highly fractured Greywacke sandstone. These rocks are typically strong to very strong and closely fractured. These basement rocks are the oldest known rocks in the Kaipara district and most often are buried deep beneath younger rocks and soil. The whole of Northland's geology has been tilted down to the west by tectonic forces. This means these older rocks are typically only exposed along the east coast, northeast of Mangawhai Heads, where they form sheer craggy cliffs in coastal exposures, and spiny mountainous terrain inland (ENGEO, 2019). This tilting is also the reason why most rivers in Northland flow to the west instead of the east.

These bedrocks are overlain by rocks of the Northland Allochthon (ENGEO, 2019). The Northland Allochthon is the result of a rare geological phenomenon in which the down tilting of the bedrocks created a vast under sea basin into which younger sedimentary rocks gradually slid to lie over the top of the older bedrocks. This occurred at a time when Northland was covered by the sea. The Northland Allochthon is a series of thrust sheets and broken up rock containing a range of sedimentary and igneous rocks. Stronger rocks of the Allochthon, include the Mahurangi Limestone and Punakitere Sandstone and are most common in the east of the district (ENGEO, 2019).

Due to the nature of their past movement, the Northland Allochthon thrust sheets (or nappes) are faulted, folded and sheared resulting in a complex structure (ENGEO, 2019). They also tend to be deeply

weathered. This results in rolling hills that are generally soft and vulnerable to slipping and instability. These hills are bisected by broad valleys and incised gullies, which are filled with young alluvial sediment eroded from the surrounding landscape and deposited by rivers. In particular, extensive river flats have developed around the lower reaches of the Northern Wairoa River (ENGEO, 2019).

Kaipara's complex geology is also bisected by past volcanic activity and plutonic rocks (plutonic rocks form when magma rises through the Earth's crust but hardens inside the earth rather than emerging at the surface as a volcano) (ENGEO, 2019). Remnants of these old volcanos and plutonic rocks exist throughout the district, including in the Kaihu, Waipoua, Tutamoe, Kaiwaka and Mangawhai areas. Between Tokatoka and Dargaville about 140 small basaltic, andesitic and dacitic intrusions extend through Northland Allochthon rocks. Maungaraho is a prominent example of these (ENGEO, 2019).

The most recent geological feature of the Kaipara District is the Pleistocene to Holocene-aged coastal sand deposits which comprise almost the whole of Kaipara's west coast area as well as much of the Mangawhai area (ENGEO, 2019). Holocene-aged fixed dunes comprise loose and poorly consolidated sands with inter-dune lake and swamp deposits of minor sand, mud and peat. These deposits are generally stabilised by vegetation growth. Pleistocene dune deposits typically comprise weakly cemented and uncemented sands with preserved interdune deposits, where buried organic material has formed lignite. These lignite layers are notably observed at Bayliss Beach though they are present along the whole of the Kaipara's west coast. The presence of titanomagnetite (an iron rich mineral) in the west coast sands makes these consolidated sand dunes susceptible to the development of iron pans. Mobile (or active) dune deposits comprise constantly moving sand dunes with sparse vegetation, particularly in the Pouto area (ENGEO, 2019).

There are no known active faults in the Kaipara District, and the Northland Volcanic Field is generally considered to be dormant (ENGEO, 2019). This means Northland and Kaipara have a low risk of volcanism and damaging earthquakes and is considered one of the most technically stable regions in the country.

The main geological hazards to consider in the Kaipara District are consolidation settlement in soft ground under the load of new buildings, land instability near steep land or Northland Allochthon rock units and liquefaction in young alluvial sand deposits (ENGEO, 2019). In particular, land slumping and sliding is particularly prevalent given Northland's susceptibility to high intensity rainfall events, the broken up nature of the Northland Allochthon rocks and the warm wet subtropical climate which accelerates the weathering of rock minerals into clays. All of these geological hazards can be adequately managed, however early recognition is key to understanding and developing an effective and efficient solution (ENGEO, 2019).

3.3 Soil – foundation of life

With such complex and varied geology, it naturally follows that the Kaipara district has a diverse range of soil types and that soil type is highly localised. Kaipara's soils include sandy soils derived from weathered sand dunes, hill country soils derived from strongly weathered sedimentary or volcanic rocks, and alluvial and peat soils deposited on flood plains and river terraces. A significant limiting factor of

Kaipara's soils is drainage, with many of the most versatile soils having imperfect drainage; a problem not uncommon in Northland.

The most versatile soils in Kaipara are found on the flood plains around the Northern Wairoa River (Griffiths et al., 2003). These are predominantly clays and peaty clays dominated by Whakapara soils from alluvium derived from sedimentary rocks. While these can be poorly drained, they are well supplied with plant nutrients and are widely used for kumara growing. Better drained alluvial terraces and hill country flood plains also occur but have a narrow distribution and are generally not used for cropping (Griffiths et al., 2003).

In addition, about 51km² of Parore peaty sandy loam occurs in small valleys in the sand country (Griffiths et al., 2003). While these soils are generally very poorly drained with shallow rooting depth, they may provide good growing environments for a limited range of crops. Due to these soils being imperfectly drained and susceptible to flooding, careful site assessments are required when considering moisture-sensitive crops (Griffiths et al., 2003).

Most of the western Kaipara is comprised of sand country soils which occur all the way up the west coast, and for a significant distance inland; becoming older and more weathered away from the coast (Griffiths et al., 2003). The sequence begins seaward with the very weakly developed and recent Pinaki series. The Red Hill series occurs inland from these and covers an area of 90km². The Red Hill series has just enough development to provide one of the better opportunities for land-use conversion to higher value crops (especially in some protected inter-dune basins), although subsoil acidity would need checking as it can be low. Tangitiki sandy soils are slightly older and show high variability over short distances, with some sites strongly podzolised ('egg cup podzols' where large kauri trees once grew). Podzols named Te Kopuru occur furthest inland on the oldest dunes. These are uniformly poor in many attributes affecting the growth of deeper rooting and moisture-sensitive crops (Griffiths et al., 2003). All these sandy soils benefit from being free draining however this drainage can be impeded by the regular occurrence of iron pans. These free draining qualities can also make these soils more drought prone. While these sandy soils are best known for dominating Kaipara's west coast, similar sandy soils are also to be found around Mangawhai, with some rated as highly versatile (Harmsworth, 1996).

Kaipara also has some areas of volcanic soil where rolling slopes have developed on basalt volcanic geology and where terraces have formed from redeposited volcanic material (Griffiths et al., 2003; Harmsworth, 1996). These primarily occur in the Donnelly's Crossing to Kaihu area, Tangihua Range and Tinopai Peninsula. These soils are usually brown granular loams and clays, complexed with or associated with yellow-brown earths or brown or red loams complexed with or associated with yellow-brown earths. For example, brown granular clays and loams and yellow-brown earths often form complex associations or soil complexes on a range of volcanic and sedimentary rock types around the periphery of the Tangihua Range. The volcanic soils are usually spatially dominant in these associations and complexes (Harmsworth, 1996). These volcanic soils are naturally well supplied with plant nutrients, have good structure and offer good opportunities for crop production. While upper subsoils can be firm and plant rooting slightly restricted, the soils do not become firmer with increasing depth (Griffiths et al., 2003).

The majority of soils across the rest of the district are hill country soils which have weathered from a variety of sedimentary rock types (Harmsworth, 1996). These are to be found on the rolling hill country which typifies most of central Kaipara. The main parent materials are sandstones, mudstones, argillites (shale), and limestones, and in some areas deeply weathered volcanic rock may also be complexed or associated with the sedimentary rock types. Because of the complex and variable spatial pattern of rock types from which these soils have formed, soil type can vary considerably over short distances. Furthermore, many of the soils form complexes or spatially complex associations, having formed from a mix of parent rock types. Adding to the complexity, these soils range from weakly to strongly leached and weakly podzolised to podzolised (Harmsworth, 1996).

Yellow-brown earths are recorded extensively across this hill country landscape, including the Pūhoi, Waitotira, Omu, Omanaia, Purua, and Omaiko suites) (Harmsworth, 1996). Rendzinas and associated soils are also common, typically forming on limestone, calcareous argillite, or calcareous mudstone. The rendzinas and associated soil group comprises three main soil suites; being Arapohue, Maungaturoto, and Konoti (Harmsworth, 1996).

Some of these sedimentary soils can be valuable for agriculture where they occur on easy slopes (Griffiths et al., 2003). In particular, soils in the area east of the Kaihu River/Waihue Road area are typically Omu, Aponga and Mata series soils with potential plant rooting depth generally about 45-60cm (Griffiths et al., 2003). Soils in the hills east of Dargaville and Ruawai are typically Arapohue and Rockvale series soils formed from argillaceous limestone, and while both have heavy clayey subsoils, potential plant rooting depth is still about 60-90cm in Rockvale soils, but is shallow (25-45cm) in Arapohue soils. The Waitotira soils are another of the better hill country soils being moderately well drained and having few root restrictions above about 60cm depth. However, slope steepness on Waitotira soils generally precludes arable land uses and subsoil pH may need to be checked (Griffiths et al., 2003).

Figure 3 maps Kaipara's soils based on their New Zealand Land Resource Inventory (NZLRI) Land Use Capability (LUC) score. The LUC considers both soil type and slope to identify how versatile an area of land is. Class 1 land is land with virtually no limitations for arable use and suitable for cultivated crops and most other uses. At the other end of the scale, class 8 land is land with very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry. There is no class 1 land in Kaipara but there are extensive areas of class 2 land as well as class 3 and 4 land.

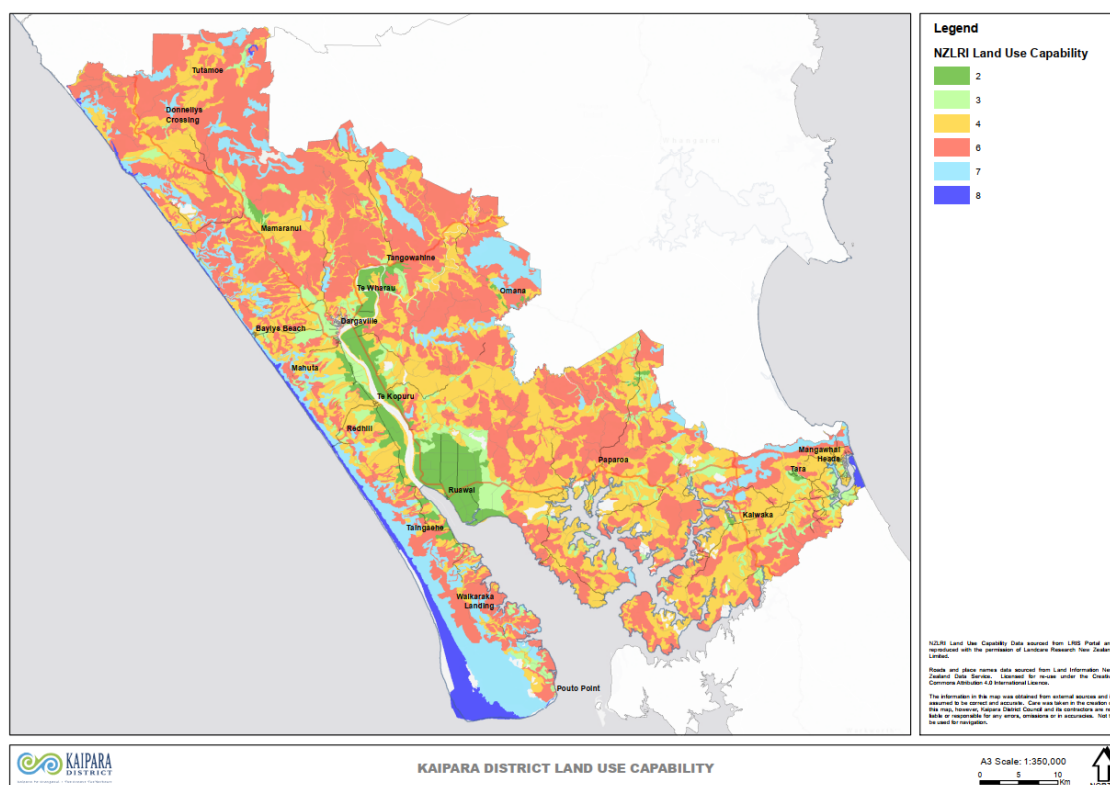


Figure 3: Land use capability in the Kaipara District (NRC, 2016)

Figure 4 maps Kaipara's highly versatile soils as identified in the Northland Regional Policy Statement. In addition to showing the LUC class 2 and 3 land, it also identifies the specific LUC units for Kaipara's most versatile soils.

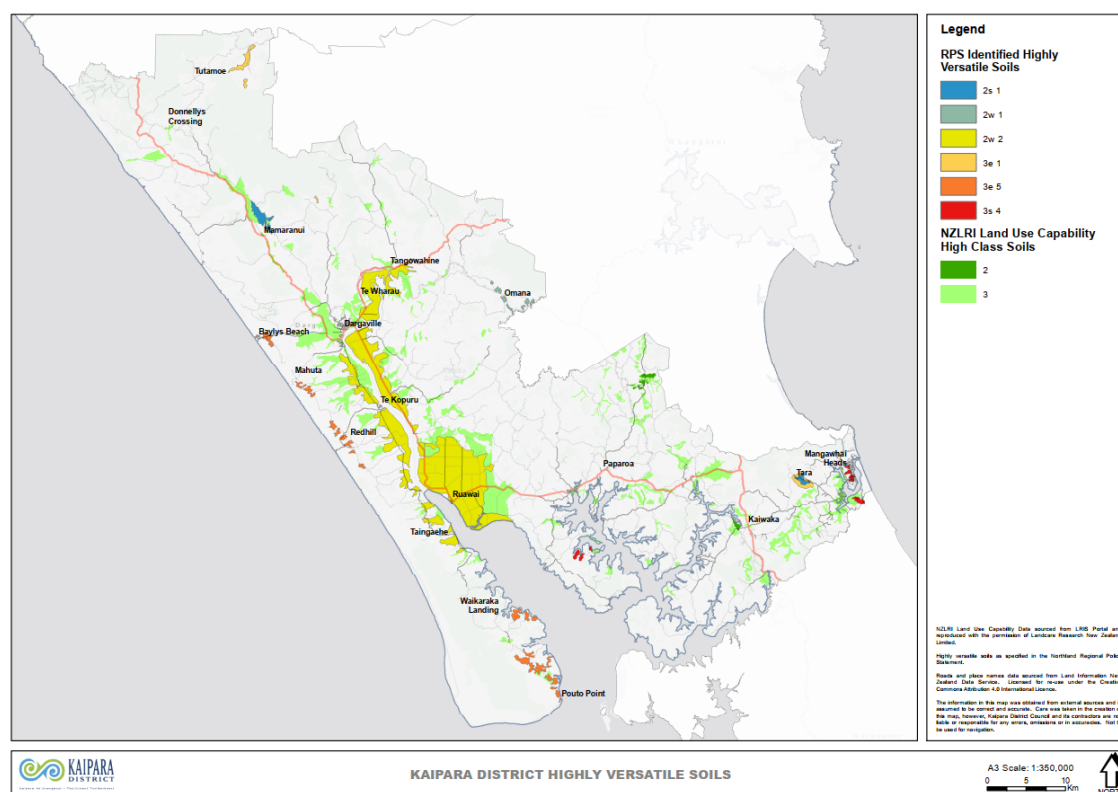


Figure 4: Kaipara's highly versatile soils as identified in the Northland Regional Policy Statement (NRC 2016)

3.4 Weather and climate

Northland, with its northern location, low elevation and close proximity to the sea is characterised by a mild, humid and relatively windy climate (National Institute of Water and Atmospheric Research [NIWA], 2014). Summers are warm and tend to be humid, while winters are mild, with many parts of the region having only a few light frosts each year. Rainfall is typically plentiful all year round with sporadic very heavy falls. However dry spells do occur, especially during summer and autumn. Most parts of Northland receive about 2,000 hours of sunshine per year. It can be very windy in exposed areas and occasionally Northland experiences gales (NIWA, 2014).

Mean annual temperatures in Northland are typically between 14°C and 16°C, with a mean annual temperature range (difference between summer and winter) averaging just 8.1°C (NIWA, 2014). The mean annual temperature for the region north of Auckland City is the highest for any part of New Zealand (NIWA, 2014). Figure 5 below shows the median annual average temperature as it varies across Northland.

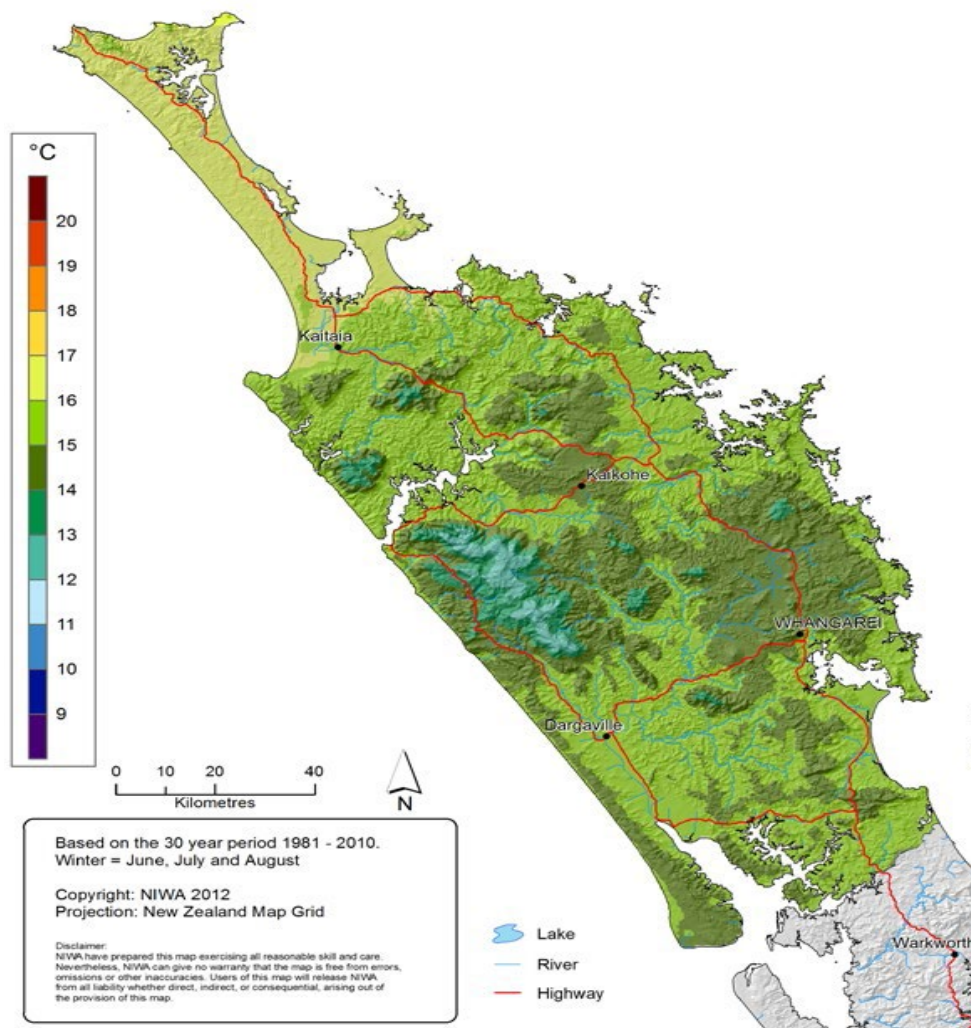


Figure 5: Northland median annual average temperature (NIWA, 2014)

The airflow over Northland is predominantly from the southwest (NIWA, 2014). This is particularly so in winter and spring, however in summer the proportion of winds from the easterly quarter, especially in eastern districts, about equals that from the southwest (NIWA, 2014).

Northland's proximity to the sea and low altitude causes winds to be very moist with abundant rainfall throughout the region (NIWA, 2014). Rainfall distribution patterns are related to topography with rainfalls ranging from about 1,000mm in low-lying coastal areas, to approximately 2,000mm at higher elevations. Figure 6 shows the distribution of median annual rainfall based on the 1981/2010 period (NIWA, 2014).

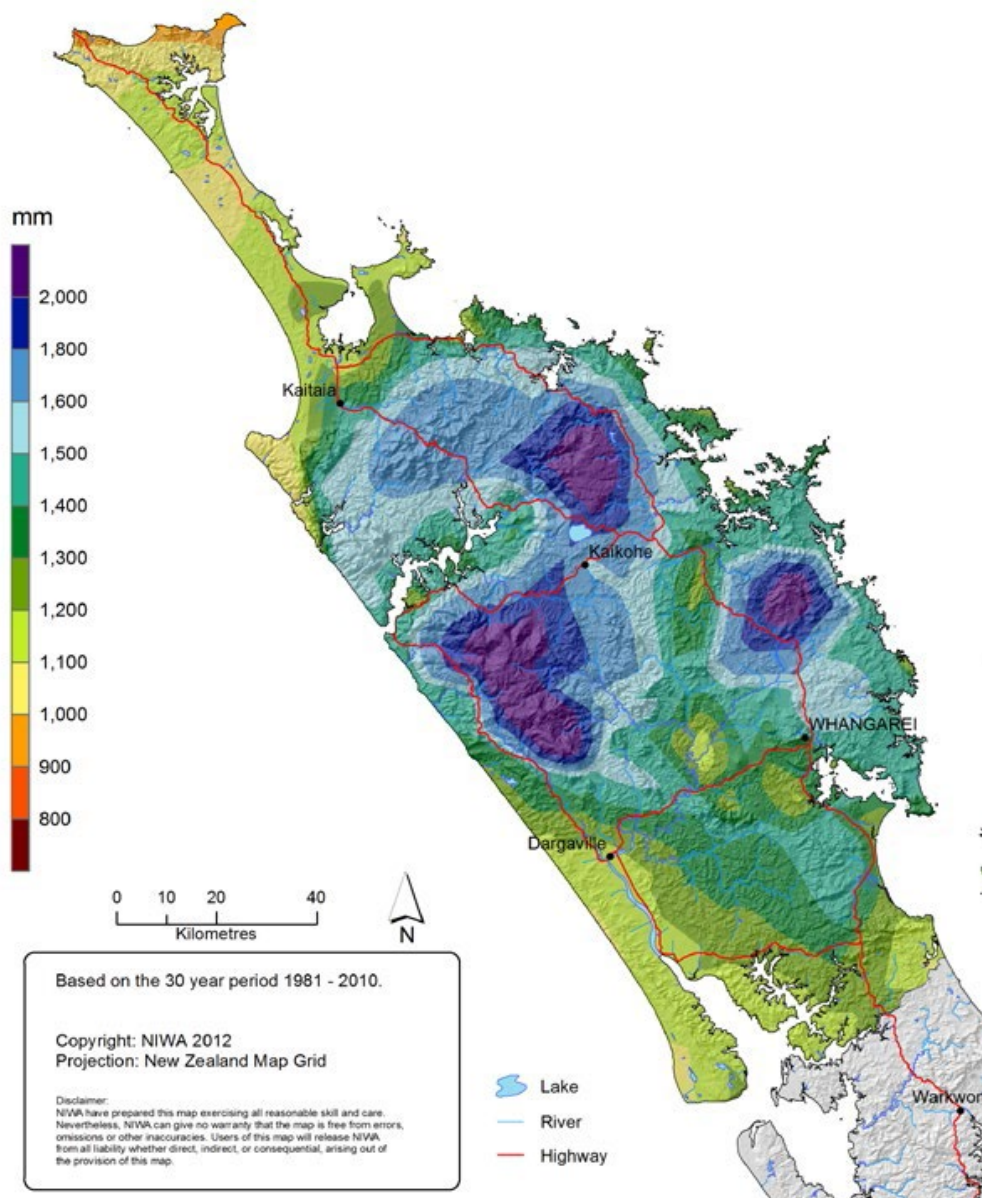


Figure 6: Northland median annual total rainfall 1981-2010 (NIWA, 2014).

Seasonal influences on rainfall distribution are also quite well-defined (NIWA, 2014). Table 1 lists monthly rainfall norms and percentages of annual totals for the period 1981/2010 for selected weather stations. This table clearly shows that rainfall is greater during the winter, June to August, period (NIWA, 2014).

Table 1: Northland's monthly rainfall norms and percentages of annual totals for the period 1981/2010 shown as a) monthly/annual rainfall norms (mm) and b) percentage of annual total for each month (%) (NIWA, 2014).

Location		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Cape Reinga Aws	a	58	65	56	109	96	103	128	95	85	61	57	76	988
	b	6	7	6	11	10	10	13	10	9	6	6	8	
Kaitaia Observatory	a	85	93	81	96	135	151	169	144	128	99	87	100	1367
	b	6	7	6	7	10	11	12	11	9	7	6	7	
Kaitaia Aero Ews	a	69	121	86	119	138	125	136	104	93	93	73	99	1253
	b	5	10	7	9	11	10	11	8	7	7	6	8	
Kaeo Northland	a	88	102	120	140	144	169	200	170	148	113	102	100	1596
	b	6	6	8	9	9	11	12	11	9	7	6	6	
Rawene 2	a	78	72	89	98	128	145	164	142	118	91	83	91	1299
	b	6	6	7	8	10	11	13	11	9	7	6	7	
Opononi	a	86	65	93	94	124	144	133	116	105	93	92	88	1234
	b	7	5	8	8	10	12	11	9	8	8	7	7	
Kaikohe Aws	a	110	106	109	140	139	152	188	159	124	100	96	109	1532
	b	7	7	7	9	9	10	12	10	8	6	6	7	
Kerikeri Airport	a	122	117	138	145	154	185	205	182	162	127	114	123	1775
	b	7	7	8	8	9	10	12	10	9	7	6	7	
Russell	a	91	87	116	117	130	144	172	146	121	97	89	90	1400
	b	7	6	8	8	9	10	12	10	9	7	6	6	
Waipoua Visitor Centre	a	89	82	103	97	146	177	166	153	132	110	93	94	1443
	b	6	6	7	7	10	12	11	11	9	8	6	7	
Whangarei Airport	a	78	98	117	103	110	132	169	127	110	84	76	97	1300
	b	6	8	9	8	8	10	13	10	8	6	6	7	
Dargaville 2	a	64	69	102	107	97	121	141	109	109	82	63	74	1137
	b	6	6	9	9	9	11	12	10	10	7	6	7	

Figure 7 shows region-wide variability in days of soil moisture deficit per year (days when there is not enough soil moisture to sustain plant growth without irrigation) for the period 1981/2010. The figure shows that, in an average year, there is between 50 and 70 days of soil moisture deficit for most areas of the Kaipara (NIWA, 2014). The area around Mangawhai appears to be particularly dry. It should be noted however, that this model does not take soil type into account. Free-draining sandy soils such as those in the western Kaipara will therefore likely have more days of soil moisture deficit than indicated by this figure.

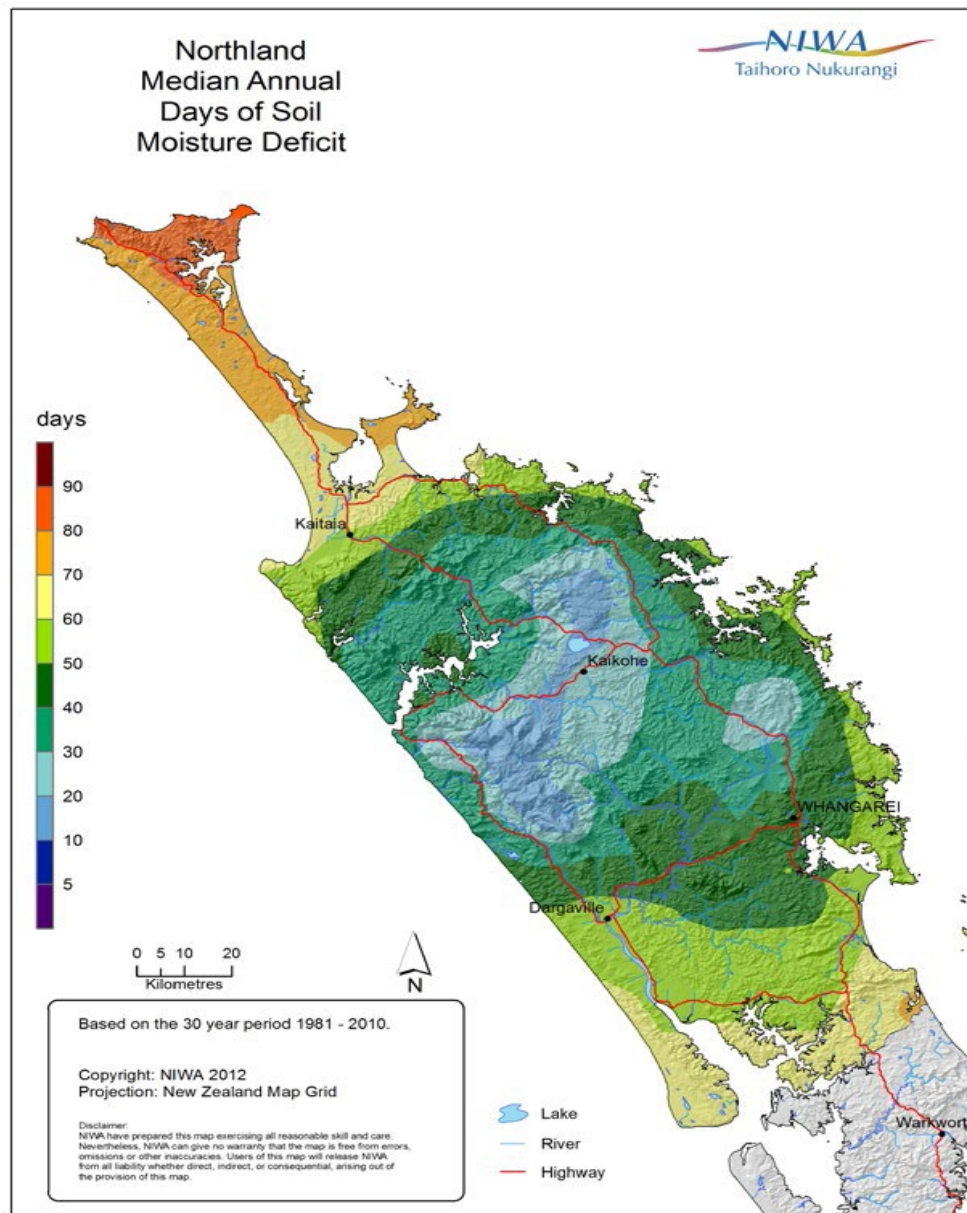


Figure 7: Northland median annual days of soil moisture deficit (NIWA, 2014).

In addition to varying throughout the year, rainfall can also vary considerably from year to year with the risk of both floods and droughts. Rainfall can also be highly localised, particularly with respect to thunderstorms and heavy downpours. Extreme weather events, such as droughts and storms do occur and can endanger essential services and the prosperity of Northland's primary industries. In the recent past, Kaipara experienced droughts in 2010, 2012/13 and 2014 (Ministry for Primary Industries [MPI], 2013) and major floods in February, March and July 2007, April 2008, January 2011, March 2012, July 2014, August 2016 and August 2017. The July 2014 flood/storm event was particularly severe and, according to Rosier et. al. (2015), was likely intensified by climate change. Both the lack and abundance of rain can therefore pose significant problems for Council infrastructure with heavy rain causing slips and flooding and droughts causing water restrictions.

However, despite these occasional extremes, Kaipara enjoys a pleasant subtropical climate overall with reasonably consistent warm temperatures and plentiful rain and sunshine.

3.5 Climate change

The world's climate is warming, due largely to greenhouse gas emissions from human activity (MFE, 2017). These gases such as carbon dioxide and methane add to the Earth's natural "greenhouse effect", a blanket of gases that keep heat from escaping into space, keeping the Earth warm. Unnaturally high concentrations of these gases, the result of rapid fossil fuel consumption and deforestation since the industrial revolution, are causing the Earth to warm at an unprecedented rate (MFE, 2017).

At a global level, this warming has a number of key effects that will be felt differently in different countries. Firstly, warmer temperatures will mean faster evaporation, resulting in many areas becoming more drought-prone even if total rainfall does not decrease. In addition, the melting of polar ice is causing sea levels to rise, potentially flooding low-lying coastal areas. In New Zealand, the major impacts of climate change that will require significant adaptation will be coastal hazards, drought and floods (MFE, 2017).

Many factors need to be taken into account when considering how future global warming will affect our communities. The rate and extent of warming is dependent on the level of greenhouse gases humans continue to emit and these depend on the combined effect of a wide range of socio-economic influences and climate-related policies (MFE, 2017). This section sets out the key changes projected to effect Kaipara over the next 20 to 70 to 100 years. These assumptions are predominantly based on the Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report's representative concentration pathway 8.5 (RCP8.5) and 8.5H+ (RCP8.5H+). These assume a continuing high emission baseline scenario, with no effective global emissions reduction, and emissions not stabilised till soon after 2100. It also assumes a higher rate of sea level rise (e.g. from faster polar ice sheet melt) being experienced in the latter part of this century and beyond 2100 (MFE, 2017).

Under these scenarios, average global temperatures are projected to be between 3.2°C and 5.4°C warmer by 2100 relative to the 1850–1900 baseline (MFE, 2017). Temperature increases are expected to be larger in the tropics and subtropics than in the southern mid-latitudes (i.e. New Zealand).

Northland's climate is projected to warm by approximately 0.75°C to 1.25°C by 2040, with average spring temperatures warming less compared with the other seasons (NIWA, 2016). By 2090, Northland's climate is projected to have warmed by approximately 2.5°C to 3.5°C, with more warming in summer, then autumn, compared with other seasons. A slight acceleration in warming is projected for the second 50 years of the 21st century compared to the first 50 years. Figure 8 shows these seasonal patterns of projected temperature increase for 2040 and Figure 9 shows the corresponding patterns for 2090 relative to the baseline climate of 1986-2005 (NIWA, 2016).

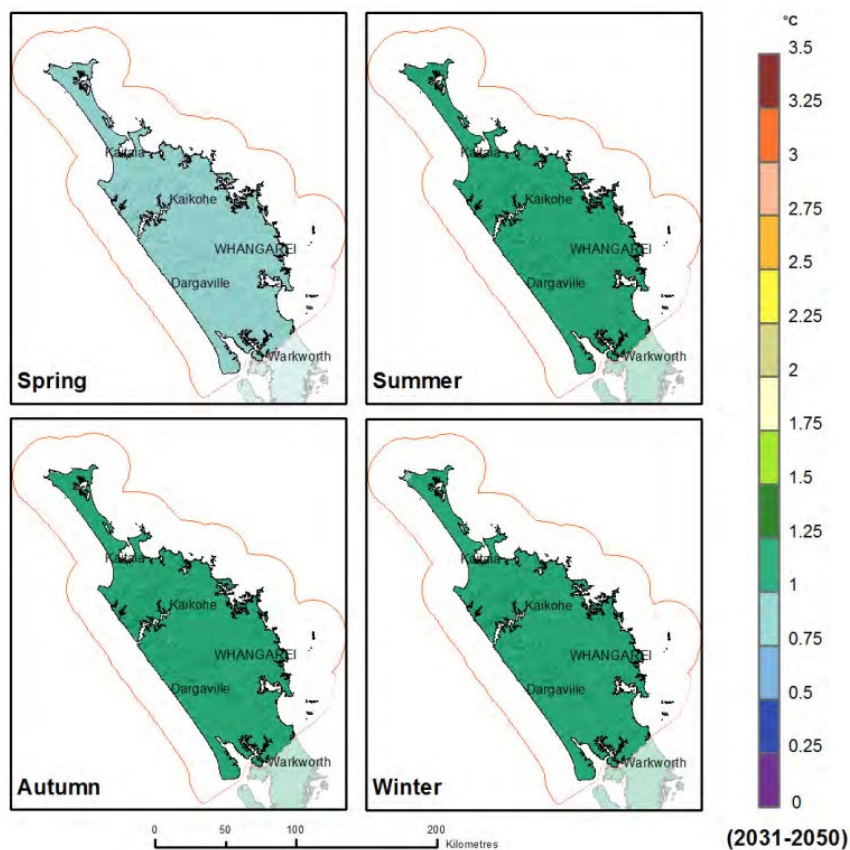


Figure 8: Projected seasonal temperature increase (additional °C) by 2040 (taken as an average for the period 2031-2050) relative to the baseline climate of 1986-2005 (NIWA, 2016).

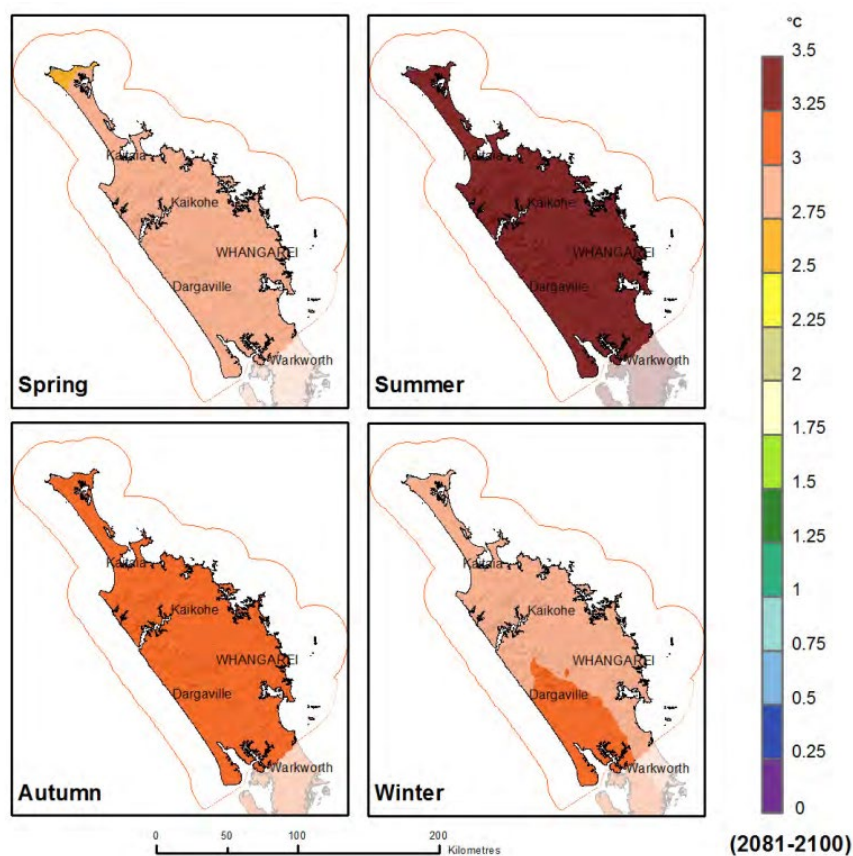


Figure 9: Projected seasonal temperature increase (additional °C) by 2090 (taken as an average for the period 2081-2100) relative to the baseline climate of 1986-2005 (NIWA, 2016).

As seasonal mean temperatures increase over time, changes in temperature extremes are also expected (NIWA, 2016). In general, an increase in high temperature extremes, and a decrease in low temperature extremes is expected. High temperature extremes (i.e. 'hot days') are considered as the number of days per year of 25°C or above, and low temperature extremes (i.e. 'cold nights' or frosts) are considered as the number of nights per year of 0°C or below. By 2040 it is projected Kaipara will experience about 20 to 30 more hot days per year (additional to the 25 hot days per year experienced on average during 1986-2005). By 2090 this is projected to be an extra 80 hot days per year relative to 1986-2005. A notable exception is the hill country north of Dargaville around the Tutamoe range which is projected to be cooler, only experiencing up to 50 more hot days per year by 2090 (NIWA, 2016).

Concurrently, the number of frosts is projected to decrease across Northland, with a decrease from one frost every two years during 1986-2005 to one frost every five years by 2040 and one frost day every ten years by 2090. In many parts of the region, frosts will no longer occur by the late 21st century. This reduction in frosts is expected to be greater in the Kaipara district than elsewhere in Northland (NIWA, 2016).

Rainfall is projected to decrease in Kaipara and much of Northland particularly in spring and winter with summer rainfall projected to increase (NIWA, 2016). The spatial distribution of these trends is shown in Figure 10 for 2014 and in Figure 11 for 2090. Northland is projected to have about 20 more dry days (days with rainfall <1mm) per year by 2090 (NIWA, 2016).

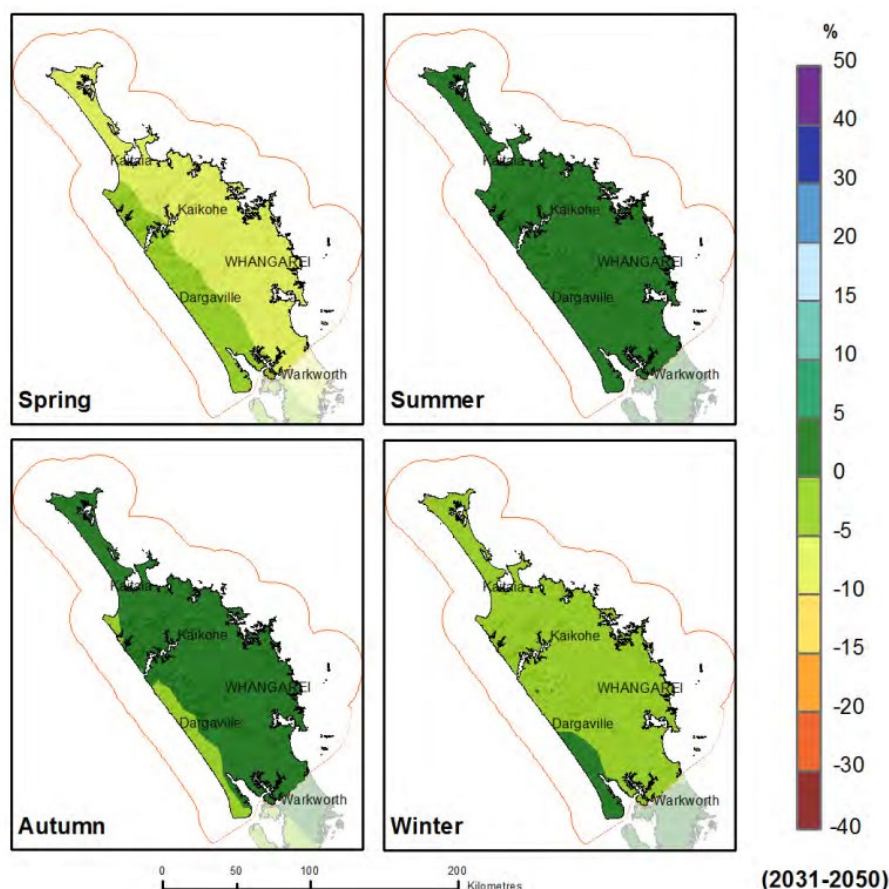


Figure 10: Projected seasonal precipitation changes (% change) at 2040 (2031-2050 average) (NIWA, 2016).

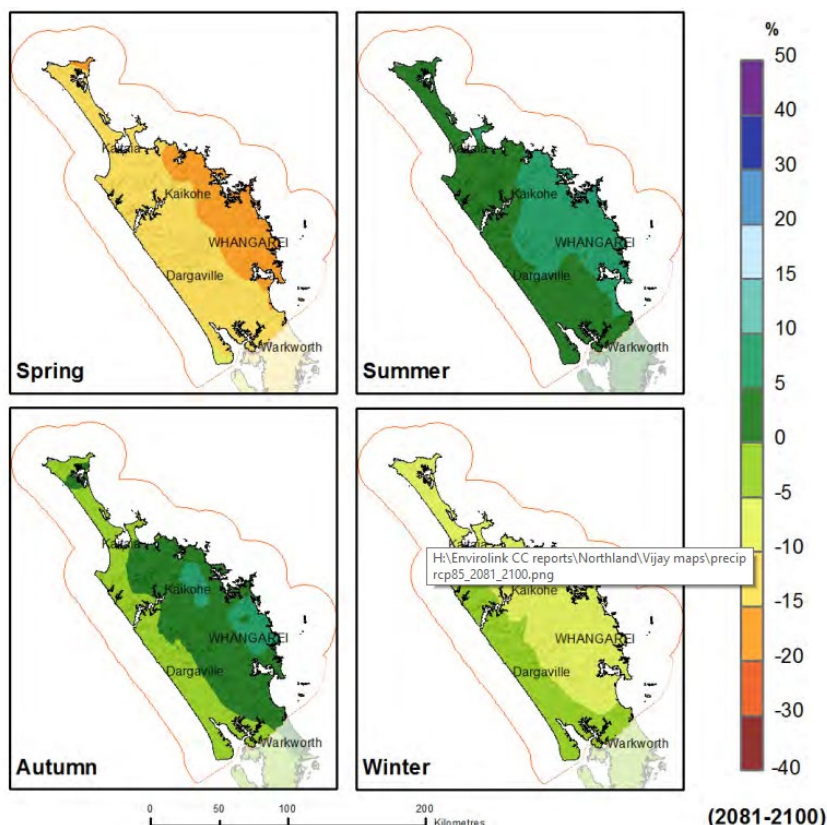


Figure 11: Projected seasonal precipitation changes (% change) at 2090 (2081-2100 average) (NIWA, 2016).

Despite more summer rain, droughts are projected to become more common as higher temperatures increase evaporation (NIWA, 2016). Potential evapotranspiration deficit (PED) is the cumulative difference between potential evapotranspiration and rainfall for days of soil moisture under half of available water capacity. PED, in units of mm, can be thought of as the amount of rainfall needed in order to keep pastures growing at optimum levels. As a rule of thumb, an increase in PED of 30 mm or more corresponds to an extra week of reduced grass growth (NIWA, 2016). Future PED for Northland is projected for 2040 and 2090 in Figure 12.

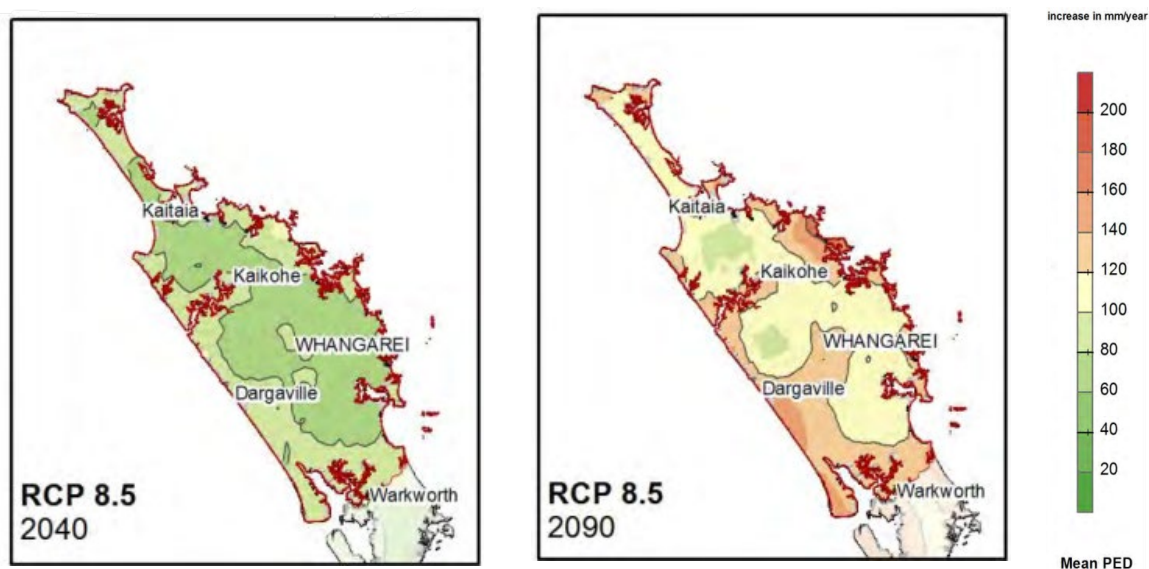


Figure 12: Projected additional potential evapotranspiration deficit (PED) in mm for 2040 and 2090 compared to 1995.

By 2040 western Kaipara is projected to experience increases in PED of 80-100mm/year (NIWA, 2016). However, by 2090 most of Kaipara is projected to experience increases in PED of 120-140mm/year, Mangawhai an increases of 140mm/year and some pockets south of Dargaville projected to experience increases in PED of over 140mm/year. It should be noted however that this model does not account for soil type, therefore, areas of free-draining sandy soils are likely to experience even higher PED. Kaipara can therefore expect to spend significantly more time in drought as climate change progresses (NIWA, 2016).

The warming climate is also causing sea levels to rise; due partly to additions of water from melting ice sheets and partly due to thermal expansion of the oceans (i.e. water expands in size as it warms) (MFE, 2017). Evidence suggests global sea level has risen by around 0.2m since 1900 and low-lying areas of New Zealand are already seeing an increased incidence of coastal storm inundation (MFE, 2017). The mean rate of globally averaged sea level rise appears to have been 1.7 ± 0.2 mm per year between 1901 and 2010. A slightly higher annual rise of 2.0 ± 0.3 mm per year appears to have occurred in the 40-year period from 1971 to 2010 (see Figure 13) (MFE, 2017).

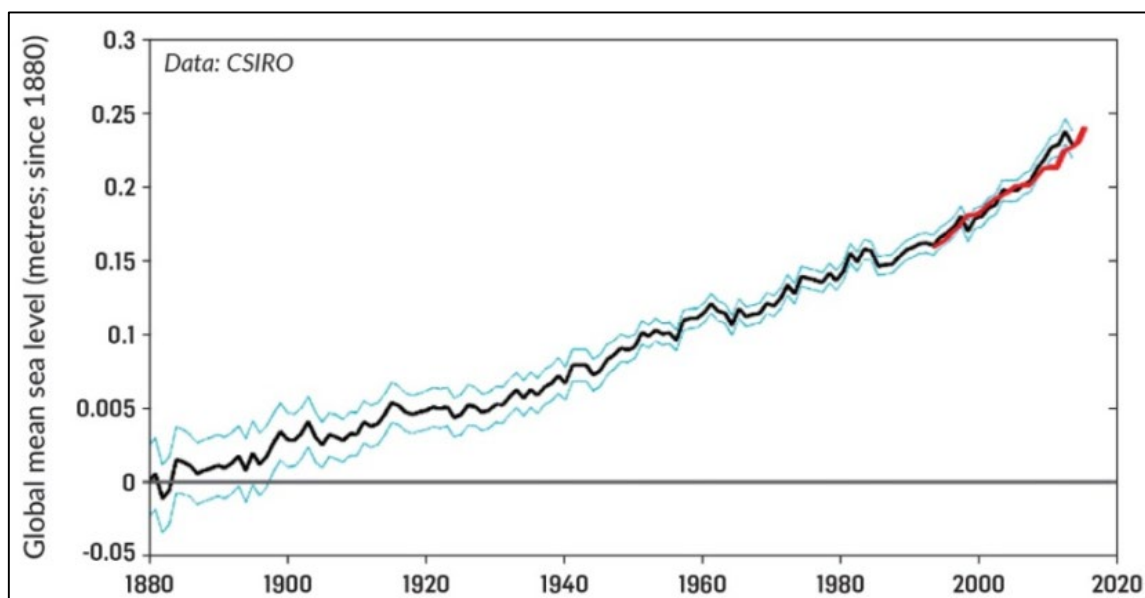


Figure 13: Cumulative changes in global mean sea level since 1880, based on a reconstruction of long-term tide gauge measurements to the end of 2013 (black) and recent satellite easements to the end of 2015 (red). Note: Lighter lines are the upper and lower bounds of the likely range (± 1 standard deviation) of the mean sea level from available tide gauges (MFE, 2017).

Given the observed rate of sea level rise and current climate projections, the guidance given to Kaipara District Council is to plan for sea level rise of 1.5m above the 1986-2005 baseline over the next 100+ years (this is based on the IPCC's RCP8.5H+ scenario). This suggests sea level will be 1.5m higher than the 1986-2005 average by 2120-2130 (MFE, 2017).

Sea level rise of this magnitude will have significant ramifications for the Kaipara District due to its proximity to the ocean, extensive river network, and large expanses of low-lying land (Johnson, 2018). In particular, the Northern Wairoa area includes the second largest area of land protected by a land drainage scheme in New Zealand (after the Hauraki Plains). Much of this land around Ruawai, Aratapu and Hoanga is either just above or just below present day sea level and may be difficult to defend if sea

level rises in line with these projections (Tonkin and Taylor 2016; Goodhue et al., 2012; Johnson, 2018). This issue is explored further under section 6.4.4; Land drainage.

Local government road and 'three waters' infrastructure will also be affected by sea level rise. In particular, many of Council's wastewater treatment plants are located adjacent to tidal rivers and many kilometres of roads are built on flood plains.

Even a minor rise in sea level can be expected to increase the frequency of damaging or disruptive coastal hazards (MFE, 2017). For example, a modest sea level rise of 0.3m to 0.4m (possibly reached by 2050–2060) will convert a present-day rare storm-tide inundation event (e.g. with a 1% annual exceedance probability) to an event that will occur on average once a year (MFE, 2017).

Higher sea levels will also push saltwater further up lowland rivers, increasing the extent to which they are tidal and saline (MFE, 2017). Sea level rise is also likely to encroach on coastal aquifers, raising groundwater levels, reducing groundwater flow velocities and increasing salinization (NIWA, 2016). How far this effect extends from the coast depends on aquifer properties, flow velocities, and the amount of sea level rise. Less groundwater recharge can also be expected due to less precipitation and higher evaporation (NIWA, 2016).

Climate change is likely to have the largest impact on primary industries such as agriculture, horticulture, and forestry through changes in climate variability and climate extremes (NIWA, 2016). In response to warmer temperatures, farmers and growers in Northland are likely to increase their usage and dependence on existing subtropical plant species and introduce new commercial species that are heat and drought-tolerant. Kikuyu grass (*Pennisetum clandestinum*) is likely to become the most prevalent forage grass as it spreads readily and forms dense swads, out-competing most other pasture species. Chicory (*Cichorium intybus*) and plantain (*Plantago lanceolata*) are two other pasture species that are deep-rooted and drought tolerant, which may increase in abundance in Northland (NIWA, 2016).

Climate change will generally increase pasture production, especially in winter, through higher temperatures and an extended growing season (NIWA, 2016). Climate change is also likely to be generally positive for cropping in Northland. Higher temperatures will allow earlier sowing of crops, and they will generally reach maturity faster (depending on sowing time). However, higher temperatures could also lead to decreased yields. The greatest risk for pasture and cropping will be the availability of water, which is projected to decrease due to increased evaporation and reduced average annual rainfall, although increased summer rainfall will likely prove beneficial (NIWA, 2016). Higher temperatures and more "hot days" are also likely to cause more heat stress in cattle and livestock (NIWA, 2016).

In horticulture, subtropical crops such as persimmon and macadamia have already become commercially viable in northern New Zealand, and it is expected that new subtropical (and possibly tropical) crops will begin to be commercially grown as the climate warms in Northland (NIWA, 2016). Avocado in particular is currently expanding in the region. A lack of winter chilling will become increasingly limiting for the kiwifruit industry in Northland, in particular for the Hayward variety. That said, new kiwifruit varieties which require lessor winter chilling to achieve adequate bud break and flowering are being developed (NIWA, 2016).

Pinus radiata, is expected to perform even better in a warmer Northland than it currently does (NIWA, 2016). However, wild fires are likely to become a greater risk with increasing temperatures and decreasing rainfall. The number of days per year of Very High and Extreme Forest Fire Danger is projected to increase from 5.9 days/year to 8.2 days/year for Kaitaia, and from 2.2 days/year to 3.1 days/year for Dargaville over the period to 2050 and 2090 (NIWA, 2016).

Changes in pests and diseases will also be an important factor for agriculture (NIWA, 2016). Many foreign species which are currently unable to survive and reproduce in New Zealand may be able to establish as the climate warms. However, while much of the biosecurity risk will come from species establishing from beyond New Zealand's borders, there are also a number of species already in New Zealand which are not able to spread and flourish to the extent they could if the climate was warmer. These types of pests are often weeds but may also be invertebrates (such as the *Sphenophorus venatus vestitus* weevil, migratory locust *Locusta migratoria*, tropical armyworm *Spodoptera litura* and even the native moths *Epyaxa rosearia* and *Scopula rubraria*) (NIWA, 2016).

While efforts to reduce greenhouse gas emissions and so reduce the extent of climate change remain critical, the changes already underway in the Earth's environment will mean some degree of adaptation to climate change will be necessary. The changes anticipated as the climate warms will bring both opportunities and challenges for the Kaipara community. How Kaipara will respond to these remains to be seen.

3.6 Distribution of Settlement

Kaipara is an extensive rural district with no cities and significant distances between centres. Historically, transport was primarily by sea, resulting in many settlements being established in the upper reaches of harbours/harbour arms or along navigable rivers.

The largest settlements in the district are Dargaville and Mangawhai. Dargaville is the key service centre for the western and northern part of the district. It is 13km/10 minutes' drive from Baylys and 12km/12 minutes' drive from Te Kopuru which serve as satellite settlements. Dargaville is 57km/50 minutes' drive from Whāngārei (Northland's only city) and 175km/two and a half hours' drive from Central Auckland.

Mangawhai has historically been a community with a significant proportion of holiday homes as well as a large retiree population. However, the settlement is now emerging as a service centre for the surrounding area, including Kaiwaka which is 18km/19 minutes' drive away. Mangawhai is 100km/one and a half hours' drive from Central Auckland, 64km/an hour and seven minutes' drive from Whāngārei, 25km/28 minutes' drive from Waipu and 88km/one hour and ten minutes' drive from Dargaville.

Outside of the two largest settlements, the district is serviced by a collection of smaller settlements which also service the needs of the District's rural residents. The most prominent of these are Kaiwaka, Matakoho, Paparoa and Maungaturoto. Maungaturoto is 62km/53 minutes' drive from Whāngārei and 112km/one hour 40 minutes' drive from Auckland.

Some of Kaipara's smallest communities are very remote and have few services such as shops and health care. Emergency services can often be a considerable distance away. For example, Pouto is 69km/one hour and ten minutes' drive from Dargaville and Donnelly's Crossing is 41km/37 minutes' drive from Dargaville.

4 Demography – Our people, Our communities

Ko ngā maunga ngā poupou hei whāinga mō ngā awa o te rohe o te Kaipara. Ko ngā moana ko Kaipara, ko Mangawhai. Ko ngā waka i hōea mai nei i te nuku o whenua i mauria mai ngā iwi, ngā hapū me ngā whanau ki ngā marae. Ko ngā marae ngā puna huihuinga tangata, huihuinga kaupapa.

Tihei ki runga, mauri ora ki whenua.

This section looks at population and demographic trends affecting Kaipara's communities. It begins by considering population trends nationally and regionally, before looking at local population trends and local wellbeing.

At the time of writing this report the 2018 Census data for populations and dwellings had just been released. This newly released Census data provided population counts with a reasonable degree of accuracy. Population estimates, not based on the 2018 Census data were also available and were not scheduled to be updated with 2018 Census data until early 2020. Accordingly, this report has chosen to present both the latest population estimates and the newly released 2018 Census counts. While these two sources report slightly different numbers (the 2018 Census figures tend to be lower as they have yet to be adjusted for census undercount), the trends they reveal are the same. Both therefore contribute to a better understanding of our people and their wellbeing.

“He aha te mea nui o te ao. He tāngata, he tāngata, he tāngata”.

What is the most important thing in the world? It is people, it is people, it is people.

4.1 Population nationally

New Zealand's population, as per the 2018 Census was 4,699,755. The 2018 Census, shows New Zealand's population grew at its fastest rate in half a century, with 10.8% growth between the 2013 and 2018 Census.

According to the latest population estimates, New Zealand's usually resident population reached 4.92 million at 30 June 2019 (Statistics New Zealand, 2019). New Zealand's population grew by an estimated 76,000 persons, or 1.6% in the year to June 2019. New Zealand's population growth rate remains high by historical and international standards. The world's population is currently growing at 1.1% per year and New Zealand has exceeded this growth rate in each of the last five years (Statistics New Zealand, 2019).

The largest driver of growth in New Zealand has been net migration, contributing an additional 49,400 persons, while natural increase (births minus deaths) contributed an additional 26,600 persons (Statistics New Zealand, 2019).

Over the near term, New Zealand's rate of population growth is experiencing a slowdown (New Zealand Treasury, 2019A). This is primarily attributed to net migration which is the main driver of cyclical changes in New Zealand's population growth. Net migration peaked at 64,000 in 2016 and has been declining since, a trend the New Zealand Treasury assumes will continue (New Zealand Treasury, 2019A).

However, while New Zealand is growing overall, the growth paths of New Zealand's regions and cities are quite different from each other (Salvation Army Social Policy and Parliamentary Unit, 2015).

Provincial areas are scarcely growing or even experiencing decline while Auckland and the Upper North Island have and are projected to continue growing strongly (Salvation Army Social Policy and Parliamentary Unit, 2015). Figures 14 and 15 show how growth rates have varied across different areas of New Zealand between the 2013 and 2018 Census. They reveal population decline in provincial parts of the central North Island and strong growth on the peripheries of Auckland as the city overflows into neighbouring areas. Strong growth was also seen in the Queenstown-Lakes District where lifestyle opportunities are driving migration (Statistics New Zealand, 2019).

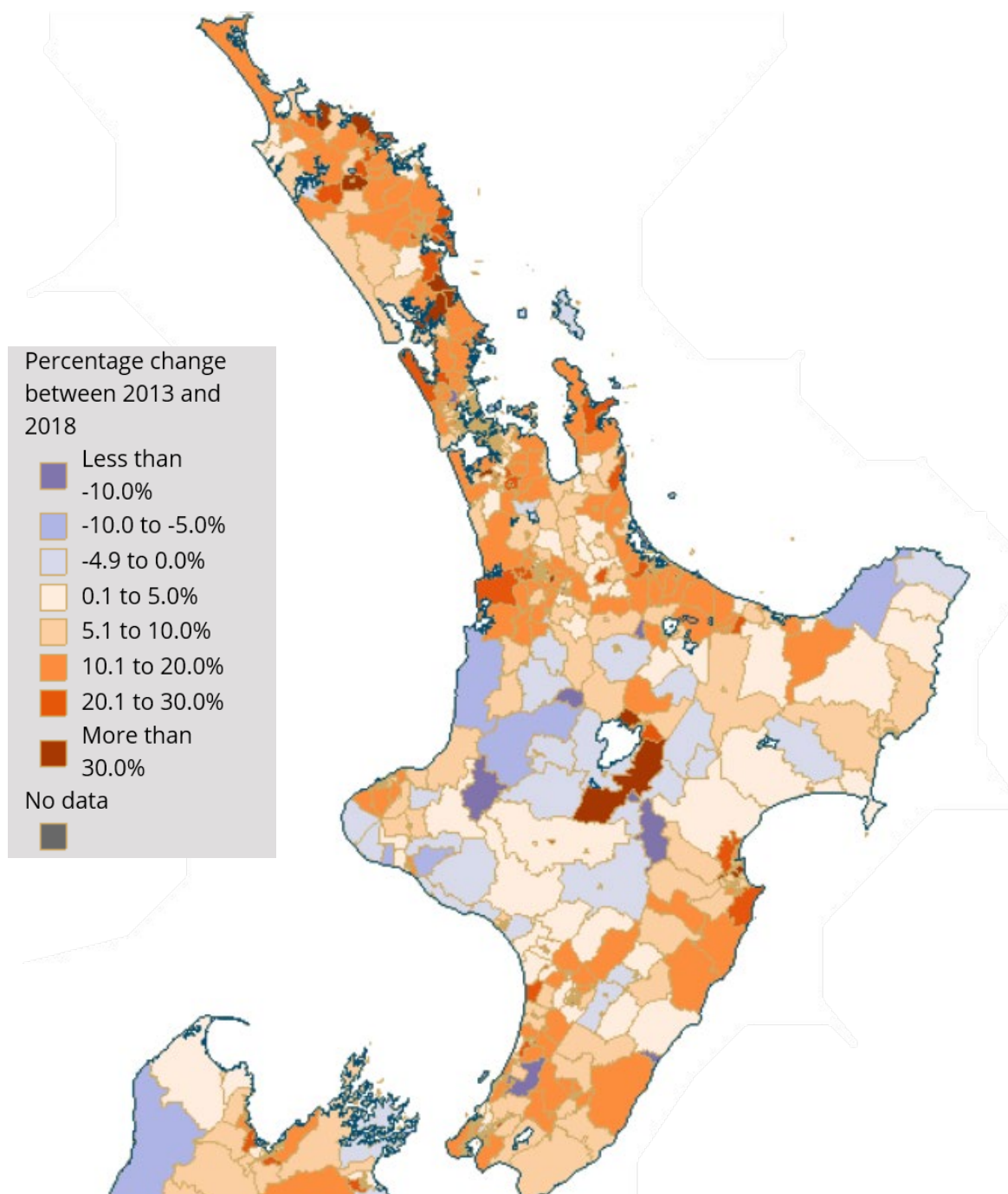


Figure 14: Population changes in the North Island between the 2013 Census and 2018 Census (Statistics NZ, 2019).

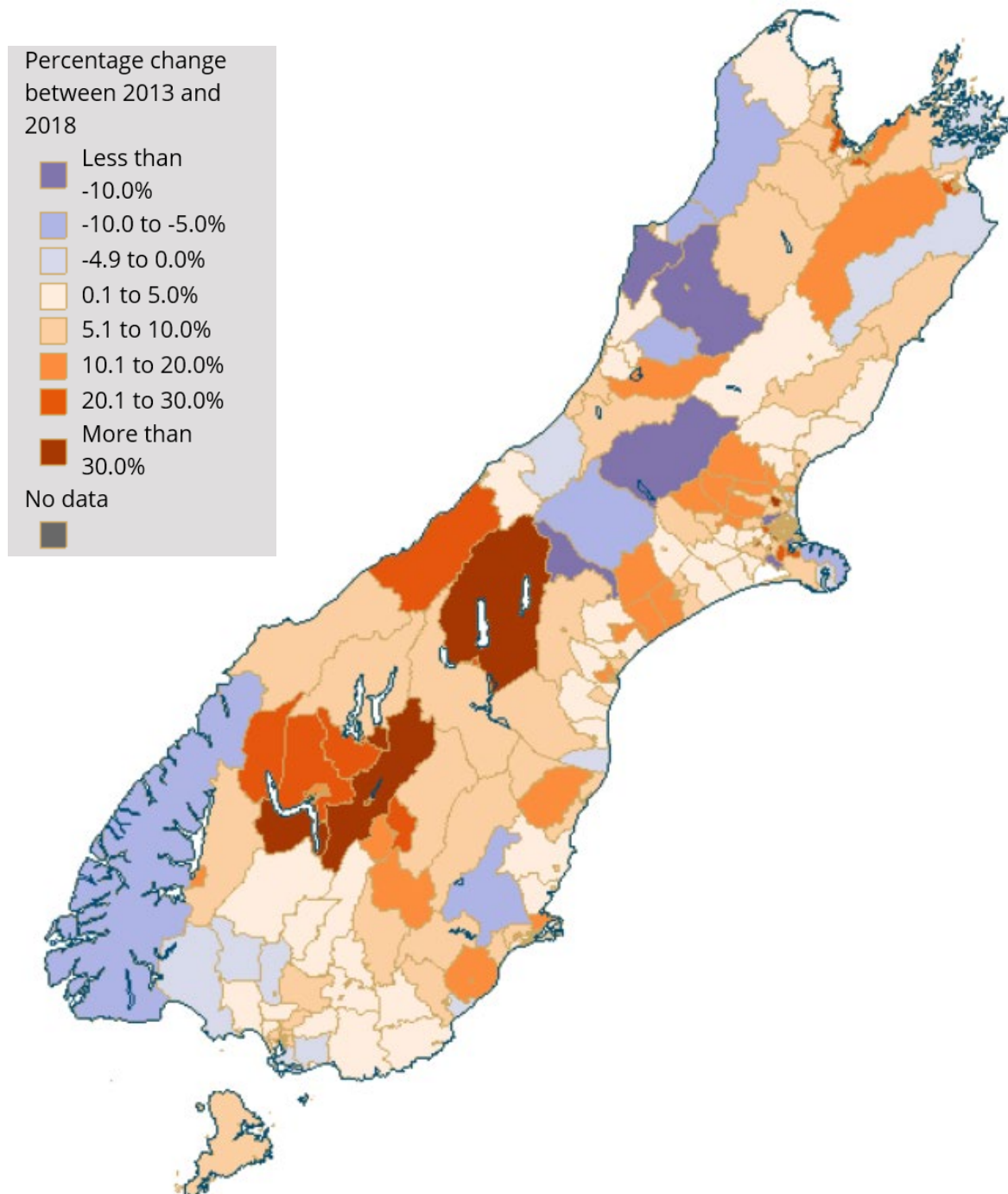


Figure 15: Population changes in the South Island between the 2013 Census and 2018 Census (Statistics NZ, 2019).

The 2018 Census shows New Zealand's population is unevenly distributed, with about 76% of New Zealanders living in the North Island and half of them living in three regions; Auckland, Waikato and Bay of Plenty. At the time of the 2018 Census around 46% of New Zealanders lived within the triangle of Auckland, Hamilton and Tauranga (the so called 'Golden Triangle').

Trends towards centralisation and globalisation have seen Auckland emerge as New Zealand's only global scale city, a city which can compete with other international cities for business and migrants. Auckland is increasingly spilling over into its peripheries with Warkworth and Pukekohe now recognised as satellite settlements. This has fuelled the growth of the Waikato region and Tauranga with population

and business expanding into the Waikato District particularly. However, constrained transport linkages have prevented expansion into Northland to the same extent. Meanwhile, the trend for retirees to retire outside of Auckland has resulted in expansion of coastal settlements in the Coromandel and along Northland's east coast (including Mangawhai).

Statistics New Zealand predicts Auckland will continue to be New Zealand's fastest growing region, and account for three-fifths of the country's population growth between 2013 and 2043. From an estimated population of 1.6 million in 2016, Auckland is projected to reach 2 million in the early 2030s. That means out of every 100 people in New Zealand, 33 currently live in Auckland, however this will increase to 37 in 2028 and 40 in 2043 (Statistics New Zealand).

Natural increase (births minus deaths) is projected to account for three-fifths of Auckland's growth and net migration the remaining two-fifths. Interestingly the number of people moving into the city from other New Zealand regions is now less than the number of Aucklanders moving away. Auckland's net migration gains are therefore due to positive international rather than internal migration.

Almost 33,000 Aucklanders left Auckland for other parts of the country over the four years to June 2017 (Patterson, 2019C). What is more, the exodus of Aucklanders to the regions has accelerated from a net 2,727 people in 2014 to 12,942 people in 2017. The three regions closest to Auckland; Northland, Waikato and Bay of Plenty, attracted two thirds (68%) of Auckland's regional population exodus, further reinforcing the emergence of the Upper North Island as New Zealand's main population and economic centre. However, migrants from Auckland also made major contributions to other centres, including Dunedin and Queenstown-Lakes which each saw a net gain of more than 1,100 residents from Auckland over the four years to June 2017. Other parts of the country that are worth mentioning as destinations for Aucklanders include Wellington and Hawke's Bay (Patterson, 2019C).

Net regional migration out of Auckland is characterised by high net outflows of people in their late twenties and through their thirties with children (Patterson, 2019C). This suggests the unaffordability of housing in Auckland is a key driver pushing these young families into adjacent regions. Net regional migration outflows also accelerate as people reach retirement, suggesting people are seeking better lifestyle opportunities as well as releasing capital by selling their Auckland family home (Patterson, 2019C).

Based on current trends it is apparent that New Zealand is on a divergent growth path and that this path risks the creation of two New Zealand's; Auckland (with its surrounding overflow area) and the rest. In general, Aucklanders will be younger, wealthier, better skilled and more ethnically diverse than the rest of New Zealand (Salvation Army Social Policy and Parliamentary Unit May 2015).

However, while Auckland is New Zealand's most internationally competitive city, it faces significant challenges (PricewaterhouseCoopers, 2019). Auckland has rising housing, food and transport costs, coupled with sluggish income growth. This results in residents having lower discretionary income in 2019 than a decade ago (\$96 less per week) (PricewaterhouseCoopers, 2019).

By contrast, over the last decade, Wellington and Christchurch experienced increases in weekly discretionary income of \$137 and \$124 respectively, by combining high income growth with relatively low housing costs (PricewaterhouseCoopers, 2019). In contrast, the smaller cities of Hamilton and

Tauranga have maintained discretionary income through lower basic expenditure, while Queenstown currently has high incomes outstripping rapidly increasing house prices (PricewaterhouseCoopers, 2019).

It is this increasing unaffordability of Auckland, coupled with the attractions of lower density living, that is increasingly drawing residents to relocate to those regions bordering Auckland or to secondary upper North Island cities (PricewaterhouseCoopers, 2019). Businesses too are relocating to where industrial land is cheaper and transport links are less congested.

4.2 Population regionally

According to the 2018 Census count, Northland's population has increased 18.1% since the 2013 Census to reach 179,076. This makes Northland the fastest-growing region in the country, with more than 27,000 more people living in the region than five years ago. The second fastest growing region was Bay of Plenty (15.2% growth), followed by Waikato (13.5% growth).

According to the latest population estimates, Northland had an estimated resident population of 179,100 in 2018 (Infometrics, 2019). This was a 2.1% increase on the previous year and health enrolments (a proxy for local population growth) suggest this growth is sustained, increasing a further 2% over the 12 months to June 2019 (Infometrics, 2019).

Whāngārei is Northland's only city and the closest city servicing the Kaipara district. Whāngārei district accounts for about half Northland's population with an estimated usually resident population of 91,400 in 2018, or a 2018 Census count of 90,960. According to the 2018 Census, Whāngārei is growing strongly, increasing 18% between 2013 and 2018. Both Northland and Whāngārei's growth is mainly attributed to net migration which accounted for 3,100 and 1,400 persons respectively over the 2018 calendar year. Natural increase contributed a further 600 and 300 persons respectively (Infometrics, 2019).

Net migration's greater contribution to Northland's population growth than natural increase is in contrast to historic trends and suggests an increasing number of people moving to Northland. Out-migration from Auckland is a key contributor to this trend as high living costs drive Aucklanders to look north and south of the city. Retirees leaving Auckland to enjoy a quieter lifestyle in coastal settlements along Northland's east coast will also be contributing.

Not surprisingly given these trends, the fastest growing areas of Northland were around Kaiwaka/Oneriri, Mangawhai and Waipu which are both close to Auckland and near the sea. The rural area around Mangawhai recorded the largest population growth (50.2% or 702 additional residents) over the 2013-2018 period, followed by 633 at Waipū, and 537 at Kaiwaka/Oneriri.

The Far North district also saw strong growth in some areas, the district growing by 17.1% or 65,250 residents to reach a usually resident population of 65,250 according to the 2018 Census count.

Table 2 shows the annual levels of net regional migration (i.e. migration to and from other areas of New Zealand) for Northland's territorial authorities and neighbouring Auckland. It shows that Northland's territorial authorities have received growing numbers of regional migrants, while Auckland is increasingly losing residents to the rest of New Zealand (Patterson, 2019).

Table 2: Net regional migration flows for Northland territorial authorities and the Auckland Region (Patterson, 2019).

Net regional migration				
<i>From all other parts of NZ, June years</i>				
Year	Kaipara District	Whangarei District	Far North District	Auckland
2014	-144	690	120	-2,727
2015	192	720	-72	-6,924
2016	309	777	204	-10,332
2017	498	1,092	690	-12,942
Average (2014-17)	214	820	236	-8,231

4.3 Kaipara's Population

4.3.1 Kaipara Uri – Kaipara's first peoples

Kaipara settlement goes back more than nine centuries, when the ancestors of the many iwi and hapū lived by fishing, hunting and growing crops in an area blessed with rich harvests from the harbour, ocean, rivers, forest and soil. The Kaipara was also a major route for travel to and from the north, to the Waitemata and Manukau Harbours.

The major iwi/hapū of the Kaipara are Te Roroa and Te Uri o Hau. Te Roroa occupy the hinterland and rich valleys between the Kaipara and Hokianga harbours, particularly the Kaihu Valley, Waipoua, Tunatahi (Dargaville) and Maunganui Bluff areas. Te Uri o Hau occupy the Pouto peninsula and northern side of the Kaipara Harbour. The southern Kaipara is made of several hapū and iwi, namely Ngāti Whātua Tūturū, Te Taou and Ngāti Rongo whom extend their tribal area to Taupaki (IKHMG, 2019).

**Figure16: The major Kaipara hapū rohe and location of significant battle sites prior to 1840.**

Te Uri o Hau, together with their overarching Iwi; Ngāti Whātua, and Te Roroa have Mana Whenua status over their ancestral lands (their rohe). This means they are recognised as having authority to exercise kaitiakitanga over their rohe. Council needs to be aware of Te Uri o Hau and Te Roroa's rohe extents and work with these Iwi appropriately.

4.3.2 Population Growth in Kaipara

In 2018 Kaipara had an estimated resident population of 23,200 persons (Infometrics, 2019). According to the 2018 Census, Kaipara's population rose 20.6% from 18,963 in 2013 to 22,869 in 2018 making it the fastest growing district in Northland. Based on estimates, Kaipara's annual average population growth rate was 2.5% over the five years from 2013 to 2018. Kaipara's average rate of population growth over this period, exceeded that of Northland (1.7%), Whāngārei (1.8%), Far North (1.22%), and New Zealand (1.9%) while being slightly below that of Auckland (2.6%) and on par with that of Waikato District (2.5%). As shown in Figure 17, the rate at which Kaipara's population is growing has been strengthening since 2001 with the exception of a slowdown around 2012. Furthermore, it can be observed in both Figure 17 and Figure 18 that Kaipara's population growth has accelerated since 2014.

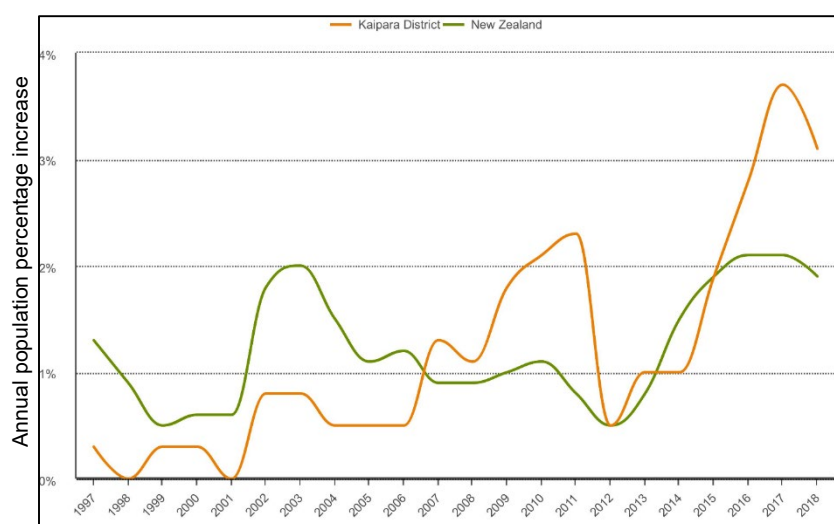


Figure 17: Year on year population growth rate between 1997 and 2018 (Infometrics, 2019).

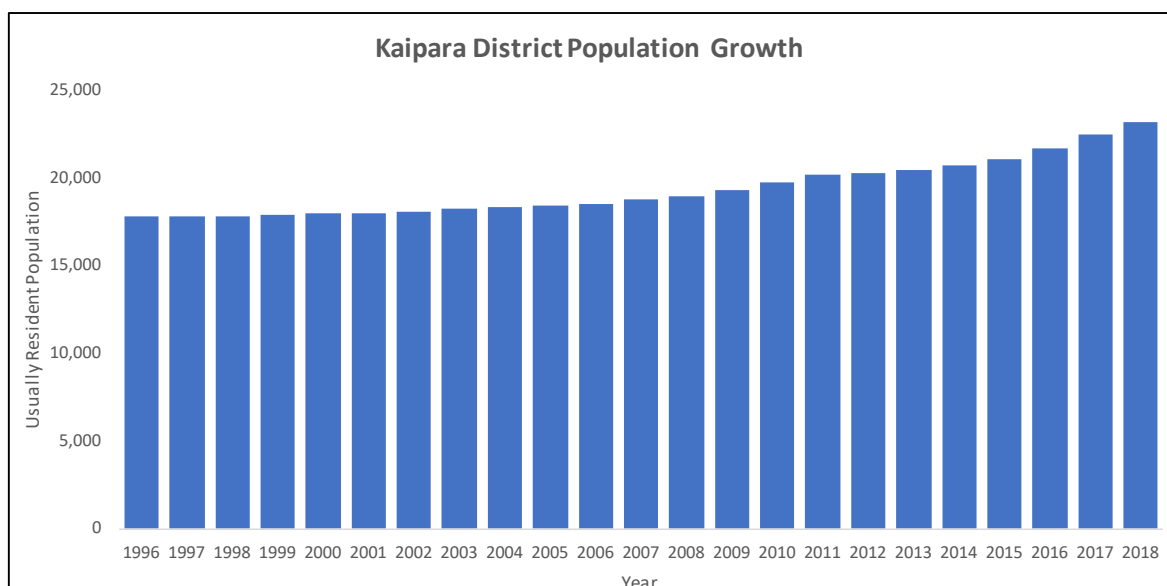


Figure 18: Kaipara's population from 1996 to 2018 (Infometrics, 2019).

Kaipara's growth has however not been shared equally between its many distinct communities. Figure 19 shows the fastest growing areas in Kaipara between 2013 and 2018 were around Mangawhai, Kaiwaka/Oneriri and to a lesser extent, Maungaturoto. Interestingly, this high rate of growth in south-eastern Kaipara was not shared by neighbouring areas of northern Auckland/Rodney.

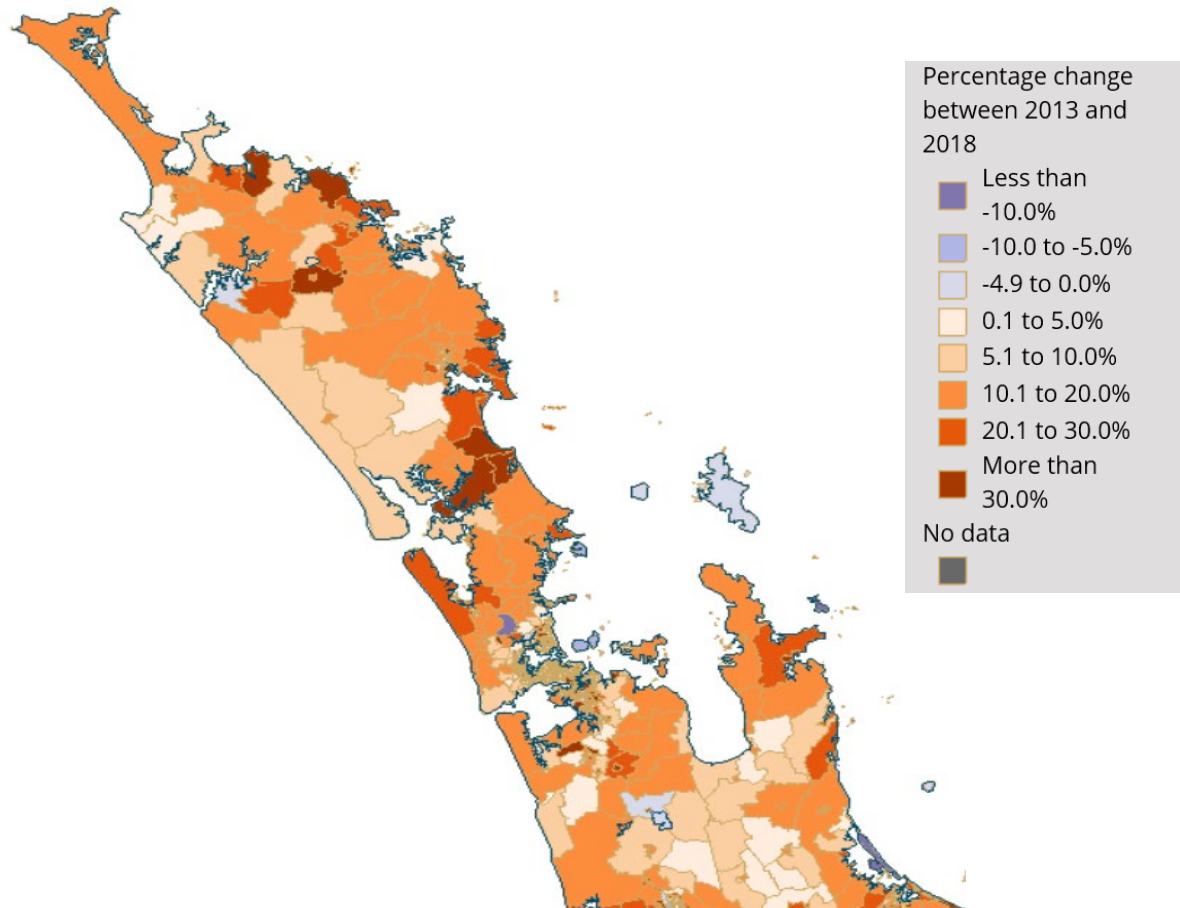


Figure 19: Population change between the 2013 Census and 2018 Census (Statistics NZ, 2019).

Figure 20 below shows how different areas of Kaipara have grown over time. It reveals Mangawhai has grown exponentially over the course of the dataset, while all other areas show a similar trend of roughly stable populations with a recent period of population growth from about 2015 onward.

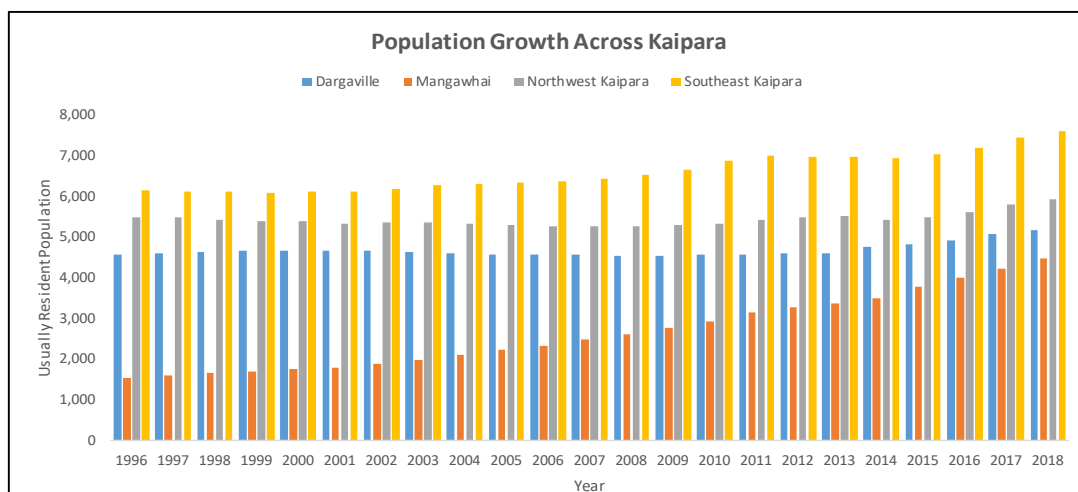


Figure 20: Population growth trends across different areas of Kaipara District from 1996 to 2018 (Infometrics, 2019).

Table 3 further breaks down how populations grew across various parts of Kaipara District over the period 2015-2018. The data shows that approximately 32.7% of Kaipara's population growth over that period was concentrated in Mangawhai (which includes the three areas of Mangawhai Heads, Mangawhai Rural, and Mangawhai [Village]), despite this area only accounting for just over 19% of Kaipara's total population (Infometrics, 2019). By comparison, other parts of Kaipara generally attracted a smaller share of population growth relative to their overall share of Kaipara's total population (Infometrics, 2019; Patterson, 2019).

Table 3: Population growth over the period 2015-2018 (Infometrics, 2019).

SA2 area	Change in population, 2015-18	Share of Kaipara's population growth	Population, as at June 2018	Population as share of Kaipara total
Dargaville	340	16.3%	5,170	22.3%
Kaipara Coastal	310	14.9%	4,000	17.2%
Kaiwaka	220	10.6%	2,000	8.6%
Mangawhai [Village]	90	4.3%	730	3.1%
Mangawhai Heads	290	13.9%	1,800	7.8%
Mangawhai Rural	300	14.4%	1,950	8.4%
Total Mangawhai	680	32.7%	4,480	19.3%
Maungaru	160	7.7%	1,950	8.4%
Maungaturoto	110	5.3%	1,330	5.7%
Otamatea	110	5.3%	1,690	7.3%
Ruawai-Matakohe	150	7.2%	2,600	11.2%
Total	2,080	100%	23,220	100%

Kaipara's growth is mainly attributed to net migration (people moving to Kaipara from other areas of New Zealand and overseas) which accounted for 600 additional persons over the 2018 calendar year. Natural increase contributed a further 100 persons (Infometrics, 2019).

Regional migration (migrants from other parts of New Zealand rather than from overseas) accounted for approximately 41% of Kaipara's total population growth over the four years to June 2017, compared to 40% from international migration and 19% from natural increase (see Figure 21) (Patterson, 2019).

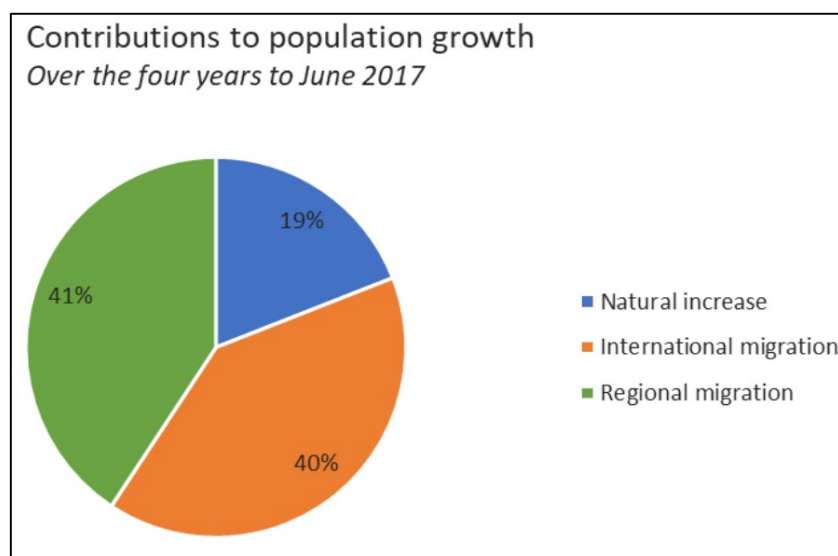


Figure 21: Proportion of Kaipara's population growth attributed to natural increase and migrants from overseas and other parts of New Zealand over the four years to June 2017 (Patterson, 2019).

Net regional migration's greater contribution to Kaipara's population growth than natural increase is in contrast to historic trends and suggests an increasing number of people moving to Kaipara (Patterson, 2019).

As shown in Table 4, net regional migration to Kaipara has been increasing from a loss of -144 people in 2014 to a gain of 498 people in 2017 (Patterson, 2019).

Table 4: Net regional migration to Kaipara from other parts of New Zealand, June years (Patterson, 2019).

Year	Net migration
2014	-144
2015	192
2016	309
2017	498
Average (2014-17)	214

Auckland was the largest contributor of regional migrants to Kaipara over the four years to June 2017 as severely unaffordable housing has pushed people from Auckland into regional New Zealand. Auckland lost an average of 374 people per annum to Kaipara over the four years to June 2017. The other key sources of regional migration to Kaipara were generally from provincial parts of the central North Island.

Table 5 summarises the ten territorial authorities from which Kaipara district has gained the most regional migrants over the four years to June 2017 (Patterson, 2019).

Table 5: Key sources of regional migration gain to Kaipara over the four years to June 2017 (Patterson, 2019).

Net gain from:	Average migration 2014-17 (pa)	Total migration 2014-17
Auckland	374	1,494
Rotorua District	10	39
Thames-Coromandel District	7	27
Waikato District	7	27
Nelson City	6	24
Otorohanga District	5	21
Palmerston North City	5	18
Central Otago District	4	15
Lower Hutt City	4	15
Ashburton District	3	12

Over the four years to June 2017 the key destinations for net regional migration outflows were other parts of Northland, particularly Whāngārei (Patterson, 2019). Kaipara lost an average of 92 residents a year to Whāngārei and an average of 14 per year to Far North over the four years to June 2017 (Patterson, 2019). However, these four-yearly averages can be deceptive, Table 6 below reveals a declining trend in losses to Whāngārei and an increasing trend in Aucklanders moving north.

Table 6: Net regional migration flows to Kaipara District from other territorial authorities (Patterson, 2019).

Net regional migration					
Regional migration from other territorial authorities					
Net migration from:	Average migration 2014-17 (pa)	2014	2015	2016	2017
Auckland	374	138	294	489	573
Rotorua District	10	-6	30	-3	18
Thames-Coromandel District	7	-3	12	9	9
Weikato District	7	0	3	-9	33
Nelson City	6	9	3	6	6
Otorohanga District	5	3	9	12	-3
Palmerston North City	5	3	9	0	6
Central Otago District	4	0	6	3	6
Lower Hutt City	4	0	-3	15	3
Ashburton District	3	3	6	9	-6
South Taranaki District	3	6	9	-3	0
Hauraki District	2	12	-12	6	3
Gore District	2	3	6	0	-3
Grey District	2	6	-6	3	3
Invercargill City	2	6	-6	-6	12
Timaru District	2	0	-3	6	3
Marlborough District	1	3	9	-9	0
Rangitikei District	1	3	6	0	-6
Southland District	1	-3	-3	0	9
Taupo District	1	-3	12	-18	12
Whakatane District	1	0	6	-6	3
Kaikoura District	0	0	0	0	0
Opoiki District	0	-3	0	0	3
Queenstown-Lakes District	0	-3	-3	0	6
South Wairarapa District	0	0	0	0	0
Carterton District	-1	3	-6	3	-3
Clutha District	-1	-3	0	-3	3
Hurunui District	-1	-3	-3	3	0
Kapiti Coast District	-1	9	3	-15	0
McKenzie District	-1	-3	0	0	0
Porirua City	-1	3	-3	-3	0
Stratford District	-1	0	0	-3	0
Tasman District	-1	-6	-6	6	3
Upper Hutt City	-1	0	-3	0	0
Waikariri District	-1	-3	6	-6	0
Waimea District	-1	0	-3	0	0
Central Hawke's Bay District	-2	-6	-3	6	-3
Horowhenua District	-2	-6	-12	12	0
Selwyn District	-2	-9	-6	0	9
Waikato District	-2	-3	0	-6	3
Buller District	-2	-3	-3	-6	3
Hastings District	-2	0	-3	-3	-3
Masterton District	-2	-3	6	-3	-9
Napier City	-2	3	-3	-6	-3
Waipa District	-2	9	-6	3	-15
South Waikato District	-3	9	6	-27	0
Waiteki District	-3	0	0	-9	-3
Wellington City	-3	-12	-9	3	6
Kawerau District	-4	-3	-3	0	-9
Manawatu District	-4	-6	0	-3	-6
New Plymouth District	-4	0	0	6	-21
Westland District	-4	0	-6	-6	-3
Christchurch City	-5	-15	3	-6	0
Tauranga City	-5	-3	0	-3	-12
Waioke District	-5	0	-12	-6	0
Western Bay of Plenty District	-5	0	0	-6	-12
Gisborne District	-5	0	-12	-9	0
Ruspehu District	-5	-9	-6	-9	3
Taranaki District	-5	-9	-3	-3	-6
Whanganui District	-5	0	-3	-3	-15
Dunedin City	-6	-3	-6	-6	-9
Hamilton City	-10	-30	12	-9	-12
Metamata-Piako District	-14	-24	-3	-15	-12
Far North District	-14	-51	24	18	-48
Whangarei District	-92	-141	-129	-81	-18
Total migration into Kaipara	214	-144	192	309	498

Kaipara experiences significant net migration losses of people aged 15-19 years, possibly because of school leavers seeking tertiary education in cities (Patterson, 2019). Interestingly, there now appears to be net inflows of young families. This trend is apparent in the higher net inflows of children (0-14 years) and adults in their thirties, with many leaving Auckland, possibly in search of affordable housing and better lifestyle opportunities for their families. Regional migration to Kaipara rises again sharply as people approach retirement. This is likely because retirees are not concerned about finding employment in the area they move to. In addition, the potential to sell an Auckland property and buy a house in Kaipara for significantly less than the sale price may facilitate early retirement options. However, Kaipara also experiences net regional migration losses to other areas as people become more elderly, possibly because of their greater needs for healthcare.

Dargaville

Dargaville remains Kaipara district's largest centre with an estimated 2018 population of 5,170 and a 2018 Census count of 4,794. Analysis of Infometrics' data reveals Dargaville is showing sustained growth in both population and employment following a period of stagnation and, at times, even decline which lasted up until 2013 (refer to Figure 22). The 2018 Census suggests Dargaville's population has grown by 13% from 2013 to 2018.

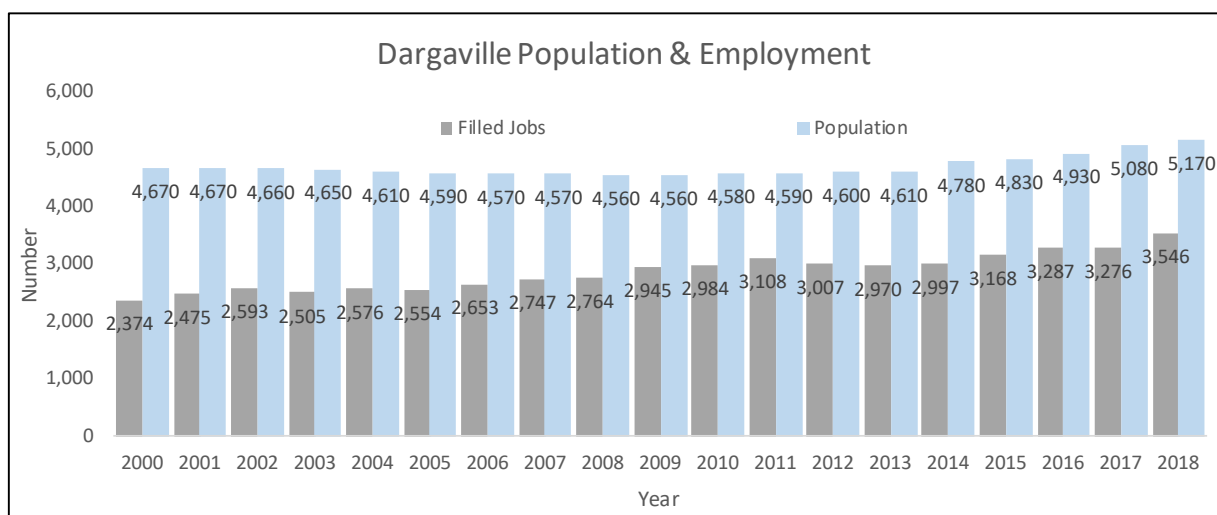


Figure 22: Population and employment growth in Dargaville (Infometrics, 2019).

This changing trend is also evident from house prices (New Zealand Herald, 2017). An analysis by Quotable Value (QV) of Northland property values shows Dargaville experienced a 60.5% increase in the median price of residential properties in the three years to June 30, 2017. This increase in house prices likely reflects that Dargaville's population growth (13% from 2013 to 2018) has far exceeded dwellings growth (2% from 2013 to 2018). The town is now considered to have a shortage of available rental properties (New Zealand Herald, 2017).

The reasons for this change are not well understood but appear to stem from an uplift in the local economy. Dargaville's commutability to the expanding Whāngārei metropolitan area and its affordability compared to Auckland are also likely contributing factors. Dargaville is supported by communities such as Te Kopuru and Baylys which act as satellite residential areas. These areas are likely experiencing similar trends, however data at this level is limited.

Northwest Kaipara

Dargaville acts as a service centre for a large rural area roughly equal to half the geographic extent of the district which stretches from Pouto to the Waipoua Forest and east to Tangiteroria, Arapohue and Ruawai. Beyond this, communities look to Whāngārei, Auckland or, to some extent, Maungaturoto for their services centre needs. Much of this area falls within the Northwest Kaipara small area profile for which Infometrics provides detailed data. This area includes all the area mentioned above with the exception of the Ruawai area beyond Tokatoka (refer to the map in Figure 23).

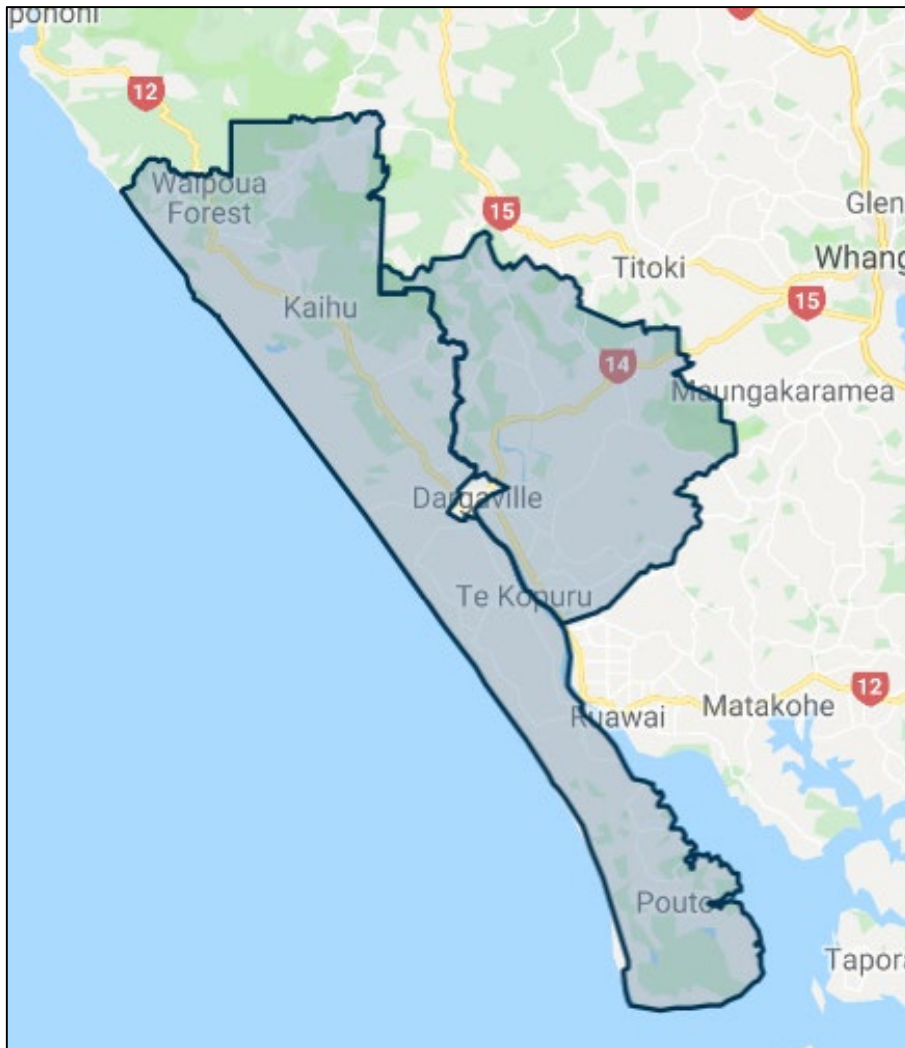


Figure 23: Geographic extent of Infometrics' Northwest Kaipara Small Area Profile (Infometrics, 2019).

In 2018, Northwest Kaipara had an estimated population of 5,950 persons (Infometrics, 2019) or 5,490 according to the 2018 Census count. The area's population has followed a similar trend to that of Dargaville, showing an increase over recent years. However, growth in employment has not kept pace with population growth, suggesting many in these communities commute to Dargaville for work. Between 2013 and 2018, Northwest Kaipara's estimated population grew by 8% (or 7% according the 2018 Census) while employment only increased by 3% (Figure 24). By comparison, Dargaville's estimated population increased by 12% (or 13% according to the 2018 Census) while its employment increased by 19% over the same period (Infometrics, 2019). Population increase without employment growth could also be attributed to more children and retirees.

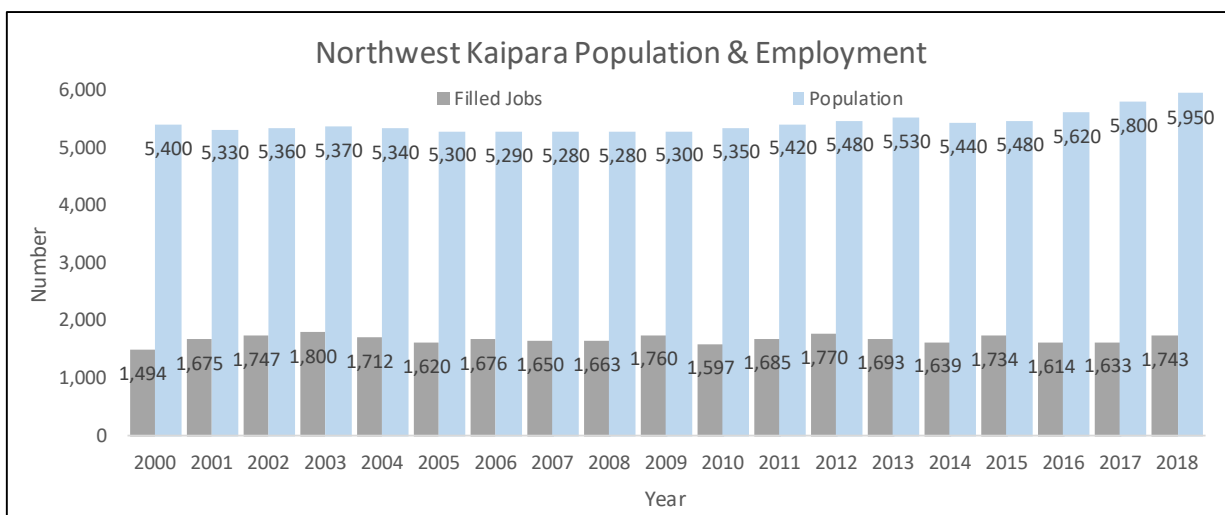


Figure 24: Comparison between population and employment growth in Northwest Kaipara (Infometrics, 2019).

Mangawhai

The second largest centre in Kaipara is Mangawhai, with an estimated 2018 usually resident population of 4,480 (Infometrics, 2019) or 5,031 according to the 2018 Census, which indicates a 60% increase in population from 2013-2018. This growth was split between Mangawhai Heads which grew 61% (to reach 1,995 residents), Mangawhai Village which grew 85% (to 936 residents) and Mangawhai Rural which grew 50% (to 2,100 residents) (Statistics New Zealand). However, past analysis comparing the number of unoccupied dwellings to occupied dwellings and wastewater flows between peak and off-peak times suggests Mangawhai's population (in particular Mangawhai Heads) more than doubles during holiday periods, with a peak population likely exceeding 7,700. This makes it Kaipara's largest centre during these times. This has implications for Council when planning for infrastructure and service provision. Services must be able to cope with peak, not just usually resident, demand.

However, Mangawhai is a town facing transition. Recent data suggests the proportion of people living permanently in Mangawhai is increasing. This is likely due to people retiring permanently to their holiday homes, as well as more new homes being built for permanent residents.

A comparison of population growth to employment growth reveals that, Mangawhai's population is growing exponentially, however its employment is growing only modestly (Figure 25) (Infometrics, 2019). This, together with the older age structure of the population suggests a high proportion of retirees in the Mangawhai community. In addition, there are a number of indicators suggesting more working-age people are moving to Mangawhai and commuting to the North Shore of Auckland for work. More affordable housing and anticipated better lifestyle opportunities, coupled with improving transport links and new technology which increasingly enables working from home, are considered to be factors driving this trend.

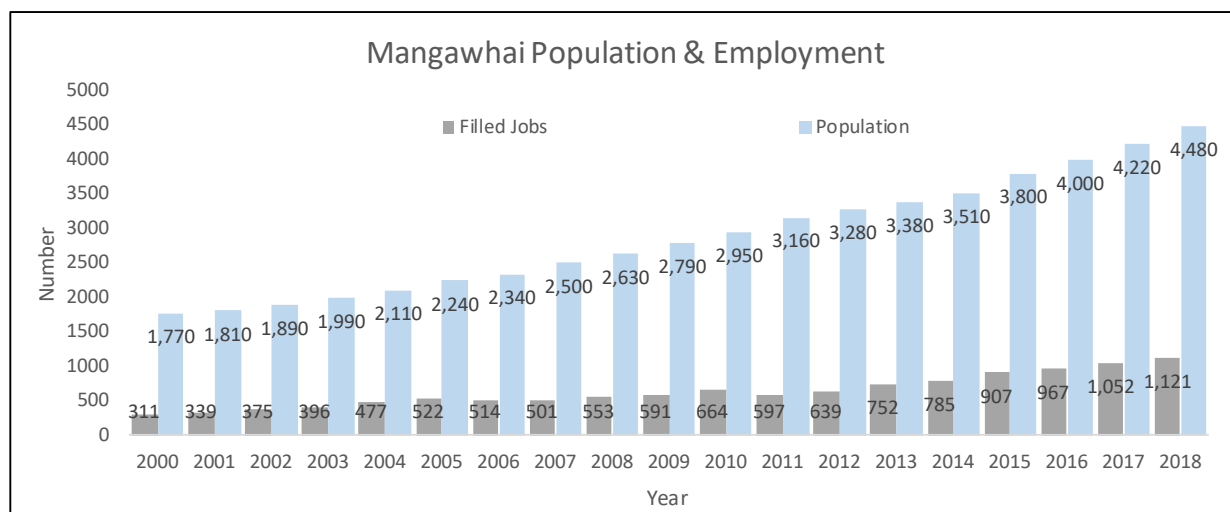


Figure 25: Comparison between population and employment growth in Mangawhai (Infometrics, 2019).

As a result of these trends, Mangawhai is transitioning from a holiday and retirement destination to a permanent settlement and service centre for the local area. The proposed “Mangawhai Central” development, including a supermarket, commercial and retail outlets and a medical centre, will likely cement this transition.

The trends which have influenced Mangawhai’s more recent growth look set to intensify. New Zealand’s ageing population and the proposed additional services will likely add to the influx of retirees. Meanwhile, completion of the Pūhoi to Warkworth motorway extension and other roading improvements will further reduce travel times to Auckland and the North Shore, making Mangawhai increasingly attractive to commuters. These commuting opportunities will likely increase the flow of younger workers and their families into the area. In addition, Mangawhai’s proximity to Northland’s expanding port at Marsden Point and the growing Waipu-Marsden area may further spur its growth.

This rapid and ongoing growth poses various challenges for the Mangawhai community as they seek to retain their rural coastal amenity and relaxed pace of life while allowing for development to take place. This will entail guiding development to achieve a workable urban form and giving consideration to Mangawhai’s infrastructure. This challenge is exacerbated by existing infrastructure constraints, the result of Mangawhai’s historic ‘bach’ nature and ad-hoc manner of development. More information on these infrastructure constraints is provided in Section 6.

Southeast Kaipara

The Southeast Kaipara area encompasses the whole south-eastern part of the district stretching from Ruawai to Kaiwaka but excludes Mangawhai (refer to Figure 26).

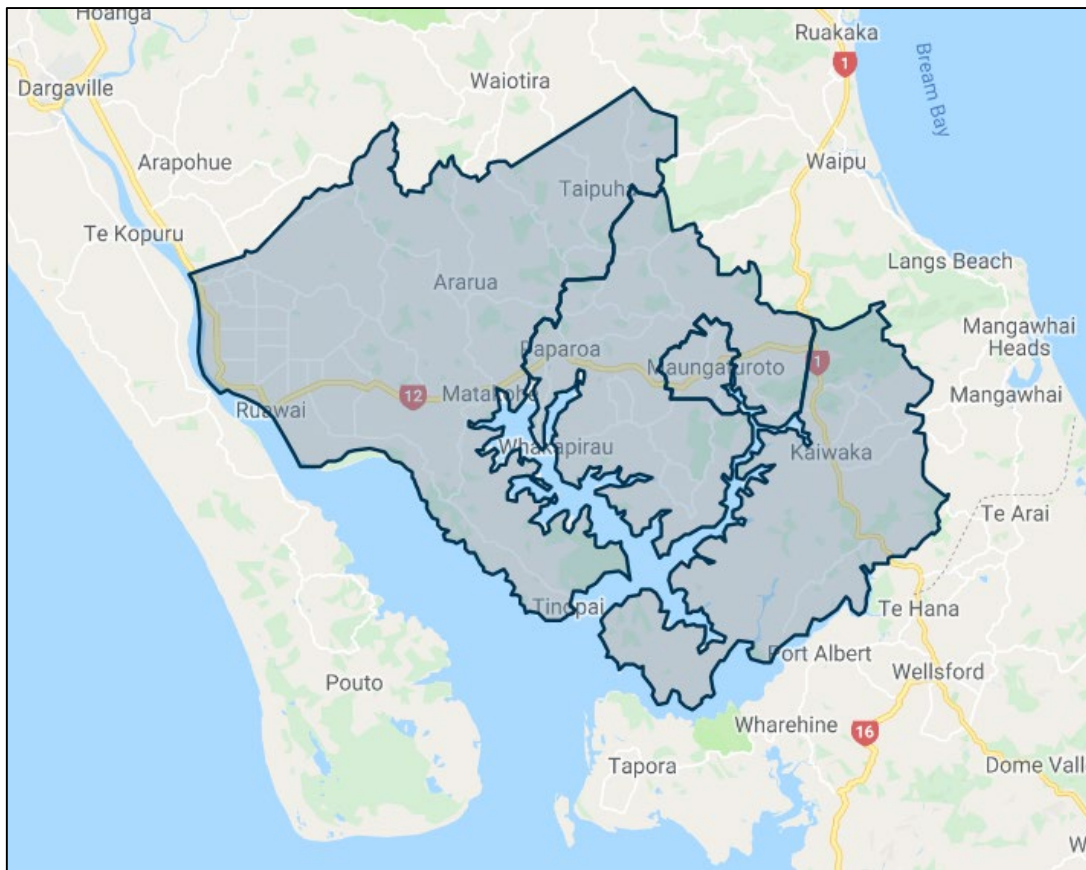


Figure 26 Geographic extent of Infometrics' Southeast Kaipara Small Area Profile. Also shown are the sub areas of Kaiwaka, Otamatea, Maungaturoto and Ruawai-Matakohe (Infometrics, 2019).

This area had an estimated 2018 population of 7,620 persons. Its population has been reasonably stable, growing at an average pace of 1.21% per year between 2000 and 2018.

As Figure 27 shows, this rate of growth has fluctuated and at times turned negative. The area shows a recent increase in the rate of population growth since 2015, a trend not dissimilar to that seen in Dargaville and Northwest Kaipara. However, despite population growth, Northwest Kaipara's employment has remained stagnant suggesting the area's population growth is likely to be mostly in the older, post working age group or made up of people commuting to the North Shore of Auckland.

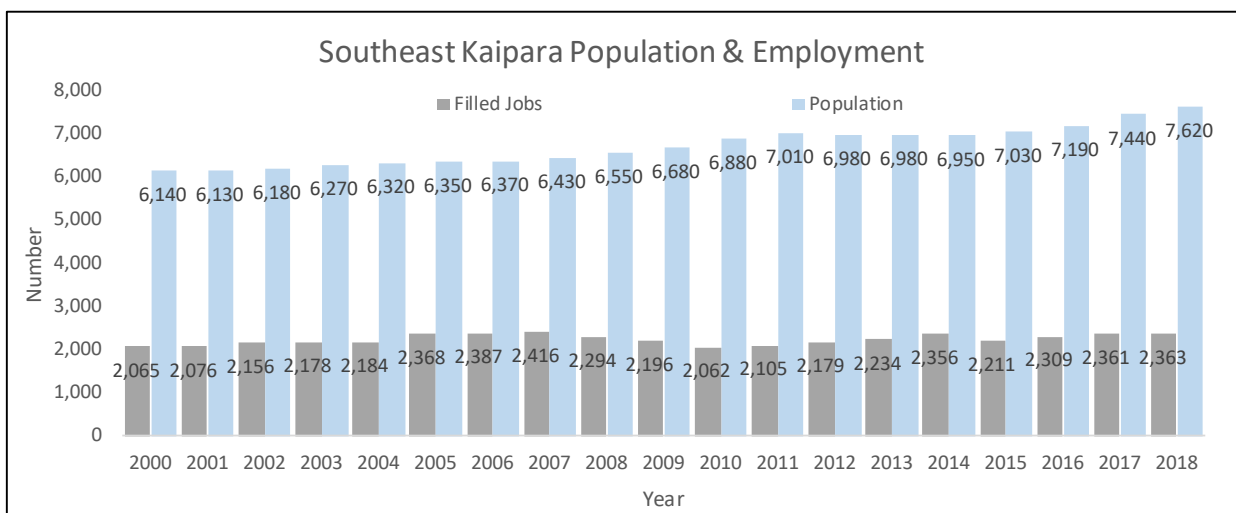


Figure 27: Comparison between population and employment growth in Southeast Kaipara (Infometrics, 2019).

The Southeast Kaipara area is home to a collection of rural communities and settlements such as Ruawai, Matakohe, Tinopai, Paparoa, Pahi, Whakapirau, Maungaturoto and Kaiwaka.

The area around Kaiwaka, including the Oneriri Peninsular and Hakaru area, is becoming increasingly popular for lifestyle block developments. These are the closest areas of the district to Auckland, are supported by services in Kaiwaka and Mangawhai, are sited in picturesque rolling hill country and are close to either the Mangawhai Harbour or Kaipara Harbour. According to the 2018 Census, this area grew by 34% between 2013 and 2018 to have a population of 2,139. Kaiwaka itself had a 2018 estimated resident population of 2,000, having increased by 220 persons or 10.6% since 2015 (Infometrics, 2019). It is reasonable to anticipate these trends will only strengthen in time as roading improvements continue to reduce travel times to Auckland and Auckland's growth continues to push up the price of land on its peripheries.

To a lesser extent, this same trend is affecting parts of Otamatea (for statistical purposes, Otamatea is taken as the area around, but not including Maungaturoto). According to the 2018 Census, this area grew by 16% between 2013 and 2018 to have a population of 1,713. The village of Paparoa (included within the Otamatea area) is being expanded by a 14 lot residential subdivision aimed at retirement living and a further 15 rural residential lots.

Maungaturoto's population increased by 17% over the same 2013 to 2018 period to reach 1,269, according to the 2018 Census count. Maungaturoto is Kaipara's third largest township and acts as a service centre for much of the surrounding rural area. It is also home to a number of industrial operations, including Fonterra's dairy factory, providing considerable local employment.

As rural populations in the south east of the district continue to increase, more demand is created for local services such as shops and healthcare. Consequently, the future of rural hubs such as Kaiwaka, Paparoa and Maungaturoto seems bright, particularly if employment opportunities can be increased through the establishment of further manufacturing, horticulture and poultry farming.

4.3.3 Age structure of Kaipara's population

Kaipara's population is comparatively old and is getting older. In 2013 19.3% of Kaipara's population were 65 or older compared to 14.1% nationally (Infometrics, 2019). By 2018 this had risen to 22.5% and 15.3% respectively. Kaipara district currently ranks 10th out of New Zealand's territorial authorities for having the highest proportion of its population aged over 65 (Infometrics, 2019).

Figure 28 shows an age pyramid for Kaipara's population and Figure 29 compares the age structure of Kaipara's population to the national population. This figure shows that the district has disproportionately fewer people aged between 20 and 50 than it does children and people aged over 50.

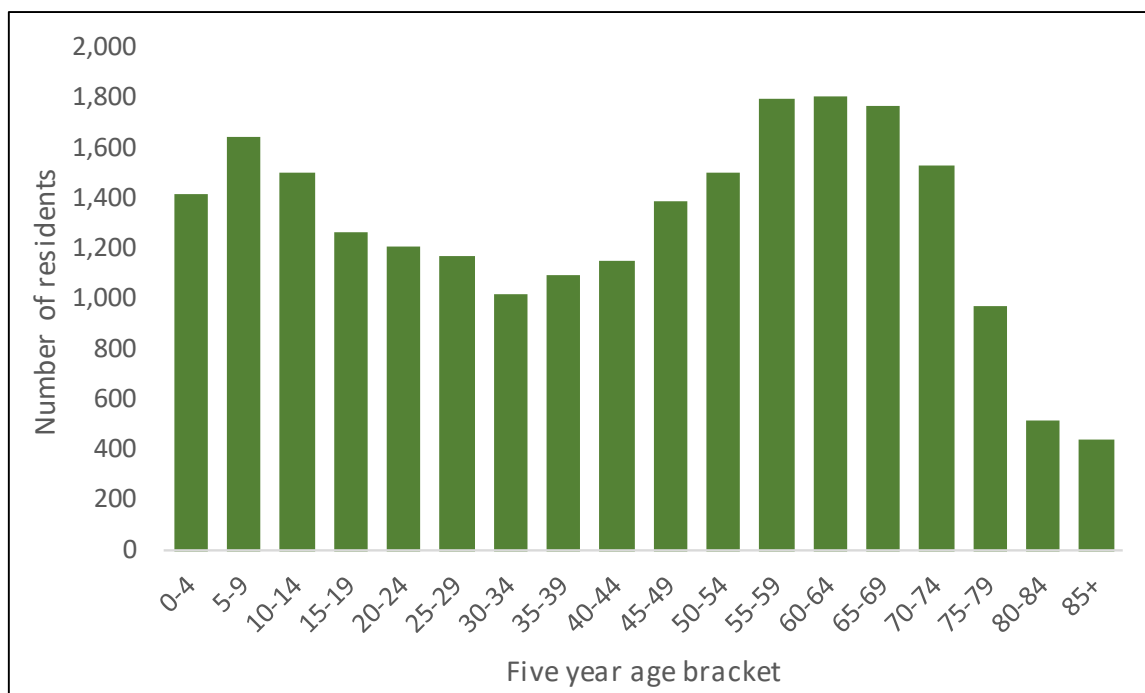


Figure 28: Age structure of Kaipara's population in 2018 (Infometrics, 2019).

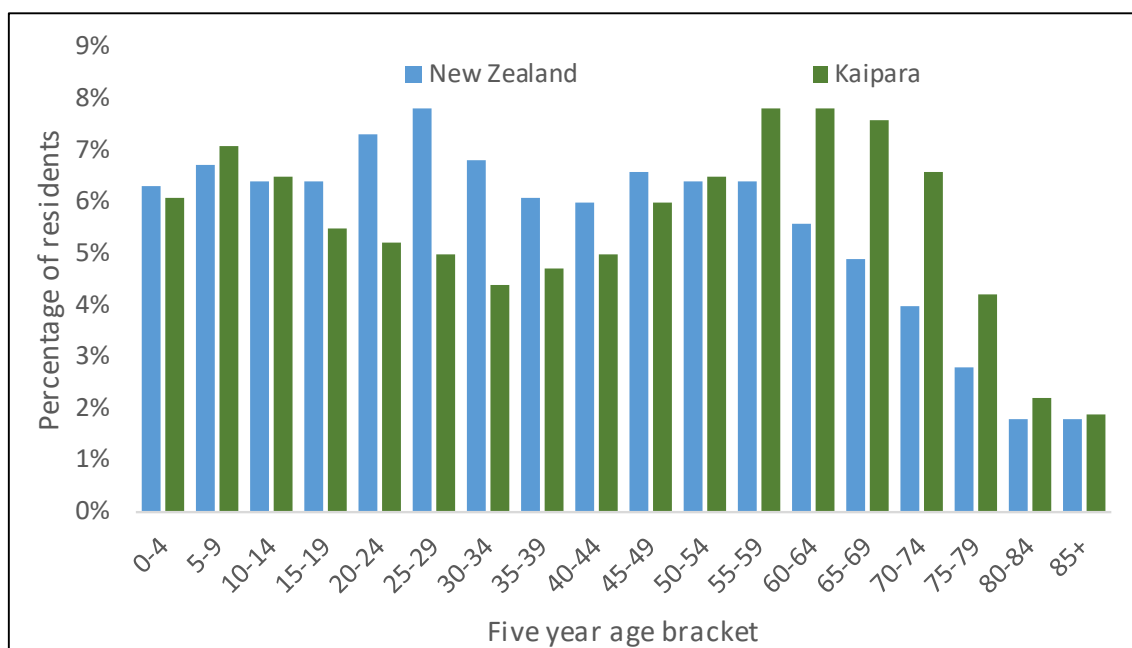


Figure 29: Comparison of the age structure of Kaipara's population in 2018 to that of New Zealand (Infometrics, 2019).

This disproportion between different age groups in the Kaipara community is the result of trends associated with natural increase and net migration. Natural increase is the net result of births minus deaths. Improved health care and nutrition have resulted in people living to be older, this results in more people in the older age brackets. Concurrently, there is a trend towards couples having fewer children. This has resulted in fewer people in the younger age brackets. These trends are exacerbated by the “baby-boomer” cohort (those born between 1946 and 1964) being abnormally large due to a brief trend towards larger families in developed countries in the mid part of the 20th century. This large baby-boomer cohort is now moving into the retirement age bracket.

These trends towards longer life expectancy and smaller families are by no means unique to Kaipara, affecting wider New Zealand and many other developed countries. However, in the Kaipara, and in many other parts of provincial New Zealand, this natural increase of elderly in the local community is further augmented by net migration trends. This is twofold; youth leaving the district in search of tertiary education, then gaining employment and settling outside the district further reduces the number of young people and young families in the district. At the same time, there is a trend for people nearing retirement to seek a better lifestyle in the countryside, particularly in coastal locations such as Mangawhai. This further contributes to the abundance of people in the district in the older age brackets.

Over the four years to June 2017, approximately half of Kaipara's population growth was among the 65+ age group, while only 41% of the growth was among people of working age (see Table 7) (Patterson, 2019). However, there was significant variation in this ageing trend across different parts of Kaipara. Population growth in Otamatea, Ruawai-Matakohe and Kaipara Coastal appears to have been driven most by the older age cohort. At the other end of the spectrum, population growth in Maungaturoto and Dargaville was driven predominantly by people of working age (Patterson, 2019).

Population growth in Mangawhai now appears to be more evenly spread between retired, working age, and youth (Patterson, 2019).

Table 7: Proportion of 2014-17 population growth by age in each SA2 area in Kaipara (Patterson, 2019).

SA2 area:	Retired (65+)	Working age (15-64)	Youth (0-14)
Otamatea	93%	29%	-21%
Ruawai-Matakohe	89%	44%	-33%
Kaipara Coastal	75%	13%	13%
Maungaru	69%	13%	19%
Mangawhai Heads	63%	20%	17%
Kaiwaka	58%	36%	6%
Mangawhai Rural	44%	47%	9%
Mangawhai	39%	30%	30%
Dargaville	30%	61%	9%
Maungaturoto	26%	83%	-9%
Total	51%	41%	8%

Table 8 shows the proportions of populations across each part of Kaipara that were represented by each age group in 2017 (Patterson, 2019). As a point of comparison, 15% of the New Zealand population were 65+ in 2017, 65% were of working age and 20% were youth. Despite recent increases in the proportion of working age families moving to Mangawhai, Mangawhai still has the oldest population in the district (Patterson, 2019).

Table 8: Proportion of 2017 population by age in each SA2 area in Kaipara (Patterson, 2019).

SA2 area:	Retired (65+)	Working age (15-64)	Youth (0-14)
Mangawhai Heads	37%	48%	14%
Mangawhai	34%	45%	21%
Dargaville	24%	56%	20%
Mangawhai Rural	24%	58%	18%
Otamatea	22%	60%	18%
Ruawai-Matakohe	20%	61%	20%
Kaipara Coastal	18%	62%	20%
Kaiwaka	18%	63%	20%
Maungaturoto	18%	59%	23%
Maungaru	16%	63%	21%
Total	22%	58%	19%

These population ageing trends are however not reflective of Kaipara's Māori population. Figure 30 reveals Kaipara's Māori population is comparatively youthful. In stark contrast to the district's non-Māori population, Kaipara's Māori population included a large number of children and young adults and few elderly people. This is the result of a trend towards bigger families among Māori which contributes to the large proportion of children in the Māori population and influences the proportion of children in the district's population as a whole. That the district's Māori population had fewer older and elderly persons than the district as a whole may be related to Māori having lower life expectancy than non-Māori. In all, Kaipara's Māori population had a similar age profile to Māori nationally (as shown in Figure 31).

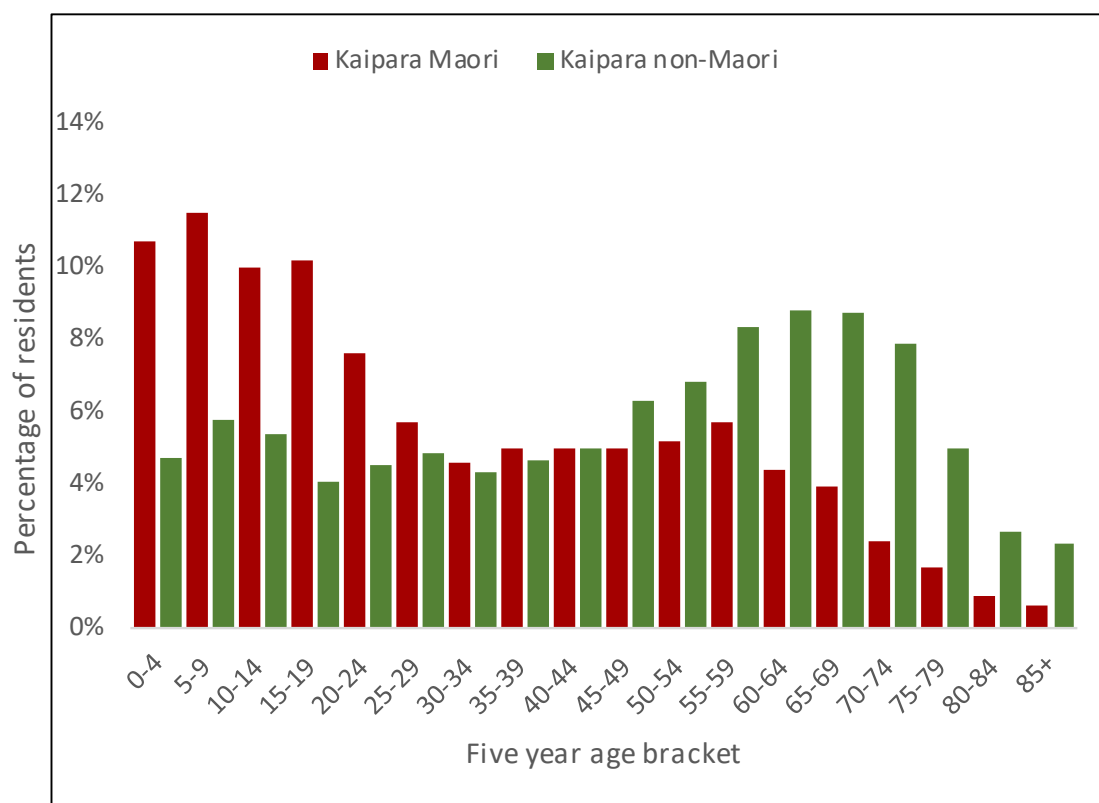


Figure 30: Age structure of Kaipara's Māori population in 2018 compared to that of Kaipara's non-Māori population (Infometrics, 2019).

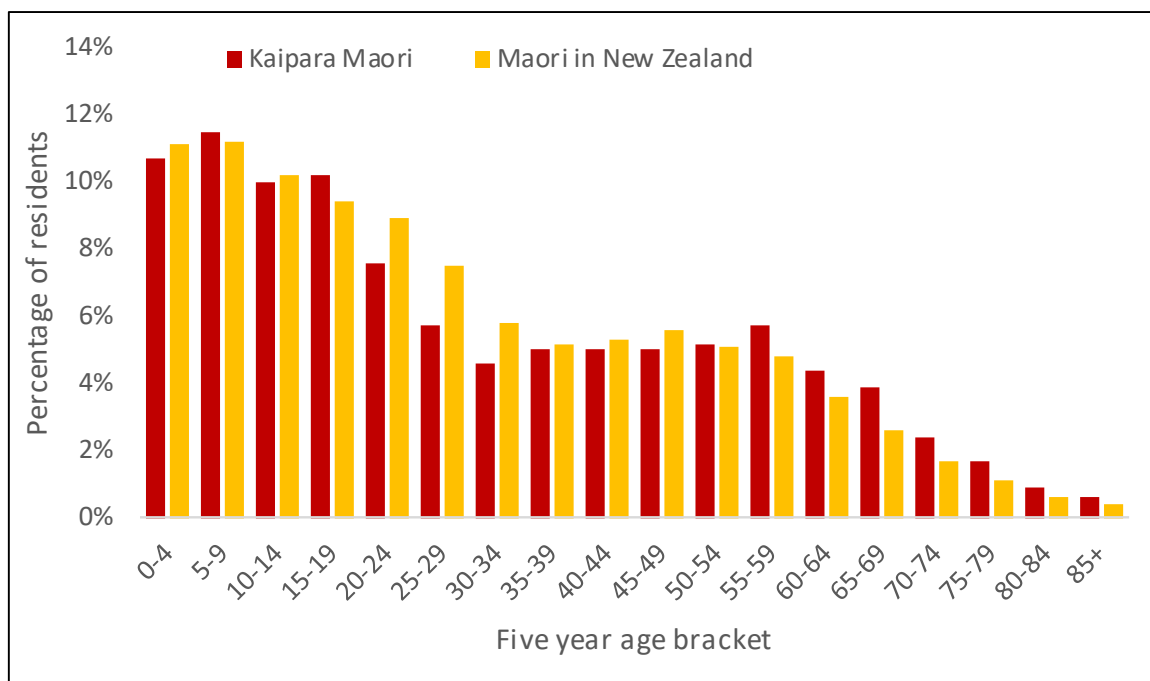


Figure 31: Age structure of Kaipara's Māori population in 2018 compared to the Māori population nationally (Infometrics, 2019).

4.3.4 Ethnicity of Kaipara's population

Table 9 shows the ethnic make-up of Kaipara's population in the different communities as at the 2013 Census (the equivalent data from the 2018 Census is not scheduled for release until March 2020). Four of the Census Area Units (CAUs), Te Kopuru, Ruawai, Dargaville and Kaiwaka, have a relatively large Māori population compared to the district average, while the opposite is true for Mangawhai and Mangawhai Heads.

Table #: Ethnic make-up of Kaipara district according to the 2013 Census.

Census Area Unit	European	Māori	Pacific	Other	Total
Te Kopuru	67.1%	40.6%	3.2%	3.9%	465
Kaipara Coastal	77.0%	22.9%	2.1%	4.2%	2,955
Maungaru	84.6%	17.2%	1.1%	2.7%	1,695
Dargaville	68.5%	29.8%	5.5%	4.3%	4,251
Maungaturoto	78.5%	21.9%	2.8%	2.0%	753
Ruawai	75.2%	33.8%	0.7%	2.8%	435
Kaiwaka	70.8%	33.9%	2.6%	5.2%	576
Rehia-Oneriri	83.2%	17.3%	2.0%	3.4%	5,418
Mangawhai	90.5%	9.5%	1.6%	4.1%	1,329
Mangawhai Heads	90.1%	9.7%	1.7%	3.0%	1,086
Total Mangawhai	90.3%	9.6%	1.6%	3.6%	2,415
Kaipara District	84.2%	23.1%	2.9%	3.7%	18,963

In 2018 Kaipara's Māori population was estimated at 5,410 persons, an increase of 1.3% since 2017. This means 23.3% of Kaipara's population identified as Māori compared to 43.5% in the Far North, 27.9% in Whāngārei, 10.8% in Auckland and 15.2% nationally (Infometrics, 2019). Figure 32 shows how Kaipara's Māori population and non-Māori population have grown between 2000 and 2018.

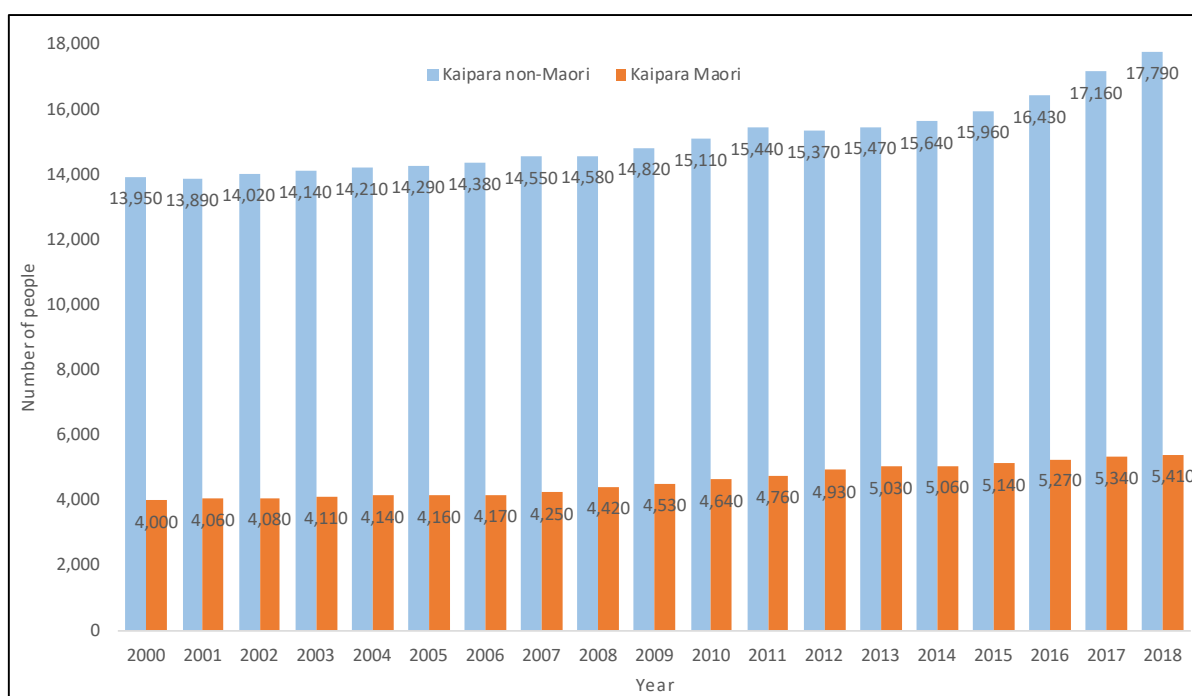


Figure 32: Growth in Kaipara's Māori and non-Māori populations (Infometrics, 2019).

Kaipara's Māori population is comparatively large as a proportion of the population (compared to the national average) and is growing in real terms. Prior to 2015, Kaipara's Māori population had also been growing as a proportion of the total population, reaching a maximum of 24.4%. However, this proportional growth has more recently been offset by increased net migration of non-Māori to the District.

4.4 Wellbeing

One means of comparing wellbeing between areas is through the New Zealand Index of Multiple Deprivation (IMD). The IMD gives an overview of disadvantage based on seven domains of deprivation; employment, income, crime, housing, health, education and access to services (Chiang & Exeter, 2019). The IMD divides the New Zealand land mass into 5,958 neighbourhood-level data zones, each containing an average of 712 people. A score is then attributed to each of these based on their performance against the seven domains of deprivation. Data zones are then ranked from the least to most deprived (1 to 5,958) and grouped into five quintiles. Quintile 1 represents the least deprived 20% of data zones in the whole of New Zealand while quintile 5 represents the most deprived 20%.

In Northland, 47.8% of data zones are amongst the 20% most deprived in New Zealand. Compared to other regions in New Zealand, Northland has the largest proportion of most deprived data zones, as demonstrated in Table 10 (Chiang & Exeter, 2019).

Table 10: Proportion of data zones in each area ranked in each of the different quintiles. The first quintile (Q1) represents the least deprived 20% of data zones while the fifth quintile (Q5) represents the most deprived 20% (Infometrics, 2019).

Regions	Q1	Q2	Q3	Q4	Q5
Northland	2.2%	7.1%	19.0%	23.9%	47.8%
Southland	45.8%	27.1%	10.2%	13.6%	3.4%
Otago	34.9%	23.5%	21.0%	16.0%	4.6%
Canterbury	33.1%	24.2%	17.4%	17.9%	7.5%
Wellington	25.3%	21.9%	19.1%	18.8%	14.9%
Nelson Marlborough	20.9%	26.5%	29.6%	13.8%	9.2%
Auckland	19.6%	19.3%	20.4%	17.5%	23.2%
Hawke's Bay	16.7%	14.5%	18.1%	25.8%	24.9%
Taranaki	16.0%	19.9%	28.2%	26.3%	9.6%
Waikato	12.6%	18.9%	20.3%	23.9%	24.4%
West Coast	12.5%	27.1%	20.8%	29.2%	10.4%
Manuwatu	10.9%	18.1%	18.6%	26.2%	26.2%
Bay of Plenty	7.6%	14.4%	18.5%	27.4%	32.1%
Gisborne	6.3%	14.1%	15.6%	18.8%	45.3%

In the Far North, 57.7% (49/85) of data zones are among the 20% most deprived, while 1.2% (1/85) were among the 20% least deprived in New Zealand. In Whāngārei, those in the Q5 quintile accounted for 31.3% (35/112) of data zones and 3.6% (4/112) were in the Q1 quintile. In Kaipara, 42.9% (12/28) were in each of the Q5 and Q4 quintiles and no data zones were among the least deprived Q1 quintile (Chiang & Exeter, 2019).

The following Figures 33 to 36 show how deprivation (as measured by the IMD) varied around Kaipara, Northland, the North Island and South Island. Light shading represents lessor deprivation (Chiang & Exeter, 2019).

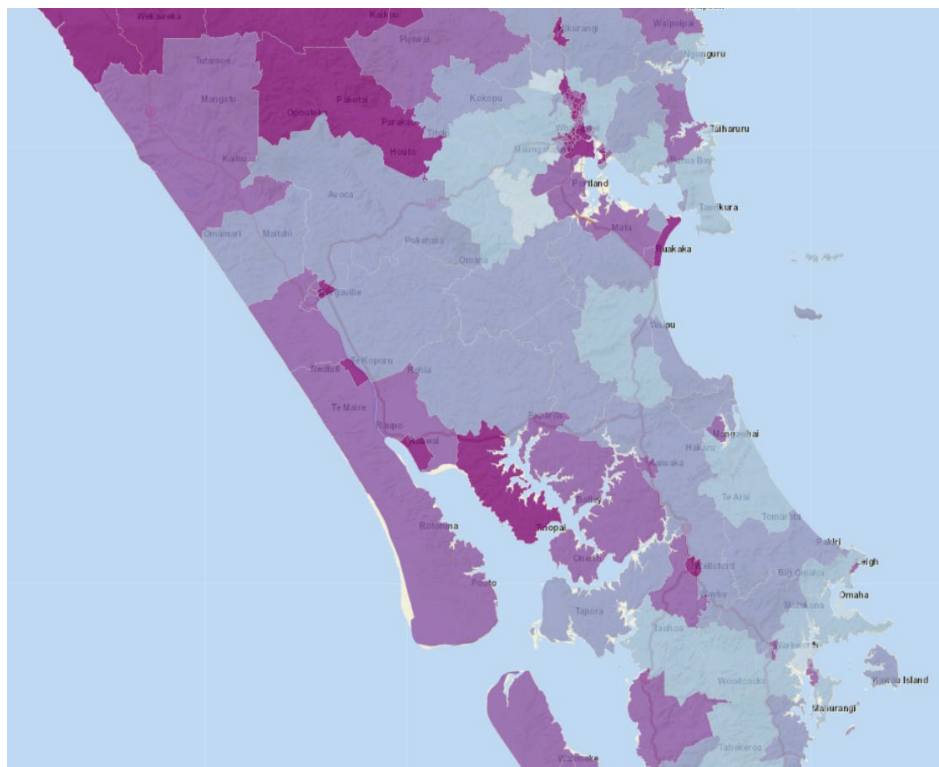


Figure 33: The disparity of deprivation in the Kaipara (as measured by the IMD) (Chiang & Exeter, 2019).



Figure 34: The disparity of deprivation in Northland (as measured by the IMD) (Chiang & Exeter, 2019).

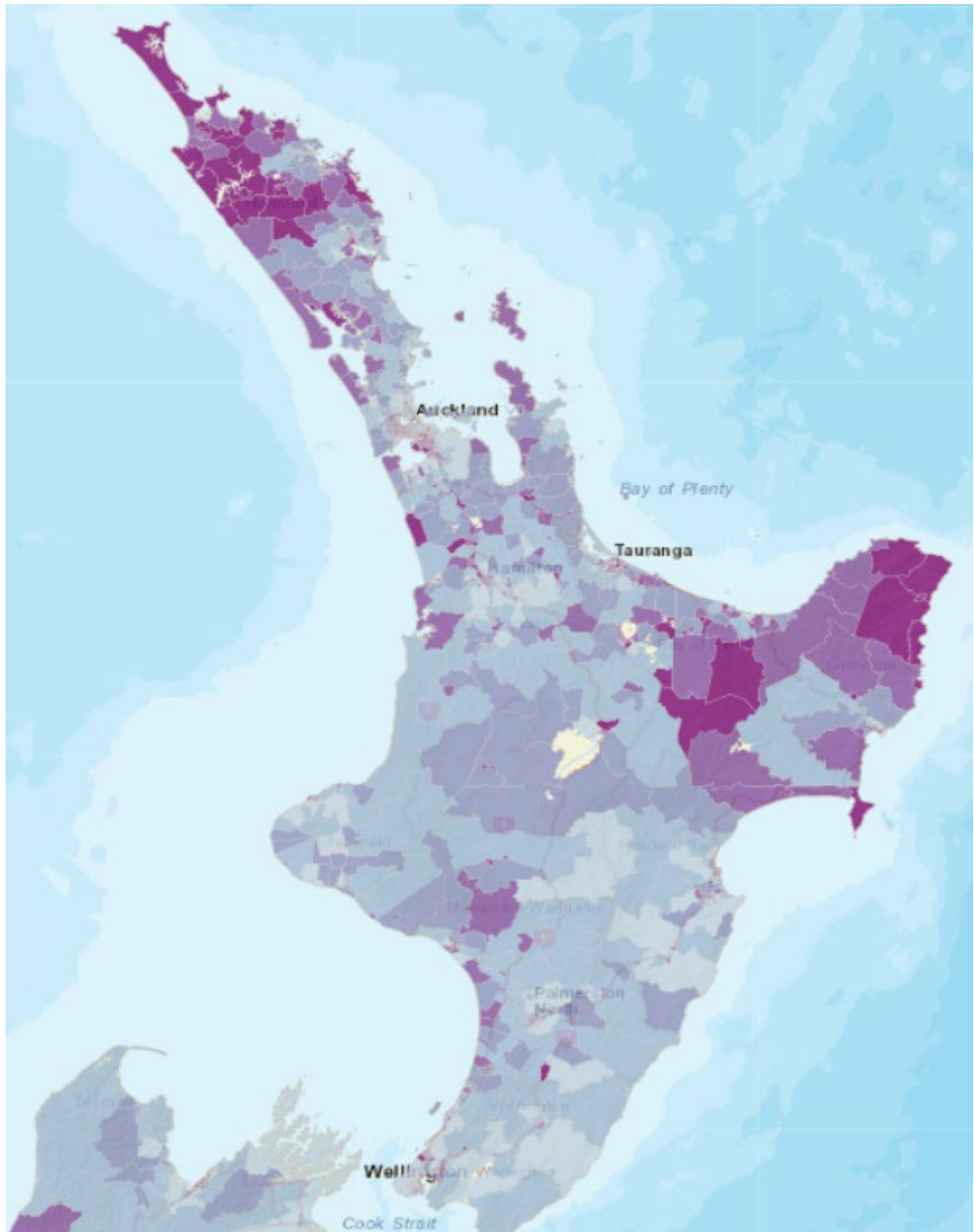


Figure 35: The disparity of deprivation in the North Island (as measured by the IMD) (Chiang & Exeter, 2019).

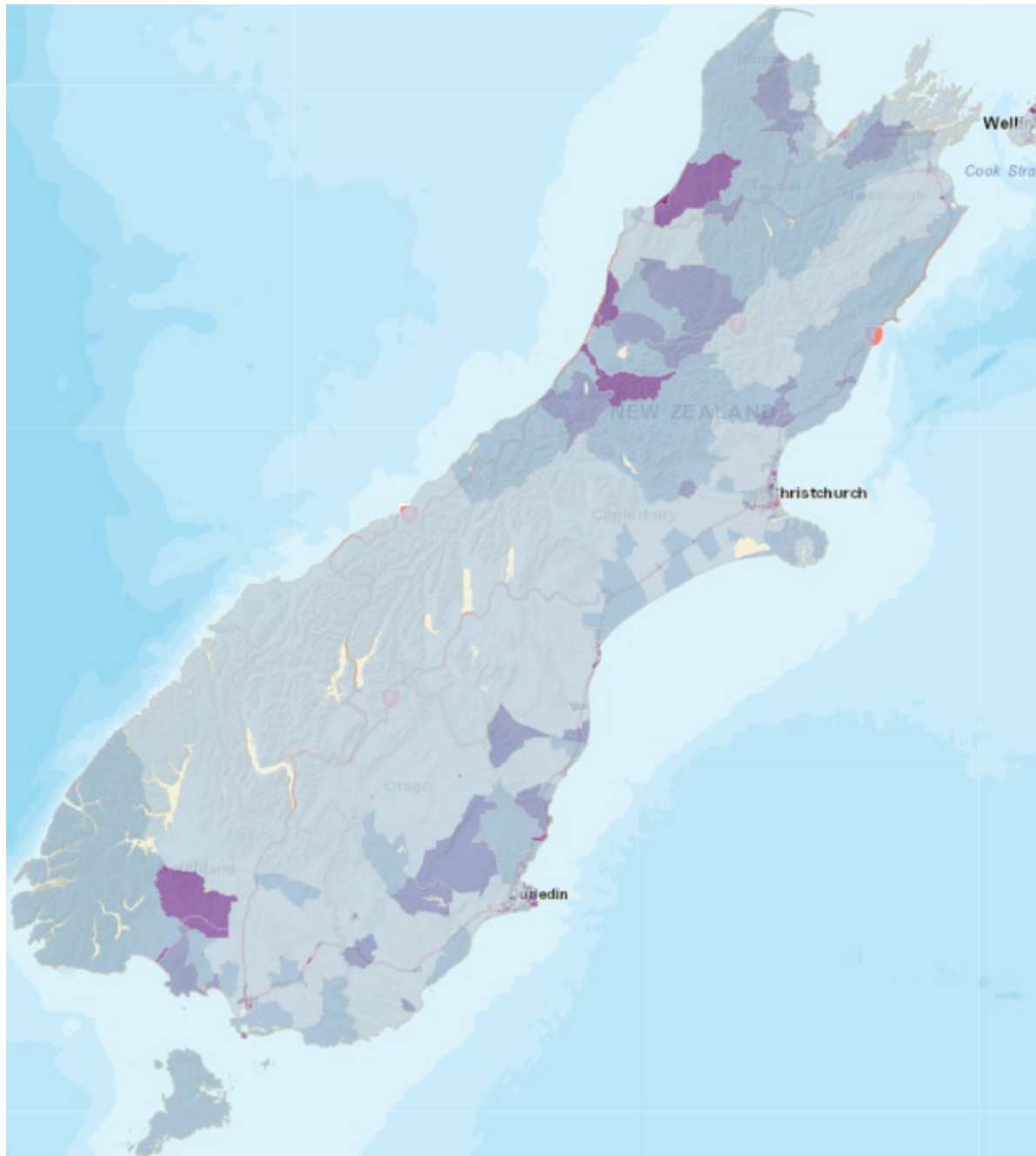


Figure 36: The disparity of deprivation in the South Island (as measured by the IMD) (Chiang & Exeter, 2019).

Looking at the components of Kaipara's IMD score (employment, income, crime, housing, health, education and access to services), Kaipara generally received its best scores in the crime, health and housing categories and its worst scores for education and access to services. This reveals people in Kaipara had low levels of housing deprivation and are much healthier than elsewhere in Northland (Chiang & Exeter, 2019). The poor score for access to services reflects the expansive and rural nature of the district, together with the limited number of services so far established in Mangawhai. The access domain measures the distance to the nearest three General Practitioners (i.e. doctors), supermarkets, service stations, schools and early childhood education centres. High deprivation ranks for the access domain suggest that people living in these data zones would need to travel further for these amenities (Chiang & Exeter, 2019).

That Kaipara's people achieve relatively good outcomes for income, housing and health while having poor outcomes for education may reflect the greater proportion of "unskilled" jobs in the primary, manufacturing and trade sectors (which are over represented in Kaipara's economy). While these jobs often do not require higher qualifications such as a university degree, they do require specialist skills such as machine operating and practical skills which are recognised and rewarded by employers in these industries.

In 2018 41% of jobs in the Kaipara economy required only low level skills compared to 38% nationally, 27.5% required semi-skilled workers compared to just 17.6% nationally (Infometrics, 2019). Furthermore, just 8.7% of jobs in the Kaipara required skilled workers and 22.8% required highly skilled workers compared to 11.1% and 33.3% respectively in the national economy (see Figure 37) (Infometrics, 2019).

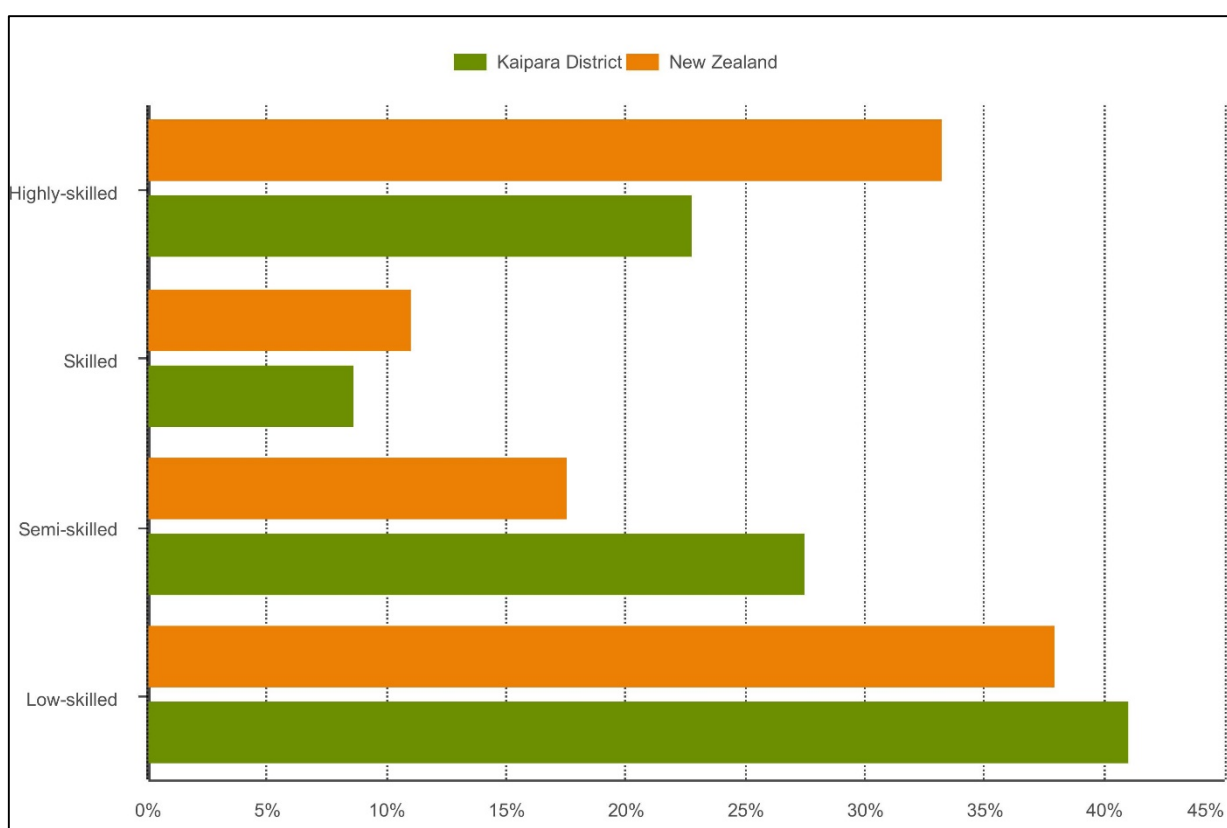


Figure 37: Percentage of employment requiring different broad skill levels in Kaipara and New Zealand (Infometrics, 2019).

Education outcomes for Northland may be improving, with the number of Northland youth leaving school with no qualifications decreasing from 14.2% in 2017 to 13.6% in 2018 (Infometrics, 2019). By contrast, across New Zealand, the percentage of school leavers without any qualification increased from 10.2% in 2017 to 11.2% in 2018. That is, 7,033 school leavers had no qualification in 2018, up 615 people from 2017. Further analysis of the data reveals considerable disparities between regions, as shown in Figure 38 (Infometrics, 2019).

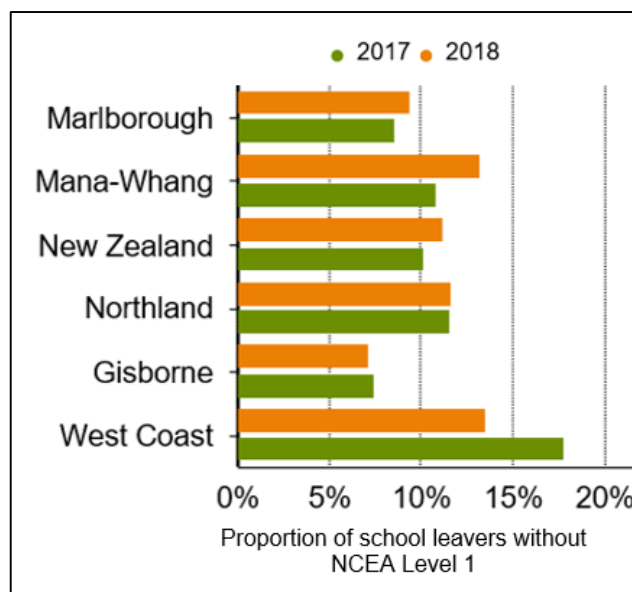


Figure 38: Proportion of school leavers without NCEA Level 1, 2017 vs 2018, top and bottom regions (Infometrics, 2019).

Northland's truancy rate in 2017 was the second-worst regional rate in New Zealand (Infometrics, 2019). Higher levels of truancy highlights issues at home which make it more difficult for students to remain at school, leading to poorer educational outcomes generally. The Far North had the fourth highest truancy rate in the country, at 8.40%. Whāngārei (5.20%) and Kaipara (4.60%) had lower rates of unjustified absences, but both were still above the 2017 nationwide average of 4% (Infometrics, 2019).

These trends are important as research shows that two in five school leavers without any school qualification are likely to end up unemployed or not engaged in further education or training (NEET) (Infometrics, 2019).

Māori education outcomes continue to lag behind other groups in New Zealand (Infometrics, 2019). In 2017 85% of non-Māori achieved NCEA Level 2 or above, compared to 68% for Māori. While there is no Kaipara specific data on this indicator, it does have implications for the district given the high percentage of Māori in the population. Nationally, Māori educational outcomes are improving, which shows progress in enabling Māori to access more opportunities in life. But the gap still remains too large. A focus on Māori education outcomes is important given the growth in Māori in the working age population over the next 10-20 years (Infometrics, 2019).

While Kaipara, despite its low education score, scores well for income generally, its 2018 average annual personal income (\$52,547) was still below the Northland average (\$54,110), national average (\$60,891), average for New Zealand excluding Auckland (\$57,813), Auckland (\$66,205), Whāngārei (\$57,527) and Waikato district (\$54,623) (refer to Figure 39). Kaipara's personal income did however surpass that of the Far North where average annual personal income was just \$48,109 in 2018 (Infometrics, 2019). In their report, Chiang and Exeter (2019) identify low income levels as a key area of concern in the Northland region.

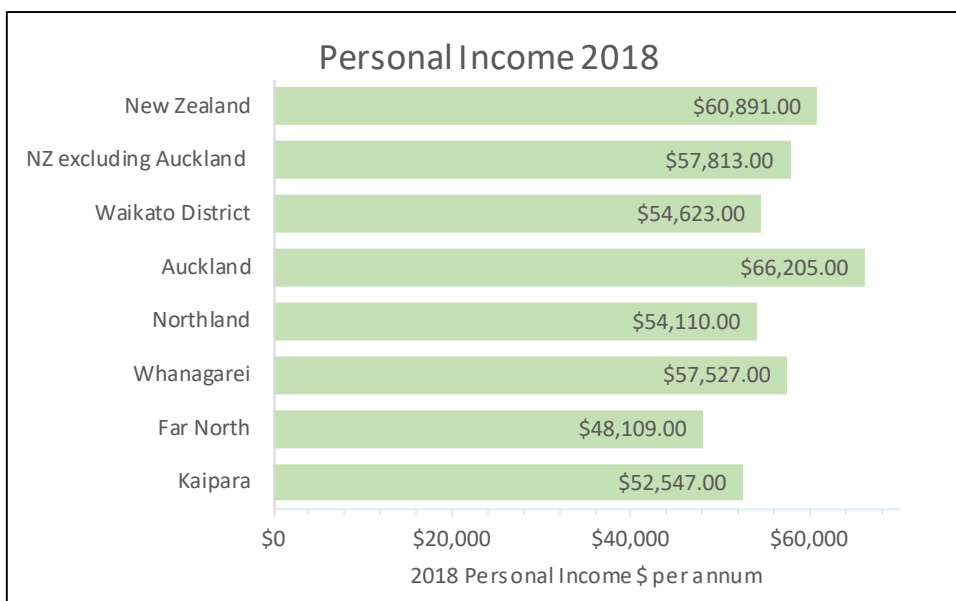


Figure 39: Comparison of personal income in 2018 (Infometrics, 2019).

The average Māori personal annual income in Kaipara was \$51,057 in 2018, slightly below the average personal income of all people in Kaipara (\$52,547) and below the regional average for Māori (\$52,575) and the New Zealand average for Māori (\$51,939) but higher than the Far North average for Māori (\$46,745).

Māori in Kaipara had a higher unemployment rate in 2018 (12.4%) than the district average (4.7%) and for Māori nationally (9.9%) but lower than for Māori in the Far North (13.9%) (Infometrics, 2019).

Household income, a measure of the income per household rather than per individual, is often a better measure of wellbeing than personal income, especially when considering shared expenses such as the cost of housing. The median household income in Kaipara was estimated at \$78,530.76 as at June 2019. This was considerably lower than the New Zealand median household income of \$90,150 (Infometrics, 2019).

Median household incomes are higher in areas of New Zealand with a greater urban concentration, with household incomes in metropolitan New Zealand in 2013 being 29% higher than in provincial New Zealand. This metro-provincial divide is due to a higher concentration of white-collar jobs in urban areas, which generally pay more. Professional, technical, and scientific services add to higher household incomes, alongside government-based and creative-based industries (Infometrics, 2019).

For lower-income households, high housing costs relative to income are often associated with severe financial difficulty and can leave households with insufficient income to meet other basic needs such as food, clothing, transport, medical care and education. High outgoings-to-income ratios are not as critical for higher-income earners, as there is sufficient income left for their basic needs (Infometrics, 2019).

Housing affordability can be assessed by comparing average house values with average annual earnings (Infometrics, 2019). This gives a housing affordability index which is the ratio of the average current house value to average annual earnings. A higher ratio, therefore, suggests that median houses cost a greater multiple of typical incomes, which indicates lower housing affordability. This means that

an area with cheap houses will still have poor housing affordability if local incomes are too low (Infometrics, 2019).

Kaipara scores 10.05 on this housing affordability index suggesting housing is less affordable than other areas of Northland, the Waikato District and the New Zealand average for all areas excluding Auckland (Figure 40) (Infometrics, 2019).

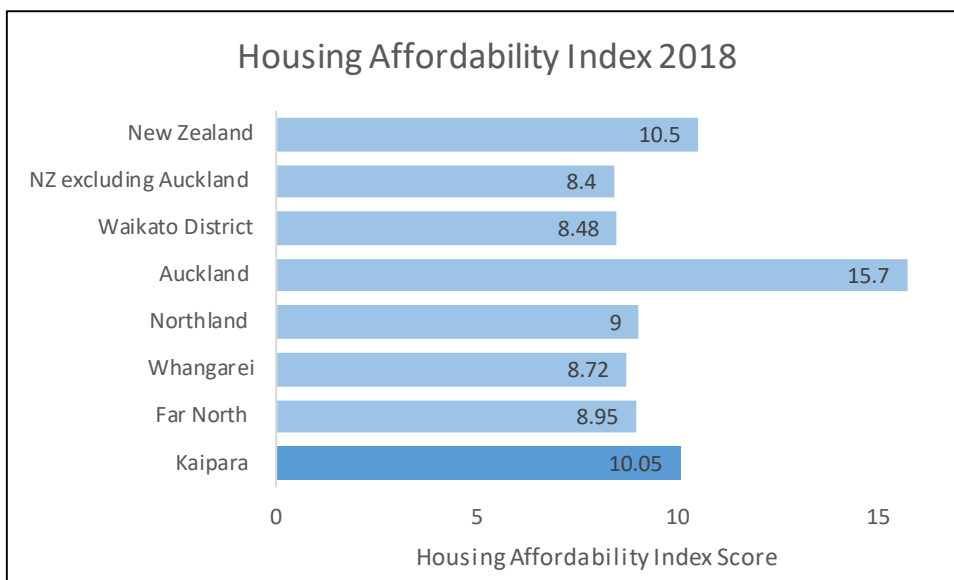


Figure 40: Comparison of housing affordability in 2018 (Infometrics, 2019).

Similarly, the affordability of renting can be considered in the same way by comparing average weekly rents with average weekly earnings (which are calculated from average annual earnings) (Infometrics, 2019). Kaipara scored 0.323 on this rental affordability index suggesting rental accommodation is more affordable than the Far North and roughly on par with Whāngārei and Northland, but less affordable than New Zealand excluding Auckland (refer to Figure 41).

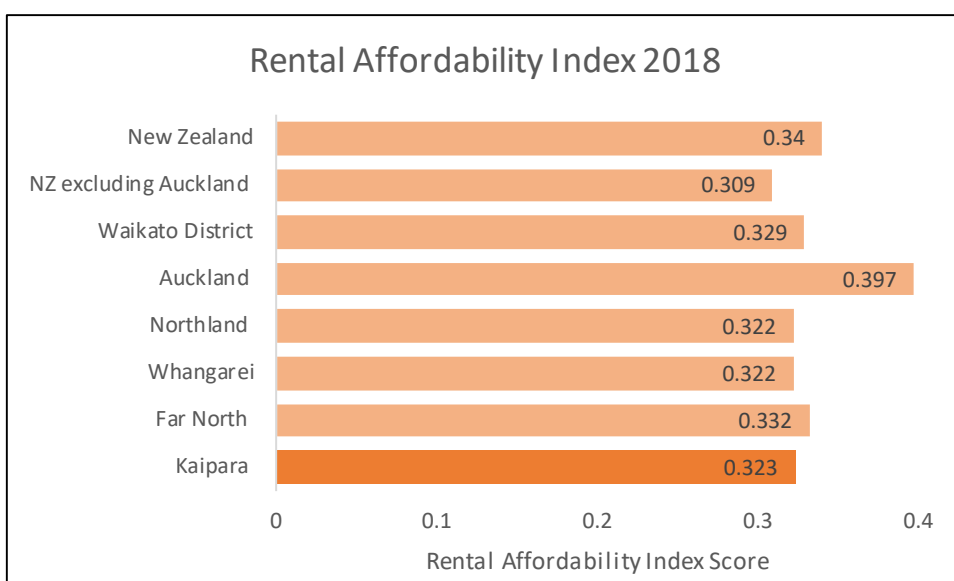


Figure 41: Comparison of rental housing affordability in 2018, higher numbers equal lower affordability (Infometrics, 2019).

The average rent in Kaipara in 2018 was \$327 per week. This compares to \$307 in the Far North, \$356 in Whāngārei, \$335 in Northland, \$344 in New Zealand excluding Auckland, \$398 in New Zealand overall, \$505 in Auckland and \$345 in Waikato district (Infometrics, 2019).

Although New Zealand's population grew substantially between the 2013 and 2018 Census, the dwelling stock didn't follow suit (Infometrics, 2019). New Zealand's occupied dwelling numbers rose 6.6% between the 2013 and 2018 Census, slower than the 10.8% population increase.

Strong population growth in Northland also wasn't met with the same growth in dwellings, with the Far North (2nd place behind Queenstown Lakes District), Kaipara (5th place) and Whāngārei (6th place) all seeing some of the largest differences between population and dwelling growth (Infometrics, 2019). This undersupply is anticipated to further reduce housing affordability.

New Zealand's crime rate is low by international standards, with New Zealand being ranked second in the Global Peace Index 2018 behind Iceland (Infometrics, 2019). Recorded crimes continued to fall over the year to June 2018, with total reported crime dropping 7% from a year before. Over this period, there were 153,800 criminal proceedings underway, down from 165,000 in the previous year. Over the long term, New Zealand's crime rate has been continuing to fall, from 3,756 crimes per 100,000 people in 2015 to 3,441 crimes per 100,000 people in 2017. This decline in crime rate comes as police numbers have risen, reaching 9,011 sworn officers in 2018. The number of murders in New Zealand has fallen in the last two years of reporting, with just 48 murders reported in 2017 (Infometrics, 2019).

Across New Zealand, metropolitan areas generally have a lower crime rate than provincial areas, with 2,877 crimes per 100,000 people in metropolitan areas in 2018, compared to 3,680 crimes per 100,000 people in provincial New Zealand. For the four years that detailed data is available, the provincial crime rate (3,680 in 2018) has never gone lower than the highest metropolitan crime rate (3,536 in 2015). However, this provincial crime rate is an average that varies between provincial centres. In particular, Kaipara's crime rate was 2,884 crimes per 100,000 people in 2017, lower than the 2017 national average (3,441 crimes per 100,000 people).

The number of New Zealanders presenting to mental health and addiction services has risen from 139,000 in 2009 (3.2% of the population) to nearly 227,000 people (4.7% of the population) in 2017 (see Figure 42) (Infometrics, 2019). By comparison, 4.4% of Kaipara's population presented to mental health and addiction services in 2017, below the national average (Infometrics, 2019).

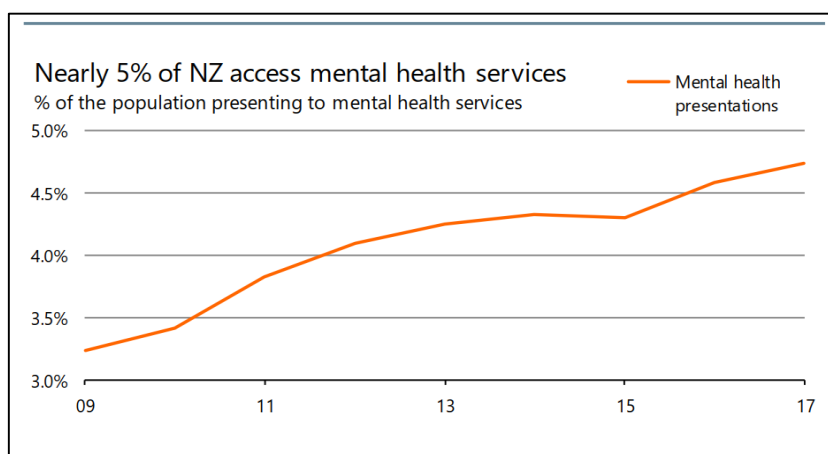


Figure 42: Percentage of New Zealand's population accessing mental health services (Infometrics, 2019).

Growing rates of self-harm confirm the concerning trend of deteriorating mental health in New Zealand, with nearly 4,900 intentional self-harm hospitalisations in 2017 (Infometrics, 2019). As shown in Figure 43, self-harm hospitalisation rates have increased from a low of 66.75 per 100,000 people in 2011 to 93.14 per 100,000 people in 2017 (Infometrics, 2019).

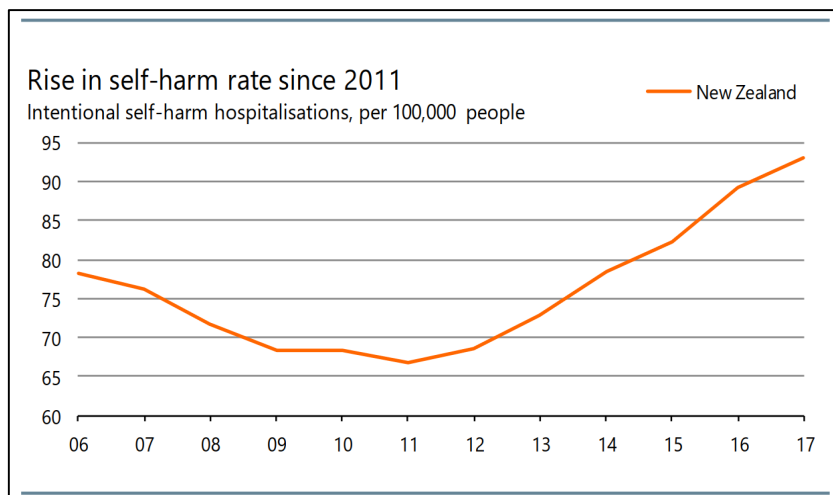


Figure 43: Number of hospitalisations per 100,000 people resulting from self-harm in New Zealand (Infometrics, 2019).

New Zealand's suicide statistics are particularly poor, with the rate of youth suicides the worst in the developed world (Infometrics, 2019). Data from the Ministry of Justice shows the provisional suicide rate fell from 12.68 deaths per 100,000 people in 2008 to 12.27 in 2015. However, by 2018, the provisional suicide rate had increased to 13.67 deaths per 100,000 people. Kaipara's suicide rate was similar to the national average at 13 per 100,000 people (Infometrics, 2019).

Kaipara's life expectancy was only slightly below the national average. The average Kaipara person born in 2017 is expected to live to 81.2 years compared to 81.77 for the average New Zealander. The lowest life expectancy in New Zealand was in the Far North, where life expectancy at birth in 2017 was 79.41 (Infometrics, 2019).

Life expectancy in Northland is 80 years of age; slightly lower than the national average (Infometrics, 2019). However, presentation of this figure for Northland's population as a whole fail to reveal the true picture of disparity in the region. Closer analysis reveals non-Māori in Northland had the same mortality rates as nationally. However, life expectancy for Northland Māori was just 70 years for girls and 64 years for boys, lower than for Māori nationally.

5 Economy – Our Livelihoods

A thriving local economy creates opportunities for communities and individuals to establish businesses, engage in employment and live prosperously. A strong local economy with plentiful job opportunities will help a district retain its population and attract new residents from other districts and abroad.

5.1 Global perspectives

As a small open economy, New Zealand's economic growth is particularly affected by external flows of goods, services and finance, which can change quickly. The outlook for world economic growth is fragile

and has become more uncertain. Trade tensions and a range of country-specific factors have seen global economic growth slow over 2018, with this slowdown persisting throughout 2019 (New Zealand Treasury, 2019A). Brexit, a European slowdown, and the United States-China trade war are all issues that threaten New Zealand's export outlook (Infometrics, 2019).

In the United States, annualised Gross Domestic Product (GDP) growth eased from 3.1% in the March 2019 quarter to 2.1% in the June 2019 quarter (New Zealand Treasury, 2019B). Business investment and export growth fell 0.6% and 5.2% respectively, reflecting ongoing trade tensions and global uncertainty (New Zealand Treasury, 2019B).

China's annual GDP growth was 6.2% in the June 2019 quarter (New Zealand Treasury, 2019B). As in the US, the weakness was driven by falling exports, reflecting ongoing trade tensions. However, growth stabilised in June 2019 for industrial production, retail sales and fixed asset investment, suggesting that stimulus measures implemented by Chinese authorities are supporting domestic demand. It is likely that similar rates of growth will be achieved over the latter half of 2019, as stimulus continues to ensure growth is maintained at the official target of 6.0% - 6.5% (New Zealand Treasury, 2019B).

In the face of falling exports and weak business investment, many economies are so far being held up by domestic consumer spending which remains resilient. For example, June 2019 quarter GDP growth in the United States and China was supported by solid consumption growth. In the United Kingdom, retail sales volumes lifted 1% in June 2019, to be up 3.7% on an annual basis. Growing consumption reflects solid labour markets with rising wages and record low unemployment rates in many countries (New Zealand Treasury, 2019B).

Global growth is expected to stabilise over the second half of 2019 and pick-up in 2020 (New Zealand Treasury, 2019B). The pick-up is contingent on stabilisation in developing economies (such as Argentina and Turkey), as well as progress towards resolving trade policy differences. However, there are also downside risks to this prediction, including escalating trade and technology tensions, geopolitical tensions and a 'no-deal' Brexit (New Zealand Treasury, 2019B).

5.2 Commodity prices

The success of New Zealand's export trade is strongly influenced by the price on international markets of the commodities New Zealand exports. These prices can be influenced by changes in demand as well as supply from other countries that produce the same commodities. Conversely, New Zealand's domestic economy is also influenced by the international price of commodities which New Zealand imports, such as oil.

Unprocessed primary product exports from New Zealand have grown at the fastest pace compared to other exports over the 1998-2008 period, and now account for 40% of the value of New Zealand's merchandise exports. Dairy products accounted for a quarter of New Zealand's total merchandise exports in 2018, up from 17% in 1998. Over the same period, goods exports to China's have risen from just 3% of total exports to 25%. This puts New Zealand at risk from shocks emanating from either China or the global dairy sector (New Zealand Treasury, 2019B).

The composition of New Zealand's dairy exports by country has changed drastically over the past 20 years. In 2000, dairy export destinations were diverse, with the top 10 markets each accounting for

just 3% to 7% of total exports, while China did not even feature on this list. China's demand for dairy grew rapidly in the 2000s, supported by an increase in incomes and urbanisation, with the latter being associated with a shift towards a more "Westernised" diet. New Zealand's dairy exporters arguably started benefiting disproportionately from this from 2008 onwards due to the Free Trade Agreement (FTA) with China coming into effect. China now imports about a third of New Zealand's dairy products (New Zealand Treasury, 2019B).

China overtook Australia as New Zealand's largest export destination by value in 2013 (New Zealand Treasury, 2019B). Exports to Australia have declined in recent years, reaching \$8.2 billion in 2018, compared to the 2011 peak of \$10 billion. Meanwhile, during 1998-2018, export growth to China amounted to \$13.1 billion, or 39% of New Zealand's total nominal export growth. Dairy products accounted for 32% of New Zealand's total exports to China in 2018. Dairy, wood, and meat now account for two thirds of New Zealand's total exports to China with wool's importance having waned (in the 1990s wool accounted for more than half New Zealand's exports to China) (New Zealand Treasury, 2019B).

Exposure to a single market (China), and moreover to a single sector in this market (dairy), holds risks for homogenous bulk commodities where overall supply and demand are the most important drivers over the medium to longer term (New Zealand Treasury, 2019B). A single event in either China or the global dairy sector can lead to a substantial change in export revenues. Over the 2008-2013 period, several factors resulted in a sharp increase in export revenues, but the reverse can also happen, as was the case in 2015-2016. Globally, New Zealand accounted for 11.5% of total global dairy exports (New Zealand Treasury, 2019B).

Over the 2018-2027 period, the Organization for Economic Cooperation and Development (OECD) projects that China's per capita dairy consumption levels will grow by an average of 1.6% p.a., which implies a noticeable increase in absolute terms given the country's massive population (New Zealand Treasury, 2019B). Moreover, Chinese consumers continue to be suspicious about local dairy products, preferring foreign dairy products from trusted producers such as New Zealand with its 100% Pure reputation (New Zealand Treasury, 2019B). While these trends are expected to benefit the New Zealand dairy sector over the medium term, over exposure to one sector (dairy) and one market (China) will remain a risk.

Horticulture, particularly kiwifruit and wine, offer possible opportunities to diversify New Zealand's exports (New Zealand Treasury, 2019B). Wine grape production increased at a rate of 4.6% p.a. during 2002-2017, increasing its contribution to total horticultural production from 25% to 42%. In the 12 months ending June 2018, the value of New Zealand's wine exports grew for the 23rd year in a row. New Zealand primarily produces Sauvignon Blanc, which accounted for 86% of New Zealand's total wine exports in 2018. New Zealand's wine exports predominantly go to three countries; the US, UK, and Australia. In 2018, these three countries accounted for 76% of New Zealand's total wine exports in value terms. While exports to these countries dominate, there has also been robust growth in exports to Canada, the Netherlands, and China (New Zealand Treasury, 2019B).

New Zealand's kiwifruit exports have been on an upward trajectory over the past two decades, with export values growing at an average rate of 8.4% p.a. over the 1998-2018 period (Figure 17). In 2017,

kiwifruit once again overtook wine as New Zealand's largest horticultural export earner (refer to Figure 44) (NZ Treasury, 2019B).

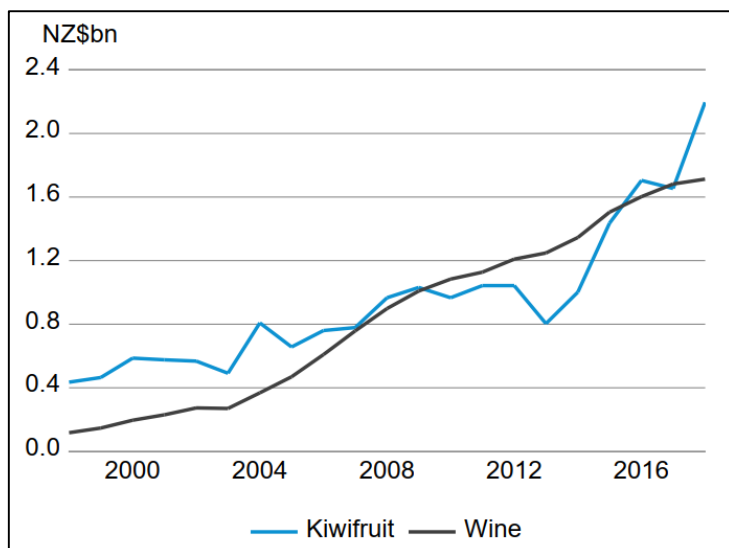


Figure 44: New Zealand exports of kiwifruit and wine (NZ Treasury, 2019B).

Meat exports to China have also increased, with the reduction in domestic supply of pork in China as a result of African Swine Fever bolstering their demand for alternative meat products, something which should provide further support for beef prices going forward (New Zealand Treasury, 2019B). China has already overtaken the United States as New Zealand's main market for beef exports (New Zealand Treasury, 2019B).

Log export volumes in June 2019 were 16% higher than in June 2018, while log prices fell 4.6%, reflecting recent softness in log prices as a result of excess global supply to the Chinese market. There is potential for subdued log exports over the second half of 2019 as China draws down their existing stocks. Log prices are expected to recover in 2020 (Infometrics, 2019).

Currently, the outlook for export commodity prices remains positive, with dairy and meat prices supported by continued global demand and tightening global supply (NZ Treasury, 2019A). Chinese demand for food is projected to continue to expand amid tighter global supply, particularly in the meat and dairy industries (NZ Treasury, 2019A). Income levels are good for lamb and fine wool, solid for beef, improving for dairy and excellent for some of New Zealand's horticultural products.

On the whole, oil prices are assumed to be stable, reflecting solid supply supported by past investment in exploration, technological advancements, and weaker global demand compared with recent years. However, over the short term, higher fuel prices can be expected due to oil supply concerns in the Middle East (Infometrics, 2019).

5.3 New Zealand's economy

The New Zealand economy continues to perform well, but concerns are growing about the future, with a long, slow, slowdown expected over the next few years (Infometrics, 2019). There is a deteriorating economic outlook as both business and government investment remains poor, inflation remains low, and the employment outlook softens. With slowing population growth expected to eventuate before the

end of 2019, the focus turns to consumer spending and whether it can prop up economic growth, or if it too succumbs to global and domestic uncertainty (Infometrics, 2019).

As of June 2019, consumers are continuing to increase their spending, but the rate of growth appears to be softening (Infometrics, 2019). Spending growth is likely to continue easing as households keep a closer eye on their spending in the light of a softening economic outlook. Further easing of consumer spending is likely to weigh heavily on the outlook for GDP growth (Infometrics, 2019).

Provisional estimates from Infometrics show New Zealand's GDP expanding by 2.5% per annum over the 12 months to June 2019. This suggests steady economic growth in June 2019, although the future looks less positive (Infometrics, 2019). Weak business investment remains of concern for future growth prospects, and government spending and investment remains slow to progress, with capital investment \$0.9 billion below forecast for the 11 months to May 2019 (Infometrics, 2019).

Weak business confidence continues to weigh on the growth outlook, with the June 2019 Quarterly Survey of Business Opinion (QSBO) measure of general business sentiment falling to its lowest level since the March 2009 quarter, in the face of the deteriorating global environment (New Zealand Treasury, 2019B). Business confidence weakened in the June 2019 quarter in the QSBO, likely due to both softening domestic demand and a slowing global economy. General business sentiment fell to its lowest level since the March 2009 quarter with a net 31% of firms expressing negative sentiment, up from 27% the previous quarter. The manufacturing sector provided much of the negative impetus in the June 2019 quarter QSBO, likely reflecting an increase in international risks, with export orders down sharply, reflecting the global decline in trade volumes. Firms' expectations about their own activity over the next three months also fell, with a net 4% of firms reporting they expect weaker activity over the September 2019 quarter. Continued business pessimism has increased the downside risk to near-term GDP growth forecasts (New Zealand Treasury, 2019B).

Despite the slowing economy, exports remained strong in the June 2019 quarter, up 2.8% annually, with exports of logs and meat leading the way, although falling log prices and stockpiles of logs in China may act as a drag on log exports in the September 2019 quarter. Imports fell in the June 2019 quarter, as capital goods imports continued to soften, reflecting ongoing weakness in business confidence (New Zealand Treasury, 2019B).

Increases in food prices, fuel prices and housing costs drove Consumers Price Index (CPI) inflation of 0.6% in the June 2019 quarter, and lifted annual inflation to 1.7% from 1.5% in March 2019. Higher world oil prices drove petrol prices up by 5.8% in the June 2019 quarter (up 3.3% annually). Fuel price growth is expected to ease over the September 2019 quarter as international uncertainty decreases and the effects of the recently stronger exchange rate flows through. The New Zealand Treasury expects fuel prices to ease, leading to a slightly weaker CPI inflation outlook with an annual headline inflation forecast of 1.6% in the September 2019 quarter (New Zealand Treasury, 2019B).

The unemployment rate dropped again in June 2019, taking the annual average rate to 4.1% – the lowest since the global financial crisis (GFC) (Infometrics, 2019). Employment growth was faster than expected in the June 2019 quarter as part-time employment recovered some of its losses from the previous six months. New Zealand's labour market remains tight, with competition for workers expected to remain strong over the next year. Consequently, wage growth has begun to pick up and firms are

reporting high levels of difficulty finding labour (NZ Treasury, 2019A). Labour cost inflation reached 2.1%pa, the fastest growth rate since December 2011 as a tighter labour market gives employees more bargaining power and the effects of the 1 April 2019 minimum wage increase showed through in lower-skilled wage growth. Businesses are expected to continue increasing pay to retain their staff over the next few years, with higher minimum wage increases pushing wages higher still (Infometrics, 2019).

The number of Jobseeker Support recipients continues to increase, up 9.6% per annum over the 12 months to June 2019 (Infometrics, 2019). Strong growth in Jobseeker Support recipients is in stark contrast to the declining unemployment rate. Government policy remains part of the reason for this divergence, with less stringent welfare policies increasing the number of people accessing Jobseeker Support, despite the lower unemployment rate. Part of the growth may also be attributed to more people not being actively engaged in the job market, or who are not work-ready, but are able to access support, with the number of people not in the labour force rising 3.8% per annum in the June 2019 quarter (Infometrics, 2019).

The dichotomy between the housing market in Auckland and the rest of the country continues (Infometrics, 2019). In the year to June 2019, housing value growth was solid across most of the country, with many regions into double-digit growth territory. By contrast, house values fell by -2.3% in the Auckland over the same period.

Amidst rising prices, the number of houses sold has started to ease across the country, down by 0.9% nationally in the year to June 2019 (Infometrics, 2019). Sales were down in most regions, with only weak growth in the remainder. Once again, Auckland was the exception where sales volumes showed signs of recovery. Nationally, demand for housing seems to be constrained by its relative unaffordability, which limits the participation of current and potential owner occupiers in the market. Property investors have generally been discouraged by policy changes, such as the extended bright-line test, foreign buyer ban, healthy homes standards and ring-fencing of rental losses. The abandonment of plans for a capital gains tax does not seem to have affected demand. Interest rate cuts have also failed to affected sales (Infometrics, 2019). The New Zealand Treasury expects housing activity to stabilise over the rest of 2019, supported by low mortgage rates and less uncertainty around tax policy changes (New Zealand Treasury, 2019B).

Residential building consents inched higher in the year to June 2019, up 5.8% to reach 34,700 (Infometrics, 2019). Growth was particularly strong in the Auckland region which consented over 14,000 new homes in the year ended June 2019 (up 13%) (the most ever consented in a year) (New Zealand Treasury, 2019B). However, as the construction industry approaches capacity constraints across the country, the rate of growth is easing, down from a peak of 24.1% in the year to June 2014. Growth in standalone dwellings is minimal, with growth led by multi-unit dwellings (Infometrics, 2019).

Non-residential consents grew strongly in the year to June 2019, up 7.9% to \$7.4 billion. However, further strong growth seems unlikely (Infometrics, 2019). Weak business confidence and low investment intentions are sapping strength from private sector consents, and declines in private sector work are predicted to be the dominant trend in overall activity during 2020 and 2021 (Infometrics, 2019).

The growth in vehicle volumes on New Zealand's roads continue to soften, with traffic growth slowing back to 1.5% per annum over the 12 months to June 2019 (Infometrics, 2019). Slowing growth in vehicle

activity on the roads highlights softer general activity in the economy, consistent with the expectations for slower economic growth. Traffic flows are also being held back by higher fuel prices, which have increased over 10c/l on average in the June 2019 quarter compared to March 2019, due to oil supply concerns in the Middle East (Infometrics, 2019).

Car registrations further declined in the year to June 2019, down 8.6% (Infometrics, 2019). Used car registrations, especially for large used cars, are falling faster than new car registrations. Weak consumer confidence, softening employment prospects, and higher fuel prices are all combining to make consumers more cautious about making big purchases (Infometrics, 2019).

Commercial vehicle registrations edged up 0.3% in the year to June 2019 (Infometrics, 2019). Registrations are at historically high levels and the strong domestic construction industry is maintaining demand for the movement of aggregates, timber and other construction products. However, poor business confidence and investment intentions continue to sap momentum out of the commercial vehicle market amid rising cost pressures and concern about export prospects in a weakening global economy beset by fears of a trade war (Infometrics, 2019).

Guest nights have recovered some of their momentum, growing 1.3% over the 12 months to June 2019 (Infometrics, 2019). Domestic guest nights remain strong, rising 4%. This growth is a little out of step with weaker consumer confidence and consumer spending, and lukewarm domestic visitor spending growth, and suggests that Kiwis are still willing to go on vacation, albeit with tighter budgets. In contrast, international guest nights fell 2.1% over the 12 months to June 2019. A key driver of this fall in international guest nights was a decline in Chinese tourist arrivals of 6.2% per annum in the 12 months to June 2019 (Infometrics, 2019).

Visitor spending rose 3.2% in the June 2019 year, continuing 2019's tepid economic performance (Infometrics, 2019). Domestic visitor spending grew 2.3%, reflecting weak domestic consumer spending amid the prospect of a slowing domestic economy. International visitor spending rose 4.6%, led by 5.2% growth in spending by Australian tourists (New Zealand's biggest market) and a 14% rise in spending by tourists from the United States. Falling Chinese tourist arrivals continues to flow through to declines in spending by Chinese tourists, which fell 1.1% in the June 2019 year (Infometrics, 2019).

5.4 Northland's Economy

Northland's economy is based on manufacturing and its primary industries, in particular the dairy industry which alone accounts for 3.3% of the region's filled jobs and 4.4% of its GDP. Far North and Kaipara districts have similar economic structures, with a strong focus on primary production. Whāngārei is the region's main urban and servicing centre with a higher concentration of manufacturing and service industries. In particular, Whāngārei is home to the region's port, Northport, and New Zealand's only oil refinery, Refining New Zealand. Consequently, petroleum and coal product manufacturing account for 6.8% of Northland's GDP and 0.5% of its employment. In all, manufacturing (including the oil refinery) was the largest contributor to Northland's GDP (16.1%) followed by the agriculture, forestry and fishing sector (11.4%) (Infometrics, 2019).

Northland sits at the apex of the fastest growing area of New Zealand; Auckland and the upper North Island (AECOM, 2019). The upper North Island accounts for over half of the country's population, over

half the freight moved and over half the country's Gross Domestic Product (GDP). However, despite its proximity to New Zealand's largest economic centre, the Northland economy underperforms the rest of New Zealand on a number of social and economic measures (AECOM, 2019).

Northland contributes 2.6% of New Zealand's Gross Domestic Product (GDP), despite making up 3.6% of the national population (AECOM, 2019). This means Northland has lower GDP per person, being 26% below the national average (AECOM, 2019).

A contributing factor to this economic underperformance and unrealised potential is Northland's physical isolation from Auckland and the rest of New Zealand (AECOM, 2019). While other regions are also challenged by New Zealand's geography, Northland is unique in that it is in close proximity to New Zealand's largest economic centre, yet practically isolated from it. The region's current State Highway 1 connection to Auckland is long and winding, has areas of medium to high crash risk and is increasingly affected by growing congestion in urban Auckland. Northland also has transport challenges within the region such as areas of low resilience, growing traffic volumes within Whāngārei at peak times and areas of high crash risk. This geographical isolation also means that Auckland-based people and businesses find it harder to access Northland. This in turn means that Northland may not be considered for travel or new investments, when other areas adjacent to Auckland are more accessible (AECOM, 2019).

The key 'push' factor for this potential movement of population and industrial activity to Northland is the ongoing growth of Auckland (AECOM, 2019). Over the last ten years Auckland's population has grown faster than previously forecast and is now expected to grow to 2.4 million people by 2043, with around half this future population living north of the Waitematā Harbour. This growth is placing constraints on the transport system within the city and the land available for industrial activities (AECOM, 2019).

This creates an opportunity for Northland to accommodate industry, businesses and population finding it difficult to expand or establish in Auckland (AECOM, 2019). Northland has affordable land in reasonable proximity to Auckland and has one of the finest deep water ports in the country. However, Northland's direct competitor for this growth is the Waikato district which is better connected to Auckland by road and rail as well as being close and well connected to the Port of Tauranga. Northland therefore has considerable opportunities to grow its economy along with the rest of the Upper North Island. However, to recognise these opportunities, Northland will need to overcome its transportation constraints (AECOM, 2019).

5.5 Structure of Kaipara's economy and employment

Kaipara's economy is founded on its primary industries (particularly dairy), supported by a strong manufacturing sector. In 2018, the primary sector (agriculture, forestry and fishing) accounted for 27.9% of Kaipara's GDP while manufacturing contributed a further 10.7% as is shown in Figure 45. Dairy cattle farming's contribution to the local economy alone was 6.4 times the national average, with 13.6% of Kaipara's GDP coming from dairy cattle farming compared to 2.1% nationally. The primary and manufacturing sectors were also the two biggest contributors to employment in Kaipara in 2018 accounting for 26.7% and 11.1% of filled jobs, respectively (Figure #46) (Infometrics, 2019).

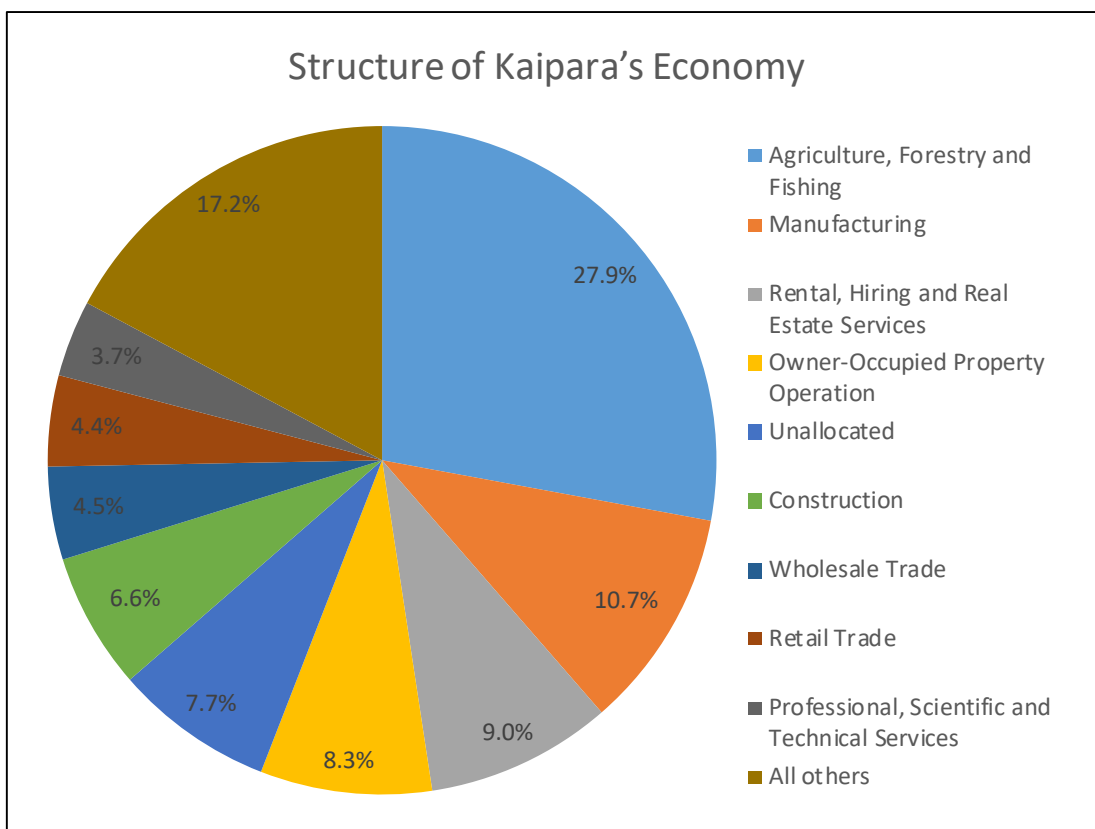


Figure 45 The contribution of different sectors to Kaipara's GDP in 2018 (Infometrics, 2019).

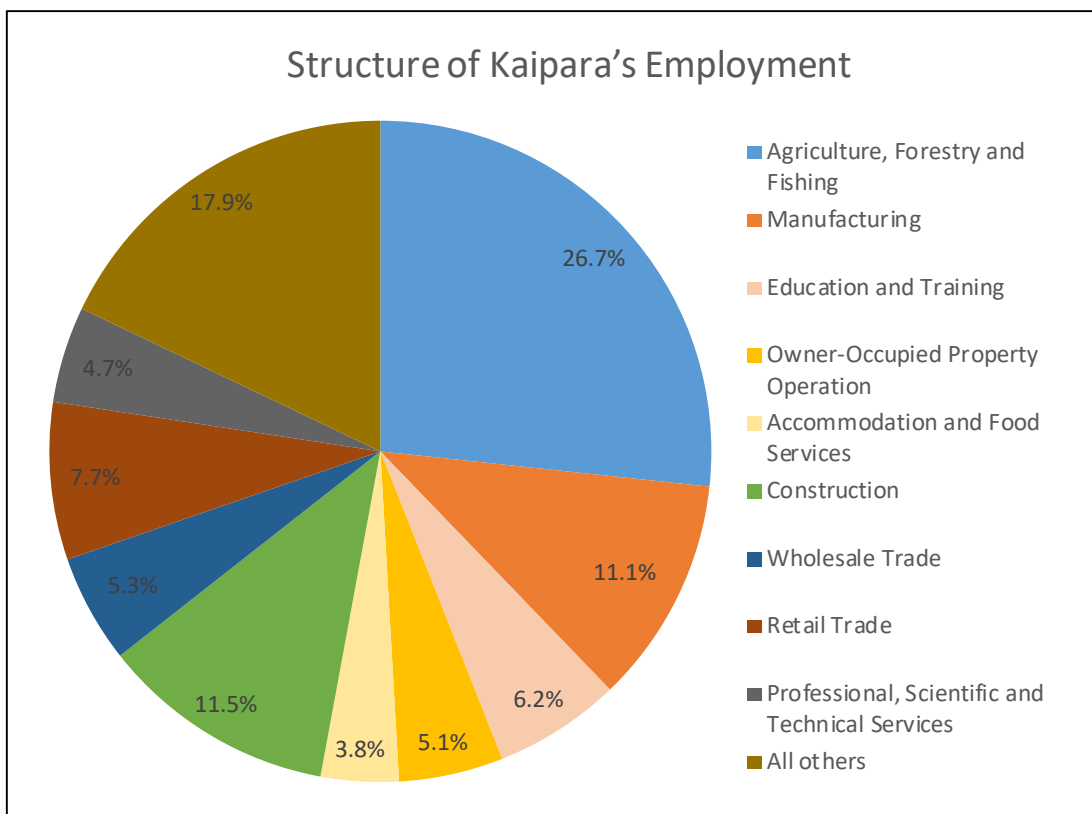


Figure 46: The contribution of different sectors to the number of filled jobs in Kaipara in 2018 (Infometrics, 2019).

However, the structure of Kaipara's economy is not consistent across the district (Infometrics, 2019). The Northwest Kaipara area is predominantly focussed on the primary sector with agriculture, forestry and fishing accounting for 67% of GDP and 73.7% of filled jobs in 2018 (see Figures 47 and 48). Dairy farming alone accounted for 34.8% of Northwest Kaipara's 2018 GDP while sheep, beef and grain farming accounted for a further 15%, horticulture and fruit growing a further 10.7% and forestry a further 4.9% (Infometrics, 2019).

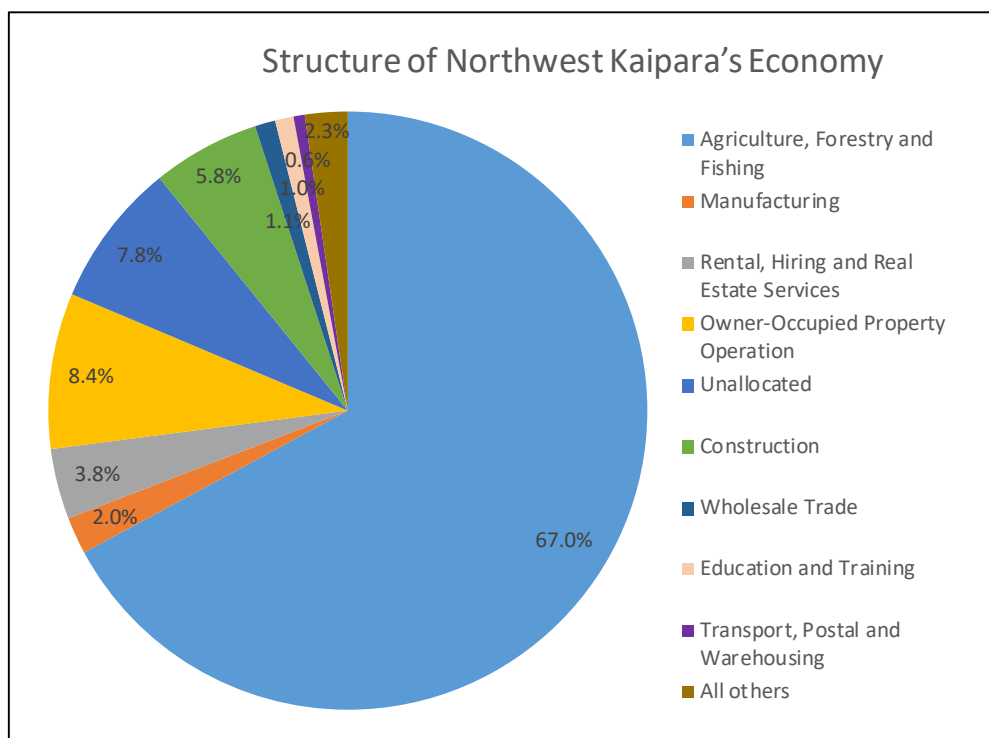


Figure 47: The contribution of different sectors to Northwest Kaipara's GDP in 2018 (Infometrics, 2019).

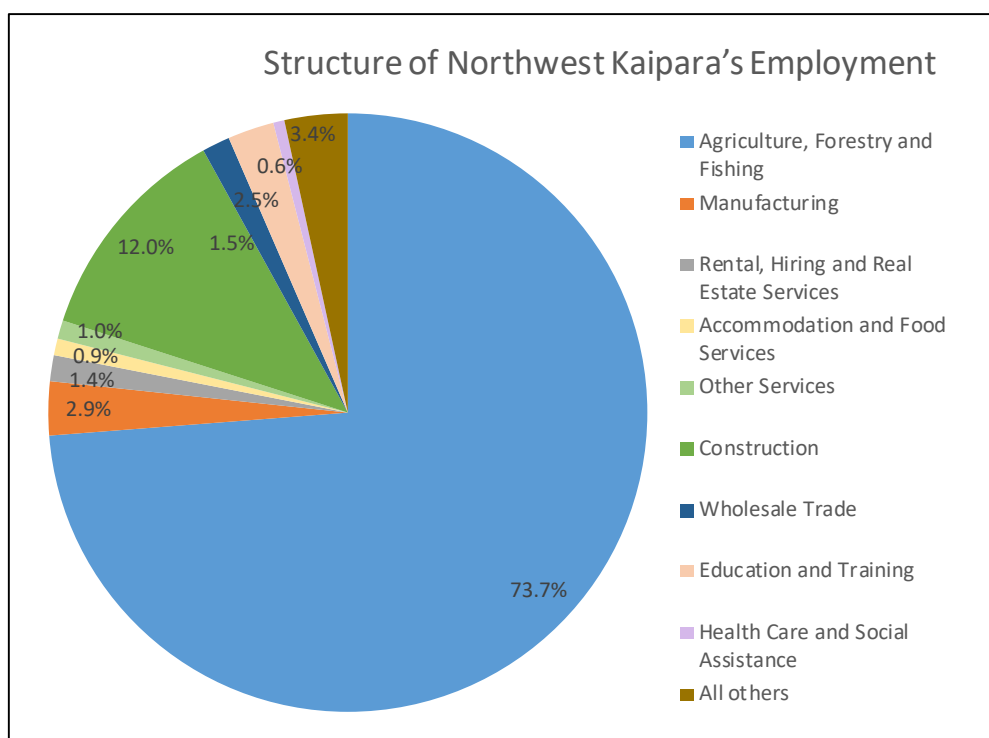


Figure 48: The contribution of different sectors to the number of filled jobs in Northwest Kaipara in 2018 (Infometrics, 2019).

Southeast Kaipara was also highly dependent on the primary sector (31.4% of 2018 GDP) but was also well supported by the manufacturing sector (15.2% of 2018 GDP) (see Figure 49) (Infometrics, 2019). The greater importance of Manufacturing to Southeast Kaipara likely reflects the presence of Fonterra's Maungaturoto Dairy Factory. Collectively, the primary and manufacturing sectors accounted for almost half of all filled jobs in the Southeast Kaipara area, as is shown in Figure 50 (Infometrics, 2019).

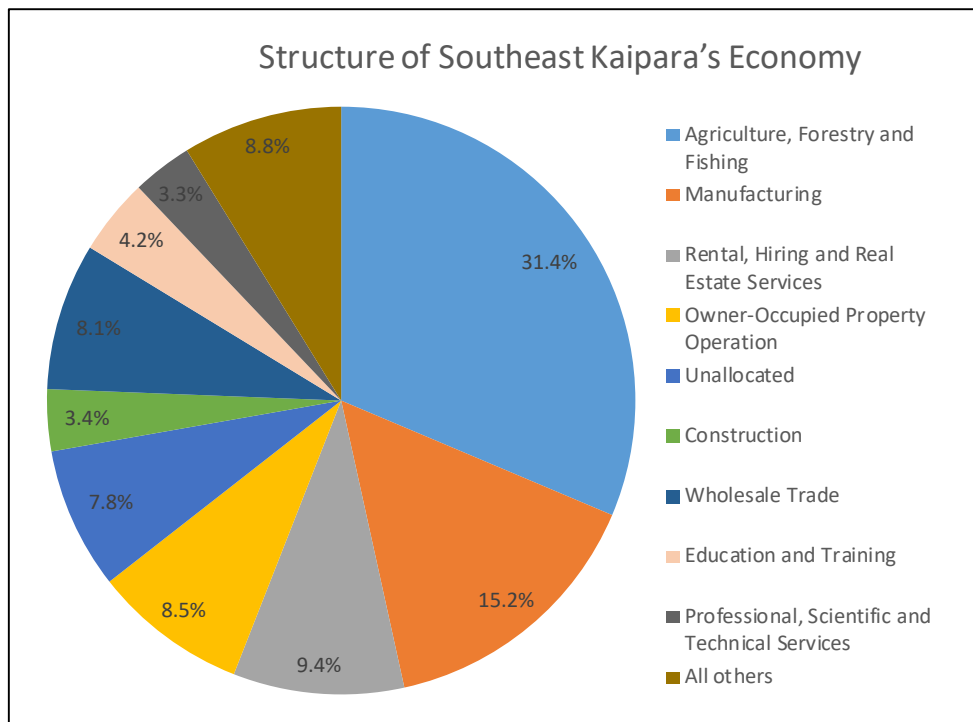


Figure 49: The contribution of different sectors to Southeast Kaipara's GDP in 2018 (Infometrics, 2019).

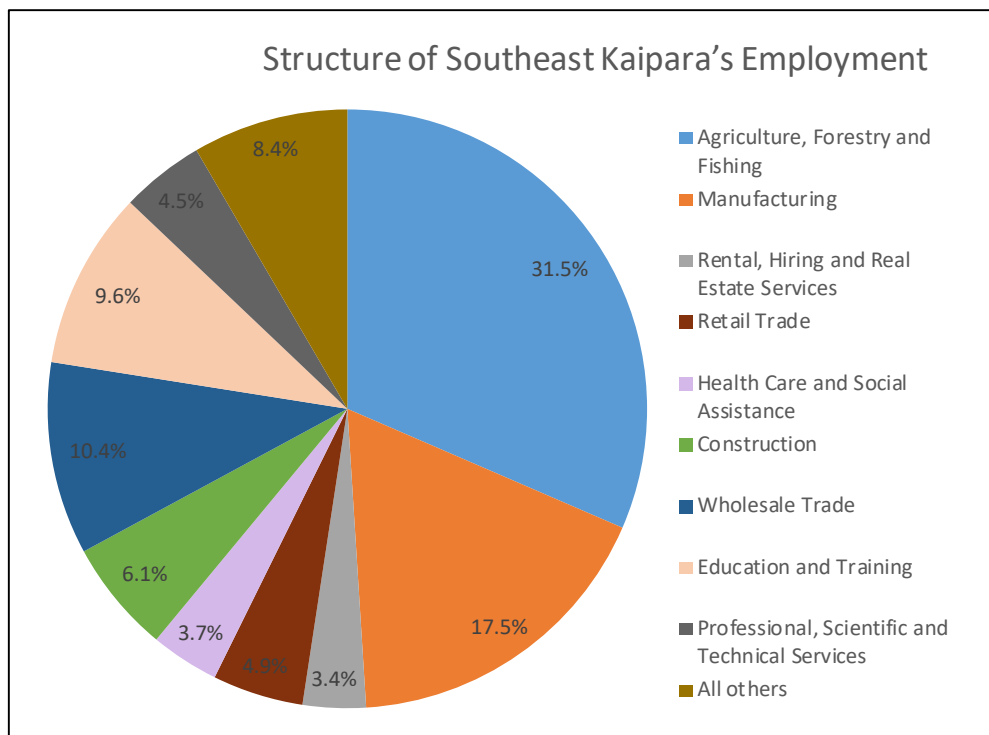


Figure 50: The contribution of different sectors to the number of filled jobs in Southeast Kaipara in 2018 (Infometrics, 2019).

Dargaville township, which acts as a service centre to the wider Northwest Kaipara area had a more diversified economy with a stronger focus on manufacturing, which accounted for 11.4% of GDP and 11.3% of filled jobs in 2018 (see Figures 51 and 52) (Infometrics, 2019). This reflects the presence of Silver Fern Farms' meat works together with the many smaller fabricating and processing manufacturing businesses present in the town. As a rural service centre, and with many of its manufacturing businesses supporting the primary sector (e.g. the meat works), Dargaville's fortunes are closely linked to the primary industries it services. Drought years have been seen to result in less commercial activity in Dargaville due to farmers having less money to reinvest in their businesses and rural workers having less disposable income. This trend is likely to also be true of other rural Kaipara towns such as Maungaturoto, however detailed data for these towns is not available.

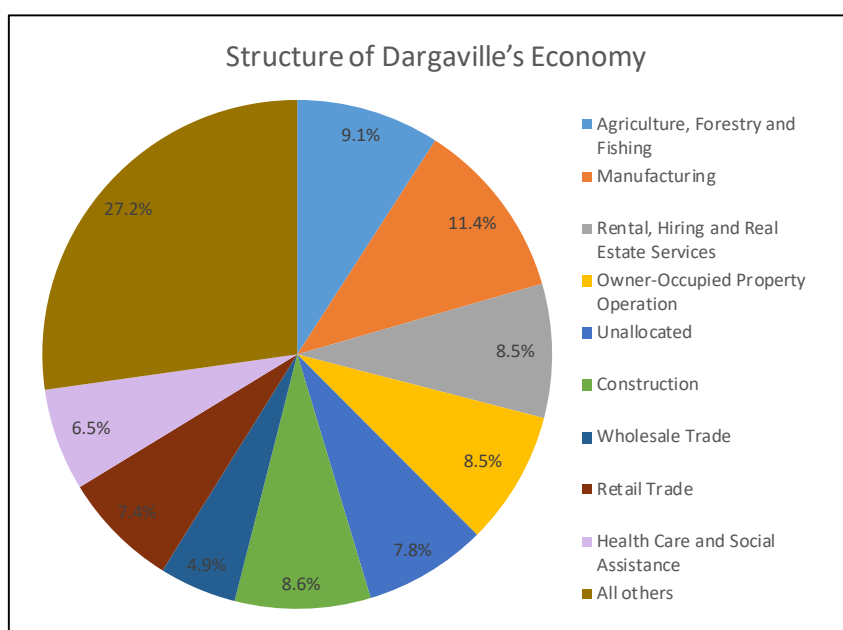


Figure 51: The contribution of different sectors to Dargaville's GDP in 2018 (Infometrics, 2019).

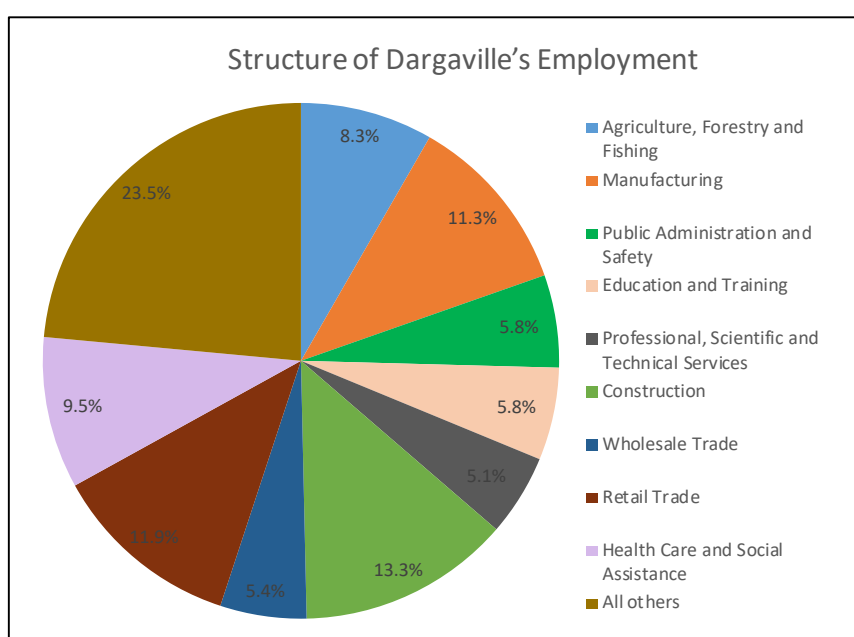


Figure 52: The contribution of different sectors to the number of filled jobs in Dargaville in 2018 (Infometrics, 2019)

By contrast, Mangawhai has little economy of its own with only 1,121 filled jobs for a usually resident population of 4,480 people (Infometrics, 2019). This reflects the large number of retired people who have chosen to make Mangawhai their home, as well as the increasing number of working age people who commute to Auckland for their employment. Unsurprisingly for a fast growing seaside resort, Mangawhai's economy is primarily comprised of real-estate services (21.6% of GDP and 7.3% of filled jobs) and the construction sector (10.5% of GDP and 17.7% of filled jobs) (see Figures 53 and 54). Accommodation and food services were also important, accounting for 13.2% of filled jobs (Infometrics, 2019).

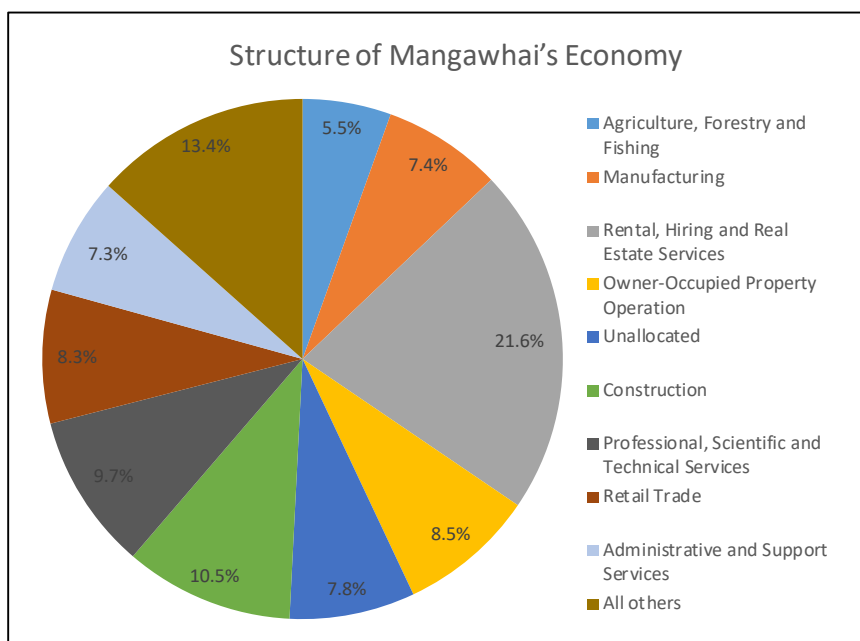


Figure 53: The contribution of different sectors to Mangawhai's GDP in 2018 (Infometrics, 2019)

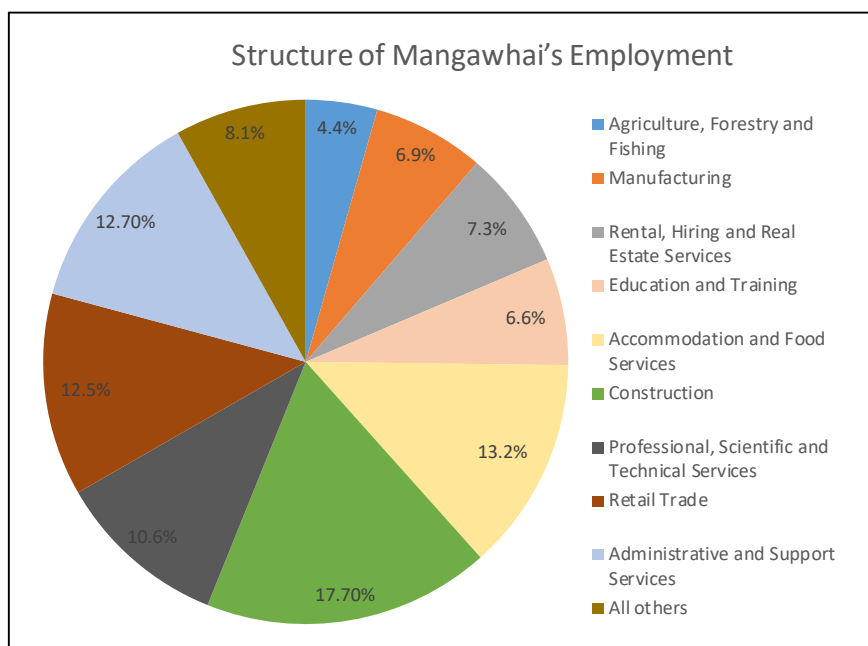


Figure 54: The contribution of different sectors to the number of filled jobs in Mangawhai in 2018 (Infometrics, 2019)

The Figure 55 below further breaks down the contribution different industries make to Kaipara's economy. It reveals the importance of industries within the primary sector such as dairy (13.6% of 2018

GDP), sheep beef and grain farming (5.9% of 2018 GDP), forestry (3% of 2018 GDP) and horticulture and fruit growing e.g. kumara (2.8% of 2018 GDP). Dairy farming alone was worth \$104.6 million to Kaipara's economy in 2018 (Infometrics, 2019).

Kaipara GDP by Industry

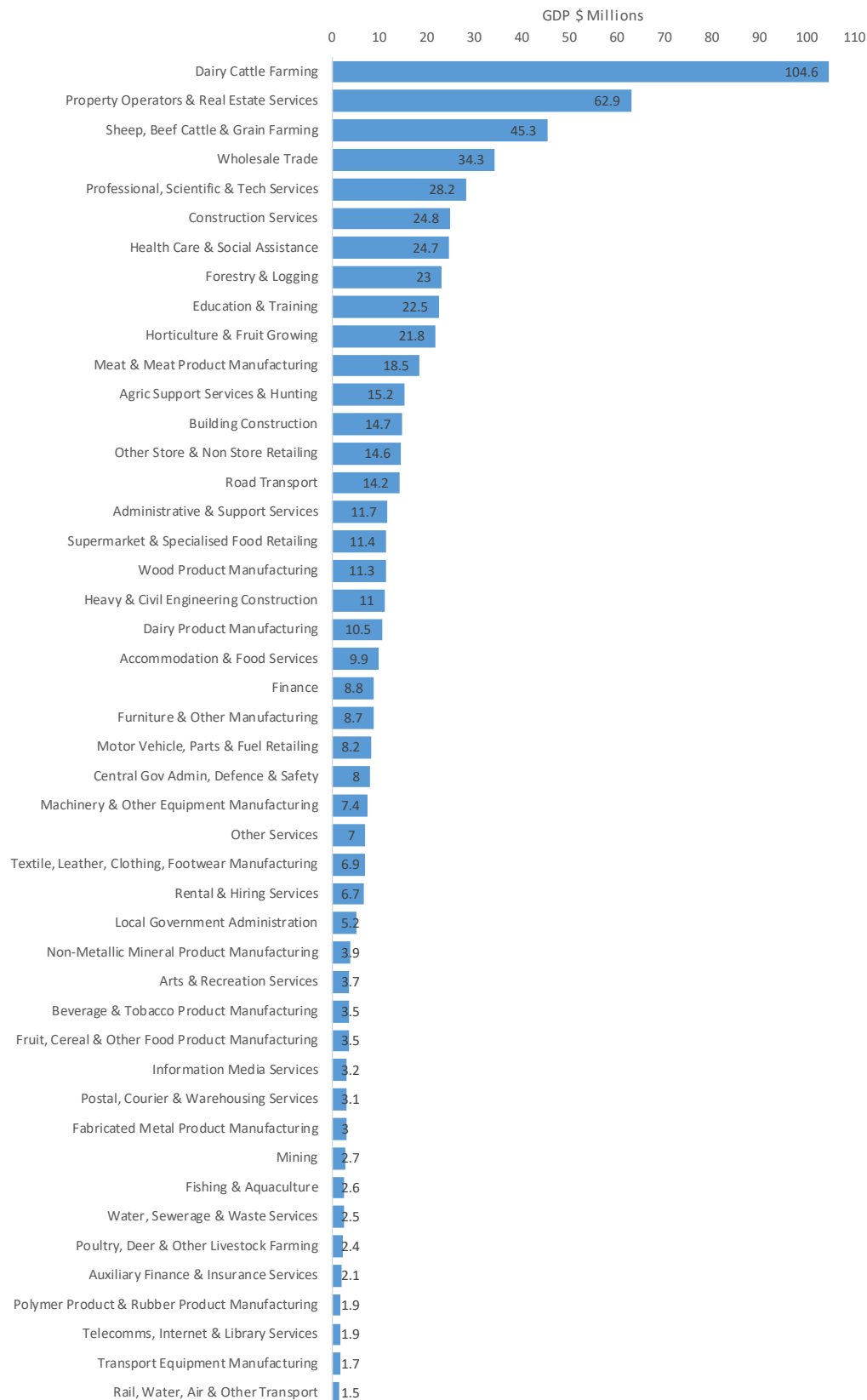


Figure 55: Contribution to Kaipara's GDP by industry, 2018 (Infometrics, 2019)

Figure 56 shows which sectors of the economy contributed most to growing Kaipara's GDP. It shows that the top five industries that made the greatest contribution to GDP growth in Kaipara from 2013 to 2018 were; the agriculture, forestry and fishing sector, construction, professional, scientific and technical services, professional, scientific and technical services and manufacturing (Infometrics, 2019).

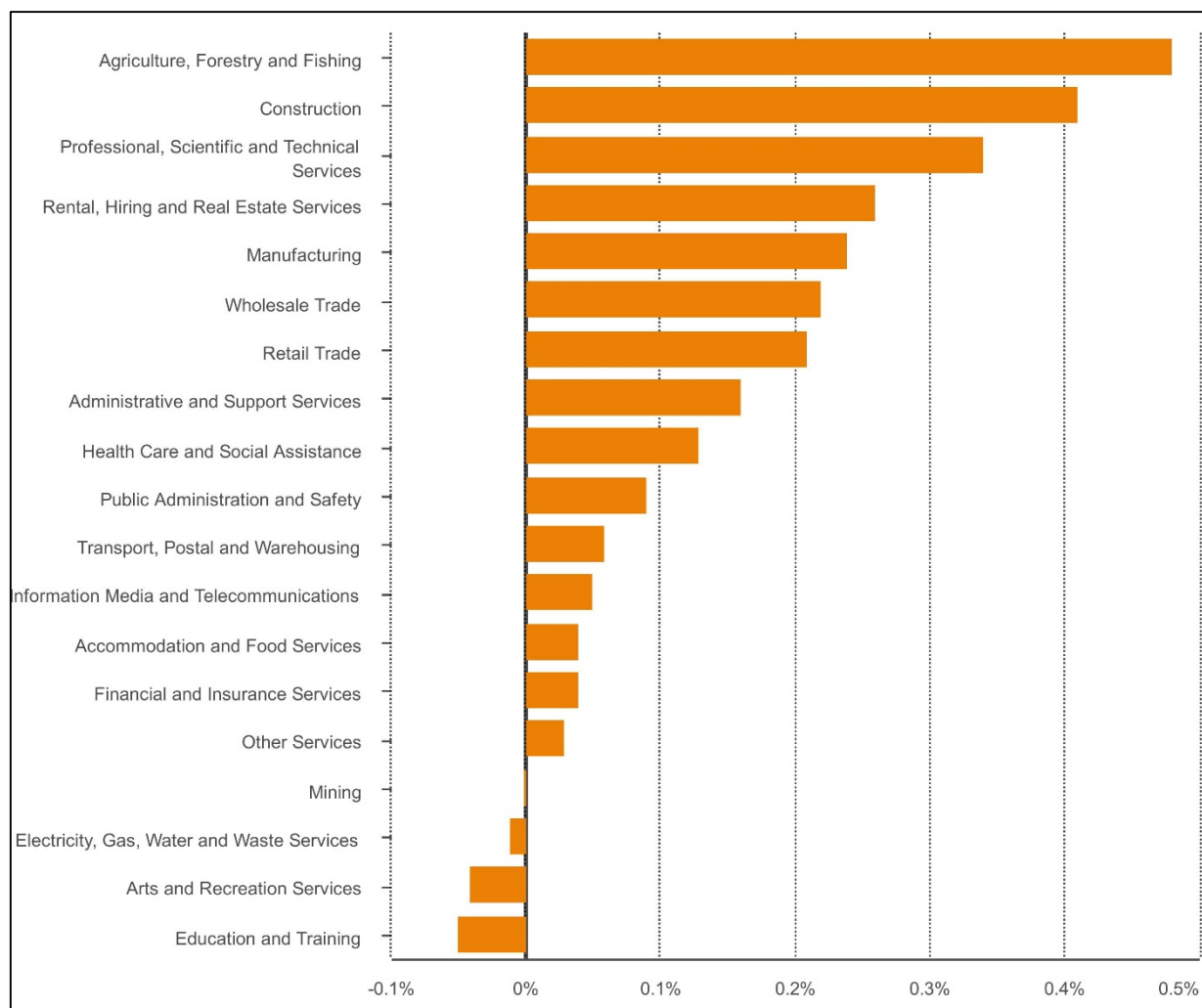


Figure 56: Contribution to GDP growth in Kaipara by industry from 2013 to 2018 (Infometrics, 2019)

The industries which contributed most to employment growth in Kaipara over the period 2013 to 2018 were construction (+285 jobs), professional, scientific and technical services (+158 jobs), agriculture, forestry and fishing (+151 jobs), administrative and support services (+128 jobs), manufacturing (+112 jobs) and wholesale trade (+97 jobs) (Infometrics, 2019).

There were a total of 8,878 filled jobs in Kaipara in 2018, a 6.1% increase on the previous year and part of an ongoing growth trend as is shown in Figure 57 (Infometrics, 2019). On average, the number of filled jobs in Kaipara grew 5% per annum over the three years to March 2018 (Patterson, 2019A). Job growth in Kaipara was split evenly between established businesses increasing their staff and new businesses establishing (Patterson, 2019A).

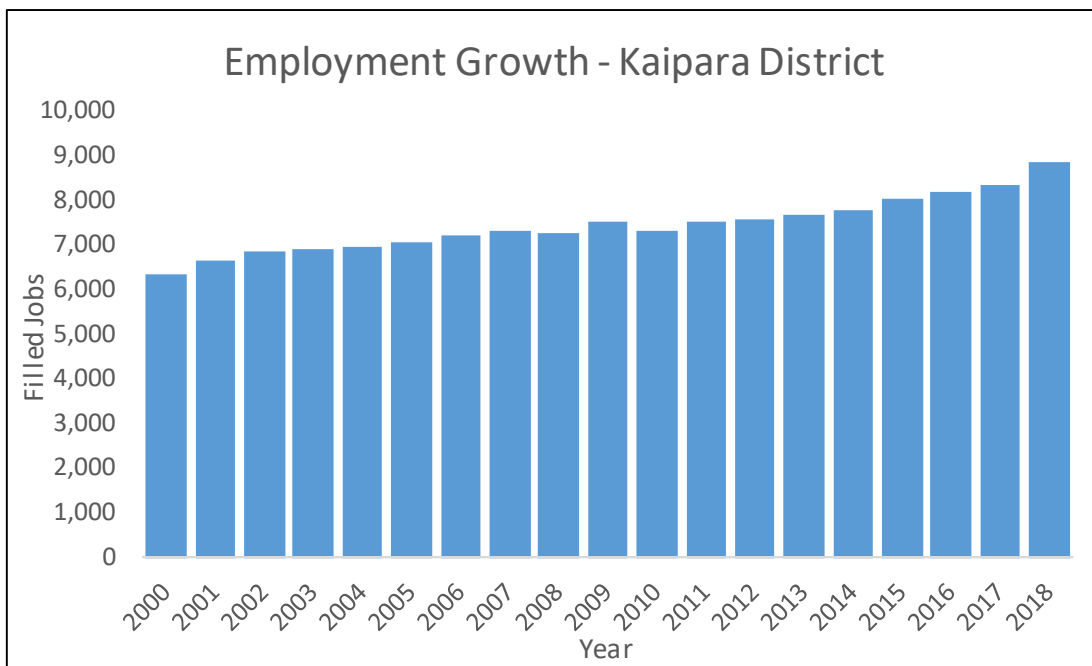


Figure 57: Number of filled jobs in Kaipara District from 2000 to 2018 (Infometrics, 2019)

The annual average unemployment rate in Kaipara district was 4.3% in June 2019, down from 4.6% a year earlier (Infometrics, 2019). The unemployment rate in Kaipara district was higher than in New Zealand (4.1%) but lower than Whāngārei (5.5%), Far North (7.3%) and Northland (6%). Over the last ten years Kaipara's unemployment rate reached a peak of 7.1% in March 2013 but is currently at its lowest point in the last decade. Figure 58 reveals Kaipara's unemployment rate is consistently lower than in other parts of Northland and typically sits near the national average. Unemployment rates across all areas of Northland can be seen to follow a similar trend to each other and the national average, suggesting trends in the wider economy are more important than local shocks (Infometrics, 2019).

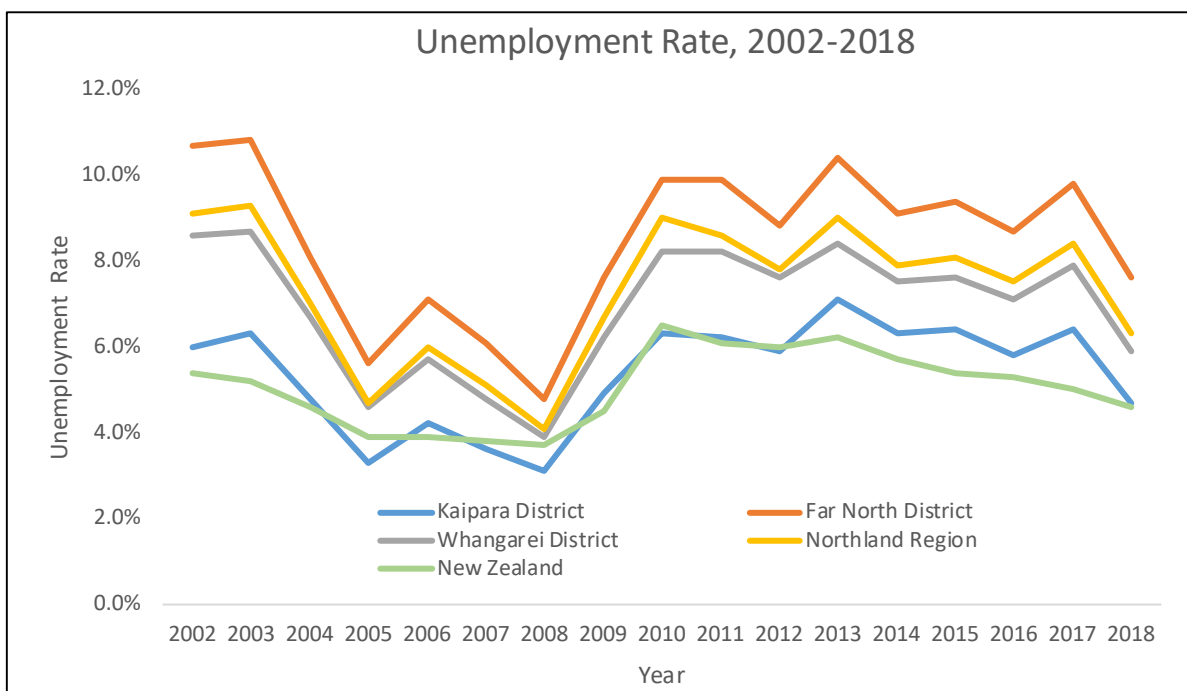


Figure 58: Changes in the unemployment rate from 2009 to 2019 (Infometrics, 2019)

Dargaville's employment increased by 576 filled jobs between 2013 and 2018 while the surrounding Northwest Kaipara area saw a net increase of 50 filled jobs over the same period (Infometrics, 2019). This employment growth coupled with strong population growth implies economic growth in the Dargaville area. The top five contributors to Dargaville's employment growth over this period were agricultural support services (+87 jobs), forestry and logging (+80 jobs), health care and social assistance (+57 jobs), construction services (+56 jobs) and local government administration (+44 jobs). The greatest contributors to job creation in Northwest Kaipara were horticulture and fruit growing (includes kumara and vegetable growing) (+101 jobs), sheep beef and grain farming (+86 jobs), building and construction (+40 jobs), construction services, agricultural support services and other services (collectively +36 jobs). The five industries which lost the most jobs in Northwest Kaipara over the 2013 to 2018 period were dairy farming (-49 jobs), forestry and logging (-48 jobs), property operators and real estate services (-28 jobs), fishing and aquaculture (-28 jobs) and wood product manufacturing (-20 jobs) (Infometrics, 2019).

Mangawhai's employment increased by 369 filled jobs over the period 2013 to 2018. This compares to population increase of 1,100 people over the same period meaning Mangawhai had a usually resident population of 4,480 people in 2018 but just 1,121 filled jobs. This suggests the town has little economy of its own. The top five industries which contributed most to job creation in Mangawhai were administrative and support services (+91 jobs), construction services (+74 jobs), professional, scientific and technical services (+69 jobs), building and construction (+54 jobs), rental and hiring services (+21 jobs) (Infometrics, 2019).

Southeast Kaipara's employment grew by 129 filled jobs between 2013 and 2018 (Infometrics, 2019). Southeast Kaipara had a total of 2,363 filled jobs in 2018. The top five industries which contributed the most to employment growth were wholesale trade (+85 jobs), professional, scientific and technical services (+50 jobs), property operators and real estate services (+39 jobs), poultry, deer and livestock farming (other than dairy, sheep and beef) (+29 jobs) and wood product manufacturing (+29 jobs). In addition, fishing and aquaculture added 23 jobs, dairy product manufacturing added 21 jobs and sheep, beef and grain farming added 20 jobs. The five industries in Southeast Kaipara which lost the most jobs were horticulture and fruit growing (-72 jobs), dairy farming (-51 jobs), agricultural support services (-46 jobs), water, sewerage and water services (-31 jobs) and road transport (-27 jobs) (Infometrics, 2019).

5.6 Performance of Kaipara's economy

Kaipara's economy is continuing to expand, however growth has slowed over the year to June 2019, in line with a slowdown in the national economy (Infometrics, 2019). Provisional estimates from Infometrics show Kaipara's economy grew 1.9% over the 12 months to June 2019 to reach a value of \$791 million GDP (2010 prices). This compares to growth of 1.8% in Northland and 2.5% in the national economy. Prior to the slowdown, Kaipara's annual GDP growth had averaged 3.6% per annum from 2015 to 2018 (Infometrics, 2019).

Graphing the annual percentage change in GDP reveals Kaipara's economy experiences greater ups and downs than the regional and national economy (Infometrics, 2019). Figure 59 shows how the annual rate of GDP growth has fluctuated in Kaipara, Northland and New Zealand between 2001 and 2018. Kaipara's GDP fell by as much as -5.8% in 2008 and increased by as much as 7.7% in 2004 and

6.6% in 2012. By contrast, Northland and the national economy had more moderated ups and downs. Both saw their greatest year on year GDP increase in 2004, an increase of 5.8% and 4.6% respectively. The greatest year on year decrease for both Northland and the national economy came at the end of the global financial crisis in 2009, with GDP falling -1.1% and -1.2% respectively (Infometrics, 2019). This indicates that Kaipara can go from strong growth to weak or no growth in a very short cycle.

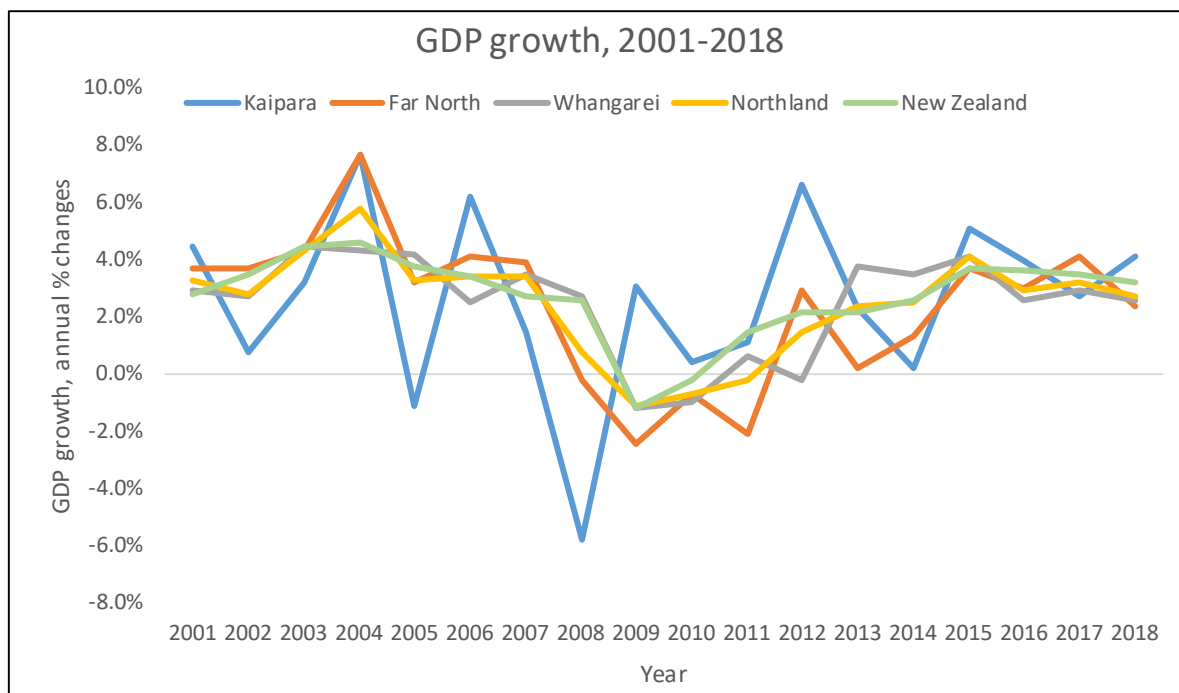


Figure 59: Year on year changes in the rate of GDP growth in Kaipara, Whāngārei, Far North, Northland and New Zealand (Infometrics, 2019).

These greater fluctuations in Kaipara's GDP may be the result of its over exposure to the primary sector, particularly the dairy industry. Seasons with good growing conditions and favourable prices for export commodities such as dairy products, meat and wood can see Kaipara's economy thrive. Conversely, droughts, floods and lower export prices have the opposite effect. Kaipara has little ability to protect itself from such shocks, having little influence on international markets and limited ability to prevent floods or store water for irrigation.

The Northland Regional Council, in partnership with Kaipara District Council and Far North District Council are currently working to investigate the potential of constructing community scale water storage schemes in the Dargaville and Kaikohe areas, as part of a Provincial Growth Fund (PGF) funded project. If successful, this project will see water harvested during peak flows and used to de-risk and expand Kaipara's primary sector. Another PGF funded initiative, Kaipara Kai, is being overseen by Kaipara District Council and aims to diversify Kaipara's primary sector into additional, higher value crops. This is intended to help make Kaipara's economy less vulnerable to market shocks affecting any one sector.

Unsurprisingly given its dependence on the primary and manufacturing sectors, Kaipara's economy is considerably more export-orientated than that of Northland and New Zealand (Infometrics, 2019). In 2018, exports accounted for 59.4% of Kaipara's GDP compared to 40.1% regionally and 31.5% nationally (Infometrics, 2019). Dairy product manufacturing contributed the largest share of Kaipara's exports by GDP value (37.7% or \$172.4m) followed by meat and meat product manufacturing (22.8%

or \$104.5 million), forestry and logging (12% or \$54.9m) and horticulture and fruit growing (8.9% \$40.7 million) (Infometrics, 2019).

A comparison of Kaipara's GDP to the number of employed persons in the district, reveals Kaipara has lower productivity per worker than the national average (Infometrics, 2019). Productivity can be measured using GDP per employed person and is a way of describing efficiency of production. While Kaipara's productivity has improved over time (from \$77,046 of GDP per worker in 2000 to \$86,772 in 2018) it has consistently remained below the national average (which increased from \$84,404 per worker in 2000 to \$97,174 in 2018). Kaipara's productivity sits near the Northland average, a little over half way between that of Far North and Whāngārei Districts (Figure 60).

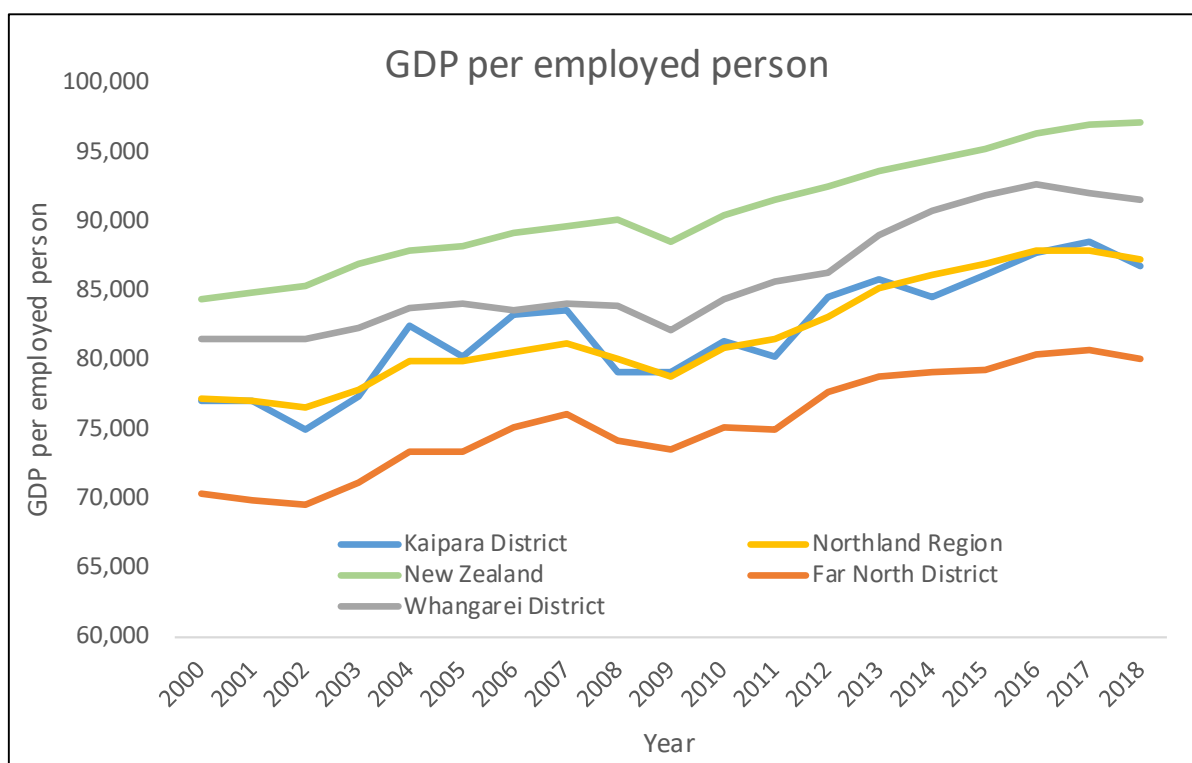


Figure 60: Changes in GDP per employed person between 2000 and 2018 (Infometrics, 2019).

Overall productivity is influenced by a number of factors such as labour and production inputs (e.g. machinery, technology and land). Kaipara's under performance could therefore be because of insufficient investment in plant and machinery as well as less skilled staff.

It can further be seen that Kaipara's lesser productivity is not restricted to a single sector. As shown in the table below, only Kaipara's agriculture, forestry and fishing sector and administrative and support services sector were more productive than the national average. This means there may be opportunities for Kaipara to lift its GDP by improving the productivity of its industries.

Table 11: Productivity by industry as measured by GDP per filled job in 2018 (Infometrics, 2019).

Industry	Productivity: GDP per filled job (\$)	
	Kaipara District	New Zealand
Agriculture, Forestry and Fishing	90,467	89,850
Mining	49,155	539,916
Manufacturing	83,777	99,543
Electricity, Gas, Water and Waste Services	55,553	395,877
Construction	49,441	62,900
Wholesale Trade	72,719	99,528
Retail Trade	49,768	53,432
Accommodation and Food Services	29,696	31,831
Transport, Postal and Warehousing	78,164	107,219
Information Media and Telecommunications	70,672	192,239
Financial and Insurance Services	166,480	222,353
Rental, Hiring and Real Estate Services	246,121	271,987
Professional, Scientific and Technical Services	67,519	84,222
Administrative and Support Services	42,655	40,204
Public Administration and Safety	62,284	88,057
Education and Training	41,138	48,821
Health Care and Social Assistance	54,806	60,021
Arts and Recreation Services	39,993	67,229
Other Services	27,756	45,320
All Industries	86,772	97,174

Over the near term, the outlook for Kaipara's primary sector remains mixed. Fonterra has recently announced a \$590-\$675 million loss for the financial year and will pay no dividend for the 2018-2019 season due to the poor outlook for some investments. This has raised concerns over the financial outlook for the co-operative, even as the outlook for the 2019/20 farmgate milk price remains likely to be closer to the top end of the \$6.25-\$7.25 per kilogram of milk solids range (Infometrics, 2019). Furthermore, forestry prices have fallen in recent months but are expected to recover in 2020 (Infometrics, 2019).

Kaipara's recent GDP growth of 1.9% is therefore primarily being driven by strong household spending, a growing population, and renewed tourism activity (Infometrics, 2019). Data from Marketview shows a 9.3% increase in consumer spending over the 12 months to June 2019, highlighting confidence in the local economy and further supported by Kaipara's growing population (Infometrics, 2019). However, against the backdrop of a slowing national and global economy, households are proving cautious of larger investments as is evident by lower car registrations in Kaipara and across the country. Passenger car registrations dropped 13% in Kaipara over the June 2019 year (compared to 7% decline in Northland and 8.6% decline in New Zealand). Commercial vehicle registrations have also dropped in Kaipara, down -3.8%, possibly contributed to by lower residential construction activity and concerns over the dairy outlook. This compared to an increase of 1.8% in Northland and 0.3% in New Zealand (Infometrics, 2019).

Kaipara's tourism sector is continuing to perform well, with more visitor activity even as the outlook for tourism nationally worsens (Infometrics, 2019). International tourist arrivals are expected to continue to

fall, with weaker arrivals from China particularly. Guest nights in Kaipara rose 5.6% over the June 2019 year with a 0.9% lift in tourism spending also observed (Infometrics, 2019).

Residential construction activity has continued to decline over 2019, with residential consents down 17% over the year to June 2019 (Infometrics, 2019). This reflects that house price growth in Kaipara has now stalled, restricting future profitability of housing developments. The average current house value in Kaipara District rose just 0.6% over the year to June 2019. Growth underperformed relative to New Zealand, where prices increased by 1.4%. However, this slowdown comes at the end of a period of sustained high growth, as shown in Figure 61. As at June 2019, the average current house value in Kaipara has now reached \$553,738. This is now higher than in Whāngārei (\$545,364), the Far North (\$451,735) and Northland (\$518,615) but lower than Auckland (\$1,039,023) and the New Zealand average (\$686,691). Note, these prices are district averages; the average house price will vary between centres within districts.



Figure 61: Variations in the rate of house price growth between 2009 and 2019, annual percentage change (Infometrics, 2019).

In contrast to residential construction, non-residential construction activity has been increasing with non-residential consent values up 14% over the year to June 2019, driven by a \$1.02 million increase in office buildings and a \$1.91 million increase in factory buildings (Infometrics, 2019).

Over the medium and long term, Mangawhai's continued growth and transition to a service centre, together with an influx of population to other areas of Kaipara, driven by an expanding Auckland, are likely to keep both residential and commercial construction activity high.

Reflecting on the above, it can be seen that Kaipara's economy is slowing down over the short term in line with a slowdown in the national economy. Over the longer term, shocks affecting the primary sector (particularly the dairy sector) and the rate of population outflow from Auckland will continue to be the primary drivers of Kaipara's economic performance. Opportunities to diversify and de-risk the district's primary sector, as well as lifting productivity will help to reduce shocks and improve performance.

6 Infrastructure

Infrastructure provision is a core function of local authorities and, together with a conducive regulatory framework, is often the key contribution for councils to encourage and facilitate economic development. In Kaipara, land drainage schemes protect large areas of productive land while infrastructure such as water and wastewater are key for processing and manufacturing. Roads, railway lines and ports are key in getting goods to market. In addition, infrastructure also contributes to community health and wellbeing with services such as water supply, solid waste and wastewater contributing to public health.

However, providing the infrastructure communities need to thrive is becoming more challenging. Gross debt levels in councils continue to increase at the same time as population pressures, tourism growth, and ageing infrastructure come together to stretch councils' ability to fund its services (Infometrics, 2019).

Infometrics' latest analysis shows the majority of local government gross debt levels increasing over the next decade, with a focus on renewal of existing infrastructure rather than investing to accommodate growth (Infometrics, 2019).

Right across New Zealand, local government needs to address infrastructure deficits after decades of under-investment. Planning to address this deficit will not be easy, or cheap, but is critical to aiding growth and fixing New Zealand's housing issues (Infometrics, 2019).

6.1 Transport

Transport is key both for getting goods to market and for social connectivity. The following subsections look at the road, rail, port and air transport infrastructure which service Northland. In all, this section finds Kaipara and Northland has poor connectivity via land transport (road and rail), strong opportunities to utilise international and coastal shipping via Northport and limited use of air travel.

6.1.1 Road

The road network is the primary means of travel for both passengers and freight within Northland. Northland's roads are of two kinds; state highways and local roads. State highways provide the major connections between New Zealand's districts and regions. State highways are managed and funded directly by central government through the NZ Transport Agency (NZTA). Local roads provide for local connections within districts and link to the state highway network. Local roads are administered by local territorial authorities and funded through rates with a subsidy from NZTA's Land Transport Fund. Northland is unique among New Zealand's regions in that its local authorities have come together, with support from NZTA, to form the Northland Transportation Alliance (NTA), an organisation which is jointly responsible for managing the region's roads. This allows a more holistic approach to regional transport planning.

The Kaipara district has 1,572km of local roads of which 71% or 1,119kms are unsealed and 450kms are sealed. Given its small population and the large geographic extent of the district, Kaipara finds it challenging to fund the maintenance and particularly the upgrading of this extensive roading network. The consequence of this is a limited level of service, particularly on lightly trafficked rural roads.

The key state highway linkage between Auckland and Northland is the section of State Highway 1 from the start of the Auckland motorway network at Pūhoi to the intersection with Maunu Road in Whāngārei (NZTA, 2018). This section of State Highway 1 is Northland's key route carrying 10,000 to 20,000 vehicles per day in some areas of the highway near Whāngārei. This route is supported south of Wellsford by State Highway 16, providing a higher level of network resilience at this southern end. However, few alternative routes exist between Wellsford and Whāngārei, resulting in lower resilience. Where alternative routes do exist, they are often not constructed to cope with the increased traffic in the event that a detour is put in place. This is particularly true of Cove Road between Mangawhai and Waipu and the Paparoa-Oakleigh Road which are commonly used as detours when incidents occur in the Brynderwyn Hills (NZTA, 2018).

Key points of low resilience between Whāngārei and Auckland include the Dome Valley and Brynderwyn Hills, both of which are high crash areas and restricted to 80kms per hour as well as being prone to natural hazards such as slips (NZTA, 2018). A bypass route through the Dome Valley is being planned, however there are currently no plans to bypass the Brynderwyn Hills (AECOM, 2019).

From Whāngārei, State Highway 1 continues to the Far North, Kaitia and Cape Reinga.

State Highway 12, from Brynderwyn to the Hokianga and Kaikohe via Dargaville, is the key route linking most of the Kaipara district to State Highway 1 and Auckland beyond. In addition, State Highway 14 provides a key east to west link between Dargaville and Whāngārei.

State Highway 15 between Kaikohe and Northport is Northland's key inland freight route and runs via the Mangakahia and Otaika Valleys. The route is key for freight traffic (particularly logging traffic) moving from the Mid-North and Far-North to Northport and experiences a high level of heavy vehicle traffic. The intersection of State Highway 15 and State Highway 1 at the mouth of the Otaika Valley is currently being upgraded to cope with the increasing freight volumes going to the port.

In addition to carrying freight and providing connectivity for the traveling public, Northland's state highway network is also essential for tourism in the region, allowing visitors to access the region's attractions. Northland's state highways form the basis of the Twin Coast Discovery Highway touring route which leads visitors around Northland's key attractions. This route, and Northland's wider state highway network is shown in Figure 62.



Figure 62: Route of Northland's Twin Coast Discovery Highway. Note that the route includes a number of "Byways", alternative tourist drives which can be included or excluded to tailor the trip to individual interests (Northland Inc. 2019).

The construction and maintenance of roads in Northland faces a number of challenges (NZTA, 2018). The region's challenging topography (particularly between Whāngārei and Auckland), problematic geology and high impact seasonal rainfall present particular challenges for the maintenance and operation of the road network (NZTA, 2018).

Slope instability is a common problem along much of Northland's road network, resulting in random slips, debris and drop-outs (NZTA, 2018). Small slips can often be cleared quickly, but under-slips/dropouts (which undermine the road) and larger slips can be much more complex to fix (NZTA, 2018). Northland's hilly typography also results in tight terrain and narrow alignments. This combined with heavy vehicle crash involvement, can delay re-opening of routes as specialised equipment may be required to remove crash debris, particularly through the Brynderwyn Hills. Many sections of Northland's roads are also exposed to weather events, particularly flooding (NZTA, 2018).

In addition, roading aggregates available locally in Northland are of a lower quality than available elsewhere in the country. This means they degrade quicker, particularly when exposed to high levels of heavy vehicle traffic, resulting in more frequent repairs. Given the above challenges, undertaking renewals and improvements while at the same time keeping the corridor open and available to users presents an ongoing challenge to roading engineers; especially on the high-volume sections of the network (ARUP, 2018; NZTA, 2018).

Because of these roading challenges, Northland, despite its proximity, is poorly connected to Auckland and the upper North Island (AECOM, 2019). Northland's key connections are lengthy, have higher safety risks and provide less reliable journey times (ARUP, 2018). These poor connections include the condition of the strategic intra-regional and inter-regional highway connections, as well as the ability of passenger and freight vehicles to move through the increasingly congested Auckland network. This poor and worsening connectivity is having a negative impact on access for Northland goods to international markets. These connections are also getting less reliable, more time consuming and more expensive to use as Auckland (and its congestion) grows (AECOM, 2019; ARUP, 2018).

This is concerning as the amount of freight being moved on Northland's roads is increasing (AECOM, 2019). Northport is now the second largest sea port in New Zealand by tonnage and, in the absence of a rail connection, is wholly dependent on the road network for its land transport needs (NZTA, 2018). The total freight task generated in Northland in 2012 was estimated at 16,900,000 tonnes by the National Freight Demand Study (2014). Since then, this has seen an 1.1% annual average growth to bring the 2018 freight task generated by Northland to approximately 18,000,000 tonnes per annum, approximately 98.6% of which travels by road. By 2042 the region's freight is forecast to grow to 23.2 million tonnes, with indications it could grow even faster (AECOM, 2019).

It is widely considered that improved transport connections with Auckland would assist in bolstering the Northland Economy (AECOM, 2019; NZTA, 2018). Northland's relatively low population density and geographic remoteness have constrained growth of its place-based economy. The Tai Tokerau Northland Economic Action Plan (Northland Inc., 2016) identifies the opening up of transport corridors, especially with better connectivity to Auckland, as a key opportunity to the region realising its full economic potential (NZTA, 2018).

To address this poor connectivity and safety concerns, significant planning and investment in recent years has focused on road and highway investment in Northland (AECOM, 2019). For example, the 2015–18 National Land Transport Programme Northland forecast \$460 million investment for Northland roads, walking and cycling; including some \$31 million for road maintenance and operations (AECOM, 2019).

Investment has generally been focused on better connecting the Auckland metropolitan area to the high-growth areas immediately to the north (AECOM, 2019). In particular, the Pūhoi to Warkworth four-lane 18.5km highway is under construction. This significant investment is located in the Auckland Region and will improve the commutability of Warkworth and its surrounds with Auckland, while also improving travel between Auckland and Northland generally (NZTA, 2018).

At a local level, the Government, through the PGF, have granted \$21.0 million to assist Kaipara District Council with upgrading its roads. This includes upgrading bridges to accommodate newer heavier trucks (known as 50max or high productivity motor vehicles), improving unsealed roads and sealing currently unsealed sections of Pouto Road. These upgrades are anticipated to improve connectivity within the district, particularly to rural areas such as Pouto.

6.1.2 Rail

Northland is connected to the rest of New Zealand by rail via the NAL. The NAL begins in Westfield in Auckland and makes its way north to Whāngārei before continuing to Otiria in the Far North. In addition, the Dargaville branch links Dargaville to the NAL at Waiotira and an isolated section of railway links Kawakawa to Opua in the Bay of Islands. There is also a proposal to build a spur line to Northport at Marsden Point. These lines are shown in Figure 63 together with the state highway network. Collectively, the rail and state highway network form the region's core land transport network.



Figure 63: Northland's railway and state highway network; note this map includes all existing rail lines, including those which are currently unused or used only for tourism (AECOM, 2019).

However, not all of Northland's railways are currently operating. Services on the Dargaville branch were suspended in October 2014 due to poor track conditions and low freight volumes. The line is now used by Dargaville Rail and River for a rail tourism business. Furthermore, the NAL now only operates between Auckland and Fonterra's dairy factory at Kauri (just north of Whāngārei). The remainder of the line to the Far North is unused and unmaintained. The isolated section of railway between Kawakawa and Opua operates as the Bay of Islands Vintage Railway.

A report released by the Ministry of Transport reveals Northland's rail system is no longer fit-for-purpose to meet today's requirements for moving people or freight and has been maintained in a state of

‘managed decline’ for some years (AECOM, 2019). The network is no longer port-connected since Whāngārei’s port was decommissioned and operations moved to Marsden Point. As one of the few New Zealand ports without a rail connection, rail volumes in Northland fell substantially with over a million tonnes of freight moving to road transport. Compounding the decline in volumes, the line was under-maintained and saw no substantial investment for over fifty years (AECOM, 2019).

This ‘managed decline’ meant that businesses no longer saw rail as a feasible way of moving freight to, from or within Northland (AECOM, 2019). Furthermore, with restricted tunnel heights Northland’s exporters cannot use rail to move modern high-cube containers to and from Auckland, leaving road transport as the only choice to move high-value goods to international markets (AECOM, 2019).

Today just over 110,000 tonnes of freight is moved on the NAL, with the majority of this being processed dairy volumes from Northland, along with logs from northern Auckland (AECOM, 2019). This is just 1.4% of Northland’s total freight (AECOM, 2019).

Speed restrictions and other factors make the line impractical for (commuter) passenger travel and less attractive for some types of freight (AECOM, 2019). Given its dilapidated condition, travel times on the NAL are now around seven hours (previously four and a half hours) compared with road at around three hours (AECOM, 2019).

Several Northland-based export companies do use rail to get their higher-value freight to international markets. However, they cannot use rail within Northland, instead having to road transport their freight to Auckland from where it is then loaded onto rail (AECOM, 2019).

As the railway is not currently fit-for-purpose, it is not considered as a transport option for moving freight (AECOM, 2019). As such the region is almost completely dependent on road transport for moving freight. The result of this has been an increase in heavy truck movements on the main State highway corridors within Northland, and to/from Auckland (AECOM, 2019).

Given its condition, the Ministry of Transport considered it likely that rail service within Northland would cease all together without a substantial investment commitment within the next five years (AECOM, 2019).

The Government, announced in September 2019 that it would invest \$94.8 million from the PGF to maintain and improve the NAL between Swanson and Whāngārei (New Zealand First, 2019). The funding will see about 54km of the 181km track replaced or upgraded; tens of thousands of sleepers replaced, tens of thousands of cubic metres of ballast added; ageing bridges replaced; overdue maintenance work on tunnels carried out; ditches cleared and embankments stabilised (New Zealand First, 2019).

While this funding will help to lift train speeds and assist with moving more freight to rail; to meet the needs of freight customers in Northland and the Upper North Island, the NAL will need to be connected to Northport via a spur line to Marsden Point (AECOM, 2019). The strategic benefits of constructing this link are based on the value of providing a second high-quality land transport connection linking Northport (a natural deep-water port) to Auckland, New Zealand’s largest economic centre. Designation (DNZRC 2) for the Oakleigh to Marsden Point Line was approved following the relocation of the port, however, this project has not otherwise progressed with substantial land acquisition and construction

still required (AECOM, 2019). Without being connected to the port, Northland's railways are unlikely to play a significant role in moving the region's freight.

6.1.3 Ports

The Northland region is serviced by Northport at Marsden Point. This is a natural deep-water port with flexible facilities capable of handling large multipurpose vessels (NZTA, 2018). In addition, New Zealand's only oil refinery, Refining NZ, has its own wharves adjacent to Northport where it receives shipments of crude oil and exports refined petroleum products. As New Zealand's northern most port, Northport is the closest port to New Zealand's international markets.

Northport occupies 49ha with an additional 180ha of commercially zoned land for port use outside the Northport boundary (New Zealand Government, 2019A). This allows ample room for expansion and opportunities for other industries to establish alongside the port. Northport exported approximately 3,250,000 revenue tonnes in the year ended June 2018. Northport's exports are mostly logs (approximately 85% in the year ended June 2018). The remaining exports were made up of woodchip, laminated veneer lumbar, sawn lumber, veneer, triboard, kiwifruit and steel (New Zealand Government, 2019A).

Northport's import volumes are much lower than its export volumes, at 311,000 tonnes in the year ending June 2018. In this period, Northport's imports were made up of palm kernel (46%), coal (24%), gypsum (17%), distillers dried grain (7%) and fertiliser (5%).

Northport is a key port servicing the Upper North Island, together with the other Upper North Island ports of Auckland and Tauranga. The upper North Island ports are critical to the New Zealand freight task. Together they account for approximately half of New Zealand's total export volume and two-thirds of its import volume (in tonnes) (New Zealand Government, 2019A).

Ports of Auckland is New Zealand's second largest container port, after Port of Tauranga. Together Port of Tauranga and Ports of Auckland handle 62% of New Zealand's total Twenty-foot Equivalent Units (TEU). This includes the handling of both full and empty containers (New Zealand Government, 2019A).

Ports of Auckland, being located in Auckland City, is significant for imports due to the population that it serves however its export volumes are low at approximately 6% of New Zealand's total exports in the year ended June 2018 (New Zealand Government, 2019A).

Ports of Auckland occupies 77ha on the Auckland waterfront. Its current location is generating concerns over social licence and is prompting public debate about whether there are better alternative uses for this land. This built-up inner city location also constrains the port's ability to expand (New Zealand Government, 2019A).

Port of Tauranga is New Zealand's largest container port, is New Zealand's largest container exporter (approximately 40% of total export TEU) and handles the highest volume of all New Zealand ports in tonnes (New Zealand Government, 2019A). Port of Tauranga accounted for 35% of New Zealand's total export volume in the year ended June 2018. In addition to containers, Port of Tauranga handles bulk goods such as logs. Approximately 55% of Port of Tauranga's exports are of wood and paper products, the majority of which is logs. Dairy is another key export for Port of Tauranga, accounting for

approximately 12% of its exports (New Zealand Government, 2019A). Figure 64 below compares the different exports and imports of key New Zealand ports, including the Upper North Island Ports.

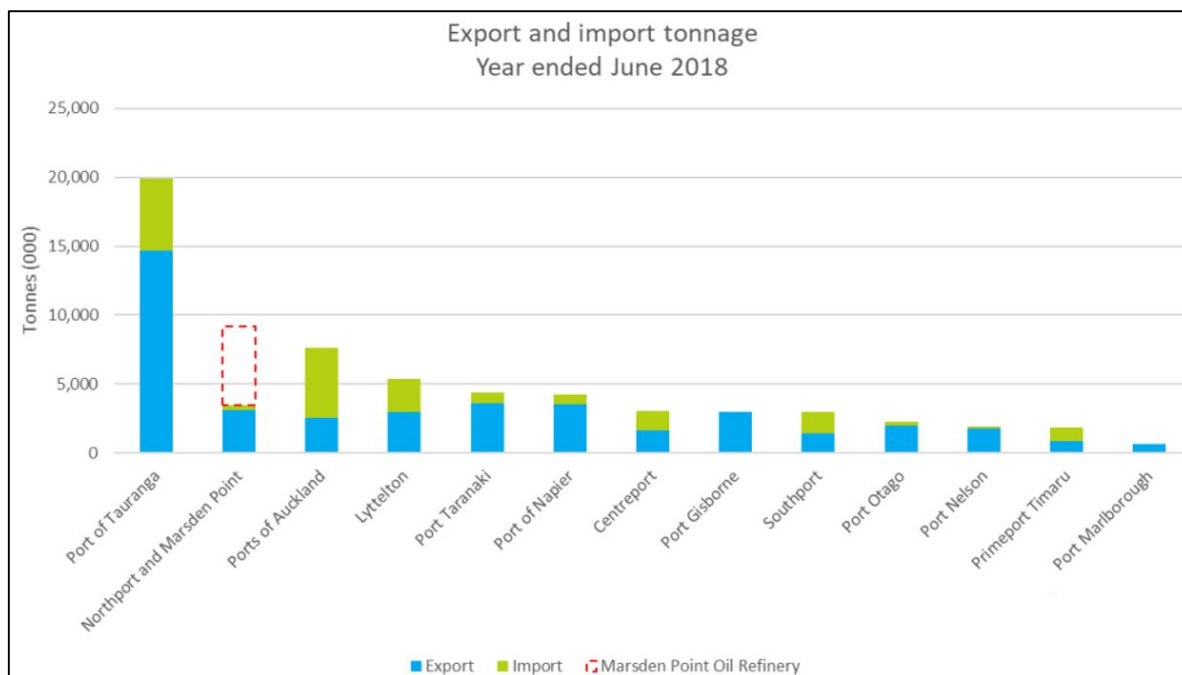


Figure 64: Comparison of export and import tonnage through New Zealand's key ports for the year ended June 2018. Note: the graph includes the 5,425,000 tonnes of import and 271,000 tonnes of export fuel oil products through Marsden Point Oil Refinery as a red dotted line (New Zealand Government, 2019A).

Due to the growth of New Zealand's international trade, much of which is managed within Auckland, and Ports of Auckland's constrained ability to expand, it has been suggested that Northport has the medium-term potential to function not just as Northland's main regional port, but also as a port that supports a portion of the trade to and from Auckland (AECOM, 2019). With its planned and proposed developments (including investing in cranes), Northport estimates it could potentially have the capacity to handle up to 400,000 (TEUs) containers a year, about the same as the Port of Lyttelton (AECOM, 2019).

However, if Northport is to increase its freight handling in this way, the Port will require a rail link (AECOM, 2019). In the year ended June 2018, there were 144,827 single truck movements to Northport, already placing considerable pressure on Northland's roads (New Zealand Government, 2019A). A rail connection from Marsden Point to Auckland would therefore be a critical pre-condition of Northport becoming an inter-regional container port (AECOM, 2019).

Given the growth of Auckland and the Upper North Island and the increasing constraints on Ports of Auckland, the New Zealand Cabinet has asked the Upper North Island Supply Chain Strategy Working Group (the Working Group) to undertake a comprehensive review of New Zealand's freight and logistics sector for the Upper North Island, including ports. This review will guide the development and delivery of a strategy for the Upper North Island to ensure the supply chain is fit for purpose in the long-term (New Zealand Government, 2019B).

The Working Group's final report is due by the end of 2019. To date, the Working Group's interim reports have concluded that the preferred option is the managed closure of the Ports of Auckland's freight operations, Northport developing to capacity equivalent to the Ports of Auckland, including appropriate

levels of landside infrastructure and capacity to grow as levels of freight increase, while the Port of Tauranga continues its planned development. This scenario would also include development of a rejuvenated North Auckland rail line and rail spur to Northport and a new inland freight hub in the Northwest of Auckland complementing Metroport in the South (New Zealand Government, 2019B).

If this shift were to eventuate, Northport would emerge as one of two strategic ports (together with Tauranga) servicing the Auckland and Upper North Island area. This would result in a high level of economic development for Northland, and would attract existing Auckland industry and businesses to relocate to Northland (AECOM, 2019). This in turn would have a high impact on the already fast growing areas of Waipu, Mangawhai, Kaiwaka and Maungaturoto.

6.1.4 Air

Northland is serviced by three commercial airports, none of which are in Kaipara.

Whāngārei Airport is located in the suburb of Onerahi, a 10 minute drive from the Whāngārei city centre. It is jointly owned by the Ministry of Transport and Whāngārei District Council and managed by Northland Aviation (Whāngārei District Council, 2019).

The airport is currently certified to take aircraft of around 50 seat capacity. Apart from the services provided by air line operators, the airport also caters to many recreational users.

Issues associated with Civil Aviation rules, runway length, and significant costs for extending the existing runway, mean the current airport has a life-span of only 10 to 15 years. Whāngārei District Council is currently considering options for where a new Whāngārei airport could be located.

Bay of Islands Airport is a 10 minute drive from Kerikeri and is connected to Auckland Airport by regularly scheduled passenger flights. The Bay of Islands Airport has recently been upgraded with a new \$4.75 million terminal which opened to passengers in June 2019.

By comparison, Kaitia Airport is small, with limited passenger facilities and is typically only staffed 30 minutes before each scheduled flight. That said, the airport is serviced by a daily flight to Auckland Airport operated by Barrier Air.

Auckland Airport is the closest international airport to Northland. In addition to receiving passengers from overseas and acting as a hub for domestic flights, it should also be mentioned that Auckland Airport is used to export high value and time critical exports from Northland, such as cut flowers (NZTA, 2018).

While Kaipara does not have any airports, it does have a number of airfields, the largest of which is located in Dargaville and operated by the Dargaville Aero Club. Dargaville Airfield has a 1,000m runway paved in rolled limestone and a second 931m runway that is maintained in grass. Dargaville Airfield has refuelling facilities and regularly receives recreational flights from around New Zealand, particularly on weekends.

6.2 Electricity

In 2017, 82% of New Zealand's electricity came from renewable sources (MBIE, 2018). New Zealand's renewable electricity percentage in 2017 was the third highest in the OECD behind Iceland and Norway (MBIE, 2018).

Hydro generation typically provides 55% to 60% of New Zealand's electricity supply (MBIE, 2018). However, New Zealand is unlikely to be able to develop additional largescale hydroelectricity supply due largely to a lack of social license for construction of new dams. There may still be opportunities for construction of smaller hydroelectricity schemes.

In 2018, electricity generation from geothermal accounted for just under 20% of New Zealand's total electricity supply (MBIE, 2018). Most of New Zealand's installed geothermal generation (about 1,035 MW) is situated in the Taupo Volcanic Zone, and another 25MW is installed at Ngawha in Northland. Geothermal capacity is increasing with capacity at Ngawha increasing from 25MW to 53MW in 2021 (MBIE, 2018).

Wind power is also making a significant contribution (MBIE, 2018). In 2017 there were 17 wind farms operating in New Zealand, comprised of 490 turbines with a total capacity of 690MW (MBIE, 2018). 2017 was not a great year for wind generation. While wind provided over 5% (2,178GWh) of electricity supply in 2017, this was down 5% on the 2016 level and down 7% on the 2015 level. Generation from wind farms is dependent on the amount of wind and that can vary day to day and year to year (MBIE, 2018).

Solar (photovoltaic cells) remain a small contributor to New Zealand's electricity generation providing less than 0.2% of total electricity (MBIE, 2018). However, this does not consider the amount of electricity saved by solar water heating panels and passive heating by orientating homes towards the sun, the value of which should not be understated (MBIE, 2018). Photovoltaic cells are becoming increasingly popular for individual household use but are unlikely to contribute greatly to New Zealand's total electricity demands.

Due to the intermittent and sometimes unreliable nature of most renewable electricity sources (other than geothermal) the fossil fuel burning Huntly Power Station is used to provide baseload, back-up, and peak supply electricity (i.e. New Zealand uses renewable sources of electricity production first, resorting to fossil fuels when there is insufficient water stored in hydro dams, the wind is not blowing enough, etc.). This highlights the value of geothermal power generation as it is a renewable source and not dependent on the weather. The growth in geothermal baseload generation has already resulted in the replacement of some fossil fuel baseload generation. Furthermore, Genesis Energy announced in early 2018 that it would stop using coal at its Huntly Power Station by 2030, with coal not being used in normal market conditions from 2025 onwards. The plant can instead be fired by natural gas which has a lower carbon footprint (MBIE, 2018).

In terms of local generation, there are two power stations connected directly to the local distribution network which supplies power to the Kaipara and Whāngārei districts. These are Northpower's 5MW Wairua hydro power station and Trustpower's 9MW diesel powered peaking plant. In addition, as at December 2017 there were approximately 649 small privately owned solar photovoltaic generators (average installed capacity 3.7kW) connected to the local network (Northpower, 2018).

Whether if it comes from local or national sources, additional electricity generation will be needed to meet New Zealand's demands. Electricity demand is expected to grow in the future as end-uses that have historically been met by the combustion of fuel are met with electricity (MBIE, 2018). Known as "electrification", this is already being witnessed in the transport sector with increased uptake of electric

vehicles (EVs). As at December 2017 there were 6,209 EVs registered in New Zealand, up from 2,550 in December 2016. Furthermore, a number of industrial companies that currently use fossil fuels for process heat have announced their plans to switch to electricity (MBIE, 2018).

Once generated, electricity is moved around the country via the “national grid” (the high voltage transmission network connecting areas of generation with towns and cities across New Zealand), before being distributed to households and businesses via the local distribution lines.

Transpower is the state-owned enterprise that operates the national grid, which conveys electricity from most of the major power stations around the country to local distribution lines. It also conveys electricity directly to some major industrial users (MBIE, 2018).

The distribution of electricity from the national grid to individual homes and communities is undertaken by Northpower in the Whāngārei and Kaipara districts and Top Energy in the Far North. These local distributors operate and maintain the local distribution networks. Northpower’s electricity distribution network includes 6,380km of overhead lines and underground cables, including 3,700km of high voltage lines and cables (Northpower, 2018).

Northpower takes electricity from the national grid at three substations; Bream Bay, Maungatapere and Maungaturoto, referred to as “grid exit points” as well as from the Wairua hydro power station and Trustpower’s diesel peaking plant as mentioned previously (Northpower, 2018). It then distributes this power to smaller “zone substations” via its “sub-transmission network” before redistributing it to customers, via a network of smaller local power lines. Northpower’s sub-transmission network is shown schematically in Figure 65, it comprises regional substations and zone substations interconnected by 110kV, 50kV and 33kV lines and cables (Northpower, 2018).

A key feature of the sub-transmission network is a 33kV ring between Maungatapere and Kensington regional stations, which allows load to be transferred between the 110/33kV transformer banks at these stations (Northpower, 2018).

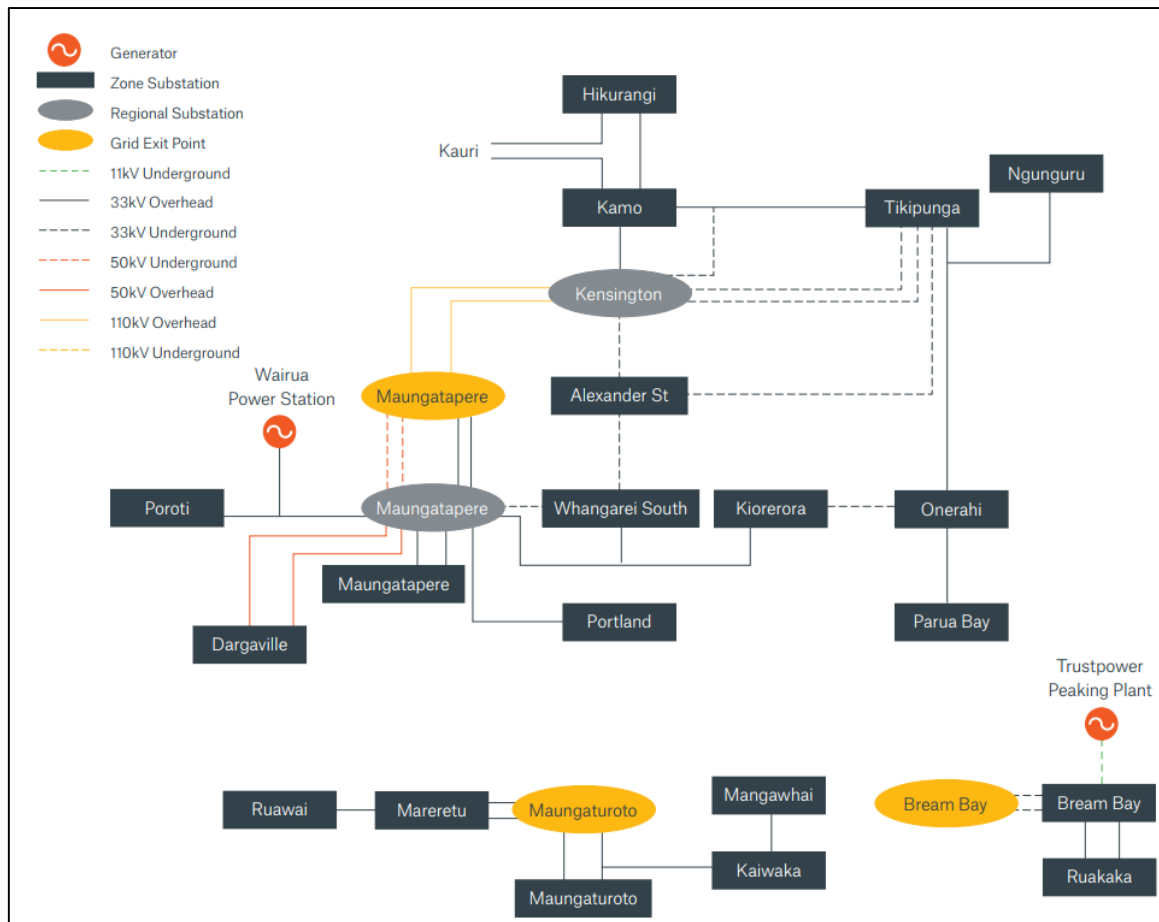


Figure 65: Northpower sub-transmission network (Northpower, 2018).

Figure 66 shows the Northpower distribution area and geographic location of zone substations (Northpower, 2018). Most remote zone substations are fed by a single 33kV line with reasonable back-feeding capability on the 11kV network. Where back-feeding capacity is not adequate, mobile generation is used for voltage support and Northpower own a 500kVA purpose designed mobile generating system (including transformer) for this purpose (Northpower, 2018).

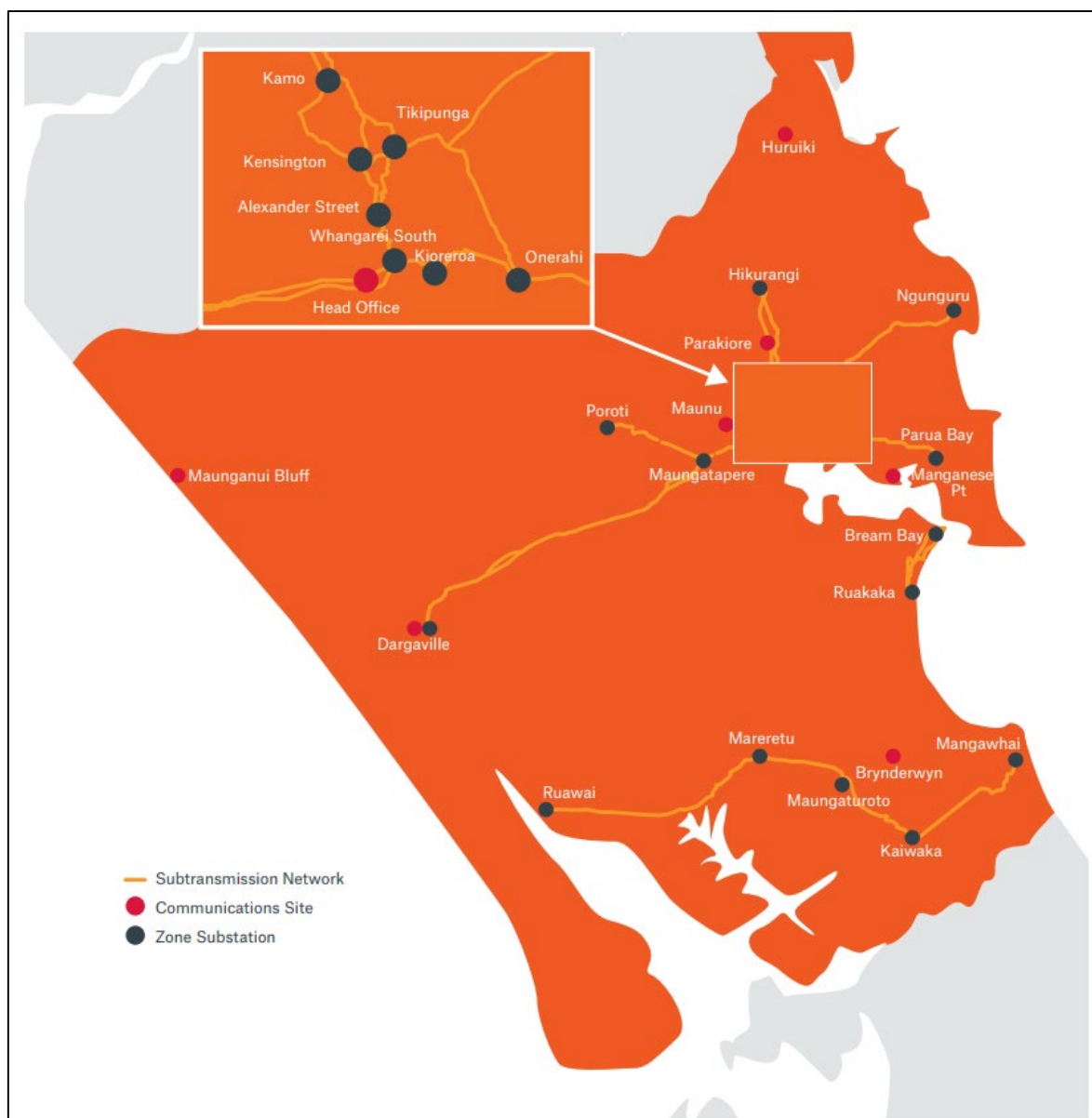


Figure 66: Northpower sub-transmission network, site locations (Northpower, 2018).

With the exception of a number of large customers supplied directly at 33kV, electricity is distributed to customers via 94 high voltage (11kV) feeders emanating from the zone substations (Northpower, 2018). Some customers are supplied directly at 11kV but the majority are supplied via 11,000/415V distribution transformers (either pole or ground mounted) (Northpower, 2018).

The Northpower low voltage (LV) network is a mix of overhead and underground circuits operating at 400/230V. The LV feeders distribute power from distribution transformers (connected to the 11kV network) to customers' service lines. In most cases this will be from poles or pillars near property boundaries (Northpower, 2018).

Over the past few years, Northpower's network has absorbed increases in connections and in demand (Northpower, 2018). The network peak demand forecast (Figure 67) shows continuing linear growth at a rate of approximately 1.5% per annum. The steady increase is driven largely by residential growth into areas around Whāngārei and there is an expected increase in 2022 due to expansion of operations at the Marsden Point oil refinery (Northpower, 2018).

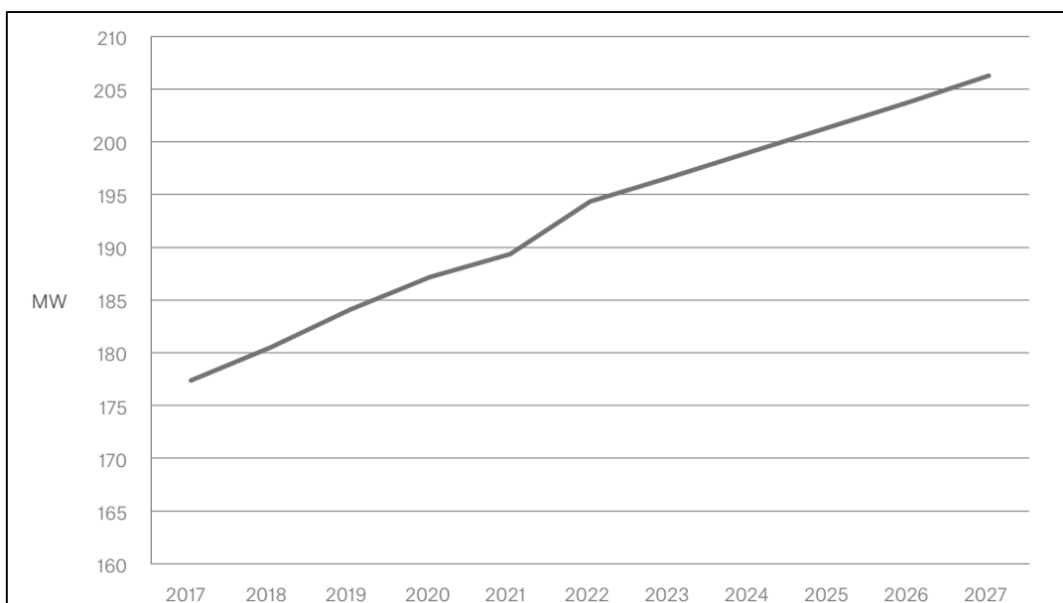


Figure 67: Northpower ten-year network load forecast 2017-2027 (peak demand) (Northpower, 2018).

Catering for this ongoing growth is a critical element of Northpower's role in supporting growth in the Northland region (Northpower, 2018). The network is now at a point where there is a need to lift investment to ensure an ongoing secure supply, including the need to build three new zone substations and maintain security through construction of new trunk feeders (Northpower, 2018). The cost of these upgrades will need to be passed on to consumers.

The weighted average domestic electricity price in Northland was 36.4c/kW in August 2019 (NRC, 2019). This is a 0.3c/kW fall since May 2019 but 2.3% higher than in August 2018. During the past five years, the average domestic electricity price in Northland has risen by 2.9% per annum. This is twice as fast as the national annual average increase of 1.4%. Assuming 7,100kW of power is used by a household per year, this price equates to an annual household power bill of \$2,587. This is 21% higher than the national average of \$2,144, equivalent to an additional \$8.52 per week (NRC, 2019).

6.3 Telecommunications

Northland has historically had poor telecommunications infrastructure with limited broadband coverage and extensive areas of mobile phone 'black spots' (areas with no mobile phone reception). This has particularly plagued areas along Kaipara's west coast including Pouto, Ripiro Beach and adjoining settlements, and the Kai Iwi Lakes. This is because rural and remote areas are generally more expensive for commercial telecommunication network providers to serve than cities and suburban areas due to difficult terrain, geographical isolation and low population/customer densities (Crown Infrastructure Partners, 2019).

To address this infrastructure short fall, central government through Crown Infrastructure Partners has partnered with the private sector to build additional cell phone towers in rural areas, thereby reducing mobile phone black spots and extending access to mobile broadband. Importantly, all three New Zealand mobile operators (2degrees, Spark and Vodafone) have services available from these new, government-funded towers. This allows locals, tourists and the travelling public to have reception in areas serviced by these towers, regardless of which company they are with (Crown Infrastructure

Partners, 2019). The towers themselves are being constructed, maintained and operated by the Rural Connectivity Group, an independent entity established to be the infrastructure provider for this new open access network (Rural Connectivity Group, 2019).

The Rural Connectivity Group, through completion of the Mobile Black Spot Fund programme and Rural Broadband Initiative, will make enhanced broadband available to approximately 99.8% of New Zealand's population, improve mobile coverage to ~1,400km of State Highways and ~168 tourism sites nationwide (Crown Infrastructure Partners, 2019). There will also be increased broadband availability to 271 Marae. This work is scheduled to be completed in 2023 (Crown Infrastructure Partners, 2019).

Improving mobile phone coverage in these rural areas is not only important for business opportunities, tourism and social connectedness but also for safety, allowing persons in distress to contact emergency services when needed.

The Government has also been contributing funds to the expansion of fibre-optic infrastructure to facilitate ultra-fast broadband (UFB) access in the regions (Northpower, 2019). Whāngārei's UFB network was completed in May 2014 by Northpower Fibre and now has one of the highest uptake levels among New Zealand UFB networks with more than 22,700 end users now connected (Northpower, 2019).

The Government has since chosen Northpower Fibre to build UFB fibre networks in 12 more towns throughout the Kaipara and Whāngārei districts between April 2017 and the end of 2021 (Northpower, 2019). This will make another 9,000 Northlanders able to connect. Fibre optic broadband infrastructure has now been installed in Dargaville and areas of Mangawhai and Hākaru. The service is presently being expanded with Mangawhai, Mangawhai-Kaiwaka Road, Kaiwaka, Maungaturoto, Paparoa and Ruawai all being identified as present new build areas (Northpower, 2019).

In light of the above it can be concluded that, while Northland's telecommunications continue to have their limitations, they are steadily improving with black spots decreasing and broadband coverage increasing.

Finally, no review of Kaipara's telecommunications infrastructure would be complete without mentioning the Hawaiki submarine cable which comes ashore at its Mangawhai landing station. This is a new fibre-optic cable linking Australia, New Zealand, American Samoa, Hawaii and the United States West Coast, with branching units in place to further connect the Pacific Islands of New Caledonia, Fiji and Tonga (Hawaiki, 2019). It is presently the largest and fastest telecommunications link between Australasia and the United States (Hawaiki, 2019).

Commercial operations started in July 2018, with a guaranteed design life of 25 years, meaning the cable will be in service until at least 2043. The cable is carrier-neutral and independently owned, with capacity to double New Zealand's international communications capacity (Northland Inc., 2019).

Having both the Hawaiki submarine cable landing station and local UFB network infrastructure in Mangawhai creates opportunities for digital industries to establish in this fast growing urban area.

6.4 Water

Kaipara District Council is instrumental in the delivery of four different kinds of water services in the district. These are; potable water (also called drinking water or municipal supply), wastewater (also known as sewage), stormwater and land drainage. These services ensure people have access to clean, safe water for cooking and washing, provide for sanitation and prevent flooding. The following sections look at the state of this key infrastructure around the district.

6.4.1 Potable water

Council operates community water supply schemes in the Dargaville (including Baylys), Glinks Gully, Ruawai, Maungaturoto and Mangawhai communities. There are raw water supplies for agricultural purposes on the Kaihu (Dargaville) and Maungaturoto bulk water mains.

The assets associated with the five water supply schemes in Kaipara include:

- 15 water source points;
- 4 water treatment plants;
- 7 pump stations;
- 17 storage facilities;
- 175km of reticulated piping;
- 3,583 connections; and
- 3,828 points (fire hydrants, valves, meters).

Dargaville has approximately 108km of local distribution pipes comprised predominantly of concrete lined steel and asbestos cement pipes. The sizes range from less than 100mm to 300mm diameter and 54% are older than 50 years old.

The **Baylys** local distribution network consists of approximately 15.75km of polyethylene pipes.

The Dargaville water supply is used by both the Dargaville and Baylys communities. It services about 4,683 people with 2,782 connections to the system (most use water treated by the system but there are some connections to the raw water lines as well). There is a significant amount of deferred renewal work to be addressed in this scheme. Furthermore, the tendency of the main water source at Waiparataniwha Stream to dry up in droughts makes it hard to provide security of supply. Silver Fern Farms meat works is a significant employer in Dargaville and consumes on average 30% of the water supply annually (peak and off-season), security of supply is a very important issue for these production facilities in Dargaville.

Maungaturoto's local distribution network consists of approximately 35km of predominantly asbestos cement pipes. The sizes range from less than 100mm to 200mm diameter and 37% are older than 40 years old.

Maungaturoto water supply services approximately 895 people with 447 connections; 410 from the Township and 37 from the Railway Village. One of these connections is Fonterra's Maungaturoto Dairy Factory which uses the majority of the water from this scheme. Key issues are the age of the infrastructure, a backlog of deferred renewals and affordability.

Ruawai's local distribution network consists of approximately 6.7km of predominantly asbestos cement pipes. The sizes range from less than 100mm to 150mm diameter and 94% are older than 30 years old.

Ruawai's water supply system has 251 connections and services approximately 500 people. Much of Ruawai's water supply infrastructure is aged and renewals have commenced. Ruawai's relatively small population may make affordability challenging.

The **Glinks Gully** scheme supplies water to 85 properties. The scheme is old and in need of asset renewal work. While the scheme will continue to comply with its 'Take Consent', maintaining this ageing system for a small number of users may mean high costs.

Mangawhai has a small water scheme with only 18 connections. The scheme primarily provides potable water to Mangawhai Heads Campground, Wood Street shops and community housing. Maintaining water services for a small number of users means high costs with relatively little benefit for the wider community. Mangawhai is a relatively a new system, has an acceptable asset profile and is not an issue at this current stage.

By far the majority of Mangawhai, along with much of the district, are therefore dependent on private rainwater tanks and to a lesser extent bores for their potable water needs. This means many households must take responsibility for the provision and quality of their own water supplies.

Remaining compliant with drinking water standards represents a significant cost across all public potable water schemes in the district. There is the risk that drinking water standards will be raised in future and any raising of drinking water standards may be unaffordable for Kaipara. Current standards are already challenging though all of Kaipara district's treated drinking water systems are currently compliant.

The Northland District Health Board has submitted to Council that they would like to see Council increase the public water supply to more properties. Council has no plans to do this and in fact is not increasing connections at the periphery of towns because of supply and demand issues.

In particular, the tendency of Dargaville and Baylys' main water source at Waiparataniwha Stream (near Kaihu) to dry up in droughts makes it hard to provide security of supply to these communities and industries located in these communities (including Silver Fern Farm's Dargaville meat works which is a major local employer). There is a storage dam (located off Opanake Road) built for the Dargaville water supply, however this is not connected directly to the water supply network. The water is instead released into a stream which connects to the Kaihu River, from which Dargaville draws its water in dry periods. It is noted that this water is unlikely to make it to the Kaihu River in any significant volume to offset drought conditions. The cost of connecting this dam directly to the Dargaville system is around \$4 million. There are no plans to build this connection in the short or medium term. This means that security of supply for Dargaville will require a different solution including demand management and conservation.

6.4.2 Wastewater

Council operates six community wastewater schemes in order to protect public health by providing Kaipara district with reliable wastewater service in a manner that minimises adverse effects on the

environment. These schemes service the communities of Dargaville, Glinks Gully, Kaiwaka, Maungaturoto, Te Kopuru and Mangawhai.

The assets that form Kaipara's wastewater systems include 6 treatment plants, 32 pump stations, 31km of rising mains, 107km of gravity lines, approximately 1,565 manholes and about 4,323 connections. The condition of Kaipara's wastewater assets is not well documented. There is a programme of data cleansing and condition assessments planned over the next three years. This has already begun for critical assets including those above ground. The least knowledge is in respect to underground assets. Known issues are:

- There are sections of the older schemes that have old asbestos cement pipes in poor condition;
- Dargaville has over 10,000m of pipes aged over 60 years; and
- Maungaturoto, Te Kopuru and Kaiwaka have most of their pipes aged over 30 years.

Dargaville is serviced by 40km of pipeline, 15 pump stations, 6km of rising main and a single treatment plant. Wastewater is collected from the urban area, apart from a section of the Beach Road industrial area that has onsite treatment. The wastewater system and pipelines are aged and there is a significant amount of deferred renewal work to be addressed.

Te Kopuru's wastewater treatment system and pipelines are also old and there is a backlog of renewal work to be undertaken. Te Kopuru's small population makes affordability a challenge. A full upgrade and replacement may hence be uneconomic and unaffordable under the current funding model. To its benefit, the township is built on a revetment above the Northern Wairoa River and the wastewater system uses the benefit of the elevation of the revetment to develop a reticulation network that discharges to the treatment plant without the need for pump stations or rising mains.

The wastewater scheme servicing **Glinks Gully** is designed to service a peak period population of 72 and the system connects to 18 septic tanks serving 24 houses located on private properties. The wastewater treatment system and pipelines are ageing and replacement work will be needed. The small population and small number of properties may make a full upgrade and replacement uneconomic.

Maungaturoto is serviced by 11km of gravity reticulation pipelines, 3 pump stations and 1.2km of rising main and a single treatment plant which was constructed in 1992. The system is ageing and there are deferred renewal works to be addressed.

Maungaturoto Station Village is serviced separately by a small scheme comprised of a series of septic tanks which discharge to a wetland that drains to a stream.

Kaiwaka's wastewater system consists of 4km of gravity pipeline, 71 manholes, 1 pump station and a single treatment plant. A significant upgrade to the treatment plant was constructed in 2019. Nonetheless, Kaiwaka's wastewater system is ageing and will need replacing.

Mangawhai's wastewater system is comparatively new, having been opened in 2010. This 'state of the art' collection, treatment and reuse system treats wastewater to a very high standard before irrigating it over a Council-owned farm. The Mangawhai wastewater treatment system currently has the capacity to cater for approximately 2,000 connections, at the current assumed growth rate of 70 connections per

year, the plant will reach its capacity around 2025-2028, this is a combination of modular systems within the plant itself and also the ability to discharge the treated water to land at the Browns Road farm.

Council is currently undergoing projects to increase capacity at the treatment plant and investigations into different disposal options to cater for the continued growth of Mangawhai and its urban area.

The biggest threat to Kaipara's wastewater systems is climate change, the majority of our treatment systems are located in areas at risk from sea level rise.

In addition, the historic failure to renew or repair our wastewater systems due to financial costs has created a large backlog of work to be completed and costs have only risen in subsequent years. While Dargaville has the biggest backlog, renewals will also be due in other schemes in 10 plus years, for some communities where populations are small funding these renewal programmes may be very difficult.

There is also the risk of unplanned sewage discharges from pump stations occurring during power failures. This creates environmental risk as overflows of raw sewage can go into waterways.

6.4.3 Stormwater

The five Council-operated community stormwater schemes in Baylys, Dargaville, Te Kopuru, Kaiwaka and Mangawhai protect the communities from localised surface flooding by removing stormwater, collecting contaminants and then discharging the stormwater in a manner that protects the environment and public health.

In addition, stormwater systems predominantly incorporated into the road network are provided in Glinks Gully, Kelly's Bay, Pahi, Whakapirau, Tinopai, Paparoa, Matakohē and Maungaturoto. There is also a Ruawai scheme that is operated under the Raupo Land Drainage scheme.

Baylys township is mainly serviced by a reticulated system consisting of a piped network with manholes and kerbside sumps discharging to the receiving environment. It is also at the lowest point of a large cultivated catchment which reaches back towards Baylys Basin Road. This has the ability to add a large amount of water runoff into the existing streams and flow paths causing scouring and other issues at the lowest point which is the Baylys Township. Many properties discharge to soakage and open drains. There is approximately 3.2km of stormwater pipeline in Baylys, and 10m of open drains, most pipes are 300mm in diameter and the predominant known pipe material is concrete.

Dargaville's urban area is serviced by a stormwater network containing 36km of piped and 35km of open drains, it is protected from river flooding by 66 floodgates and various stopbanks. A series of floodwalls were installed to protect low-lying areas in the southernmost part of Dargaville exposed to the Northern Wairoa and the Kaihu Rivers.

Te Kopuru's stormwater is primarily managed through the 4.7km of open drains associated with the roading network. There is also around 43m of stormwater pipeline in Te Kopuru.

Kaiwaka has approximately 1.65km of stormwater pipeline, and 262m of open drains. Most pipes are 300mm in diameter and the predominant known pipe material is Reinforced Concrete Rubber Ring Jointed (RCRRJ).

Mangawhai has approximately 24.8km of stormwater pipeline, and 7.3km of open drains. Most pipes are 300 or 525mm in diameter and the predominant known pipe material is RCRRJ.

6.4.4 Land drainage

Much of Kaipara's most productive land is located on the alluvial flood plains around the Northern Wairoa River and its tributaries. Protecting this land from inundation and flooding is achieved by a series of land drainage schemes consisting of drains, stopbanks and floodgates. The schemes were designed and built in the early to mid-1900's to a high standard for the time, as is demonstrated by their resilience to this day. Kaipara now has the second largest area of land protected by land drainage schemes in New Zealand (after the Hauraki plains).

Council does not operate but rather facilitates the operation and maintenance of 29 land drainage schemes within the Kaipara district. Governance of these schemes is via a number of drainage boards comprised of representatives from the landowners protected by each scheme, with support from Council. Funding is likewise provided by the beneficiaries of each scheme via a targeted rate which Council levies on the local drainage board's behalf. This means both the cost and governance of each scheme rests directly with those whose properties are protected by it.

In all, the 29 drainage schemes include 255.67km of drains (not counting adjoining private drains) and 123 floodgates. The largest of the land drainage schemes is Raupo which alone consists of 70km of tidally affected stopbanks, 52 floodgates, 137.6km of drains and canals and 1 pump. It should be noted that the drainage of individual paddocks is the responsibility of the property owner. Drainage network drains provide a connection to the drainage network only. Likewise, all floodgates located on the boundary between drainage board drains and private drainage are the responsibility of the property owner.

The greatest risk to all of the land drainage schemes within Kaipara is sea level rise and other impacts of climate change, including the possibility for more high intensity rainfall events. Currently, the schemes work by using stopbanks to prevent water from the river overflowing onto the land behind. Concurrently, rain falling on the land or flowing down from the catchment behind the stopbanks is channelled to the river via drains and released to the river at low tide via floodgates. These gates close as the tide rises to prevent water flowing back onto the land.

However, this system will no longer work if sea level rises to the extent predicted (1.5m higher than the 1986-2005 average over the next 100 years). The stopbanks already overtop in some places when a flood flow and a storm surge coincide with a king tide. Overtopping events will become more frequent and more destructive as sea level rise progresses. Heightening the stopbanks to the extent necessary to prepare for the projected sea level rise would require them to be re-engineered and would come at a considerable cost. Furthermore, as sea level rises, the period of time at which the tide is low enough to allow the floodgates to open and water to flow out of the drains will decrease, eventually resulting in the need to pump water over the stopbanks. This will result in both a capital cost as pumps are installed and an operational cost as the pumps draw power.

Responding to sea level rise is therefore a major challenge facing the Drainage Boards and is of critical importance to the wider district, with much of Kaipara's most productive land lying just above or just

below present sea level, together with a considerable length of State Highway 12, Pouto Road, Ruawai township and Dargaville's central business district.

The land drainage schemes represent a major investment by the community and are of vital importance to the district's economy and the quality of life of the district's residents. The community's expectation is that this investment in land drainage assets is secure and will be maintained into the future.

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Environmental awards policy draft

Meeting: Council Briefing
Date of meeting: 05 February 2020
Reporting officer: Jenny Rooney, Community Funding Coordinator

Purpose/Ngā whāinga

To inform the Council of the proposed draft Environmental Awards Policy.

Context/Horopaki

The objective of the Environmental Awards Policy is to formally acknowledge the work of individuals and organisations who protect and enhance the Kaipara District's unique environment.

Once the draft Policy is adopted this will then commence the 2020 awards process, including seeking nominations, consideration of nominees by a Committee delegated by Council, and the recognition of successful recipients.

Background

At the Council meeting on 28 February 2019, a Notice of Motion was tabled by Cr del la Varis-Woodcock and Council resolved the following:

That the Kaipara District Council;

- a) *Establishes an award for Kaipara citizens (and/or organisations), who have contributed to the environmental good of the Kaipara District*
- b) *Agrees that this award is judged on environmental leadership and actions including (but not restricted to) the protection, enhancement, and Kaitiakitanga of natural resources and ecosystems; sustainability in enterprise, and environmental education and awareness raising.*
- c) *Agrees that a committee of suitably informed and qualified members will be established for determining the award recipients(s); and*
- d) *Requests that the Chief Executive*
 - i. *Drafts an Awards Policy with the frequency (to be determined), categories and criteria for this Kaipara Environmental Award;*
 - ii. *Drafts a Terms of Reference for the establishment of the aforementioned Committee*
 - iii. *Brings the draft Policy and Terms of Reference back to Council for approval with a report that induces any possible costs to council for the establishment of the Award and the Committee.*

Council officers developed the Environmental Awards Policy and criteria along with potential costs.

The Draft Environmental Awards Policy can be found in **Attachment A**.

Discussion/Ngā kōrerorero

Options

Option 1: Approve the draft Environmental Awards Policy

Option 2: Not approve the draft Environmental Awards Policy and provide amendments to the Policy.

The recommended option is **option 1**.

Policy implications

The draft Policy provides guidance for members of the community on who can be nominated, as well as providing guidance on the service and spirit that the Awards are intended to recognise, for individuals and/or organisations.

Financial implications

The budget has provision for the nomination process along with recognition of successful recipients.

Significance and engagement/Hirahira me ngā whakapāpā


The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the agenda on Council's website.

Next steps/E whaiake nei

Feedback received will guide the final draft document which is scheduled for a decision at the February Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Draft Environmental Awards Policy

	Title of Policy	Environmental Awards Policy		
	Sponsor	GM Governance, Strategy and Democracy	Adopted by	
	Author		Date adopted	26 June 2018
	Type of Policy	Governance	Last review date	June 2018
	File Reference	2120.01.03	Next review date	May 2021

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	December 2019	Jenny Rooney	
1.0	January 2020	Jenny Rooney	

1 Introduction

Kaipara District Council wishes to establish annual Environmental Awards to formally acknowledge the work of individuals and organisations who protect and enhance our District's unique environment. This Policy provides an assessment framework to assist in determining the successful award recipients.

2 Objective

The objective of these awards is to recognise and celebrate the people and/or organisations who have made a significant contribution to ensuring the natural environment thrives in the Kaipara District.

3 Process and Assessment

There are five categories of awards to cover the broad range of environmental projects and activities happening in the Kaipara District.

The Categories are:

- Environmental Action in the Community – this award recognises individuals or groups who are working collaboratively within our community to protect and improve the Kaipara's environment.
- Environmental Action in Education – this award recognises those that are driving learning and action to bring about change on environmental issues. The award is specific to schools, Kura kaupapa Māori, early childhood centres or tertiary institutions, and can include the whole school, groups or individuals.
- Environmental Action in Business/Industry – recognises businesses (individual or collective) that demonstrate a notable contribution to the sustainable development of natural resources in the Kaipara.
- Environmental Youth Leadership – recognises an individual or group whose leadership, support of others and willingness to share ideas and resources is making a significant contribution to the Kaipara's environment. This award is only open to young people under the age of 25 years and/or a youth group/programme.
- Kaitiakitanga – recognises the unique relationship tangata whenua have with natural and physical resources in accordance with tikanga Māori, and is open to whanau, hāpu, iwi and Māori organisations.

The Environmental Awards process will take place annually. Council will call for nominations from the public and advise the details of the process and associated timeframes at that time. Nominations may be made by any person or organisation.

Assessment Criteria:

Categories	Criteria – Nominees for this award will demonstrate the following:
Environmental action in the community	<ul style="list-style-type: none"> • How working collaboratively within their community was critical to the success of an environmental project • An effective project with measurable outcomes that helps to protect and improve Kaipara's environment.
Environmental action in education	<ul style="list-style-type: none"> • Evidence of student engagement and empowerment • An effective project with measurable outcomes that helps to protect and improve Kaipara's environment • Inclusion of the wider community.
Environmental action in business/industry	<ul style="list-style-type: none"> • That use of systems, technologies, processes or practices help to protect and/or improve Kaipara's environment • Best practice in industry beyond regulatory requirements.
Environmental youth leadership	<ul style="list-style-type: none"> • Leadership and support by or for young people to achieve a collective goal • A commitment to a project that supports the protection and improvement of Kaipara's environment • Willingness to share ideas and resources to help transfer knowledge and to lead the way by implementing good environmental practices.
Kaitiakitanga	<ul style="list-style-type: none"> • An effective project with measurable outcomes that illustrates inter-generational environment stewardship that includes growing current and future capacity of tangata whenua, to protect and improve the Kaipara environment. • Kaitiaki leadership and commitment to empowering Iwi/Hapu /Whānau to take action on Kaipara's environmental issues.

The awards are intended primarily to acknowledge and celebrate the work of groups or individuals whose contributions are of a voluntary nature or beyond their normal employment situation, however contributions made by individuals through their paid employment can be considered in particular circumstances.

It is not necessary to have the consent of the person being nominated for one or more of the awards. If the nomination is successful, consent will be obtained from the intended recipient before any public announcement is made.

A Committee of Council with the appropriate delegations and Terms of Reference will consider all nominations and determine the winner(s) in each category. The assessment will be undertaken in accordance with this Policy.

The decisions of the Committee will be reported to Council. Council will, at its discretion, host a formal ceremony to acknowledge the recipients.

Present Elected Members are not able to be nominated for an award. Individuals who have served on Council in the past can be nominated.

Elected Members and Council staff can nominate recipients.

If a person has previously been the recipient of an award, this does not necessarily preclude them from being nominated again.

If an award recipient is subsequently found guilty of a criminal offence, at the Mayor's discretion and on a case-by-case basis, that person's name may be removed from the Environmental Awards Honours Board.

Elected Member Code of Conduct review

Meeting: Kaipara District Council Briefing
Date of meeting: 5 February 2019
Reporting officer: Gavin Dawson, Governance Advisor

Purpose/Ngā whāinga

To provide the Local Government New Zealand 'Code of Conduct Guidelines' and 'Code of Conduct template' for consideration and feedback.

Context/Horopaki

Under the Local Government Act 2002, councils are required to have a Code of Conduct (the "Code"). The Code sets out the expected standard of behaviour for elected members in relation to how they work and engage with other elected members, council staff, and the public. It also sets out investigation processes and consequences when complaints are made or upheld under the Code.

The Code remains in force until the Council amends it. The Code can be amended at any time, but cannot be repealed, unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75% or more of the elected members of the Council present at that meeting. It is best practise that the Code be reviewed in the new triennium.

Local Government New Zealand ("LGNZ") develop a Code template in consultation with the local and central government sectors, sector best practice, and legislative or regulatory introductions or amendments. A high majority of councils around New Zealand use the LGNZ Code template.

Discussion/Ngā kōrerorero

The current Code was adopted on 13 December 2016 (**attachment A**). The Code was based on the template developed by LGNZ, and adopted by the Council of the day with some amendments. Amendments made to sections of the LGNZ template at the time referred to the complaints process and related procedures. Sections 12 and 13 of the current Code replaced the said LGNZ sections.

In late 2019, LGNZ updated the Code of Conduct template. The updated LGNZ template (**attachment B**) allows a council to tailor the Code to the circumstances and culture that best applies. It is comprehensive and reflects current standards, best practice, and challenges faced by the governance sector to date.

LGNZ has provided a guide to be read in conjunction with the template Code. The guide provides comprehensive information on the requirements, application, and legal contexts of any future adopted Code (**attachment C**).

Introduced and revised sections included in the updated LGNZ Code are:

- refinement of the principles including a new principle that highlights the importance of elected members "pulling their weight"
- simplification of the roles and responsibilities section
- encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council
- new process for investigating and assessing complaints, including a 'materiality' test
- additional guidance on penalties or sanctions
- clarification that complaints can only be made by members and chief executives

- new guidance on elected members and social media
- a more empowering and less prescriptive approach.


Next steps/E whaiake nei

Feedback and any suggested amendments provided by elected members will be included in a draft Code tailored for the Council. The proposed Code for adoption will be included in the agenda for a decision at the 26 February Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Current Elected Member Code of Conduct
B	LGNZ Elected Member Code of Conduct
C	LGNZ Code of Conduct Guidelines

Gavin Dawson, 15 January 2020.

	Title of Policy	Code of Conduct Elected Members 2016		
	Sponsor	Chief Executive	Adopted by	Council
	Author	Seán Mahoney, Democratic Services Manager	Date adopted	13 December 2016
	Type of Policy	Governance	Last review date	13 December 2016
	File reference	1203.01	Next review date	September 2019

Document Control			
Version	Date	Author(s)	Comments
1 st commenced	14 October 2016	Sean Mahoney	
1.0	22 November 2016	Sean Mahoney	Minor editing
1.1	13 December 2016	Sean Mahoney	Council amendments and approval

1 Background

The Local Government Act 2002 Schedule 7 requires a local authority to adopt a Code of Conduct and that Elected Members of the local authority will comply with the Code.

The Code of Conduct must set out:

- Understandings and expectations adopted by the local authority about the manner in which Elected Members may conduct themselves while acting in their capacity as Elected Members, including:
 - behaviour toward one another, Council staff, the Public and the news media.

The Code also outlines practices in relation to the disclosure of information, including (but not limited to) the provision of any document to Elected Members that:

- a) is received by, or is in the possession of, an Elected Member in his/her capacity as an Elected Member; and
- b) relates to the ability of the local authority to give effect to any provision of the Local Government Act 2002.

The Code also provides an explanation of the obligations on Elected Members under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and any other Act or rule of law that applies to Elected Members.

Standing Orders apply principally to the conduct of meetings (Schedule 7 of the Local Government Act 2002, cl.27). A question concerning the conduct of an Elected Member during a meeting should be dealt with at the meeting under the relevant provisions in the Standing Orders. Where it is not possible at a meeting to deal with a matter of conduct under Standing Orders the conduct may be raised under the Code.

The following governance principles (relevant to the Code of Conduct) are defined under the Local Government Act 2002 (s.39):

- a) A local authority should ensure that the role of democratic governance of the community, and the expected conduct of Elected Members, is clear and understood by the Elected Members and the community.
- b) A local authority should ensure that the relationship between Elected Members and management of the local authority is effective and understood.

In summary, the objectives of a Code of Conduct are to set out:

- The conduct of Elected Members towards one another, staff and public;
- How information is disclosed;
- Legislation that applies to the actions of Elected Members;
- The relationship between Elected Members and management.

2 Key principles

2.1 Introduction

This Code of Conduct is based on a number of key principles. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code.

2.2 Council core values

Elected Members have a duty to act in accordance with the agreed Council Core Values being:

Integrity

- We will do what we say we will
- We will act with good intent
- We will do the right thing in the right way.

Teamwork

- We will work together
- We will support each other
- We will work as one organisation.

Delivering value

- We will seek to understand needs and deliver to them
- We will apply our skills and knowledge for the benefit of others.

2.3 General principles of good governance

Honesty and integrity

Elected Members have a duty to act honestly and with integrity at all times.

Public interest

Elected Members have a duty to serve the interests of the district as a whole. They must not act in order to gain or provide financial or other benefits for themselves, their families, friends or business interests.

Declare private interests

Elected Members must declare any private interests or personal benefits relating to their public duties and take steps to resolve any conflicts of interest in such a way that protects the public interest. This means fully disclosing actual or potential Conflicts of Interest; avoiding any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Impartiality

Elected Members should make decisions on merit and in accordance with their statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits.

Accountability

Elected Members are accountable to the public for their decisions and actions and should consider issues on their merits, taking into account the views of others. This means co-operating fully and honestly with the scrutiny appropriate to their particular office.

Openness

Elected Members should be as open as possible about their actions and those of Council and should be prepared to justify their actions.

Respect

Elected Members should treat others, including Council officers, with respect at all times. This means not using derogatory terms towards others, or about others, including in all types of media, not misrepresenting the actions or statements of others, observing the rights of other people and treating people with courtesy.

Duty to uphold the law

Elected Members should uphold the law and, on all occasions, act in accordance with the trust the public places in them.

Stewardship

Elected Members should ensure that Council uses resources prudently and for lawful purposes and that Council maintains sufficient resources to meet its statutory obligations.

Leadership

Elected Members should promote and support these principles by example, and should always act in the best interests of the whole community.

3 Respective responsibilities

The Local Government Act 2002 envisages a clear separation of roles and responsibilities between Elected Members and management.

Members (Council as a Whole)

The Elected Members, acting as the Council, are responsible for:

- Preparing and adopting the Long Term Plan (LTP), Annual Plan and Annual Report;
- The development and approval of Council strategies, policies, bylaws and plans;
- Setting rates;
- Monitoring and reviewing the performance of Council against its stated objectives and policies;
- Employing, overseeing and monitoring the Chief Executive.

Council can only act by a majority decision at meetings. Each Elected Member has one vote¹. With certain exceptions, the exercise of Council's powers can be delegated to committees, sub-committees or to individual persons.

The Elected Members are accountable to electors through the ballot box. They have declared an oath that:

“They will faithfully and impartially, and according to their best skill and judgment, execute and perform in the interests of the Kaipara district, the statutory powers, authorities and duties vested in or imposed upon them as Elected Members of the Kaipara District Council.”

The Mayor

The Mayor is the head of the governing body of Kaipara District Council, providing leadership to other Elected Members and the organisation. They are one of the Elected Members and share the same collective responsibilities. The Mayor is the presiding Elected Member at meetings of Council and as such is responsible under Standing Orders for the orderly conduct of Council business at meetings.

The Mayor has no power to commit the Council to any particular course of action except where specifically authorised to act under duly delegated authority.

The Office of the Mayor carries with it an element of community leadership. The leadership role frequently requires the Mayor to act as a community advocate, promoting the attributes of the community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of Council.

Chief Executive

The Chief Executive (CE) is appointed by the governing body and is responsible for the implementation and management of Council's policies and objectives within the budgetary constraints established by Council. In terms of the Local Government Act 2002, the CE's responsibilities are:

- a) Implementing the decisions of Council.
- b) Providing advice to Elected Members.
- c) Ensuring that all functions, duties and powers delegated to the CE or to any person employed by Council or imposed or conferred by any Act, regulation or bylaw are properly performed and exercised.
- d) Ensuring the effective, efficient and economic management of the activities and planning of the local authority.
- e) Maintaining systems to enable effective, planning and accurate reporting of the financial and service performance of the local authority.
- f) Providing leadership to the staff of the local authority.

¹ With the exception of statutory deadlines or compliance where the Mayor or Chair will have a casting vote.

- g) Employing staff on behalf of the local authority (including negotiating terms of employment).

4 Confidential information

In the course of their duties Elected Members will occasionally receive information that may need to be treated as confidential or Public Excluded. Confidential information includes information that officers have judged there is good reason to withhold under s6 and s7 of LGOIMA. This will often be information that is either commercially sensitive or is personal to a particular individual or organisation.

- The CE is responsible for the release of information under LGOIMA. Any confidential information will be clearly marked as Confidential or Public Excluded.
- Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Elected Member.
- Members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in Council.
- Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.
- Elected Members should also be aware that as Elected Members they are accountable to the public and that all official information held by themselves, whether on Council equipment or their own personal equipment, is subject to LGOIMA. Official information, if sought as part of a request, must be made available to the CE or nominee so that it can be assessed in terms of the requirements of the Act for possible release or eligibility to be withheld.

5 Relationships and behaviours

5.1 Relationships with other Elected Members

Elected Members will conduct their dealings with each other in ways that:

- maintain confidence in the office to which they have been elected;
- are open and honest;
- focus on issues rather than personalities;
- avoid aggressive, offensive or abusive conduct.

5.2 Relationships with Chief Executive and staff

The effective performance of Council also requires a high level of co-operation and mutual respect between Elected Members and staff. To ensure that level of co-operation and trust is maintained, Elected Members will:

- Recognise that the CE is the employer (on behalf of Council) of all Council employees, and as such only the CE or his/her delegated appointees may hire, dismiss, instruct or censure an employee;

- Make themselves aware of the obligations that Council and CE have as employers and observe those requirements at all times;
- Treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- Observe any guidelines that the CE puts in place regarding contact with employees;
- Not do anything that compromises, or could be seen as compromising, the impartiality of an employee;
- Avoid publicly criticising any employee in any way but especially in ways that reflect on the competence and integrity of the employee;
- Raise concerns about employees only with the CE and concerns about the CE only with the Mayor/Deputy Mayor present;
- Not seek to improperly influence staff in the normal undertaking of their duties.

Members should be aware that failure to observe the requirements of this section of the Code of Conduct may compromise Council's obligations to act as a good employer and may expose Council to civil litigation and audit sanctions.

5.3 Relationships with the community

Effective Council decision-making depends on productive relationships between Elected Members and the community at large.

Elected Members should ensure that individual citizens are accorded respect in their dealings with Council and have their concerns listened to and deliberated on in accordance with the requirements of the Local Government Act 2002 and other relevant legislation.

Elected Members should act in a manner that encourages and values community involvement in local democracy.

5.4 External and media communications

The media plays an important part in local democracy. In order to fulfill this role, the media needs access to accurate, timely information about the affairs of Council. From time to time, individual Elected Members will be approached to comment on a particular issue either on behalf of Council or as an Elected Member in their own right. This part of the Code deals with the rights and duties of Elected Members when speaking to the media on behalf of Council or in their own right.

Public statements representing Council policy or reporting decisions of Council will be made only with specific or general authority of Council and will clearly state the person's authority for making the statement on behalf of the Council.

The following rules apply for media contact on behalf of Council:

- The Mayor is the first point of contact for the official view of the governing body on any issue;

- The Mayor may refer any matter to the relevant Committee Chair or to another Commissioner;
- No other Elected Member may comment on behalf of the governing body without having first obtained the approval of the Mayor;
- The CE is authorised to make statements relating to any of the areas for which the CE has statutory responsibility;
- Department Managers may make factual statements relating to the functions of their departments;
- Otherwise the CE, Mayor or any Elected Member or Council officer may make specific statements on behalf of Council only with the specific authority of the relevant Council, committee or sub-committee meeting.

Elected Members are free to express a personal view in the media at any time. When doing so, they should observe the following guidelines:

- Media comments must not state or imply that they represent the views of the governing body;
- Where an Elected Member is making a statement that is contrary to a governing body decision or policy, the Elected Member must not state or imply that his or her statements represent a majority view;
- Media comments must observe the other requirements of the Code of Conduct e.g. not disclose confidential information or compromise the impartiality or integrity of staff or be derogatory in respect of another Elected Member.

The CE, management and staff should not comment publicly on the performance of Council or Elected Members.

6 Conflicts Of Interest

It is a requirement of this Code of Conduct that Elected Members fully acquaint themselves with, and strictly adhere to, this section on Conflicts of Interest. There are two main classes of Conflict of Interest:

- A financial Conflict of Interest is where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss by an Elected Member.
- A non-financial Conflict of Interest does not have a direct personal financial impact. It may arise from a personal relationship or involvement with a non-profit organisation or from conduct that indicates prejudice or pre-determination.

Elected Members need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests and with other legal requirements concerning non-financial Conflicts of Interest.

It is an Elected Member's responsibility to declare Conflicts of Interest at Council meetings where matters in which they have any interest arise.

Elected Members are also required to make full and complete annual Declarations of Interest.

The Local Authorities (Member's Interest) Act 1968 provides that an Elected Member is disqualified from office or from election to office if that Elected Member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

If any Elected Member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a Conflict of Interest, the Elected Member should seek guidance from the CE immediately.

Elected Members may also contact the Office of the Auditor-General for guidance as to whether that Elected Member has a pecuniary interest. If there is a pecuniary interest, the Elected Member may seek an exemption from the Audit Office to allow that Elected Member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. Elected Members must also seek approval from the Office of the Auditor-General for contractual payments to themselves, their spouses or their companies that exceed the \$25,000 annual limit. The CE can assist the Elected Member with this if requested.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the Elected Member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction Elected Members can be ousted from office.

7 Ethics and public duty

Kaipara District Council seeks to promote the highest standards of ethical conduct amongst its Elected Members. The reputation of Council is dependent on Elected Members' conduct and the public perception of this conduct.

Elected Members should not influence, or attempt to influence, any Council employee to take actions that may benefit the Elected Member or the Elected Member's family or business interests.

Elected Members should not use Council resources of any sort for personal business.

Elected Members must not solicit, demand or request any gift, reward or benefit by virtue of their position. The offer and receipt of gifts, including special occasion goodwill gifts, must be reported to the CE.

8 Pre-election period

During the three months prior to polling date for local body elections, Council resources should not be used in any way that could be deemed to give any sitting Elected Member an advantage.

During this period Elected Members will:

- not use Council stationery, email, postage or facsimile/telephone facilities of any other Council resource explicitly for campaign purposes;
- not attempt to make any use of Council communications that could be construed as giving that Elected Member an unfair electoral advantage by raising their profile;
- abide by any Council policies adopted by the Governing Body relating to conduct during the pre-election period.

9 Disclosure of pecuniary and other interests

The law makes specific provision requiring Elected Members to disclose pecuniary (financial) interests. However interests that are not pecuniary can be just as important; family connections, kinship, friendship, membership of an association, society, company or trade union, trusteeship and many other kinds of relationships can influence Elected Member's judgement and may give the impression that an Elected Member might be acting for personal motives. If Elected Members are in doubt, disclose the interest, seek advice from the Mayor, Committee Chair or CE and, if necessary, withdraw from the meeting.

An Elected Member or some firm or organisation with which the Elected Member is personally connected may have professional, business or personal interest within the areas for which Council is responsible. Such interests may be substantial and closely related to the work of one or more of Council's committees or sub-committees. Before seeking or accepting membership and particularly the chairing of any such committee or sub-committee, Elected Members should seriously consider whether membership would necessarily involve them:

- disclosing an interest so often that the Elected Member would be of little value to the committee or sub-committee;
- Weakening public confidence in the impartiality of the committee or sub-committee.

The principles about disclosures of interest should be borne in mind with regard to unofficial relations with other Elected Members, at informal occasions and formal Council or Committee meetings.

10 Representing Council

Members who are invited or wish to represent Council at an event such as a seminar or conference must forward a written report to Council, which summarises the event including its potential significance to the business of Council. Where Council is represented by a delegation, one Elected Member of the party will report back on their behalf.

11 Disqualification of Elected Members from Office

Members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more year's imprisonment or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

12 Compliance

Elected Members must comply with the provisions of this Code of Conduct. Elected Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987 (LGOIMA), the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The CE will ensure that an explanation of these Acts is provided at the first meeting after each triennial election and that copies of these Acts are freely available to Elected Members. Short explanations of the obligations that each of these Acts has with respect to conduct of Elected Members are attached as Appendix 1 to this Code.

13 Code of Conduct complaints

13.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

13.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the CE. On receipt of a complaint the CE must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation².

Only Elected Members and the CE may make a complaint under this Code.

13.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in the Appendix.

² On behalf of Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chair, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

13.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring an Elected Member or Council into disrepute or, if not addressed, reflect adversely on another Elected Member of Council.

14 Review of the Code of Conduct

Once adopted, the Code of Conduct continues in force until amended by the Governing Body. The Code can be amended at any time however cannot be revoked unless the Governing Body replaces it with another Code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75% or more of the Elected Members of the Governing Body present.

15 Implementation

The parties to this Code agree to abide by its provisions at all times having regard to the declaration of Office and Council policy.

For the avoidance of doubt, an Elected Member must adhere to the Code of Conduct. A breach of the Code does not constitute an offence under the Local Government Act 2002 however may raise questions about the Elected Member's standing within Council.

Appendix 1 - Legislation bearing on the role and conduct of Elected Members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of Elected Members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about Elected Members discussing and voting on matters in which they have a pecuniary interest and about contracts between Elected Members and Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an Elected Members' family trust and Council.

Determining whether a pecuniary interest exists

Elected Members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether they have a pecuniary interest, Elected Members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Elected Members may seek assistance from the Mayor/Chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in Council's Standing Orders.)

The contracting rule

An Elected Member is disqualified from office if they are "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval and, in limited cases, retrospective approval for contracts that would otherwise disqualify the Elected Member under the Act. It is an offence under the Act for a person to act as an Elected Member of Council (or Committee of Council) while disqualified.

Non-pecuniary Conflicts of Interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the Elected Member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, however relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not Elected Members believe they are not biased is irrelevant.

Elected Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Elected Members' statements or conduct indicate that they have pre-determined the decision before hearing all relevant information (that is, Elected Members have a "closed mind"); and
- Elected Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, Elected Members must also take into account the context and circumstance of the issue or question under consideration. For example, if an Elected Member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the Elected Member would

give effect to that promise, however they must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 (LGOIMA) sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of Elected Members is the fact that the Chair has the responsibility to maintain order at meetings, however all Elected Members should accept a personal responsibility to maintain acceptable standards of address and debate. No Elected Member should:

- create a disturbance or a distraction while another Elected Member is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about Council, other Elected Members, any employee of Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an Elected Member (or Officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years and/or fined up to \$1,000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the Elected Member from Office.

Crimes Act 1961

Under this Act it is unlawful for an Elected Member (or Officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected Members convicted of these offences will automatically cease to be Elected Members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places Elected Members in the same position as company directors whenever Council offers stock to the public. Elected Members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Appendix 2 : Process for the determination and investigation of complaints

Step 1: Chief Executive receives complaint

On receipt of a complaint under this Code the Chief Executive (CE) will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The CE will also:

- inform the complainant that the complaint has been referred to the independent investigator, and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

- 1 the complaint is frivolous or without substance and should be dismissed;
- 2 the complaint is outside the scope of the Code and should be redirected to another agency or process;
- 3 the complaint is non-material; and
- 4 the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the CE will:

- 1 where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
- 2 in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the CE and, if they choose, recommend a course of action appropriate to the breach, such as:

- that the respondent seeks guidance from the Mayor or Committee Chair;
- that the respondent attends appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The CE will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the CE who will inform the complainant and respondent. The investigator will then prepare a report for Council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the CE will prepare a report for Council or the Committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The CE's report will include the full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full Council, excluding the complainant, respondent and any other 'interested' members or a committee established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

Council or the Committee will consider the CE's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s48 of LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report Council or the Committee will give the Elected Member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in s13.1 of this Code.

In accordance with this Code, councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

(Name of City, District, Regional Council)

Code of Conduct

Adopted on the

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1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.¹

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;

¹ See Code of Conduct Guide for examples.

- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of the Council or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
 - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction elected members can be ousted from office.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.

- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.²
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

² A self-assessment template is provided in the Guidance to the code.

12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
 - Have a right to know that an investigation process is underway;
 - Are given due notice and are provided with an opportunity to be heard;
 - Have confidence that any hearing will be impartial;
 - Have a right to seek appropriate advice and be represented; and
 - Have their privacy respected.

12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor/Chair or, where the Mayor/Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency agreed in advance.

Please note, only members and the Chief Executive may make a complaint under the code.

Complaint referred to Mayor/Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor/Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Assess the complaint to determine materiality.

- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor/Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.³

If the Mayor/Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor/Chair, or from the Mayor/Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor/Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor/Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);

³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media⁵

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?

- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.⁸⁹⁰

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process where a complaint is referred to an independent investigator

The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor/Chair) or from the Mayor/Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor/Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

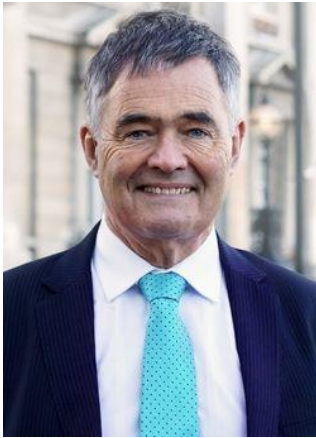
The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

LGNZ Code of Conduct Guidelines



< Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent and fair. >



Preface

Dave Cull, President, LGNZ

Like many public bodies around the world, councils in New Zealand are required to adopt a Code of Conduct. Codes of Conduct are designed to enhance trust in our public institutions by building the respect of citizens. There is nothing like conflict at the governance level to turn people off, feed negative journalism and undermine the morale and the good will of staff.

In 2016, LGNZ updated the Code of Conduct template that was unchanged since 2002 to incorporate recent legislative change, and new approaches to good governance, and to provide better advice for councils having to deal with alleged breaches. In addition, the changes were designed to shift the focus from just controlling poor behaviour to promoting an inclusive and positive governance culture, thereby removing some of the factors that can result in behavioural issues.

Based on the experience of councils applying the Code over the last three years, we have made further changes to the template. One of those changes is intended to more easily address minor and frivolous complaints by allowing Mayors and Chairs to make an initial assessment of complaints that they are not involved in. The second change concerns the addition of a section on social media.

Getting our governance cultures right is important and makes good economic sense. Councils that are trusted and respected are more likely to be able to enlist the support of their communities and other agencies in the goal of improving outcomes and meeting their strategic goals.

I hope you will find the Code helpful in strengthening your governance culture, building the mandate of your local authority and developing a great team.

Dave Cull
President
LGNZ

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Introduction

The LGNZ Code of Conduct template 2019 updates the 2016 template which was published as part of the suite of KnowHow products following the passage of the LGA 2002. The LGA 2002 made the adoption of a Code of Conduct (the Code) mandatory. The 2016 template included a range of new features and draws on good practice introduced by councils over the past decade, particularly Gore District Council and Northland Regional Council. New features are:

- Refinement of the principles including a new principle that highlights the importance of elected members “pulling their weight”;
- Simplification of the roles and responsibilities section;
- Encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- A new process for investigating and assessing complaints, including a ‘materiality’ test;
- Additional guidance on penalties or sanctions;
- Clarification that complaints can only be made by members and chief executives; and
- A more empowering and less prescriptive approach.

The 2019 template includes a section on social media and has a new process for dealing with trivial, minor and frivolous complaints.

Why a Code of Conduct?

Codes of conduct are common features in local government systems in many parts of the world. In New Zealand the Code complements specific statutes, such as the Local Government and Meetings Act 1987, which are designed to ensure openness and transparency. Codes are an important part of the framework for building citizen confidence in our governmental processes. The template has four objectives:

- To enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- To promote effective decision-making and community engagement;
- To enhance the credibility and accountability of the local authority to its communities; and
- To develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

The four objectives highlight the importance of achieving ‘good local government’, effective and inclusive decision-making, strengthened community credibility, and a culture of trust and mutual respect within the local authority.

They also contribute to making councils a more rewarding and satisfying place for elected members.

Content

Codes of Conduct vary from place to place, and especially between jurisdictions, but there are certain critical elements a good Code should contain. In addition to the minimum requirements set out in the LGA 2002 (see cl.15 Schedule 7, LGA 2002), an effective Code of Conduct should include:

- Guidance for managing relationships and ensuring constructive behaviour, including processes for ensuring these are adhered to. This will ideally cover relationships with other members, staff, the media and (relationships with) the public;
- A statement of the different roles and responsibilities of governance and management. The Code should complement and reinforce the rules and statutory provisions set out in a council's standing orders;
- Provisions dealing with confidentiality of information received during the course of a members' duties, as well as situations when members are required to disclose information to the local authority and each other;
- Provisions dealing with conflicts of interest;
- Provisions dealing with ethical conduct, such as the way in which expenses may be claimed and soliciting or accepting gifts, rewards, or benefits;
- An explanation of the importance of adhering to the Code of Conduct and details of the procedures for investigating and resolving alleged breaches;
- Provisions designed to encourage courteous and constructive behaviours and so reduce the risk of poor behaviour and alleged breaches;
- Details of penalties or sanctions, such as what they are, when they might be applied, and the processes for their application (where these processes are within the control of council); and
- Provisions for the review of a Code of Conduct (both in terms of the statutory requirements and any processes the local authority has put in place).

All efforts have been made to ensure that these matters have been incorporated in the LGNZ Code of Conduct template.

Considerations when designing a Code

Codes of Conduct are part of the “house rules” that govern relationships and behaviour and complement other corporate documents, such as Standing Orders and the Council’s Governance Statement. While some high level principles may be desirable in order to “set the scene”, a document that talks in vague generalities will be difficult both to adhere to, and to enforce.

- Codes of Conduct are not a means of preventing elected members from expressing their views.
- Codes of Conduct should promote effective working relationships within a local authority and between the local authority and its community. Among other things, a Code should promote free and frank debate which should in turn result in good decision making. Codes of Conduct should not be used in such a way as to stifle robust debate.
- Provided that an elected member does not attempt to present a personal view as anything other than their own view (and does not contravene other parts of the Code) they should be able to do so. Codes of Conduct are ideally designed to provide rules of conduct that promote debate and make it clear that personal views, and the rights of *all* members to express personal views, are to be respected.
- What a Code of Conduct does is set boundaries on standards of behaviour in expressing and promoting those views, and means of resolving situations when elected members breach those standards.
- Elected members should “own” the Code.
- Nothing is more likely to promote non-compliance with a Code than elected members being invited to “rubber stamp” a Code that others have prepared.
- It may be useful for elected members to “workshop” the Code template as soon as practicable after each triennial election; for example, at the Council’s induction workshop. Given that the Code deals with the relationship between elected members, the Chief Executive and staff, it may be desirable to have the workshop facilitated by an independent person.¹
- Processes need to be put in place for investigating and resolving breaches of the Code.
- Applying a penalty or sanction under the Code should ideally be the last, rather than the first response. Most situations can be resolved without the need for sanctions. Often something as simple as an apology will resolve the issue. The original Code of Conduct template created difficulties for some councils as it provided little guidance on how to distinguish between minor and material breaches. This template has been specifically designed to enable non-material breaches to be dealt with outside the formal process of a full investigation by the Council or Committee.
- Most of all, the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the Code.
- Codes of Conduct cannot stand alone.
- Codes of Conduct work best when they are supported by other mechanisms.

¹ Equip, LGNZ’s business arm, may be able to help with such sessions or advise on suitable facilitators.

The most obvious supporting mechanism is training. A good Code will remind members of their obligations under the LGA 2002, the Members' Interests Act and the Local Government Official Information and Meetings Act 1987. However, a Code that replicated all of the relevant provisions would probably be of a size where no one person (either member or staff) could remember it all. All elected members should receive training in their obligations under these Acts at the beginning of each triennium. Other provisions of the Code should be covered during such training.

Codes of Conduct should also be linked to other procedural documents adopted by councils, such as Standing Orders. Standing Orders provide rules that set out processes and standards of conduct for meetings while the Code governs day-to-day and less formal relationships.

The media

When designing the Code it is important to recognise the legitimacy of political debate and open discussion and ensure that provisions do not become an instrument to diminish this. It is important to note that the Declaration of Office, sworn by members, states:

"I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the **best interests** of [name of region, district, locality, community]"

Under the declaration, members must act in what they believe is the best interests of the community, district or region. It is up to individual members, in consultation with residents and on the basis of advice and research, to determine what 'best interests' for their regions or district means.

The Code must respect the spirit and intent of the New Zealand Bill of Rights Act and ability of members to express dissent. However, in doing so, members must act in accordance with the standards set out in the Code. Consequently the new template has not made any substantive changes to the 'dealing with the media' provisions from those set out in the original template.

Information received in capacity as an elected member

Section 7.2 of the Code has been amended from the original version to place an obligation on members to disclose information received in their capacity as elected members which is relevant to the ability of a local authority to give effect to its responsibilities. The Code states that disclosure should be to "other members and, where appropriate the Chief Executive".

When applying this requirement, it is important that the process for disclosing information is appropriate in the circumstances of each council. The purpose of the disclosure is to add to the stock of information held by a council in order to strengthen the ability of members to make informed decisions, and diminish risks that might arise if the information on which a decision has been made is incomplete.

Appropriate disclosure in particular circumstances may be to the Mayor, to the Chief Executive or in the course of a meeting, depending on the public nature of the information. In some cases a council may have a specific officer, such as a council ombudsman, charged with that responsibility.

Register of Interests

The Code requires that members maintain a register of interests. A template register is set out in **Appendix A** of this guide. The register is limited to disclosures affecting members and their spouses or partners. It is important that members update their details when circumstances change. We recommend that staff regularly remind members to check that the register is up to date and relevant.

Promoting a supportive governance culture

One important difference between the new and old templates is the addition of commitments designed to promote a supportive and inclusive governing environment and strengthen relationships at the governance level.

These provisions are intended to diminish the risk of conflict between members and between members and the public, and thereby avoid the likelihood of breaches. The new Code encourages members to review their collective performance and governance style in order to assess the degree to which their culture is both inclusive and supportive.

The reference to “equitable contribution” in the Values section has been added to encourage members to take all reasonable steps to fulfill the duties and responsibilities of office, such as attending meetings and workshops, undertaking relevant reading, preparing for meetings and taking part in relevant training workshops or seminars.

The intention is to provide councils with leverage to encourage members to do ‘their fair share’ of the tasks necessary to provide effective governance and representation and take part in exercises designed to improve relationships and teamwork.

Creating an inclusive council

A proactive focus on building a positive culture is the subject of section 11, “Creating a supportive and inclusive environment”. The key parts of this section are designed to encourage members to:

- Take part in council induction workshops;
- Contribute to activities designed to seek agreement on vision, goals, objectives and operating values;
- Participate in processes for assessing the governing body’s performance (see **Appendix B** for a self-assessment form for consideration); and
- Undertake, where necessary, training to improve their knowledge of how the council works and being an effective elected member.

The provisions require that members should take “all reasonable steps” to fulfill their responsibilities as elected members. As a result of these commitments the possibility exists that a complaint could be laid against a member for having consistently refused to participate in council organised activities designed to build a better culture.

Breaches of the Code

One of the ongoing problems with many of the Codes in use is the way they deal with the process of making, investigating and ruling on complaints. In its report on Codes of Conduct (OAG 2006) the Office of the Auditor General noted that many councils lacked a process for distinguishing between trivial and serious breaches of the Code and consequently spent considerable energy and resources hearing complaints on what are in effect matters of no concern. Many other issues have also arisen, such as:

- Failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint;
- Examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling ‘political’ differences; and
- Lack of preparedness. Many councils discover, when faced with a Code of Conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

This section of the guide discusses the process set out in the new template for investigating, assessing and making decisions about complaints.

Who can make a complaint?

The Code is designed to be a self-regulatory instrument and as a result complaints can only be made by members themselves and the Chief Executive. All complaints must be made in writing to the Chief Executive who is obliged to forward them to the Mayor/Chair or an independent investigator for a preliminary assessment.

Decision-making options

Where a complaint is found to be material, the investigator will provide a report to the Council setting out the reasons why the allegation has been upheld and is material. The Council needs to have a process in place for discussing and making a decision on the investigator’s recommendations. In some cases the governing body, or some of its members, may be interested parties in the complaint and should therefore not take part in discussions on the matter nor determine penalties.

To avoid such situations, the Council might consider establishing a Code of Conduct Committee (see **Appendix C** for Code of Conduct Committee terms of reference). The purpose of the Committee would be to consider any reports from an independent investigator and determine appropriate responses. An appropriate Code of Conduct Committee might consist of three members (a member of the governing body and two community representatives) chosen for their knowledge and experience, either by invitation or as a result of a call for expressions of interest.

The Council will need to decide whether the Code of Conduct Committee should have delegated decision making or recommendatory powers.

Investigating complaints

One of the issues with the original template was the lack of detail about the process for investigating complaints and determining their materiality. Another issue involved the need to ensure processes are free of bias, especially when all councillors might be seen to be interested parties.

In order to address these concerns, the Code provides two pathways for dealing with complaints. On receiving a complaint the Chief Executive will forward it to the Mayor/Chair for an initial assessment or, if the complaint involves the Mayor/Chair, forward it to the independent investigator.

1. Forward the complaint to the Mayor/Chair for an initial assessment

On receipt of a complaint made under the provisions of the Council's Code of Conduct, the Mayor/Chair will assess whether it is material or not. As the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor/Chair, to the adjudication body established by the Council to assess and rule on complaints made under the Code.
- If the Mayor/Chair chooses, they may instead refer the complaint to the independent investigator, via the Chief Executive

2. Forward the complaint referred to Independent Investigator

On receipt of a complaint that involves a Mayor/Chair, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council's adjudication body for assessing and ruling on complaints.

In some cases, an investigator may choose to make non-binding recommendations, for example, where a pattern of non-material complaints has emerged that highlight a need for changes in council processes or an investment in capacity building.

Creating a panel of investigators

At the beginning of each triennium, the Chief Executive will prepare a panel of investigators in consultation with the Mayor, Chairperson or Council. Investigators may be drawn from inside or outside the district or region. In putting together the list, the Chief Executive may call for nominations, invite members of the public with appropriate skills (for example retired judges who may live within the district) to be investigators, or contract with an external, such as Equip, to provide the service.

Councils may wish to develop a joint list of investigators.

The role of investigators

The process set out in the Code gives an investigator responsibility to determine, without challenge, whether a complaint is material or not. The rationale for giving the investigator this degree of authority is to ensure the process is free of any suggestion of bias. It is also intended to reduce the cost of the complaints process, by reducing the time spent by members and officials. It also ensures that the Code process itself is less likely to be brought into disrepute.

In adopting the Code, members of the governing body agree to abide by an investigator's preliminary assessment. Under the process set out in the Code, members are informed of the result of a preliminary assessment and only if the finding is material will members have any involvement (and then only if there is no conflict of interest).

Determining materiality

The complaints procedure is underpinned by the principle that councils (or committees) should only be involved in ruling on possible breaches of the Code when they are material (see **Appendix D** for flow chart). Consequently a level of clarity is required about how materiality should be determined. In the case of non-statutory breaches, the Code states that a breach is material if:

“...it would, if proven, bring the council into disrepute or reflect adversely on the local authority if not addressed.”

The notion of disrepute involves the local authority's reputation and the risk that specific behaviours will, in the mind of the public, undermine that reputation. Only if there is a real risk that reputation will be undermined should a breach be determined as material (see **Appendix E** for examples).

Other factors that might be considered when determining the level of materiality include whether complaints are intended to:

1. Intimidate or harass another member or employee;
2. Damage another member's reputation;
3. Obtain a political advantage;
4. Influence the Council in the exercise of its functions or prevent or disrupt the exercise of those functions;
5. Avoid disciplinary action under this Code; or
6. Prevent or disrupt the effective administration of this code.

Other factors include whether complaints are vexatious and have not been made in good faith. The investigator may take whatever actions they need in order to determine the materiality of a complaint, although investigations will need to be within whatever budgetary constraints have been set in their contract for service or approved by the Chief Executive.

Process upon receiving a complaint

Having received a complaint in writing, the Chief Executive will:

- Notify the complainant and the respondent(s) that the complaint has been received and the name of the selected investigator (including information on the process that will be followed); and
- Provide ongoing updates to members on progress with the resolution of complaints received. This could be through a chairperson or Chief Executive's report.

Process for non-material breaches

In the case of complaints that are non-material, an investigator can, if required, discuss the matter with the complainant and the respondent and may:

- Dismiss the complaint with no further action taken;
- Uphold the complaint but rule that, as it is minor and non-material, no action is required; or
- Uphold the complaint, noting its minor and non-material nature, and make a non-binding recommendation to the council, such as, that the respondent consider attending a relevant course or that a policy or practice is reviewed.

The investigator will present their findings to the Chief Executive, who will inform the complainant and the respondent at the earliest opportunity.

Process for managing material breaches

Where an investigator finds that a breach is material, the following steps will apply:

- The investigator will inform the Chief Executive, who will in turn inform both the complainant and the respondent that the breach has been determined as material and outline the process to be followed.
- The investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the Chief Executive which will set out the rationale for their findings and may include recommendations for resolving the breach and/or appropriate penalties.
- On receipt of a report, the Chief Executive will send a copy of the investigator's findings to the complainant and the respondent(s) inviting them to reply in writing as to whether or not they agree to the findings and whether they wish to make a written submission for consideration by the Council or Committee.
- The Chief Executive will then prepare a paper, including the investigator's report and any submissions from affected parties, for a forthcoming meeting of the Council, or Committee with delegated responsibility, to consider complaints and determine penalties.

Hearing by council or committee

On receipt of the Chief Executive's report, the Council or Committee will:

- If necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- Decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- Inform the respondent and complainant of its decision in writing.

No member of the Council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the Council or Committee to speak to their submission.

Note: No appeal right is included in the Code as all members are able to make use of the processes set out in Standing Orders for revoking council decisions. In addition, a council decision can be subject to a judicial review and a committee decision can be subject to an Ombudsman's review.

Possible penalties and actions in response to a material breach

The Code reflects an agreement between elected members about the behaviours they expect from each other and themselves. It is therefore heavily reliant on individual good will and the ability of the Council, as a collective body, to exert moral suasion to either prevent breaches of the Code or promote a positive and constructive culture. However, where a material breach of the Code has been confirmed, a local authority might consider the following penalties and actions:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. A vote of no confidence in the member;
4. Removal of certain council-funded privileges (such as attendance at conferences);
5. Removal of responsibilities, such as Committee Chair, Deputy Committee Chair or portfolio holder;
6. Restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
7. Limitation on any dealings with council staff other than the Chief Executive or identified senior manager;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

Decisions to apply a non-statutory penalty for material breaches should be made in meetings, open to the public unless some aspect of the matter necessitates treating the matter "in committee".

Process to be followed in the case of statutory breaches

Where an investigator finds, in response to a complaint, that a member has breached provisions set in statute, such as a breach of the Members' Interests Act 1968, the Local Government Official Information and Meetings Act 1987 or the LGA 2002, they will immediately provide their findings to the Chief Executive who will inform the relevant agency, as well as the complainant and the respondent.

Possible penalties for statutory breaches

Although the local authority and its community will play a role in monitoring compliance with these provisions, outside agencies also have a role in monitoring compliance and more particularly in dealing with breaches of law. Penalties that may apply, depending on the type of breach, are:

- Criminal prosecution, conviction, and the resulting consequences (for breaches of the Crimes Act, the Secret Commissions Act or the Securities Act); or
- Prosecution by the Audit Office² under the Member's Interests Act which on conviction leads to the member's ouster from office (where a member votes or discusses a matter in which they are deemed to have an interest); or
- Inviting the Auditor-General to prepare a report on any financial loss or damage suffered by a local authority as the result of a breach (which could potentially lead to the member having to personally make good the loss or damage); or
- Sanctions made under the Privacy Act.

References

OAG (2006) Local Authority Codes of Conduct available from:

<http://www.oag.govt.nz/2006/conduct/docs/conduct.pdf>

² The Audit Office is an avenue for making complaints about breaches of the Members' Interests Act, but also functions as an advisor where there is doubt as to whether a particular course of action constitutes a breach, and can in certain circumstances give approval for members who might have an interest to participate in discussions and/or vote on a particular matter.

Appendix A: Register of interests template

Member name:		
Spouse/partner name:		
Declared employment or business interest	Spouse/partner declared employment or business interest	Council appointment
Address of any land in which a beneficial interest is held within the Council boundaries (member and her/his partner)		
Address of any land owned by the Council rented to the member or spouse, or to a firm or organisation in which the member or spouse is a director or trustee		

Appendix B: Self-Assessment Template

Please rate how you view the performance of the governing body in the following areas:

A rating of 1 indicates an excellent level of performance, through to a rating of 4 indicating that the collective performance of elected members could improve significantly.

1. We act together as a team to deliver value to the people of our district/region.

1	2	3	4	(please circle)
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2. We are effective in being part of a coordinated approach to promote the district/region.

1	2	3	4	(please circle)
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3. We have effective working relationships with key stakeholder groups.

1	2	3	4	(please circle)
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4. We have an effective working relationship with Council staff through members' interactions with the Chief Executive.

1	2	3	4	(please circle)
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5. We engage effectively with the community on issues of importance to them.

1	2	3	4	(please circle)
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6. We are well prepared and well equipped to make informed decisions in our capacity as elected representatives.

1	2	3	4	(please circle)
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7. We participate appropriately in debates and act collectively in the best interests of the district/region.

1	2	3	4	(please circle)
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8. Council decisions are made in an open and transparent fashion.

1	2	3	4	(please circle)
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9. We treat each other with mutual respect and demonstrate tolerance to different points of view in order to arrive at the best decisions for the district/region as a whole.

1 2 3 4 (please circle)

10. We have a clear sense of direction and understanding

1 2 3 4 (please circle)

The objective of this assessment is not necessarily that all members should agree. It is to provide an indication of areas where we are doing well and areas where we can make improvements. The analysis of results will provide a useful starting point for discussions on the overall performance of the governance functions of the council and provide some insight into areas where action can be taken to raise performance.

Appendix C: Code of Conduct Committee terms of reference

The Code of Conduct template offers two options through which a council may choose to consider a report from an investigator, namely consideration by the full council or consideration by a Code of Conduct Committee established specifically for that purpose. Reasons a council may choose to refer decision-making to a committee include:

- To ensure that members ruling on the complaint have no interest in the nature of the complaint and that the council's process is seen to be free of any suggestion of bias;
- To provide access to additional expertise through the ability to appoint members to the Committee who have experience and knowledge in making judgements on matters involving ethical behaviour;
- To reduce the risk of tension and conflict from a Code of Conduct process that may distract the governing body from its ongoing business.

The powers of a Code of Conduct Committee

There are two ways of giving effect to the findings of a Code of Conduct Committee: binding recommendations or delegations.

- **Binding recommendation approach:** The Code of Conduct Committee described in this Appendix uses the binding recommendation approach whereby the Committee is responsible for providing the council's governing body with a recommendation in response to the findings of an investigator; recommendations that the governing body will adopt without discussion, other than questions of clarification. Appendix B of the LGNZ Code of Conduct states that "in accordance with the code, councils will agree to implement the recommendations of a Code of Conduct Committee without debate".
- **Delegation approach:** As an alternative, a council may prefer to provide a Code of Conduct Committee with specific delegations so that its decisions are final and can be referred to the Chief Executive or appropriate officer for implementation. Depending upon the style in which a council frames its delegations a simple delegation could be to consider the findings of a Code of Conduct investigator and determine the appropriate course of action.

The following draft terms of reference take the binding recommendation approach.

Draft terms of reference

The purpose of the Code of Conduct Committee is to:

- Consider, in relation to a Code of Conduct complaint referred to the Committee, the findings of an investigator and make recommendations to the governing body of the council as to whether or not a penalty or action should be imposed and if so the nature of that penalty or action; and
- Consider any matters relating to the Code of Conduct and/or the behaviour of elected members referred to it by the governing body for advice.

In fulfilling its purpose, the Committee will:

- In considering a report from the Chief Executive, ask, if necessary, the investigator to provide a briefing on their findings and invite the complainant and/or respondent to speak to any submissions that might have been made;
- Conduct its business in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, in which case it will be a closed meeting;
- On consideration of the evidence, decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach;
- Ensure that penalties or actions recommended in response to a serious breach of the Code are proportionate to the breach and consistent with the actions set out in clause 13.1 of the Code.

Membership

The Committee will consist of three members:

- The Mayor or Regional Council Chair who will also be the chair of the Committee (except where there is a potential conflict of interest where the Mayor/Chair will stand aside and the committee will be chaired by another member of the governing body).
- Two non-elected members appointed by the council on the basis of relevant experience, knowledge and/or qualifications.

Appendix D: Examples

Example One

Cr Smith was elected on a platform of stopping the sale of council housing. The council has made a decision to sell the council housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that council staff advising on the sale “must have owned shares” in the company that proposed to buy the houses.

Cr Smith’s actions in releasing a media statement criticizing a decision after it has been made would probably not in and of themselves constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement has made an allegation that staff advice was based on improper motives and/or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the Council’s reputation and the reputation of staff.

Also, there is no qualified privilege attaching to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

Example Two

Cr Jones is on the Council’s Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to Council that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the Council conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the Council as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the Council, which may lead to them not dealing with council in future, or even complaints under the Privacy Act.

In circumstances such as these, where an elected member fails to respect a commercial confidence, censure and removal from the Committee is an obvious first step. The Council may be liable for prosecution under the Privacy Act and even to civil litigation.

In the event that the council suffers financial loss, the Council may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example Three

Eastland Regional Council is conducting a performance review of the Chief Executive. It has established a CEO Performance Management Committee to conduct the review. In the course of that review the Committee meets informally with the Chief Executive to review which performance targets were met and which were not. The meeting notes that the CEO has been unable to meet two of his twenty performance targets that were set and resolves to

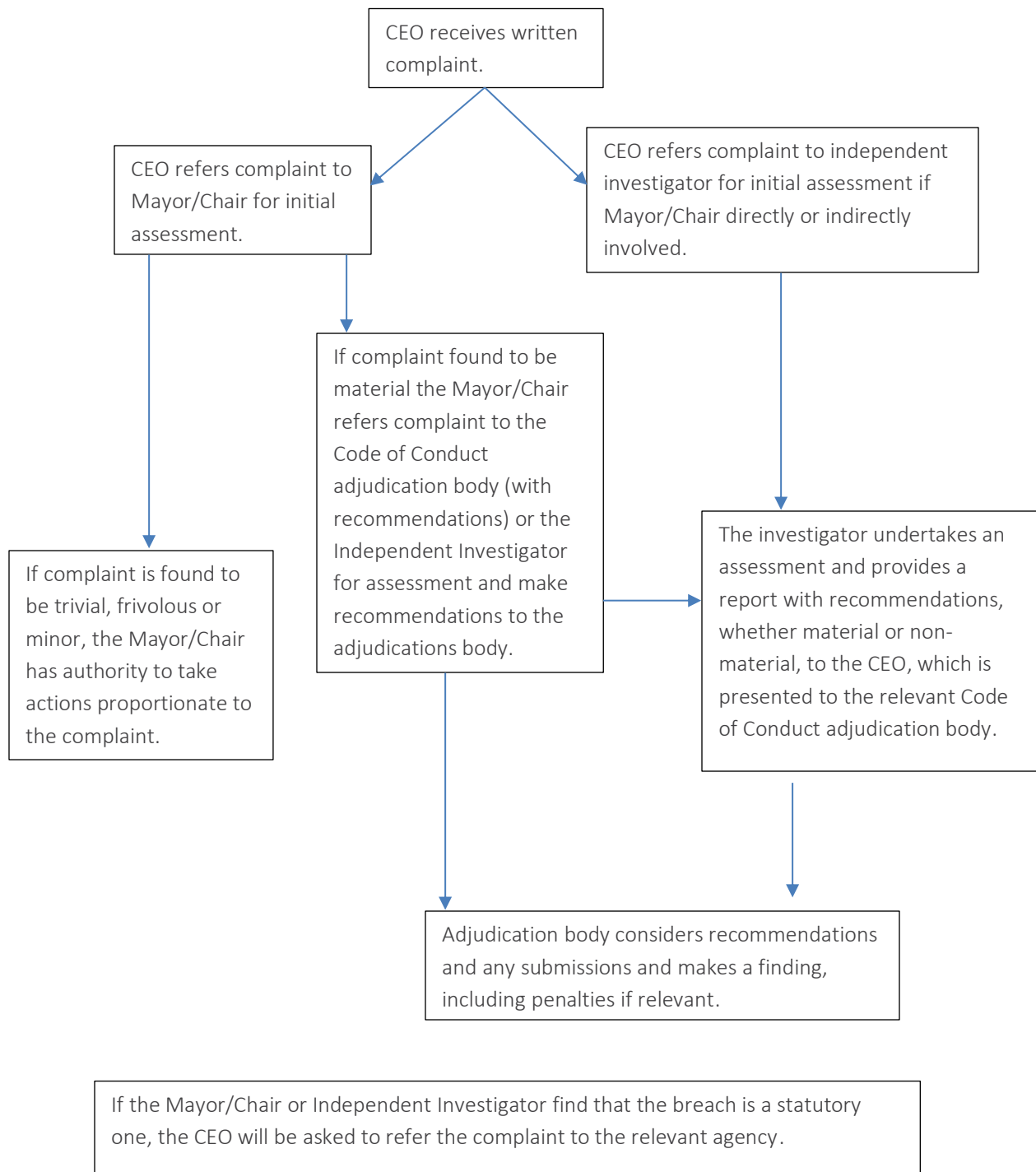
formally report this to the full Council for its consideration. At the conclusion of that meeting Cr Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

This action will probably constitute a breach of most codes of conduct in that it:

- Breached a confidence;
- Presumed to speak on behalf of council;
- Purported to commit council to a course of action before the council made a decision (or even met to consider the matter); and
- Failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code, Cr Black’s actions will severely undermine the relationship between the Chief Executive and the Council, which may well constitute grounds for litigation against the Council both in terms of employment and privacy law.

Appendix E: Complaints Procedure – Flow Diagram



Standing Orders: Update and options

Meeting: Council Briefing
Date of meeting: 05 February 2020
Reporting officer: Lisa Hong, Governance Advisor

Purpose/Ngā whāinga

To receive updates on the new model Standing Orders and give direction on the optional provisions.

Context/Horopaki

Standing Orders is a set of rules that apply to council and committee meetings, to enable Council to make decisions in a transparent, inclusive and lawful way. The Local Government Act 2002 (LGA) requires councils to adopt Standing Orders; and it is recommended that Standing Orders be reviewed at the start of the new triennium. The last-adopted Standing Orders apply until a new one is adopted. For Kaipara District Council, the version adopted in 2016 still applies.

Following the 2016 elections, Kaipara District Council adopted the model Standing Orders with some amendments. The model Standing Orders was developed by Local Government New Zealand (LGNZ) and published in 2016. This new model Standing Orders was written in plain English and compliant with legislation and modern best practice.

LGNZ published an updated version in 2019. This update incorporates minor wording changes for clarification and, significantly, the newly-enacted Local Government Regulatory Systems Amendment Act 2019 (LGRSAA). The LGRSAA amended a number of relevant statutes, including the LGA and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The tracked changed version of the 2019 model Standing Orders is attached to this report as **Attachment A**. LGNZ's guide is attached as **Attachment B**. Standing Orders (SO) numbers below refer to the numbering in Attachment A.

Discussion/Ngā kōrerorero

New provisions

Emergency meetings (SO 8.5—8.7)

Section 26 of LGRSAA provides for a new type of meeting called emergency meetings. The key differences between extraordinary and emergency meetings are outlined in Table 1, below:

Table 1 – Extraordinary versus emergency meetings

	Extraordinary	Emergency
Called by	<ul style="list-style-type: none"> – A resolution of Council – Requisition from the Mayor – Requisition from not less than one-third of Council 	<ul style="list-style-type: none"> – Mayor – If the Mayor is unavailable, the Chief Executive
Process	Notice in writing of time and place and general business given by the Chief Executive	By whatever means is reasonable by the person calling the meeting or on behalf
Timeframe	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting	Not less than 24 hours before the meeting

Emergency meetings may be called for matters that 'require a meeting to be held at a time earlier than is allowed by the notice requirements of [extraordinary meetings] and it is not practicable to call the meeting by resolution' (s11A(1), Schedule 7, LGA).

Chairperson may recommend amendment (SO 23.6)

The inclusion of a clause to enable the Chairperson to move an amendment motion when moving the adoption of a recommendation from a committee (SO 23.6).

Keeping a record (SO 29)

The Chief Archivist issued Authority to retain public records in electronic form only under Section 229(2) of the Contracts and Commercial Law Act 2017.

Internet site and public notice (SO definitions)

Section 5 of LGRSAA brings the definitions of the 'Working Day' in LGA in line with LGOIMA. The exclusion days in Christmas and New Year is 20 December to 10 January in both Acts (previously 25th and 15th in LGA).

Sections 14 and 29 of the LGRSAA adds the internet site as a mechanism for public notice in LGA and LGOIMA. Public notice now includes the Council's website as well as the local newspapers.

Optional provisions

In the model Standing Orders, there are some optional provisions. Council must determine which option to include for this triennium from the options as described below.

Leave of absence (SO 13.3)

Council may delegate the Mayor to grant leave of absence.

Audio visual link (SO 13.7—13.16)

Council can choose to provide the option for members to join meetings by audio or audiovisual means.

The Mayor's casting vote (SO 19.3)

The Mayor's casting vote is optional, and can be limited to matters of statutory compliance and deadlines.

Options for moving and speaking (SO 22)

There are three options for moving and speaking in the model Standing Orders. The chosen option applies unless the meeting resolves to adopt another option by simple majority.

Other considerations

Briefings and workshops

Briefings and workshops are used for information and discussion, and no decision-making beyond direction-setting can occur.

In the last triennium, Council decided to open its briefings and workshops to the public except for matters which could be publicly excluded under section 7 of LGOIMA (which we call public excluded workshops), and that meeting details be publicly notified using 'its best endeavours' (KDC minutes, 11 July 2017).

These are additional measures that Kaipara District Council chose to adopt to allow for greater transparency, and is over and above legislative requirements and what is recommended in the model Standing Orders. This has generally worked well; however, one change to current practice is recommended.

Some matters that do not fall under section 7 of LGOIMA may benefit from being discussed in a closed session. Closed sessions allow elected members to probe a wider range of options and allow staff to provide more detailed answers. It is therefore recommended that the Chief Executive, in consultation with the Chair, be delegated to determine if a matter under consideration would benefit from being in a closed session and allow such matters be included in the public excluded workshop agenda.

For clarity, it is recommended that the Standing Orders be amended to reflect current practice with the amendment above.

Distribution of the agenda (SO 9.10) and public inspection of the agenda (SO 9.8)

In the 2016 Standing Orders, Council set the distribution of the agenda to members to 'at least 5 clear working days' (2016 SO 9.10) which is 3 days more than the model Standing Orders and the statutory requirement (s46A(1), LGOIMA). The intention at this time was to be able to physically courier the agenda packages to members before the weekend (i.e. electronic distribution on Wednesday, post Thursday, delivery Friday). By extension, the public availability was set 'at least 5 working days before the meeting' (2016 SO 9.8).

The 5-working day timeframe also applies to petitions, requests for deputation and notices of motion. These items should be included in the agenda, and the current agenda timeframe can be problematic.

With the Council meetings set at Wednesdays this triennium and to allow for more up-to-date information, it is recommended that the distribution of the agenda to members be set to 'at least 3 clear working days' (electronic distribution Thursday, post Thursday, delivery Friday).

Next steps/E whaiake nei

Staff will receive feedback at this briefing and prepare a draft version of Standing Orders for adoption at the next Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Model Standing Orders with tracked changes (LGNZ, 2019)
B	The 2019 Guide to Standing Orders (LGNZ, 2019)

Council Logo and Name

[Territorial Authority](#)

Standing Orders

[Template](#)

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Date standing orders adopted

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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GNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

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1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions [about meetings along with guidance on how those provisions should be applied in practice](#). Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups [unless specifically included in their terms of reference](#).

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

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Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner [\(i.e. enables an observer to identify how a member has voted on an issue\)](#) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

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Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Seconder means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

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A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

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General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

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3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

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4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

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If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

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Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or herself.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002.

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

Please note that a Mayor is a member of every committee unless specific legislation provides otherwise, for example a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

s. 41A (3) and (4) LGA 2002.

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5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.6) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The deputy Mayor;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

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Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 9.

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cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 10.

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cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

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- There is a first round of voting for all candidates;
- If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

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In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

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6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) Repealed; and
- (h) The power to adopt a remuneration and employment policy.

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cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

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That any decision made under this delegation be reported to the first ordinary meeting of the new Council.

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7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. [This also applies to District Licensing Committees.](#)

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

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7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

s. 41A (5), LGA 2002.

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7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. There is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

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cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

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The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

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cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

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Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

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8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council, or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

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8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under s standing order 8.3, as well as the general nature of business to be considered to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

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8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

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<#>Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:¶
<#>the meeting has occurred;¶
<#>the general nature of business transacted; and¶
<#>the reasons why it was not correctly notified.¶
<#>s. 46 (3) & (4), LGOIMA.¶
<#>Process for calling an extraordinary meeting at an earlier time¶
<#>If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.¶
<#>cl. 22 (2) Schedule 7, LGA 2002.¶
<#>Notification of extraordinary meetings held at an earlier time¶
<#>Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.¶
<#>cl. 22 (4), Schedule 7 LGA 2002.¶
<#>Chief executive may make other arrangements¶
<#>The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.¶
<#>s. 46(5) LGOIMA.

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8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

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s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

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A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 13.

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9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, [as described in its terms of reference](#).

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9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

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- (a) ~~M~~ust be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:

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- (b) ~~M~~ust be accompanied by either:

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- i. ~~T~~he associated reports; or

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- ii. ~~A~~ notice specifying the places at which the associated reports may be inspected.

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s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting [or an emergency meeting](#) (see Standing Orders [8.4](#) [and 8.10](#)).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

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Meeting Procedures

10. Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

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11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

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11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The Mayor may approve a members' application, and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

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In addition a council, local board or community board may delegate the power to grant a leave of absence to the Mayor or Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.¶

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The [Mayor \(or acting chair\)](#), must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment [made](#) on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from [four consecutive meetings of the](#) council, local board or community board without leave of absence [or an apology being accepted](#) (not including extraordinary [or emergency](#) meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio or audio visual link

Provided the conditions in [standing orders 13.11 and 13.12](#) are met members of the local authority [and its committees \(and members of the public for the purpose of a deputation approved by the Chairperson\)](#), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

[cl. 25A \(4\), Schedule 7, LGA 2002.](#)

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

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13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

13.11 Conditions for attending by audio or audio visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

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13.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

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13.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the Chairperson thinks fit.

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cl. 25(A) (6) schedule 7, LGA 2002.

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13.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

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14. Chairperson's role in meetings

14.1 Council meetings

The Mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy Mayor is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor for that meeting.

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cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

14.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- Move a motion to terminate or adjourn the debate; and/or
- Make a point of explanation; and/or
- Request the chair to permit the member a special request.

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15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

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16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

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16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

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16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

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17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards, [as long as the subject matter falls within the terms of reference of the intended meeting](#).

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori.

Petitioners planning to [present their](#) petition in te reo or sign language should advise the [chief executive in time to allow translation services to be arranged](#).

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) [The](#) petition;
- (b) [The](#) petitioners' statement; and
- (c) [The](#) number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

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Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

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The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

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- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

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18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

19.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

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19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

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Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

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21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

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Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

21.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Seconders may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

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21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

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22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

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23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments [that are significantly different](#) must comply with the decision-making provisions of the Part 6, LGA 2002.

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23.6 Chairperson may recommend amendment

[A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.](#)

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23.7 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments [as well as](#) the nature of the content [of those amendments](#).

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23.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

23.10 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

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24. Revocation or alteration of resolutions

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24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 30 (6) Schedule 7, LGA 2002

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

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25. Procedural motions

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25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

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25.2 Procedural motions to close or adjourn a debate

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Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; items lying on the table at the end of the triennium will be deemed to have expired; and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

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A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

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26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) ~~Is~~ disrespectful or which contains offensive language or statements made with malice; or
- (b) ~~Is~~ not related to the role or functions of the local authority or meeting concerned; or
- (c) ~~Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or~~
- (d) ~~Is~~ concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) ~~Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or~~
- (f) ~~Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.~~

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

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27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the Chairperson must lapse.

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27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

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28.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

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29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form, minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

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Referenced documents

- Commissions of Inquiry Act 1908
- [Crimes Act 1961](#)
- [Contract and Law Act 2017](#)
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- [Marine Farming Act 1971](#)
- [Public Records Act 2005](#)
- [Resource Management Act 1991 \(RMA\)](#)
- [Sale and Supply of Alcohol Act 2012](#)
- Secret Commissions Act 1910
- Securities Act 1978

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Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

A1 That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) To endanger the safety of any person.

A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

(ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or

- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

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(i) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s. 7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- (a) Be contrary to the provisions of a specified enactment; or
- (b) Constitute contempt of Court or of the House of Representatives.

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

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Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s.48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

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Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s 7(2)(j)).
		To protect information which if public would: <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for: <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

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Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s. 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s. 7(2)(f)(iii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s. 7(2)(h)).

2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete if inapplicable.)

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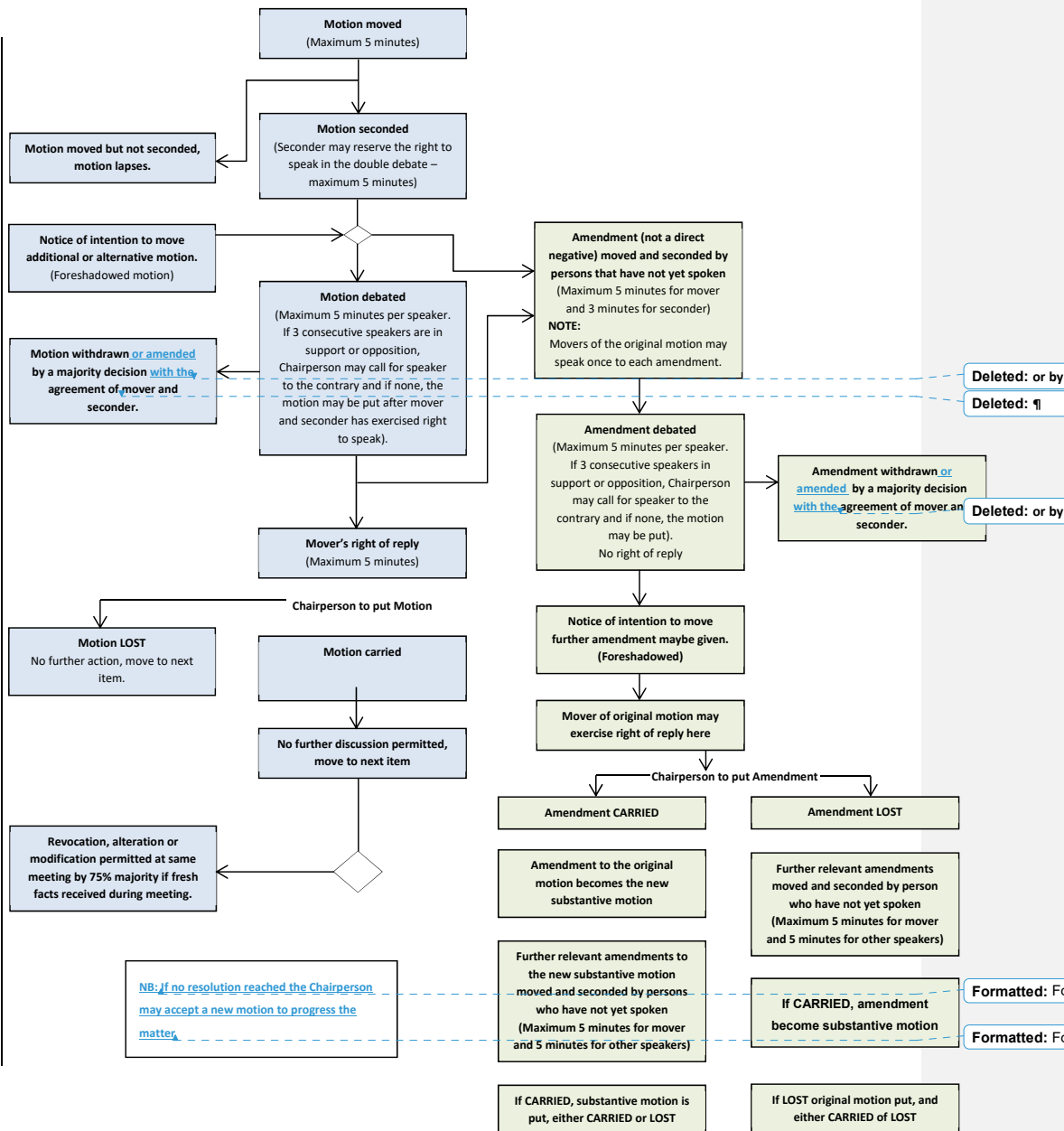
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Appendix 3: Motions and amendments (Option A)

Motions without amendments

Motions with amendments



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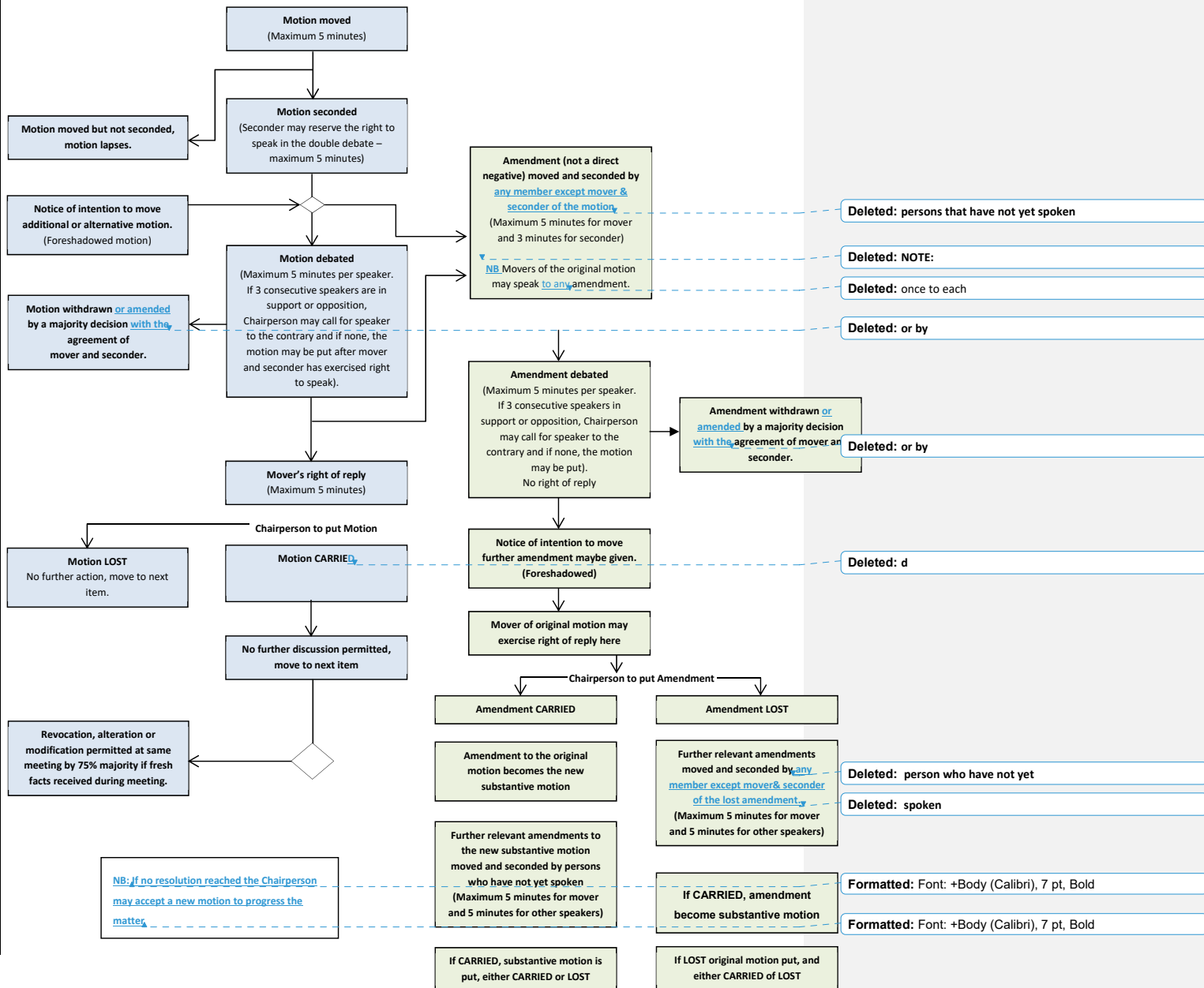
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Appendix 4: Motions and amendments (Option B)

Motions without amendments

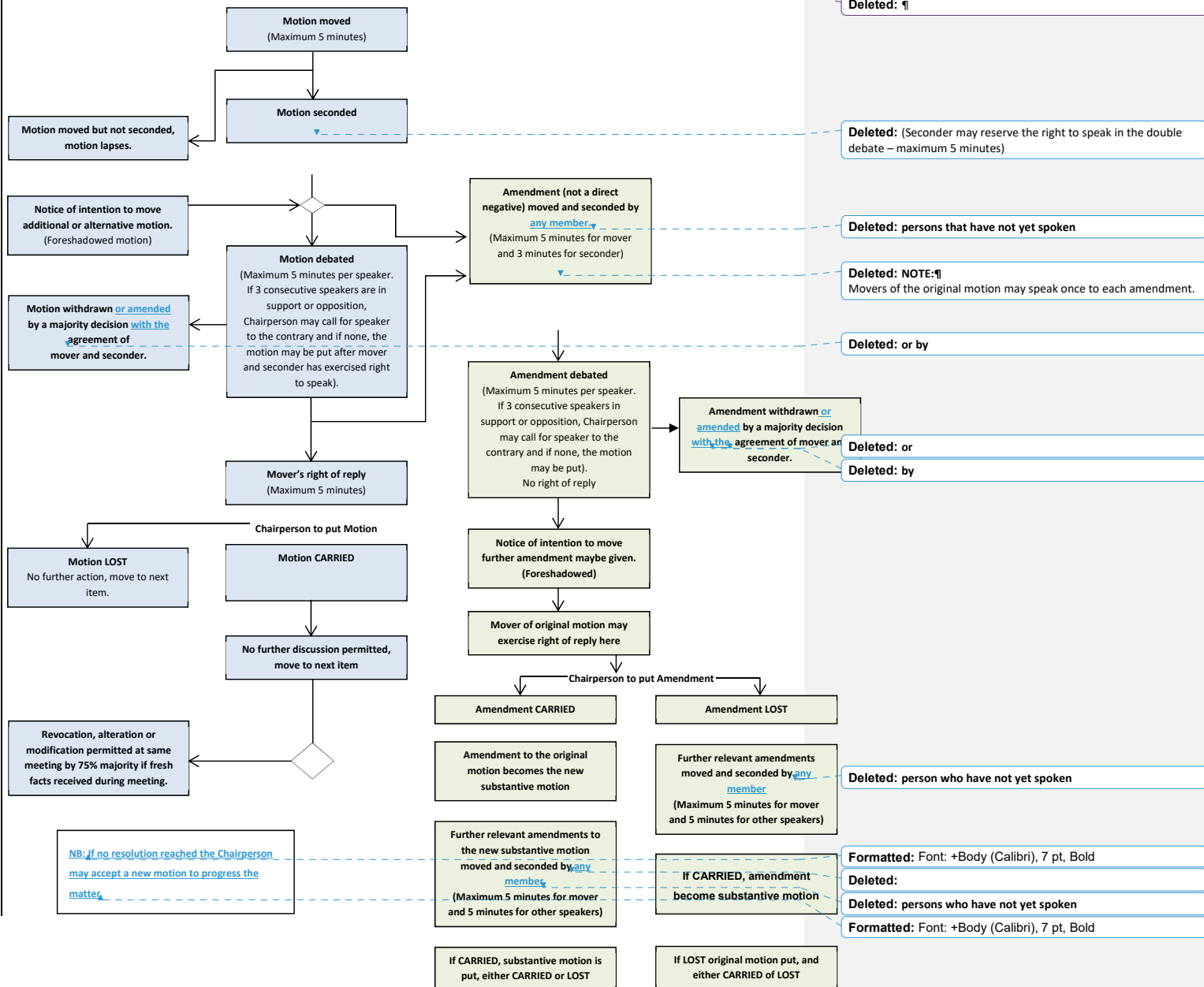
Motions with amendments



Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

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Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

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Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

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Motion in parts

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The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

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The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

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If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

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If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

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A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

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If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present.

Appendix 9: Mayors' powers to appoint under s.41A

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The role of a Mayor is:

- (a) To provide leadership to councillors and the people of the city or district.
- (b) To lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

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The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 10: Process for removing a Chairperson or deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) A resolution of the territorial authority or regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

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Appendix 11: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees
- (b) The Mayor,
- (c) A committee Chairperson or
- (d) The chief executive.

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Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

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Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

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Record of workshop

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A written record of the workshop should be kept and include:

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- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

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Appendix 12: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

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Appendix 13: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee;
- Report of a community and/or local board; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

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<u>1.</u>	<u>Introduction</u>	10
1.1	<u>Principles</u>	10
1.2	<u>Statutory references</u>	10
1.3	<u>Acronyms</u>	11
1.4	<u>Application</u>	11
<u>2.</u>	<u>Definitions</u>	11
	<u>General matters</u>	16
<u>3.</u>	<u>Standing orders</u>	16
3.1	<u>Obligation to adopt standing orders</u>	16
3.2	<u>Process for adoption and alteration of standing orders</u>	16
3.3	<u>Members must obey standing orders</u>	16
3.4	<u>Application of standing orders</u>	16
3.5	<u>Temporary suspension of standing orders</u>	16
3.6	<u>Quasi-judicial proceedings</u>	17
3.7	<u>Physical address of members</u>	17
<u>4.</u>	<u>Meetings</u>	17
4.1	<u>Legal requirement to hold meetings</u>	17
4.2	<u>Meeting duration</u>	17
4.3	<u>Language</u>	17
4.4	<u>Webcasting meetings</u>	18
4.5	<u>First meeting (inaugural)</u>	18
4.6	<u>Requirements for the first meeting</u>	18
<u>5.</u>	<u>Appointments and elections</u>	19
5.1	<u>Mayoral appointment of deputy Mayor, committee chairs and members</u>	19
5.2	<u>Council Discharge of a Mayoral Appointment</u>	19
5.3	<u>Establishment of committees by the Mayor</u>	19
5.4	<u>Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons</u>	20
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THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

Name of report(s)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the proceedings of the meeting w in the disclosure of informatio reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the proceedings of the meeting w in the disclosure of informatio reason for withholding exists. Section 48(1)(a)

3		Good reason to withhold exists under Section 7.	That the public conduct of the proceedings of the meeting was in the disclosure of information. A good reason for withholding exists. Section 48(1)(a)
4	<i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the relevant part of the proceedings is necessary to enable the Council/Committee to deliberate in private on its decision and recommendation in any proceedings.</p> <p>a right of appeal lies to any person against the final decision of the Council/Committee in the proceedings. The local authority is required to enact, to make a recommendation in respect of the matter that is the subject of the proceedings.</p> <p>Use (i) for the RMA hearings and under LGA such as objections to Contributions or hearings under s. 48(1)(d).</p>

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In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991

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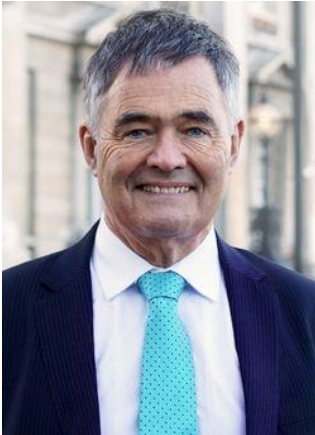
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The 2019 Guide to Standing Orders



< Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent and fair. >



Preface

Dave Cull, President, LGNZ

Democracy only really works if people trust it. And trust requires that our public decision-making processes are open, transparent and fair. In other words, citizens must be able to assure themselves that governments, at whatever level, work for the public interest. This is one of the reasons why standing orders are important. They provide a framework of rules for making decisions that gives effect to these principles; principles which are fundamental to a well-functioning democracy.

Whether councils apply their standing orders every time they meet, or refer to them only when faced with a complex or controversial issue, the fact that we have agreed and visible processes for making decisions is essential for public confidence in our decision-making. It is, therefore, important that our standing orders are not only fully compliant with legislation and best practice in the conduct of meetings, but that they are also easy to use.

The purpose of this Guide to Standing Orders is to assist those who are chairing meetings and the officials who advise them to ensure standing orders work well for the circumstances of each community. The Guide is designed to help interpret provisions which may be ambiguous in certain situations, and to address those matters that cannot be covered directly in the standing orders, because they are specific to an area.

This, the second edition of the Guide, has been expanded to include matters identified by practitioners over the last three years. I am sure you will find it helpful.

Dave Cull
President
LGNZ

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Recommended process for adopting standing orders

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. The approval of at least 75 per cent of members present at a meeting is required to adopt (and amend) standing orders.

The 2019 edition of the LGNZ standing orders contains a number of optional provisions and, as part of the adoption process, members need to be given the choice of which options to include prior to being asked to adopt the full set of standing orders. We recommend a process like the following:

Officer's report to an ordinary meeting of the council

To adopt these standing orders, a report should be prepared for consideration at the first ordinary meeting of the governing body of the local authority (the council meeting).

The report should list the optional clauses in the standing orders template and briefly discuss the advantages and disadvantages of each. The optional clauses are:

- Members' right to attend by audio or audio visual link (clauses 13.11 – 13.16);
- A casting vote for the Chairperson (clauses 19.3); and
- The choice of a default option for speaking and moving motions:
 - A - formal, (cl. 22.2); or
 - B,- medium, (cl. 22.3); or
 - C - informal, (cl. 22.4).

Factors to consider

Audio visual link

The LGA 2002 allows members of a local authority to participate in meetings if they are not physically present by audio or audio visual means. This provision was made in response to requests from councils that represent large geographic areas in which it is often difficult for some members to attend meetings at short notice. Its use, however, is not limited by statute and councils can develop policies should they wish to constrain the use of the technology to certain types of meetings or not.

To make use of this option the relevant rules must be incorporated within a council's standing orders. Please note that members attending by audio or audio visual means are not counted as part of a meeting's quorum.

Casting vote

The LGA 2002 allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes and, despite some views to the contrary, a casting vote is not limited to supporting the status quo.

The LGNZ standing order template includes the casting vote option which will need to be removed should councils prefer that their chairpersons are unable to exercise such a vote.

A third option, in which a casting vote can only be used for prescribed types of decisions, is available. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the annual and long term plan (see p. 12 of this Guide).

Speaking and moving options

The LGNZ standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

- Option A is the most formal of the three and limits the number of times members can speak and move amendments, for example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)
- Option B is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

The council is asked to agree on a default option which will apply to all meetings unless a chairperson, or meeting, agree to apply one of the other two options at specific meeting. It is recommended that the default option be marked as Default in the adopted standing orders.

Draft resolution

Once decisions have been made on whether or not to incorporate the discretionary clauses, then a resolution to adopt the original or amended standing orders can be established. A resolution could take the following shape:

That the council adopt the standing orders as tabled with the following amendments:

- i. Provisions for meetings by audio visual link - yes/no.
- ii. A casting vote for chairpersons – yes/no.
- iii. Option A (formal), B (medium), or C (informal) as the default for speaking and moving motions.

The same process is recommended for local and community boards, and joint committees.

Part 1: General matters

Mayoral appointments under s.41A Local Government Act 2002

Included in the standing orders are provisions dealing with the ability of mayors to establish committees, appoint deputy mayors, committee chairs and members of committees (see standing orders 5.1 – 5.5).

Where a mayor chooses to use these powers, a council must make provision for ensuring the results of the Mayor's decisions are communicated as soon as practicable to members of the governing body. We recommend that either the Mayor or chief executive provide the information at the first meeting of the governing body that follows the Mayor's appointments.

It is critical that the chief executive of a territorial authority advises their mayor about s. 41A LGA as soon as possible after election results have been confirmed, so as to ascertain whether or not they wish to make use of those powers. Appendix 3 sets out a possible process for this.

The Mayor's leadership role

Under s.41A LGA mayors are responsible for the leadership of the "other members of the territorial authority" and the "people in the district of the territorial authority". They are also responsible for leading the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

Section 41A can have implications for the way these standing orders work, depending on how a mayor wishes to approach their leadership role, particularly in regard to plans, policies and budgets. Some mayors have chosen to put all plans, policies and budgets under their own names so as to give effect to their leadership responsibilities. The standing orders provide for a chairperson to stand down from the chair but still contribute to a debate, should they feel strongly about an issue, in order to ensure the objectivity of the chair.

Ensuring decisions meet requirements of Part 6 LGA 2002

The standing orders highlight the importance of recommendations, whether made in a chairperson's report or a Notice of Motion, complying with the decision-making requirements of Part 6 LGA.

Section 76 LGA specifies that every decision made by a local authority must be made in accordance with such provision of sections 77, 78, 80, 81 and 82 (LGA) as are applicable. This requirement applies to all decisions to the degree appropriate.

In some cases the impact of these provisions will require that a decision can only be made after consideration of options and related matters has taken place while in other cases, especially if the decision is a minor decision, no further analysis is required.

What is required is some evidence that consideration has been given to the degree to which a decision is or should be, subject to the matters specified in the relevant sections of Part 6.

These standing orders make provision within SO 26.2 for a chairperson to refuse to accept a Notice of Motion that fails to include sufficient information to satisfy the requirements of sections 77 – 82 of the LGA.

Appointment of staff to sub-committees

While non-elected members may be appointed to committees and sub-committees, council staff, in the “course of his or her employment” can only be appointed to a sub-committee. When determining to appoint a sub-committee, a council or committee should, through the terms of reference, be clear about the nature of the skills and competencies required. This may involve:

- Requesting that the Chief Executive, or their nominee, determine which member of staff is appropriate to be a member of the sub-committee; or
- Identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

Policies for leave of absence by members of the governing body

The standing orders provide for a council to delegate the authority to grant leave of absence to a mayor or regional council chair. When deciding whether or not to give a member a leave of absence, a council or their delegate, may wish to consider. The impact of the leave of absence on the capacity of the council to conduct its business with regard to quorum, the number of members available to fulfil the councils’ responsibilities and other requests for leave of absences:

- A request for leave of absence should be made in advance of a meeting and would generally apply to a number of meetings that the member knows that he/she will be unable to attend; and
- Apologies are usually given when a member cannot attend a forthcoming meeting or inadvertently missed a meeting, in which cases the apologies are made retrospectively.

If a member is absent from four consecutive meetings without their leave, or apologies approved, an extraordinary vacancy is created. This occurs at the end of a meeting at which a fourth apology has been declined, or a member had failed to appear without leave of absence.

Councils will need to establish their own policy as to whether or not a person who has a leave of absence for a length of time will continue to receive remuneration as an elected member, for example, a policy may provide for remuneration to continue to be paid for the first three months of a leave of absence.

Extraordinary and emergency meetings – business

A question that is commonly asked about extraordinary meetings is whether or not business, other than the business for which the extraordinary meeting was called, should also be included on the agenda, or discussed at the meeting. The Standing Orders recommends that extraordinary meetings should only deal with the business for which they are called and should not be concerned with matters that could be considered at an ordinary meeting or have not been included in the grounds for which an extraordinary meeting has been called. Public forums should not be held prior to an extraordinary meeting.

Enacted in 2019, the Local Government Regulatory Matters Act has provided for a new type of meeting referred to as Emergency Meetings. The difference between extraordinary and emergency meetings is the time-frame involved and the process for calling them, see below.

Table 1 Extraordinary and emergency meetings compared

	Extraordinary meetings	Emergency meetings
Called by:	A resolution of the local authority or requisition in writing delivered to the CE and signed by: <ul style="list-style-type: none"> • The mayor or chairperson; or • Not less than one-third of the total membership of the local authority (including vacancies). 	The mayor or chairperson; or if the mayor and chairperson are unavailable, the chief executive
Process	Notice in writing of the time and place and general business given by the CE.	By whatever means is reasonable by the person calling the meeting or someone on their behalf.
Time frame:	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting.	Not less than 24 hours before the meeting.
Notification of resolutions	With two exceptions a local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting.	No similar provision exists for emergency meetings however good practice would suggest adoption of the same process applies to extraordinary meetings.

Use of extraordinary meetings

Extraordinary meetings are designed to consider specific matters which cannot, due to urgency, be considered at an ordinary meeting. It is for this reason that extraordinary meetings can be held with less public notification than ordinary meetings.

If councils need to hold meetings that are additional to those specified in their meeting schedule, then the appropriate response is to amend their meeting schedule to include additional ordinary meetings, rather than call extraordinary meetings to address what might be the general business of the council. Extraordinary meetings, as the name implies, are for business that cannot wait for an ordinary meeting and where grounds exist for shortening public notice.

Part 2: Pre-Meeting

Meeting times

Consideration should be given to choosing a meeting time that is convenient for members and facilitates the participation of the public. One approach would be to use the council induction workshop to seek agreement from members as to the times that will best suit them, their council and their community.

Giving notice

The Standing Orders have now been updated to include the new definitions of what constitutes a public notice and how working days are defined. The new provisions are set out in the Local Government Regulatory Matters Act 2019. The full provisions are:

Internet site, in relation to a local authority, other person or entity, means an internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Public notice, in relation to a notice given by a local authority, means that:

- (a) It is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and
- (b) It is published in at least:
 - (i) One daily newspaper circulating in the region or district of the local authority; or
 - (ii) One or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district.

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day;
- (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;
- (c) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (d) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Advertising meetings to be held on or after the 21st of the month

Section 46(1) and (2) provide timeframes for the public advertising of meetings. The purpose of these subsections is to ensure sufficient notification to the public regarding when meetings will take place. However, the wording of these subsections can cause some confusion.

- Section 46(1) envisages that an efficient way of advertising meetings is to provide a monthly schedule, published 5-14 days before the end of the month.
- Section 46(2) envisages that meetings in the latter half of the month may not be confirmed sufficiently in advance to form part of a monthly meeting schedule published before the start of the month.

Therefore, Section 46(2) provides a separate mechanism for advertising meetings held after the 21st of the month, which councils can choose to follow. If councils wish to do so, meetings after the 21st of the month can be advertised 5-10 working days prior to the meeting taking place (that being 1-2 standard calendar weeks, unless public holidays fall during that time).

Basically, Councils must utilise the monthly schedule in Section 46(1) for meetings held between the 1st and 21st of the month, however, either method for advertising meetings can be used for meetings held after the 21st

Re-locating meetings at the last minute

Local authorities must hold meetings at the times and places that it appoints, so if an appointed meeting room becomes unavailable at the last minute (i.e. after the agenda has been published), and an alternative room in the same venue or complex cannot be used, the meeting can be re-located but will become extraordinary and the requirements set out in Standing Orders 8.5 and 8.10 will need to be met.

If a meeting is re-located, we recommend informing the public of the change in as many different ways as possible, for example:

- Customer Services made aware;
- Meeting invitations to elected members changed;
- Relevant notices visible outside both old and new venues;
- A sign on the original meeting room door, and/or; and
- Updates on the Council's website and social media pages.

Process for putting matters on the agenda

An issue for many elected members, particularly those newly elected, is how to get matters on to the agenda of a meeting in order to achieve a decision. This issue is addressed in Standing Order 9.1 and Appendix 13. The provision applies to councils, subordinate decision-making bodies (these include committees and subcommittees), local and community boards. In short, a matter may be placed on the agenda as a result of any of the following:

- Through a direct request to the chief executive or an officer with the relevant delegated responsibility;
- From the Chairperson through their chairperson's report, although depending on the nature of the item and decision suggested, a staff report may be required;
- Through the report of a committee. Committee meetings are generally less formal than a meeting of the governing body and a committee can make recommendations to the governing body. Please note that any request should fall within the committee's terms of reference;
- Through a report of a local or community board. A councillor could, for example, ask a local or community board to support a matter and even recommend a course of action to the governing body; and
- Members may apply to place an item on the agenda through a notice of motion (see SO 27.1), however, a notice of motion must comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. If the mover of the notice of motion is unable to provide this information or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal be referred to the chief executive for consideration and report.

Though any and all of these may be used it is important to remember that until presented to members (i.e. published), an agenda is ultimately the responsibility of the Chief Executive and the collation of the agenda and its contents must remain under the Chief Executive's control.

Where a matter is urgent and has not been placed on an agenda it may be brought before a meeting as "extraordinary business" as a result of a report by the Chief Executive or a report by the Chairperson. This process gives effect to Section 46A (7) and (7A) of LGOIMA.

Please note: the content or topic of any request must fall within the terms of reference of the specific body or meeting, for example, a request made to a community board should be for an item that falls within the decision-making authority of the board.

Agendas – good practice

Underpinning open and transparent government is the opportunity for members of the public to know in advance what matters their local governments will be debating and making decisions about ahead of time. Consequently making copies of council and committee agendas available for members of the public is critical. Officials need to be aware of their communities' preferences for accessing information when deciding how access to draft agendas will be facilitated.

Information tabled at meetings

Any extra information tabled after the reports and agendas have been distributed should be specified and noted in the minutes, with copies made available in all places that the original material was distributed to. A copy must also be filed with the agenda papers for archival purposes (and future research if necessary).

Part 3 Meeting procedures

Starting your meeting

Questions are sometimes asked whether or not council meetings should begin with some form of reflection to acknowledge the importance of our democratic processes.

There is no obligation on a local authority to start its meetings with a reflection or ceremony, however if a council wishes to begin its meetings with a formal procedure to recognise the civic importance of council meetings, we have made a few suggestions in this section. Which allow for tangata whenua processes which should alleviate any awkwardness around introducing such processes.

An example of a reflection used at the start of a meeting is the following karakia used by Hutt City Council.

Opening formalities - karakia timatanga	
Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air.
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day.
Tihei mauri ora.	

Voting systems

One of the issues that arose during preparation of the new Standing Orders concerned the performance of some of the electronic voting systems that are in use and whether or not the way in which they operate is consistent with what we understand as 'open voting'.

We have taken the view that open voting means that members should be able to see how each other votes 'as they vote' (i.e. simultaneously) as opposed to a system which votes are tallied (in a manner that does not show how individuals voted) and then a result is released.

It is also important to note that under these Standing Orders electronic systems should allow a member to abstain from voting, see Standing Order 19.7.

The Chairperson's casting vote

Standing Order 19.3 allows the Chairperson to exercise a casting vote where there is an equality of votes. Incorporating a casting vote in a council's Standing Orders is optional under cl. 24 (2) Schedule 7, LGA 2002. The casting vote option has been included in the template to enable a meeting to conduct and conclude important business without the risk that a vote might be tied and as a result a significant statutory timeframe might be exceeded.

There are three options:

1. The casting vote provisions are left as they are in the default standing orders.
2. The casting vote provision, Standing Order 18.3, is removed from the draft standing orders before the standing orders are adopted.
3. The standing orders are amended to provide for a “limited casting vote” that would be limited to a prescribed set of decisions only such as statutory decisions, for example: *where the meeting is required to make a statutory decision e.g. adopt a Long Term Plan, the chair has a casting vote where there is an equality of votes.*

Chairperson does not have a casting vote except in the case of statutory decisions

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved) with the exception of statutory decisions such as (but not limited to) the adoption of Annual Plans, Annual Reports and Long Term Plans where a casting vote may be exercised (Western Bay of Plenty District Council Standing Orders 2016).

Joining meetings by audio and audio visual means

The Local Government Act 2002 Amendment Act 2014 gave local authorities the option to include in their standing orders a provision to enable members to join meetings by audio or audio visual means.

These standing orders include this provision and if a council wishes not to make that option available to its members the specific standing orders should be removed before the standing orders are adopted. The relevant standing orders are 13.7 – 13.16.

A number of members have found the audio and audio visual provisions prescribing quorums and voting confusing. We have worked on the Standing Order to make it as clear as possible that while a member can take part in discussions and vote while joining a meeting electronically, they are not part of the quorum.

Conduct

Section 20 of the Standing Orders deals with the lected member conduct at meetings. One feature of the LGNZ Standing Orders is the cross reference to each council’s Code of Conduct. The Code of Conduct sets standards by which members agree to abide in relations to each other. Clause 5.1 of the LGNZ Code of Conduct template sets out the following standards with regard to relations between members:

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open and honest;
- Is courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

At the start of a triennium, councils as well as committees and local and community boards should agree on protocols for how meetings will work, including whether or not members are expected to stand when speaking and any specific dress requirements.

Public forums: good practice

These standing orders state that a period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the meeting for up to five minutes on items that fall within the delegations of the meeting, provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting i.e. consideration of business items listed on the agenda. We recommend that a brief record be kept of matters raised during any public forum section of the meeting with matters for action to be referred to the Chief Executive or other person as requested by the meeting.

Revoking a decision made under delegated authority

A council cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, assuming that the subordinate decision-making body, or local or community board, has exercised its decision-making powers in a lawful manner.

Where a decision of a subordinate body or a local or community board has been made under delegated authority but has not been implemented, a council can remove the specific delegation from that body and resolve to implement an alternative course of action.

Process for release of public excluded information

Councils have different processes for releasing the reports, minutes and decisions from public excluded meetings (material considered confidential under Section 6 or Section 7 of LGOIMA). It is important to be aware that reasons for withholding information from the public does not necessarily endure, for example, information that was confidential due to negotiations may not need to remain confidential when negotiations have concluded. Equally, documents may be released in part, with only parts withheld.

Generally information may only be publicly released by a decision of the meeting, or a decision of the Chief Executive. Each council will have systems and policy for controlling the release of information.

When a report is deemed to be 'In confidence' information can be provided on whether or not it will be publicly released and when. With regard to items under negotiation, such as contracts, land purchase or disposal, resource consents and district plan matters, there is often an end point when confidentiality is no longer necessary. If no release clause is provided a further report may be needed to release the information creating double handling and report writing.

The following clause can be included in report templates to address this issue:

(If in confidence) That the report/recommendation be transferred into the open section of the meeting on {state when the report and/or recommendation can be released as an item of open business and include this clause in the recommendation}.

Returning from public excluded to open session

Councils take different approaches to the way in which a meeting moves from public excluded to open status. There are basically two approaches:

1. Meeting resolution - whereby the chair, or a member, moves that since the grounds for going into public excluded no longer exist the public excluded status is hereby lifted.
2. End of the public excluded item – whereby public excluded status is “tagged” to only those items that meet the criteria in the sample resolution set out in Appendix Two of the Standing Orders and is automatically lifted once discussion on that item is concluded.

Generally, moving out of public excluded sessions should follow the approach set out in option two. However, option one might apply where, during a substantive item, it is necessary to go into public excluded for a section of that item. In this case the Chair, or a member, should signal, through a point of order that the grounds for excluding the public no longer apply. Whether a motion to return to open meeting is required or not is a question of style.

Conflicts of interest

Questions from elected members about when a conflict of interest may exist and how it should be managed are amongst the most common faced by governance staff. The rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have with a financial or non-financial conflict of interest. However, determining whether a conflict exists or not is not always so clear.

Financial conflicts of interest:

It is an offence under the Local Authorities Members' Interests Act 1968 to participate in any matter in which a member has a financial interest. These are defined by the Auditor General as:

whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member involved (p. 25 Conflicts of Interest OAG 2004).

The Auditor General can, in certain situations, grant exemptions from the rule which makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

In such cases the Auditor General can grant an exemption or a declaration to allow a member to participate. Members should be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG's guide on Conflicts of Interest published in 2004).

Non-financial conflicts of interest:

The Auditor General defines a non-financial conflict of interest or 'bias' as:

Is there, to a reasonable, fair minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard (with favour or disfavour) the case of a party to the issue under consideration.

Bias involves not just actual bias but also the perception of bias. A claim of bias can be made on the basis of predetermination. A member who believes they may have a non-financial conflict of interest should:

- Declare they have a conflict of interest when the matter comes up at a meeting;
- Ensure that their declaration is recorded in the minutes; and
- Refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter. In determining the level of conflict, members should discuss the matter with the meeting chairperson and/or chief executive or their nominee, however, the decision whether to participate or not must be made by the members themselves.

The Auditor General cannot provide an exemption or declaration with regard to non-financial conflicts of interest.

How should confidential information in an agenda be managed?

Occasionally councils have to address the issue of how confidential agenda items should be handled where there is a possibility, should it become public, that the information in the agenda could benefit a member or individuals. Some councils address this risk by tabling confidential papers at the meeting on the day and ensuring those papers are returned before members leave.

What happens to a quorum when a member is 'not at the table'?

Whether or not members must be 'at the table' to constitute a quorum is a frequently asked question, usually in response to a member standing aside from the table due to a perceived or actual conflict of interest.

Standing Order 10.4 covers this situation when it states "a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote". "Present" in the context of these standing orders is to be in the room, not necessarily around the table. Please note that if a member is excluded from the meeting room due to a financial conflict of interest they are no longer considered "present" for the purposes of the quorum.

Members attending meetings of which they are not members

A common question involves the role of elected members who attend meetings of which they are not members and what their status at these meetings should be. The legislation and these standing orders are clear (cl. 19(2) Schedule 7, LGA 2002) that members can attend any meetings unless they are "lawfully excluded" (see definition of lawfully excluded in the Standing Orders).

An elected member who attends the meeting of a committee of which they are not a member may not necessarily be able to claim allowances, such as mileage, for attending that meeting. This question should be addressed in a council's allowances and expenses policy.

Elected members attending a meeting of which they are not a member have the same rights as the public. They may be granted additional speaking rights if permitted by the Chairperson. To remove the possibility of confusion about membership and speaking rights for both the public and the members concerned many councils require non-members to sit away from the meeting table i.e. in the public gallery.

Attendance at hearings

There is often confusion as to whether or not elected members must be present throughout a hearing or submission process in order to be able to vote on the outcomes of the hearing. This is a case where the rules vary according to the legislation under which the hearing or submission process is occurring.

Hearings under the LGA 2002, such as Annual Plan or Long Term Plan hearings, do not require all elected members to have participated in the submission process in order to take part and vote on the outcomes of that process. Elected members who cannot participate at all or who miss part of a hearing should review all submissions and the analysis provided by officials of the written and oral submissions before taking part in any debate and vote on the plan or policy under consideration.

It is good practice to remove doubt on this matter that there be a record in the minutes stating that the members who have been absent have been provided with, prior to deliberations, all records of submissions made both orally and in written form.

Please note that the Auditor General recommends that members should be present for the whole of a hearing “to show a willingness to consider all points of view” (Conflicts of Interest August 2004 p. 43). The guidance suggests that lengthy periods of nonattendance at a hearing could suggest an element of pre-determination.

Divisions

Under Standing Order 19.5 a member can call for a ‘division’ for any reason. If a division is called the standing orders require the Chief Executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the Chairperson to declare the result. It is important to remember to record the names of members in the minutes and the way in which they voted.

There are different approaches taken to ascertaining how people voted. For example:

- When asking each individual member how they voted vary the order in which elected members are asked e.g. alternate between clockwise and anti-clockwise.
- To get a clear picture ask members who voted for or against a motion or amendment to stand to reflect how they voted i.e. “all those in favour please stand” and the committee secretary will record those votes and names, followed by “all those against please stand” again with names recorded, followed (where abstention is provided for) with “all those abstaining, please stand” and again record those names.

Where a motion is lost

A new provision has been added to make it clear that when a motion is lost it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion “that the council’s social housing stock be sold” was defeated, the organisation might be left without direction with regard to the question of how the stock should be managed in the future.

Standing Order 23.10 enables a meeting to submit a new motion if required to provide direction to management where this might be required following the defeat of a motion.

What happens to items left on the table

Standing Order 25.2 *Procedural motions to close or adjourn a debate* provides five procedural motions to close or adjourn a debate. In relation to the procedural motion whereby the item of business is left to “lie on the table” we recommend that any such matters should cease to lie on the table and are withdrawn at the end of the triennium.

It is however good practice wherever possible to state (when an item is left to lie on the table) what action is required to finalise it and when it will be reconsidered. For example, “that the report on the sale of the land lie on the table until further information on land values is received and that on receipt of such information the item be reported to the next scheduled meeting of the Property Committee”.

Options for speaking and moving motions

One of the new features in these standing orders is the ability to use different rules for speaking to and moving motions so as to give greater flexibility when dealing with different situations.

Standing Orders (22.1 – 22.5) provide for three options. Option A repeats the provisions in the Standards New Zealand Model Standing Orders which limit the ability of members to move amendments if they have previously spoken. Option B provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option C allows further flexibility.

When a council, committee or community board adopts their standing orders at the start of the triennium it should decide which of the three options will be the default option. We recommend that the default be the approach which will be used most frequently.

Reasons why a committee may consider using options B or C could be to enable more discussion on items and/or to avoid a meeting choosing to suspend standing orders altogether.

For joint committees the decision could be simplified by agreeing to adopt the settings used by whichever member council is providing the administrative services.

Keeping minutes - additional guidance

Since the release of the 2016 standing orders a number of requests for further guidance have been raised.

Hard copy or digital

A common question since the release of the LGNZ standing orders has been to do with whether or not minutes should only be kept in hard copy. Since the 2016 edition Archives New Zealand has released guidance on the storage of records by digital means. In short general approval has been given to public offices to retain electronic records in digital form, except in a few specified cases. The advice is set out below.

Mandate

This Authority to retain public records in electronic form only (the Authority) is issued by the Chief Archivist under Section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

Purpose

The purpose of the Authority is to grant general approval from the Chief Archivist to public offices to retain public records in electronic (digital) form only, subject to the exclusions listed in “4 Exclusions to this Authority” below. This means that the source public records do not need to be retained after digitisation and can be destroyed without further authorisation.

Approval to retain in electronic form

The Chief Archivist approves public records not excluded under 4 *Exclusions to this Authority* below for retention in electronic form only, after these have been digitised.

Exclusions to this Authority

The following categories of public records are excluded from the general approval given in “*Approval to retain in electronic form*” above:

- Unique or rare information, information of importance to national or cultural identity or information of historical significance;
- Unique or rare information of cultural value to Māori (land and people) and their identity; and
- All information created prior to 1946.

For more detail on each of these categories, refer to the guide *Destruction of source information after digitisation 17/G13*. Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

Compliance with Section 229(1) of the CCLA

A public office can retain public records in electronic form only, and destroy the source information, only if the public record is covered by the approval given in this Authority (or specific authorisation has otherwise been given by the Chief Archivist); and the conditions of Section 229(1) of the CCLA are met. The two conditions of s\Section 229(1) are:

- (a) *The electronic form provides a reliable means of assuring that the integrity of the information is maintained*

In accordance with Section 221 of the CCLA, “the integrity of information is maintained only if the information has remained complete and unaltered, except for the addition of any endorsement, or immaterial change that arises in the normal course of communication, storage, or display.”

The Chief Archivist considers that if any unique characteristics of the source information, which contribute to the value of that information, would be lost during digital conversion then the integrity of the information would not be maintained. The source information must then be retained.

- (b) *The information is readily accessible so as to be usable for subsequent reference*

Usable information is information that can be located, retrieved, presented and interpreted within a reasonable time period. A usable record should be connected to the business process or transaction that produced it. Linkages between records that document related business transactions should be maintained (sourced from ISO 15489-1:2016 *Information and documentation – Records management – Concepts and principles*).

Note: Public offices should be aware that Section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (Enactments and provisions excluded from subpart 3 of Part 4).

For further detail, the Authority should be read in conjunction with the guide *Destruction of source information after digitisation 17/G13*¹.

Chairperson's signature

Where councils capture and store minutes digitally the traditional practice for authorizing minutes of the Chair's signature is not at all practical. For the digital environment one approach would be to include, with the motion to adopt the minutes, a sub-motion to the effect that the Chair's electronic signature be attached/inserted.

What to record?

The purpose of taking minutes is to meet legal requirements set out in LGOIMA 1987, "create an audit trail of public decision-making and to provide an impartial record of what has been agreed". But most of all having a clear and precise record of the decisions that our public agencies make strengthens accountability and helps build confidence in our local democracy.

The level of proceedings recorded will vary according to the preferences of different councils and their administrations. What is important is to ensure that the bodies on behalf of which minutes are being taken are fully aware of, and have agreed in advance, to the style of those minutes. One way of doing this is to include, as part of the resolution adopting the minutes, either a stand-alone motion stating the level of detail that will be recorded, or including this within the Standing Orders themselves.

Good practice

- Minutes should be a clear audit trail of decision-making.
- Less is best.
- Someone not in attendance will be able to understand what was decided
- Anyone reading the minutes in 20 years' time will understand them (Fleur Sweeney).

In addition to the items set out in SO 27.2, a further reason why more detailed records might be taken is to record the reasons given for a meeting not accepting an officer's recommendations on a report - this might be important for future audit purposes.

Taking minutes for hearings held under 'other' statutes

The LGNZ Standing Orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which councils may have meetings and hearings can have specific requirements that are different to the general requirements of the LGA 2002. For example:

Minutes of hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 include additional items, namely:

- Record of oral evidence;
- Questions put by panel members and the speaker's response;
- Reference to tabled written evidence; and
- Right of reply.

¹ See <https://records.archives.govt.nz/assets/Guidance-new-standard/17-Sp7-Authority-to-retain-public-records-in-electronic-form-only.pdf>

Information required in minutes of hearings of submissions under a special consultative procedure, such as Long Term Plan hearings, include:

- Records of oral submission;
- Questions put by elected members and the speaker's response to them; and
- Reference to tabled written submission.

In cases where a council resolves a course of action in response to submissions which is contrary to advice provided by officials, the reasons why the Council chose not to follow official advice should be recorded. In summary:

- For procedural matters a pre-formatted list of statements can be useful for slotting in the minutes as you go.
- Avoid attributing statements to specific politicians as it creates opportunity for debate during the confirmation of minutes.
- Do attribute statements when given as expert advice.
- Be flexible. Minutes are live recordings of real events – the rules won't always help you.

Preparing for the next triennial election

There is often uncertainty about what, if anything, should be done to prepare for the triennial elections and the interregnum period during which elected members are unable to act.

Governance hand-overs

To assist new councils get up to speed, councils, i.e. the governing bodies, may like to "prepare a letter to themselves", i.e. for their successors (noting that this may largely be the incumbents).

The purpose of such a letter or report is to provide the new members of the councils with an insight into what the outgoing councils saw as the major challenges and what they learned during their term in office that they might have done differently. In other words, a chance to help the new council avoid the mistakes they may have made.

Whether or not to prepare advice for an incoming council and if so, what advice, is ideally a discussion that a mayor/regional council chair should have with their respective governing body before the last scheduled council meeting. It may be an ideal topic for a facilitated workshop.

Reviewing decision-making structures

One of the first matters that new councils must address is to adopt a decision-making structure and in the vast majority of cases end up adopting the decision-making body of their predecessors.

We spend too little time looking at whether or not our councils have the right decision-making structure, as there is a very wide menu of options, from governing bodies that choose to make all decisions, to committees which are "committees of the whole" and committees with external appointments. We need to work with our governing bodies to help them identify the right approach for their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved.

Based on surveys and interviews the incoming councils should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly.

Committees that are not-discharged

Depending on the nature of their responsibilities a council, or a group of councils in the case of a joint committee, can resolve that a committee continues beyond a triennial election. Typically such a committee would be responsible for providing oversight of some form of project that has a long term focus and may also contain appointed members.

Whether or not the committee is to be discharged at an election should be set out in its original terms of reference, adopted by resolution. Following an election the council, or councils by agreement in the event of a joint committee, can discharge and appoint new members to that committee.

When to schedule the last ordinary meeting

When putting together the schedule of meetings for the last year of a triennium how close to polling day should the last meeting of the governing body be scheduled? Councils do take different approaches, and practice may be affected by the nature of business that a council is facing prior to the coming elections.

Given that the election campaign properly starts four weeks before polling day, common practice would be to schedule the last ordinary council meeting in the week before the campaign period begins.

This allows retiring members to make valedictory speeches away from the political atmosphere of the election and those members seeking re-election may not be fully occupied with their campaigns.

Council business still continues in the four weeks before polling day so expect some council committees/sub committees to still be meeting to deal with ongoing work, whether it is preparation of a submission or oversight of a local project. Urgent matters can still be addressed through an extraordinary or emergent meeting.

What about issues emerging in the interregnum?

Between polling day and the first meeting of the new council, at which members are sworn in, issues can arise that require an urgent council decision, who should make any such decisions?

This is a question that is asked frequently and there is only one practical answer, and that is your council's chief executive. Before the elections (and preferably at the first or second council meeting where delegations are agreed) a time-limited delegation should be adopted giving the chief executive broad discretion to act on behalf of the local authority. For example:

That from the day following the Electoral Officer's declaration, until the new Council is sworn in, the Chief Executive is authorised to make decisions in respect of urgent matters, in consultation with the Mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new Council.

Feedback:

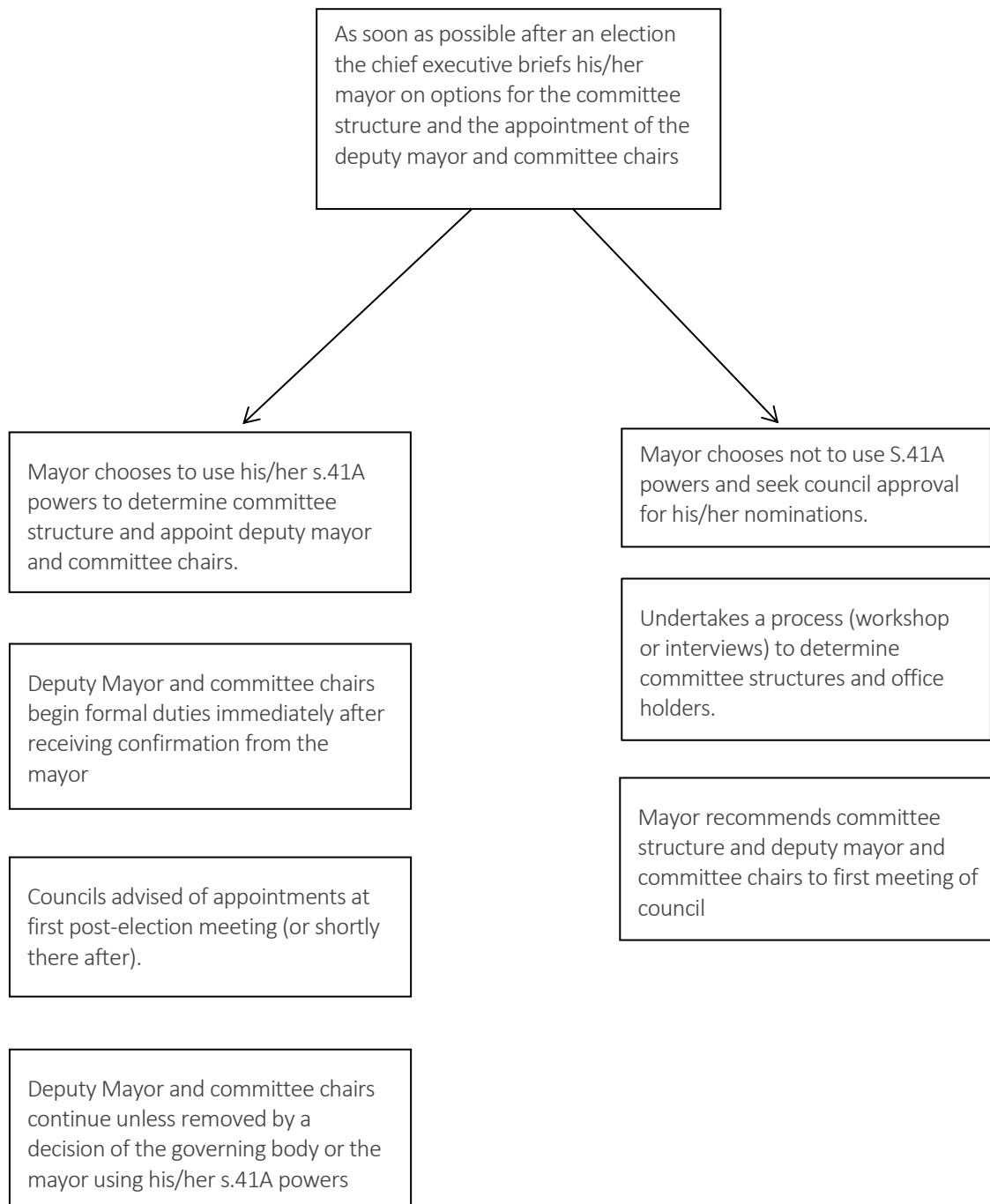
The 2019 edition of the Standing orders incorporates all relevant legislative changes made by Parliament since 2016 that we are aware of. If any changes have escaped our attention please let us know.

We are also keen to ensure that the Standing Orders continue to help councils run effective meetings so we appreciate any feedback users might like to make. For example, comments on the following would be appreciated:

- The layout and structure of the Standing Orders;
- Standing orders that are ambiguous or simply unclear;
- Jargon that could be replaced;
- Information that is missing; and
- Good practice ideas.

Please forward any comments or suggestions to admin@lgnz.co.nz.

Appendix: Process for implementing s. 41A



Kaihu Raw Water Supply

Meeting: Council Briefing
Date of meeting: 5 February 2020
Reporting officer: Dean Nuralli Regulatory Manager,
Sue Davidson GM Sustainable Growth & Investment.

Purpose/Ngā whāinga

To provide the Council with the a history of the Kaihu water raw water supply project, and highlight the challenges to complete the project to provide potable water.

Context/Horopaki

The Kaihu district was identified and reported by the Medical Officer of Health (to the Infrastructure and Waters team) as a high health risk area with regards to their raw water users.

How & When the issue arose: The issue was identified in May 2017 by the Northland Medical Officer of Health due to the Kaihu Primary school failure with the NZDWS. The MoH reported a case of illness of vomiting and diarrhoea in the Kaihu area directly related to the raw water supply.

In response to this health concern, a sanitary survey was carried out in the Kaihu area to identify the actual number of illegal raw water users utilising the raw water as a potable drinking water source.

At this point in time all illegal raw water users were issued with an insanitary building notice.

The number of residential properties illegally tapped into the raw water line: After the sanitary survey was undertaken in the Kaihu area, (13 properties in total were identified). At this point in time it was signaled that we should probably carry out an additional raw water survey into the Maungaturoto area (whereby a further 8 properties in total where identified). The total number of raw water users equated to 21 throughout the district.

A community meeting was held to further raise awareness and the findings of the survey, next steps and the ballpark costs. The minimum drinking water standards required the raw water users to convert to a roof water supply. This was estimated by Council's officers to come at a cost of approximately \$10-15k per household.

At this time the funding arrangements for this project were explored by the residents with their mortgage lenders / banks, the Councils Finance Manager (should the Council approve loan agreements for the proposed works to be carried out).

On behalf of the Kaihu residents, Council officers Jenny Rooney & Francis Toko tried to explore other funding avenues to support the Kaihu residents and met with the ministry of social development, Te Runanga o Ngati Whatua, WINZ, Manaia PHO, NDHB, Te Ha and MSD: Te Puni Kokiri.

Discussion/Ngā kōrerorero

Council's initial response: It was decided by senior management that the residents would be provided with a bottled potable water supply to each identified property until the projects were complete. This would come at the Councils' expense.

When & why did the Council decide to provide a potable bottled water supply: The decision to provide a potable bottled water supply was determined by the acting CEO, Peter Tynan based on the advice that, from the Health Act 1956 (HA), Building Act 2004 (BA) and Local Government Act 2002 (LGA):

A building cannot be inhabited if it does not have a supply of potable water (BA)

When a Territorial Authority (TA) has reason to believe that a building may be dangerous or insanitary, the TA should investigate the matter by inspecting the building to determine whether it is dangerous or insanitary)., it should get the building owners to fix the situation by issuing a Notice to Fix or be evicted from the property. (BA)

The council cannot cut off the supply if it is the only supply relied on by the building occupiers without providing a suitable alternative supply. (HA)

After the water survey had been undertaken, it was identified that the 21 properties should be supplied with bottled water to the residents while they fix their insanitary buildings. This was a gesture from the Council to assist and avoid, as far as possible the possible eviction of the building occupiers especially over the Christmas break. We did not want another Havelock North water treatment outbreak in the Kaihu area.

The total cost of providing bottled potable water to date is approximately \$100,000 (since Jan 18 \$50,000 pa)

Council also responded - to explain the situation and encourage the homeowners to complete works themselves. Funding was not available so Council then looked to get quotes and fund loans to the remaining ratepayers

How many owners have completed the works themselves to date: Of the total 21 properties to date...

Maungaturoto area and 8 residential properties - 5 have been resolved / completed and their IBN's lifted, 3 are self-funding.

Kaihu area and residential 13 properties - 7 waiting for KDC finance, 3 have been resolved / completed and their IBN's lifted. 2 problematic and 1 self-funding (in progress).

Steps Council have taken to gain funding from other organisations: As further assistance and on behalf of the Kaihu residents, Council officers Jenny Rooney & Francis Toko explored other funding avenues by meeting with the ministry of social development, Te Runanga o Ngati Whatua, WINZ, Manaia PHO, NDHB, Te Ha and MSD: Te Puni Kokiri. It was overall a very disappointing outcome as they were unable to support with any monetary significance but would support KDC's application for any funding streams. They were also able to support with regards to any nursing assistance and other health care needs.

What was the Council resolution: Please find below and attached – resolution from draft Council minutes from yesterday's meeting and the full report that went to Council.

Kaipara District Council Raw Water Supply Funding Options – February 2018

[Secretarial Note: At the Mayor's discretion, this item taken out of order, commencing at 1.49 pm.]

General Manager Regulatory, Planning and Policy 4817.0

Moved Larsen/Curnow

That Kaipara District Council:

- 1 *Receives the General Manger Regulatory, Planning and Policy's report 'Kaipara District Council Raw Water Supply Funding Options' dated 20 February 2018;*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Determines that Council will provide assistance to affected dwelling owners in line with option A (owner fully pays) within the above-mentioned report or previous report (Council agenda 25 January 2018 Item 7.5) which was left to lie on the table.*

Carried

Please note this means that option A of the Council report was adopted by the Council. This also means that owners will need to pay for their own water supply. There will be no Council subsidy. Council can however assist with a partial or fully funded loan paid back via loan scheme. Council also has approved in the option the ability if necessary to carry out the work (subject to court order or voluntary owner approval) and place a statutory land charge over the property.

Loan documentation was completed by solicitors however when passed to finance the following was noted:

That the homeowners were on Maori land and the statutory charge is not viable

There were some issues with the loans as Council is not a bank.

That one property is in trust ownership and the owners may not sign the documentation and one property has an asbestos roof and the economic cost of any changes could be too expensive

Why this report has been brought to a council briefing: This matter has been brought to the Council for their briefing, as this is a new Council. The recent Audit and Risk committee came up with a number of questions surrounding the Kaihu raw water supply and in particular around the statutory land charges not being applicable.

The use of raw water in dwellings needs to be completed in order to minimise any further distress to affected dwelling owners. As such, Council needs to make a decision to provide a level of certainty for affected dwelling owners.

The Council previously made this decision to provide further funding and loan agreements for their assistance so that the residents could move forward. Indications are that negotiating for a loan to be put in place is the best option to get most of the properties to comply with having potable water. Unbudgeted costs are continuing to be incurred in providing the bottles of drinking water. The costs of providing bottled water are large and we want to get householders onto their new supply.

The local community has a stock of empty plastic bottles, which are a problem. We have to stop supplying bottled water and in order to do that we need to provide a loan to complete the works.

There is a risk in providing loans without security but Council needs to accept that the residents are acting with integrity as Council has been communicating with them and receiving positive feedback to the solution. The residents are relying on the fact we are proposing the best solution for them. A timeframe can be put in place to uptake the loans and cease bottled water provision.

The next action would be for those houses not having their own water supply, to put a timeframe on taking up the loans and potentially reissue the insanitary notice.

Next steps/E whaiake nei

To bring a new resolution to council recognising that any loan will not have a statutory charge on the land. Council will also need to notify the affected dwelling owners of Council's decisions and to continue working with them to resolve their non-potable raw water issues as quickly as possible.

Sue Davidson GM Sustainable Growth & Investment 22 January 2020.

Civic Building Update

Meeting: Kaipara District Council
Date of meeting: 05 February 2020
Reporting officer: John Burt, Property & Commercial Advisor

Purpose/Ngā whāinga

To update Council on the condition, constraints and opportunities with Council's Civic buildings in Mangawhai and Dargaville and to seek direction from Council on priorities to address these matters so that they may be investigated as possible options in the draft long-term plan.

Context/Horopaki

Council own or lease a number of properties in Dargaville and Mangawhai, which fulfil the civic functions of Council Offices, Council Chambers, Town Hall and Libraries.

By 2021 Council Offices will both be on a leasing arrangement rather than owned, which provides a better value for money arrangement for our community. A new office, built by NRC, will accommodate staff in Dargaville.

Kaipara District is unique in that there is not just one main centre. Activities are spread across the district to reflect our customers, our partners and our peoples need.

- Mangawhai 55 at the hub, 18 opposite at 1C
- Dargaville 80 (including 2 at Kai Iwi)
- Whangarei 13 in the NTA

In the medium term, we may need to accommodate up to 190 staff and consultants across the district.

Many of the functions of Council are undertaken in property which is not ideally suited. For example, Council meetings and briefings are held in the Dargaville Town Hall which does not have the expected facilities such as an ante room or media space which most Councils are able to provide.

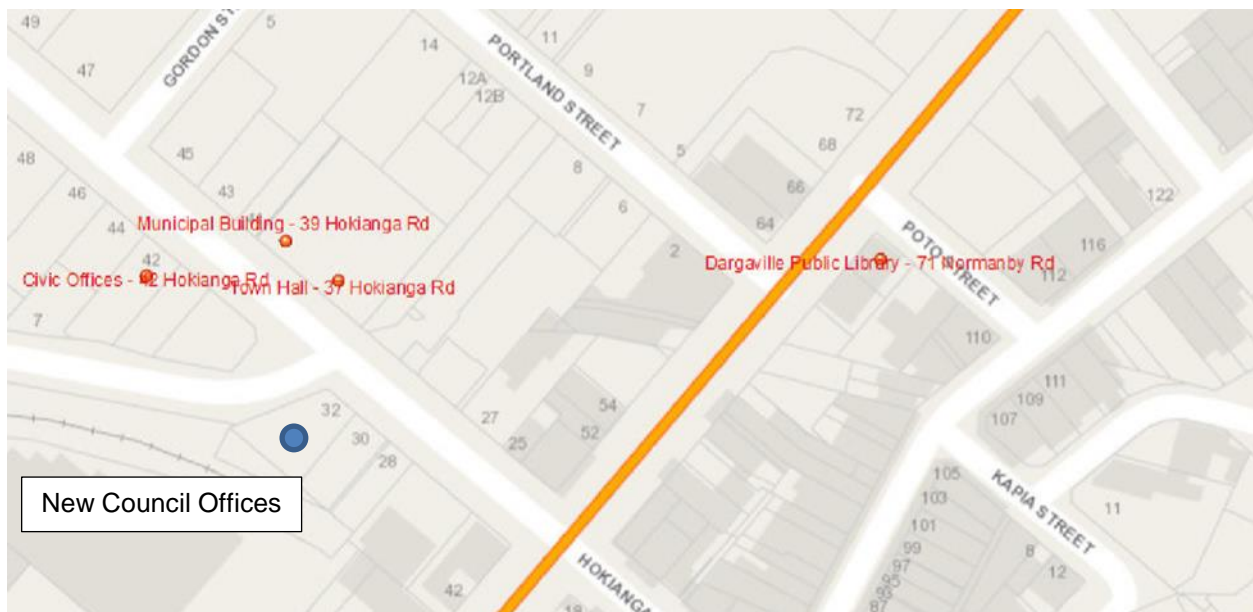
Our libraries are generally in small buildings which have been retrofitted rather than purpose built facilities which meet our communities current and future needs.

Direction on our remaining and future property portfolio is the context of this paper

Dargaville

There are four civic buildings in Dargaville, which are shown on the map below.

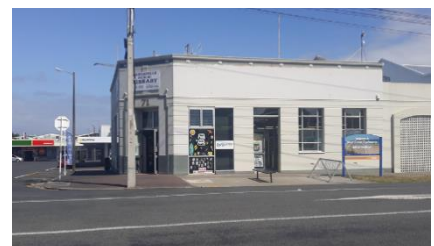
- Dargaville Public Library – Owned
- Civic Precinct
 - Existing Civic Offices- Owned
 - Town Hall and Foyer- Owned
 - Municipal Building -Owned



Dargaville Public Library, 71 Normanby Street, Dargaville

The building at 71 Hokianga road houses Council's only public library. The Library was relocated around 2009/2010 from the building that currently houses the Dargaville community cinema (ANZAC Theatre).

The building constructed circa 1940 as the Northland Power Board offices has several physical constraints. The Library was relocated around 2009/2010 from the building that currently houses the Dargaville community cinema (ANZAC Theatre).



- Dargaville Library has an existing floor area of 266m². The size is limited in comparison to most libraries and is inadequate design. Does not meet LIANZA standards.
- Crowded state of shelves, lack of walking space between shelves, extremely difficult for wheelchair access.
- Access to additional digital hardware, services and training cannot be accommodated.

- Health and safety concerns identified covering specific incidence and the fact that the library is only registered through its building Warrant of Fitness to have 21 people in the library at any one time.
- Although recording high user satisfaction in our quarterly customer surveys, based on additional feedback received, the library is currently not meeting community expectations of a modern library by providing facilities such as reading groups, children's holiday programmes, meeting spaces, seating for using mobile computers etcetera.

Dargaville Town Hall, 37 Hokianga Road

The complex is used by the community for recreational and community events and also by Council for meeting. The complex is comprised of three buildings encompassing a foyer, town hall and conference buildings.

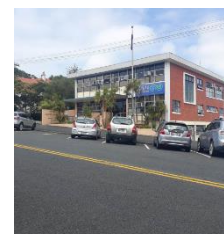


- There are weathertightness defects to the foyer, town hall and conference buildings. These have been confirmed as relating to the direct fixed cladding systems and flat pitch membrane roofs and internal gutters; however, the costs of addressing this are significant.
- The defects have resulted in deterioration to the timber framing and internal linings.
- The cinema and citizens advice are also located in the building. There were 419 bookings for the hall, conference and foyer areas in 2019.

Existing KDC Offices, 42 Hokianga Road, Dargaville

This office building is utilised as Council's Dargaville base, and as such currently houses approximately 80 staff, who will all move to the new NRC Office to be constructed at 32 Hokianga Road.

The current Council office was built in the 1960s, a further extension was added in the 1990s to house the Council Chambers and has an alternative access from Station Road.



There are weather tightness and asbestos issues, which will require remediation in the medium term. As a result of these issues, water ingress is now visible in portions of the 1999 extension.

- The building continues to deteriorate every time it rains.
- Poor lighting in the offices that were formerly the Council Chambers has been raised by staff as a health and safety issue.
- The 1960s block has a fragmented layout.
- Although the block is not defined as earthquake-prone, it has an assessed NBS rating of only 55%.
- The building does not have lifts or disabled access to top floor.

Former Municipal Building, 37 Hokianga, Dargaville

The building is now used exclusively by two Community Groups – Dargaville Community Cinema and Dargaville Arts.

- This building which was constructed approximately 100 years ago with unreinforced masonry. The building has been assessed as an Earthquake prone building (EPB). E.g. less than 33% of New Building standards. As a condition of their LTO, Dargaville Arts have undertaken to seek funding from external agencies for restoration and strengthening on this heritage building. Northland has the lowest seismic risk in New Zealand and as such, the Government has provided for up to 45 years for strengthening works to be completed.



Previous Decisions regarding Dargaville

At its meeting on 30 May 2019, the following was resolved, *That Kaipara District Council:*

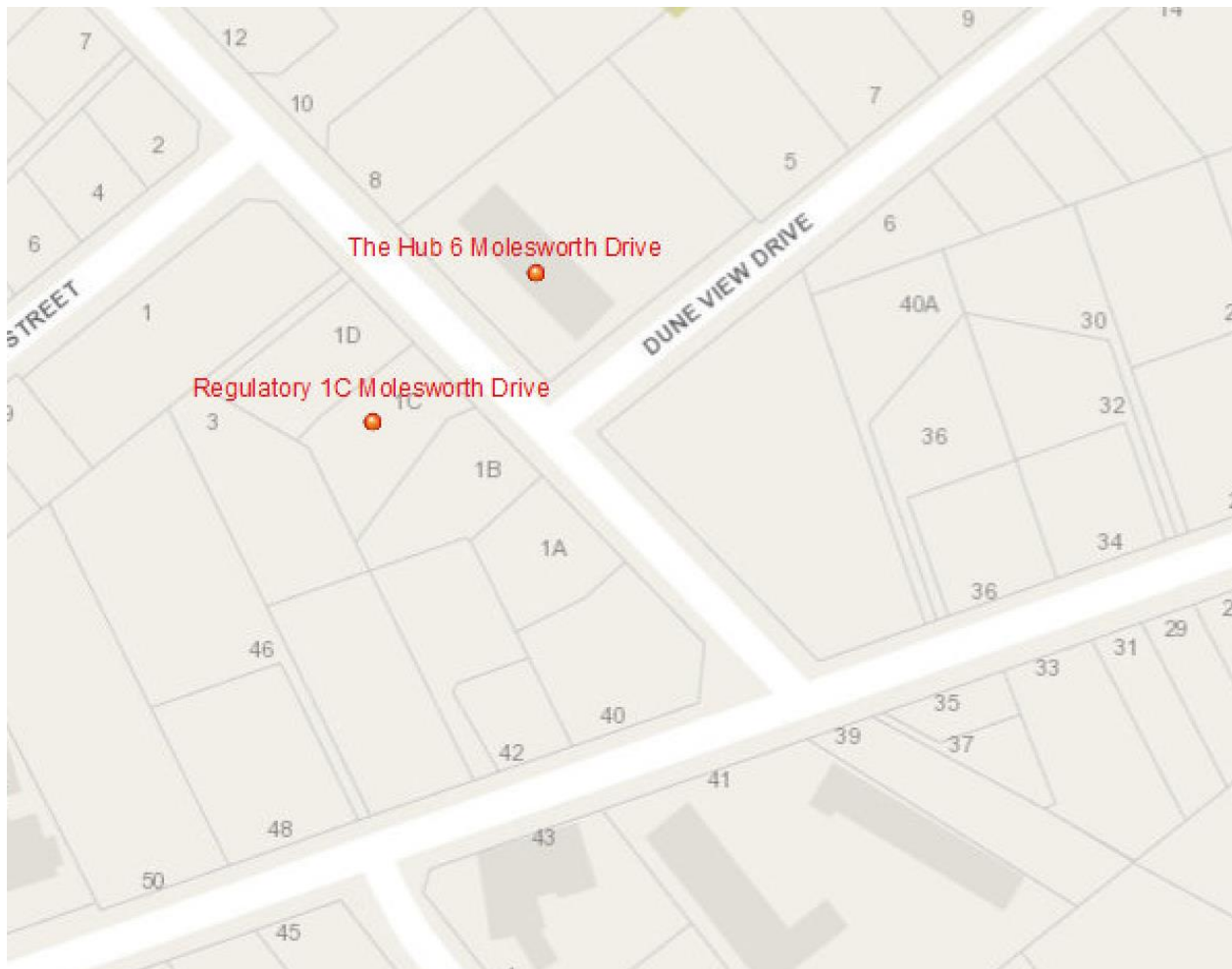
- a) Approves Kaipara District Council entering into an Agreement to Lease for up to 975m² of offices in the building Northland Regional Council is proposing to construct at 32 Hokianga Road, Dargaville.
- b) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the Agreement to Lease for an initial term of 15 years, subject to the lease costs being within the costs budgeted in the LTP.
- c) Notes that Council will need to include expenditure for the upgrade of 42 Hokianga Road, Dargaville and relocation of the library in the next Long-Term Plan for consultation with the public.

At its meeting on 28 February 2019 the following was resolved,

That Kaipara District Council receives, for information, the Facilities, Procurement and Contracts Coordinator's report "Remedial Works 37 and 42 Hokianga Road, Dargaville - Weathertightness".

Mangawhai

There are two civic buildings in Mangawhai shown on the map below



- The Hub, 6 Molesworth Drive – Leased
- Regulatory Office, 1 C Molesworth Drive- Leased

Mangawhai's population has grown from 1,660 in 1998, to 2600 in 2013, to an estimated 5000 in 2018 (plus the holiday population of 5,000 or more). Over the next 20 years its anticipated that Mangawhai may grow to a population of approx. 15,000 or more.

Based on current trends we anticipate that customer demand will continue to grow at a faster rate in the Mangawhai area.

Mangawhai Public Library/Hall: 45 Moir Street

The Mangawhai public library/hall on the corner of Moir/Insley street houses the Mangawhai Community Library.

- The floor space utilised for the library approximately 129m².
- Run entirely by volunteers.
- It is open for only 14 hours a week.
- While the library service delivers free 24-hour Wi-Fi access, the library does not provide any computers/digital devices.
- Does not meet LIANZA standards.



Library volunteers in Mangawhai are aware that a new library is needed in the medium term. They do find the current computer system challenging but currently provide a good but limited service to their community. The collection is very limited by the size of the library.

Consultation with the community has highlighted the desire for a larger Library, comments received include:

- Old-fashioned space needs more digital access for all ages.
- Modern libraries are awesome.
- Mangawhai is under resourced and very small.

The Hub, 6 Molesworth Drive, Mangawhai

This office building is utilised as Council's Mangawhai base, and as such currently houses approximately 55 staff.

The Hub was built in two stages over 2005 and 2007 and was originally intended for use as a two-storey mixed-use (residential/retail) complex. Construction comprises reinforced concrete and structural steel with exterior claddings of linear and stone.



- Council currently leases five units on the upper level and two ground floor units of the Hub, which houses approximately 50-65 Council staff.
- There is limited additional room for growth and the space has been designed for living areas above shops and is therefore not as efficient while utilised as office space.
- The most significant issues are inadequate design and lack of available space for growth.
- Previous exit surveys identified a poor level of staff satisfaction with facilities.
- More staff roles are district-wide so more hot desks are required. Significant number of staffs have expressed a preference to work from Mangawhai.
- Parking may not be easy to find for customers

1C Molesworth Drive, Mangawhai (former Fresh Building)

A character building which is opposite the Hub had recently become available and was refurbished. Council approved the lease of the building in mid-2019 and Council's expanded regulatory team is now housed in this facility. It has the capacity to house up to 18 staff.



Previous Decisions regarding Mangawhai

At its meeting on 30 May 2019 the following was resolved, *That Kaipara District Council:*

Approves further investigation into the feasibility of construction and acquisition of new Council offices/library at 191 Molesworth Drive in Mangawhai Community Park and requests that the outcome of this investigation is reported to Council once completed

Discussion/Ngā kōrerorero

As detailed above Council is facing several challenges and constraints with its portfolio of Civic buildings. These have been summarised as the following problem statements

- We own properties which require significant investment to bring them up to an appropriate standard and their future function is not clear
- Our existing library buildings do not meet the needs of our community
- Council chambers do not meet the needs of Council
- Our council offices are not efficiently arranged and do not provide room for growth

It is noted that the last problem has been largely addressed through the transition to a more flexible way of working and investment in flexible working spaces in Mangawhai as well as the planned move to the new NRC building in Dargaville.

The problems and opportunities are discussed below.

Dargaville Civic Buildings Defects - 37 & 42 Hokianga Road

In summary the scope of remedial works identified as required for both buildings is extensive but includes:

- Full replacement of the direct fixed cladding with a cavity based cladding system;
- Address lack of cladding clearance to the tiled areas;
- Address structural defects to the subfloor framing of the hall;
- Where possible, replace the flat roof areas with new hipped or mono-pitched roofs;
- Replace the curved roofs of 37 and 42 Hokianga Road with mono-pitched roofs;
- Replace the internal gutters with new with greater falls and where possible replace with new external gutters.

Costs estimates for the weather tightness remediation are included as attachment A

If 42 Hokianga Road is to be continued to be used for Civic purposes in the future, there is a requirement to modernise and refurbish the building so that it's fit for purpose. It has been estimated that this will cost around 2.4 Million.

Dargaville library

To tackle digital deprivation, empower, engage communities, and encourage economic development within the district, the current library service standard needs to be improved.

An analysis of the main library in the district highlighted several key issues including the lack of space and inadequate design. Modern and efficient library services, which enhance the district's digital environment, will provide a beneficial and attractive community space for the community and visitors, which is seen as crucial to the economic development of the district. By empowering the community digitally, residents will develop skills that are essential in a modern workplace. The economic implications of this will be a result of both adults and children in the district becoming more digitally literate.

Dargaville options

Council needs to:

- i. Provide a larger Library facility
- ii. Remediate weather tightness issues at Town Hall complex at 37 Hokianga Road
- iii. Decide on the future use or otherwise of existing offices at 42 Hokianga Rd.
- iv. If 42 Hokianga is to be retained and repurposed it will need to be remediated and refurbished.

Possible approaches

- Acquisition of another building for library
- Retention- Retain all/some existing buildings and endeavour to address issues with each one.
- Consolidation/Disposal – Consolidation of all functions on one or more of the existing building/locations and dispose of any building becoming surplus as a result e.g. Library at Normanby or 42 Hokianga

Relocating the library to Councils, existing office building at 42 Hokianga is considered an attractive and viable option. However due to the costs of remediation and refurbishment it may not be the best value for money. There are alternatives options for a library relocation, which have been considered and or investigated previously. Therefore, officers consider it prudent that Council is reminded of these prior to progressing any potential relocation. The alternative options include new buildings on Council owned reserve land or purchasing existing buildings adjacent to or near the existing Library on Normanby Road.

Options for Library other than 42 Hokianga:

- i. New Build on Council owned land (e.g. Selwyn Park beside Swimming pool)
- ii. New Build on private land (e.g. beside 37 Hokianga or extension of existing town hall complex and create a Community facility similar to the Far North's Te Ahu Centre.
(**see details below)
- iii. Refurbishment/extension of existing Library
- iv. Move library to a larger building in town

**Te Ahu is a multi-functional community facility in Kaitia, which houses the Town's library, museum, i-SITE visitor information centre and council customer services. The complex also houses a café, a variety of venues for hire including different sized meeting rooms, banquet room and a main hall, little theatre, art space and cinema



Mangawhai constraints/opportunities

In Mangawhai the current focus is how we improve the provision of library services as well as plan for the long-term provision of civic services and office accommodation.

The current Spatial Planning process will confirm areas for commercial development as well as other uses.

Recognition of need for a new Library in Mangawhai

Mangawhai library has a small footprint, is very cramped and is only open 14 hours per week. As highlighted in the 2017 Library Strategic Plan, a fully staffed library in Mangawhai would improve lives in the township. An adequate collection and professional librarians contribute to learning and literacy in the community. The positive impact of offering professional library service to residents, visitors, community groups and schools is an opportunity to improve Council's reputation.

Recognition of need for new office building

In September 2018 Council requested the Chief Executive prepare a civic building strategy. At that time, Council faced significant challenges in delivering the services required by our community in the existing leased space at Mangawhai.

The Mangawhai office opened in May 2013 in response to population and development growth in the Mangawhai Area.

Modern workplace design has seen a change in the design of office spaces. Where offices were historically designed with the assumption that people needed to work there, organisations are now realising that they can increase productivity through workspace planning and design. Good design can also help with staff retention.

Staff well-being is strongly correlated with employee productivity and employment satisfaction generally, and the physical environment in which staff work, is a driving factor to overall well-being. Modern office design principles focus primarily on delivering a digitally adept, dynamic and intuitive space for staff.

The 'Flexible Work Locations' survey demonstrated the need for Council's office spaces to be dynamic, large enough to accommodate fluctuating staff numbers, and able to accommodate hot desking depending on staff movements between offices in any given week.

In order to become more responsive to our customers' needs we looked at office design, location and employment policies. This more strategic approach will enable Council to improve both customer and staff engagement

In late 2019 several changes to Office layouts and work practices were implemented in Mangawhai. This includes a changing to agile working style where most desks spaces are no longer allocated to only one staff member and the introduction of greater flexibility and recognition of the need for mobility.

As a result of these improvements the current offices are anticipated to meet the needs of Council until the end of the current leases in October 2024.

Mangawhai Summary

In the Medium Term, Council needs to:

1. Establish a Council run library in Mangawhai
2. Acquire larger office and library buildings.

Mangawhai options

- Acquisition- of one building on one site to replace existing facilities.
- Acquisition of more than one building on multiple sites to replace existing facilities.

There is medium term need for more suitable offices and library in Mangawhai. In the shorter term this has been catered for with the current leases. These leases only run through until 2024 therefore consideration of alternative solutions is needed in the coming months.

In its report, TPG looked at three options in Mangawhai potentially available and/or suitable for civic buildings. These were presented in the report to Council in May 2019. The three locations were:

- i. Fagan Place, Mangawhai.
- ii. Mangawhai Central
- iii. Mangawhai Park, 191 Molesworth (beside Fire Station)
- iv. As noted in the context section Council has previously approved investigations into the suitability of the site 191 Molesworth for Council Offices and a Library. These investigations are largely complete and have concluded that construction of buildings on the site is feasible, although a recent report from Council's consultants Stantec on the Park's hydrology concluded; - Future proposed works are also likely to further impact on the stormwater management in the park and need to be carefully considered

The recent improvements made to office accommodation at Mangawhai is now expected to address constraints for longer than previously thought. As such Officers now believe that the existing Offices at 1 & 6 Molesworth Drive will remain adequate for Council use through until the end of the current leases in October 2024.

This additional time will allow Council to consider which of the previously identified locations or other sites would most effectively meet Council's long-term needs for the provision of library and Civic services.

Conclusion

The urgency to address council office accommodation has been addressed through the provision of the new NRC building in Dargaville and adoption of flexible working and reconfiguration of the office space in Mangawhai. There is still a need to identify and protect future opportunities in Mangawhai.

There is an urgency to address weather tightness issues in existing properties in Dargaville and confirm the future direction with our Council owned portfolio.

There is a need to address the constraints of our existing libraries so that an even better level of service can be provided.

Officers would like direction from Council on:

- Risks, issues and opportunities to be considered in developing the Property Plan for Dargaville
- Risks, issues and opportunities to be considered in considering potential site(s) in Mangawhai

Next steps/E whaiake nei

- i. Further investigation into the preferred location for an improved Library and Civic Precinct in Dargaville.
- ii. Further investigation of options available in Mangawhai for future provision of Library and Civic services.

Attachments/Ngā tapiritanga

	Title
A	Remediation cost estimates (circulated separately from this agenda)

John Burt, 22 January 2020

Proposed Annual Plan Figures

Meeting: Council Briefing
Date of meeting: 5 February 2020
Reporting officer: Sue Davidson GM Sustainable Growth and Investment

Purpose/Ngā whāinga

The Council requested further background to the proposed annual plan figures, so Council can give guidance on the preparation of the Annual Plan 2020/21

Executive summary/Whakarāpopototanga

The development of the proposed Annual Plan 2020/21 is the third and final Annual Plan before the preparation of the LTP 2021/2031. Council agreed at the December Council meeting that there would not be any material changes from the information provided in the last LTP and that there was no need to consult. Any changes to that originally planned in the LTP for 2020/21 will be highlighted in the Annual Plan documentation, and do not trigger the Councils Significance and Engagement Policy.

At this stage the plan proposes a rate rise of 5.49% (after factoring in growth of 1%) and contains a number of operational costs that have increased and can't be absorbed. Councillors will recall that last year nearly \$1m in costs were deferred by staff however the on flow has occurred to this year as was advised. The increase projected in the LTP 2018/28 for this year is 4.83 % (after factoring in growth of .5%).

Kaipara is a high growth council and has recently come out of a period of austerity while the Commissioners were concentrating on repaying debt. The community now want new amenities and their assets to be renewed at the appropriate time. Council sets the rates to charge the ratepayers what is needed each year.

The figures reflect a desire of the new Council to improve asset management and provide new amenities in areas of growth and renewal of other assets. Provision has also been made for a capital expenditure programme of \$28m this includes some of the Kaipara Kickstart programme that won't be completed by June 2020.

Discussion/Ngā kōrerorero

The resolution passed at 11 December 2019 meeting was

“That Kaipara District Council:

- a) Requests the Chief Executive provide further information on prospective financial statements, specifically subsidies and grants, employee benefits, trade and other receivables, public debt at the February Council briefing and meeting, to determine the financials for the proposed Annual Plan 2020/21.
- b) Notes that the range presented for the total rates increase is from 4.83% (as approved in the 2018/28 Long Term Plan) to 5.49% (Option 1 recommended by staff) presented in this report.
- c) Agrees that if the financials presented to the February Council briefing and meeting demonstrate that the total rates increase is within the range 4.83% to 5.49%, consultation on the proposed Annual Plan 2020/21 is not required as there are no significant or material differences from the 2018/28 Long Term Plan. “

The Annual Plan 2020/21 is the third year of the LTP 2018-2028 and provides the community with updated information on levels of service, performance measures and sources of funds.

This report provides initial comments on proposed financial management of Council funds.

Capital Expenditure

Increased capital works will be completed in the 20/21 year. The LTP originally providing for \$19,999,009 but is now increased to \$28,302,491. This is primarily because Kaipara Kickstart projects were originally provided for in 2019/20 but it was quickly realised insufficient planning and design time had been allowed. Council needs to ensure these projects are successful.

Changes to the timing of a number of projects have been made to defer till 20/21.

Projects in 2020/21 years programme are detailed in Attachment A.

Operating Revenue and Expenditure

It was highlighted to Council during the development of the Annual Plan 2019/20 that in order to keep the rates rises to that planned in the LTP, reductions were made to costs that would not be sustainable nor repeatable in 2020/21.

The following costs (\$000) highlight changes that are beyond the control of Council.

• Rise of Insurance costs	60
• Elected Members remuneration increases set by the Remuneration Authority	140
• Increase in Resource/Building Consents costs net of fees, including rent	343
• Compliance with new food regulations	80
• Compliance with Health and safety legislation-recruitment, operations and training	35
• Total increase in costs out of Councils control	658

Other increases that have occurred over the last two years (000s):

• Building partnerships with iwi (staff and Te Roroa grant)	120
• Increases in software licences	200
• Improving services by bringing Animal Control/Noise/Parking in house	60
• Other costs of recruiting staff and additional training	25
• Other staff to better service the ratepayers: (governance, rates collection, business excellence, IT, quality and communications)	640
• Contribution to Northland Inc for economic development	25
• Contribution to NRC joint water storage project	100
• Total increase in costs	1170

These costs have been mitigated by the following:

• Additional Income Kai iwi lakes	50
• Reduced funding of depreciation (from 100% to 90%) - one off	150
• Mowing of Berms removed – minor decrease in level of service	50
• Harvesting of Forestry - one off	200

• Reduced toilet cleaning costs	50
• Reduction in emergency works	100
• Reduction in vacant staff positions	194
• Reduction in District plan-one off	250
• Total offset/mitigation of costs	1044

The above costs and savings have been included in the forecast rates rise and staff consider further cuts will impact on services.

Council should note that the reductions or mitigations detailed above which are one off will be incremental in accounting for rates increases at the next annual plan. These total \$600,000 and will be an additional burden on the rates increase in 2021/22.

Improvements since the last term of elected members has been as follows:

- Improved response to customer calls
- Improved relationships with iwi
- Improved connection and collaboration with the community
- Improved collection of outstanding debts
- Additional planning for the future – looking at community aspirations. In the past responses have been reactive
- Improved animal control

Subsidies and Grants

There are 3 key areas of funding

- NZTA funds annual operating and maintenance costs of roads as well as a 3 yearly agreed programme of works. Most roading projects will benefit from 61% subsidy with the Council funding 39% share.
- The Tourism Infrastructure Fund (TIF) provides up to \$25 million in grants annually to develop tourism-related infrastructure that supports regions facing pressure from tourism growth. Council has utilised this to apply for toilet infrastructure in the past.
- Council applies where it can for other government funding the most recent was for toilets and boardwalk at Matakohē, Maungaturoto, and Baylys Beach. Funding is shared by Council.
- The New Zealand Government has allocated three billion dollars over a three-year term to invest in regional economic development through the Provincial Growth Fund (PGF). The purpose of the PGF is to accelerate regional development, increase regional productivity, and contribute to more, better-paying jobs.
- The PGF has three investment tiers:
 - Regional Support of economic development projects, feasibility studies and capability building identified within regions.
 - Sectors Initiatives targeted at priority and/or high value sector opportunities. This includes the One Billion Trees Programme.
 - Infrastructure Regional Infrastructure projects that enable regions to be well connected from an economic and social perspective, including rail, road and

- Council has been fortunate in 3 of its applications relating to Kai, Roding, and Wharves. An analysis of the subsidy calculated to be received in 2020/21 is provided with the financial statements in Attachment B.

Employee Benefits

The cost has increased over the last 3 years as the need for service to improve has occurred, and to do the job that local government is required to do. There have also been replacement of contractors with employees. The cost covers salaries, superannuation, training and recruitment.

	Annual Report 2017	Annual Report 2018	Annual Report 2019	Annual Plan 19/20	Proposed Annual Plan 20/21
Costs (000's)	8,833	9,890	11,250	12,692	13,631
Headcount	115	121	140	153	167
Additions to staff		Building consent team increase in business	Community services staff to look at community aspirations /collaboration	Capital projects staff projects /renewals increasing	Animal control staff brought in house to give better service
		Resource consent team increase in business	Resource consent team increase in business	Business excellence as result of increase in number of projects	Health and Safety contracts, increase in obligations
		IT to replace contractor	IT projects team to improve IT systems	Governance staff –more requirements	IT increase in staff needing servicing
		Customer service to reduce customer waiting time	Iwi officer, to improve relationships	Additional NTA staff	Environmental Health, business growing and audit recommendation
		Policy Manager to lead district plan	Rates officer to collect debt/more funding issues	People and capability in dealing with increased staff numbers	Accountant to replace consultants
		Facilities and contracts officer	Management of PGF projects	Management of PGF projects	Rates officer to collect debt
			District plan as opposed to consultant	District plan as opposed to consultant	
			Graphic design officer	Executive assistant as	

				result of increased staff	
			Parks Officer	Communications staff	
			Monitoring Officer	Wastewater bylaw officer	

Some of these employee costs are offset by:

- Reduction in consultant's costs,
- Income from the PGF
- Income through increased business.

In the past decisions and planning has been reactive rather than being more proactive which is where staff will work efficiently for their communities.

Trade and Other Receivables

This balance sheet item tends to fluctuate depending on when payments are received for the quarterly rates and also if we have received payment from NZTA for their subsidy for the month. Once Council starts the construction of some of the PGF projects this balance may vary depending on receipt of funds from central government PGF projects

Public Debt

Council's debt is made up of both long and short-term debt, and monies taken for cash flow purposes short term. It is being reduced at the moment by monies received for financial contributions. These will soon be used for walking and cycling tracks as per the Mangawhai Community Plan and the balance of unspent targeted rate reserves/projects could also be utilised.

Debt was at its highest in 2011 at approximately \$82m. It is now approximately \$46m.

The \$46m is the net balance of reserves and is being reduced by

MELA reserve monies	5m
Depreciation reserves	1.7m
Financial Contributions	7.5m
Total being offset	\$14.2m

Council debt does reduce by annual repayments but also increases by some capital expenditure projects and Council debt will increase as it utilises the reserve funds. At the end of 2021 staff have calculated debt (short and long term) would be around \$51m. In the last 2 years, Quail Way stormwater has been brought forward from 21/22, which has increased debt.

Depreciation Reserves

Depreciation needs to be funded to pay for capital renewals when these are needed. Depreciation is fully funded for all asset categories with the exception of:

- Transportation - as funded partially by subsidy & rate
- Stormwater, waste water & water supply to 90% (LTP stated 100%) by the end of 2021
- Mangawhai wastewater – funded to 56% by the end of 2021 & fully funded by 24/25

Depreciation reserves total \$1.7million, however there are large debts in the Ruawai water and Dargaville wastewater reserves, which means loans will need to be taken out for these communities. Operational costs are equalised for stormwater and wastewater so cross subsidation occurs

Council needs to give some guidance to staff so they can finalise the documents for the Annual Plan 2020/21.

If Council wishes to set a lower rate than the 5.49% then the following reductions can be considered.

Item	\$000s	Impact
Northland Inc	25	This is a new contribution to have some control and contribution to the Regional plan. This is a new grant
NRC Water storage	100	NRC would contribute to work with Far North District Council and central government. This may impact on KDCs involvement in the project going forward
Reduce staff resource (3)	180	This will impact on service
Reduce roading operations budget(road metalling)	82	39% of \$210,000 is \$82,000. This will reduce the level of service but not substantially as the total operations metalling budget is \$2.1m
Total reduction to 4.83%	\$387	

Additional Rates

There are 2 additional rates that may be included in this plan over and above the proposed percentage.

- A proposed targeted rate for Raymond Bull Road sealing that will be paid by the ratepayers that benefit. Initial consultation has occurred.
- A targeted rate for those residents in Dargaville in Springs Road to connect to the Council sewer scheme to pay for the extension of wastewater reticulation.

Attachments/Ngā tapiritanga

	Title
A	Capital Works Programme 2020/21
B	Financial Statements

Sue Davidson GM Sustainable Growth and Investment February 2020

Kaipara District Council

Prospective financial statements

For the year ended:	Annual Plan	LTP	Annual Plan	PGF	Annual Plan - net
30 June	2019-2020 \$'000	2020-2021 \$'000	2020-2021 \$'000	2020-2021 \$'000	2020-2021 \$'000

Prospective Statement of Comprehensive Revenue and Expense

Revenue					
Rates	36,884	39,022	39,469		39,469
Subsidies and grants	32,005	12,865	20,093	8,201	11,892
Activity income	6,499	5,436	6,244		6,244
Contributions	3,019	3,071	3,046		3,046
Investments and other income	340	353	339		339
Total revenue	78,746	60,748	69,191	8,201	60,990
Expenses					
Activity costs	28,663	24,699	25,010	80	24,930
Employee benefits	12,692	11,210	13,631	121	13,510
Finance costs	2,780	2,700	2,700		2,700
Depreciation	11,010	10,997	10,856		10,856
Total expenses	55,145	49,606	52,196	201	51,995
Surplus/(deficit) for the period	23,601	11,142	16,995	8,000	8,995
Other comprehensive revenue and expense (Items that will not be reclassified subsequently to surplus or deficit)					
Gain/(loss) on revaluation	13,311	13,268	13,268		13,268
Total comprehensive revenue and expense for the period	36,912	24,409	30,263	8,000	22,263

Kaipara District Council

Prospective financial statements

As at	Annual Plan	LTP	Annual Plan
30 June	2019-2020	2020-2021	2020-2021
	\$'000	\$'000	\$'000

Prospective Statement of Financial Position

Net assets/equity

Accumulated comprehensive revenue and expense	425,697	433,861	479,478
Asset revaluation reserves	245,084	264,809	241,988
Restricted reserves	5,389	5,624	5,772
Council created reserves	-14,550	-18,332	-17,531

Total net assets/equity	661,620	685,961	709,707
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represented by

Current assets

Cash and cash equivalents	563	629	1,926
Trade and other receivables	6,548	7,263	8,317
Accrued revenue	3,438	2,875	1,641
Other financial assets	115	115	115
Non current assets held for sale	186	186	186
Total current assets	10,849	11,068	12,185

less

Current liabilities

Trade and other payables	13,329	10,630	11,219
Provisions	148	145	135
Employee entitlements	1,111	476	905
Public debt	600	332	3,031
Total current liabilities	15,188	11,583	15,289

Working capital/(deficit)	-4,340	-515	-3,105
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plus

Non current assets

Property, plant, equipment	720,724	739,686	770,370
LGFA Borrower notes	704	643	704
Biological assets	1,017	500	1,045
Other financial assets	278	276	279
Total non current assets	722,723	741,104	772,398

less

Non current liabilities

Public debt	47,657	45,665	48,732
Provisions	4,679	4,767	4,859
Derivative financial liabilities	4,427	4,196	5,995
Total non current liabilities	56,763	54,628	59,586

Net assets	661,620	685,961	709,707
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Kaipara District Council Capital works programme 2020-2021	PROJECT COST	Funding					
		DEVELOPMENT CONTRIBUTIONS	DEPRECIATION RESERVES	FINANCIAL CONTRIBUTIONS	LOAN	RATES	SUBSIDY
Work in Progress	28,302,491	-2,227,357	-2,812,336	-1,575,830	-2,741,641	-3,864,225	-15,081,102
Community Activities	1,971,830	0	-270,000	-1,535,830	-136,000	-30,000	0
100 Kai Iwi Lakes - Camp Ground							
11055 Kai Iwi Camp Ground Facilities	350,000			-350,000			
114 Development Programme							
12000 Wood Street - Mainstreet redevelopment	400,000		-132,000	-132,000	-136,000		
166 District Parks & Reserves							
10179 Playgrounds New	25,000			-25,000			
10180 Playgrounds renewals	21,000		-21,000				
11004 Parks and Reserves - hard surface renewal programme	50,000			-50,000			
11035 Playgrounds renewals	25,000			-25,000			
11053 Park Improvements (furniture/bollards/lighting/paths)	50,000			-50,000			
12004 Community Infrastructure - District	30,000			-30,000			
172 District Public Toilet Amenities							
11017 Public Toilets - Renewal	49,000		-49,000				
183 Libraries							
11069 Library book replacement	66,000		-66,000				
186 Pensioner Housing - Mangawhai							
11005 Elderly housing - Mangawhai	2,000		-2,000				
194 Mangawhai Parks & Reserves							
10704 Mangawhai Heads to Alamar Cres Walkway	23,830			-23,830			
11006 Stage 1 Walkway Sellars reserve to Wintle Street (Pearl St)	280,000			-280,000			
11065 Mangawhai Community Park - implement Master Plan	100,000			-100,000			
11085 Mangawhai Coastal Tracks - links to existing network	125,000			-125,000			
11095 Community Infrastructure - Mangawhai - esplanade development	60,000			-60,000			
11105 Playground - new	25,000			-25,000			
209 Taharoa Domain							
11019 Implement Reserve Management Plan	100,000			-100,000			
240 Harding Park							
11023 Pou Tu Te Rangi Harding Park	100,000			-100,000			
249 Dargaville Parks & Reserves							
11003 Cycleway/walkway - implement strategy	60,000			-60,000			
9999 249 Community Infrastructure - Dargaville	30,000					-30,000	
District Leadership, Finance and Internal Services	4,420,000	0	-320,000	0	-1,100,000	0	-3,000,000
105 Economic Development							
PGF107 Kaipara Moana Physical works	3,000,000						-3,000,000
119 Council Property - Other							
11032 Renew/Rectific/Seismic wrk Town Hall; Municipal Office Darg	150,000		-150,000				
157 Information Services							
11013 IAAS and SAAS	30,000				-30,000		
11014 New equipment	30,000				-30,000		
11015 Replaced equipment	50,000		-50,000				

11031 Digital transformation	865,000				-865,000		
11096 Digital Workplace	25,000				-25,000		
244 Council Offices - Dargaville							
9999 244 Leashold improvements - NRC building	150,000				-150,000		
262 Chief Executive							
11061 Replacement vehicles	120,000		-120,000				
Flood Protection and Control Works	155,000	0	0	0	-16,250	-138,750	0
109 Land Drainage - District Wide							
9999 109 Land Drainage Improvements	30,000					-30,000	
179 Raupo Land Drainage Scheme							
9999 179 Bellamy F/G 48	65,000				-16,250	-48,750	
9999 179 Double Gate F/G 44	35,000					-35,000	
9999 179 Whitcombe Road F/G 13	25,000					-25,000	
Sewerage and the Treatment and Disposal of Sewage	3,095,500	-1,915,000	-723,000	0	-457,500	0	0
165 Te Kopuru Wastewater Scheme							
11090 Environmental Compliance	2,500				-2,500		
12019 Treatment Plant Modifications	10,000				-10,000		
9999 165 Reticulation	20,000		-20,000				
202 Dargaville Wastewater Scheme							
11020 Pipe Renewal from Condition assessment	250,000		-250,000				
11027 Pump Stations and rising mains	20,000		-20,000				
11059 Pump Station 1 & 2 upgrade	208,000		-208,000				
11080 Environmental Compliance	5,000				-5,000		
12025 Treatment	50,000		-50,000				
207 Mangawhai Wastewater Scheme							
11010 Renewals Including Pump Stations	45,000		-45,000				
219 Kaiwaka Wastewater Scheme							
11000 Pipe Renewals from Condition assessment	100,000		-100,000				
11036 Environmental Compliance	2,500				-2,500		
12027 Pump Stations SCADA Upgrade	10,000				-10,000		
232 Maungaturoto Wastewater Scheme							
11062 Environmental Compliance	2,500				-2,500		
9999 232 Pump Stations and Rising Mains	20,000		-20,000				
253 Glinks Gully Wastewater Scheme							
9999 253 Pump stations and rising Mains	10,000		-10,000				
280 Mangawhai WW development							
11040 Upgrade WWTP	650,000	-350,000			-300,000		
11041 Upgrade Existing Reticulation	1,000,000	-875,000			-125,000		
9999 280 Extend Reticulation (8years)	650,000	-650,000					
B11034 Additional Capacity for Growth - Council Contribution	40,000	-40,000					
Stormwater Drainage	496,000	-26,760	-96,040	0	-373,200	0	0
101 Dargaville Stormwater Scheme							
11098 Dargaville SW	50,000		-25,000		-25,000		
131 Baylys Stormwater Scheme							

12037 Chases Gorge	150,000	-9,000			-141,000		
246 Mangawhai Stormwater Scheme							
9999 246 Mangawhai SW	296,000	-17,760	-71,040		-207,200		
The Provision of Roads and Footpaths	16,748,365	-285,597	0	-40,000	-646,191	-3,695,475	-12,081,102
106 Bridges and Structures							
120 Road Works - Unsealed							
9999 120 Heavy Metalling 20/21	2,250,000		0			-877,500	-1,372,500
B12036 Heavy Metalling 19/20	60,000					-23,400	-36,600
135 Road Works - Minor Improvements							
11125 Insley/Moir Intersection (Intersection 1)	850,000	-93,600			-175,500	-62,400	-518,500
11146 Moir/Molesworth Intersection (Intersection 2)	850,000	-93,600			-175,500	-62,400	-518,500
12103 High risk curves	340,000					-132,600	-207,400
9999 135 Drainage Improvements - Kaipara Network	30,310					-11,821	-18,489
9999 135 Kaiwaka Mangawhai Rd Slip remediation (RP6909-6929)	182,415					-71,142	-111,273
9999 135 New Footpath 20/21	59,500	-5,801			-17,404		-36,295
9999 135 Paparoa Oakleigh Road RP3500 - Barrier improvement works	170,000					-66,300	-103,700
9999 135 Paths; Walkways and Cycleways 20/21	949,700	-92,596			-277,787		-579,317
9999 135 POUTO RD (RP32410-32700) in association with Rehabilitation.	30,000					-11,700	-18,300
9999 135 Pouto School	45,000					-17,550	-27,450
9999 135 Resilience on Reseal Sites	150,000					-58,500	-91,500
9999 135 ROBERTSON RD (RP2512-2897) in association with Rehabilitation.	80,000					-31,200	-48,800
9999 135 ROBERTSON RD (RP4638-5620) in association with Rehabilitation	80,000					-31,200	-48,800
9999 135 St Joseph's School	45,000					-17,550	-27,450
9999 135 Tomarata Road (RP0-185) Slip remediation	430,000					-167,700	-262,300
9999 135 WAIHUE RD 269_26007 Bridge Replacement	340,000					-132,600	-207,400
9999 135 WHAKAPIRAU RD (RP6263-6766) in association with Rehabilitatic	100,000					-39,000	-61,000
B12052 FC programme	40,000			-40,000			
164 Emergency Works and Preventative Maintenance							
9999 164 Emergency Works (local share only) 19/20	20,000					-20,000	
9999 164 Emergency Works (local share only) 20/21	80,000					-80,000	
252 Road Works - Drainage							
9999 252 Drainage Renewals 20/21	651,000		0			-253,890	-397,110
272 Road Works - Sealed Resurfacing							
9999 272 Roads to be Determined 20/21	1,800,000		0			-702,000	-1,098,000
275 Road Works - Sealed							
9999 275 Rehabs 20/21	1,940,440		0			-756,772	-1,183,668
278 Roding Infrastructure - New and Improved							
PGF105 Pouto Road Phase 2 (Investigation)	5,000,000						-5,000,000
281 Traffic Services							
9999 281 Traffic Services Renewals 20/21	175,000		0			-68,250	-106,750
Water Supply	1,415,796	0	-1,403,296	0	-12,500	0	0
127 Dargaville Water Supply							
11037 Water Take Consent Compliance	2,500				-2,500		
11101 Compliance with Drinking Water Standards	2,500				-2,500		
12003 WTP	241,460		-241,460				

9999 127 Dargaville raw watermain river crossings Stage 2	760,000		-760,000				
9999 127 Lorne St: Replace 335m of 100mm ID water main; 215m of 50mm	110,000		-110,000				
9999 127 Pirika St: Replace 515m of 100mm ID water main; 300m of 50mm	163,000		-163,000				
154 Maungatoroto Water Supply							
11038 NZDWS Compliance	1,500				-1,500		
11067 Water Take Consent	1,500				-1,500		
158 Mangawhai Water Supply							
11001 Take Consent Compliance	1,500				-1,500		
9999 158 Reticulation	10,000		-10,000				
161 Ruawai Water Supply							
11026 NZDWS Compliance	1,500				-1,500		
12001 WTP and reservoir	118,836		-118,836				
239 Glinsk Gully Water Supply							
11039 Water Take consent compliance	1,500				-1,500		

Revenue and Financing Policy – Part 1

Meeting: Kaipara District Council Briefing
Date of meeting: 5 February 2020
Reporting officer: Sue Davidson, GM Sustainable Development & Investment

Purpose/Ngā whāinga

To discuss and review the content of a Revenue and Financing Policy which is required to be part of the Long Term Plan for 2021/31.

Context/Horopaki

Section 102(2) states that each local authority must adopt a number of funding policies, one of which is the Revenue and Financing Policy. Once adopted as a draft this policy will be formally consulted on as part of the Long Term Plan. This policy being developed will provide predictability about sources and levels of funding.

The current policy contained in the LTP Part 2 page 161. The current analysis of each activity is not online and relates back to 2014 when it was approved. (74 page document)

Discussion/Ngā kōrerorero

The starting place is analysing the activities and there are four stages. This involves :

- identifying the activities to be funded
- Determining whether the benefits are public or private for each activity
- Apply discretions around fairness and equity to modify the allocation of costs
- Agree on the best way of funding this to achieve the desired allocation of costs

Key changes proposed from the current policy:

Reduction in paperwork and clarity -90 pages to approximately 13 pages

Categorisation which has previously been very broad

- High 67% to 100%
- Medium 34% to 66%
- Low 0 to 33%

Proposed Change is to detail the targeted figure but realise the actual may be at variance up to 10%

Next steps/E whaiake nei

Information needs to be up to date from asset management plans so that equalisation proposals can be properly considered. Also for your information at the end of June 2020 the Mangawhai General Wastewater loan balance will have reduced to around \$1,500,000.

A further meeting at a later date will discuss issues that have been brought to my attention and may further change the revenue and financing policy. These have been brought to my attention and Councillors may wish to advise me of more

- Issue of water, wastewater, and stormwater equalisation
- Future funding of parks – MCP, Harding and Taharoa park

- SUIP (Definition only for wastewater)

Attachments/Ngā tapiritanga

A	Revenue and Financing Analysis of Activities
B	Current Analysis of Activities from LTP

Sue Davidson, 13 January 2020

Activity	Funding of Operating Expenditure				Funding of Capital Expenditure	Catchment(s)**
	General Rates	Targeted Rates	Fees and Charges	Grants Subsidies and other Funding Sources		
Community Assistance	High			Low	Not applicable	District
Reserves and Open Spaces	High	Low	Low		Financial Contributions, Borrowing, Asset Sales, General Rate	District
Halls and Pensioner Housing	Medium	Low	Med		Financial Contributions, Borrowing, Asset Sales, General Rate, Targeted Rates	District
Libraries	High		Low		Financial Contributions, Borrowing, Asset Sales, General Rate, Targeted Rates, Fees and Charges	District
Building Control (including Land Information Memorandums (LIMs))	Low		High		Not applicable	User pays, District
Resource Consents	Low		High		Not applicable	User pays, District
Environmental Health	Low		High		Not applicable	User pays, District
Animal Management	Low		High		Borrowing, Asset Sales, General Rate	User pays, District
Civil Defence	High				Borrowing, Asset Sales, General Rate	District
Land Drainage	Low	High	Low		Not applicable	Area of Service (Scheme)
Governance	High				Borrowing, Asset Sales, General Rate	District
Community Planning	High				Not applicable	District
Corporate Services	High		Low		Borrowing, Asset Sales, General Rate	District
Solid Waste	High		Low		Financial Contributions, Borrowing, Asset Sales, General Rate, Fees and Charges, Lump Sum Contributions	User pays, District
Roads and Footpaths	Medium	Low		Medium	Development and Financial Contributions, Borrowing, Asset Sales, General Rate, Grants and Subsidies	District

Activity	Funding of Operating Expenditure				Funding of Capital Expenditure	Catchment(s)**
	General Rates	Targeted Rates	Fees and Charges	Grants Subsidies and other Funding Sources		
Wastewater - Other		High			Development and Financial Contributions, Borrowing, Asset Sales, General Rate, Targeted Rates, Lump Sum Contributions, Grants and Subsidies	Area of Service (Scheme)
Wastewater - Mangawhai	Low	High			Development and Financial Contributions, Borrowing, Asset Sales, Targeted Rates, Lump Sum Contributions, General Rate	District Area of Service
Stormwater	Low	High			Development and Financial Contributions, Borrowing, Asset Sales, General Rate, Targeted Rates	District Area of Service (Scheme) NB: Development Contributions are Scheme Area of Service only
Water Supply		High	Low		Development and Financial Contributions, Borrowing, Asset Sales, Targeted Rates, Lump Sum Contributions	Area of Service (Scheme)

* There are a variety of Targeted Rates

** Unless otherwise stated, Development Contribution catchments are the same as the capital expenditure catchments indicated in the table

Revenue & Financing Policy Analysis

Council Service	Community Outcomes	Period of Benefit	Function/Creates need	Exacerbator	Distribution of Benefits	Rationale	Funding split		Funding Sources
							Public	Private	
Reserves and Open Spaces Public open spaces, including streetscapes		Both short-term and long-term benefits	Network of open spaces	None Identified	Expenditure on parks & gardens is available to all and visitors to the district & has public benefits.		100%		Borrowing General rates Financial contributions Reserves
Reserves and Open Spaces Cemeteries		Both short-term and long-term benefits	Network of cemeteries	None Identified	The benefits from expenditure on cemeteries are a combination of public and mainly private benefits. Family members of the deceased benefit from the cemetery and Public health and sanitation is a public benefit.	Costs can't generally be met all from charges & a high proportion is funded from the general rate.	30%	70%	General rates Fees and charge Borrowing
Reserves and Open Spaces Sports parks		Both short-term and long-term benefits	Network of sports parks	None Identified	The benefits from expenditure on sports parks are a combination of public and private. The public derive benefit from having access to sports grounds for recreation other than organised sport. The availability of sports grounds and facilities for use by sporting groups, clubs and associations is a significant private benefit to those groups.	Costs can't generally be all met from charges & a high proportion is funded from the general rate.	95%	5%	Fees & Charges General rates Financial contributions Reserves
Reserves and Open Spaces Campgrounds		Both short-term and long-term benefits	Network of campgrounds	None Identified	Campgrounds provide private benefits for holiday makers who visit the district, or residents who use them for recreation.	Costs recovered through leases where possible. Kai Iwi Lakes income goes to general rate.		100%	General rates and charges Reserves Borrowing Fees
Community Assistance		Both short-term and long-term benefits	Supporting community organisations & volunteers. Consultation & planning re community facilities	None Identified	Benefits groups & individuals participating, eg Dargaville pool, great facilities can benefit all of particular communities & consultation is the first step. Community partnerships support community initiatives that have wide public benefits.	Costs difficult to calculate and collect so generally funded from general rate.	100%		General rates
NOTE: The percentages collected are not exact & may vary by 10%									

Council Service	Community Outcomes	Period of Benefit	Function/Creates need	Exacerbator	Distribution of Benefits	Rationale	Funding Split		Funding Sources
							Public	Private	
Civil Defence		Both short-term and long-term benefits	To enhance the districts's capability to manage & recover from emergencies	None Identified	The benefits are public, attributable to the whole community. In some cases, value added services mean individuals receive private benefit.		100%		General Rates Borrowing Grants & Subsidies
Community Libraries		Both short-term and long-term benefits	4 volunteer libraries in Paparoa, Maungaturoto, Kaiwaka, Mangawhai	None Identified	Libraries provide information and education services that cater for the community at large and build a collection of materials that are a community asset for the future. There are private benefits to individuals who borrow books or materials.	Individuals can't be fully charged for its services as the Council has to provide free membership to the District. Predominantly provided from general rate.	95%	5%	General rates Fees and charges Grants and subsidies Borrowing
Animal Control		Short term benefits	Dog licensing. Impounding facilities for stock & dogs. Responding to complaints. Education.	Owners of wandering, menacing or dangerous animals	The activities of animal control provide mainly private benefits, for which the user pays. There is also a degree of measurable public benefit from animal control services. For keeping dogs & stock under control & designation of walking areas.		50%	50%	Fees and charges General rates Reserves Borrowing
Building Control Building consents		Short term benefits	Building consenting for processing inspecting & certifying building work and building enforcement to ensure compliance with legislation.	None Identified	The benefits from building consents can be directly attributed to the individuals or organisations that apply for the building consent. Full cost recovery is not always possible because some fees are set by law or regulation and a high fee may result in people not obtaining the necessary consent(s). There is also some administration & answering of enquiries. Building enforcements provide public benefits		15%	85%	Fees and charges General rates
District Leadership District Planning/Policy		Long term benefits but incurred over a number of years	Review & consultation to adopt District Plan	None Identified	The benefits are attributable to the whole community and considered a public benefit. The community benefits from policies & bylaws developed.		100%		General rates
NOTE: The percentages collected are not exact & may vary by 10%									

Council Service	Community Outcomes	Period of Benefit	Function/Creates Need	Exacerbator	Distribution of Benefits	Rationale	Funding Split		Funding Sources
							Public	Private	
Resource consents and monitoring		Short term benefits	Processing of land use consents and a monitoring/enforcement function	Those that do not comply with resource consent obligations/district plan	The individual requiring the consent benefits. Parts of the community benefit from protection from the adverse effects that development can create . The whole community benefits from monitoring complaints. Free 15 minutes is given to RC applicants.*		35%	65%	Fees and Charges General rates
Environmental Health		Short term benefits	Controlling food safety, sale of liquor, registering premise where there is restricted use. Responding to complaints Liquor licensing	Those that do not comply with environmental health requirements	The benefits of expenditure on environmental health requirements The benefits of expenditure on environmental health services are a mixture of public and private. Enforcement of bylaws and statutory requirements has public benefits for community health and safety. There is a private benefit for individuals or owners who hold licenses or certifications for activities.		70%	30%	Fees and Charges General rates
Parking		Short term benefits	Parking area as individual benefits	Those that breach parking restrictions	The benefits are private, attributable to individuals			100%	Fees and Charges
Governance		Short term benefits	To ensure Council makes informed decisions, meetings following correct process	None Identified	The benefits of expenditure on governance services are public. This service allows the public an opportunity to be part of the democratic process and to be represented	The Council's role is provide leadership & make decisions on behalf of all residents or ratepayers & this is appropriate to be general rate funded.	100%		General Rates
Corporate Services		Both short term and long term benefits	Long term plans Annual plans Annual reports Internal Services Forestry Holdings Software Implementation	None Identified	All the district benefits from these activities. Target rate activities (Private funding) contribute to these costs by way of corporate allocation.		100%		Fees & Charges General rates Borrowing
Roading		Both short-term and long-term benefits		None identified	The benefits from expenditure on roads are a combination of private and public. The public derive benefit from having access to the roading network. Individual properties gain varying benefits attributed to roading.		95%	5%	General rates Targeted rates Fees and charges Reserves Grants and subsidies Borrowing Development and financial contributions
NOTE: The percentages collected are not exact & may vary by 10%									

Council Service	Community Outcomes	Period of Benefit	Function/Creates need	Exacerbator	Distribution of Benefits	Rationale	Funding split		Funding Sources
							Public	Private	
Waste Management and Minimisation Disposal & Collection		Both short-term and long-term benefits	Transfer stations at Dargaville & Hakaru Rubbish collection service. Waste minimalisation education	Illegal dumpers/fly tippers. Those who abuse the kerbside collection service.	Public benefit arises from transfer station and public litter bins, as these activities promote public health and sanitation, and control pollution. Every household within collection areas benefits from expenditure on solid waste management. Landfill rehabilitation will continue for a minimum of 15 years and is a public benefit.		95%	5%	Fees and charges Targeted rates Reserves General rates Borrowing
Stormwater Management Land Drainage		Both short-term and long-term benefits	Dargaville reticulated stormwater. Mangawhai open drains stormwater reticulation & open drains. Baylys, Te Kopuru. Kaiwaka, Pahi, Whakapirau, Tinopai, Paparoa, Maungaturoto (near road networks) road calverts	None identified	Stormwater management has public benefits. Stormwater is managed on a catchment basis. Private properties primarily benefit from this.	Operations cost is equalised as supporting communities.	10%	90%	Reserves General rates Borrowing Development contributions
Water Supply		Both short-term and long-term benefits	Maungaturoto, Ruawai, Dargaville, Baylys, Glinks Gully, small scheme at Wood St Mangawhai , Fonterra receives untreated water from the Maungaturoto supply	High water users	The benefits from expenditure on water supply services are mainly private. However, the public benefits from access to a continuous supply of safe drinking water and an assured supply of water for firefighting. Those within urban areas but not connected receive benefit.	Operations cost is equalised as supporting communities.	15%	85%	Fees and charges Targeted rates Reserves Borrowing
Wastewater Treatment		Both short-term and long-term benefits	Every connected household & commercial premises trade waste users.	High users, including trade waste	Every household within sewage disposal areas receives uniform and direct benefits from wastewater treatment. Other commercial and industrial users receive benefits based on their activity levels. Those within urban areas but not connected receive benefit. Public benefit, harbours are kept clean.	Operations cost is equalised as supporting communities. Mangawhai wastewater minimal general rate loan. Te Kapuru stand alone costs.	10%	90%	Fees and charges Targeted rates Reserves Borrowing Development contributions
NOTE: The percentages collected are not exact & may vary by 10%									

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