Kaipara te Oranganui

KAIPARA DISTRICT

Two Oceans Two Harbours

Kaipara District Council Agenda

Date:	Wednesday 26 February 2020
Time:	9.30am
Location:	Mangawhai Club 219 Molesworth Drive Mangawhai
Elected Members:	His Worship the Mayor Dr Jason Smith Deputy Mayor Anna Curnow Cr Victoria del la Varis-Woodcock Cr Jonathan Larsen Cr Karen Joyce-Paki 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

KAIPARA DISTRICT

Kaipara te Oranganui • Two Oceans Two Harbours

Wednesday, 26 February, 2020
9:30 am
Mangawhai Club
219 Molesworth Drive
Mangawhai Heads

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6.1 Karakia

Petition from Mangawhai Activity Zone Trust (MAZ)

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Lisa Hong, Governance Advisor**

Purpose/Ngā whāinga

To formally receive the 'Petition from Mangawhai Activity Zone Charitable Trust (MAZ)'.

Executive summary/Whakarāpopototanga

The MAZ petition was delivered to Council offices on 13 February 2020. In accordance with Council policy, the petition is brought to Council for information and will be responded with a staff report at a later meeting.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Receives the 'Petition from Mangawhai Activity Zone Charitable Trust (MAZ)' delivered to Council offices on 13 February 2020.

b) Requests the Chief Executive investigate the issues raised in the petition and report back to Council.

Context/Horopaki

The principal petitioner Colin Gallagher delivered the petition (**Attachment A**) and an information sheet (**Attachment B**) to Council. The petition consists of 48 words and 40 signatures.

Discussion/Ngā kōrerorero

Council's Standing Orders and Petitions Policy allows for constituents to directly appeal to Council by presenting a petition. The policy outlines the format of the petition and how Council must respond.

In accordance with the policy:

- The petition complies with the Petitions Policy.
- The principal petitioner has been invited to speak at the Council meeting.
- Staff will review the issues raised in the petition that relate to areas which Council has jurisdiction over and will present a responding report to a future Council meeting.
- Once the response report is received by Council, staff will respond to the petitioners with the outcome and carry out any follow-up actions.

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 agenda on the website.

Next steps/E whaiake nei

Staff will report back to Council and update the principle petitioner.

Attachments/Ngā tapiritanga

	Title
A	Petition from Mangawhai Activity Zone Charitable Trust (MAZ) delivered to Council offices on 13 February 202
B	Information sheet on the petition from the MAZ Charitable Trust

191 Molesworth Drive, Mangawhai Heads, 0505

PETITION FROM MANGAWHAI ACTIVITY ZONE CHARITABLE TRUST (MAZ)

TO: Kaipara District Council - Chief Executive Officer Louise Miller
From: MAZ Chairman Colin Gallagher, 021 955 850

The undersigned request:

- **$800,000 be immediately available to MAZ from the KDC Reserve Contribution Fund (RCF),**
- **To complete construction of the skate park per RCF criteria.**
- **RCF, generated by developers mainly from the Mangawhai area, has $6.738 million as of 30 September 2019, yet KDC allocates NO FUNDING to MAZ.**

On behalf of the MAZ Trustees, the MAZ Committee and the Community, ALL VOLUNTEERS with NO COST to ratepayers.

Simon Bennett TRUSTEE	Colin Gallagher TRUSTEE	John Phillis TRUSTEE	David Smith TRUSTEE	Warren Stott TRUSTEE	Alex Tidyman TRUSTEE

Name	Address	Phone	Signature
Kate Offermans	50 Cross Road	021-2312551	
Sandra Masters	Auckland	0274062802	
Glen Wintle	Mangawhai	438-1107	
Reece Bell	matakana.	021918875	
K Simpersingh	Auckland	021106330	
Hayley Hodgetts	Tomarata.	021134561	
Ben Hanley	Mangawhai	0212518780	
Miles Hanley	Mangawhai	0242635	Miles Hanley
Misty Sansom	Mangawhai	0212328194	
Jimmie Bode	Mangawhai	021147223	
[illegible]	15 [illegible] St	0274444200	
Stephen Strong	Mangawhai	0276629128	
Adam Williams	Mangawhai	021780101	
Kate Cullen	Mangawhai	0210267449	
Justin O'Connor	Auckland	0272898641	

191 Molesworth Drive, Mangawhai Heads, 0505

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Simon Bennett TRUSTEE	Colin Gallagher TRUSTEE	John Phillis TRUSTEE	David Smith TRUSTEE	Warren Stott TRUSTEE	Alex Tidyman TRUSTEE

Name	Address	Phone	Signature
Lance Hodges	55 Pigeon Bay Lane, Mangawhai	021 431 121	
Kirsti Grant	11	021 835566	
Aaron Dwyer	39 Evelin St Mangawhai	021 054972	
DAVE GRADDO	53 Mahurepua Rd KAEO	021804889	
Corey Finlay	56 Seaview Rd Mangawhai	021887889	
ANDREW MORRISON	21 ENTERPRISE ST BIRKENHEAD	021722859	
Jack Taylor	33 Wallace Road	0226199557	
Kalani	11/22a Church Street	0272600306	
Ross Milne	364 Oneriri Road Kaiwaka	0402749749	
Jacob Milne	424 Lake Road	0204132398	
[illegible]	1708 State Hwy 1. Kaiwaka	0274223335	
Sam Tracy	8 Mulbury Way Queenstown	021257688	
Mark Anderson	8 Mulbury Way Queenstown	021522905	
Aaron Parke	4 SEABREEZE RD	0210331999	
[illegible]	10 HELMA RD. 5TH	4314646	

191 Molesworth Drive, Mangawhai Heads, 0505

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On behalf of the MAZ Trustees, the MAZ Committee and the Community, ALL VOLUNTEERS with NO COST to ratepayers.

Simon Bennett TRUSTEE | Colin Gallagher TRUSTEE | John Phillis TRUSTEE | David Smith TRUSTEE | Warren Stott TRUSTEE | Alex Tidyman TRUSTEE

Name	Address	Phone	Signature
OLIVER SANKA	31 FITZWILLIAM DR, TOZBY	09 889 2479	
EMA BERRY	Central Auckland	021 500-370	emaberry@gmail.com
Sonja Pedersen	Moir Pt Rd Mangawhai	021651923	Sonja@holtspring.co.nz
Glenn Kohloe	Devon st Mangawhai	0274592989	
Keann Holden	[redacted] moir Point Rd Mangas	0212021861	
Tom Flynn-Plummer	7 Kelly st. Baylys Beach	0278768933	
Fern Christy	27 norwood Rd.	021165 8859	
S. Fraser	46 Karoro Rd, OTP	021803154	
Brodi	46 Karoro Rd. OTP	021803154	Brodi
S. Hobson	69 Pebble beach. Wha	021057 1957	

So, what is the KDC Reserve Contribution Fund, and why does the MAZ Skate Park deserve any of it?

Great questions! Let's take a look.

What is the Reserve Contribution Fund?

- The Resource Management Act (RMA) says to get Resource Consents, property developers must contribute money or land to Kaipara District Council's Reserve Contribution Fund (RCF) to compensate for "the adverse effects of growth and residential development."
- Section 108(10)(a) of the RMA 1991 says the RCF fund must be spent on:
    - "Creating open spaces including recreational areas, visual buffers and amenity areas,
    - "Adding capacity to or otherwise enhancing existing open spaces,
    - "Giving public access to coastal areas, reserves, and bush areas of special character."

MAZ qualifies for these requirements, but gets no RCF or Long Term Plan funding.

How does the maths work?

- According to the actual KDC figures for 2018-2019 on the back of this sheet, RCF collections for Mangawhai and Surrounds were $1,759,000 -- 86.16% of the KDC total.
- Yet KDC only spent $470,000 of that here, leaving $1,289,000 on balance. Subtracting 20% for other District Wide spending, as per current policy, that leaves $1,031,200.
- That's just **one year** of RCF income. MAZ, in its 12th year and still run 100% by volunteers, is asking **only** for a **one-time grant** of $800,000.

KDC doesn't give MAZ anything from the RCF?

- Nothing. MAZ is building the **only** International Standard skateboarding facility in New Zealand. When it's complete our Kiwi Olympians can train here instead of having to go to Australia or the U.S. That deserves funding -- **funding MAZ already qualifies for**.
    - MAZ attracts thousands of visitors and dollars to Kaipara every year, and is open to all, locals and visitors, free of charge. **It's time KDC accepted their responsibility.**
    - The back of this sheet shows how much the Reserve Contribution Fund rakes in yearly -- especially from Mangawhai. RCF has the money available for MAZ.
    - **Thank you for your support! All we want is fair treatment from Council.**

Authorised by MAZ Trustees and Committee. Petition organiser Colin Gallagher 021 955850.

Kaipara District Council Reserve Contribution Income & Expenditure
For Year Ending 30 June 2019

KDC District	Total Collected from District	% of KDC Total	Total Spent in District	Difference between Collected/Spent	Ask
Dargaville and Surrounds	$53,000	2.6%	$299,000	+$246,000	
Maungaturoto and Surrounds	$38,000	1.8%	District wide?	District wide?	
Kaiwaka and Surrounds	$187,000	9.16%	$46,000	-$141,000	
Mangawhai and Surrounds	$1.76 million	86.16%	$470,000	-$1.29 million	MAZ is asking for only $800,000. The funds are there!
Total Collected	$2.12 million	100%			
District Wide Expenditures			$142,000		

Total Kaipara District Council spend: $957,000

Remember, this is just for one year. The Reserve Contribution Fund has been collecting money for many years.

Logan Street, Dargaville, speed restrictions petition

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Lisa Hong, Governance Advisor**

Purpose/Ngā whāinga

To formally receive the 'Logan Street, Dargaville, speed restrictions' petition.

Executive summary/Whakarāpopototanga

The Logan Street petition was emailed to Council on 18 October 2019. In accordance with Council policy, the petition is brought to Council for information and will be responded with a staff report (item 4.1 of this agenda).

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Receives the 'Logan Street, Dargaville, speed restrictions' petition dated 18 October 2019.

Context/Horopaki

The principal petitioner's lawyer emailed the petition to Council (Attachment A). The petition consists of 40 words and 45 signatures.

Discussion/Ngā kōrerorero

Council's Standing Orders and Petitions Policy allows for constituents to directly appeal to Council by presenting a petition. The policy outlines the format of the petition and how Council must respond.

In accordance with the policy:

- The petition complies with the Petitions Policy.
- The principal petitioner has been invited to speak at the Council meeting.
- Staff have reviewed the issues raised in the petition and prepared a report in response.
- Once the response report is received by Council, staff will respond to the petitioners with the outcome and carry out any follow-up actions.

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 agenda on the website.

Next steps/E whaiake nei

Staff will report back to Council and update the principle petitioner.

Attachments/Ngā tapiritanga

	Title
A	Petition from Mangawhai Activity Zone Charitable Trust (MAZ) delivered to Council offices on 13 February 202

LOVEGROVES

Lawyers

18 October 2019

Kaipara District Council

By Email: council@kaipara.govt.nz
Cc: universalkitchens.nz@gmail.com

LOGAN STREET, DARGAVILLE, SPEED RESTRICTIONS

We act for the Riverdale Retirement Village at 140 Logan Street, Dargaville. The property is situated in the 50kph zone on Logan Street.

The concern is in respect of the speed limit on Logan Street. Many of the residents of the Village and neighbours in the area are concerned at the disturbance they incur from heavy traffic (in particular) using Logan Street. Our instructions are that the current speed limit means that many hundreds of heavy trucks and trailers use Logan Street at all times of the day. At night those vehicles keep residents awake even to the extent of feeling movement in their homes when heavy vehicles go by.

A number of the residents and neighbours have signed a petition they drew up themselves to express their concern and a copy of that petition is **annexed**.

The solution may be to:

- Reduce the speed limit to say 30kph for a stretch of the affected road including the roadway past the Retirement Village – as is commonly done around schools.
- To re-route heavy traffic in some form of by-pass – I am not sure whether that is practicable or not.

Could you please acknowledge receipt of this letter? We would like it drawn to the attention of the appropriate Council Department and to establish a dialogue over a solution to this particular problem.

There are other facilities in the area which would warrant consideration of a reduced speed. Happy Steps Early Learning Centre is at 90 Logan Street – with the associated concern about young children and traffic generated from parents dropping off.

Yours faithfully

KEVIN HARBORNE
Email: kevin.harborne@lovegroves.co.nz

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PETITION to Kaipara District Council to have the inconveniences and damaging effects remedied, caused by many hundreds of heavy traffic trucks and trailers thundering on a daily basis past Logan Street between the Colville/Logan Sts roundabout and Murdoch Street, Dargaville.

NAME	Nr.	Address	Signature
Maha Al-Ameed	140	Logan st	Maha Ameed
Abdullah AL-Abayechi	140	Logan st	[illegible]
GAVIN Melville	104	LOGAN ST	[illegible]
Mara Melville	107	Logan Street	[illegible]
Bev Rees.	420	Heads rd. Nangaki	[illegible]
Samantha Yeadsley	14	bassett street	[illegible]
roy rusbridge	14	bassett street	[illegible]
Fran McKee	94	Logan Street	[illegible]
andrew Hill	96	logan st	[illegible]
Kura Neha	11	Bassett St	[illegible]
Manuel Raukete	✓	✓	[illegible]
Lesley Paniora.	10	Liverpool Str	L Paniora

PETITION to Kaipara District Council to have the inconveniences and damaging effects remedied, caused by many hundreds of heavy traffic trucks and trailers thundering on a daily basis past Logan Street between the Colville/Logan Sts roundabout and Murdoch Street, Dargaville.

NAME	Nr.	Address	Signature
SHARON WATERMAN	9/140	LOGAN ST. DARGAVILLE	[illegible]
IAN STRANG	10/140	LOGAN ST. DARGAVILLE	[illegible]
GEAN STRANG.	10/140	LOGAN ST. DARGAVILLE	[illegible]
Rae Constable	11/140	Logan St Dargaville	A.D. Constable
Michelle Newman	4/140	Logan st Dargaville	M. Newman
Dawn Noesgaard.	4/140	Logan st Dargaville	[illegible]
Millie Wiperi	158	Logan St Dargaville	[illegible]
Kolio Taufonua	158	Logan st Dargaville	[illegible]
Donna Powell	148	Logan St Dargaville	[illegible]
Jessica Curel	148	Logan St Dargaville	[illegible]
Kiri Wati	13	Liverpool street Dargaville	[illegible]
Rob Panara	13	Liverpool street Dargaville	[illegible]

PETITION to Kaipara District Council to have the inconveniences and damaging effects remedied, caused by many hundreds of heavy traffic trucks and trailers thundering on a daily basis past Logan Street between the Colville/Logan Sts roundabout and Murdoch Street, Dargaville.

NAME	Nr.	Address	Signature
RANGIMARIE	10	LIVERPOOL STR	RAnderson
Daniel KILMARTIN	10	LIVERPOOL St	DJKilmartin
Kevin mcneil	130	logan st	[illegible]
Leanne Walker	111	River Rd	[illegible]
Hayley Webster	115	River Rd	[illegible]
ELZIE TAGG	131	RIVER RD	[illegible]
Linzee Foster	139a	River Road	[illegible]
Avon Curel	139	River Road	[illegible]
Joanna Smith	139	River Rd	[illegible]
Sheryl Paniora	145	River Rd.	[illegible]
Bronwyn Bernard	147a	River Rd	BCBernard
Judy Condon	149	River Rd.	JCondon.

PETITION to Kaipara District Council to have the inconveniences and damaging effects remedied, caused by many hundreds of heavy traffic trucks and trailers thundering on a daily basis past Logan Street between the Colville/Logan Sts roundabout and Murdoch Street, Dargaville.

NAME	Nr.	Address	Signature
CHARLES SELKIRK	113	LOGAN STREET	Charles Selkirk
Jon McKenzie.	9	Bassett St	J. McKenzie.
MIKE McKENZIE	9	Bassett st	McKenzie
WAYNE HARDY	87	RIVER ROAD	[illegible]
CHRISSY PARORE	87	RIVER ROAD	[illegible]
LYNDA Wilson	154	Logan st.	[illegible]
Trent Best	154	Logan street	[illegible]
Fiona Bond	15	Colville Rd.	F Bond.
Chris Bond	15	Colville rd	[illegible]

Confirmation of 11 December 2019 minutes

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Confirms that the minutes of the Council meeting held on 11 December 2019 is a true and correct record.

Attachments/Ngā tapiritanga

	Title
A	Unconfirmed minutes of Council meeting held on 11 December 2019

KAIPARA DISTRICT

Kaipara te Oranganui • Two Oceans Two Harbours

Minutes of the Ordinary meeting of

Kaipara District Council

Date: **Wednesday 11 December, 2019**
Time: **9:30 am**
Location: **Conference Room, Northern Wairoa Memorial Hall, Dargaville**

Members Present:
Mayor Jason Smith
Deputy Mayor Anna Curnow
Cr Jonathan Larsen
Cr Karen Joyce-Paki
Cr Victoria del la Varis-Woodcock
Cr Mark Vincent
Cr Peter Wethey
Cr David Wills
Cr Eryn Wilson-Collins

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1. Opening

1.1 Karakia

The meeting opened with Karakia by Cr del la Varis-Woodcock.

A minutes silence was observed for the victims of the White Island eruption.

1.2 Apologies

Nil

1.3 Confirmation of agenda

[Secretarial note: A request was made by Council staff to have the 'Dargaville Pontoon Business Case and ongoing Maintenance Costs' included as extraordinary business and included on the meeting agenda. The matter became 5.10 of the agenda meeting].

Unconfirmed

Moved By: Mayor Smith
Seconded By: Cr Vincent

That Kaipara District Council:

a) Agrees to accept the report titled 'Dargaville Pontoon Asset' as extraordinary business, to be addressed at item 5.10.
b) Notes that the item wasn't on the agenda as staff didn't have sufficient information at agenda close to inform the report and that it needs to be addressed at this meeting to ensure the project continues to be delivered on schedule.

Carried

The Council confirmed the Agenda with amendments.

Moved By: Mayor Smith
Seconded By: Deputy Mayor Curnow

That the Kaipara District Council:

a) Confirms the agenda for the meeting held 11 December 2019, with the inclusion of item 5.10 'Dargaville Pontoon Asset' and withdrawal of item 5.2 Procurement Strategy.

Carried

1.4 Conflict of interest declarations

Nil

2. Presentations and petitions

3. Minutes

3.1 Confirmation of open minutes 27 November 2019

Moved By: Cr Wethey
Seconded By: Deputy Mayor Curnow

a) That the unconfirmed Open minutes of the Kaipara District Council meeting held 27 November 2019 be confirmed as a true and correct record.

Carried

4. Notice of motion

Nil

Unconfirmed

5. Decision

5.1 Annual plan

Moved By: Mayor Smith
Seconded By: Cr Wethey

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.

Carried

5.2 Procurement Strategy – item withdrawn

5.3 Telecommunications lease - Kopuru Domain, Glinks Gully

Moved By: Cr Wills
Seconded By: Cr del la Varis-Woodcock

That Kaipara District Council:

a) Resolves that public notification of the intention to grant a telecommunications tower is not required as the Kopuru reserve, Glinks Gully, is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanently affected - by the granting and lawful exercise of the rights and powers contained in the licence.

b) Approves a licence for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.

c) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the licence to the Rural Connectivity Group.

Carried

Unconfirmed

5.4 2019 - 2022 Triennial Agreement

Moved By: Mayor Smith
Seconded By: Deputy Mayor Curnow

That the Kaipara District Council:

a) Adopts the 2019 – 2022 Triennial Agreement.

b) Delegates to the Mayor and Chief Executive the authority to approve editorial changes if required.

c) Delegates to the Mayor the authority to sign the agreement on behalf the Kaipara District Council.

Carried

The meeting adjourned for at 10.30 am.

The meeting reconvened at 10.45 am.

5.5 Delegations register update

Moved By: Cr Wilson-Collins
Seconded By: Cr del la Varis-Woodcock

That Kaipara District Council:

a) Approves the revisions to the Delegation Register as specified in the six referenced documents circulated as Attachments 2 - 7 to the 'Delegations Register Update November 2019' report.

Carried

5.6 Decision-making over the 2019/2020 Christmas recess period

Moved By: Mayor Smith
Seconded By: Deputy Mayor Curnow

That the Kaipara District Council:

a) Delegates the power to make urgent decisions on behalf of the Council or its committees between the last scheduled meeting in December 2019 and the first meeting of Council or relevant committee in 2020 (the recess period) to the Mayor and Deputy Mayor.

b) Notes that if it is considered necessary, an extraordinary meeting of the Council will be called during the recess period.

c) Notes that if the urgent decision-making process is exercised, the instances will be reported to the first Council or relevant committee meeting, in 2020.

Unconfirmed

d) Designates Cr Curnow the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable over the recess period.

Carried

5.7 Three year meeting schedule

Moved By: Mayor Smith
Seconded By: Deputy Mayor Curnow

That Kaipara District Council:

a) Adopts the meeting schedule for 2020, 2021 and 2022 (Attachment A).

b) Delegates the General Manager Transformation and Engagement to re-schedule meetings and to determine venues and times, in consultation with the respective chairpersons.

c) Delegates the Chief Executive to update Council's awards and grants policies to implement a staggered funding schedule (Attachment B).

Carried

5.8 Temporary road closure approval – Whakapirau Road culvert replacement

Moved By: Deputy Mayor Curnow
Seconded By: Cr Vincent

That Kaipara District Council:

a) Approves the application for the temporary road closure on Whakapirau Road at RP80 as shown on the proposed Traffic Management Diagram (attachment A of this report) from Monday 17 February 2020 from 7am to Friday 21 February 2020 at 6:00pm.

b) Notes that this approval is conditional on the maintenance contractor informing all businesses/residents located within the road closure area with a letter drop.

Carried

5.9 Council submission on Action for Healthy Waterways

Moved By: Cr del la Varis-Woodcock
Seconded By: Mayor Smith

That Kaipara District Council:

a) Approves the Council submission for the Ministry for the Environment's "Action for healthy waterways (October 2019)" at Attachment A.

Carried

Unconfirmed

5.10 Dargaville Pontoon Asset

Moved By: Mayor Smith
Seconded By: Deputy Mayor Curnow

That Kaipara District Council:

a) Notes that work is ongoing over the 19/20 Summer break to progress the delivery of the Dargaville Pontoon to agreed timeframes

b) Agrees that the Dargaville Pontoon becomes a Council owned asset upon completion of the project

c) Notes that if Council agree the Dargaville pontoon becomes a Council owned asset, maintenance costs of $5,000 - $7,500 for Year 2 (19/20) and $10,000 - $13,000 of Year 3 (20/21) of the Long-term Plan will be incurred, with these costs funded from current operating budgets.

d) Agrees with the proposed establishment of a specific coastal structure maintenance budget to fund the estimated maintenance costs for wharf infrastructure developed through Provincial Growth Funding, as part of decision-making in the Long Term Plan 2021-2031.

Carried

The meeting adjourned at 12.28 pm.

The meeting reconvened at 1.00 pm.

[Secretarial note: a representative of the Mangawhai Tracks Trust spoke for five minutes of the goals and work to date of the organisation].

6. Information

6.1 Response to Cr Larsen's Notice of Motion – Browns Road Property

Moved By: Cr Larsen
Seconded By: Cr Wethey

That Kaipara District Council:

a) Notes this report on the Browns Road Property as per Councillor Jonathan Larsen's Notice of Motion dated 18 September 2019.

Carried

Unconfirmed

6.2 Report on public input: Stop 5G Mangawhai Petition

Moved By: Cr Wethey
Seconded By: Cr Larsen

That Kaipara District Council:

a) Note the commentary of the areas over which Council has jurisdiction;

b) Requests that staff respond to the Lead Petitioner;

   i) Regarding the areas over which Council has no jurisdiction.

   ii) Advising that central government is the legal authority responsible for the installation of 5G technology.

   iii) Suggesting that they submit their petition to the Ministry of Health, the Ministry of Business Innovation and Employment and the Ministry for the Environment.

Carried

6.3 Clause 20A correction of the District Plan maps for the Chases Gorge Camp at Baylys Beach

Moved By: Cr Vincent
Seconded By: Cr Joyce-Paki

That Kaipara District Council:

a) Note the decision made under delegation to correct Appendix 13.1 of the Operative District Plan with reference to the Chases Gorge Camp at Baylys Beach.

Carried

7. Closure and Karakia

The meeting was closed with a Karakia by Cr del la Varis-Woodcock.

This meeting closed at 2.20 pm.

Kaipara District Council

Dargaville

Unconfirmed

Response to the Logan Street, Dargaville, speed restrictions petition

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Victor Devyatov, Intermediate Road Safety and Traffic Engineer, Northland Transportation Alliance**

Purpose/Ngā whāinga

To address concerns raised by the Logan Street, Dargaville, speed restrictions petition.

Executive summary/Whakarāpopototanga

The Logan Street petition was received in October 2019 and was presented to Council (item 2.4 in this agenda). The petition requests Council to address perceived speeding and noise issues on Logan Street, Dargaville.

Kaipara District Council, as a Road Controlling Authority (RCA), will review the speed limits in Dargaville in late 2020. This review will take into consideration this petition.

Staff will also raise the concerns Logan Street residents have regarding the Heavy Vehicle Bypass route with the Northland Freight Group at its next meeting.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Delegates the Chief Executive to take the Logan Street petition into consideration in the speed limits review of Dargaville Township in late 2020.

b) Delegates to the Chief Executive to raise the Logan Street peitioners' concerns regarding the Heavy Vehicle Bypass route with the Northland Freight Group at its next meeting.

During the last three years, there were five community requests lodged relating to speed issues and truck noise on Logan Street.

The community have now lodged this petition to Kaipara District Council (Council), requesting the following:

- To reduce the posted speed limit to 30 kilometres per hour along Logan Street, Dargaville; and/or
- To re-route heavy traffic in some form of a by-pass.

Discussion/Ngā kōrerorero

Speed Limit Review

The Northland Transport Alliance (NTA), on behalf of the local councils of Northland, are reviewing all local road speed limits throughout Northland. This is part of a nationwide rolling review in response to changes in the Setting of Speed Limit Rule 2017.

Council plans to review the speed limits in the Poutu Penisula, West Coast and Kai Iwi Lakes areas later this calendar year. It is likely that the Dargaville Urban Area will be included as part of this review. This petition will be included in the consultation.

Heavy Vehicle Bypass Route

It is understood that in the late 1990's some of the true right bank of the Wairoa River collapsed, resulting in a section of River Road being permanently closed. As a result of the closure, the heavy vehicles were redirected through Logan Street, creating a Heavy Vehicle Bypass.

Residents have raised concerns at the disturbance they incur from heavy traffic (in particular) using Logan Street, and request Council to consider options to re-route the Heavy Vehicle Bypass.

Colville Road is the only viable alternative for heavy vehicles, this section of Colville Road generally only serves residential properties. Logan Street serves a mix of residential, light industrial and heavy industrial. Moving the heavy vehicles from one street to another parallel street will only change which residents are affected, with no net reduction in impact. For these reasons, it is not desirable to redirect heavy traffic onto Colville Road.

Staff recommend maintaining the existing Heavy Vehicle Bypass route and raise the concerns Logan Street residents' have with the Northland Freight Group at their next committee meeting.

Policy and planning implications

This petition adds valuable local knowledge for the impending speed limit review of this area.

Financial implications

None.

Risks and mitigations

Existing residents will continue to be impacted by the Heavy Vehicle Bypass Route, although the speed limit review may result in a speed reduction which would reduce the level of noise.

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 agenda on the website, and response to the petitioners by way of letter through their appointed spokesperson.

Next steps/E whaiake nei

Staff will:

- Continue with planned speed limit review of Dargaville in late 2020.
- Raise the concerns Logan Street residents' have regarding the Heavy Haulage route with the Northland Freight Group at their next committee meeting.

Annual Plan 2020/2021

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Sue Davidson, GM Sustainable Growth & Investment**

Purpose/Ngā whāinga

The Council has to approve an annual plan for 2020/21. It is appropriate that prior to this Council approves the basis for the preparation of the proposed Annual Plan for 2020/21. Council has already resolved not to consult if the proposed rates rise is below 5.49%.

Executive summary/Whakarāpopototanga

This report recommends that staff prepare the proposed Annual Plan 2020/21 on a total rates percentage increase of 5.49% (after factoring in growth). This is higher than the total rates increase projected in the 2018/28 Long Term Plan (LTP), of 4.83% (after factoring in growth) This is due to increase in costs, some of which have been outside of Councils control and also improvements have been made to services, for which there is a cost. This is Option One presented in the report.

Option Two highlights further reductions that could be made by Council to reduce the total projected rates increase to that projected in the LTP (4.83% after factoring in growth). The impacts of these reductions need to be properly considered by Council if this option is to be adopted.

None of the options trigger the Council's Significance and Engagement Policy, so staff are recommending that consultation with the community is not required.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Approves the proposed Annual Plan 2020/21 be prepared on the basis that the rates increase will be 5.49% after factoring in growth (Option One in the report).

Context/Horopaki

The development of the proposed Annual Plan 2020/21 is based on the third year of the LTP. The purpose of an annual plan is to;

- contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and
- identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and
- provide integrated decision making and co-ordination of the resources of the local authority; and
- contribute to the accountability of the local authority to the community.

Kaipara District Council is a high growth council. Whereas in the past the priority was repayment of debt under the Commissioners, the Council is now looking to provide amenities for its residents and to ensure that renewal and management of assets is adequately provided for.

Provision has also been made for a capital expenditure programme of $28 million, which includes some of the Kaipara Kickstart programme that will not be completed by June 2020.

Council sets the rates for what is needed each year. Detail has been provided at a briefing in December 2019 and February 2020 to elected members.

Council staff conducted a poll for sealing Raymond Bull Road as per the policy. This was unsuccessful so will not be proceeded with.

There could be an additional targeted rate which is still under investigation. If this is to be included it will come to Council separately

- A proposed targeted rate for those residents in Springs Road, Dargaville, who are to connect to the Council sewerage scheme and are to pay for the extension of wastewater reticulation, $200,000 capital cost.

Growth in the LTP has been set at increasing 1% through to 2019/20 and .5% from 2020/21 through to 2028. Actual growth from increased properties was 1.2% last year and this looks like being validated in the future. Staff have used 1% for the proposed Annual Plan 2020/21.

The proposed Annual Plan 2020/21 total rates rise is 5.49% (after factoring in growth) compared to the LTP forecast of 4.83%

The rates for each area or property haven't been calculated yet but targeted rates are down due to reducing the depreciation funded and general rates have increased.

Discussion/Ngā kōrerorero

The Council produced an LTP in 2018 for the 2018/2028 period. In the years where there is no LTP, the Council is required to produce an annual statement setting out its work programme and financial information for the coming year.

The Annual Plan 2020/21 is the third year of the LTP and provides the community with updated information on levels of service, sources of funds and expenditure for the year. The Council may decide to consult, so the basis of the Annual Plan 2020/21 is being provided earlier so staff can prepare for this.

In the LTP, Council set the rates increase policy at 4.2% (after factoring in growth) for 2020/21. This was derived from the Local Government Cost Index based on the premise of operating costs being stable and allowing a further 2% for the impact of capital expenditure. The LTP also recognised that the Council would exceed this policy limit until 2022.

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**

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

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.

Capital Expenditure

Increased capital works will be completed in the 2020/21 year. The LTP originally provided for $19,999,000 but that has now increased to $28,302,491. This is primarily because Kaipara Kickstart projects were originally provided in the 2019/20 plan. It was quickly realised that improved planning and design time was needed to ensure successful project delivery.

The overall impact of the change in capital programme is to increase capital expenditure by $8.2m. The increase is caused by capital projects funded by the Provincial Growth Fund. This does not represent a significant variation from the 2018/28 LTP as most of the funding is provided by an external source.

Debt

Debt at 30 June 2019 was $45m. The LTP estimated debt to be $46m at the end of June 2021. The proposed Annual Plan 2020/21 forecasts debt to be at $52 million. There is an increase in capital works each year and this means that council will fund $2m to $4m more in debt each year, however, this will result in better community outcomes and improve our ability to deliver the programme we have committed to.

Option One

Approve the preparation of the proposed Annual Plan 2020/21 on the basis that the rates increase will be 5.49% (after factoring in growth). This is the recommended option.

Policy and planning implications

Under this option the changes from the LTP are not material and consultation is not a requirement. Two briefings have been held with Council to clarify matters further.

Financial implications

The change in the rates rise will be from 4.83% to 5.49%.(after factoring in growth) Additional costs are $387,000 over and above that detailed in the LTP.

Risks and mitigations

A number of the increases have been beyond Councils control or there has been investment to improving service. Any reduction in costs is likely to mean a drop in levels of service but these would not be significant as per the policy.

A risk could be that the increase means a number of people on fixed income could find the rates more difficult to pay.

Option Two

Elected members reduce rates further to reduce the increase to ratepayers. For this option, staff have identified where further savings are possible, highlighted below:

Item	$000s	Impact
Northland Inc	25	This is a new contribution to have some control and contribution to the Regional Plan. No grant has been made to date.
NRC water storage solution	100	NRC would continue to work with Far North District Council and the government. This may impact on KDCs involvement in the project going forward.
Reduce staff resource (3)	180	This will have impacts on service.
Reduce roading operations budget (road metalling)	82 share	39% of $210,000 is $82,000. This will reduce level of service but not substantially as the total operations metalling budget is $2.1 million
Total reduction	**$387**	

The gap between the LTP (4.83% after factoring in growth) and what is proposed in this report at Option One (5.49% after factoring in growth), is $387,000. The table above provides a method available to elected members to reduce this difference.

Policy and planning implications

Consultation is not a requirement as the variation to services is not significant.

Financial implications

Rates would be in line with the increase in the LTP but there would be some detrimental impact on service. Reducing these costs would create a further issue next year if they were put back in the budget.

Risks and mitigations

There will be some detrimental impact on services and the risk will be increased customer dissatisfaction. Under the Commissioners staff and costs were kept to a minimum and there was high dissatisfaction with services. Over the past two years investment was made to improve the customer experience. Further cuts will undermine this improvement. Other Councils may not believe we are contributing our share of costs to the region's future and Kaipara District

Council may not be able to secure additional funding from central government if the council doesn't contribute initial funding.

There may be savings this year but the next year the gap will be bigger as there are one off changes being made that will still impact on future years.

Significance and engagement/Hirahira me ngā whakapāpā

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

Next steps/E whaiake nei

The proposed Annual Plan 2020/21 will be collated for publication.

Attachments/Ngā tapiritanga

Number	Title
1	Prospective Financial Statements

Kaipara District Council

Prospective financial statements

For the year ended:	Annual Plan	LTP	Annual Plan	PGF	Annual Plan - net
30 June	2019-2020	2020-2021	2020-2021	2020-2021	2020-2021
	$'000	$'000	$'000	$'000	$'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**
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**
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**

Procurement Strategy – Final for adoption

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Jim Sephton, General Manager Infrastructure Services**

Purpose/Ngā whāinga

To adopt of the Kaipara District Council Procurement Strategy 2019.

Executive summary/Whakarāpopototanga

Procurement activities provide a unique opportunity to promote broader cultural, economic, environmental and social outcomes for Kaipara. This Procurement Strategy will guide and direct our activities over the next 5 years which incorporates the 2021 to 2025 Long Term Plan.

The proposed Procurement Objectives set a clear direction for us, our partners and our supply chain:

- Deliver safely – a commitment to reducing harm to us and the people involved in our supply chain
- Create and demonstrate public value through our activities with particular focus on
  - Good price - whole of life costs
  - Good quality - customer centric delivery
  - Good outcomes - Social, cultural, environmental and economic
- Improve the efficiency of how we progress projects though their lifecycle and deliver the capital programme
- increase the ability of our Iwi, communities and businesses' in Kaipara to participate in Council activities
- increase the size and skill level of the supply chain delivering work in Kaipara
- support the transition to zero net emissions and promote efficient use of resources.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Adopts Kaipara District Council Procurement Strategy 2019.

b) Delegates to the Mayor and Chief Executive the authority to make minor editorial changes that do not alter the intent of the Kaipara District Council Procurement Strategy 2019.

Context/Horopaki

Current procurement activities are managed through the 'Kaipara Procurement Manual & Guidelines', however the overarching direction is not clear.

The Ministry for Business Innovation and Employment (MBIE) Government Procurement Rules 4th edition came into effect on 01 October 2019 and introduce 'Broader Outcomes' and 'Public Value' which is a shift in previous procurement philosophy. Whilst it is not mandatory for Local

Authority to follow these rules, it is considered good practice and with our capital programme heavily subsidised through Provincial Growth Fund (PGF) and National Land Transport Fund (NLTF).

This Procurement Strategy will guide and direct our activities over the next 5 years which incorporates the 2021 to 2025 Long Term Plan. Activities include Capital, Operations, IT and Workplace.

The Draft Procurement Strategy was presented to Council on the 25th October 2019 and feedback from that session has been incorporated.

Discussion/Ngā kōrerorero

The Kaipara District Council Procurement Strategy 2019 is included at Attachment A.

The aim of the strategy is to align procurement activities with KDC direction, good practice and other organisational activity.

The Strategy does not replace the KDC Procurement and Contract Management Manual (September 2014).

We will give effect to our Procurement Objectives through:

1. **Stronger oversight** and guidance of our activities through a Programme Oversight Group (POG) and standard tools developed through the Procurement and Project Management Office teams to align processes and drive consistently good risk, programme and cost management practices as well as incorporate continuous improvement
2. A stronger focus on **Prequalification** with clear Performance Expectations which align with our business processes and lifecycle of the project
3. **Procurement Plans** (in line with our Procurement Principles)
4. Packaging of work to achieve **critical mass** which allow us to focus on effective relationships with suppliers based on longer-term planning and investment
5. **Collaborative** arrangements including regional procurement opportunities as well as earlier involvement of Contractors in project development

Options

Option 1 – Adopt the Procurement Strategy.

Option 2 – Do not adopt the Procurement Strategy.

The recommended option is Option 1.

Policy and planning implications

Where necessary, our policies may need to be developed to align with and support this Procurement Strategy. This includes existing Kaipara and Regional policies such as those relating to Iwi relationships and waste minimisation.

Financial implications

The implications of the Strategy are that we will make decisions based on Public Value and Broader Outcomes. Whilst this does not remove the drive to achieve a ‘good price’, the emphasis on whole of life, social, environmental and cultural outcomes will be more balanced.

There will be an opportunity for Council to have oversight of significant investments at the Procurement Plan stage where the expectations regarding ‘value’ will be clearer.

Aspects of the strategy which relate to ‘critical mass’ and ‘collaboration’ are intended to increase competition for work and improve procurement efficiencies.

Risks and mitigations

Adopting best practice procurement rules will mitigate the current risks relating to a lack of strategic direction in our procurement activities.

Significance and engagement/Hirahira me ngā whakapāpā

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

Next steps/E whaiake nei

Once adopted, the Strategy will be rolled out across the organisation by the Procurement and Project Management Office (PMO) team.

Attachments/Ngā tapiritanga

	Title
A	Kaipara District Council Procurement Strategy 2019

Kaipara District Council

Procurement Strategy 2019

December 2019

DRAFT

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1 Executive summary

This Procurement Strategy has been developed in response to specific conditions faced by Kaipara in 2019

- We have a **significant Capital Programme**, larger than previous years with increased funding from alternative sources such as the Provincial Growth Fund. Our resources have not increased significantly and therefore we need to be smarter at how we procure services and be more efficient in our procurement activities.
- Northland has a **limited supply chain** which is stretched due to continued growth in all sectors in the region as well as pressure from the Auckland market. This means that we need to actively target new suppliers and grow the resource base available to us in Northland
- Our vision is '**Thriving Communities working together'** and in Kaipara we have a number of communities actively involved in both maintenance and capital projects. This is an important aspect of how we do business however we appreciate the need to support these groups so that they are able to execute the work safely.
- We have a low rating base for a large district and therefore **affordability** and funding through rates continues to be a challenge. This means that we need to continue to focus on getting a good price.
- We are one of the **fastest growing Districts** in New Zealand in particular in Mangawhai where we have an integrated programme (Mangawhai Community Plan) of transport, stormwater and community projects.
- In other parts of Kaipara we have significant **socio-economic challenges** and there is an opportunity, through our procurement activities, to support those people and businesses within our District who would be willing to participate in our activities given the right level of assistance.
- We have relatively high levels of waste to landfill and the vision of our **Waste Management & Minimisation Plan** is 'to make it easy to recycle and manage waste in the Kaipara District and promote the efficient use of resources"

This Procurement Strategy will guide and direct our activities over the next 5 years which incorporates the 2021 to 2025 Long Term Plan. Activities include Capital, Operations, IT and Workplace.

Our **Procurement Objectives** set a clear direction for us, our partners and our supply chain

- Deliver safely – a commitment to reducing harm to us and the people involved in our supply chain
- Create and demonstrate public value through our activities with particular focus on
    - Good price - whole of life costs
    - Good quality - customer centric delivery
    - Good outcomes - Social, cultural, environmental and economic
- Improve the efficiency of how we progress projects though their lifecycle and deliver the capital programme
- increase the ability of our Iwi, communities and businesses' in Kaipara to participate in Council activities;
- increase the size and skill level of the supply chain delivering work in Kaipara;
- support the transition to zero net emissions and promote efficient use of resources

We will give effect to our Procurement Objectives through

1. Stronger **oversight and guidance** of our activities through a Programme Oversight Group (POG) and standard tools developed through the Procurement and Project Management Office teams to align processes and drive consistently good risk, programme and cost management practices as well as incorporate continuous improvement
2. A stronger focus on **Prequalification** with clear Performance Expectations which align with our business processes and lifecycle of the project
3. **Procurement Plans** (in line with our Procurement Principles)
4. Packaging of work to achieve **critical mass** which allow us to focus on effective relationships with suppliers based on longer-term planning and investment
5. **Collaborative arrangements** including regional procurement opportunities as well as earlier involvement of Contractors in project development

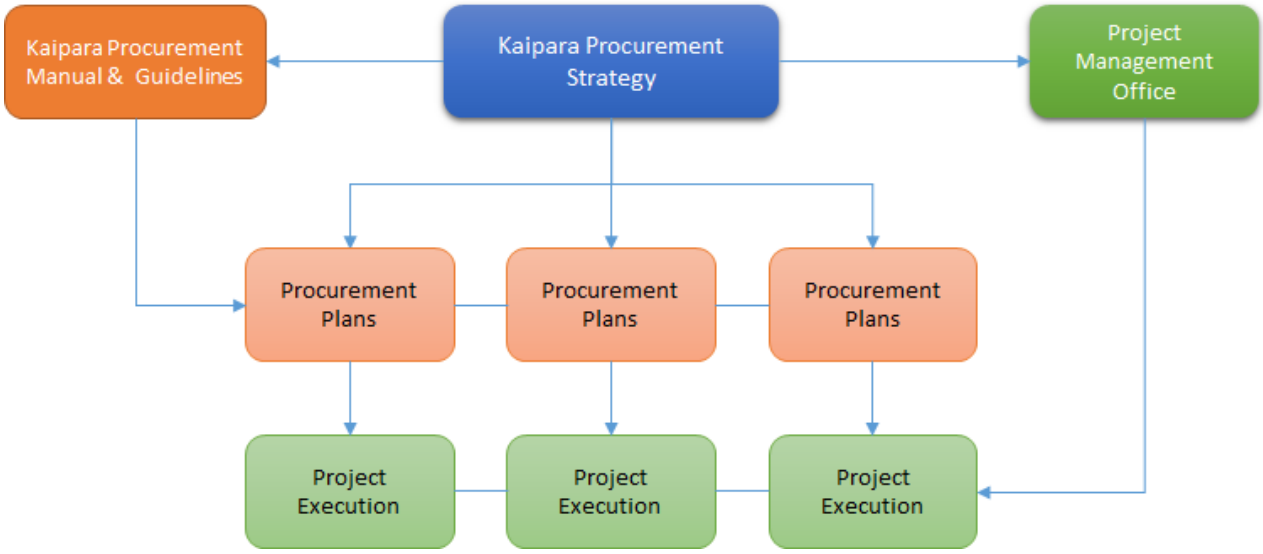
Our policies also provide a clear direction and where necessary will be developed to align with this Procurement Strategy. This includes existing Kaipara and Regional policies such as those relating to Iwi relationships and Waste Minimisation.

The Procurement Strategy is owned by the Procurement team and its implementation across all KDC activities will be governed by the Project Management Office (PMO) and Programme Oversight Group (POG). The Procurement Strategy will be reviewed every three years as part of the Long Term Plan (LTP) process.

2 Purpose

Council's role is to provide local leadership and facilitate the delivery of services and activities that promote community well-being throughout the Kaipara District. Procurement is one of the most influential aspects of what we do as a Council and directly impacts the delivery of services and activities.

This Procurement Strategy will guide and direct our activities at both a Procurement level (guided by the Procurement team) and at a Project level (guided by the PMO).



This Procurement Strategy aligns with best practice and policy requirements including the Ministry for Business Innovation and Employment (MBIE) Government Procurement Rules. The 4th edition introduces 'Broader Outcomes' and 'Public Value' which is a shift in previous procurement philosophy. Although Local Authorities are not required to follow the rules, it is considered prudent to follow good practice. Also, with the Kaipara programme being partly funded through the National Land Transport Fund and Provincial Growth Fund, it will be effective to be aligned with the expectations of the organisations managing those funds.

Procurement activities provide a unique opportunity to promote broader cultural, economic, environmental and social outcomes for Kaipara. The Broader Outcomes (described in section 3) generally align with Kaipara District Council direction and are intended to ensure that our Procurement activities give effect to what is important to Kaipara.

The aim of this Procurement Strategy is to align procurement activities with:

- Kaipara District Council's direction
  - Vision - Thriving communities working together
  - Values – Trustworthy, Integrity, Respect, Teamwork & Make it Happen
- good practice, in particular
  - achieving Broader Outcomes which are important to Kaipara
  - providing 'Public Value' with a focus on Good Quality, Good Outcomes and Good Price
- other organisational activities including
  - Governance, Risk and Compliance activities
  - Business processes including quality, safety and environmental

3 Strategic context

***Why** we need to think differently about how we procure services in Kaipara going forward*

Kaipara Procurement Conditions

This Procurement Strategy has been developed in response to specific conditions faced by Kaipara in 2019

- We have a **significant Capital Programme**, larger than previous years with increased funding from alternative sources such as the Provincial Growth Fund. Our resources have not increased significantly and therefore we need to be smarter at how we procure services and be more efficient in our procurement activities.
- The **breadth of contracts** we have with suppliers range from major physical works through to Contract for Services with small community groups. These have different risk and support requirements but are both important
- Northland has a **limited supply chain** which is stretched due to continued growth in all sectors in the region as well as pressure from the Auckland market. This means that we need to actively target new suppliers and grow the resource base available to us in Northland
- Our vision is '**Thriving Communities working together'** and in Kaipara we have a number of communities actively involved in both maintenance and capital projects. This is an important aspect of how we do business however we appreciate the need to support these groups so that they are able to execute the work safely.
- We have a low rating base for a large district and therefore **affordability** and funding through rates continues to be a challenge. This means that we need to continue to focus on getting a good price.
- Good procurement practices set us up for success in the undertaking of our activities. We recognise the need to **improve our safety, environmental and quality performance**.
- We are one of the **fastest growing Districts** in New Zealand in particular in Mangawhai where we have an integrated programme (Mangawhai Community Plan) of transport, stormwater and community projects.
- In parts of Kaipara we have significant **socio-economic challenges** and there is an opportunity, through our procurement activities, to support those people and businesses within our District who would be willing to participate in our activities given the right level of assistance.
- We have relatively high levels of waste to landfill and the vision of our **Waste Management & Minimisation Plan** is 'to make it easy to recycle and manage waste in the Kaipara District and promote the efficient use of resources"

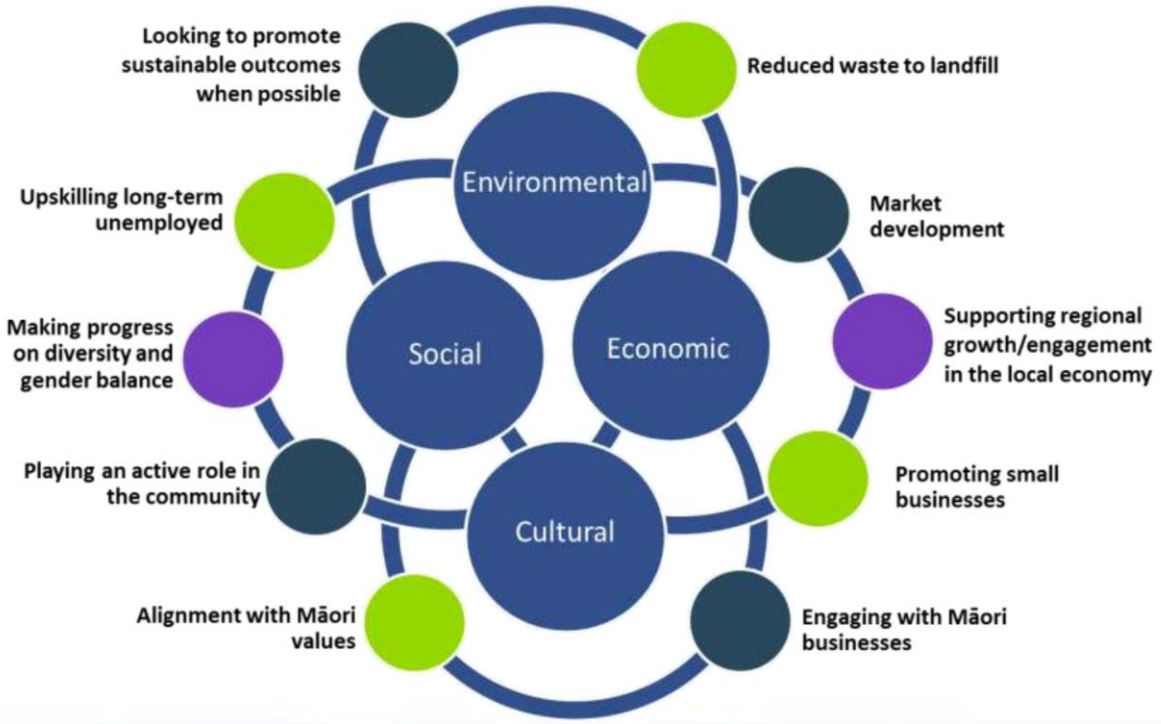
Alignment with Government Procurement Rules

This Procurement Strategy has been developed with due consideration of the Ministry for Business Innovation and Employment (MBIE) Government Procurement Rules 4th edition. Although District Councils are not mandated to apply the rules, there is an opportunity to apply good practice and with many of our contracts utilising Crown investment, there is benefit in achieving a degree of alignment.

The Rules align with the Government's expectations that procurement can be leveraged to achieve ***broader outcomes***. They focus on promoting ***public value***, and include explicit requirements for agencies to incorporate or consider the ***priority outcomes*** as part of their procurement opportunities.

Broader Outcomes

Kaipara District Council supports the central government's expectations that procurement can be leveraged to achieve **broader outcomes**. Broader outcomes require the consideration of not only the whole-of-life cost of the procurement, but also the costs and benefits to society, the environment and the economy.



Kaipara District Council supports the achievement of broader outcomes and this is underpinned through existing plans and Policies.

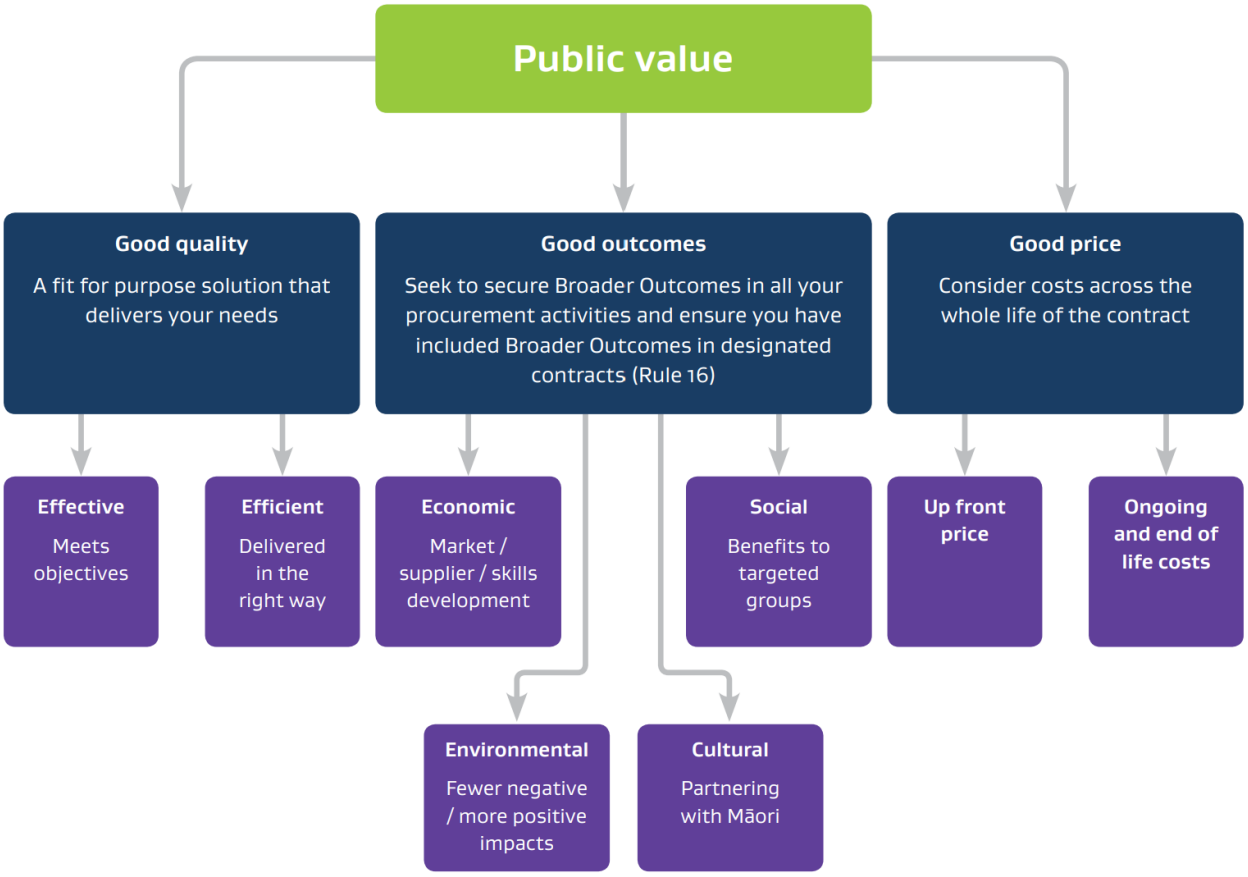
Broader outcome	Reference
Reduced waste to landfill	Waste Minimisation Plan
Alignment with Maori Values & Engaging with Maori businesses	Mana Enhancing Agreement & MoU

This Procurement Strategy signals support for local businesses and pathways to employment.

Public Value

Public value means getting the best possible result from our procurement, using resources effectively, economically and without waste, and taking into account:

- the total costs and benefits of a procurement (total cost of ownership), and
- its contribution to the results we are trying to achieve.



Achieving Public Value is expected to be a consideration of all our activities from an early stage and considered throughout the lifecycle of the activity. For example

- Economic Partnering with MSD and education sector to develop pathways to employment
- Environment Designing out waste through Asset Management and Project Plans
- Cultural Working with our Iwi partners to establish joint delivery approaches
- Social Recognising equity and distribution as part of our option selection

Priority Outcomes

Kaipara District Council expectations are aligned with the Governments Priorities and through the implementation of this strategy will continue to deliver associated benefits.

Priority outcomes	Why relevant in Kaipara
increase New Zealand businesses' access to government procurement;	We are actively working with communities to provide them with the skills and capacity to participate safely in our activities
increase the size and skill level of the domestic construction sector workforce;	There is an opportunity for our regional contractors to invest in people, plant and resource There are opportunities to reduce intergenerational dependency on welfare and bring new people into our supply chain
improve conditions for workers in government contracts; and	There is an opportunity to encourage and recognise good practice between our primary contractors and their subcontractors/suppliers
support the transition to a zero net emissions economy and assist the Government meet its goal of significant reduction in waste.	Waste Management & Minimisation Plan 2016 vision: "To make it easy to recycle and manage waste in the Kaipara District and promote the efficient use of resources"

Health & Safety

The Procurement Strategy recognises the need to give effect to our responsibilities within the Health and Safety at Work Act 2015. In particular

- Clarifying our duties as a PCBU and understanding the relationship with other PCBU
- Formalising our approach to pre-qualification and performance management
- Clarifying our safety expectations with our suppliers
- Risk management

These aspects must be incorporated within our procurement approach and we will expect the detail to be set out in our Procurement and Project Plans

4 Kaipara Procurement Objectives

How we will procure our Infrastructure Services in Kaipara

Kaipara Procurement Objectives

Our Procurement Objectives set a clear direction for us, our partners and our supply chain

- Deliver safely – a commitment to reducing harm to us and the people involved in our supply chain
- Create and demonstrate public value through our activities with particular focus on
    - Good price - whole of life costs
    - Good quality - customer centric delivery
    - Good outcomes - Social, cultural, environmental and economic
- Improve the efficiency of how we progress projects though their lifecycle to deliver the capital programme
- increase the ability of our Iwi, communities and businesses' in Kaipara to participate in Council activities;
- increase the size and skill level of the supply chain delivering work in Kaipara;
- support the transition to a zero net emissions and promote efficient use of resources

We will give effect to our Procurement Objectives through

6. Stronger **oversight and guidance** of our activities through a Programme Oversight Group (POG) and standard tools developed through the Procurement and Project Management Office teams to align processes and drive consistently good risk, programme and cost management practices as well as incorporate continuous improvement
7. A stronger focus on **Prequalification** with clear Performance Expectations which align with our business processes and lifecycle of the project
8. **Procurement Plans** (in line with our Procurement Principles)
9. Packaging of work to achieve **critical mass** which allow us to focus on effective relationships with suppliers based on longer-term planning and investment
10. **Collaborative arrangements** including regional procurement opportunities as well as earlier involvement of Contractors in project development

Our policies also provide a clear direction and where necessary will be developed to align with this Procurement Strategy. This includes existing Kaipara and Regional policies such as those relating to Iwi relationships and Waste Minimisation.

Procurement Objectives	Stronger Oversight , Governance & Direction	Pre-qualification	Critical mass	Procurement Plans	Collaborative Arrangements
Deliver safely – a commitment to reducing harm to us and the people involved in our supply chain	Continuous Improvement and early adoption of lessons learnt	Suppliers meet our clear expectations for Safety commitment and compliance	We have suppliers who are able to invest in a safety culture	Safety clearly set out in the evaluation	Safety in Design
Create and demonstrate public value through our activities with particular focus on **- Good price** - whole of life costs **- Good quality** - customer centric delivery **- Good outcomes** - Social, cultural, environmental and economic	Checking we are procuring and delivering the right outcomes	Suppliers understand what is important to us Support local contractors and supply of material	Efficiencies through reduced overhead costs and backlog of work Suppliers able to increase their understanding of customer expectations Contractors can invest in employment and training	Develop evaluation criteria to focus on Public Value	Leverage early contractor involvement Collaboration with MSD and MBIE for Te Ara Mahi
Improve **procurement efficiency** including how we progress projects though lifecycle to deliver the capital programme		Reduce requirements at tender stage	Reduced number of tenders		Designer and Contractor procured early
increase the **ability of our Iwi, communities and businesses' to participate** in our activities;		Process and support for community activity	The way we package work can improve the ability to participate	Specification of any intent and how this will work	
increase the size and skill level of the supply chain delivering work in Kaipara;			Investor confidence to support recruitment		Sharing of skills and continuous improvement
support the transition to a zero net emissions and promote efficient use of resources		Preference and weighting given to suppliers that design out waste throughout the supply			Early innovation from an operating perspective Building expectations into our supply chain

5 Procurement Strategy Implementation

***What** we will do to implement the Procurement Strategy*

Stronger oversight, governance and direction

The Procurement team (which sits within Infrastructure Services) is responsible for the Procurement Strategy and its implementation across the organisation. It will be supported in this task through

- Project Teams including a Project Sponsor (PS) who is accountable for the successful execution of the activity
- The Project Management Office (PMO) including the Programme Oversight Group (POG) which consists of senior management
- Health & Safety representation

The POG will have visibility of the activity (or group of activities) through the lifecycle of projects from Procurement to Execution. The POG will have the oversight to check that this is happening in the right way and that the project teams have the right level of support to be successful.

	Responsible	**Accountable**	**Support**
Prequalification	**Procurement** – maintaining an up to date register of prequalified contractors and that contractors have the right capability for the risk associated with the activity	**Project Sponsor** – For any activity, the PS must be satisfied that the contractor has the right	**PM** will be expected to have risk assessment for the project or activity **POG** will have oversight of gateways and will be able to check that this requirement has been met **H&S** will be able to advise on the level of risk and any concerns
Procurement Plan	**Project Manager** – The PM will develop the Procurement Plan in line with the Procurement Strategy	**Project Sponsor** – The PS will be accountable for the Plan and depending on the level of risk/value this will come under delegation rules for **Council/CEO/GM** for approval	**Procurement** will be able to provide templates and advice on the completion of the plan **POG** will have oversight of gateways and will be able to check that this requirement has been met
Project Execution Plan	**Project Manager** – The PM will develop the Project Plan which should align with the expectations set out in the Procurement Plan	**Project Sponsor** – The PS will be accountable for the Plan	**PMO** will be able to provide templates and advice on the completion of the plan **POG** will have oversight of gateways and will be able to check that this requirement has been met

Pre-qualification

There will be an increased focus on our prequalification requirements and relationship with approved suppliers and vendors.

The Procurement team will be responsible for maintaining pre-qualification standards and a register of approved contractors. Performance of contractors will be linked back to the register and to support continuous improvement and where necessary, the removal of contractors who do not align with our quality, safety and environmental expectations.

Currently we require medium to high risk contractors to be a minimum of 75% SiteWise. Going forward, we will look to broader our expectations so that they align with our Procurement Objectives. There will be an expectation that this will be a relationship with our suppliers and that safety will not just be about SiteWise but will be about a meaningful commitment to working safely.

The level of pre-qualification required will be related to the level of risk in the activity or project being undertaken.

Procurement Plans

The Project Sponsor will responsible for the development and execution of Procurement Plans.

To give effect to this Strategy, all Procurement Plans will

- Include weightings to reflect Procurement Objectives
- Consider opportunities for packaging of work to provide a stronger pipeline of work
- Incorporate safety expectations throughout the lifecycle of the project

All plans should be explicit on the level of risk associated with the activity or project. Risk management must be addressed through the procurement activity as well the project.

Procurement plans should be developed with input from across the organisation with opportunities to increase Critical Mass considered.

The Procurement team will support project teams to develop Procurement Plans which

- Give effect to the Procurement Objectives
- Achieve critical mass
- Provide clear expectations in terms of performance
- Manage risk appropriately
- Are properly resourced

The Procurement Plan will reflect the Procurement Principles which have been adopted from the Government Rules for Procurement.

Procurement Principles which will apply to how we procure in Kaipara.

The Five Principles of Government Procurement

The Principles of Government Procurement apply to all government agencies and provide government's overarching values. They apply even if the *Rules* do not. Agencies should use the *Principles* for guidance and to help make good procurement decisions.

Take time to read the five Principles. You need to understand how they apply to the work that you do.

1. PLAN AND MANAGE FOR GREAT RESULTS

- Identify what you need, including what *Broader Outcomes* should be achieved, and then plan how to get it.
- Set up a team with the right mix of skills and experience.
- Involve suppliers early – let them know what you want and keep talking.
- Take the time to understand the market and your effect on it. Be open to new ideas and solutions.
- Choose the right process – proportional to the size, complexity and any risks involved.
- Encourage e-business (for example, tenders sent by email).

2. BE FAIR TO ALL SUPPLIERS

- Create competition and encourage capable suppliers to respond.
- Treat all suppliers equally – we don't discriminate (this is part of our international obligations).
- Seek opportunities to involve New Zealand businesses, including Māori, Pasifika and regional businesses and social enterprises.
- Make it easy for all suppliers (small and large) to do business with government.
- Be open to subcontracting opportunities in big projects.
- Clearly explain how you will assess proposals – so suppliers know what to focus on.
- Talk to unsuccessful suppliers so they can learn and know how to improve next time.

3. GET THE RIGHT SUPPLIER

- Be clear about what you need, and fair in how you assess suppliers – don't string suppliers along.
- Choose the right supplier who can deliver what you need, at a fair price and on time.
- Choose suppliers that comply with the Government's *Supplier Code of Conduct*
- Build demanding, but fair and productive, relationships with suppliers.
- Make it worthwhile for suppliers – encourage and reward them to deliver great results.
- Identify relevant risks and get the right person to manage them.

4. GET THE BEST DEAL FOR EVERYONE

- Get best *public value* – account for all costs and benefits over the lifetime of the goods or services.
- Make balanced decisions – consider the possible social, environmental, economic and cultural outcomes that should be achieved.
- Encourage and be receptive to new ideas and ways of doing things – don't be too prescriptive.
- Take calculated risks and reward new ideas.
- Have clear performance measures – monitor and manage to make sure you get great results.
- Work together with suppliers to make ongoing savings and improvements.
- It's more than just agreeing the deal – be accountable for the results.

5. PLAY BY THE RULES

- Be accountable, transparent and reasonable.
- Make sure everyone involved in the process acts responsibly, lawfully and with integrity.
- Stay impartial – identify and manage conflicts of interest.
- Protect suppliers' *commercially sensitive information* and intellectual property.

The table below illustrates the alignment between the Procurement Principles and our Values.

	Trustworthy	*Integrity*	*Respect*	*Teamwork*	*Make it Happen*	*Kaipara Procurement Principles*
1. Plan and manage for great results				■		We will assess health and safety risks in the preplanning phase, ensuring we include all the key stakeholders and including all the necessary (and required) engagement and consultation. We will • manage and communicate the integrated infrastructure programme • manage risk in a holistic and transparent way We will support early collaboration with Contractors
2. Be fair to all suppliers	■	■	■			We will develop contract packages to optimise market response We will seek opportunities to leverage local suppliers We will support capacity building for our Iwi, communities and businesses' in Kaipara
3. Get the right supplier					■	We will be clear on what requirements are needed for work and develop prequalification requirements; while leveraging working with communities to provide them with the skills and capacity to participate safely in our activities where appropriate. Be clear on the outcomes required and seek the optimum balance between price and quality, and attributes. Seek opportunities for enduring relationship contracts including Frameworks
4. Get the best deal for everyone			■	■		We will remain focused on a good price but with balanced consideration of all Public Value in our tenders We will encourage and recognise good practice between our primary contractors and their subcontractors/suppliers. We will create packages of work which combine different investment streams and deliver great community outcomes.
5. Play by the rules	■	■	■	■	■	We will have a plan to manage conflicts of interest and probity risk at a portfolio and project level. We'll follow the rules we set for each procurement plan.

Gaining Critical Mass

We will achieve efficiencies where we can create critical mass. This is about thinking more strategically about our activities. Critical mass could be increasing what we buy in a single activity (e.g. regional purchasing power) or aligning different activities in one area (e.g. packaging)

Programme

A programme based approach to procurement will allow us to realise efficiencies – both for the supply chain and for our suppliers.

- We will develop and provide our supply chain with a long term, integrated infrastructure programme. This will be updated quarterly and communicated.
- We will look to create packages of work which combine different investment streams. An example of this is the Mangawhai Community Plan which includes stormwater, roading and community projects.

Framework Contracts

A Panel is generally a pre-qualified list of suppliers to deliver services. A Framework agreement establishes terms governing contracts that may be awarded during the life of the agreement. It allows us to develop a commercial relationship with suppliers on a basis of good performance resulting in ongoing work.

A Framework agreement includes performance management and with a number of parties prequalified (the panel component) allows the right balance between good price, good quality and good outcomes to be achieved.

Framework management is a way of forming stronger relationships with suppliers which allows us to focus on continuous improvement and achieving our more ambitious objectives.

Three Panels have been identified for Capital activities which will sit within a Framework Agreement. Procurement Plans will be developed for each of these areas.

Collaborative Opportunities

We will focus on improving our relationships with our Regional Councils, suppliers and other agencies.

- Regional Collaboration
  - Establish Regional Engineering Standards
  - Procurement opportunities and sharing of resources
- Suppliers
  - Active relationship through bodies such as ACENZ and CCNZ
  - Relationship managers for all top tier suppliers (related to risk and value)
  - Building Relationships through Earlier Contractor Involvement (ECI) and Frameworks
- Other Agencies
  - Te Ara Mahi Kaipara – A specific delivery vehicle for connecting MSD clients with employers and training opportunities
  - Seek procurement and best practice advice from key agencies such as NZTA and MBIE

Targets

The Procurement Team will develop and monitor targets which will be considered as part of the review of the Procurement Strategy. The review will be undertaken as part of the LTP review.

Objective	Measurement
Stronger oversight, governance and direction	
Project Execution Plans & Contract Management Plans	% of projects with PEP and CMP
Risk registers in place	% of contracts with active risk registers
Pre-qualification	
Approved supplier register	% of suppliers on register
Critical Mass	
Improving procurement and delivery efficiency	Reduction in the # of contracts Increase in average value of contracts
Increase local employment	# of at risk MSD clients brought into the workforce (MSD)
Procurement Plans	
Procurement Plans to include attributes aligned with Procurement Objectives – in particular safety	% of contracts with attributes demonstrating a link to Procurement Objectives
Roll out performance evaluation on all contracts	% of contracts with performance assessment
Collaborative Arrangements	
Target specific opportunities	# regional collaboration activities
Connect workers with suppliers	Work force planning established
Contractor collaboration	# ECI type contracts in place

Kaipara water restrictions

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Donnick Mugutso, Waters and Waste Manager**

Purpose/Ngā whāinga

To seek approval to impose further water restrictions with immediate effect across all Kaipara District Water Supplies to Level 4 - the equivalent to those applied in the Drought Management Plan for Dargaville/Baylys Beach.

Executive summary/Whakarāpopototanga

Dargaville and Baylys Beach water supply has been at Level 4 restriction since the triggers (flow levels in the River Kaihu) in the Drought Management Plan were reached. The impact on the community is that water can only be used for essential services only.

Maungaturoto has also been moved to Level 4 restriction in accordance with its Drought Management Plan.

Glinks Gully, Ruawai and Mangawhai water is sourced from bores. They do not have Drought Management Plans and delegation is with Council.

Advice from the Northland Regional Council on lower than normal stream flows and aquifer levels requires us to implement restrictions in these areas. For consistency with Dargaville and Maungaturoto these will be Level 4 restrictions or 'essential use only'.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Approves the urgent implementation of district wide Water Restrictions in accordance with Clauses 1609.1 and 1609.5 of Kaipara District Council's General Bylaws 2008.

b) Delegates authority to the Chief Executive and the Mayor to impose water restrictions in future on any reticulated water supply in Kaipara District in accordance with Clauses 1609.2 and 1609.5 of Kaipara District Council's General Bylaws 2008.

Context/Horopaki

Council provides water supply to communities through five schemes. The sources for the water include rivers, bores and a dam for Maungatoroto. The water schemes service townships as well as farms, industry and water carriers.

Council Water Supplies

Name of Scheme:	Number of connections:	Key users	Source	Current Status	Proposed Status
Dargaville & Baylys Beach	2782	Silver Fern, Farms, Water Carriers	River	Level 4 Restrictions	No Change
Maungaturoto	447	Fonterra, Farms	River + Bore + Storage	Level 4 Restrictions	No Change

Ruawai	251		Bore	Conserve	Level 4 Restrictions
Glinks Gully	85		Bore	Conserve	Level 4 Restrictions
Mangawhai	18	Campground	Bore	Conserve	Level 4 Restrictions

Due to persistent dry conditions, water restrictions have been implemented under Clauses 1609.1 and 1609.5 of Kaipara District Council's General Bylaws 2008 at Dargaville and Maungaturoto to ensure compliance with Council's drought management plan and resource consents authorising the take of raw water to supply the scheme.

The four levels of restrictions relate to

- Community Actions
  - Level 1 'Conserve Water'
  - Level 2 'No Sprinkler'
  - Level 3/4 'Essential Use only'
- Operational Actions
  - Levels include specific actions which meet consent and technical requirements.

Communities have responded well to the restrictions and have reduced their use. Similarly, major water users such as Silver Fern have worked collaboratively with Council to manage their needs. This has allowed water to be supplied to meet the communities needs in all locations.

Should the dry conditions persist, there is a risk that river and bore supplies will run too low and therefore actions now to reduce take from bores is required.

Discussion/Ngā kōrerorero

The implementation of water restrictions and conservation at Dargaville / Baylys Beach has been necessary during four of the last six consecutive summers (inclusive of the current), with specific targeting of large water users during the 2012/13 drought to reduce consumption. The current Kaihu River flows are generally lower than they were during the 2012/13 drought at this time of the year.

Whilst the implementation of water restrictions will impact on the community, the general response received during the 2017 event was positive. The current Dargaville and Baylys water restrictions which include hose and sprinkler bans have been generally positively received. Council's Operations and Maintenance Contractor, Broadspectrum, has also embarked on an exercise to investigate and repair any water leaks in the network.

The Council is working with the community, water carriers, neighbouring Councils and Fonterra to augment the water supply to communities on roof water tanks.

From previous experience in a drought situation, the community has reacted favourably to the implementation of water restrictions. If a significant investment in a future water source was to be considered, community consultation would be essential to obtain their views on the financial implications and how this will affect them.

Having a consistent approach across the District will help in driving the right behaviours and achieving a longer supply of water.

Risks and mitigations

Risk	Mitigation
The Council is legally challenged by individuals and or businesses affected by water restrictions.	The Kaipara District Council General Bylaws 2008 allows the Council to impose water restrictions and the Council can delegate this power to the Chief Executive Officer and the Mayor.

Options

Option A – Council approves urgent implementation of district wide water restrictions, and delegates authority to the Chief Executive and the Mayor to impose further water restrictions in future, if required.

Option B – Council does not approve the urgent implementation of district wide water restrictions, or the delegation of authority to the Chief Executive and the Mayor to impose further water restrictions in future, if required.

Assessment of options

Option A – Council approval of the urgent implementation of district wide water restrictions endorses their status and mitigates a challenge of their legality. Similarly, the delegation of authority to the Chief Executive and the Mayor to impose further water restrictions in future, if required, reinforces compliance with Council's General Bylaws 2008.

Option B – If Council elects not to approve the urgent implementation of water restrictions, it would render the water restrictions unlawful. If Council elects not to delegate authority to the Chief Executive and the Mayor to impose further water restrictions in future, if required, this would likely delay the implementation of further water restrictions which would result in Council not complying with its resource consents and drought management plans.

The recommended option is Option A.

Significance and engagement/Hirahira me ngā whakapāpā

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

Next steps/E whaiake nei

Staff will implement district-wide water restrictions and monitor water demand and supply, and update Council regularly on the water situation.

Kaihu raw water supply

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Sue Davidson, GM Sustainable Growth & Investment**

Purpose/Ngā whāinga

To seek approval to provide assistance in the form of a loan to those affected Kaihu dwellings on raw water as stated in this report. This is to ensure the homes are connected to a potable water supply and the residents have no further potential health risk from the current raw water supply.

Executive summary/Whakarāpopototanga

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.

Twenty-one properties were identified as being on a raw water supply in both Maungaturoto and Kaihu. Most owners have found their own solution, however there are still eight properties to connect. Two of these may still be problematic. Council has quotes for all the properties to install a water tanks and just needs to finalise the loan documentation. In January 2018, Council passed a resolution that there was to be a statutory land charge on the properties. All the properties are on Maori land and this is not possible. To move this project forward, Council approval is now sought to provide the finance, but with the recognition that a statutory land charge is not possible.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Approves that financial assistance by way of loan be given to identified affected dwelling owners in the Kaihu area to allow them to install water tanks on their property.

b) Notes that statutory land charge will not be required where the land is Maori land.

Context/Horopaki

Council's initial response was that the residents would be provided with a bottled potable water supply to each identified property until the projects were complete. This has been done and come at the Council's cost of approximately $50,000 pa.

Council also explained the situation and encourage the homeowners to complete the works themselves. Funding was not available, so Council then looked to get quotes and fund loans to the remaining ratepayers.

Council resolved the following in February 2018:

That the 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.

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.

Council has not completed the loan documentation as it has become obvious that those properties now without a potable water supply are on Māori land and a statutory land charge will not be possible.

Discussion/Ngā kōrerorero

The aim of Council is to secure a potable water supply for these people and remove the health risk at the least cost to Council. Council officers have explored other funding avenues to no avail.

Options

Option 1: Approves that financial assistance by way of loan be given to identified affected dwelling owners in the Kaihu area to allow them to install water tanks on their property.

Note: A statutory land change will not be required where the land is Maori land.

The advantage of this is that the public health risk is resolved for at least 6 of the houses and Council has legal documentation in place for the loan to be repaid.

The risk is that Council is not a bank with a loan portfolio and no software to manage this and that the homeowners may not repay the loan. The maximum risk is approximately $60,000.

Option 2: Status quo, continue supplying bottled water until the residents themselves put in a water tank. This could come at a cost of $50,000 pa and there are no other funding entities to approach.

Option 3: Enforce insanitary building notice and evict residents. This should not be pursued at this stage until we have exhausted all other options

The recommended option is **option 1**.

Policy and planning implications

There is no policy or planning implications.

Financial implications

Council will fund approximately $60,000 in loans with no security.

Risks and mitigations

There is a public health risk if we do not get these homeowners connected to a potable water supply.

There is a risk that some of the homeowners do not repay their loans. We have to assume they are willing to repay and assume they have integrity to adhere to the conditions the loan was advanced on.

Significance and engagement/Hirahira me ngā whakapapa

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

Consultation has occurred with each homeowner as a group and individually. Finance, iwi and plumbing staff will meet with each homeowner before they sign the documentation to answer questions.

Next steps/E whaiake nei

Loan documentation will be finalised and any outstanding issues brought back to Council.

Rose Marsden Cottage Lease

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **John Burt, Property & Commercial Advisor**
Jenny Rooney, Funding Coordinator

Purpose/Ngā whāinga

To seek approval for the surrender of the Lease of the Rose Marsden Cottage by Plunket NZ and to approve a Licence to Occupy the Rose Marsden Cottage for Te Whai Community Trust.

Executive summary/Whakarāpopototanga

In February 2010 Council granted Plunket a lease of the cottage for an initial term of 10 years. The lease also has a right of renewal for a further 10 years from Feb 2020, which Plunket NZ advised Council that it wished to exercise. In November 2019, Plunket advised they would like to explore the possibility of surrendering the lease and supporting an application for Te Whai Community Trust to take over the building, and for Plunket sub lease/hire from them for the two days per week for clinics at Mangawhai. The Te Whai Community Trust have outgrown their current premises and have the funding and wish to take over the building. There is currently nowhere else available suitable for them to occupy. The current Plunket playgroup and Toy Library are intending to become autonomous and separate from Plunket, and to join with Te Whai Community Trust to offer volunteer led community services.

This report is recommending that Council accept a surrender of the lease from Plunket and grant Te Whai Community trust a Licence to Occupy in accordance with Councils Community assistance Policy.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Approves a surrender of the Lease of the Rose Marsden Cottage by Plunket NZ

b) Approves a Licence to Occupy the Rose Marsden Cottage for Te Whai Community Trust.

c) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the Deed of Surrender and Licence to occupy agreement.

Context/Horopaki

i. Council has received a request from Plunket NZ and the Te Whai Community Trust. The two organisations have mutually agreed that a transfer of the Rose Marsden Cottage from Plunket NZ to the Te Whai Community trust would provide enhanced community outcomes, while still allowing Plunket to deliver Clinic services to families in the District.

ii. In February 2010 Council granted Plunket a lease of the cottage for an initial term of 10 years. The lease also provided Plunket with a right of renewal for a further 10 years from Feb 2020. In the middle of 2019, Plunket NZ advised Council that it wished to exercise its right of renewal for this further term.

iii. In November 2019, Plunket advised they would like to explore the possibility of;

   a. Surrendering the lease next year (on 18 February 2020 when the right of renewal for a further term commences) and;

b. Supporting an application for Te Whai Community Trust Mangawhai (Charity number CC52886) to take over the building, and for Plunket sub lease/hire from them for the two days per week we have clinics at Mangawhai. The Community Trust have outgrown their current premises and have enough funding and desire to take over the lease. There is currently nowhere else available for them to lease in Mangawhai. The current Plunket playgroup and Toy Library are intending to become autonomous and separate from Plunket and joining with Te Whai Community Trust Mangawhai to offer volunteer led community services in Mangawhai. They have Plunket's support. Subsequently we have received a request from Te Whai Trust for a licence to occupy should the surrender of the lease by Plunket becomes available.

A copy of information supplied by Te Whai on the organisation and its aims and objectives is appended to this report as Attachment A

Discussion/Ngā kōrerorero

As the Plunket offer to surrender, the lease is conditional on the building being transferred to Te Whai with Plunket continuing as a sub tenant, Council really has only the following options:

Options

Option 1: Approve the surrender of the Lease of the Rose Marsden Cottage by Plunket NZ and to approve a Licence to Occupy the Rose Marsden Cottage for Te Whai Community Trust.

Option 2: Status quo, Council does not accept the surrender of the lease by Plunket NZ and they will consequently continue as the lessee for the next 10 years.

The recommended option is **option 1**.

Assessment of Options

Option 1 – Approve Surrender and LTO

Criteria	Advantages	Disadvantages
Community	Supports a local organisation in their desire to have a permanent base.	
Financial	Requires the Community Trust to become responsible for all costs of maintaining the building.	
Social	Provides for a shared use of the building by multiple local organisations as well as Plunket.	

Option 2 – Status Quo

Criteria	Advantages	Disadvantages
Community		Doesn't assist Te Whai Community
Financial		Plunket's lease is limited in its requirements for Plunket to meet all costs of operating the building.
Social		Restricts use of the building to one organisation for the next 10 years.

The recommended option is **Option 1**.

Policy and planning implications

Councils Community Assistance Policy provides that where a new occupation of Council land or buildings is approved that the tenure is provided by way of Licence to Occupy.

Financial implications

The building is leased to Plunket for $5 per annum. A new LTO would provide for an initial peppercorn rental but with the standard LTO condition providing for a transition to a higher rent should Council's policy change.

Risks and mitigations

The financial risk to Council can be mitigated by the requiring Plunket to meet all costs associated with the preparation and negotiation of the Deed of Surrender of lease.

Legal risks will be mitigated by careful following of due process and having any surrender documents reviewed by Council's Solicitors.

Any risk to Council's reputation would be mitigated by making a decision in the best interests of Council's ratepayers and the wider community

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 agenda on the website.

Next steps/E whaiake nei

Preparation of Deed of Surrender and Licence to Occupy Documents and then execution of the same by all parties.

Attachments/Ngā tapiritanga

	Title
A	Information Supplied by Te Whai Community Trust

Te Whai Community Trust Mangawhai
Pioner Village Schoolhouse
Ph 021 024 78003
Email: tewhaitrust@gmail.com
FB: @TeWhaiCommunityTrustMangawhai
www.tewhaicommunitytrust.co.nz

October 02, 2019

John Burt
Property and Commercial Adviser
Kaipara District Council

Dear Sir,

It has been brought to our attention that the lease on the Rose Cottage next to the Mangawhai Domain is soon due for renewal and we would like to be considered as tenants for this building.

We are a charitable trust that has been operating since 2015 to bring social services that are lacking into the Mangwahai area and to provide support groups and education programmes on issues as required. Our ideal has always been to establish a Community House in Mangawhai where we can provide a space for social service providers to operate. With the recent population growth in the area has come an incremental increase in the need for social services, and so the need for a Community House is now urgent to ensure a co-ordinated and sustainable base.

See below our Vision, Mission statement and goals (NB Goal 2 in bold):

VISION
Just as the Stingray in the logo breeds and nurtures its young within the safe harbour of Mangawhai, this is also the vision of the Te Whai Community Trust Mangawhai. The Trust will act as a beacon lighting the direction towards safe harbour for all who seek help and advice.

MISSION
Te Whai Community Trust Mangawhai will provide a centre to act as the first point of contact directing people with specific needs to the services they require.

GOALS
1. To identify the needs of the community and collaborate in the delivery of safe and effective services
2. **To provide a facility to allow local and regional support services to deliver their services in Mangawhai**
3. To provide appropriate advocacy, educational programmes, information, and responsive support to the wider Mangawhai community and environment
4. To promote and advocate values of non-violence and equity in all relationships
5. To provide opportunities for all people to make positive changes to develop their full potential

We work in a collaborative model with a wellbeing focus and have already established relationships with the following organisations and agencies:

- Coast to Coast Health
- SCOPE nurse
- Geneva Health Care
- Strengthening Families
- Fostering Kids NZ
- Hospice Whangarei
- Alzheimers Society Northland
- Age Concern Rodney
- Parent Port
- Te Uri o Hau Family Start
- Otamatea Community Services
- NZ Police
- Mangawhai Beach School
- Mangawhai-Kaiwaka Kindergarten
- Before 6 and Mini Whai Daycares
- Te Puna Reo o Te Mangawhai

  And others

Our clients are either referred by one of these agencies, are self referred, or referred by a family member. We have recently contracted a Services Co-ordinator who is maintaining and expanding our networks, and she has also developed a data base of all social services available to residents of Mangawhai that will be on our website to be launched this month.

The mahi of our organisation is concentrated in the Mangawhai area to benefit the local community. Our focus is on those who are vulnerable, isolated and have needs that are not presently being met by the limited social services available. Social services have not kept pace with the recent and anticiapted population growth in the Mangawhai area and there is a lack of support for our more vulnerable citizens.

Specifically we have intiiated, or are in the process of developing, projects to support:

- children and families at Mangawhai Beach School to access counselling to promote better mental health
- young families who have limited whānau or family support;
- grandparents who are raising grandchildren;
- older people who are isolated or lonely or have a change of circumstance through illness that prevents them from participating fully in the community;
- widows and widowers who are coping with a sudden change of circumstance through bereavement;
- those with disabilities

We provide Aroha baskets (food parcels) on an ongoing basis to needy families (over 100 over the past 12 months) and have a growing group of willing volunteers, known as the Te Whai Sages, to whom we provide targeted training by professionals from reputable agencies, to work in the community. This year this training has included Establishing Boundaries by Age Concern Rodney; Living with Dementia from The Alheimers Society Northland; Building resilience in children who have

suffered trauma from Fostering Kids NZ, and all our Sages and Board members are undergoing First Aid Training later this month.

We also facilitate Te Reo Māori language classes and have 2 qualified tutors who are now running 5 classes with a wait-list for next year.

We are not a Lead provider for the Ministry of Social Development but have been successful in funding applications from Northland Grassroots; Northland Lotteries; Foundation North, COGS and MCOST. We have also received funds from Tara Iti (from their charity golf tournament), a number of local community groups, individual sponsors , and we hold a bi-annual Sculpture in the Garden event in conjunction with the Mangawhai artists. **We have started a building fund and once we have a secure tenancy on a building, we are confident we would be able to generate enough funds to maintain and improve it.**

To this end we would welcome the opportunity to meet with you to discuss a proposal to tenant the Rose Cottage. We would be very open to an arrangement for the present tenants to continue using the building, but feel we can offer a much more inclusive community access and usage.

We are able to provide references from agencies with whom we work if required.

We look forward to hearing from you at your earliest convenience.

Your faithfully

Sue Poynter
Secretary
Te Whai Community Trust

Environmental Awards Policy

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Jenny Rooney, Community Funding Coordinator**

Purpose/Ngā whāinga

To adopt the Environmental Awards Policy.

Executive summary/Whakarāpopototanga

This report seeks the formal adoption by Council of the Environmental Awards Policy. Staff will then progress the 2020 round of the Environmental Awards nominations and recognition process.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Adopts the Environmental Awards Policy at Attachment A of this report.

b) Delegates to the Mayor and Chief Executive the authority to make minor editorial amendments that do not change the intent of the 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 Councillor 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.** The draft policy was discussed at the February Council and feedback from that briefing has been incorporated.

Discussion/Ngā kōrerorero

Options

Option 1: Adopt the draft Environmental Awards Policy. This is the recommended option.

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

Policy and planning 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

It is estimated that the current Citizens Awards budget can be expanded to include these awards. The Environmental Awards and Citizens Awards nomination, selection and awards ceremony will be run concurrently to minimise financial implications. It is anticipated that an additional budget of approximately $2,000 per annum will be needed and this will be found from existing budgets.

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 agenda publication on the website.

Next steps/E whaiake nei

Intention is for Council staff to advertise the Environmental Awards throughout the Kaipara district, seeking nominations in May 2020. The Awards and Grants Committee will meet to determine successful recipients from the pool of nominees for each category. At the discretion of the Council an awards ceremony will take place to acknowledge successful recipients.

Attachments/Ngā tapiritanga

	Title
A	Draft Environmental Policy

Kaipara te Oranganui KAIPARA DISTRICT Two Oceans Two Harbours	**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**	February 2020
	File Reference	2120.01.03	**Next review date**	February 2023

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

1 Introduction

The Kaipara District Council annual Environmental Awards 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 Definition

The Resource Management Act 1991 definition of environment includes the following: -

(a) Ecosystems and their constituent parts, including people and communities; and
(b) All natural and physical resources
(c) Amenity values
(d) The social, economic aesthetic and cultural conditions which affect the matters states in paragraphs (a) to (c) or which are affected by those matters

Sources: http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230272.html

4 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.

DRAFT

- **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	• 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	• 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	• That use of systems, technologies, processes or practices help to protect, and/or improve the environment and waste minimisation • Best practice in industry beyond regulatory requirements.
Environmental youth leadership	• 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	• An effective project with measurable outcomes that illustrates inter-generational environment stewardship. • Including 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.

The Awards and Grants Committee (or committee provided with this responsibility) 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.

Council Submission on the Draft National Policy Statement for Indigenous Biodiversity

Meeting: Kaipara District Council
Date of meeting: 26 February 2020
Reporting officer: Paul Waanders, District planner

Purpose/Ngā whāinga

To approve the submission to the Ministry for the Environment on the Draft National Policy Statement for Indigenous Biodiversity.

Executive summary/Whakarāpopototanga

In November 2019, the Ministry for the Environment released the Draft National Policy Statement for Indigenous Biodiversity (NPS-IB) with submissions closing 14 March 2020. Staff have drafted a response (Attachment A). Council is requested to approve the submission or make amendments to the proposed submission.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Approves the Council Submission to the Ministry for the Environment, on the Draft National Policy Statement for Indigenous Biodiversity.

b) Delegates the Mayor and Chief Executive the authority to approve editorial changes if required.

Context/Horopaki

In terms of the Resource Management Act (RMA) the Government can develop and promulgate national policy statements for matters of national significance that are relevant to achieve the purpose of the RMA. Once the NPS-IB is finalised, the Minister will issue the NPS-IB, requiring Local Authorities to give effect to the NPS-IB in the District Plan.

Submissions such as these on National Policy statements are not delegated to staff and therefore require a Council decision.

Discussion/Ngā kōrerorero

The New Zealand Biodiversity Strategy 2000 and its Action Plan, guided biodiversity matters until the present time. (https://www.doc.govt.nz/globalassets/documents/conservation/new-zealand-biodiversity-strategy-2000.pdf) This Strategy is under revision and a Biodiversity Collaborative Group of individuals made the recommendation for a National Policy Statement to be developed.

The NPSIB has been released for submissions (https://www.mfe.govt.nz/sites/default/files/media/Biodiversity/draft-npsib.pdf) with an accompanying Discussion document (https://www.mfe.govt.nz/sites/default/files/media/Biodiversity/he-kura-koiora-i-hokia-discussion-document.pdf).

This documentation is supported by a section 32 report, cost benefit analysis and an Impact statement. These can be found on the MfE website (https://www.mfe.govt.nz/consultations/nps-indigenous-biodiversity)

The main objective of the NPS-IB is to maintain indigenous biodiversity under the RMA. Managing Significant Natural Areas (SNAs) and other provisions in the NPS-IB will ensure biodiversity is maintained overall, including no reductions in the following:

- the size of populations of indigenous species
- indigenous species occupancy across their natural range
- the function of ecosystems and habitats
- the full range and extent of ecosystems and habitats
- connectivity between, and buffering around, ecosystems
- the resilience and adaptability of ecosystems.

The NPS-IB seeks actions from councils and landowners to show the vital role we all play in ensuring indigenous biodiversity is maintained. Partnerships and collaboration between landowners, tangata whenua, communities, councils, and public agencies are critical to its success.

The NPS-IB requires councils to consistently identify areas with significant vegetation and habitats of indigenous fauna and manage their protection through regional and district plans, and consent processes under the RMA. SNAs would be identified by councils and ecologists working with landowners, using significance criteria developed by ecologists.

For pastoral farming, some areas may have the potential to be identified as SNAs, for example, if they contain significant indigenous grasses or rare indigenous fauna. The NPS-IB provisions allow existing farming to continue if impacts on indigenous biodiversity do not increase. The NPS-IB will require councils to promote restoration of degraded SNAs, important buffering or connectivity areas, wetlands, urban areas, or other areas that align with national priorities.

All Northland Councils have started identifying SNAs in accordance with the Regional Policy Statement for Northland.

Options

1. Approve the proposed submission, with or without amendments as part of the online process. This is the recommended approach as the online process assists the Ministry to compare replies effectively and efficiently in a standardised way. Additionally, a submission gives Council an opportunity to highlight support or challenge national policy, whilst presenting to central government local Kaipara issues to be considered.
2. Do not approve the submission on the Draft National Policy Statement for Biodiversity and passively accept national directive without bringing to central government's attention, any associated local Kaipara issues.

Policy and planning implications

Local Authorities have to give effect and implement National Policy Statements. Kaipara District Council (KDC) must provide protection mechanisms for biodiversity through the SNA identification and planning instruments in the District Plan.

Financial implications

The study to identify the SNAs has already cost KDC more than $70,000 and collectively for all Northland Councils $285,000. Ground truthing and the development of the Plan Change will add another $60,000 to that amount for KDC. No funding has been budgeted for any incentives recommended in the NPS-IB.

The cost to the public has not been calculated but this must be weighed up against the loss of biodiversity if nothing is done.

Risks and mitigations

The risk of not submitting means that Kaipara concerns will not be considered. It is therefore considered best policy practice to write a submission identifying local issues and voicing support or dissent for the proposed national direction.

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 agenda on the website

Other public or stakeholder engagement will follow when the SNAs are socialised with Kaipara's partners, stakeholders and communities as part of the District plan review process.

Next steps/E whaiake nei

Complete the online process and provide a submission, with or without amendments.

Attachments/Ngā tapiritanga

	Title
A	Submission on the Draft National Policy Statement for Indigenous Biodiversity

Submission on the Proposed National Policy Statement for Indigenous Biodiversity

Submitter Type: Territorial authority

Overall Position: Support in Part

Introduction section: Overview of the National Policy Statement for Indigenous Biodiversity (NPSIB) (pgs 10 - 22)

Overall thoughts about the introduction section and the need for an NPSIB:

Notes

This is still a topical NPS rather than a holistic view of the biota. A catchment orientated approach taking into account all the elements would have resulted in a holistic outcome which includes land, water, air and the environment.

In reading the Draft NPSIB the following remarks are made:

1. Explanatory notes p.4. Without proper and adequate resourcing for local government authorities and their partners Mana Whenua to implement the necessary actions required by this NPS, the claim that the response in the NPS "ensures" the decline in indigenous biodiversity is "halted" and species, habitats and ecosystems are "supported to thrive" is questionable. Additionally, the unknown adverse impacts caused by climate change makes it impossible to say with any certainty that the NPS will ensure there is no decline and that the support given will support thriving biodiversity.

Recommendation 1: Change wording to "aims to ensure…"

2. Explanatory notes p.4. Partnerships with Mana Whenua are essential to the success of the implementation of the NPS. Recognising this up front in the NPS would clearly signal the importance of these relationships.

Recommendation 2: Change wording to "Partnerships and collaboration between Mana Whenua/Tangata Whenua, landowners, communities…."

3. 1.7 Fundamental concepts (3) Maintenance of Indigenous biodiversity p.9. It will be important for local government authorities and their partners, communities and stakeholders to recognise when maintenance is not enough, taking into account cumulative impacts at all levels - local, regional, national and international. This is especially important when addressing the adverse impacts of climate change. It is almost certain because of the climate crisis the world faces, maintenance, will require restoration and enhancement to enable resilience and adaptability.

Recommendation 3: Change wording to “The maintenance of indigenous biodiversity will require a sound understanding of the cumulative impacts on the species, habitats and ecosystems affected and the requirement for restoration or enhancement of ecosystems and habitats.”

4. 1.8 Definitions -administrative boundaries p.10. There is no guidance in 1.8 d) on how “tangata boundaries of rohe“ are to be defined. Is it by statutory declaration, settlement deed, whakapapa? What impact will the settlement of any future claims have?

Recommendation 4: Clarity provided on how these boundaries will be defined.

5. 1.8 Definitions – biodiversity offset p.10. There is no guidance on how “more than minor” will be measured.

Recommendation 5: Clarity provided on how more than minor residual adverse biodiversity effects will be measured.

6. 1.8 Definitions – buffer p.10.The size of a viable buffer is likely to differ for each ecosystem and their resident types of species. How will each viable buffer be measured?

Recommendation 6: Clarity provided on how to apply ecological maintenance and restoration methods, which are based on best practice and best available science and provide flexibility according to needs of ecosystems.

7. 1.8 Definitions- ecological integrity p.11. Mauri and other Māori values are important cultural measures used to determine the ecological integrity of an ecosystem.

Recommendation 7: Mauri be included as a) in this list, moving the other matters in current list to b) to d).

8. 1.8 Definitions – effects managed hierarchy p.11. Clearer and stronger policy direction is required to elevate the need to “avoid” adverse effects, the ability to consider biodiversity offset has the potential to serve as a “get of jail free” card. Stronger messages from central government and this NPS are needed in the face of the dire threats and risks to the biodiversity of Aotearoa.

Recommendation 8: A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPS and if and only if biodiversity offsetting can provide gains and no net loss then it must be implemented. Compensation as per e) should not be considered as a viable solution.

9. 1.8 Definitions – identified taonga p.12. This identification process requires adequate resourcing to enable authentic and meaningful engagement and participation in this identification process and their subsequent protection through local government policy and strategies. The NPS does not provide any information on how Hapū, Iwi, marae, Iwi Authorities and organisations and local government will be resourced to hold discussions on the protection of taonga species to ensure this process is effective.

Recommendation 9: Resourcing be made available to enable robust identification process and the development of protective mechanisms in local government planning and policy instruments.

10. 1.8 Definitions – nationally significant infrastructure p.13. For Te Tai Tokerau communities regionally and district wide significant infrastructure requires equal recognition as often our communities are denied access to nationally significant infrastructure. Additionally, digital networks are not identified as being nationally significant.

Recommendation 10: Include a clause acknowledging regionally and district wide significant infrastructure where necessary for achieving objectives of NPS. Include digital networks in definition list.

11. Policies 2 & 3 p.15. How is it possible in Policy 2 to measure if effects are "potentially significant" if science is uncertain or effects unknown. Implementing planning and policy instruments at a local authority level will struggle to implement this without further guidance. Equally for Policy 3 how can local authorities support 'resilience" without adequate resourcing from central government especially in areas where local economies are vulnerable or challenged.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

General Comments on the Introduction

Question 1: Do you agree a NPSIB is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Why/why not?

Position

Yes

Notes

Yes, as this will be a statutory and standardised requirement to influence the collective protection of biodiversity utilising a systematic methodology. This NPSIB will convince non-cooperative people to participate in the preservation of the biodiversity.

Question 2: The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Why/why not?

Position

Yes

Notes

Although outside of the jurisdiction of the Territorial Authority a holistic approach would include the coastal marine area and fresh water bodies as well as wetlands. It would combine the work of the Regional Council with that of the Territorial Authority in one action.

Question 3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?

Position

Somewhat

Notes

The Objectives are wide enough to be interpreted and are achievable. Explanation to the Policies would be required and if Policy 7 refers to Offsetting it is not supported (further discussion comes later) Objective 2 requires a stronger emphasis. In 2020 local authorities should be implementing principles and not just taking into account. It is difficult to align the ability to consider biodiversity offsetting in the face of Objective 5, the policy direction is in-congruent. A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPSIB and if and only if biodiversity offsetting can provide gains and no net loss then it must be implemented. Compensation should not be considered as a viable solution.

Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi (pgs 23 - 30)

Overall thoughts about Section A:

Notes

We are constantly reminded by Mana Whenua that a holistic approach is the only acceptable method to implement. This contrasts with the topical way a NPS is produced. Notwithstanding the aim in Clause 3.4 of the NPSIB this is still a topical subject and the linkages with other NPSs is not clearly emphasised.

Question 4: Hutia te Rito recognises that the health and well-being of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Why/why not?

Position

Somewhat

Notes

Guidance would be useful on how pragmatically implements 3.2. Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Question 5: Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Is there anything else that should be added to reflect te ao Māori in managing indigenous biodiversity?

Position

Somewhat

Notes

Guidance would be useful on how to pragmatically implement 3.2.

Recommendation Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua

Question 6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?

Position

Somewhat

Notes

Guidance would be useful on how to pragmatically implement 3.2-3.4 of the NPSIB.

Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Question 7: What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain

Notes

Kaipara District Council provides a mechanism supporting kaitiakitanga with its Mana Whenua partners through a Memorandum of Understanding with Te Uri O Hau and a Mana Enhancing Agreement with Te Roroa, however greater resourcing from central government for the resourcing of research to understand the impacts on climate change on, for example, Kai Iwi Lakes and the Kaipara Moana.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

Question 8: Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the NPSIB appropriately provides for customary use? Please explain

Position

No

Notes

Mātauranga Māori appears to be subjected to western science. It is important to be very clear about the right for these two sets of knowledge bases and world views to coexist.

Question 9: What specific information, support or resources would help to implement the provisions in this section? (Section A)

Notes

Guidance would be useful on how to pragmatically implement 3.2--3.4 of the NPSIB.
Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Section B Identifying biodiversity and taonga (pgs 31-41

Overall thoughts about Section B:

Notes

This is probably the most useful part of the NPSIB.

The Kaipara Operative District Plan 2013 has a chapter on Ecology and mentions Conservation areas under control of DOC as well as certain Scenic reserves under control of the Council.

The DP does allow for benefit lots created with the registration of a covenant in favour of the Council. However, the matter of the Private Property Rights are always held up as a reason why Government should not limit the free and unfettered use of a private persons property. It is expected that there will be public objection against Council identifying SNA's on Private land and the NPSIB will assist in alleviating the fear of land-grab or retaliation by destroying the proposed SNA.

We will need to ensure the Proposed District Plan identifying SNA's will take immediate effect once notified to avert damage to SNA's.

Question 10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

Notes

Presently the Kaipara Operative Plan shows some of the Ecological areas as Reserve Management Units but this is limited to Public land.

In terms of the Northland Regional Policy Statement SNA's have to be identified according to the criteria set out in an Appendix. The Northland Councils have collectively engaged Wildland Consultants to identify the SNA's.

In Kaipara, Wildlands has identified 543 SNA's and a further 89 likely sites which still have to be assessed. The cost to the Kaipara ratepayers has already been about $130K before groundtruting or landowner consultation. It is estimated that the following stages up to a plan change might cost another $60K which is hard to justify to the ratepayers. The criteria that Wildland used in accordance with the RPS, will probably satisfy the requirements of the NPSIB although rating of the SNA's as

'high' or 'medium' has not been undertaken. To do this will cost a further amount which is hardly justifiable and in our opiion not best science.

Question 11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling SNAs? Why?

Position

A collaborative exercise between Territorial Authorities and Regional Councils

Notes

Northland Regional Council has set the criteria in the RPS and should therefore assist in the areas where the Regional Council has jurisdiction such as the CMA , rivers and wetlands. The Regional Council as overseer of the RPS should also assist when Territorial Authorities struggle. In the case of Kaipara, assistance with GIS and Oblique Aerial photography could be helpful.

Question 12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Why/why not?

Position

Yes

Notes

In Northland the principles of identification and mapping as set out in Appendix 1 of the NPSIB were followed and should address the requirements of the NPSIB. Some might dispute this and the NPSIB should state that where the SNA's have been undertaken that those will be accepted for the first round. Kaipara District Council is opposed to the 'high' and 'medium' classification in Clause 3.8(1)b) as set out in Appendix 2 of the NPSIB. Classifying significance with a 'high' or 'medium' measure is not helpful. Recommendation: Classification should align with and be supported by SNA analysis based on ecological values and set criteria. The criteria in Appendix 2 are difficult to apply and open to interpretation.

Question 13: Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see part 3.8(2) of the proposed NPSIB) Why/why not?

Position

Yes

Notes

The provisions of Clause 3.8(2) are clear although a little autocratic but in order to do the SNA mapping and public consultation effectively it is accepted that these methods will have to be used.

Question 14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?

Position

Combination

Notes

District Plan shows terrestrial SNA's.

Regional Plans show SNA's in the CMA as well as waterbodies and wetlands.

All resource consent applications as well as Plan Changes have to be assessed against both sets of plans and both will therefore be considered.

The question however is if the Schedule should be in the District Plan as any change would then require a Plan Change -- a shortened process by not having to use the Schedule 1 process should be allowed when circumstances warrant changes to a SNA provided that the NPSIB is adhered to.

Question 15: We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? What do you think is a reasonable timeframe and why?

Position

Yes

Notes

Mapping in Northland took two years

Groundtruthing will take another year.

Consultation with Mana Whenua and landowners will take another year.

Six years therefore should be adequate.

Question 16: Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

This is a practical way as long as all the participants understand the limitations.

Question 17: Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Why/why not?

Position

Yes

Notes

Even if an area is not a SNA the corridors between SNA's make these corridors important and therefore should be identified. However, that will be another survey with cost and a human resources requirement.

Question 18: What specific information, support or resources would help you implement the provisions in this section? (Section B)

Notes

Funding for surveys especially if all the SNA's have to be categorised as 'medium' or 'high' as well as the corridors for highly mobile fauna. Funding for Mana Whenua engagement and studies will be required as well.

Section C: Managing adverse effects on biodiversity from activities (pgs 42-67)

Overall thoughts about Section C:

Notes

The principles are set out in Clause 3.9 and give a clear approach of the practical workings of the NPSIB.

Question 19: Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? (see Part 3.9 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

Yes, it states what the aims are and makes the management of the exceptions clear by describing the circumstances where applications can be considered and under what conditions. This will for instance allow for ecosystem services where the harvesting of indigenous vegetation planted for harvesting can be utilised. One aspect that might be included is a determination that an SNA takes effect immediately on notification so it can not be destroyed before the process is complete.

Question 20: Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Why/why not?

Position

Somewhat

Notes

Kaipara District Council can accept the Effects Management hierarchy of avoiding, remedying and mitigating but has issues with the principle of 'offsetting' as well as 'compensation'. Therefore we do not support Appendix 3 or Appendix 4 of the NPSIB.

These methods may lend themselves to unethical behaviour. The Appendices already acknowledge the dangers of these methods and are considered as the last resort. 'Offsetting' or 'compensation' should not be legitimised through the NPSIB but should be guides in the assessment of a non-complying activity with the assessment against the policies of the plan and the effect on the environment.

Objective 2 requires a stronger emphasis. In 2020 local authorities should be implementing principles and not just taking into account. It is difficult to align the ability to consider biodiversity offsetting in the face of Objective 5, the policy direction is incongruent.

Section 3.9 b) water downs the imperative to avoid further adverse impacts. Clearer and stronger policy direction is required to elevate the need to “avoid” adverse effects, the ability to consider biodiversity offset has the potential to serve as a “get of jail free” card. Stronger messages from central government and this NPS are needed in the face of the dire threats and risks to the biodiversity of Aotearoa.

Recommendation: A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPS and if and only if biodiversity offsetting can provide gains and no net loss then it could be implemented.

Question 21: Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.

Notes

No- the adverse effects on indigenous biodiversity are covered. Clause 1.7(4)i)i. -- the ability of ecosystem services is strongly supported

Question 22: Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? If no, do you have an alternative suggestion? Please explain

Position

No

Notes

Kaipara District Council does not support the hierarchy of 'middle' and 'high' values. SNA's are already by definition a High form of protection and the degrading of certain SNA's to 'middle' is not warranted. Rather distinguish between 'threatened' and 'at risk' species. which is based on science rather than a biased opinion.

Question 23: Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (See part 3.9(2)-(4) of the proposed NPSIB) Why/why not?

Position

Somewhat

Notes

The distinctions are accepted, except those between 'high' and 'medium' (Appendix 2)
Recommendation: Move proviso 3.9(5) to 3.9(2)b) or it will get lost in the process

Question 24: Do you agree with the proposed definition for nationally significant infrastructure? Why/why not?

Position

Somewhat

Notes

It would be preferable that reference is made to National and Regional Significant infrastructure as the RPS for Northland allows for both Regional and National Infrastructure which was established through an Environmental Court case.

Question 25: Do you agree with the proposed approach to managing significant indigenous biodiversity within plantation forests, including that the specific management responses are dealt with in the National Environmental Standards for Plantation Forestry? (see Part 3.10 of the NPSIB) Why/why not?

Position

Yes

Notes

In Northland through the Regional Council Monitoring system in terms of the NESPF process, biodiversity is monitored and managed with regular reporting and sharing of information amongst the forestry operators. The aim is to learn from each other rather than use the big stick. Currently cooperation is remarkable.

Question 26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the NPSIB? Why/why not?

Position

Yes

Notes

This is fair towards farmers and landowners notwithstanding that they might not agree. Continuation of existing activities might be an incentive for Council to map SNA's on those `properties. Farm development plans will also assist in the acceptance of SNA's on properties.

Question 27: Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Why/why not?

Position

Yes

Notes

General vegetation clearance rules in the District Plan in the non-SNA areas are sufficient to protect those areas of indigenous habitats. Provision for covenanting and benefit subdivisions will safeguard those non-SNA areas especially the corridors between SNA's The question is if an apron or buffer area of say 30m around a SNA should be required or that the SNA has a 'fuzzy' boundary as a transition area or should the SNA be mapped exactly and fenced with a buffer around it -- similar as for the waterways.

Question 28: Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Why/why not?

Position

No

Notes

Kaipara District Council does not support these methods of 'offsetting' nor 'compensation' but if these are used it should be sequential to the activity status with compensation as the last resort.

Question 29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Why/why not?

Position

Somewhat

Notes

A holistic and integrated approach is required.. It is agreed that Clause 3.9(2)d)iii. and iv. and 3.9(3) should assist in applying Clause 3.9

Question 30: Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Why/why not?

Position

Yes

Notes

With climate change, the biodiversity will change and provision should be made for the maintenance of existing biodiversity such as wetlands but also for changes where the habitats adapt to the new climate situation and then the SNA's might change. Wetlands might dry out and become grassland which then is the new biodiversity and a new SNA.

Question 31: Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

The precautionary approach is accepted but in terms of Clause 3.9 and the Policy 2 the question is how is it possible to measure if effects are “potentially significant” if science is uncertain or effects unknown?

Implementing planning and policy instruments at a local authority level will struggle to implement this without further guidance. Equally for Policy 3 how can local authorities support ‘resilience” without adequate resourcing from central government especially in areas where local economies are vulnerable or challenged.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

Question 34: Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the proposed NPSIB? Why/why not?

Position

No

Notes

Kaipara District Council's view on 'offsetting' has been expressed above however, looking at Appendix 3, semantics of this section sends the impression western science has more authority and weight than Mātauranga Māori, whereby an action must be informed by science but only consider Māori knowledge. This is likely to lead to a tokenistic approach to partnership with Mana Whenua/Tangata Whenua and their representative kaitiaki. This will at its worse perpetuate institutional racism. Recommendation: Change wording to “…must be a documented process informed by mātauranga Māori and best available science.”

Question 35: Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the proposed NPSIB? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation as set out in the Environment Court decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.

Position

No

Notes

Kaipara District Council's view on 'compensation' has been expressed above. Semantics of this section sends the impression western science has more authority and weight than Mātauranga Māori, whereby an action must be informed by science but only consider Māori knowledge. This is likely to lead to a tokenistic approach to partnership with Mana Whenua/Tangata Whenua and their representative kaitiaki. This will at its worse perpetuate institutional racism.

Recommendation: Change wording to "…must be a documented process informed by mātauranga Māori and best available science."

However, if biodiversity compensation were to be accepted the two principles of 'No-net-loss' and 'like for like' need to be demonstrated. The criteria from the Environment Court decision, Oceana Gold vs Otago Regional Council can be useful.

Question 36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

Position

Other - please explain

Notes

In a holistic and integrated approach and a precautionary approach a decision has to be made on the facts that are important. Biodiversity is not always the only aspect to be considered.

Question 37: What specific information, support or resources would help you implement the provisions in this section? (Section C)

Notes

Qualified staff or consultants and heaps of funds to pay for the costs that will be inevitable in these type of decisions.

Section D: Restoration and Enhancement of biodiversity (pgs 68-76)

Overall thoughts about Section D:

Notes

This Section will be very controversial due to the effect on Private Property Rights and the effect on the day to day life of landowners.

Question 38: The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (See Part 3.16 of the proposed NPSIB). Do you agree with these priorities? Why/why not?

Position

Somewhat

Notes

The first priority should be to keep what is there and then to give attention to degraded SNA's Buffering can be used where corridors of non-SNA's are identified. This can be done by having an apron around the SNA or a distance measured from the SNA. Wetland identification and its connections needs to be undertaken by the Regional Councils clearly identifying the corridors and the buffers. Incentives are great ideas but just not affordable in the Kaipara District

Question 39: Do you see any challenges in wetland protection and management being driven through the Government's Action for Healthy Waterways package while wetland restoration occurs through the NPSIB? Please explain

Notes

Yes, as the agreement of the landowners will be required. It might be possible to deal with wetland protection through the Healthy waterways project but the restoration of degraded or drained wetlands will be more difficult and will have to be mapped by the Regional Council together with its corridors and buffers. This then needs to be negotiated with the landowners and incentives should be available.

Question 40: Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Why/why not?

Position

No

Notes

What science supports 10% measure?

Recommendation: Assessments should align with and be supported by best available science and identified ecological values and criteria rather than a generic 10% measure.

The sec 32 has the premise that funds are available see 7.11.5 Policy 11 Sec 32 P93-94. Question is also why would the Regional Council be involved in the SNA in Urban Areas as these are mainly created through benefit subdivisions rather than Open Space Reserves. If these SNA's in urban areas are identified by the Regional Councils would it not create the expectations that funding will be available for the Regional Council to establish these Urban SNA's.

One of the incentives mentioned are transferable rights which is not supported and will need an administrative system to manage the 'bank'.

Question 41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain

Notes

Although the National Strategy 2000 (and any revision) is supported to create the framework and the justification to progress to the statutory process, this should not be the function of a Strategy. The NPS

is the statutory instrument. For the same reason one can have a Regional Biodiversity Strategy to illustrate how the National Strategy is brought down to the Region, but that would not be the statutory instrument to give effect to the NPSIB

Appendix 5 of the NPSIB is the wish list of what should be in the Regional biodiversity strategy and it would be better to include those in the Regional Policy Statement rather than a Regional Strategy. The RPS is the statutory instrument.

Question 42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Why/why not?

Position

No

Notes

A Regional Biodiversity Strategy to illustrate how the National Strategy is brought down to the Region, but that would not be the statutory instrument to give effect to the NPS. Appendix 5 of the NPSIB is the wish list of what should be in the Regional biodiversity strategy and it would be better to include those in the Regional Policy Statement rather than a Regional Strategy. The RPS is the statutory instrument.

Question 43: Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain

Notes

No, these matters should be included in the Regional Policy Statement and the Regional Pest Management Plans.

Question 44: Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Why/why not?

Position

Unsure

Notes

If a Regional Biodiversity Strategy is required it should be followed by the inclusion in the Regional Policy Statement. These can be completed within the proposed 6 year period.

Question 45: What specific information, support or resources would help you implement the provisions in this section? (Section D)

Notes

Biodiversity strategies and Implementation Plans requires funding, technical staff and again resources to deal with incentives and/or land acquisition.

Section E; Monitoring and implementation (pgs 77-88)

Overall thoughts about Section E:

Notes

Without monitoring one will never know if the Objectives and Policies are achieved. Presently only new applications are monitored in the Kaipara District as well as complaints but the monitoring of the covenants or the PNAPs are not actively monitored. Regular State of the Environment reporting would be preferable but are not actively undertaken. Kaipara does publish the Environmental Scan on a regular basis which includes elements of biodiversity but not to the extent that would be required from the NPSIB.

Question 46: Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

Monitoring is important to measure success or issues and be able to address these issues. This should be part of the monitoring of the State of the Environment and not limited to Biodiversity. Kaipara has major staff and finances shortages to undertake this monitoring and reporting but accepts that this could be a Regional function.

Question 47: Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the NPSIB. Do you agree with the requirements of this effectiveness review? Why/why not?

Position

Yes

Notes

This should be as part of the State of the Environment monitoring.

Question 48: Do you agree with the proposed additional information requirements within Assessments of Environmental Effects (AEES) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB) Why/why not?

Position

Somewhat

Notes

The requirements to be provided and/or included in the District Plan is accepted, except Clause 3.19(3)(b) or if included an undertaking is given to provide the funding to undertake the classification of 'high' and 'medium'. Provision 3.19(4) needs an explanation as it reads like an exemption or a proviso rather than a policy. Would the application of the removal trigger the requirement of a plan change or can that be achieved without going through the Schedule 1 process?

Question 49: Which option for implementation of the proposed NPSIB do you prefer? Please explain

Position

Implementation as soon as reasonably practicable - SNAs identified and mapped in five years - scheduled and notified in plans in six years

Notes

The SNA's in Northland have been identified but still need to be grountruthed and plan changes developed.

Question 50: Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Why/why not?

Position

Somewhat

Notes

This is a matter of cost and availability of consultants to undertake the surveys. To undertake the identification in Northland took two years. It will be impractical to review every two years unless staff and funds are made available.

Question 51: Which of the three options to identify and map SNAs on Public Conservation Land (PCL) do you prefer? Please explain

Position

Territorial authorities identify and map all SNAs including public conservation land.

Notes

The full picture is required. Some of the public conservation land is used for productive farming or forestry which will probably not qualify as a SNA.

Question 52: What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

Notes

All land has to be assessed under the criteria for SNA's even if it is not conservation land.

Question 53: Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Why/why not?

Position

Somewhat

Notes

Part 3.4 is not an integrated approach-- maybe in the field of biodiversity but integrated includes all aspects of life and the full ambit of the environment.

Question 54: If the proposed NPSIB is implemented, then two pieces of National Direction – the New Zealand Coastal Policy Statement (NZCPS) and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states that if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward coastal environment? Why/why not?

Position

Yes

Notes

The most restrictive provision will apply. In the Coastal Environment the Natural Character Area provisions will apply as well as any Outstanding Landscape and Outstanding Natural Features plus sites of significance to Maori etc.

Question 55: The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders and central government are set out in the Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain, and provide examples of costs/benefits if these proposals will affect you or your work.

Notes

From the 4SIGHT Consulting sec 32 analysis of cost and benefit it is recognised throughout the report and in 8.4 and 8.5 Summary, that the cost will mainly be on the Councils. The opportunity cost and benefit to the landowners is the topic that has to sell the implementation of the NPSIB-- which will be the hardest part. However, throughout the report 'creating certainty' to all the parties is the biggest benefit

Question 56: Do you think the proposed NPSIB should include a provision on the use of transferable development rights? Why/why not?

Position

No

Notes

Transferable rights require a council to play bank to keep track of all the credits and debits which have to be assessed against each other as this is not only a 'area by area' assessment but 'like-for-like' and a 'non-net-loss'. Transferable rights are a minefield to administer.

Question 57: What specific information, support or resources would help you implement the provisions in this section? (Section E)

Notes

Technical assistance as Kaipara District Council will otherwise always have to rely on contracted technical experts. The cost of doing the preparation work has already shown to be disproportional with the implementation to follow. A Biodiversity contestable fund should be created to assist in developing a robust system especially for local authorities with a small rates base.

Question 58: What support in general would you require to implement the proposed NPSIB? Please detail.

Position

All of the above

Notes

Kaipara District Council does not have the in-house expertise to deal with all the technical aspects and has to rely on consultants for much of the technical evidence. Kaipara also has a small rates base and to be in play with the larger neighbours need financial assistance to deliver comparable plans and in accordance with the National Planning Standards.

Overall thoughts about Section F:

Notes

The hierarchy of planning in New Zealand is clearly defined with Non-statutory Strategies and Statutory National Policy Statements and National Environmental Standards to ensure implementation via Regulations. It is accepted that the NPS's NES's and even the Strategies will evolve depending on the requirements of the day.

Question 59: Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?

Position

Yes

Notes

Everybody has asked for more National Guidance and now that this is coming it is difficult to keep up with the changes that have to be made to the local District Plans. The Planning Standards can

hyperlink to the relevant NPS or NES or Government Strategy. However, where necessary the Planning Standard has to be updated with new requirements as the NPS's require new standards to be incorporated. The Planning Standards should however not be the technical background document -- that remains the realm of the NPS or NES. The Standard is the 'what' and the NPS is the 'how' as well as the 'why'. The various plans District Plan and Regional plans are the 'where' and some of the 'how'

Question 60: Do you think there are potential areas of tension or confusion between the proposed NPSIB and other National Direction? Why/why not?

Position

No

Notes

We do not think that there is confusion. The discussion documents clearly identify contact points and accepts that where conflict may arise in the implementation which document takes precedent or what changes should be made to various other NPS's or NES's.

It is trusted that the review of the RMA may even align other legislation such as Transport and Mineral extraction.

Question 61: Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Why/why not?

Position

Yes

Notes

This is a regional matter but the legislation do align and are implemented through the Pest Management Plans in a coordinated fashion.

Question 62: Do you have any other comments you wish to make?

Notes

This is a necessary but very costly exercise and ongoing support is required especially for the smaller local authorities.

Question 63: If you don't want part, or all, of your submission to be published online, describe the parts you wish to be withheld here and the reasons for withholding.

Notes

The submission is subject to Council approval as this matter is not delegated to staff.

Paul Waanders

Elected Member Code of Conduct

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Gavin Dawson, Governance Advisor**

Purpose/Ngā whāinga

To provide the final draft of the Elected Member Code of Conduct for adoption by the Council.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Adopts the proposed Code of Conduct located at Attachment C of this report.

b) Delegates the Mayor and Chief Executive the authority to make minor grammatical amendments that do not alter the intent of the code of conduct.

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") developed 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 for possible adoption by councils for the 2019/2021 triennium. The template 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 B)**.

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.

The proposed Elected Member Code of Conduct for adoption **(Attachment C)** is based on the LGNZ template, which was considered by the Council at the Council Briefing on Wednesday 5 February 2020. No amendments or additions to the contents of the LGNZ template were requested at the Briefing. The LGNZ draft Code has been amended to reflect Kaipara District Council branding and other language.

Next steps/E whaiake nei

If adopted, the proposed Elected Member Code of Conduct will replace the existing Code. The new Code will be distributed electronically to all Elected Members.

Attachments/Ngā tapiritanga

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

	Title of Policy	Code of Conduct Elected Members 2016		
Kaipara te Oranganui KAIPARA DISTRICT Two Oceans Two Harbours	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**
1st 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 vote[1]. 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 investigation[2].

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.

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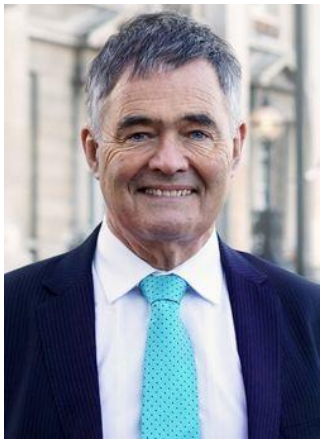
LGNZ Code of Conduct Guidelines

< 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 Office[2] 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)

2. We are effective in being part of a coordinated approach to promote the district/region.

   1 2 3 4 (please circle)

3. We have effective working relationships with key stakeholder groups.

   1 2 3 4 (please circle)

4. We have an effective working relationship with Council staff through members' interactions with the Chief Executive.

   1 2 3 4 (please circle)

5. We engage effectively with the community on issues of importance to them.

   1 2 3 4 (please circle)

6. We are well prepared and well equipped to make informed decisions in our capacity as elected representatives.

   1 2 3 4 (please circle)

7. We participate appropriately in debates and act collectively in the best interests of the district/region.

   1 2 3 4 (please circle)

8. Council decisions are made in an open and transparent fashion.

   1 2 3 4 (please circle)

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 own 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

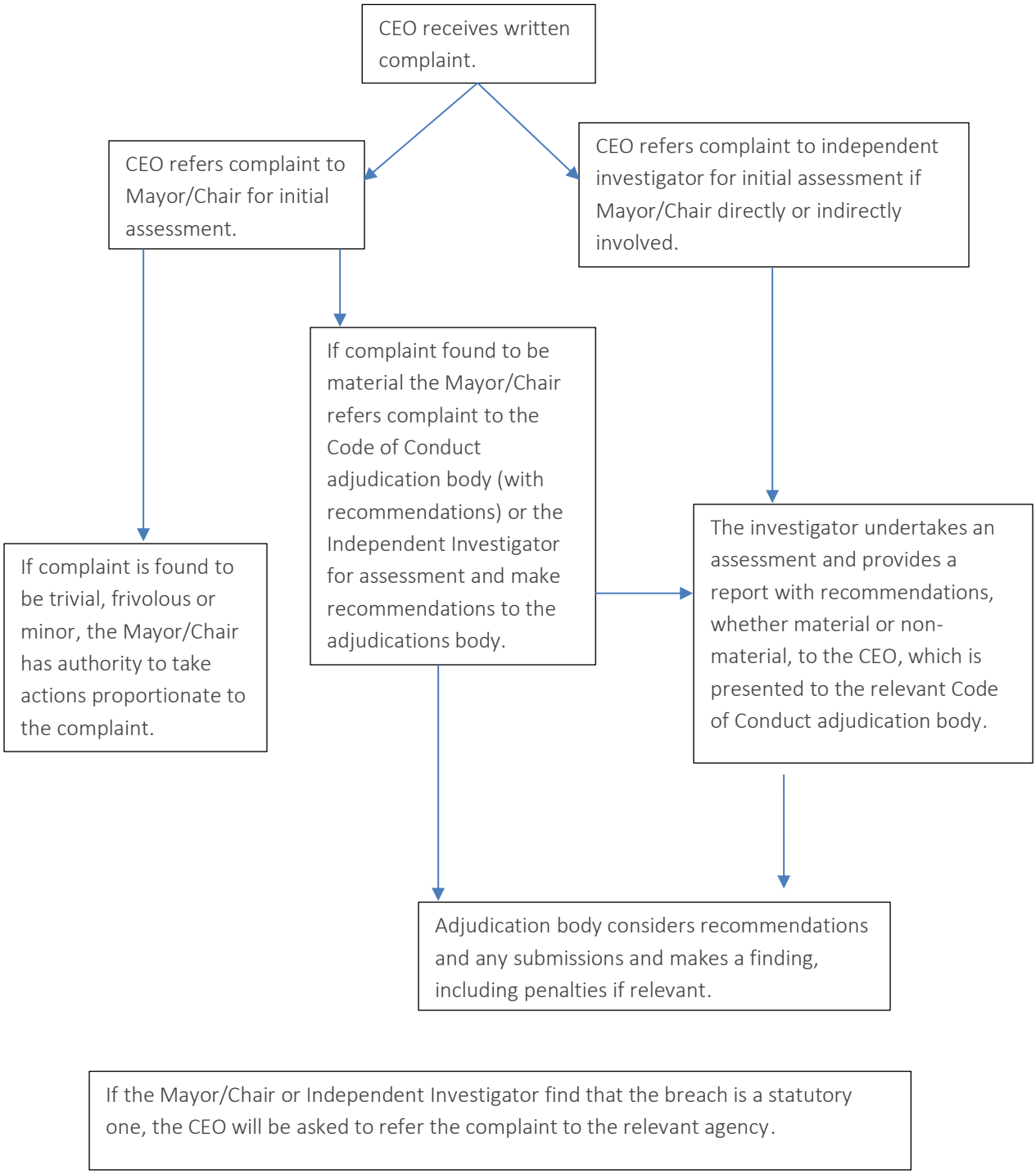
formally report this to the full Council for its consideration. At the conclusion of that meeting Cr Black leaves to find a local reporter waiting outside and makes the comment that "Jack White won't be getting a pay increase this year because he didn't meet all his targets".

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



If the Mayor/Chair or Independent Investigator find that the breach is a statutory one, the CEO will be asked to refer the complaint to the relevant agency.

Kaipara District Council

Code of Conduct

Adopted 26 February 2020

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1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members of the Kaipara District Council (the Council) 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 and district;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the Council to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the Council 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 the district. 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 media[5]

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.

Review of Standing Orders

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Lisa Hong, Governance Advisor**

Purpose/Ngā whāinga

To adopt new Standing Orders for the conduct of council and committee meetings.

Executive summary/Whakarāpopototanga

Standing Orders are 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.

At the 05 February 2020 briefing, elected members were briefed on Local Government New Zealand's 2019 model Standing Orders. Elected members provided direction on optional provisions and other considerations for staff to draft a new Kaipara District Council Standing Orders for consideration for adoption.

Recommendation/Ngā tūtohunga

Optional provisions:

That Kaipara District Council:

a) Agrees to retain the power to grant a member leave of absence following an application from that member (Standing Orders 13.3).

b) Agrees to include the right for members to attend meetings via audio visual link, subject to approval from the Chairperson and other conditions within the Standing Orders (Standing Orders 13.7—13.16).

c) Agrees that the Mayor will have a casting vote in cases of equality of votes, for matters of statutory compliance and deadlines only (Standing Orders 19.3).

d) Agrees to default to Option A for moving and speaking (Standing Orders 22).

Other amendments:

That Kaipara District Council:

e) Agrees to three clear working days for agenda distribution to members (Standing Orders 9.10) and three working days for public availability of agendas (Standing Orders 9.8).

f) Agrees to the following time limits on speakers (Standing Orders 21.2):
- Movers of motions when speaking to the motion – not more than 5 minutes
- Movers of motions when exercising their right of reply – not more than 5 minutes
- Other members – not more than 5 minutes.

g) Agrees to delete Standing Orders 23.6 regarding Chairperson's power to include an amendment when moving to adopt a recommendation from a committee, to avoid confusion.

h) Agrees to amend Standing Orders definitions (Standing Orders 2) and Appendix 11 to hold open Briefings and closed Workshops.

Final adoption:

That Kaipara District Council:

i) Adopts the final Kaipara District Council Standing Orders incorporating the decisions above.

j) Delegates to the Chief Executive to update Council policies to reflect the new Standing Orders.

k) Delegates the Mayor and Chief Executive the authority to make minor grammatical changes only that do not alter the intent of the Standing Orders.

Context/Horopaki

At the 05 February 2020 briefing, Council provided direction on optional provisions and other considerations. Accordingly, a draft Kaipara District Council Standing Orders (**Attachment A**) has been prepared, incorporating these directions to the model Standing Orders. Numbering below refer to those within the draft Standing Orders (SO) attachment.

Local Government New Zealand (LGNZ) guide to the 2019 model Standing Orders is also attached for further information (**Attachment B**).

Discussion/Ngā kōrerorero

Optional provisions

LGNZ recommends that each new council determine the option that is most appropriate for them for the following provisions.

Leave of absence (SO 13.3)

Council may grant leave of absence or delegate to the Mayor to grant leave of absence.

Audio visual link (SO 13.7—13.16)

Council can choose to provide for members to join meetings by audio or audio visual 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.

New provisions

These are provisions that are new to the 2019 model Standing Orders. Most new provisions incorporate the newly-enacted Local Government Regulatory Systems Amendment Act 2019 (LGRSAA).

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 2, below:

Table 1 – Extraordinary versus emergency meetings

	Extraordinary	Emergency
Called by	– A resolution of Council – Requisition from the Mayor – Requisition from not less than one-third of Council	– 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).

This clause has been deleted in Attachment A to avoid confusion.

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 the Local Government Official Information and Meetings Act 1986 (LGOIMA). The exclusion days in Christmas and New Year is now 20 December to 10 January in both Acts (previously 25th to 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.

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. Such sessions can allow the provision of more detailed information and freer discussion. 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.

Attachment A was amended to reflect current practice with the recommended amendment.

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) and public availability at 'at least 3 working days'.

Attachment A was amended as per the recommendation above.

Time limits on speakers

The 2016 KDC Standing Orders extended speaking rights for movers to 'not more than 10 minutes'. The 2016 and 2019 model Standing Orders recommends 5 minutes for all speakers. This discrepancy was found after the 05 February briefing, and Council direction is now sought on the time limits for speakers.

Policy update

The current Petitions Policy states that petitions must be 'no more than 50 words', and will need to be updated to 'fewer than 150 words' to be in line with Standing Orders 17.1.

For any such discrepancies between the Standing Orders and Council policies, it is recommended that the Chief Executive be given the delegation to update policies to be in line with the new Standing Orders.

Financial considerations

Meetings will be conducted within the allocated budgets in the Long Term Plan and Annual Plan.

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 agenda on the website.

Next steps/E whaiake nei

When Standing Orders (SO) is to be amended or a new version is to be adopted, majority vote of 75% or more of members present is required. For removal of doubt, Table 2 outlines the number of votes required for this decision.

Table 2 – 75% majority calculations

Number of members	75%	75% rounded
1	Not applicable	Not applicable
2	Not applicable	Not applicable
3	Not applicable	Not applicable
4	Not applicable	Not applicable
5	3.75	**4**
6	4.5	**5**
7	5.25	**6**
8	6	**6**
9	6.75	**7**

The final Standing Orders will be published online.

Attachments/Ngā tapiritanga

	Title
A	Draft Kaipara District Council Standing Orders
B	Local Government New Zealand's 2019 Guide to Standing Orders

Kaipara District Council

Standing Orders

[Draft for 26 February 2020 Council meeting]

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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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LGNZ 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.

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.

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

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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.

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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.

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.

Briefing 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. These meetings will be open to the public and be advertised to the public.

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.

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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.

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

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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

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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.

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

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(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.~~ Workshops will be closed to the public and will cover matters which fall under s.7 of LGOIMA or matters as determined appropriate to be held in closed session by the Chief Executive, in consultation with the Chairperson.

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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.

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.

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.

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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.

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

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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.

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.

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.

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:

(a) There is a first round of voting for all candidates;

(b) 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

(c) 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.

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.

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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.

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:

(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.

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

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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.

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:

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(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.

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) Schedule7, 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.

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s. 41A (5), LGA 2002.

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.

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.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

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.

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), Schedule7, 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.

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 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), Schedule7, 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), Schedule7 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), Schedule7 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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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.

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.

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.

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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.

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.

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~~three 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:

(a) Must 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:

(b) Must be accompanied by either:

i. The associated reports; or

ii. A notice specifying the places at which the associated reports may be inspected.

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~~ three 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

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(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.

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.

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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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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.

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

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(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.

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.

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:

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(a) Transmitting it electronically;

(b) Using the audio visual link; or

(c) Any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

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.

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.

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.

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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:

(a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or

(b) Move a motion to terminate or adjourn the debate; and/or

(c) Make a point of explanation; and/or

(d) Request the chair to permit the member a special request.

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).

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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).

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.

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:

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- 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.

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.

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.

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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).

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.

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.

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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:

(a) There are no grounds under LGOIMA for withholding the information; and

(b) The information is no longer confidential.

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.

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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~~.

In the case of an equality of votes for matters of statutory compliance and deadlines, the Mayor, Chairperson or any other person presiding at a meeting has a casting vote.

In the case of equality of votes for other matters, the motion will be declared lost.

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.

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

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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.

20.4 Disorderly conduct

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.

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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.

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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.

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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.

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.

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 Seconder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

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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.

23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

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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.

~~23.6 [Deleted]Chairperson may recommend amendment~~

23.6 [Deleted] ~~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.

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.

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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.

24. Revocation or alteration of resolutions

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.

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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.

25. Procedural motions

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

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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.

25.2 Procedural motions to close or adjourn a debate

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.

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.

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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.

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

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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.

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.

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.

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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.

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.

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.

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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

(j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

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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— 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: 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; 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; • 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: 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)(ii)).
		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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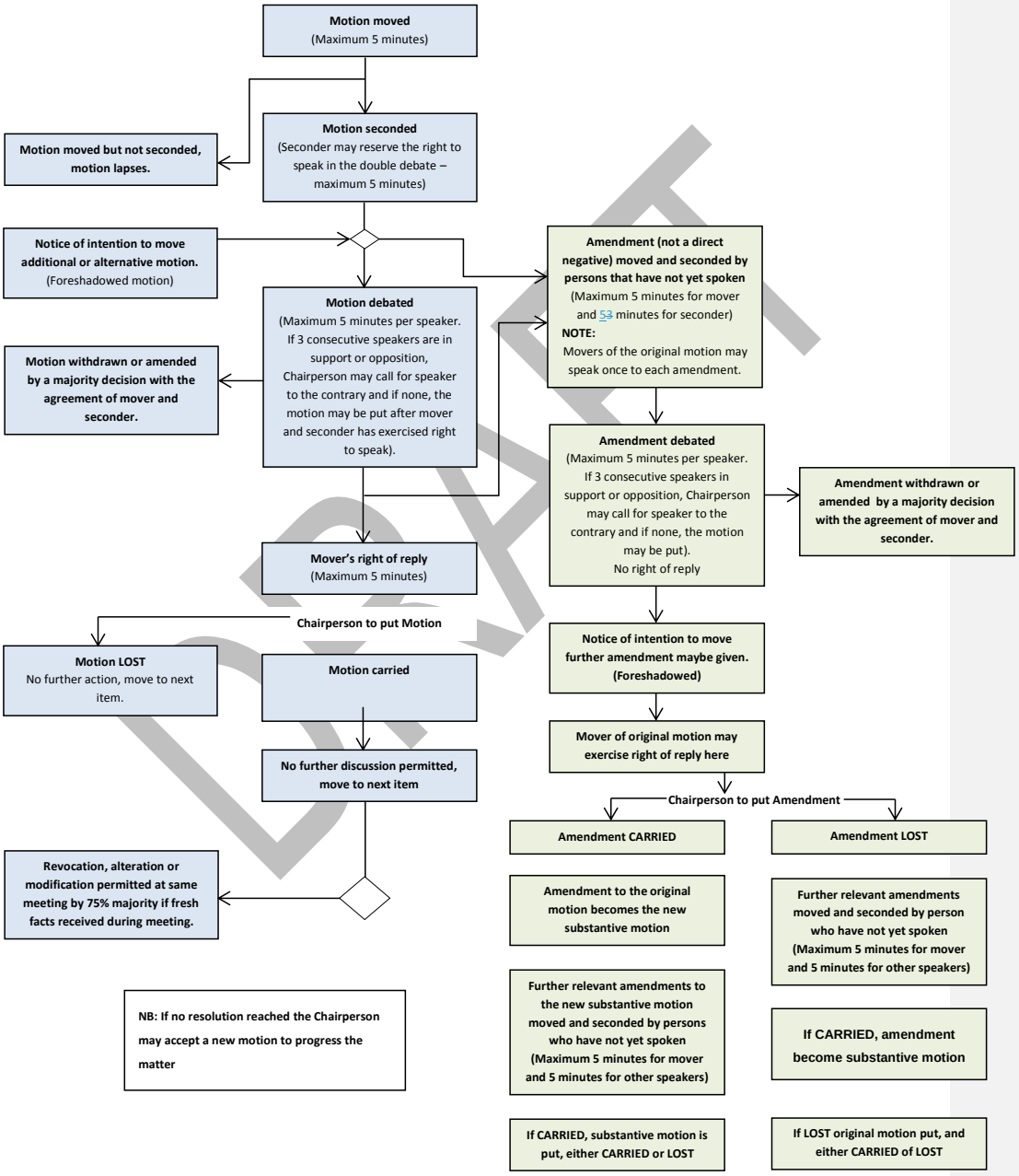
Appendix 3: Motions and amendments (Option A)

Motions without amendments

Motions with amendments



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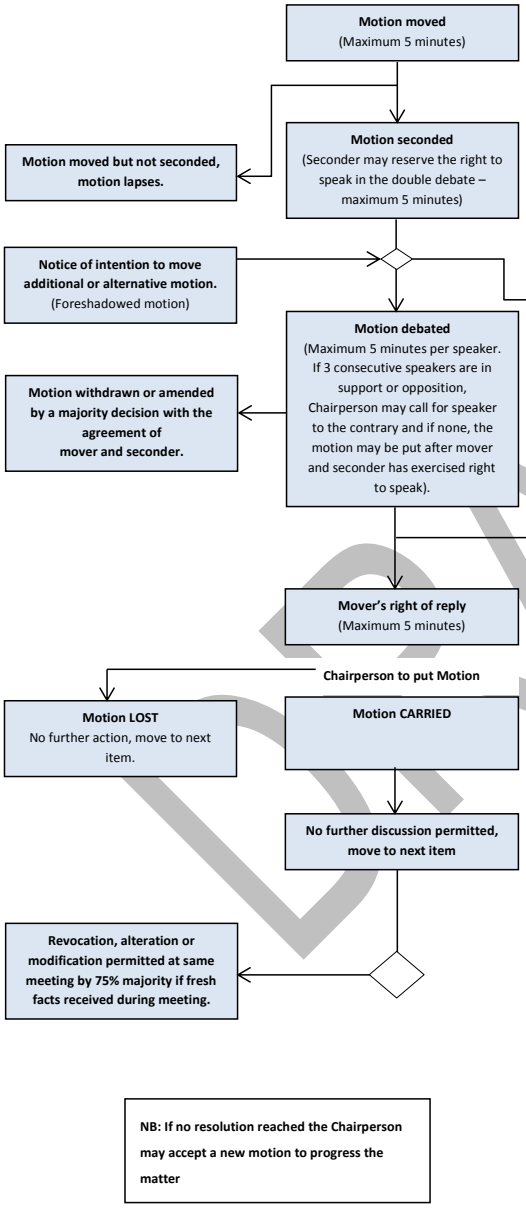
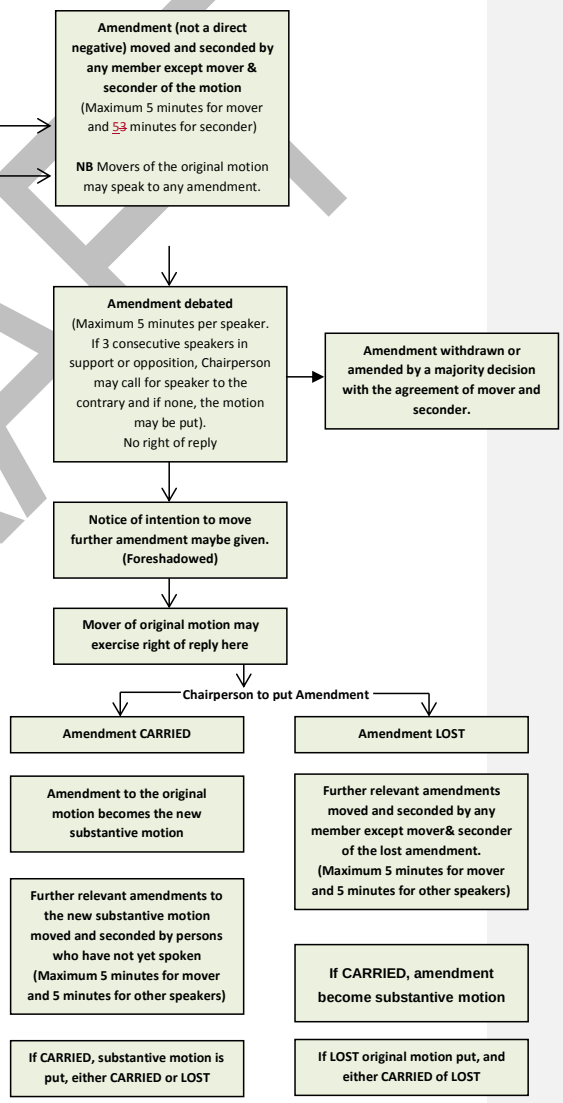
Appendix 4: Motions and amendments (Option B)

Motions without amendments



Motions with amendments



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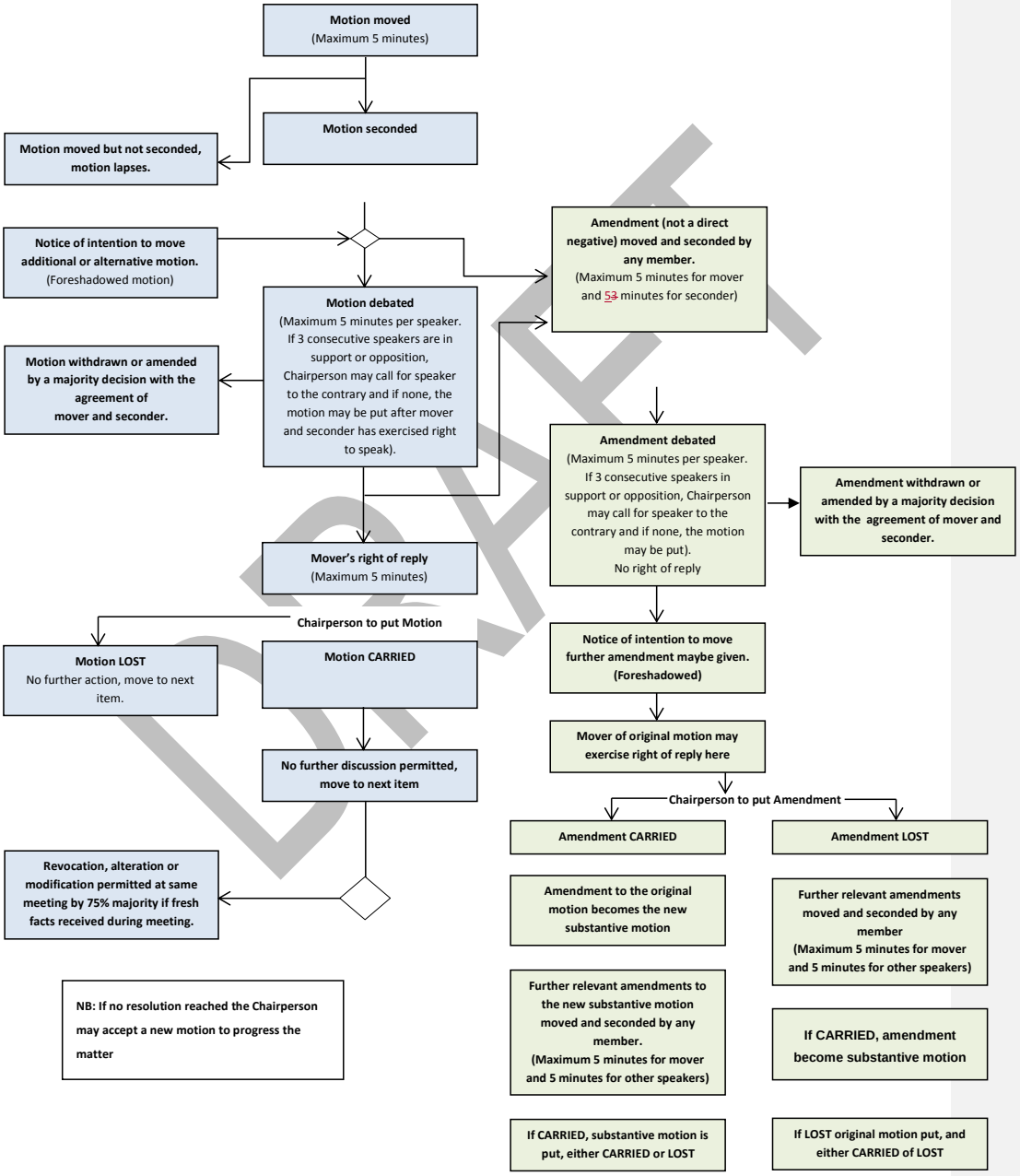
Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



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Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder 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 ion the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

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Motion	Has the Chair discretion to refuse this Motion?	Is seconder 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

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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

The Chairperson may require any motion expressed in parts to be decided part by part.

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 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

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

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

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.

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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.

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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.

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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.

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.

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Appendix 9: Mayors' powers to appoint under s.41A

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.

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 of 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.

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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: Briefings and Workshops

Definition of briefing and workshop

Briefings and ~~W~~workshops ~~, however described,~~ provide opportunities for members to discuss particular matters, receive ~~briefings~~ information and provide guidance for officials. Briefings and ~~W~~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.

Briefings and workshops will be advertised on the Council website, and in local newspapers when practicable. Briefings will be open to the public, and briefing agendas and minutes will be published on the Council website. Workshops will be closed to the public, and will only contain: (1) matters that can be public excluded as subject to s.7 of LGOIMA, or (2) matters that, the Chief Executive, in consultation with the Mayor, has determined to be more appropriate to be held in closed session. Workshop agendas and minutes will not be published to the public.

Application of standing orders to briefings and workshops

Standing orders do not apply to briefings and workshops ~~and briefings~~. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a briefing or a workshop

Briefings, ~~W~~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.

Process for calling briefings or 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.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;

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- 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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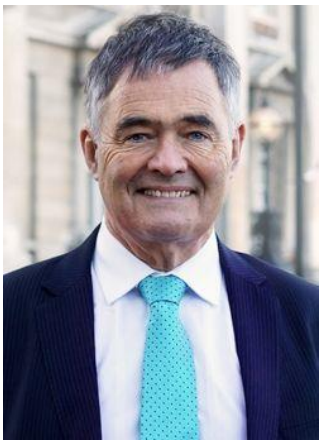
The 2019 Guide to Standing Orders

< 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: • 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 statuary 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, though 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 or 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 hearings 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/G1*3. 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:

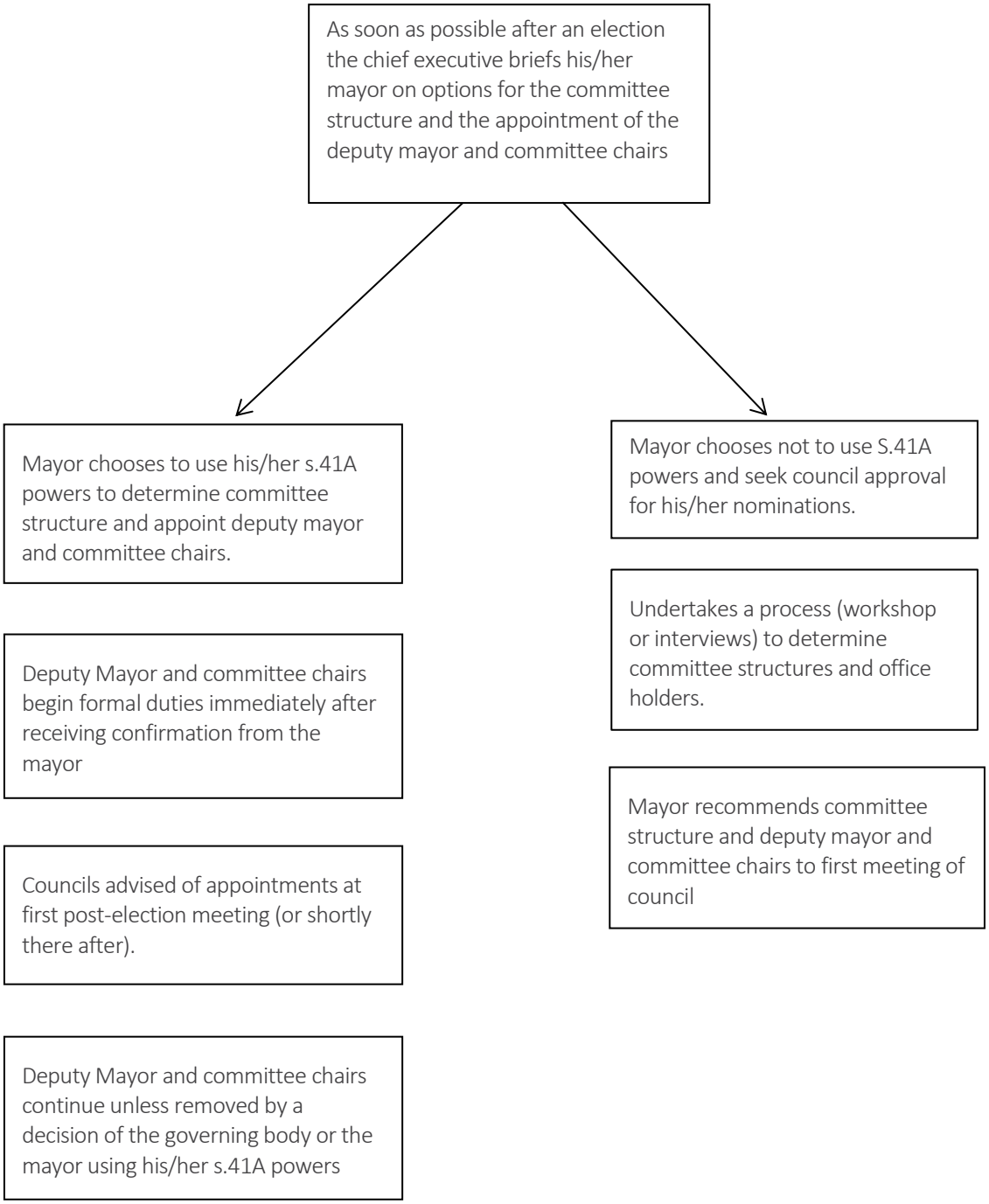
The 2019 edition of the Standing orders incorporates all relevant legislative changes made by Parliament since 2016 that we are aware of. If any changes have escaped our attention please let us know.

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



Clause 20A correction of the District Plan maps for digitisation

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Paul Waanders, District Planner**

Purpose/Ngā whāinga

To inform Council of the approval of corrections to the Operative Kaipara District Plan for digitisation.

Executive summary/Whakarāpopototanga

In preparing for the digitisation of the District Plan several inconsistencies and errors between the District Plan text and the Maps were found especially regarding the underlying land-use zoning of various designations. Although this will be an ongoing process during the digital testing, this round of corrections have been approved and the maps have been updated.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Notes the decisions made under delegation to correct various maps of the Operative District Plan with reference to the underlying land-use zonings.

Context/Horopaki

Clause 20A of Schedule 1 of the RMA provides the opportunity to correct minor errors in an operative district plan. Decisions in terms of Clause 20A of Schedule 1 to the RMA has been delegated to the Policy Manager provided that these decisions are reported to a Council meeting.

This report deals with the corrections of various maps with regards to split zonings, updating of road stoppings or realignment of paper roads and the underlying zonings of Designations or Notices of Requirements which are inconsistent with the text of the District Plan.

The Policy Manager, under delegation, has made the decision, available in **Attachment A**.

Discussion/Ngā kōrerorero

In the process of testing the digital District Plan version, certain anomalies and inconsistencies were identified between the text and the maps. Some road stoppings or the re-alignment of roads were not noted on the District Plan maps whilst the designations maps did not show the underlying zoning correctly which were allocated in terms of the District Plan text.

The result of this was that land-use assessments could have been done on a wrong zoning, which has now been corrected. **Attachment B** is an example of the town centre of Dargaville showing the wrong Rural underlying zoning and the corrected map.

In summary the following corrections were made to the District Plan Maps

Split Zonings:

1. Accept a list of properties, which have a split zoning;
2. Correct the access road location along Shag Lake
3. Correct the zoning of stopped road on the corner of Gladstone and Victoria Streets
4. Correct the alignment of the previous paper road to the location of the permanent road on the Mangawhai Peninsula

Designations:
Correct the underlying zonings of Designations on the Maps according to the provisions in the Operative District Plan Schedule:

16 Designations from Rural to Residential
5 Designations from Rural to Commercial
2 Designations from Rural to Industrial
5 Designations from no zoning to Rural; and
1 Designation from Rural to Maori Land

Clause 20 enables a council to amend its operative plan to correct any minor error without using the process of Schedule 1 of the Resource Management Act. Case law has determined what constitutes an ‘error’ and what a ‘minor’ error will be.

In this case, it is clear that the text of the District Plan, which is the dominant document, determines what the underlying zoning is, whilst the Maps which indicate the locality, are inconsistent with this direction and have to be corrected.

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 agenda publication on the website.

Next steps/E whaiake nei

The operative district plan through the digital process will be updated and plan holders and Requiring Authorities will be informed of the corrections.

Attachments/Ngā tapiritanga

	Title
A	Clause 20A Correction of District Plan Maps: Designations and Zonings
B	Example of the Town Centre of Dargaville Maps

Memorandum

To: **Policy Manager: Kathie Fletcher**

From: **District Planner: Paul Waanders**

Date: **28 January 2020**

Subject: **Clause 20A Corrtection of the Operative District Plan Maps: Designations and zonings**

Background.

The 2013 Kaipara District Plan (the DP) consists of text (Objectives, Policies and Rules) to regulate where the different provisions in the district apply, normally described in zones or resources. The maps that interpret the District Plan visually get their authority from the text.

The maps consist of layers arranged in two series. Series One are the land-use zones and Series Two are the Resource Areas. Each of the series of maps consists of various layers of maps. In both series the cadaster forms the base layer. This base map changes when subdivisions are approved and registered and will be changed with every revision of the District Plan or when these become urgent due to land use decisions.

For Series One, on top of the base map, the DP shows, the Rural Layer as the first layer. This Rural Layer is the original land-use layer and is implied throughout the district.

The other land-use zones are then layered on top of the Rural Layer and Zone i.e. Residential, Commercial, Industrial, Open Space and the like.

For Series Two, on top of the base map, the DP shows, the layers of various resources i.e. Designations (D…), Heritage Buildings (H…) Notable Trees and the like.

The electronic version of the DP will not have the two series of maps but will show the layers individually. This can be opened one by one, or in a group or altogether. The electronic version of the DP has created digital maps, which have highlighted certain anomalies in the DP. These issues and their required corrections are outlined below.

Issues.

Three issues were identified when the DP was moved from a paper based plan to a digital document.

1. The paper based cadaster of the DP has not been updated as subdivisions have been granted and registered. With an electronic searchable district plan the cadastral base map, and eventually the text, has to be updated when LINZ updates the cadaster. Previously this was done with a DP review with the result that the cadaster was already out of date when the DP became operative in 2013.
   The cadastral base maps are regularly updated. This means all the layers on top should follow suit—normally without going through a formal process or if minor corrections are required, by approval in terms of Clause 20A of Schedule 1 of the Resource Management Act (RMA) or by means of a Plan Change if the change is such that it is not considered to be a minor correction.

2. After verifying the cadastral map, a zone verification was undertaken. Consequentially zones were corrected to follow the cadaster of the property boundary except where split-zonings were identified.
   A list of the split zone properties was compiled and individually discussed and evaluated. (Attachment A) The non-split properties were corrected without requiring a decision as these were aligned with the original paper-based DP but will now be in an electronic version.

   However, three cadastral changes, require correction as per Clause 20A of the First Schedule of the RMA (Attachment B). The three include:
   1) Correct the location of Shag Lake Access Road;
   2) Correct the zoning of the stopped road on the corner of Gladstone and Victoria Streets; and
   3) Correct the alignment of a former paper road into the permanent location of the approved permanent road on the Mangawhai Peninsula.

   Further anomalies may be picked up during the User Acceptance Testing process, which will be submitted for decisions accordingly.

3. Designations were verified for the Resource Maps.
   Designations or Notices of Requirements are created by Requiring Authorities which provide and protect their activities from inappropriate use and development by including these into the District Plan (with or without conditions). A designation takes precedent over the zoning and requirements of a district plan. A district plan normally identifies an underlying zoning for those Designations as part of the need to consider any applications for uses in that zone other than for the purposes of the Requiring Authority.
   In the DP these Designations and the underlying zonings are documented in Appendix 21.1 Schedule of Designations (Attachment C).
   However, the underlying zonings were not always transferred onto the map layers on top of the cadaster and only retained the first layer of rural zonings. All the Designations therefore have the underlying rural zoning as the first land-use layer on top of the cadastral layer in the District Plan. The next layer on top of the Rural layer as provided for in the text of the District Plan (Appendix 21.1 Schedule of Designation) was not transferred to the map layer and therefore have an unintended zoning of Rural. This is clearly an error due to the fact that the District Plan text and the maps are in conflict. The location of these inconsistencies and corrections are illustrated in Attachment D.

   The issue is that any resource consent application other than for the designation purpose is assessed against the Rural zoning provisions rather than the underlying zoning i.e. some of the properties in the Dargaville central business area that are designated for a purpose are assessed against the Rural provisions rather than the Commercial or Industrial provisions of the District Plan where these are to be used for another purpose than the designated purpose.

   Similar verifications and corrections for the exact locations of Notable Trees, Resource Management Units and heritage buildings will have to be undertaken. Studies are under way to verify their location on the properties—especially where subdivisions have taken place and the feature is located on the mother property and not the correct location after subdivisions.

KAIPARA DISTRICT

Legal Position

Clause 20A enables a Council to amend its operative plan to correct any minor errors without using the notification and consultation processes set out in Schedule 1 of the RMA. Case law has determined what constitutes an 'error' including a 'minor' error. An error is simply a mistake or inaccuracy which has crept into the plan. A correction can amend a clerical mistake or error arising from an accidental slip or omission. The use of the "slip rule" is only applicable when it is used to correct a slip in the "expression" of the statement and not the "content".

In this case, it is clear that the accuracy of the electronic system vs the paper base system has created boundary and mapping inconsistencies. With regard to the Designations it is clear that the underlying zonings were merely left out when the paper based mapping was undertaken. The mapping error was made by not applying the provisions of the DP text and by not rolling over the Designations underlying zoning from the previous District Plan

Each of these anomalies or inconsistencies must and can be corrected. It is considered that the corrections requested are of minor nature and can be dealt with under the provisions of Clause 20A of the Schedule 1 of the RMA.

Delegation.

The authority to make minor amendments and to correct minor errors on the Operative District Plan has been delegated to inter alia the Policy Manager subject to the condition that this decision has to be reported to the next Council meeting.

Recommendation.

That the following corrections of mapping errors are approved:

Split Zonings:

1. Accept the list of properties, which have a split zoning (Attachment A);
2. Correct the access road location along Shag Lake as indicated on the attachment (Attachment A1);
3. Correct the zoning of stopped road on the corner of Gladstone and Victoria Streets (Attachment A2);
4. Correct the alignment of the erstwhile paper road to the location of the permanent road on the Mangawhai Peninsula (Attachment A3)

Designations:

Correct the underlying zonings of Designations on the Maps according to the provisions in Appendix 21.1 Schedule of Designations (Attachment C)

5.	D16	from Rural to	Maori Land	Map 6	Attachment D1
6.	D41	from no zoning to	Rural	Map 6	Attachment D1
7.	D4	from Rural to	Residential	Map 9,34,36	Attachment D2
8.	D34	from Rural to	Residential	Map 9,34	Attachment D2
9.	D60	from Rural to	Residential	Map 9,34,36	Attachment D2
10.	D5	from Rural to	Residential	Map 9,34,36	Attachment D2

3807.08.08

11. D12	from Rural to	Residential	Map 9,10,35	Attachment D3
12. D44	from Rural to	Residential	Map 9,10,35	Attachment D3
13. D51	from Rural to	Industrial	Map 10,35	Attachment D3
14. D6	from Rural to	Residential	Map 9,34,37	Attachment D4
15. D3	from Rural to	Residential	Map 9,36,37	Attachment D4
16. D27	from Rural to	Residential	Map 9,36,37	Attachment D4
17. D15	from Rural to	Commercial	Map 9,36,37	Attachment D4
18. D17	from Rural to	Commercial	Map 9,36,37	Attachment D4
19. D7	from Rural to	Commercial	Map 9,36,37	Attachment D4
20. D57	from Rural to	Residential	Map 13,40	Attachment D5
21. D14	from Rural to	Residential	Map 18,42	Attachment D6
22. D26	from Rural to	Residential	Map 18,42	Attachment D6
23. D25	from Rural to	Residential	Map 19,44	Attachment D7
24. D49	from Rural to	Industrial	Map 20,47	Attachment D8
25. D21	from Rural to	Commercial	Map 20,48	Attachment D9
26. D29	from Rural to	Residential	Map 20,21,51	Attachment D10
27. D30	from Rural to	Commercial	Map 20,21,51	Attachment D10
28. D37	from no zoning to	Rural	Map 20,21,51	Attachment D10
29. D59	from Rural to	Residential	Map 23,26,59	Attachment D11
30. D19	from Rural to	Residential	Map 21,57	Attachment D12
31. D38	from no zoning to	Rural	Map 18	Attachment D13
32. D39	from no zoning to	Rural	Map 22	Attachment D14
33. D40	from no zoning to	Rural	Map 22	Attachment D14

Paul Waanders District Planner

Recommendation is approved~~/ not approved/ approved as amended~~

Kathie Fletcher

Policy Manager

Date 29 January 2020

3807.08.08

Attachements

Attachment A: List of split zonings

Attachment B: Map Corrections

Attachment B1: Shag Lake access Road

Attachment B2: Correction of zoning of stopped Road Dargaville

Attachment B3: Correction of Alignment of Road Mangawhai

Attachment C: Schedule of Designations

Attachment D: Schedule of corrections of underlying zonings

Attachment D1: North-West

Attachment D2: Dargaville suburbs

Attachment D3: Dargaville

Attachment D4: Central Business Area Dargaville

Attachment D5: Te Kopuru

Attachment D6: Ruawai

Attachment D7:Paparoa

Attachment D8: Maungaturoto West

Attachment D9:Maungaturoto

Attachment D10: Kaiwaka

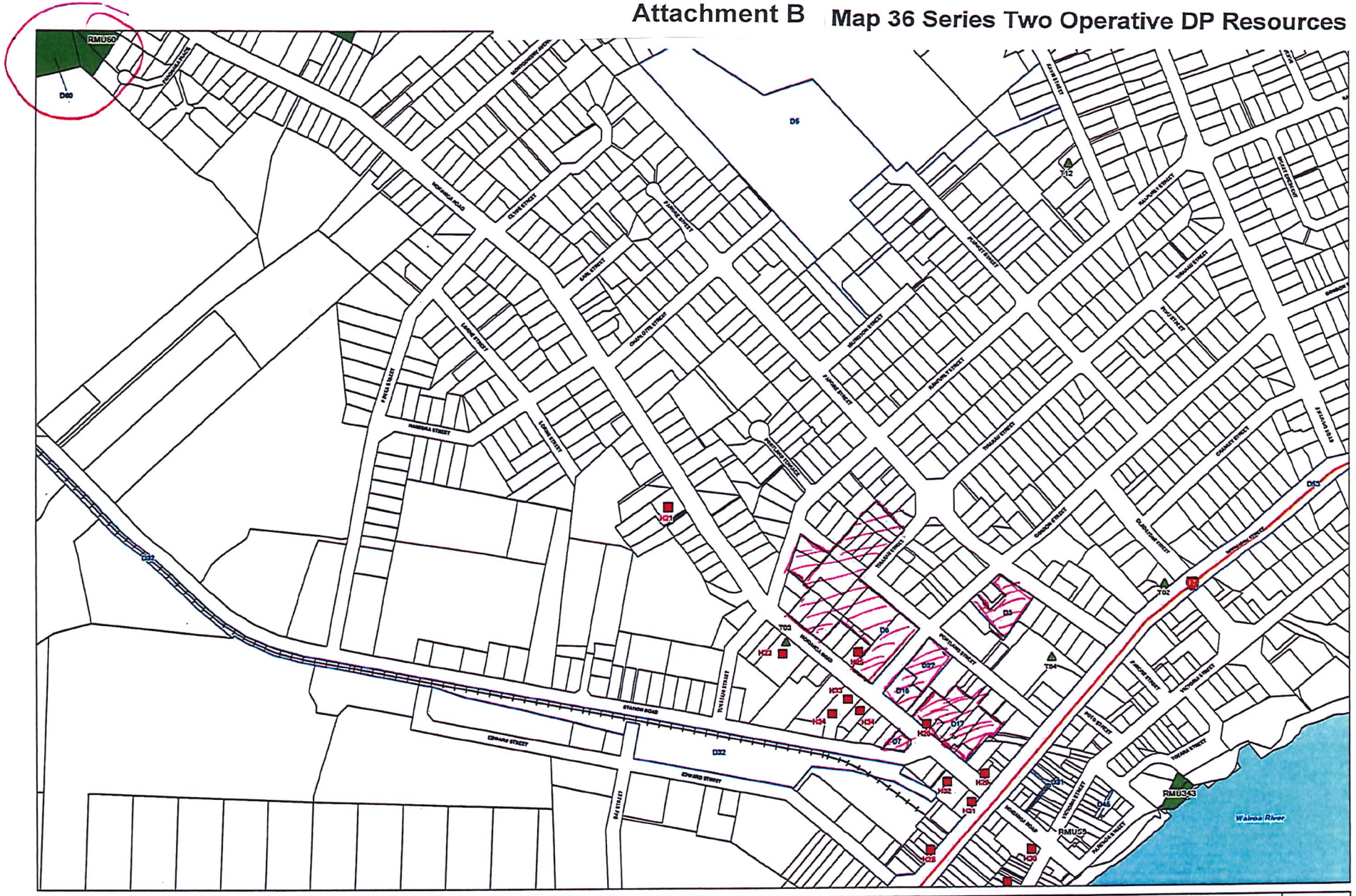
Attachment D11: Tinopai

Attachment D12: Mangawhai

Attachment D13:Pouto North

Attachment D14:Pouto South

Attachment B Map 36 Series Two Operative DP Resources



KAIPARA DISTRICT

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KAIPARA DISTRICT PLAN - OPERATIVE VERSION - NOVEMBER 2013

Map Series Two

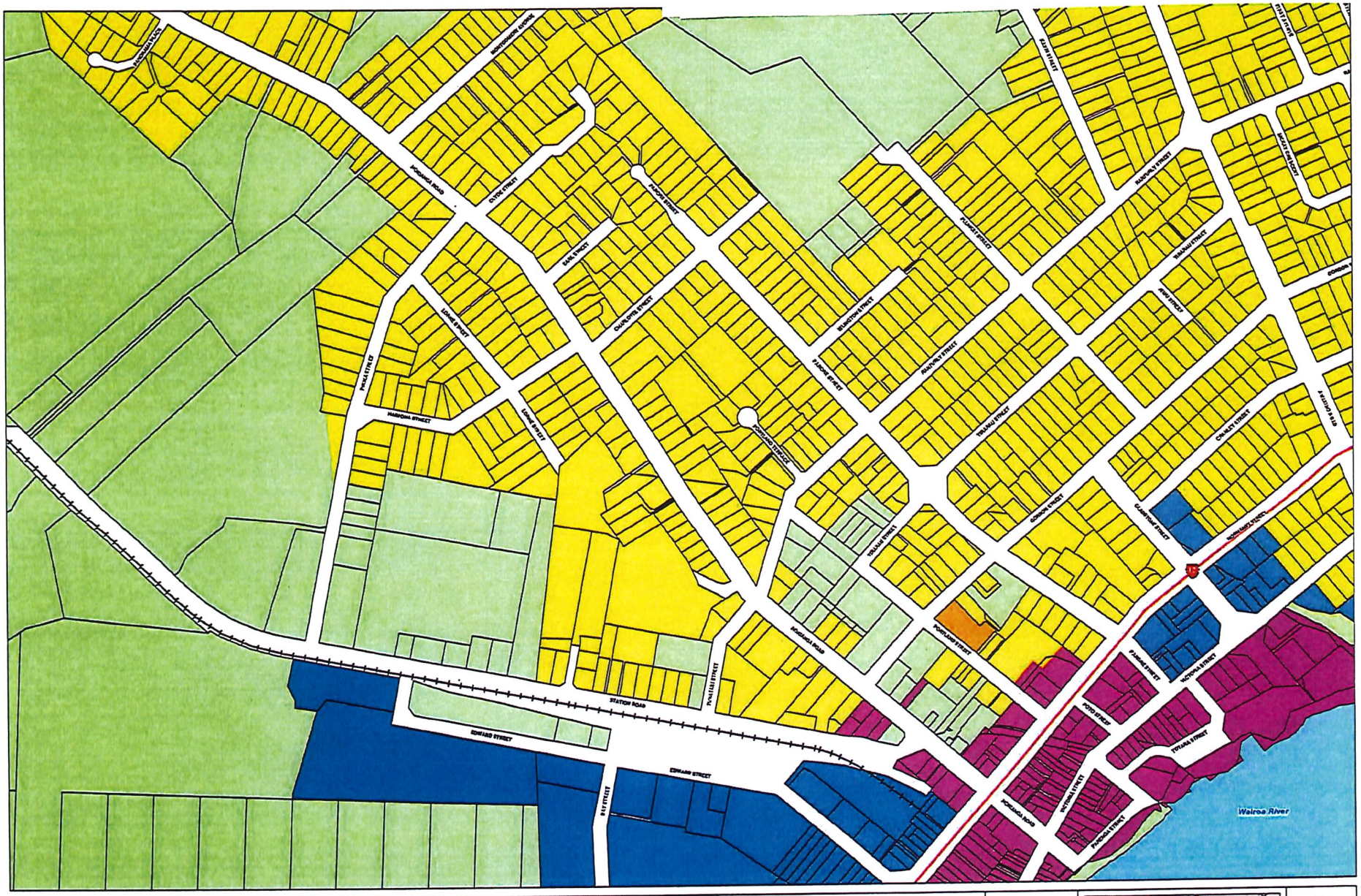
Sites, Features and Units : Dargaville

Map 36 of 60

9 10

N

Attachment B Map36 Series One Operative DP Zonings



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KAIPARA DISTRICT PLAN - OPERATIVE VERSION - NOVEMBER 2013

Map Series One

Land Use : Dargaville

Map 36 of 60

9 10

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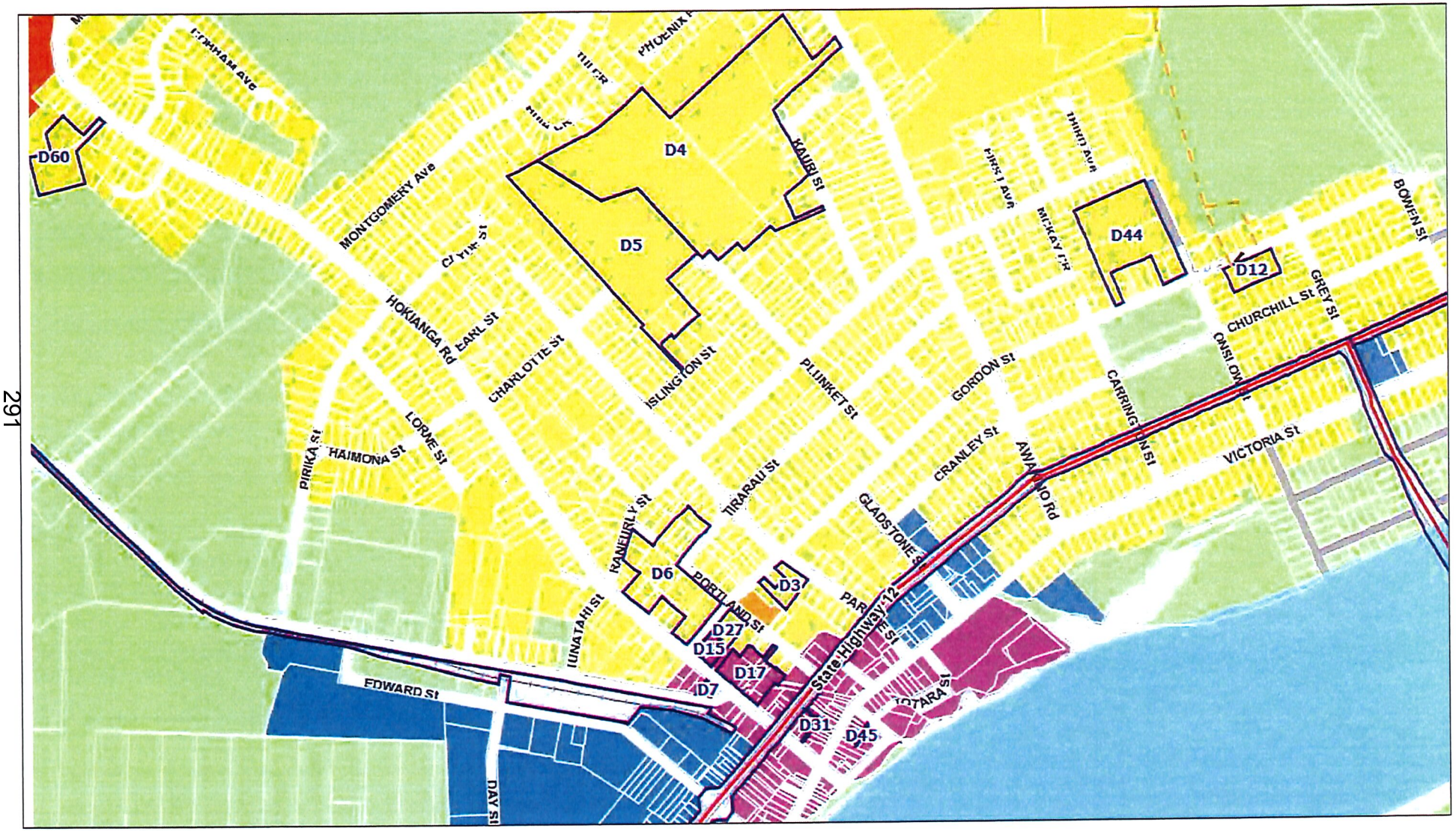
Attachment B Extract from E-Plan Corrected Map



Report on the 2019 election for Kaipara District Council

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Jason Marris, GM Engagement and Transformation**

Purpose/Ngā whāinga

To provide a report from the Electoral Officer on the operation of the 2019 local government elections for Kaipara District Council (KDC).

Executive summary/Whakarāpopototanga

Like many Councils, the local government elections for the district are operated by an external provider. Independent Election Services Ltd (IESL) provide that service for KDC with Dale Ofsoske, the Managing Director, acting as our Electoral Officer (EO).

After each election, the EO provides a report to council summarising the operation of the election. This report is provided at **Attachment A.** The report highlights that the election was held successfully with no procedural issues to note.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Notes the report provided by Council's Electoral Officer on the operation of the 2019 local government elections for Kaipara District Council.

Discussion/Ngā kōrerorero

Options

Option 1: Note the report as presented. This is the recommended option.

Option 2: Seek more information from our EO and request a new, updated report.

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 agenda publication on the website.

Next steps/E whaiake nei

This report concludes the formal 2019 election processes. Staff will continue to work with IESL and Council, regarding future work towards the 2022 election. This includes decisions to be made this year on the voting system, and Māori representation. The next Representation Review is also scheduled prior to the next election.

Attachments/Ngā tapiritanga

	Title
A	Report from the electoral officer called '2019 Triennial Elections'.

Election Services
Level 2, 198 Federal Street, Auckland
PO Box 5135, Wellesley Street
Auckland 1141
Phone: 64 9 973 5212
Email: info@electionservices.co.nz

Report to the
Kaipara District Council
regarding the

2019 Triennial Elections

From the
Electoral Officer

30 January 2020

election services

KAIPARA DISTRICT
Kaipara te Oranganui • Two Oceans Two Harbours

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Outline

The 2019 local government triennial elections occurred on Saturday 12 October 2019. The elections for Kaipara District Council, Northland Regional Council and Northland District Health Board were conducted satisfactorily and on time and met all legislative and practical requirements.

This report summaries the electoral process.

Background

Local government elections are required to be conducted every three years, with the 2019 election occurring on Saturday 12 October 2019. The conduct of these elections is prescribed by legislation and regulation to ensure public confidence and electoral integrity are maintained.

The following preliminary actions/decisions were made:

(i) during 2018, Council undertook a representation arrangements review (review of wards, boundaries, number of elected members etc). The final proposal retained the existing number of councillors (8) but increased the number of wards (from 3 to 4);

(i) Northland Regional Council undertook a representation arrangements review with the number of elected members being retained, but minor changes to some constituency boundaries;

(ii) the STV (single transferable voting) electoral system to be used for Kaipara District Council and Northland District Health Board elections; the FPP (first past the post) electoral system to be used for Northland Regional Council elections;

(iii) postal voting to be used;

(iv) the alphabetical order of candidate names to be used for Kaipara District Council, Northland Regional Council and Northland District Health Board.

The electoral officer appointed for the Kaipara District Council is Dale Ofsoske of Election Services.

With the 2019 elections now complete, this report details the various electoral processes undertaken, together with election statistics for the information of Council.

Narrative

Elections Required

Elections were undertaken for:

Kaipara District Council

- mayor (elected at large)
- 8 councillors (elected from 4 wards)

Northland Regional Council

- 1 member (elected from the Coastal South Constituency); or

- 1 member (elected from the Kaipara Constituency)

Northland District Health Board

- 7 members (elected at large) from the Far North District, Whangarei District and Kaipara District Council areas.

Election Timetable

Key election functions and dates were:

Nomination period

19 July – 16 August 2019

Inspection of Preliminary Electoral Roll

19 July – 16 August 2019

Delivery of voting mailers

20-26 September 2019

Special voting/early processing

20 September – 12 October 2019

Election day

12 October 2019

Preliminary count

13 October 2019

Official count

14-18 October 2019

Return of Electoral Donations & Expenses Form

by 13 December 2019

Electoral Roll

The electoral roll comprises two parts, the Residential Electoral Roll and the non-resident Ratepayer Electoral Roll.

The Residential Electoral Roll contains parliamentary electors, whose details are maintained and supplied by the Electoral Commission.

Each territorial authority is responsible for compiling its own non-resident Ratepayer Electoral Roll. This roll is available for ratepayers of property within the Council area but who reside outside the Council area and wish to vote for the Council they pay rates to. Enrolment is by application and is not automatic.

To compile the Ratepayer Electoral Roll, two actions are required:

(i) a nationwide advertising campaign on the criteria of ratepayer elector qualifications and enrolment procedures; and

(ii) the issuing of Ratepayer Confirmation Forms to all eligible 2016 Ratepayer Electoral Roll electors, and if returned, these along with any new enrolments, form the basis of the 2019 Ratepayer Electoral Roll.

A national advertising campaign was undertaken by SOLGM during May 2019 advising readers in all major daily newspapers of the criteria and qualifications required to be eligible for the Ratepayer Electoral Roll. A 0800 free-phone service was again used as a national helpline for ratepayer roll enquiries.

In April 2019, 353 Ratepayer Roll Confirmation Forms were issued to eligible 2016 Ratepayer Electoral Roll electors. A total of 259 non-resident ratepayer electors appeared on the 2019 Ratepayer Electoral Roll.

Preliminary and Final Electoral Rolls

The Preliminary and Final Electoral Rolls contained elector details in alphabetical order with a flag denoting voting entitlement (ward, regional council constituency and district health board).

The Preliminary Electoral Roll was available for public inspection at all Council offices/libraries between 19 July 2019 and 16 August 2019.

Statistics relating to the Final Electoral Roll are:

Ward	Final Roll		
	No. Resident Electors	No. Ratepayer Electors	Total
Dargaville	3,203	**1**	3,204
Kaiwaka-Mangawhai	5,118	**189**	5,307
Otamatea	3,568	**32**	3,600
West Coast-Central	3,658	**37**	3,695
TOTAL	15,547	259	15,806

The total number of electors of 15,806 is an increase of 1,156 (+7.9%) when compared to the 2016 Final Electoral Roll of 14,650.

Nominations

The nomination period was 19 July to noon 16 August 2019.

Nomination material was available during this time by:

(i) visiting Council's Main Office or Mangawhai Service Centre;

(ii) downloading the material from the Council's website;

(iii) phoning the electoral office to have the material posted out.

A detailed '2019 Candidate Information Handbook' was prepared and made available to all candidates, any interested party (e.g. media) and available online. The handbook contained relevant information about the electoral process to potential candidates.

A total of 18 nominations were received for the nine Council vacancies, these detailed as follows:

Issue	No. Nominations	No. Vacancies
Mayor	2	1
Councillors	16	8
Total	18	9

The 18 nominations received for mayor and council vacancies is slightly down from the 19 nominations received for these positions at the 2016 election.

For candidate names, refer Notice of Day of Election – **Appendix 2**.

No physical election was required for the Kaiwaka-Mangawhai Ward, as two nominations were received for the two vacancies.

Voting Mailers

Voting mailers consisting of an outward envelope, return prepaid envelope, voting document and a candidate profile booklet (which included instructions in English and Māori) were posted to electors from Friday 20 September 2019.

The voting mailers were produced by the NZ Post Group and were consistent in design layout to all other local authorities in the country.

Special Voting

Special votes were available from 20 September 2019 to noon 12 October 2019 by:

(i) visiting Council's Main Office or Mangawhai Service Centre;

(ii) phoning the electoral office.

73 special votes were returned prior to the close of voting, of which 56 (76.7%) were valid. This compares to 126 special votes returned in 2016, of which 92 (73.02%) were valid.

Elector Turnout

Of the 15,806 electors on the Final Electoral Roll, 6,737 electors returned their voting document. This represents a 42.62% return and compares to a 47.75% return in 2016.

A schedule of the number of daily returned voting documents over the voting period is attached (**Appendix 1**).

Of note, the 2019 average nationwide elector turnout is 41.7% compared to 42% for the 2016 election, 41.3% for the 2013 election and 49% for the 2010 election.

Results

The preliminary results were released on Sunday following the receipt and processing of votes received at Council offices on election day morning.

These results were released to candidates and placed on Council's website.

In 2016 it is estimated that 5% of all votes received were hand delivered on election day morning. In 2019, this increased to approximately 10%.

The final results (Declaration of Results of Election – see **Appendix 3**) were made on Friday 18 October 2019 and appeared in the Northern Advocate on Monday 21 October 2019.

Judicial Recount

Following the public declaration of results, an application for a judicial recount for the Dargaville Ward was made to the Whangārei District Court. The declaration of results had a candidate excluded who was showing as elected in the Preliminary Result (indicating a close result).

On consideration, the judge approved the application, and a judicial recount subsequently took place on 31 October 2019.

This process involved the capture and recount of all Dargaville Ward votes/preferences received under the supervision of Judge Kevin Kelly. There were two scrutineers appointed and present.

The result of the judicial recount confirmed the declared Dargaville Ward candidate(s), although there was a very

minor change to the final quota.

By order of the judge, an amended Declaration of Results was made and appeared in the Northern Advocate on Monday 4 November 2019 (see **Appendix 4).**

Election Costs

The 2016 estimated election cost set in September 2017 was $106,000 + GST (or for 14,800 electors, $7.16 + GST per elector), subject to actual third-party costs.

The 2019 final election cost has now been determined at $112,430 + GST (or for 15,806 electors, $7.11 + GST per elector). The cost increase is largely due to higher than budgeted NZ Post voting mailer cost (an additional $4,052 + GST).

Of the $112,432 + GST final cost, Council is able to recover $50,827 + GST (47%) from other organisations elections were conducted on behalf of (noting a physical election was not required for the Kaipara Constituency of the Northland Regional Council).

Accordingly, this will leave a net cost to Council for their elections of $61,603 + GST (52.92% of the total), or $3.90 + GST per elector.

Upcoming Issues

Inquiry into the 2016 elections

Parliament's Justice Committee released its report 'Inquiry into the 2017 General Election and 2016 Local Elections' in December 2019.

Recommendations in the report relating to local government elections include:

- centralizing the running of local elections
- aligning DHB boundaries to TAs
- one voting method
- aligning advertising and campaigning rules with general elections
- shifting election day to avoid school holidays
- requiring candidates to provide evidence of citizenship
- requiring candidates to provide evidence of the existence of a political party/affiliation

The report can be viewed at:

https://www.parliament.nz/en/pb/sc/reports/document/SCR_93429/inquiry-into-the-2017-general-election-and-2016-local-elections

Inquiry into the 2019 elections

Parliament's Justice Committee is to undertake its normal inquiry into the conduct of the 2019 local government elections. Submissions have been called for and close on Saturday 29 February 2020. The Terms of Reference include:

- examine the law and administrative procedures for the conduct of the 2019 local elections with particular reference to:
  - low voter turnout
  - licensing trusts
  - role of council staff during election periods around decisions on information release and public statements
  - disclosure of candidate criminal convictions
  - any irregularities that may have compromised the fairness of the elections
- consult stakeholders and the wider public regarding the Justice Committee's recommendations from the 2016 local elections, particularly:
  - giving responsibility of running all aspects of local government elections to the Electoral Commission
  - encouraging or requiring the same voting system to be used in all local elections
  - foreign interference
- examine the law and administrative procedures for the conduct of energy trust elections held since 2016.

Council may wish to consider making a submission to the Committee on the above (by 29 February 2020).

Electoral System Review

Under the Local Electoral Act 2001, any local authority may resolve, before 12 September 2020, to change the electoral system used at the last election. Should Council wish to consider changing its electoral system (from single transferable voting to first past the post), it can do so by resolution no later than 12 September 2020.

However, a public notice must be given by 19 September 2020 providing the right of electors to demand a poll on the matter.

Māori Representation Review

Under the Local Electoral Act 2001, Council may at any time resolve to introduce Māori wards. If a resolution is made before 23 November 2020 (to apply for the 2022 triennial elections), public notice must be given by 30 November 2020 providing the right of electors to demand a poll on the matter.

If Māori wards are to be introduced for the 2022 triennial

elections, this would require another representation arrangements review be undertaken.

Representation Arrangements Review

The Local Electoral Act 2001 requires every local authority to undertake a representation arrangements review at least once in every 6-year period.

Council last undertook such a review in 2018 for the 2019 triennial elections, where the Local Government Commission, in its determination, recommended a further representation review process be completed for the 2022 elections - taking into account updated population data, with a suggested focus on community boards.

In light of this recommendation, Council should consider undertaking a further representation review in 2021 for the 2022 triennial elections.

Summary and Conclusions

The Kaipara District Council's 2019 triennial elections were conducted successfully and met all legislative and practical requirements. No issues or concerns of significance arose from these elections and all tasks were completed satisfactorily and on time.

There are however several electoral issues Council may wish to consider during 2020/21:

(i) make a submission to the Justice Committee's inquiry into the 2019 local government elections (by 29 February 2020);

(ii) consider whether Council retains the single transferable voting electoral system or adopts the first past the post electoral system for the 2022 triennial elections – by 12 September 2020;

(iii) consider whether Council establishes Māori wards for the 2022 triennial elections – by 23 November 2020;

(iv) undertake a further representation arrangements review in 2021, as recommended by the Local Government Commission (in its determination of the 2018 representation review).

Dale Ofsoske
Electoral Officer // Kaipara District Council
Election Services

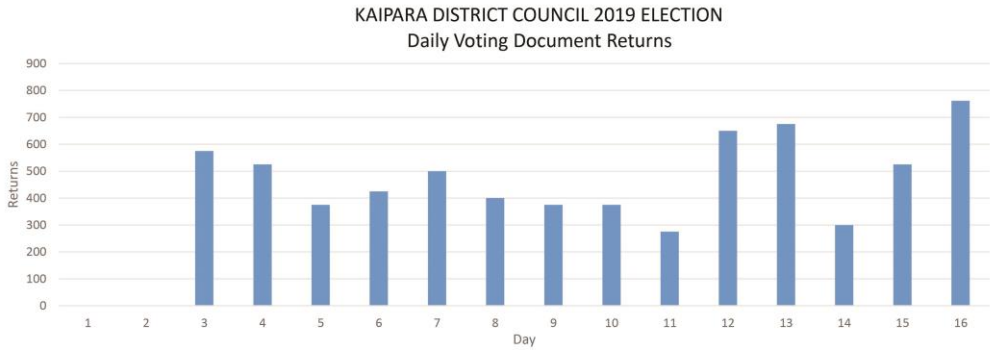
APPENDIX 1

VOTING DOCUMENT RETURNS - 2019 ELECTIONS

ELECTION DAY

WARD/ELECTORS	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	30-Sep	1-Oct	2-Oct	3-Oct	4-Oct	7-Oct	8-Oct	9-Oct	10-Oct	11-Oct	12-Oct
DARGAVILLE	0	0	175	125	100	50	100	75	100	75	50	175	100	25	150	166
3204	**0**	**0**	**175**	**300**	**400**	**450**	**550**	**625**	**725**	**800**	**850**	**1025**	**1125**	**1150**	**1300**	**1466**
			5.5%	9.4%	12.5%	14.0%	17.2%	19.5%	22.6%	25.0%	26.5%	32.0%	35.1%	35.9%	40.6%	45.8%
KAIWAKA-MANGAWHAI	0	0	50	150	50	225	175	75	125	150	75	100	250	200	100	261
5307	**0**	**0**	**50**	**200**	**250**	**475**	**650**	**725**	**850**	**1000**	**1075**	**1175**	**1425**	**1625**	**1725**	**1986**
			0.9%	3.8%	4.7%	9.0%	12.2%	13.7%	16.0%	18.8%	20.3%	22.1%	26.9%	30.6%	32.5%	37.4%
OTAMATEA	0	0	175	125	125	75	125	125	75	75	75	175	175	50	100	89
3600	**0**	**0**	**175**	**300**	**425**	**500**	**625**	**750**	**825**	**900**	**975**	**1150**	**1325**	**1375**	**1475**	**1564**
			4.9%	8.3%	11.8%	13.9%	17.4%	20.8%	22.9%	25.0%	27.1%	31.9%	36.8%	38.2%	41.0%	43.4%
WEST COAST-CENTRAL	0	0	175	125	100	75	100	125	75	75	75	200	150	25	175	246
3695	**0**	**0**	**175**	**300**	**400**	**475**	**575**	**700**	**775**	**850**	**925**	**1125**	**1275**	**1300**	**1475**	**1721**
			4.7%	8.1%	10.8%	12.9%	15.6%	18.9%	21.0%	23.0%	25.0%	30.4%	34.5%	35.2%	39.9%	46.6%
TOTAL	0	0	575	525	375	425	500	400	375	375	275	650	675	300	525	762
15806	**0**	**0**	**575**	**1100**	**1475**	**1900**	**2400**	**2800**	**3175**	**3550**	**3825**	**4475**	**5150**	**5450**	**5975**	**6737**
	0%	0%	3.64%	6.96%	9.33%	12.02%	15.18%	17.71%	20.09%	22.46%	24.20%	28.31%	32.58%	34.48%	37.80%	42.62%
DAILY %			3.64%	3.32%	2.37%	2.69%	3.16%	2.53%	2.37%	2.37%	1.74%	4.11%	4.27%	1.90%	3.32%	4.82%
2010 Returns	*0.3%*	*6.7%*	*11.4%*	*14.6%*	*17.5%*	*20.3%*	*24.9%*	*27.4%*	*29.3%*	*31.6%*	*34.5%*	*40.0%*	*43.8%*	*47.0%*	*48.8%*	*53.5%*
2013 Returns	*0.0%*	*0.4%*	*0.9%*	*3.1%*	*5.4%*	*8.7%*	*12.2%*	*14.8%*	*17.1%*	*18.4%*	*20.0%*	*22.7%*	*24.9%*	*29.1%*	*30.4%*	*32.6%*
2016 Returns		*4.10%*	*7.68%*	*10.41%*	*12.80%*	*14.85%*	*18.77%*	*21.84%*	*23.72%*	*25.43%*	*26.96%*	*32.76%*	*36.35%*	*41.98%*	*43.00%*	*47.75%*

***Final - Incl. Specials**



NOTICE OF DAY OF ELECTION
for the Kaipara District Council 2019 elections

KAIPARA DISTRICT

Nominations received

Notice is given under section 65 of the Local Electoral Act 2001 that the following persons have been duly nominated as candidates for:

Mayor *(one vacancy)*

MOHOAWHENUA, Moemoea
SMITH, Jason

Council

Dargaville Ward
(two vacancies)

JOYCE-PAKI, Keren
MCEWING, Brian John (Independent)
NAYYAR, Ash
STEWART, Marni
TANE, Jay
WILSON-COLLINS, Eryn

Otamatea Ward
(two vacancies)

CURNOW, Anna
JEPSON, Craig
LINTON, Wayne
MILLER, Ian
VINCENT, Mark Gregory

West Coast - Central Ward
(two vacancies)

DEL LA VARIS-WOODCOCK, Victoria
NATHAN, Joesephine (Independent)
WILLS, David

As there are (for each office) more candidates than there are vacancies to be filled, an election will be held between the listed candidates on Saturday, 12 October 2019, under the single transferable voting electoral system by postal vote.

Kaiwaka-Mangawhai Ward
(two vacancies)

LARSEN, Jonathan
WETHEY, Peter

As the number of candidates does not exceed the number of vacancies, Jonathan LARSEN and Peter WETHEY are duly declared elected members of the Kaipara District Council.

Issuing of voting documents

Voting documents will be posted to electors from Friday, 20 September 2019.

Return of voting documents

Voting documents must be returned not later than noon, Saturday, 12 October 2019 to the electoral office.

Voting documents can be returned by post or hand delivered to the following council offices between Friday, 20 September 2019 and Friday, 11 October 2019 during normal office hours, and Saturday, 12 October 2019 between 9am – noon:

- Council's Main Office, 42 Hokianga Road, Dargaville;
- Mangawhai Service Centre, Unit 6, The Hub, 6 Molesworth Street, Mangawhai.

Special voting

Special voting in terms of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 may be exercised at the above council offices and times.

A person can apply to enrol as either a residential or ratepayer elector right up to and including 11 October 2019 – the day before the close of voting.

VOTE 2019 LOCAL ELECTIONS
PŌTI 2019 NGA PŌTITANGA Ā-ROHE

Dale Ofsoske, Electoral Officer
Kaipara District Council
42 Hokianga Road, Dargaville

Phone 0800 922 822

DECLARATION OF RESULTS OF ELECTION
for the Kaipara District Council 2019 elections

KAIPARA DISTRICT
Kaipara ki Orangaiwi • Two Oceans Two Harbours

I hereby declare the results of the elections held on 12 October 2019 for the following offices:

Mayor *(one vacancy)*

SMITH, Jason	Elected
MOHOAWHENUA, Moemoea	Excluded

Informal votes received: 17
Blank votes received: 306
I therefore declare Jason SMITH to be elected. The final quota as determined at the last iteration was 3207.

Council

Dargaville Ward *(two vacancies)*

WILSON-COLLINS, Eryn	Elected
JOYCE-PAKI, Karen	Elected
MCEWING, Brian John (Independent)	Excluded
NAYYAR, Ash	Excluded
STEWART, Marni	Excluded
TANE, Jay	Excluded

Informal votes received: 14
Blank votes received: 17
I therefore declare Eryn WILSON-COLLINS and Karen JOYCE-PAKI to be elected. The final quota as determined at the last iteration was 455.483819904.

Otamatea Ward *(two vacancies)*

CURNOW, Anna	Elected
VINCENT, Mark Gregory	Elected
LINTON, Wayne	Excluded
JEPSON, Craig	Excluded
MILLER, Ian	Excluded

Informal votes received: 15
Blank votes received: 41
I therefore declare Anna CURNOW and Mark Gregory VINCENT to be elected. The final quota as determined at the last iteration was 478.662985132.

West Coast - Central Ward *(two vacancies)*

DEL LA VARIS-WOODCOCK, Victoria	Elected
WILLS, David	Elected
NATHAN, Joesephine	Excluded

Informal votes received: 11
Blank votes received: 43
I therefore declare Victoria DEL LA VARIS-WOODCOCK and David WILLS to be elected. The final quota as determined at the last iteration was 556.000000001.

Full details of the official results of the election are available on request from the Electoral Officer.

VOTE 2019 LOCAL ELECTIONS
PŌTI 2019 NGA PŌTITANGA Ā-ROHE

Dated at Dargaville, 17 October 2019
Dale Ofsoske, Electoral Officer
Kaipara District Council
42 Hokianga Road, Dargaville

Phone 0800 922 822

APPENDIX 4

AMENDED DECLARATION OF RESULT OF ELECTION
for the Dargaville Ward of the Kaipara District Council 2019 election

KAIPARA DISTRICT

Following a Judicial Recount of the Dargaville Ward of the Kaipara District Council election held on 31 October 2019, I declare the amended results of the above election (held on 12 October 2019):

Dargaville Ward *(two vacancies)*

WILSON-COLLINS, Eryn	Elected
JOYCE-PAKI, Karen	Elected
MCEWING, Brian John (Independent)	Excluded
NAYYAR, Ash	Excluded
STEWART, Marni	Excluded
TANE, Jay	Excluded

Informal votes received: 12
Blank votes received: 17
This amended declaration confirms Eryn WILSON-COLLINS and Karen JOYCE-PAKI to be elected. The final quota as determined at the last iteration was 455.513865145.

Dated Dargaville, 31 October 2019
Dale Ofsoske, Electoral Officer
Kaipara District Council
42 Hokianga Road, Dargaville

Decisions made under delegation during the 2019/20 summer recess period

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Gavin Dawson, Governance Advisor**

Purpose/Ngā whāinga

To provide the Council with information on the decisions that have been made by the Mayor and Deputy Mayor over the 2019/20 summer recess period.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Notes the 'Decisions made under delegation during the 2019/20 summer recess' report.

Context/Horopaki

At the 11 December 2019 meeting of the Council, it was agreed that the Mayor and Deputy Mayor were able to make decisions on behalf of Council on matters that were not major.

In that resolution, it was also agreed that a report would be provided to the first Council meeting of 2020 outlining the decisions over the summer recess period. This report provides that information and the relevant reports that were submitted to the Mayor and Deputy Mayor for consideration.

The decision-making delegation formally ends at the start of the first Council meeting on 26 February 2020.

Discussion/Ngā kōrerorero

The following decisions made to date under delegation:

- Arcadia Road Rallysprint road closure
- BDO Tour of Northland road closure
- Kai Iwi Lakes Triathlon road closure.

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 agenda on the website.

Attachments/Ngā tapiritanga

Number	Title
1	Arcadia Road Rallysprint road closure report
1a	Arcadia Road Rallysprint road closure attachments
2	BDO Tour of Northland road closure report
2a	BDO Tour of Northland road closure attachments

3	Kai Iwi Lakes Triathlon road closure report
3a	Kai Iwi Lakes Triathlon road closure attachments

Application for a Temporary Road Closure – Arcadia Road Rallysprint 2020

Meeting: Kaipara District Council
Date of meeting: January 2020
Reporting officer: Wendy Campbell, Corridor Access Coordinator

Purpose/Ngā whāinga

To seek approval from the council for the application of a temporary road closure for the purpose of the Arcadia Road Rallysprint event 2020.

Executive summary/Whakarāpopototanga

Approve the application for a temporary road closure to allow the Arcadia Road Rallysprint event 2020 to take place in a safe manner. The proposed closure is to be held on Sunday 23 February 2020 at 9:00am to 6:30pm (earlier if finished before).

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Approves the application for the temporary road closure which includes Arcadia Road, Paparoa as shown on the proposed Traffic Management Diagram (attachment A of this report) on Sunday 23 February 2020 from 9:00am to 6:30pm. A condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure.

Context/Horopaki

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, Council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by Council under the Local Government Act 1974, s319.

The HCMC has been hosting a rally sprint event on Arcadia Road, Paparoa in the Kaipara District since 2000. It is a very popular rally sprint series run in conjunction with five other Car Clubs. To carry out the rally in a safe manner the applicants have applied to temporarily close Arcadia Road restricting access to residents only.

Discussion/Ngā kōrerorero

The proposed traffic management diagram necessitates the temporary closure of Arcadia Road, Paparoa as shown on the proposed Traffic Management Diagram (attachment A of this report). The proposed Traffic Management Plan requires the road to be closed for nine and a half hours on Sunday 23 February 2020 at 9:00am until 6:30pm.

There is likely to be some nuisance experienced by the local residents located within the closure and in the past council has received a complaint preceding the event held in 2016/2017, residents were unhappy with the condition that the road was left in after the Rally event. Following both pre and post event inspections, Council was unable to attribute any specific

damages as a direct result of the HCMC event. The damages identified were attributed to an already worn pavement and exposed subgrade and were insignificant. Currently, the road has now been strengthened to a high standard suitable for HPMV (High Productivity Motor Vehicles) for current forestry harvesting. The road is in an excellent standard with a well bound pavement suitable for all user types. HCMC has worked proactively with council and have paid for repairs identified after a post rally inspection was carried out by Council network inspector for the rally held in 2019. This event has been publicly notified in the Dargaville Lifestyler issue dated 10 December 2019 and no objections have been received during the notification period.

Options

Option A: Approve the application for the temporary road closure

By choosing option A, the council can allow for a safer event for the event participants and road users. Council will inspect Arcadia Road before and after the rally sprint and any damages caused by the event will be charged to the applicant.

Option B: Decline the application for the temporary road closure.

By declining the application, Council could potentially stop a very popular event with negative implications for the community including local businesses. Arcadia Road will not be at risk of major damages as a direct result of the rally event.

The recommended option is Option A.

Policy and planning implications

Local Government Act 1974, s319 – General powers of Council in respect of roads.

Section 319(1)(h) includes “to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10”

Financial implications

If Approved, council will receive from Motorsport NZ a Road Damage Bond of $5000 including a public liability insurance certificate. The required bond, under the 2019/2020 Fees and Charges of $5,825.00 to cover road damages will be paid in full on providing approvals to proceed.

Risks and mitigations

There are no major risks associated with the decisions or matters outlined in this report.

Significance and engagement/Hirahira me ngā whakapāpā

The public have been informed of the application

Next steps/E whaiake nei

Advise the applicant of the council’s decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11a of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

Attachments/Ngā tapiritanga

Number	Title
A	Traffic Management Plan

Wendy Campbell, 18 December 2019

RCA consent (eg CAR/WAP) and/or RCA contract reference	Arcadia Rd 2020

TRAFFIC MANAGEMENT PLAN (TMP) – SHORT FORM

*Complete **short form** if simple activity and RCA permits. Refer to the NZ Transport Agency's Traffic control devices manual, part 8 Code of practice for temporary traffic management (CoPTTM), section E, appendix A for a guide on how to complete each field.*

Organisations/ TMP reference	**TMP reference:**	**Contractor:** Jeff Torkington	**Principal** *(Client)*: Hibiscus Coast Motorsport Club Inc. **RCA:**

	Road names and suburb	**House no. / RPs** *(From and to)*	**Road level**	**Permanent speed**	**AADT/Peak flows**
Location details and road characteristics	Arcadia Rd, Paparoa	All	LV	100	<500
	Arcadia Rd does not act as a through road for normal traffic and so it is considered to be more confusing than helpful to install detour signs. Any traffic coming from Bull Road does not have a predictable destination. For these reasons and our ability to provide access if required it is proposed not to install any detours.				
Description of work activity	Motorsport Event				

Planned work programme

Start date	23/02/2020	**Time**	9:00 am	**End date**	23/02/2020	**Time**	6:00 pm

Consider significant stages, for example: • road closures • detours • no activity periods.	Install signs working from advance warning signs in each direction in turn. Then install closure cones and signs. Road closed for Rallysprint Remove closure devices and signs in the reverse order.
Alternative dates if activity delayed	N/A

Road aspects affected *(delete either Yes or No to show which aspects are affected)*

Pedestrians affected?	Yes ~~No~~	**Property access affected?**	Yes ~~No~~	**Traffic lanes affected?**	Yes ~~No~~
Cyclists affected?	Yes ~~No~~	**Restricted parking affected?**	~~Yes~~ No	**Delays or queuing likely?**	Yes ~~No~~

TSL/ Diagram *(see TSL decision matrix for guidance)*	**TSL details as required** Approval of Temporary Speed Limits (TSL) are in terms of Section 5 of Land Transport Rule: Setting of Speed Limits 2003,Rule 54001 *(List speed, length and location)*	**Times** *(From and to)*	**Dates** *(Start and finish)*	**Diagram ref. no.s** *(Layout drawings or TMDs)*
Attended day/ night	~~A temporary maximum speed limit of ____ km/h is hereby fixed for motor vehicles travelling over the length of ____ m situated between ____ (House no./RP) and ____ (House no./RP) on ____ (street or road name)~~			
Unattended day/ night	~~A temporary maximum speed limit of ____ km/h is hereby fixed for motor vehicles travelling over the length of ____ m situated between ____ (House no./RP) and ____ (House no./RP) on ____ (street or road name)~~			

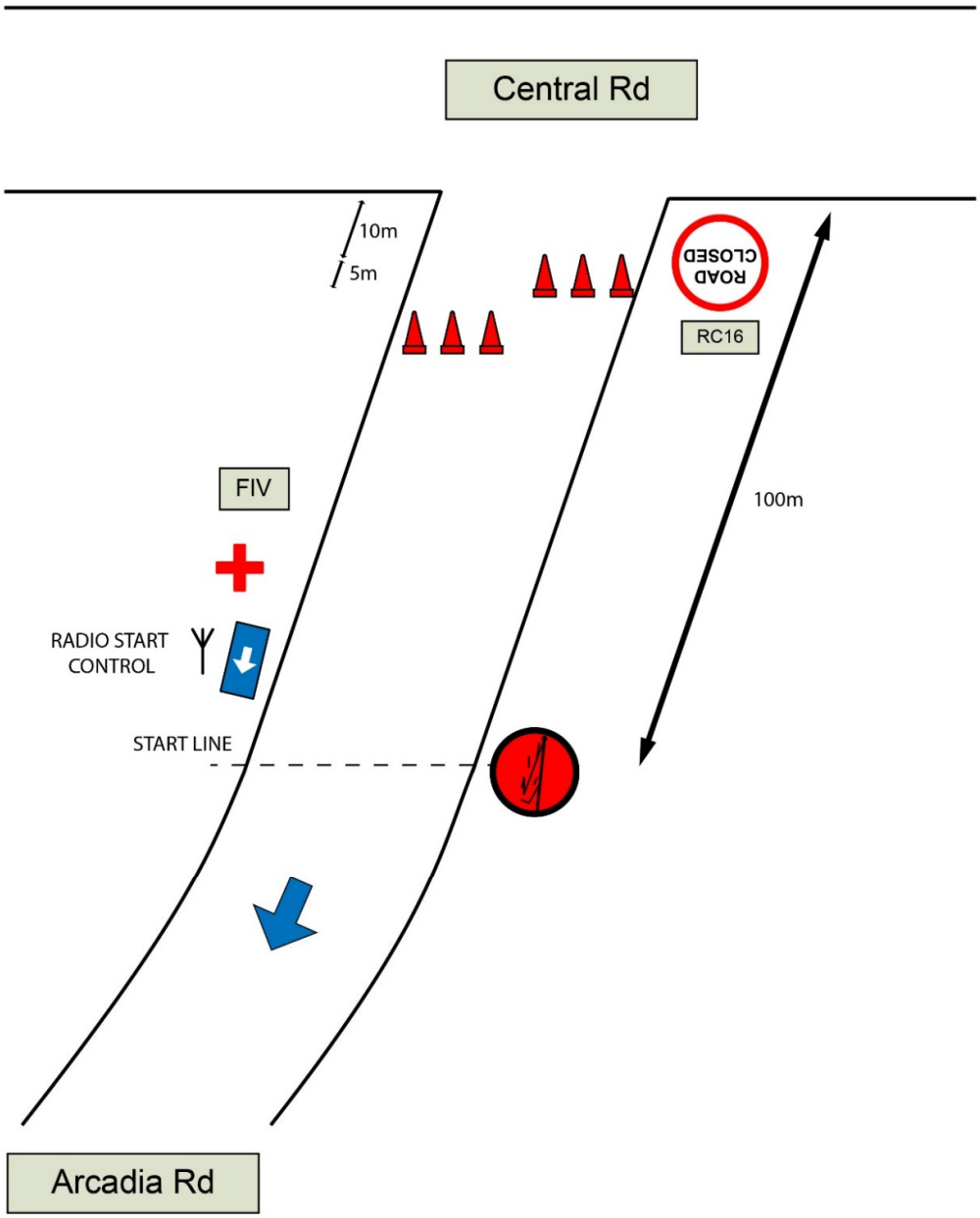
RCA consent (eg CAR/WAP) and/or RCA contract reference	Arcadia Rd 2020

Contingency plan		
If long queues form or delays exceed 5mins *(or any other period required by RCA),* site to be disestablished or additional lanes made available.	Adjust TMD to suit unforeseen circumstances *(eg weather or site overlaps with another work site)*.	Emergency services will be accommodated and access provided through the site as required.
Add additional contingencies: Residents desiring entry to or exit from affected properties will be escorted by an event official in radio contact with event control as soon as it is safe to do so.		

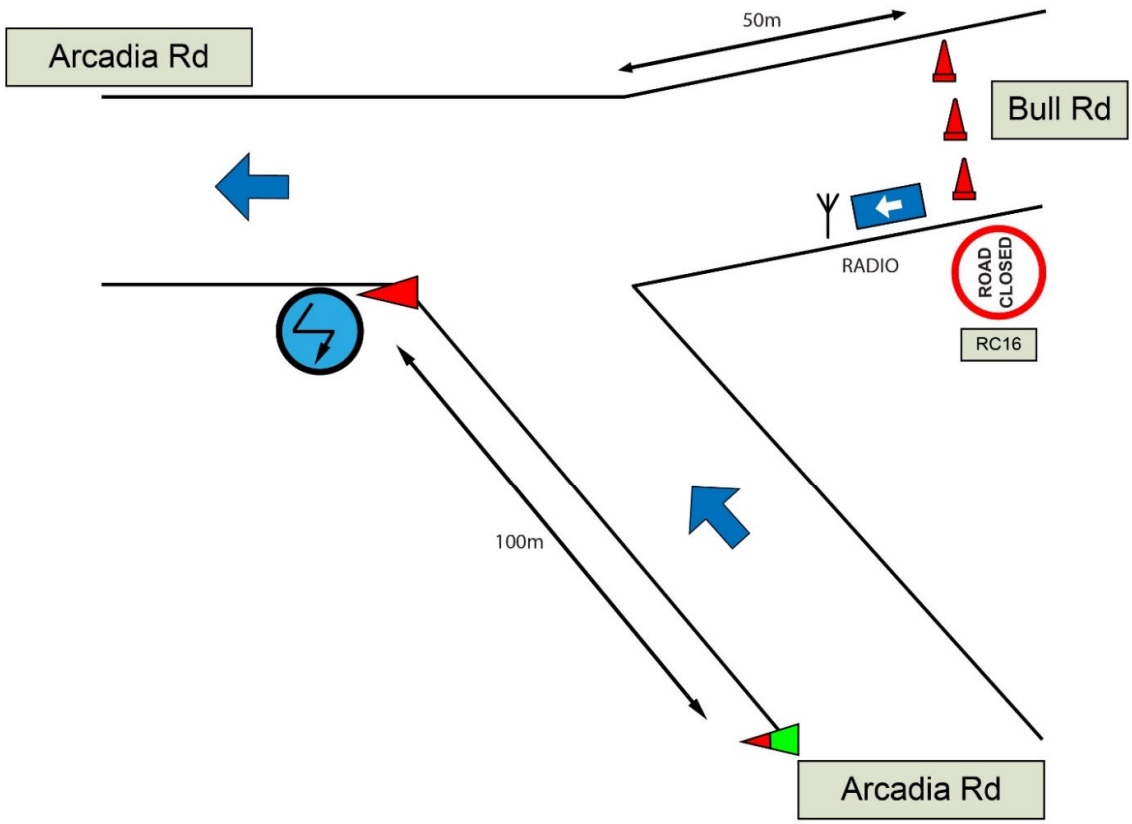
Contact details					
	Name	**24/7 contact number**	**CoPTTM ID**	**Qualification**	**Expiry date**
Principal	Hibiscus Coast Motorsport Club (Jeff Torkington)	021 588 010			
TMC					
Engineers' representative					
Contractor	Jeff Torkington	021 588 010			
STMS	Jeff Torkington	021 588 010	44184	L1 STMS R	5/07/2021
TC					
Others as required					

TMP preparation (or approval if STMS delegated authority to approve TMPs) *Delete the option that does not apply (either prepared or approved)*						
Prepared / ~~Approved~~	Jeff Torkington	28/11/2019		44184	L1 STMS R	5/07/2021
	Name	Date	*Signature*	*ID no.*	*Qualification*	*Expiry date*
This TMP meets CoPTTM requirements			**Number of diagrams attached**			
TMP returned for correction						
	Name	Date	*Signature*	*ID no.*	*Qualification*	*Expiry date*
Engineer/TMC to complete following section when approval or acceptance required						
Approved by TMC or engineer *(delete one)*						
	Name	Date	*Signature*	*ID no.*	*Qualification*	*Expiry date*
Acceptance by TMC *(if required)*						
	Name	Date	*Signature*	*ID no.*	*Qualification*	*Expiry date*
Qualifier for engineer or TMC approval						

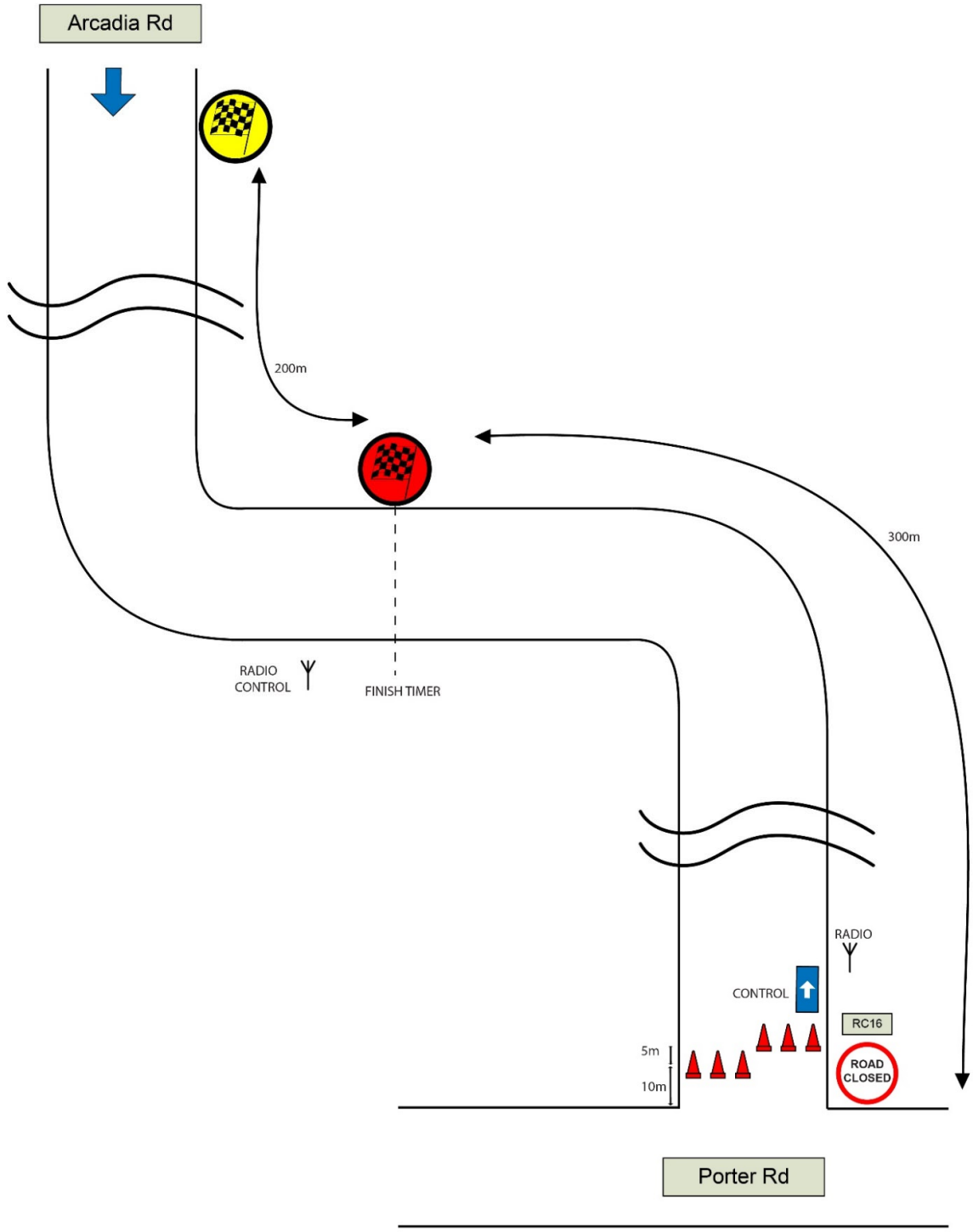
Arcadia Rd Rallysprint: Start



Arcadia Rd Rallysprint: Midpoint



Arcadia Rd Rallysprint: Finish



Application for a Temporary Road Closure – BDO Tour of Northland Cycle Challenge

Meeting: **Kaipara District Council**
Date of meeting: **January 2020Reporting officer:** **Wendy Campbell, Corridor Access Coordinator**

Purpose/Ngā whāinga

To seek approval from the council for the application of a temporary road closure for the purpose of the BDO Tour of Northland Cycle Challenge

Executive summary/Whakarāpopototanga

Approve the application for a temporary road closure to allow the BDO Tour of Northland Cycle Challenge event to take place in a safe manner. The proposed closure is to be held on Saturday 21 March 2020 from 09:00am to 01:00pm on Victoria Street, Dargaville (between Edward St and Normanby St). Pedestrian access will remain open to allow access to businesses located within the closure.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Approves the application for the temporary road closure which includes Victoria Street, Dargaville (between Edward Street and Normanby Street) as shown on the proposed Traffic Management Diagram (attachment A of this report) on Saturday 21 March 2020 from 9:00am to 01:00pm. A condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure.

Context/Horopaki

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, Council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by Council under the Local Government Act 1974, s319.

The BDO Tour of Northland Cycle Challenge 2020 event will be held on Saturday 21 March 2020 from 09:00am to 01:00pm and will be the ninth year that Dynamo Cycling & Sport Club Inc are running the cycle challenge successfully. To carry out the cycle challenge in a safe manner the applicants have applied to temporarily close Victoria Street (between Edward Street and Normanby Street). This event is widely supported every year with a financial and social gain for the local community and businesses.

Discussion/Ngā kōrerorero

The proposed Traffic Management Plan requires the road to be closed for 4 hours on a Saturday between the hours of 09:00am to 01:00pm, for the purpose of finishing the cycle race in a safe manner. This may cause some minor nuisance to the businesses/residents located within the closure however, this event has been publicly notified in the Dargaville Lifestyler issue dated 10 December 2019 and no objections have been received during the notification period.

There is no history found of any issues raised by past events and the finish stages of the cycle tour held on Victoria and Edward Streets, Dargaville is an event enjoyed by many locals.

Options

Option A: Approve the application for temporary road closure.

By choosing Option A Council can allow a safe event for the community, event participants and road users during the event. The closure will have a minimum impact on traffic and pedestrians

Option B: Decline the application for temporary road closure:

Declining this application would not allow for a safe event. The event organisers are committed to continuing the said leg of the event without the temporary road closures in place. Dynamo Cycling and Sports Club Inc. along with Council's Roading Team would prefer to enforce the temporary road closure due to improved safety for the community, event participants and road users.

Policy and planning implications

Local Government Act 1974, s319 – General powers of Council in respect of roads.

Section 319(1)(h) includes "to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10"

Financial implications

The applicant will bear all costs of temporarily closing the road.

Risks and mitigations

There are no major risks associated with the decisions or matters outlined in this report.

Significance and engagement/Hirahira me ngā whakapāpā

The public have been informed of the application.

Next steps/E whaiake nei

Advise the applicant of the council's decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11a of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

Attachments/Ngā tapiritanga

Number	Title
A	Traffic Management Plan

Wendy Campbell, 18 December 2019

KAIPARA DISTRICT

Kaipara te Oranganui · Two Oceans Two Harbours

Temporary Road Closure Application

KAIPARA DISTRICT COUNCIL

Chief Executive
Kaipara District Council
Private Bag 1001
Dargaville

Important Notes

1 For local closures Council is required to advertise these at least 42 days in advance of the event. Therefore applications will only be actioned if they are received 42 days before, to allow time for the required advertising.

2 This application for temporary road closure will be dealt with in terms of the Transport (Vehicular Traffic Road Closure) Regulations 1965, a copy of which is attached.

3 The applicants attention is specifically drawn to Clause 7 of the Regulations relating to the provisions of adequate insurance.

I/WE **Dynamo Cycling & Sports Club Inc** being the organiser of the **BDO Tour of Northland CYCLE CHALLENGE** event hereby apply for Council's permission to close part of the road/roads, as shown on the attached plan and subject to the conditions listed below, which are unreservedly agreed to.

Reason for closure:	**Finish of the 3rd day of the Tour of Northland Cycle Challenge. A road closure for the finish will ensure a safer event.**
Date:	**Saturday 21st March 2020**
Time:	**9:30am – 1:00pm**
Road(s)/Street(s):	**Victoria St between Edward Rd and Normanby St**
Contact phone number:	**07-8436-215 or 0274-925-672**
Contact address:	**PO Box 8068, Urlich Ave, Hamilton 3245**

KAIPARA DISTRICT

Notes for the Applicant

The following conditions shall apply in respect of the road/street closing approval for your organisation.

1 All signs and barricades are to be placed out as per the Code of Practise for Temporary Traffic Management.

2 Council no longer has signs or drums available so it is the responsibility of the applicant to obtain the correct signs and the drums to use as barricades. These can be hired from Vuletich Operational Services at 1 Beach Road, Dargaville or Works Civil Construction in Station Road, Dargaville.

3 Barricades are to be constructed so as to prevent traffic from entering into the closed road area.

4 A marshall is to be stationed at each barricade to direct traffic, and to let through emergency vehicles.

5 All barricades are to be removed prior to the advertised opening time.

6 All signs are to be removed within one hour of the completion of the advertised opening time.

7 In the case of temporary road/street closures associated with car rallies, hill climbs etc. the roads/streets involved will be inspected prior to, and immediately after, the event and any damage which has occurred will be charged to the applicant together with full costs associated with the inspections.

8 The application fee is enclosed with this application.

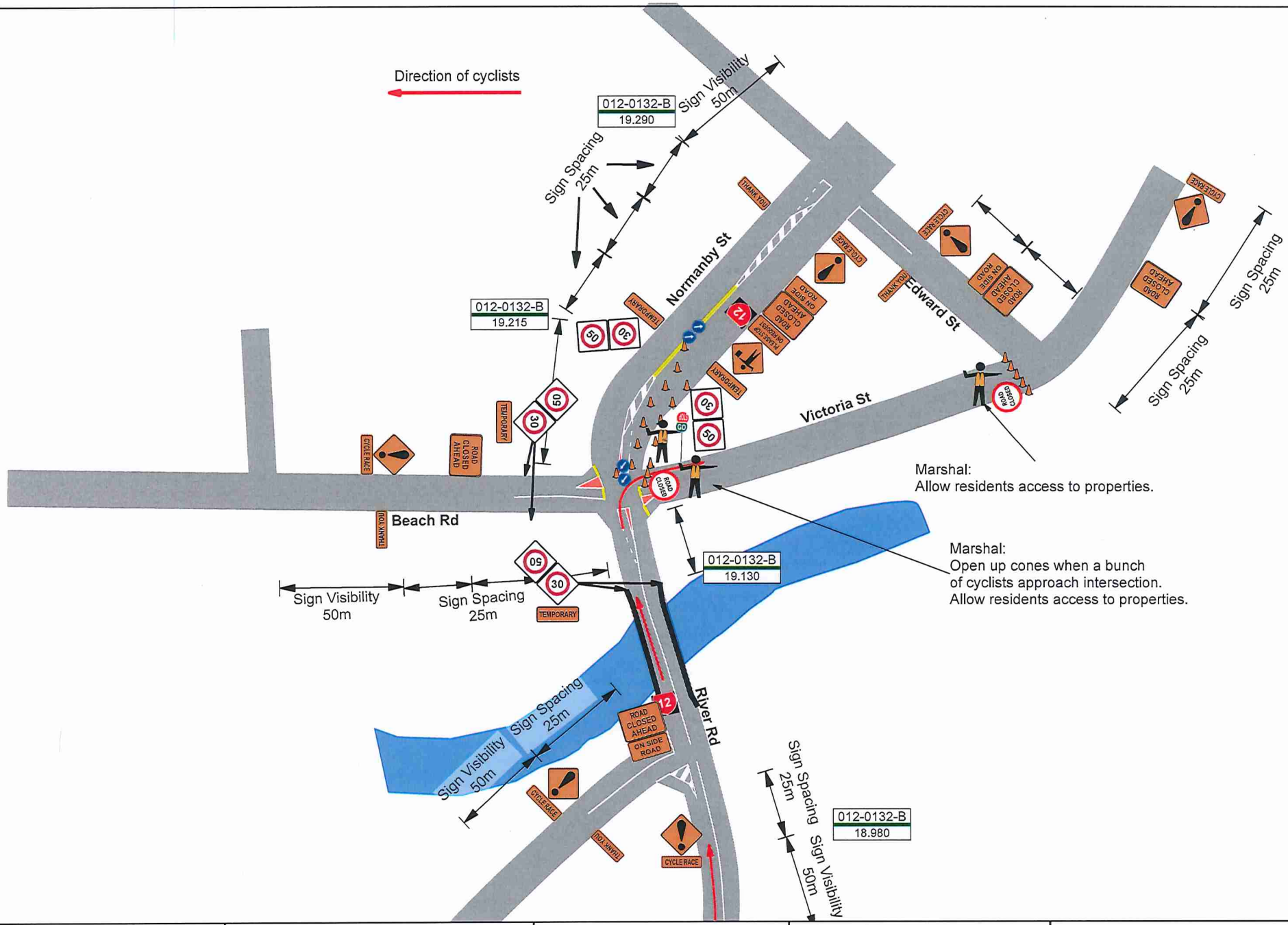
Schedule of Fees	
Hill Climbs, Car Rallies, etc	$500.00 deposit $5,000.00 bond
Processions etc in urban areas and special events	$250.00

- Stephen Cox. 14/10/19.

Signature of Applicant Date

Chief Executive Date

3208.0
Application for Temporary Road Closing October *2003*



Drawing No: TMNZ-HAM-190410B-4	Situation: SH12-Victoria St	Revision: A	TMC Approval:
Traffic Management NZ	Drawing Title: Road Closure	Drawing By: Joshua Smith	
		Checked:	
		Date: October 2019	

Application for a Temporary Road Closure - Kai Iwi Lakes and NSSSA groups and Team Triathlon

Meeting: Kaipara District Council
Date of meeting: January 2020
Reporting officer: Wendy Campbell, Corridor Access Coordinator

Purpose/Ngā whāinga

To seek approval from the council for the application of a temporary road closure for the purpose of the Northland Secondary School Sports Association (NSSSA) individual & team Triathlon and the FIRECO Kai Iwi Lakes Triathlon.

Executive summary/Whakarāpopototanga

Approve the application for a temporary road closure to allow the Northland Secondary School Sports Association (NSSSA) individual & team Triathlon and the FIRECO Kai Iwi Lakes Triathlon event to take place in a safe manner. The proposed closure is to be held on Friday 21 February 2020 at 10:45am to 14:00pm and on Saturday 22 February 2020 at 08:00am to 01:00pm.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

a) Approves the application for the temporary road closure which includes Domain Road, Omamari as shown on the proposed Traffic Management Diagram (attachment A of this report) on Friday 21 February 2020 at 10:45am to 14:00pm and on Saturday 22 February 2020 at 08:00am to 01:00pm. A condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure.

Context/Horopaki

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, Council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by Council under the Local Government Act 1974, s319.

The Northland Secondary School Sports Association (NSSSA) individual & team Triathlon and the FIRECO Kai Iwi Lakes Triathlon will be held on Friday 21 February 2020 at 10:45am to 14:00pm and on Saturday 22 February 2020 at 08:00am to 01:00pm and will be the eleventh year that Sports Northland are running the triathlons successfully. To carry out the challenge challenge in a safe manner the applicants have applied to temporarily close Domain Road, Omamari.

Discussion/Ngā kōrerorero

The proposed Traffic Management Plan requires the road to be closed for three and a quarter hour on a Saturday between the hours of 10:45am to 14:00pm and again for five hours on the following day between the hours of 08:00am to 01:00pm, for the purpose of holding the triathlons in a safe manner. This event has been publicly notified in the Dargaville Lifestyler issue dated 10 December 2019 and no objections have been received during the notification period. There is no history found of any issues raised by past events.

Options

Option A: Approve the application for temporary road closure.

By choosing Option A Council can allow a safe event for the community, event participants and road users during the event. The closure will have a minimum impact on traffic and pedestrians

Option B: Decline the application for temporary road closure:

Declining this application would not allow for a safe event. The event organisers are committed to continuing the said leg of the event without the temporary road closures in place. Sports Northland along with Council's Roading Team would prefer to enforce the temporary road closure due to improved safety for the community, event participants and road users.

Policy and planning implications

Local Government Act 1974, s319 – General powers of Council in respect of roads.

Section 319(1)(h) includes "to stop or close any road or part thereof in the manner and upon the conditions set out in s342 and Schedule 10"

Financial implications

The applicant will bear all costs of temporarily closing the road.

Risks and mitigations

There are no major risks associated with the decisions or matters outlined in this report.

Significance and engagement/Hirahira me ngā whakapāpā

The public have been informed of the application.

Next steps/E whaiake nei

Advise the applicant of the council's decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11a of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

Attachments/Ngā tapiritanga

Number	Title
A	Traffic Management Plan

Wendy Campbell, 18 December 2019

SPORT NORTHLAND

Enriching lives through play, active recreation and sport

SPORT NEW ZEALAND

ASB

Chill Technology Ltd
Conbrio
Dudley & Dennis Signs
Educare
Fireco
Fullers Great Sights
Jennian Homes
More FM
NorthCloud
Pacific Motor Group
Ray White
ThermaTech
Top Energy Ltd

Dargaville Veterinary Centre
Hot Printz
JOP
Pak'nSave
Silver Fern Farms
Sutherland Security
Tailored Legal Solutions
The Northern Advocate
Whangarei Aquatic Centre

Foundation North
Oxford Sports Trust
Lion Foundation
Pub Charity
The Southern Trust
Far North District Council
Kaipara District Council
Whangarei District Council
ACC
Ministry of Social Development
Northland DHB
Northland Foundation
Northland Regional Council
Northland Secondary Schools
Water Safety NZ

2 December 2019

Kathryn O'Reilly
Kaipara District Council
Private Bag 1001
DARGAVILLE

Dear Kathryn,

- **Northland Secondary Schools Individual & Team Triathlon – 21 February 2020**
- **FIRECO Kai Iwi Lakes Triathlon - 22 February 2020**

I am writing to you regarding Sport Northland's proposed use of Kaipara District Council Community spaces, roads, parks and reserves during the Northland Secondary Schools Sports Association (NSSSA) Individual & Team Triathlon and the FIRECO Kai Iwi Lakes Triathlon. This year will be the 35th year that the FIRECO Kai Iwi Lakes Triathlon, a great community event, will be held.

The NSSSA Individual & Team Triathlon as well as the FIRECO Kai iwi Lakes Triathlon events start/finish and transition areas will be situated at Pine Beach, Lake Taharoa. A parking area (near the registration area) will be located after the transition and play area. Please find detailed event information, transition & swim/kayak diagrams for both events attached.

We have approval from the campsite manages Leanne & Andrew for the use of the campsite area for these events.

Please also find enclosed the Traffic Management Plan and Intersection Diagrams for both triathlons. The roads we propose to use include:

- Omamari Road
- Kai Iwi Lake Road
- Domain Road

We require a partial road closure for Domain Road between the hours of 10.45am – 2pm on Friday 21 February 2020 and from 8.00am – 1pm on Saturday 22 February 2020. Vehicles will have intermittent access to Domain Road while this partial closure is in place.

The intersection diagrams enclosed also double as instructions for the marshals. They therefore include additional information intended for management of the event.

P O Box 1492, Whangarei, 0140
Phone 09 437 9600
www.sportnorthland.co.nz
info@sportnorth.co.nz

It is our hope that with this advance warning it may be possible for any roadworks (including any resealing) on the route to be structured outside of the time frame of this event, or if this is not possible, minimised to allow a suitable pathway for the cyclists. It would be appreciated if you could keep me informed about any proposed roadworks that may affect the event during this time frame.

It would be appreciated if you could forward approval upon Council's and the Taharoa Domain Governance Committee acceptance of these events.

Thank you for your continued support of our events and please let me know if you require any further information.

Kind regards

Ashlee Dobbs
EVENTS COORDINATOR
ashleed@sportnorth.co.nz
Ph: 022 519 6095

RCA consent (eg CAR/WAP) and/or RCA contract reference	

TRAFFIC MANAGEMENT PLAN (TMP) – FULL FORM

Use this form for complex activities. Refer to the NZ Transport Agency's Traffic control devices manual, part 8 Code of practice for temporary traffic management (CoPTTM), section E, appendix A for a guide on how to complete each field.

Organisations /TMP reference	**TMP reference:** NSSSA Kai Iwi Lakes Triathlon + FIRECO Kai Iwi Lakes Triathlon	**Contractor (Working space):** Sport Northland	**Principal** *(Client)*:
		Contractor (TTM):	**RCA:** Kaipara District Council

Location details and road characteristics	**Road names and suburb**	**House no./RPs** *(from and to)*	**Road level**	**Permanent speed**
	Taharoa Domain Access Rd 1 & 2,	Please see diagrams attached	1	
	Kai Iwi Lakes Rd			100
	Omamari Rd			100

Traffic details (main route)	**AADT** Level 1	**Peak flows**

Description of work activity

The annual FIRECO Kai Iwi Lakes Triathlon based at Kai Iwi Lakes features a choice of two distances, options for team and an event for the kids. The start, finish and transition areas are all based at Pine Beach where there is camping available so you can really make a weekend of it.

Planned work programme

Start date	21 February 2020	**Time**	8.00am	**End date**	22 February 2020	**Time**	1.00pm

Consider significant stages, for example: • road closures • detours • no activity periods.	• We require a partial road closure for Domain Road from 10.45am – 2pm on Friday 21 February 2020 • We require a partial road closure for Domain Road from 8.00am – 1pm on Saturday 22 February 2020 • Vehicles will have intermittent access to Domain Road while this partial closure is in place.
Alternative dates if activity delayed	No alternative date

Road aspects affected *(delete either Yes or No to show which aspects are affected)*

Pedestrians affected?	Yes	**Property access affected?**	Yes	**Traffic lanes affected?**	Yes
Cyclists affected?	Yes	**Restricted parking affected?**	No	**Delays or queuing likely?**	Yes

Proposed traffic management methods

Installation *(includes parking of plant and materials storage)*	N/A

RCA consent (eg CAR/WAP) and/or RCA contract reference	

Attended (day)	***Active*** • Minimum of two STMS will be at event. One will be the finish area with at least one on the course, along with a number of TC staff. • Lead and rear vehicles will be used with warning signs and flashing lights. • Police and emergency services have been notified and will be asked to provide assistance. • Temporary road closure has been applied for to further reduce risk. • Temporary Speed Restriction has been applied for to assist with the safe passage of participants crossing Hobson Avenue. ***Marshals*** • Marshals will be utilised on key points to provide safety for competitors and as little disruption to traffic flow as possible. • Marshal duties will be to direct competitors and warn and direct traffic. • Marshals will also be required to put out signage where appropriate. • Marshals will be located at major intersections and areas of restricted visibility. ***Signage*** • Warning signs will be placed throughout the route on major intersections or other areas of risk e.g. areas of restricted visibility. • Signage will be retrieved at the end of the event by marshals and support vehicles. • Signage will conform to requirements set out by Transit NZ.
Attended (night)	N/A
Unattended (day)	N/A
Unattended (night)	N/A
Detour route	N/A Does detour route go into another RCA's roading network? Yes No *(delete either Yes or No)* *If Yes, has confirmation of acceptance been requested from that RCA?* Yes No *(delete either Yes or No)* ***Note:*** *Confirmation of acceptance from affected RCA must be submitted prior to occupying the site.*
Removal	Signage will be retrieved at the end of the event by marshals and support vehicles

Proposed TSLs *(see TSL decision matrix for guidance)*

	TSL details as required Approval of Temporary Speed Limits (TSL) are in terms of Section 6 of Land Transport Rule: Setting of Speed Limits 2017, Rule 54001/2017 *(List speed, length and location)*	**Times** *(From and to)*	**Dates** *(Start and finish)*	**Diagram ref. no.s** *(Layout drawings or traffic management diagrams)*
Attended day/night	Kai Iwi Lakes Road (End of Seal – NSSSA Cycle Turn around point)– 30km	10.45am-2.00pm	21 February 2020	See Event Information NSSA Attached
Unattended day/night	Kai Iwi Lakes Road (End of Seal – 9km Turn around point)– 30km	8.00am-1.00pm	22 February 2020	Diagram 6
	Kai Iwi Lakes Road (either side of Taharoa Domain Access Rd 1)– 30km	8.00am-1.00pm	22 February 2020	Diagram 1

RCA consent (eg CAR/WAP) and/or RCA contract reference	

	Omamari Road – 30km	8.00am-1.00pm	22 February 2020	Diagram 4

Positive traffic management measures

- .Marshals positioned throughout course
- Traffic Controllers with stop/go paddles will be used in key areas

Contingency plans

Generic contingencies for:	Major Incident	Actions
• major incidents • incidents • pre planed detours. *Remove any options which do not apply to your job*	A major incident is described as: • Fatality or notifiable injury - real or potential • Significant property damage, or • Emergency services (police, fire, etc) require access or control of the site.	The STMS must immediately conduct the following: • stop all activity and traffic movement • secure the site to prevent (further) injury or damage • contact the appropriate emergency authorities • render first aid if competent and able to do so • notify the RCA representative and / or the engineer • under the guidance of the officer in charge of the site, reduce effects of TTM on the road or remove the activity if safe to do so • re-establish TTM and traffic movements when advised by emergency authorities that it is safe to do so • Comply with any obligation to notify WorkSafe.
	Incident	**Actions**
	An incident is described as: • excessive delays - real or potential • minor or non-inquiry accident that has the potential to affect traffic flow • structural failure of the road.	The STMS must immediately conduct the following: • stop all activity and traffic movement if required • secure the site to prevent the prospect of injury or further damage • notify the RCA representative and / or the engineer • STMS to implement a plan to safely remove TTM and to establish normal traffic flow if safe to do so • re-establish TTM and traffic movements when it is safe to do so and when traffic volumes have reduced.

RCA consent (eg CAR/WAP) and/or RCA contract reference	

	Detour If because of the on-site activity it will not be possible to remove or reduce the effects of TTM once it is established a detour route must be designed. This is likely for: • excessive delays when using an alternating flow design for TTM • redirecting one direction of flow and / or • total road closure and redirection of traffic until such time that traffic volumes reduce and tailbacks have been cleared. The risks in the type of work being undertaken, the risks inherent in the detour, the probable duration of closure and availability and suitability of detour routes need to be considered. The detour and route must be designed including: • pre- approval form the RCA's whose roads will be used or affected by the detour route • ensure that TTM equipment for the detour - signs etc are on site and pre-installed.	**Actions** When it is necessary to implement the pre-planned detour the STMS must immediately undertake the following: • Notify the RCA and / or the engineer when the detour is to be established • Drive through the detour in both directions to check that it is stable and safe • Remove the detour as soon as it practicable and safe to do so and the traffic volumes have reduced and tailbacks have cleared • Notify the RCA and / or the engineer when the detour has been disestablished and normal traffic flows have resumed.
	Note also the requirements for no interference at an accident scene: In the event of an accident involving serious harm the STMS must ensure that nothing, including TTM equipment, is removed or disturbed and any wreckage article or thing must not be disturbed or interfered with, except to: • save a life of, prevent harm to or relieve the suffering of any person, or • make the site safe or to minimise the risk of a further accident; or • maintain the access of the general public to an essential service or utility, or • prevent serious damage to or serious loss of property, or • follow the direction of a constable acting in his or her duties or act with the permission of an inspector.	
Other contingencies to be identified by the applicant *(i.e. steel plates to quickly cover excavations)*	• Local emergency services will be notified prior to the event, St John and first aid personnel will be available for the duration of the event • The event will be cancelled in the occurrence of adverse weather conditions	

Authorisations				
Parking restriction(s) alteration authority	**Will controlled street parking be affected?**	No	**Has approval been granted?**	No
Authorisation to work at permanent traffic signal sites	**Will portable traffic signals be used or permanent traffic signals be changed?**	No	**Has approval been granted?**	No
Road closure authorisation(s)	**Will full carriageway closure continue for more than 5 minutes (or other RCA stipulated time)?**	Yes	**Has approval been granted?**	No
Bus stop relocation(s) – closure(s)	**Will bus stop(s) be obstructed by the activity?**	No	**Has approval been granted?**	No
Authorisation to use portable traffic	**Make, model and description/number**	N/A		

RCA consent (eg CAR/WAP) and/or RCA contract reference	

signals	**NZTA compliant?**	Yes No *(delete either Yes or No)*	
EED			
Is an EED applicable?	Yes No *(delete either Yes or No)*	**EED attached?**	Yes

Delay calculations/trial plan to determine potential extent of delays

N/A

Public notification plan

- Event details will be advertised on radio, the Sport Northland's website and via direct mail drop to local residents on the course route.
- Road closure notification will be advertised in the local paper, temporary signage and via direct mail drop to local residents

Public notification plan attached?	No

On-site monitoring plan

Attended *(day and/or night)*	• STMS to check sites for safety issues and check signage correctly positioned.
Unattended *(day and/or night)*	• All signage taken down and removed

Method for recording daily site TTM activity *(eg CoPTTM on-site record)*

Site safety measures

- Competitors will be expected to wear appropriate clothing and equipment
- All participants will receive written event safety information and a pre event verbal safety briefing
- Marshals will all wear appropriate high visibility vests and will be briefed prior to the event
- All competitors instructed that they are participating on open roads and to abide by the road rules

Other information

Site specific layout diagrams

Number	**Title**
Diagram 1	Kids Cycle Domain & Kai iwi lakes Rd
Diagram 2a	Adults Long Cycle Course
Diagram 2b	Kids Cycle Course
Diagram 3	Omamari Road
Diagram 4	Omamari Rd Turnaround
Diagram 5	Adult course run
Diagram 6	9km Cycle Turn around

RCA consent (eg CAR/WAP) and/or RCA contract reference	

Contact details					
	Name	**24/7 contact number**	**CoPTTM ID**	**Qualification**	**Expiry date**
Principal					
TMC					
Engineers' representative					
Contractor	Sport Northland	09 437 9600			
STMS	Ashlee Dobbs	022 519 6095	120118	STMS	04/09/2022
Others as required					

TMP preparation						
Preparation	Ashlee Dobbs			120118	STMS	04/09/2022
	Name (STMS qualified)	*Date*	*Signature*	*ID no.*	*Qualification*	*Expiry date*
This TMP meets CoPTTM requirements				**Number of diagrams attached**		
TMP returned for correction *(if required)*						
	Name	*Date*	*Signature*	*ID no.*	*Qualification*	*Expiry date*
Engineer/TMC to complete following section when approval or acceptance required						
Approved by TMC/engineer *(delete one)*						
	Name	*Date*	*Signature*	*ID no.*	*Qualification*	*Expiry date*
Acceptance by TMC *(only required if TMP approved by engineer)*						
	Name	*Date*	*Signature*	*ID no.*	*Qualification*	*Expiry date*

Qualifier for engineer or TMC approval

Approval of this TMP authorises the use of any regulatory signs included in the TMP or attached traffic management diagrams.

This TMP is approved on the following basis:

1. To the best of the approving engineer's/TMC's judgment this TMP conforms to the requirements of CoPTTM.
2. This plan is approved on the basis that the activity, the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant.
3. The TMP provides so far as is reasonably practicable, a safe and fit for purpose TTM system.
4. The STMS for the activity is reminded that it is the STMS's duty to postpone, cancel or modify operations due to the adverse traffic, weather or other conditions that affect the safety of this site.

RCA consent (eg CAR/WAP) and/or RCA contract reference	

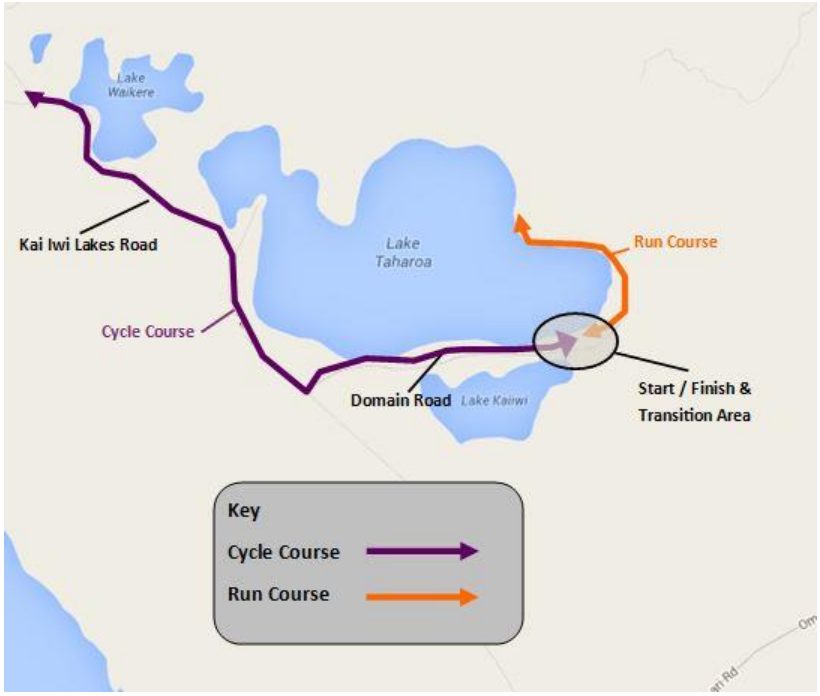
Notification to TMC prior to occupying worksite/Notification completed			
Type of notification to TMC required		**Notification completed**	Date Time

Northland Secondary Schools Sports Association Individual & Team Triathlon Event Information

CONTACT INFORMATION	
Contact Person	**Ashlee Dobbs**
Contact Person Role	**Events Coordinator, Sport Northland**
Phone 1	**022 519 6095**
Email	**ashleed@sportnorth.co.nz**
EVENT INFORMATION	
Name of Event	**Northland Secondary School Assocation (NSSSA) Individual & Team Triathlon**
Type of Event	**Secondary Schools Triathlon**
Age of Event	**11 - 18 years**
Date of Event	**Friday 21 February 2020**
Start Time / Safety Briefing	**10.45am**
Finish Time	**1pm (approx.)**
Location of Event	**Pine Beach, Lake Taharoa, Kai Iwi Lakes, Dargaville**
Participant Numbers	**200 (approx.)**
Safety Provider	**TK Rescue / St Johns**
Event Distances:	**Sub Junior (Year 7 & 8) and Junior (Under 14)** Swim 100m, Cycle 4km, Run 1.5km **Intermediate (Under 16) & Senior Youth (Under 19)** Swim 350m, Cycle 9km, Run 3.8km

EVENT DESCRIPTION

Event will start at 10.45am in waves of age groups. Please refer to the map below for more details on the course. Participants will receive a safety briefing before they start.



FIRECO Kai Iwi Lakes Triathlon Event Information

CONTACT INFORMATION	
Contact Person	**Ashlee Dobbs**
Contact Person Role	**Events Coordinator, Sport Northland**
Phone 1	**022 519 6095**
Email	**ashleed@sportnorth.co.nz**
EVENT INFORMATION	
Name of Event	**FIRECO Kai Iwi Lakes Triathlon**
Type of Event	**Adult and Kids Triathlon**
Participants Age	**7 + years**
Date of Event	**Saturday 22 February 2020**
Start Time / Safety Briefing	**Kids 8.15am / Adults: 9.30am**
Finish Time	**1pm (approx.)**
Location of Event	**Pine Beach, Lake Taharoa, Kai Iwi Lakes, Dargaville**
Participant Numbers	**300 (approx.)**
Safety Provider	**TK Rescue / St Johns**
Event Distances:	**Adults Short Course:** Swim 350m, Cycle 9km, Run/Walk 3.8km **Adults Long Course:** Swim 700m / Kayak 1.5km, Cycle 20km, Run/Walk 8.2km **Kids Course:** Swim 100m, Cycle 4km, Run 1.5km
EVENT DESCRIPTION	

Event will start with the kids triathlon at 8.15am. The Kids Triathlon Course will be based entirely at Pine Beach. Please refer to the map below for more details on the adults course. Participants will receive a safety briefing before they start.

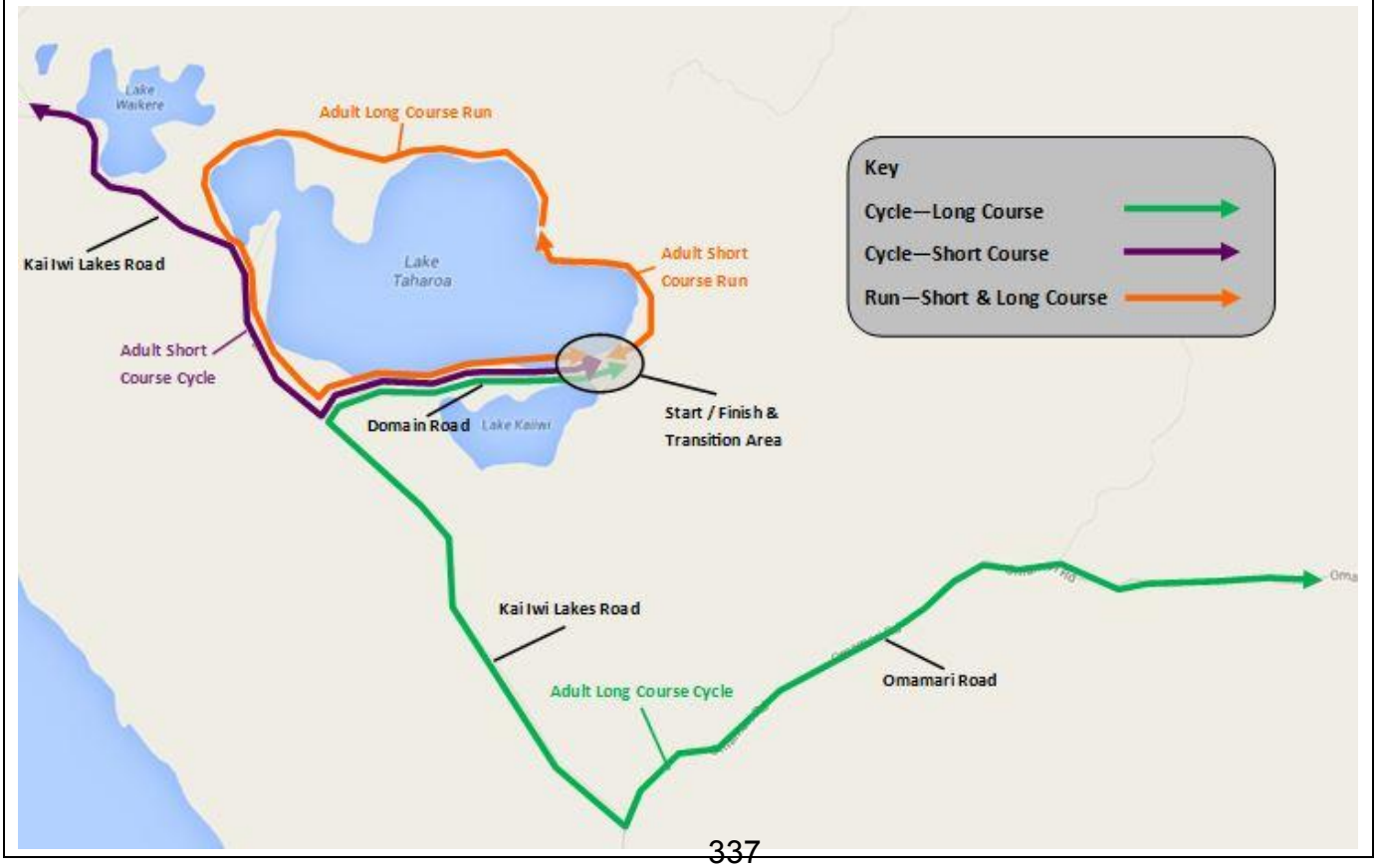
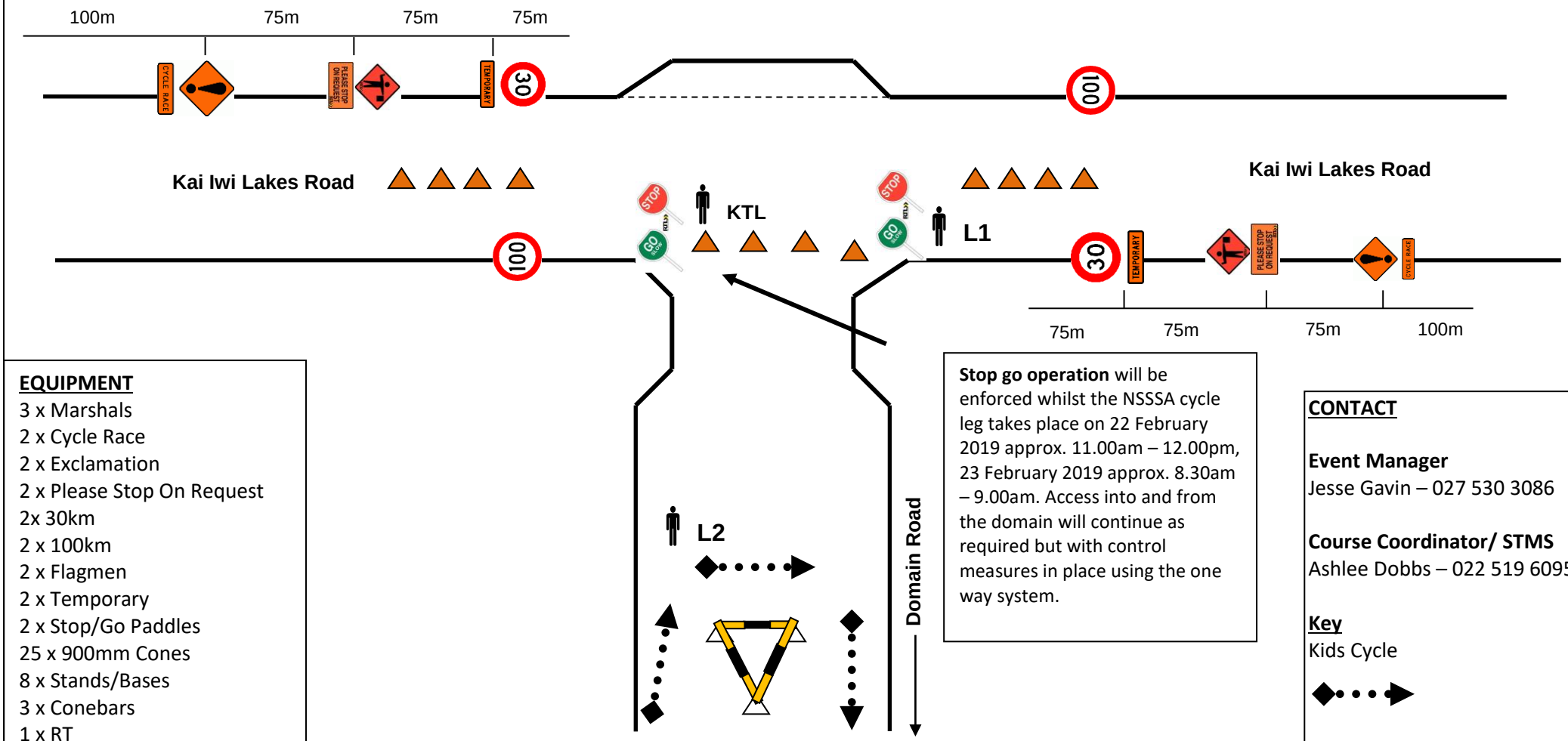


DIAGRAM 1 –NSSSA TRIATHLON – 21 FEBRUARY 2020 & KUMARA KAI IWI LAKES TRIATHLON – 22 February 2020

KIDS CYCLE - DOMAIN RD/KAI IWI LAKES RD



EQUIPMENT

3 x Marshals
2 x Cycle Race
2 x Exclamation
2 x Please Stop On Request
2x 30km
2 x 100km
2 x Flagmen
2 x Temporary
2 x Stop/Go Paddles
25 x 900mm Cones
8 x Stands/Bases
3 x Conebars
1 x RT

Stop go operation will be enforced whilst the NSSSA cycle leg takes place on 22 February 2019 approx. 11.00am – 12.00pm, 23 February 2019 approx. 8.30am – 9.00am. Access into and from the domain will continue as required but with control measures in place using the one way system.

CONTACT

Event Manager
Jesse Gavin – 027 530 3086

Course Coordinator/ STMS
Ashlee Dobbs – 022 519 6095

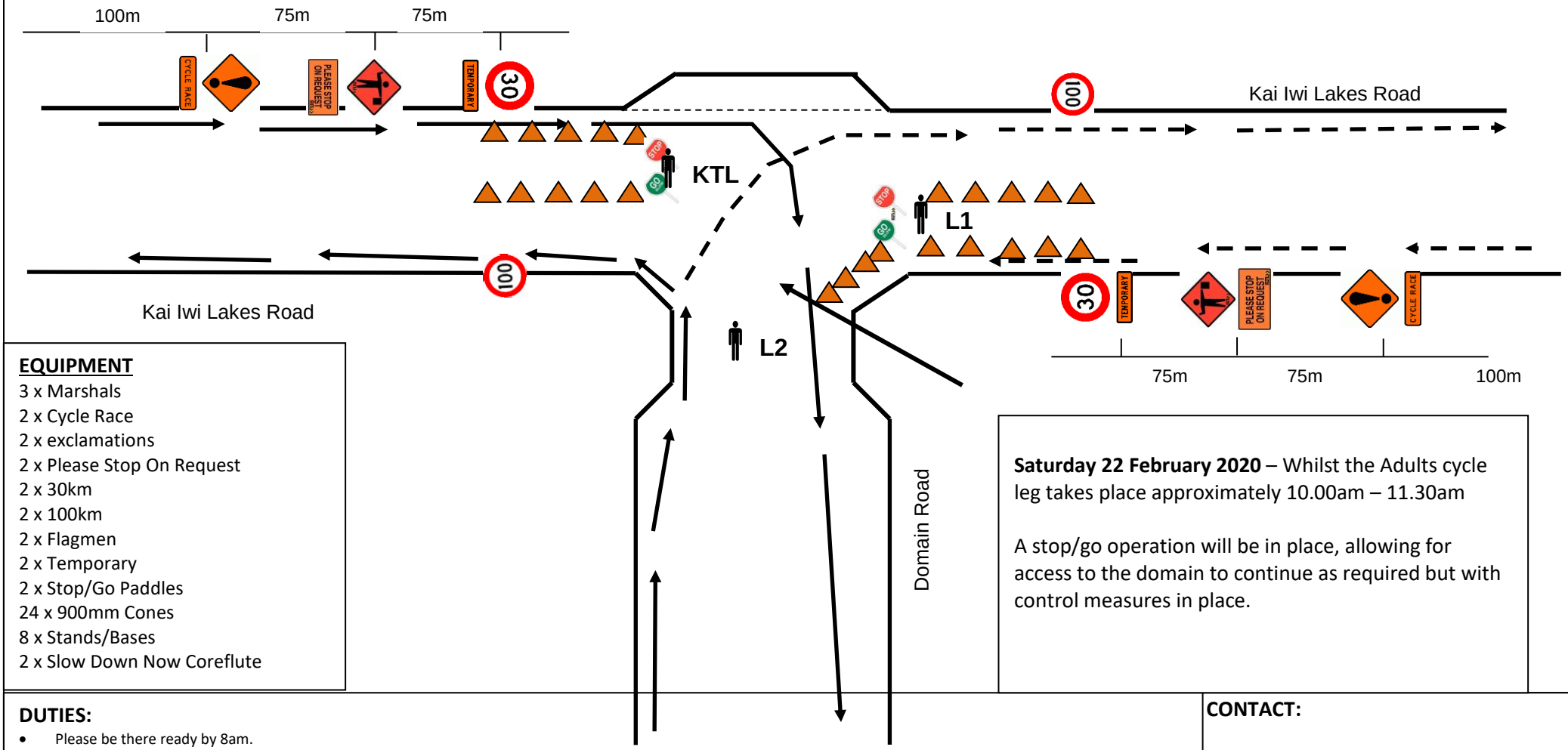
Key
Kids Cycle

DUTIES:

- **KTL Marshal :**
  - Communicate with Marshall at Pine Beach to stop traffic when Kids Cyclist are about to leave pine beach transition. Once the tail marshal has come past the turnaround point inform the Pine Beach Marshal that the last kids participant are on their way back to the transition area. Stay in communication with the Pine Beach marshal and operate the stop/go operation, allowing traffic to enter and leave the domain using the one way system.
- **KTL Marshal & L1:**
  - Positioned on either side of the turnoff, if necessary stop traffic entering Domain Rd only while Kids Cycle leg is on.
- **Marshal L2:**
  - Positioned at top of hill turning bikes around.
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 5303 086

DIAGRAM 2a –FIRECO KAI IWI LAKES TRIATHLON – 22 FEBRUARY 2020

ADULTS LONG COURSE - DOMAIN RD/KAI IWI LAKES RD



EQUIPMENT

3 x Marshals
2 x Cycle Race
2 x exclamations
2 x Please Stop On Request
2 x 30km
2 x 100km
2 x Flagmen
2 x Temporary
2 x Stop/Go Paddles
24 x 900mm Cones
8 x Stands/Bases
2 x Slow Down Now Coreflute

Saturday 22 February 2020 – Whilst the Adults cycle leg takes place approximately 10.00am – 11.30am

A stop/go operation will be in place, allowing for access to the domain to continue as required but with control measures in place.

DUTIES:

- Please be there ready by 8am.
- Set out cones and signage as shown in diagram. Positions will be marked on the road
- **KTL Marshal:**
  - Communicate with Marshall at Pine Beach to stop traffic when Cyclist are about to leave pine beach transition.
  - Once the tail marshal has come past the intersection inform the Pine Beach Marshal that the last participant are on their way back to the transition area. Stay in communication with the Pine Beach marshal and operate the stop/go operation, allowing traffic to enter and leave the domain using the one way system.
- **KTL Marshal & L1:**
  - Positioned on either side of the turnoff stopping traffic if necessary to give cyclists right of way
- **Marshal L2:**
  - Marshal L2 Directing Cyclist to either long course or short course.
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 5303 086

CONTACT:

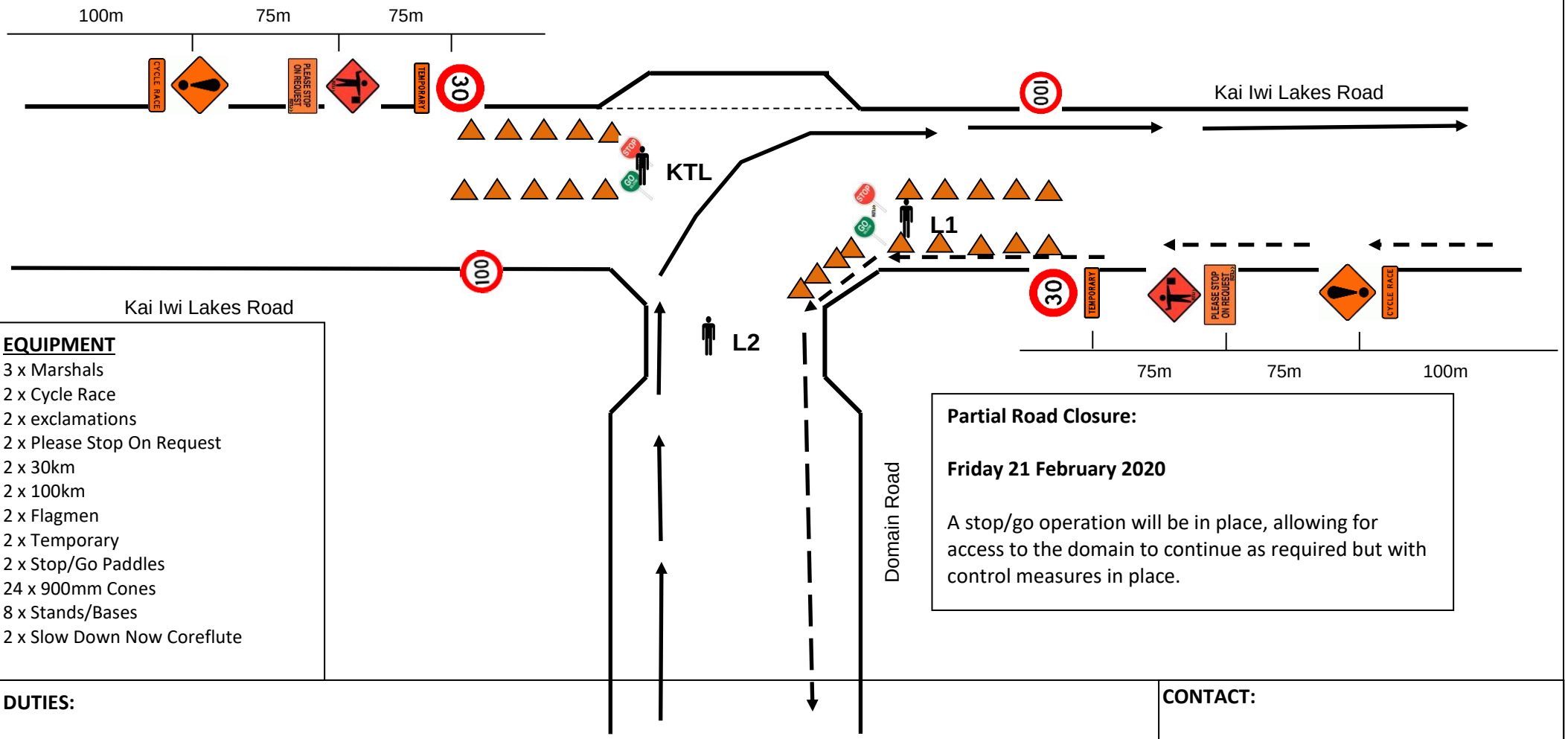
Jesse Gavin (Event Manager)-
027 530 3086
Ashlee Dobbs (STMS/ Course Coordinator)-
022 519 6095

Key

Adult Cycle 20km →
Adult Cycle 9km - - →

DIAGRAM 2b –NSSSA TRIATHLON – 21 FEBRUARY 2020

KIDS COURSE- DOMAIN RD/KAI IWI LAKES RD



EQUIPMENT

3 x Marshals
2 x Cycle Race
2 x exclamations
2 x Please Stop On Request
2 x 30km
2 x 100km
2 x Flagmen
2 x Temporary
2 x Stop/Go Paddles
24 x 900mm Cones
8 x Stands/Bases
2 x Slow Down Now Coreflute

Partial Road Closure:

Friday 21 February 2020

A stop/go operation will be in place, allowing for access to the domain to continue as required but with control measures in place.

DUTIES:

- Set out cones and signage as shown in diagram. Positions will be marked on the road
- **KTL Marshal:**
  - Communicate with Marshall at Pine Beach to stop traffic when Cyclist are about to leave pine beach transition.
  - Once the tail marshal has come past the intersection inform the Pine Beach
    Let Marshals know that the last participant is on their way back to the transition area.
    Stay in communication with the Pine Beach marshal and operate the stop/go operation, allowing traffic to enter and leave the domain using the one way system.
- **KTL & Marshal L1 :**
  - Positioned on either side of the turnoff stopping traffic if necessary to give cyclists right of way
- **Marshal L2:**
  - Marshal L2 Directing Cyclist to either long course or short course.
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 5303 086

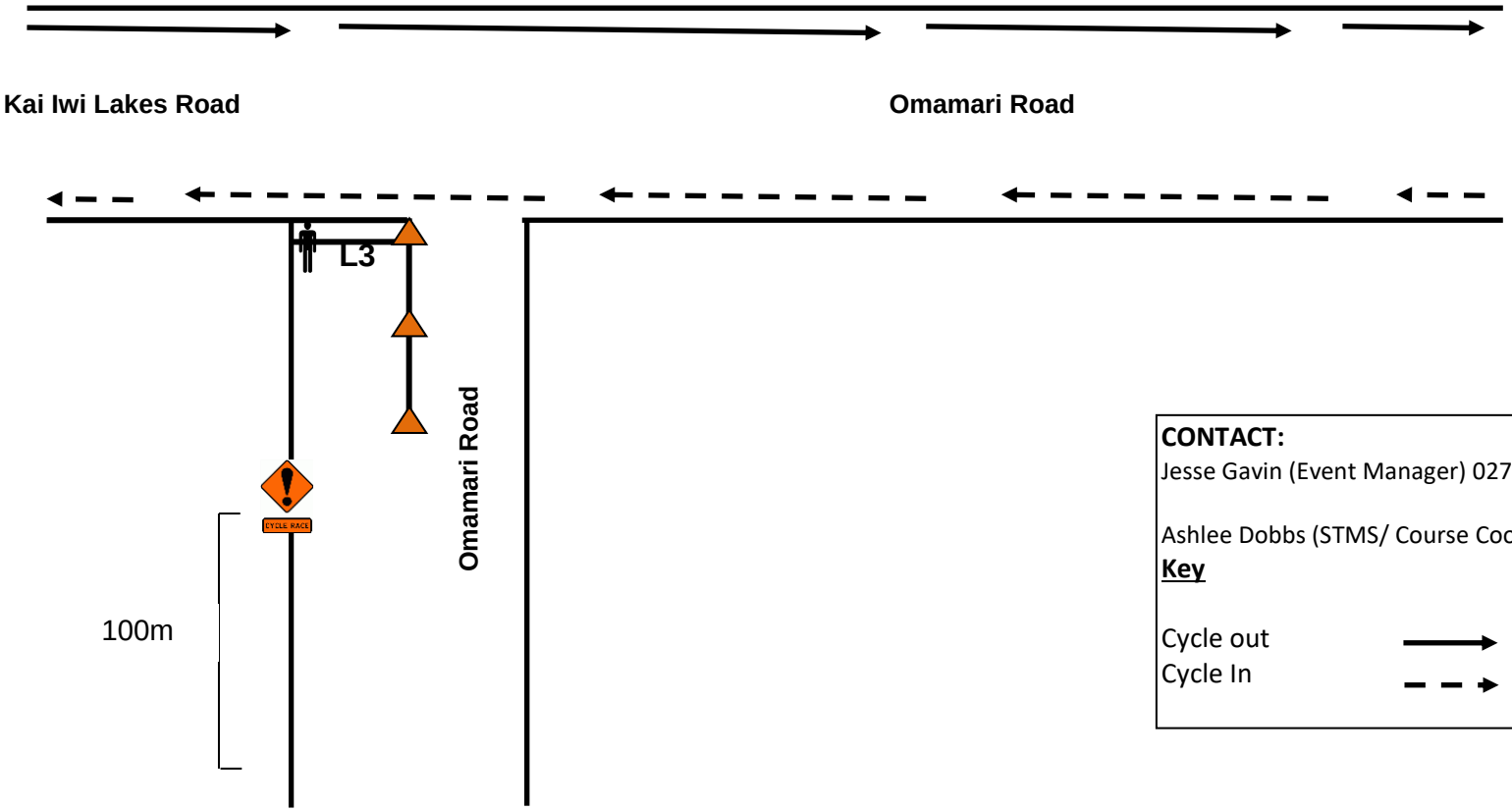
CONTACT:

Jesse Gavin (Event Manager)-
027 5303 086
Ashlee Dobbs (STMS/ Course coordinator)-
022 519 6095

Key

Kids Cycle out →
Kids Cycle return - - →

DIAGRAM 3 –FIRECO KAI IWI LAKES TRIATHLON – 22 February 2020
KAI IWI LAKES & OMAMARI ROAD INTERSECTION



CONTACT:
Jesse Gavin (Event Manager) 027 5303 086

Ashlee Dobbs (STMS/ Course Coordinator) 022 519 6095

Key

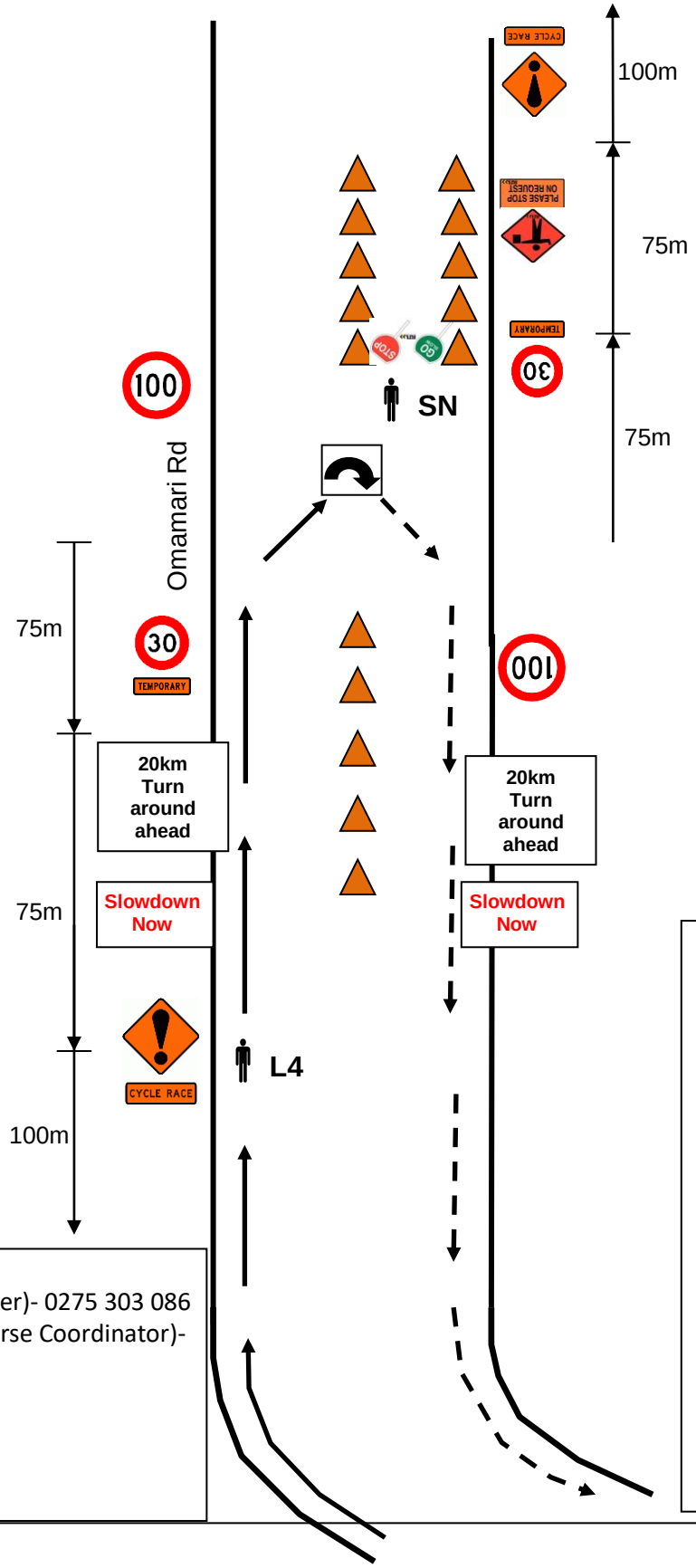
Cycle out
Cycle In

DUTIES:

- Please be there ready by 9am.
- Set out cones and signage as shown in diagram. Positions will be marked on the road
- **Marshal L3:**
  - Directing 20km cyclists to carry on towards the 20km turnaround point on their way out and directing them back to the transition area on their return. Communicate with motorist making them aware of the event and cyclist on the road
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 530 3086

EQUIPMENT:
1 x Marshal
1 x Cycle Race
1 x Exclamation
3 x 900mm Cones
1 x Stands/Bases

DIAGRAM 4 – FIRECO KAI IWI LAKES TRIATHLON 22 February 2020 OMAMARI RD CYCLE TURNAROUND 20KM



EQUIPMENT
2 x Marshals
2 x Cycle Race
2 x Exclamation
1 x Please Stop On Request
2x 30km
2 x 100km
1 x Flagmen
2 x Temporary
1 x Stop/Go Paddles
22 x 900mm Cones
1x U Turn Arrow
7 x Stands/Bases
2 x Slowdown now coreflute
2 x 20km turn around ahead

Airstrip Road
1 x Caution Cyclist Coreflute
2 x Cones

CONTACT
Jesse Gavin (Event Manager)- 0275 303 086
Ashlee Dobbs (STMS/ Course Coordinator)- 022 519 6095

Key
Cycle Out →
Cycle In - - →

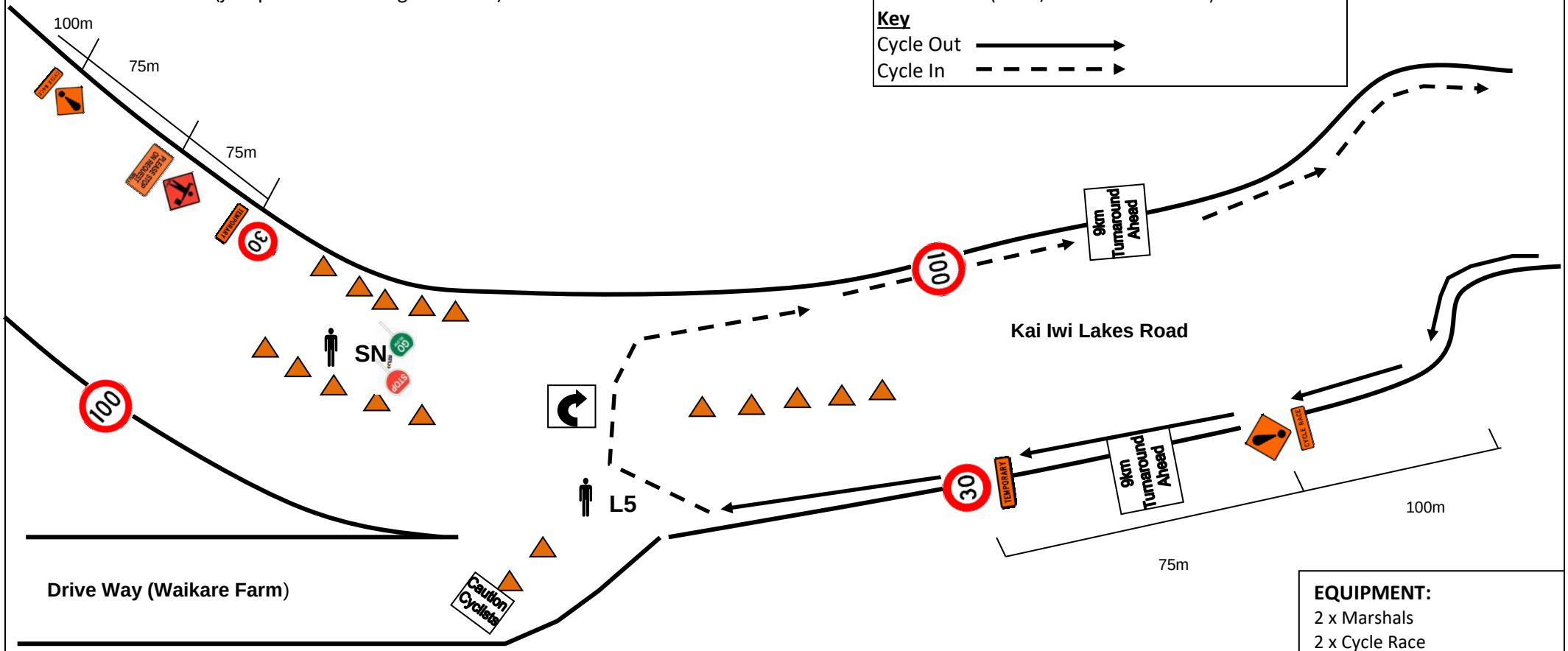
DUTIES:

- Please be there ready by 9.00am.
- Set out cones and signage as shown in diagram. Positions will be marked on the road
- **Marshal L4:**
- Position yourself approx. 250m prior to the 20KM turnaround
- Slow down vehicles (coming from the direction of Kai Iwi Lakes) as they approach your position to ensure the safety of the cyclists on the approach to the 20KM turnaround point.
- **SN Marshal:**
  - Slow down vehicles (coming from the direction of Kai Iwi Lakes) as they approach your position to ensure the safety of the cyclists on the approach to the 20KM turnaround point.
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 530 3086

DIAGRAM 5 –FIRECO KAI IWI LAKES TRIATHLON 22 FEBRUARY 2020
KAI IWI LAKES RD (just prior to start of gravel road) 9KM CYCLE TURN AROUND

CONTACT:
Jesse Gavin (Event Manager)- 027 5303 086
Ashlee Dobbs (STMS/ Course Coordinator)- 022 519 6095

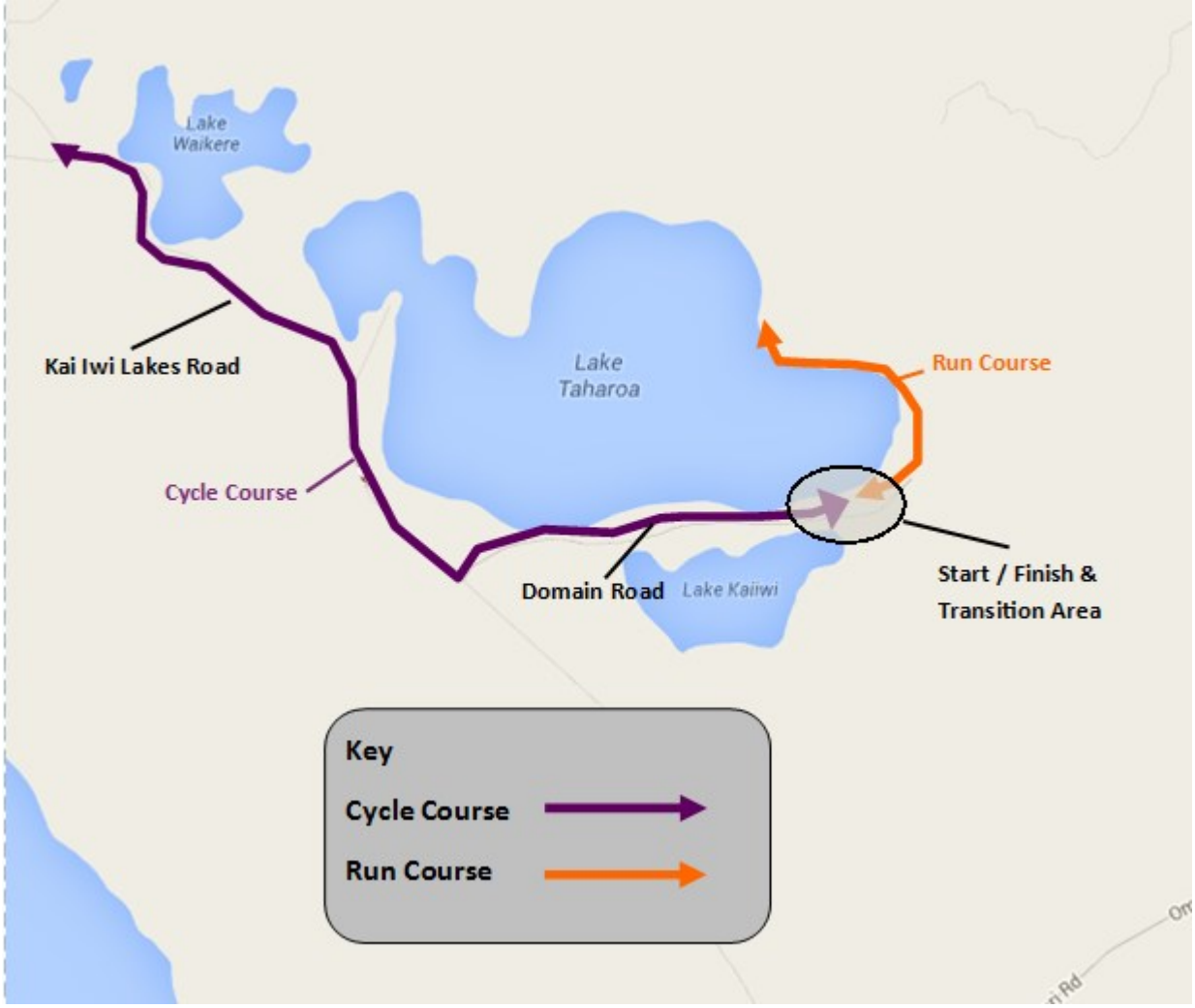
Key
Cycle Out
Cycle In



EQUIPMENT:
2 x Marshals
2 x Cycle Race
2 x Exclamation
2 x 30km
2 x Temporary
2 x 100km
1 x Please Stop On Request
1 x Flagman
1 x Stop/Go Paddle
18 x 900mm Cones
7 x Stands/Bases
2 x 9km turnaround
1 x Caution Cyclists
2 x Walkie Talkies
1x U Turn Arrow
2x RT

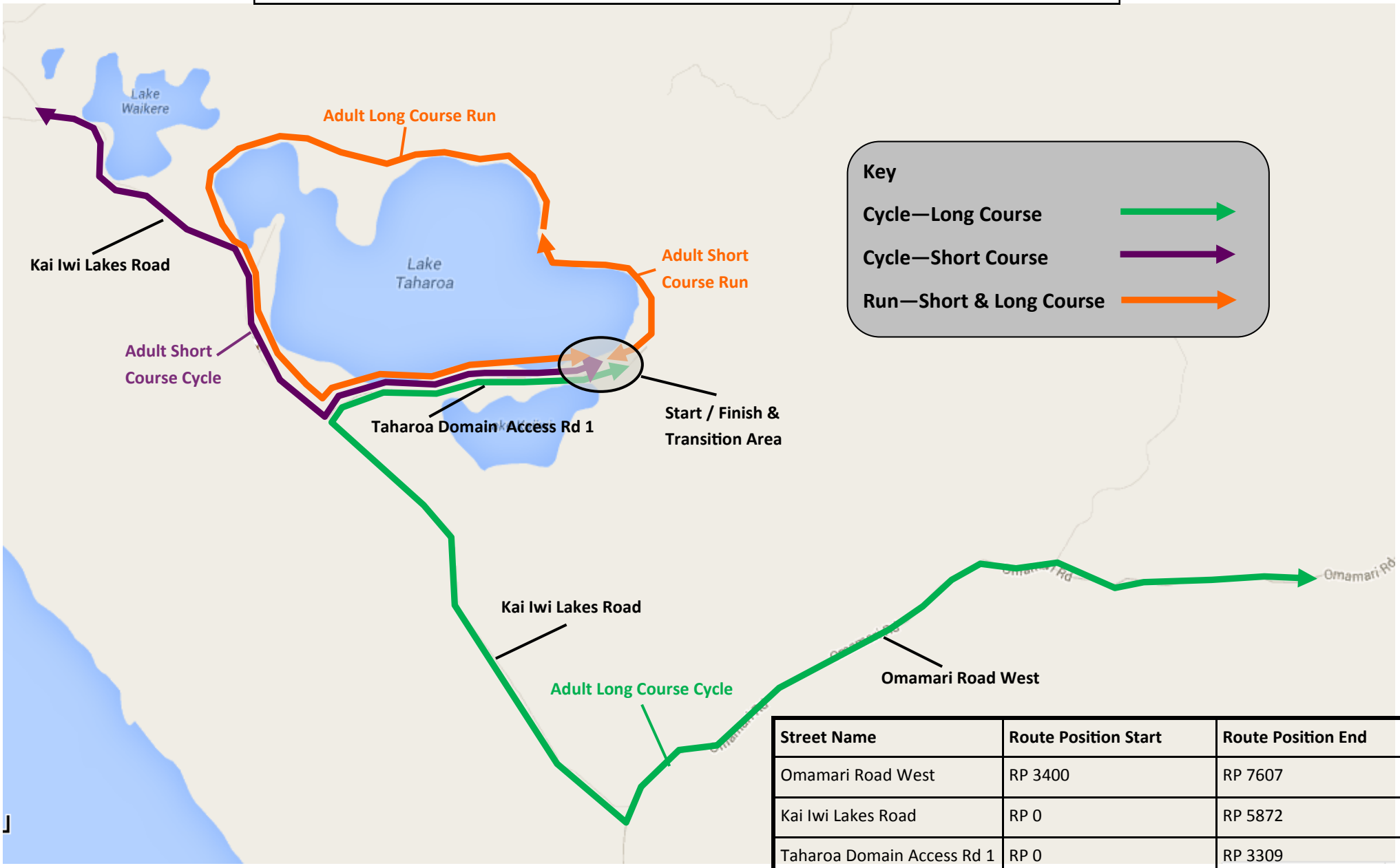
DUTIES:
- Set out cones and signage as shown in diagram. Positions will be marked on the road
- **Marshal L5:**
  - Communicating with Stop/Go marshals when cyclists are in view. Warning cyclists to slow and prepare to turn.
- **SN Marshal:**
  - Positioned to stop traffic if necessary to give cyclists right of way
- Collect in signs and cones as the tail end vehicle comes through and load this equipment into this vehicle.
- In emergency phone 111, then call Jesse Gavin (Event Manager) 027 530 3086

Northland Secondary Schools Association Individual Triathlon



Street Name	Route Position Start	Route Position End
Kai Iwi Lakes Road	RP 2964	RP 5872
Taharoa Domain Access Rd 1	RP 0	RP 3309
Taharoa Domain Access Rd 2	RP 0	RP 367

Fireco Kai Iwi Lakes Triathlon



Street Name	Route Position Start	Route Position End
Omamari Road West	RP 3400	RP 7607
Kai Iwi Lakes Road	RP 0	RP 5872
Taharoa Domain Access Rd 1	RP 0	RP 3309
Taharoa Domain Access Rd 2	RP 0	RP 367

QBE Insurance (Australia) Limited
ABN 78 003 191 035 - Incorporated in Australia
PO Box 44, Auckland 1140
T: 64 9 366 9920 F: 64 9 366 9930 www.qbe.co.nz

Certificate of Insurance

QBE Insurance confirms insurance cover is in force as follows:

Insured	:	Sport Northland
Policy Number	:	800027025PUL
QBE Line	:	100.00%
Period of Insurance	:	From 30 September 2019 at 4pm to 30 September 2020 at 4pm
Risk Type	:	Legal Expense Liability
Wording	:	Legal Defence For Sport & Events LDF0703
Limit of Indemnity	:	NZD 500,000 any one Legal Action and in the aggregate any one Policy Year / Legal Expenses inclusive
Territorial Limit	:	New Zealand

Cover is subject to the terms and conditions of the policy as issued. For a full description of the coverage please refer to the policy document.

Issued and signed by QBE's authorised representative

Dated: 14 October 2019

QBE Insurance (Australia) Limited
ABN 78 003 191 035 - Incorporated in Australia
PO Box 44, Auckland 1140
T: 64 9 366 9920 F: 64 9 366 9930 www.qbe.co.nz

Ashlee Dobbs

Qualification

L1 STMS

ID: 120118

Exp L1: 4/09/2022

NZ TRANSPORT AGENCY
WAKA KOTAHI

Quarterly Performance Measures Report for second quarter ending 31 December 2019

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Linda Osborne, Administration Manager**

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Notes the Quarterly Performance Measures Report for second quarter ending 31 December 2019.

Attachments/Ngā tapiritanga

	Title
A	Quarterly Performance Measures Report for second quarter ending 31 December 2019

Quarterly Performance Measures Report

Second Quarter Ending 31 December 2019

Quarterly Strategic and Performance Measures – for the second quarter ending 31 December 2019

1 Introduction - 2

2 Performance Measures - Report by Activity 3

The provision of roads and footpaths 3

Water supply 7

Stormwater drainage 11

Sewerage and the treatment and disposal of sewage 14

Flood protection and control works 17

Solid waste 19

Community activities 21

District leadership 24

Regulatory management 26

1 Introduction

Performance measures are set once every three years at the long term planning stage. This is an agreement Council makes to the community that will ensure we are delivering what we said we would. The measures are a combination of important community feedback on our level of service that is gathered from an annual survey, as well as our hard measures using number and percentage targets e.g. zero road fatalities.

Some of the measures are based on levels of service and are applicable until the next Long Term Plan (LTP) is adopted, while others are based on statutory obligations.

Within the performance section there are 63 measures. 5 of these measures will only be available at the end of the financial year and will be reported in the 2019/20 Annual Report. Of the 58 measures remaining, 42 (73%) were achieved. Green is either achieved or on target to be achieved by the end of the financial year. Amber is looking like it may not be achieved. Red is not achieved or highly unlikely to be achieved. There are 12 (20%) measures recording amber and 4 (7%) recording red.

The LTP 2018/2028 bases the measures on an annual target. The Performance Report measures progress quarterly. October to December represents the second quarter and where applicable are added to the first quarter figures to obtain a year to date.

A summary of the 'not achieved' measures to date is as follows:

Resource consenting	1	Environmental Health	1	Building	1	Roads and Footpaths	1

Customer satisfaction results are obtained through Key Research's Customer Perceptions Survey, which is undertaken on four occasions throughout the year. In the report there are several measures relating to the survey. Results received this quarter are from the survey undertaken in November. This is the first wave of results and also the year to date.

A coloured circle in the year to date column indicates progress. The key to the traffic lights is as follows:

	Favourable or achieved		Unfavourable – looking like it may not be achieved		Unfavourable –not achieved

The provision of roads and footpaths

Community Outcomes

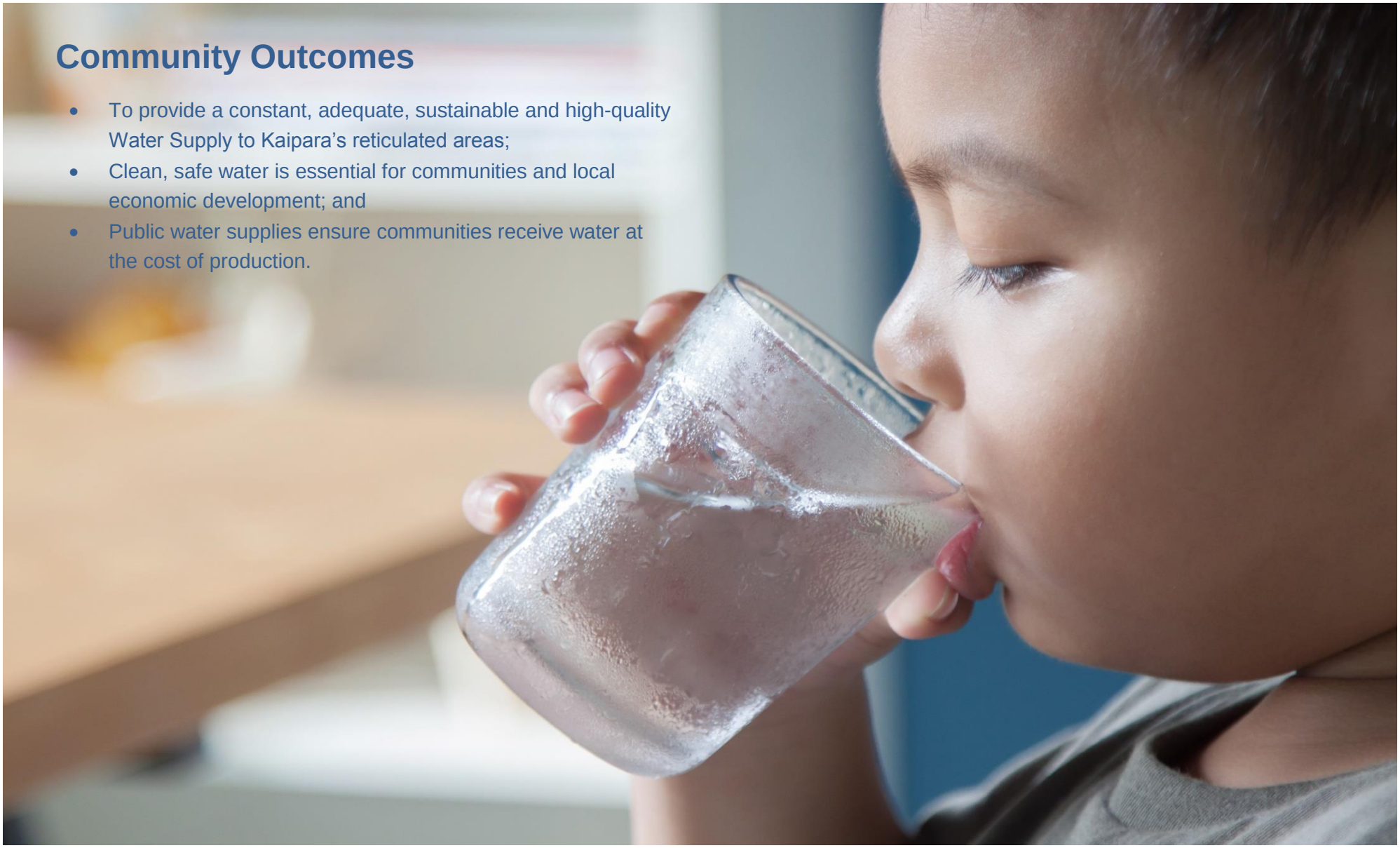
- Council wants to work with the people of Kaipara to make it a place where it's easy to live, easy to do business, easy to join in and to enjoy nature;
- Passable roads connect people to each other, to services and allow businesses to operate; and
- Prioritisation of work programmes are influenced through best meeting the needs of Kaipara communities, and alignment with the NZTA and the Government Policy Statement for Transport.

1.0	The provision of roads and footpaths MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Safety The transportation network is designed and managed for safe use with low crash and injury rates.					
1.1	*There are no fatalities and serious injury crashes on the local network that are directly attributable to road condition.*	0	0	0	1 fatality currently with the coroner and awaiting the report.
1.2	*The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network.*	≤10	0	0	1 fatality currently with coroner and awaiting the outcome of the report.
Road Condition (Smoothness) The average quality of ride on a sealed local road network, measured by smooth travel exposure.					
1.3	*The average quality of ride, measured by smooth travel exposure within the following range.*	*≥90*	N/A	0%	Data reported annually. Data not collected by NTA until end of financial year.
1.4	*The percentage of the sealed local road network that is resurfaced.*	>6.7%	0%	0%	Programme and designs completed. Sealing will commence January 2020.
Maintenance of the sealed local network					
1.5	*Measured by the actual spent to budget percentage for the surfacing renewal budget*	>95% - <103%	3%	6%	KDC Budget $1,800,00 Total spent $108,144 Designs completed. Sealing will commence January 2020.
Maintenance of the unsealed local network					

1.0	The provision of roads and footpaths MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
1.6	*The length of the unsealed local network that is graded for:* *Secondary collector road* *Access road* *Access (low volume) road*	140km min 1,200km min 750km min	40.4 317.7 183	89.4 843.7 527 ●	The LTP target does not align with the new maintenance contract. The current contract is an inspection led intervention and work is programmed when it falls outside of the level of service specified in the contract.

1.0	The provision of roads and footpaths MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Maintenance of the unsealed local network					
Execution of capital works programme					
1.7	*Maximum uptake, within the three-year planning programme, of the approved NZTA budget for Kaipara district, provided Council can also fund the local share.*	≥95%	31.77%	57.77%	Programme under construction, uptake on track for full expenditure.
Footpaths The percentage of footpaths within the district that fall within the Level of Service as determined by the condition rating (facilities are up to date, in good condition and 'fit for purpose'.)					
1.8	*Percentage of residents who are satisfied with footpaths*	73%	46%	46%	Not achieved. Lack of footpaths or maintenance of existing ones are the main concerns.
Response to service requests					
1.9	*The percentage of customer service requests relating to roads and footpaths to which the Council responds within the specified timeframe of two working days.*	90%	95.72%	95.72%	Total received 1222 Completed in time 1117

Water supply



Community Outcomes

- To provide a constant, adequate, sustainable and high-quality Water Supply to Kaipara's reticulated areas;
- Clean, safe water is essential for communities and local economic development; and
- Public water supplies ensure communities receive water at the cost of production.

2.0	**Water supply** MEASURED BY	**LTP Year 2 Target 2019/2020**	**Current Performance**	**Year to date**	**Comments**
Fault Response Times Where Council attends a callout in response to a fault or unplanned interruption to its networked reticulation system.					
2.1	*The median response time for attendance of urgent callouts: from the time that the local authority receives notification to the time that service personnel reach the site.*	<2 hours	28 minutes	1 hour 26 minutes	Achieved
2.2	*The median response time for resolution of urgent callouts: from the time that the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption.*	<48 hours	1 hour 48 minutes	2 hours 17 minutes	Achieved
2.3	*The median response time for attendance of non-urgent callouts: from the time that the local authority receives notification to the time that service personnel reach the site.*	<3 hours	40 minutes	29 minutes	Achieved
2.4	*The median response time for resolution of non-urgent callouts: from the time that the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption.*	≤3 days	2 hours 29 minutes	2 hours 13 minutes	Achieved

2.0	**Water supply** MEASURED BY	**LTP Year 2 Target 2019/2020**	**Current Performance**	**Year to date**	**Comments**
Customer Satisfaction The total number of water supply complaints received by Council.					
2.5	*The total number of complaints for the district received by Council about drinking water. clarity, odour, taste, pressure or flow and continuity of supply, Expressed per 1,000 water connections*	≤40	1.9	3.6	Achieved. Based on 7 complaints and expressed per 1,000 connections
2.6	*Total number of complaints received by Council about Council's response to any of these issues. Expressed per 1,000 water connections*	≤40	1.4	1.7	Achieved. Based on 5 complaint and expressed per 1,000 connections
Demand Management					
2.7	*The average consumption of drinking water per day per resident within Kaipara District = Billed metered Consumption (m^3) x 1,000 Number of connections x 365 x 2.5 (occupancy rate).*	Dargaville 275 Maungaturoto 340 Ruawai 130 Glinks Gully 52 Mangawhai 230	N/A	N/A	Pending Annual Water Balance report 2019/2020
2.8	*Water take consents.*	100% compliance with NRC water take consents	100%	100%	All compliant
2.9	*Major capital projects are completed within budget*	Achieved	Achieved	Achieved	On track with an overall completion 70%

2.0	**Water supply** MEASURED BY	**LTP Year 2 Target 2019/2020**	**Current Performance**	**Year to date**	**Comments**
Safety of drinking water in accordance with NZDWS (bacteria compliance criteria)					
2.10	*The extent to which Council's drinking water supply complies with part 4 of the NZDWS (bacteria compliance criteria).*	Dargaville Maungaturoto Ruawai Mangawhai Glinks Gully	N/A	N/A	Pending Annual Compliance Report 2019/2020
2.11	*The extent to which Council's drinking water supply complies with part 5 of the NZDWS (protozoal compliance criteria)*	Dargaville, Maungaturoto Ruawai, Glinks Gully and Mangawhai	N/A	N/A	Pending Annual Compliance Report 2019/2020
2.12	*The percentage of real water loss from our networked reticulation system (average for total network of all schemes). Real water loss is calculated by subtracting the meter readings and 'other components' from the total water supplied to the networked reticulation system*	≤ 30%	N/A	N/A	Pending Annual Water Balance report 2019/2020

Stormwater drainage

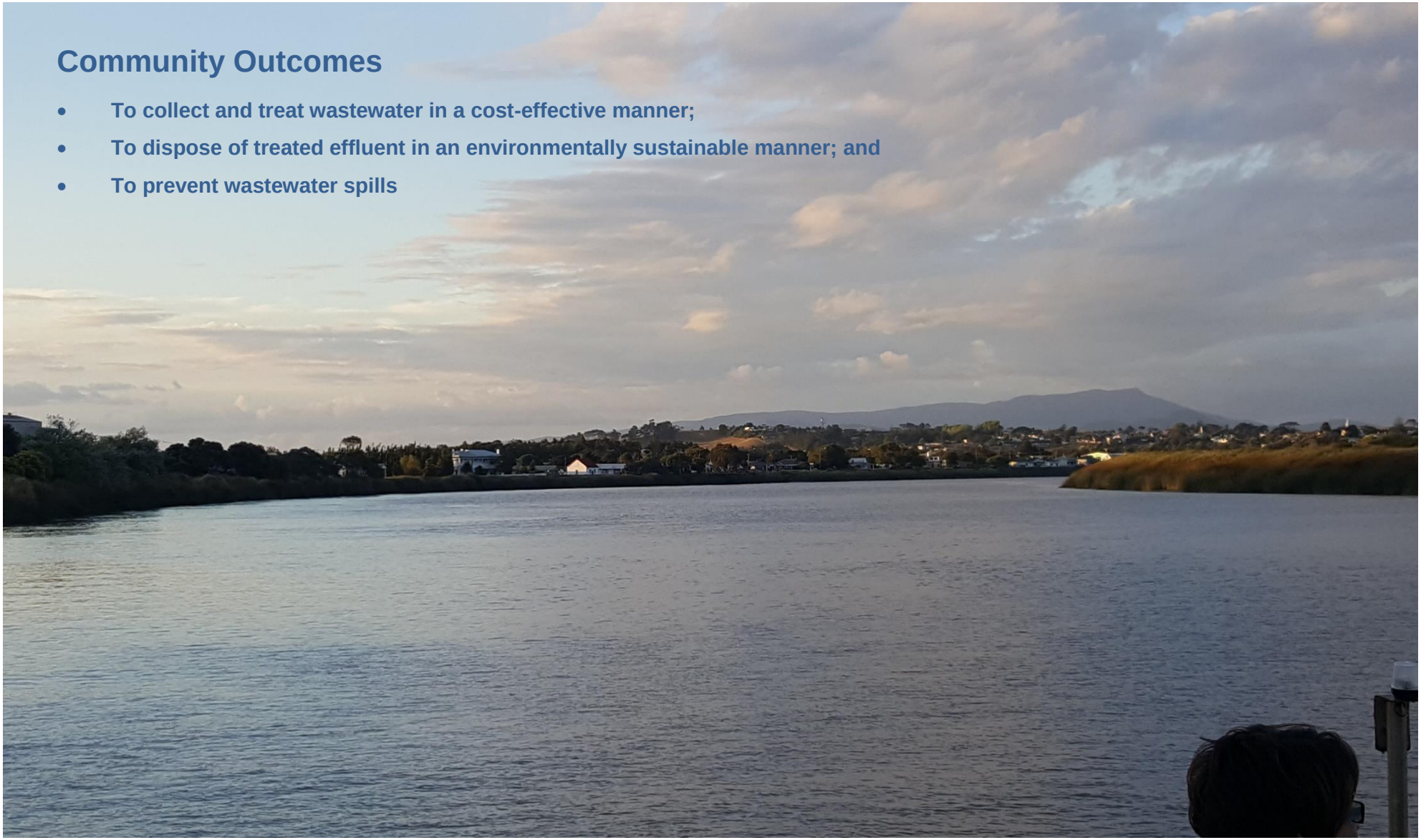
Community Outcomes

- Minimises flood damage to properties by ensuring stormwater systems have adequate capacity;
- Minimises flooding of dwellings by ensuring stormwater overland flow paths have adequate freeboard to buildings. Ensures that stormwater systems do not present a safety hazard; and
- Minimises scour from stormwater by controlling and discharging stormwater flows at protected outfalls.

3.0	Stormwater drainage MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance		Year to date	Comments
System adequacy To provide stormwater drainage systems in urban areas with the capacity to drain water from normal rainfall events and cope with a 1 in 10-year rain event.						
3.1	*For the flooding event, the number of habitable floors affected. (Expressed per 1,000 properties connected to the Council's stormwater system).*	<10	0		0	Achieved No flooding event complaints recieved
Discharge compliance Compliance with Council's resource consents for discharge from its stormwater system.						
3.2	*The number of abatement notices received by Council in relation to those resource consents.*	0	0	Achieved	Achieved	Source: NRC
3.3	*The number of infringement notices received by Council in relation to those resource consents.*	0	0	Achieved	Achieved	Source: NRC
3.4	*The number of enforcement orders received by Council in relation to those Resource Consents.*	0	0	Achieved	Achieved	Source: NRC
3.5	*The number of convictions received by Council in relation to those Resource Consents.*	0	0	Achieved	Achieved	Source: NRC
Response times The median response time to attend to a flooding event.						
3.6	*The time from when Council receives notification to the time that service personnel reach the site.*	<2 hours for urgent events	0	Achieved	Achieved	No flooding event complaints recieved

3.0	Stormwater drainage MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Customer satisfaction The total number of stormwater system complaints received by Council.					
3.7	*The number of complaints received by Council about the performance of its stormwater system, expressed per year.*	≤18	1	1 ●	Achieved

Sewerage and the treatment and disposal of sewage



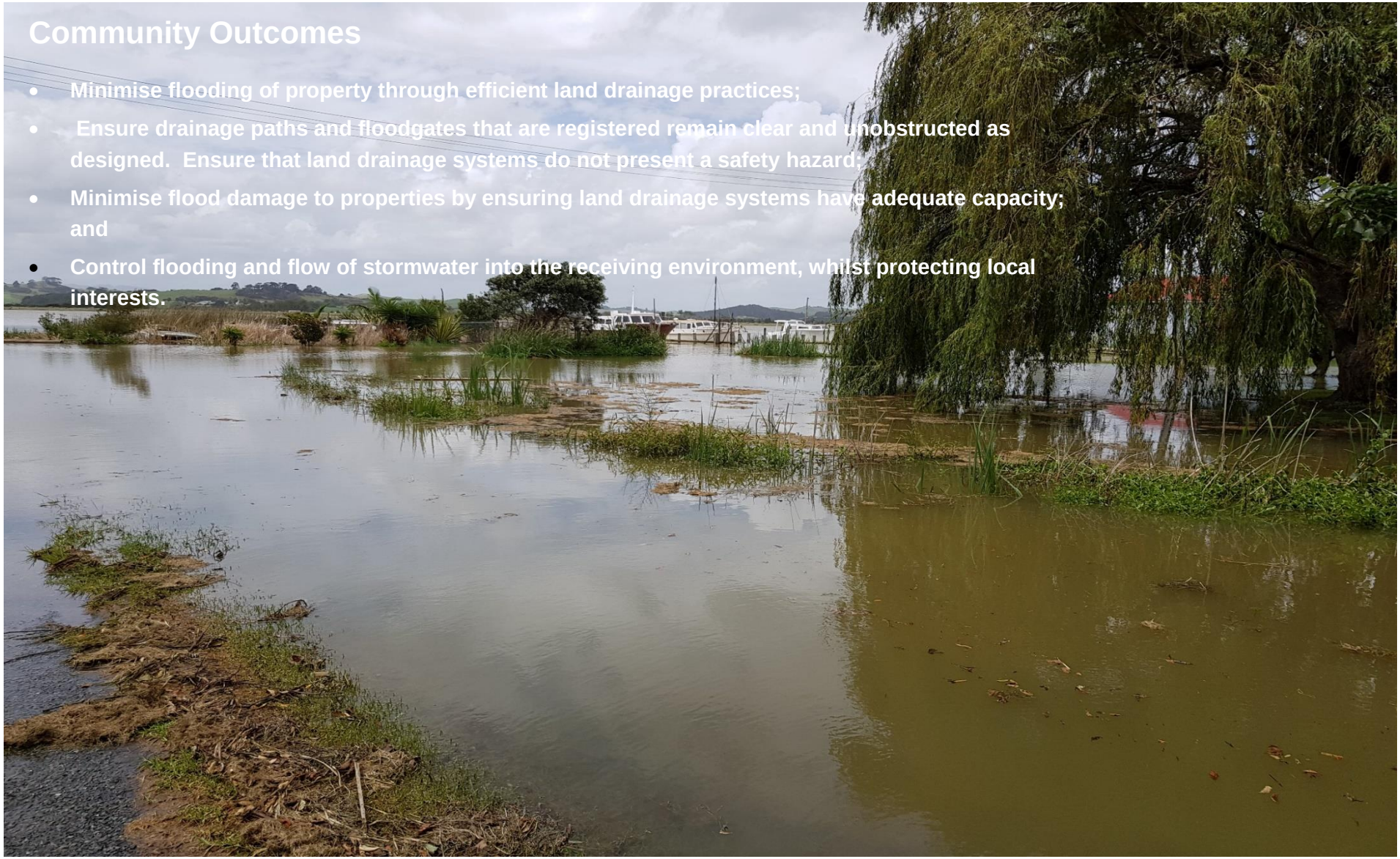
Community Outcomes

- To collect and treat wastewater in a cost-effective manner;
- To dispose of treated effluent in an environmentally sustainable manner; and
- To prevent wastewater spills

4.0	Sewerage and the treatment and disposal of sewage MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
System and adequacy Legal compliance with all resource consents for discharges into the environment from Council systems. The exception provided for in the consent is severe weather events and power failure.					
4.1	*The number of dry weather sewage overflows from Council's sewerage system, expressed per 1,000 sewerage connections to that sewerage system.*	<1	0.5	**0.5** ●	Achieved Three blockages occurred in Dargaville due to fat and wipes in the lines.
Discharge compliance Compliance with the Council's resource consents for discharge from its sewerage system.					
4.2	*The number of abatement notices, infringement notices, enforcement orders and convictions received by Council in relation to its resource consents for discharge from its sewerage systems.*	0	0	0 ●	Achieved
Fault response times Where Council attends to sewage overflows resulting from a blockage or other fault in Council's sewerage system.					
4.3	*Attendance time: from the time that Council receives notification to the time that service personnel reach the site.*	<2 hours	22 minutes	21 minutes ●	Achieved – based on the median of all blockages and faults
4.4	*Resolution time: from the time that Council receives notification to the time that service personnel confirm resolution of the blockage or other fault.*	≤48 hours	1 hour 41 minutes	1 hour 49 minutes ●	Achieved based on the median of all blockages and faults

4.0	Sewerage and the treatment and disposal of sewage MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Customer satisfaction The total number of sewerage system complaints received by Council.					
4.5	*The total number of complaints received by Council about sewage odour. Expressed per 1,000 sewerage connections to that sewerage system.*	<10	0.9	1.3	Achieved Based on 5 complaints and expressed per 1,000 connections
4.6	*The total number of complaints received by Council about sewerage system faults. Expressed per 1,000 sewerage connections to that sewerage system.*	<27	2.3	3.2	Achieved Based on 13 complaints and expressed per 1,000 connections
4.7	*The total number of complaints received by Council about sewerage system blockages. Expressed per 1,000 sewerage connections to that sewerage system.*	<50	3	6.7	Achieved Based on 17 complaints and expressed per 1,000 connections.
4.8	*Major capital projects are completed within budget*	Achieved	Achieved	Achieved	Pending completion of major capital works

Flood protection and control works



Community Outcomes

- Minimise flooding of property through efficient land drainage practices;
- Ensure drainage paths and floodgates that are registered remain clear and unobstructed as designed. Ensure that land drainage systems do not present a safety hazard;
- Minimise flood damage to properties by ensuring land drainage systems have adequate capacity; and
- Control flooding and flow of stormwater into the receiving environment, whilst protecting local interests.

5.0	Flood protection and control works MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Monitor drainage of rivers and streams, ensure minimal flood risk and coast erosion to the community					
5.1	*The number of schemes maintained to their full-service potential.*	100% of schemes maintained in line with Asset Management Plan	Achieved	Achieved	Continued inspections throughout the year
5.2	*Non-performance of drainage network due to poor monitoring or maintenance causing an inability to contain a 1 in 5 year flood a measured by public feedback i.e. service requests that result in additional cleaning to drains needed.*	<5 requests per year	0	0	Continued inspections throughout the year
5.3	*Council inspection of drainage network to ensure that a 1 in 5-year flood is contained by the network.*	Twice yearly inspections	1	1	All land drainage districts have been inspected once over the past six months.
5.4	*Targeted maintenance of the stop bank system in the Raupo Drainage District to prevent tidal flows from inundating private property during high tide and/or when the river is in flood.*	Minimum yearly inspections and targeted maintenance completed	Achieved	Achieved	Checked weekly over the winter months with routine inspections over summer.

Solid waste

Community Outcomes

- Communities can dispose of refuse in a hygienic and sustainable manner; and
- Transfer stations, litterbins, closed landfills and removal of illegally dumped rubbish minimise possible environmental impacts

6.0	Solid waste MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Reliability To provide regular community kerbside collections.					
6.1	*Percentage of residents who are very satisfied or satisfied with waste management.*	75%	59%	59%	Not achieved. In the November customer perceptions survey it highlighted more waste services in the rural areas would improve customer satisfaction.
To encourage recycling and reduction of waste to landfill.					
6.2	*Total amount of recycling (diverted from landfill) as a percentage of total waste collected.* *(Percentage for 2018/19 was 21%)*	1% more than previous year	18.5%	19%	Not achieved 18.5% of 2608 tonnes of refuse has been diverted for this quarter. 22.2% target for 19/20.
6.3	*Closed landfill activities meet legislative compliance. No resource consent abatement notices, infringement notices, enforcement orders or convictions.*	0	0	0	Achieved

Community activities

Community Outcomes

- Sustainable economy;
- Strong communities;
- Safety and good quality of life; and
- Special character and health environment

7.0	Community activities MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Community Housing Quality: Affordability to provide housing suitable for members of the community who have difficulty providing it themselves.					
7.1	*Net cost to ratepayers for Council's community housing services.*	Zero	0%	Zero	Achieved Costs tracking in line with budgets.
7.2	*Annual occupancy rate.*	90%	98%	98%	Achieved
Reserves and Open Space Open spaces, linkages and facilities to promote community well-being and enjoyment.					
7.3	*Percentage of residents who are very/fairly satisfied with their local parks and sports fields.*	85%	81%	81%	Not achieved. Lack of maintenance seems to be the biggest issue.
7.4	*Percentage of residents who are very/fairly satisfied with the district's public toilets*	≥70%	81%	81%	Achieved
7.5	*Parks maintenance contract: a safe working environment is provided for those delivering the service, number of health and safety audits per month*	Contractor: 4 per month Council: 1 per month	October 4 November 3 December 4 October 0 November 2 December 1	4 per month 1 per month	Achieved Two audits were undertaken early and late November to make up for none in October.

7.0	Community activities MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
7.6	*Compliance with parks maintenance contract specifications – monthly audits*	90%	Overall 92%	Overall 93%	October 90% November 89% December 98%
Libraries					
7.7	*Percentage of library users who are very satisfied or satisfied with the district's library services*	85%	82%	82%	Not achieved. More digitalised books, more space at Dargaville and longer opening hours would improve customer satisfaction.

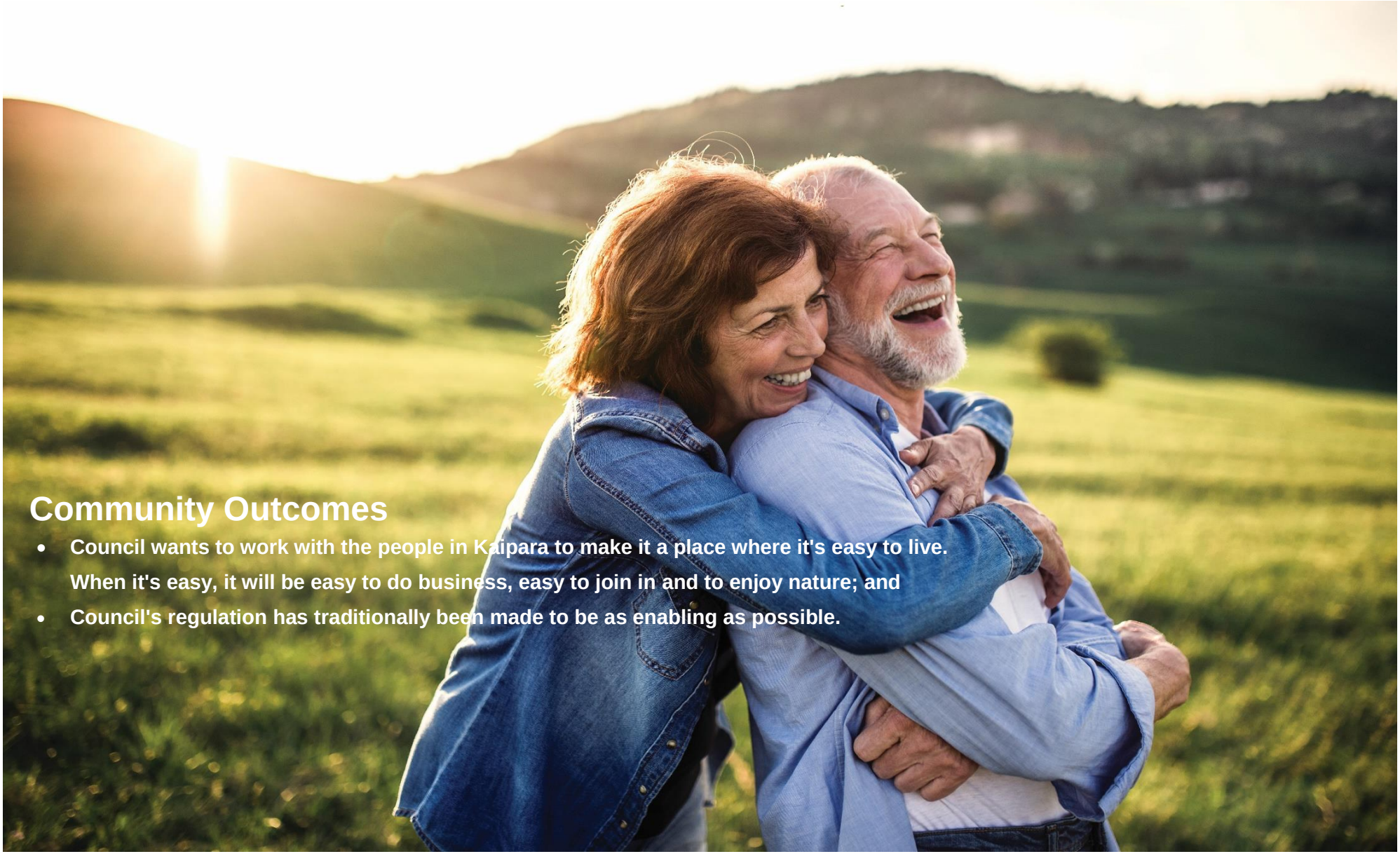
District leadership

Community Outcomes

- Provides regular, timely, transparent and accessible communication along with clear and simple procedures;
- Enables commercial and industrial development to occur without undue restrictions;
- Encourages communities to work together in moving forward by actively providing various methods of support;
- Provides the community with the opportunity to be involved in decisions which affect them;
- Provides support to the business community to develop;
- Reflects the Kaipara culture with a small, friendly, approachable organisation which tailors' services to cater for Kaipara's unique needs;
- Provides a development framework while safeguarding the environment; and
- Economic growth enables improved social conditions.

8.0	District leadership MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Governance Compliance with legal requirements around formal meetings of Council and its Committees.					
8.1	*Percentage of residents that are very/fairly satisfied with how rates are spent on services and facilities provided by Council*	65%	54%	54%	Those in rural areas would like more services and road surface improvements.
8.2	*Long Term Plan, Annual Plan and Annual Reports will be adopted within timeframes set in the Local Government Act 2002.*	Compliant	Compliant	Compliant	The 2018/19 Annual Report was adopted on 26 September 2019.
Civil Defence Management					
8.3	*Conduct Civil Defence training exercises.*	1 per year	0	0	Exercise to be conducted later in 2020.

Regulatory management



Community Outcomes

- Council wants to work with the people in Kaipara to make it a place where it's easy to live. When it's easy, it will be easy to do business, easy to join in and to enjoy nature; and
- Council's regulation has traditionally been made to be as enabling as possible.

9.0	Regulatory management MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Building Control Inspections, Compliance and Enforcement Ensure effective response to customer enquiries about building standards.					
9.1	*Percentage of building control customers who rate request for service responses as very satisfied or satisfied*	75%	41%	41%	21 residents were surveyed. Main issues are cost, length of time and information requests.
Responsiveness To process applications within statutory timeframes.					
9.2	*Percentage of Building Consents (BC) processed within 20 working days.*	100%	97%	98%	Not achieved 3 consents were issued over 20 days. 1 as a result of planning checks, 1 due to resolution over specialist input and 1 was due to late closure of a request for information.
Quality Monitoring of BC applications and inspections to ensure projects comply with New Zealand Building Code.					
9.3	*Illegal activity/unauthorised work complaints investigated within three working days.*	90%	100%	96.5%	Achieved
Resource Consents, Monitoring and Enforcement Ensure effective response to customer enquiries about District Plan/Resource Consent requirements.					

9.0	Regulatory management MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
Responsiveness: To process applications in accordance with statutory timeframes.					
9.4	*Percentage of non-notified Resource Consents processed within 20 working days.*	100%	80%	66%	Not achieved. Senior team members have been clearing a backlog of complex and outstanding consents affecting statutory timeframes.
9.5	*Percentage of Land Information Memoranda (LIM) processed within 10 working days.*	100%	100%	100%	158 LIM's were processed during the quarter with an average processing time of 6 days.
Resolving of complaints concerning breaches of conditions of Resource Consent and other non-compliance with the District Plan.					
9.6	*Percentage of resource consent complaints regarding unconsented works and non-compliance with the District Plan and Resource Consent investigated within five working days.*	90%	100%	100%	Achieved
9.7	*Percentage of all new granted Resource Consents are audited each year to ensure they comply with relevant conditions.*	15%	25%	23%	Achieved
9.8	*Percentage of s224(c) certificates for new land titles processed within 10 working days -*	97%	100%	100%	Achieved
Environmental Health Health and Safety Customer Service : Regulate commercial operations to protect public health					

9.0	Regulatory management MEASURED BY	LTP Year 2 Target 2019/2020	Current Performance	Year to date	Comments
9.9	*Percentage of food premises inspected at least once per year.*	100%	81%	81%	The removal of non-food businesses requiring inspections, in November, will mean less inspections are required and an additional EHO will be starting in the new year. This will improve performance.
9.10	*Percentage of alcohol premises inspected at least once per year.*	100%	100%	100%	Achieved

Exceptions Report for December 2019 and January 2020

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**
Reporting officer: **Louise Miller, Chief Executive**

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Notes the Exceptions Report for December 2019 and January 2020.

Attachments/Ngā tapiritanga

	Title
A	Exceptions Report for December 2019 and January 2020

Exceptions Report

For the month of December 2019 and January 2020

Financial Report

Activities Report

Capital Projects Update

January 2020 Financial Report

Statement of Operating and Capital Performance

	Year to 31 January 2020				Whole Year	
	Actual $'000	Annual Plan $'000	Variance $'000	Indicator	Annual Plan $'000	Forecast $'000
Rates	22,377	21,761	616		36,884	36,884
Activity Revenue and Other Income	4,166	4,059	107		6,839	6,839
Subsidies and Grants - Operational	3,297	3,457	(161)		8,786	8,786
Total Operating Income	**29,840**	**29,277**	**563**		**52,508**	**52,508**
Employee Benefits	7,373	7,411	38		12,683	12,683
Contractors	1,163	1,466	303		2,448	2,448
Professional Services	4,006	4,465	460		8,356	8,356
Repairs and Maintenance	5,325	6,097	772		11,861	11,861
Finance costs	1,401	1,622	221		2,780	2,780
Other Operating Costs	3,950	3,994	45		6,004	6,004
Total Operating Costs	**23,217**	**25,055**	**1,838**		**44,133**	**44,133**
Operating Surplus/(Deficit) (before Depreciation)	**6,622**	**4,222**	**2,401**		**8,375**	**8,375**
Capital Subsidies	3,679	3,886	(207)		23,219	23,219
Contributions	1,195	1,701	(506)		3,019	3,019
Other Capital Revenue	15	0	15		175	175
Total Capital Revenue	**4,889**	**5,587**	**(698)**		**26,413**	**26,413**
Capital Expenditure	10,106	9,438	(668)		38,936	41,556
Total Capital Payments	**10,106**	**9,438**	**(668)**		**38,936**	**41,556**
Subtotal Capital	**(5,217)**	**(3,851)**	**(1,366)**		**(12,523)**	**(15,143)**
Surplus/(Deficit) - before Loan Payments and Depreciation	**1,405**	**371**	**1,034**		**(4,148)**	**(6,768)**

Key: Within 5% of budget

Over or under budget by 5 - 10%

Over or under budget by more than10%

Comments on major variances

Operating Income:

Account	Rationale	$000
Rates Revenue	Rates General are on budget for the month. Rates Targeted are on budget for the month. Penalties are ahead of budget for the year to date due to arrears penalties applied (July and January).	**543**
Operating Subsidies and Grants	Operational subsidies from NZTA are on budget for the month PGF funding for Kaipara Kickstart Programme not received yet	**(205)**
Activity Revenue and Other Income	Tourism Infrastructure Funds received from Ministry of Business, Innovation and Employment Increase in Kai Iwi lakes bookings for summer season. Mangawhai Campground revenue share Additional revenue received for vehicle crossing permits, discharge fees, water rates penalties and reimbursement of costs from previous year. Regulatory activity revenue: • Building Control revenue is on budget for the month • Increase in Monitoring and enforcement fees • Decrease in Resource consenting income. • Decrease in Animal management fees – timing	**150** **75** **71** **484** **20** **(472)** **(169)**

Operating Costs:

Account	Rationale	$000
Employees	Employee benefits are on budget for the month.	
Contractors	New contract for Mangawhai wastewater treatment plant operations and maintenance – timing difference.	**227**
Professional Services	Costs overall are lower than budget. Regulatory is ahead of budget: • Resource consenting activity costs • Building control activity costs • Environment health activity costs Roading professional services costs are ahead of budget Budget is offset by District plan costs not committed as yet – timing Stormwater and Wastewater work schedule planning not started yet - timing	**(204)** **(111)** **(10)** **(231)** **631** **268**
Repairs and Maintenance	Overall costs are lower on budget year to date for all activities. Dargaville wastewater desludging work is not stared yet – timing difference. Roading sealed works maintenance programme is on budget for the month.	**577**
Finance Costs	Below budget due to lower inter-period loan balances.	**221**
Other Operating Costs	Costs overall are higher than budget year to date due to: Insurance premium costs increase	**40**

Capital Revenue

Account	Rationale	$000
Capital Subsidies	Capital subsidies from NZTA are on budget for the month	
Contributions	The financial and development contributions are lower than budget for year to date.	**(506)**

Statement of Financial Position

As at	Actual January 2020	Annual Plan June 2020	Annual Report June 2019
Accumulated comprehensive revenue and expense	405,460	425,697	401,364
Asset revaluation reserves	268,601	245,084	268,601
Restricted reserves	5,574	5,389	5,574
Council created reserves	(14,777)	(14,550)	(14,777)
Total net assets/equity	**664,859**	**661,620**	**660,762**
represented by			
Current assets			
Cash and Cash Equivalents	2,700	563	1,926
Trade and Other Receivables	12,665	6,548	8,317
Accrued Revenue	106	3,438	1,641
Other Financial Assets - Current	115	115	115
Non-Current Assets Held for Sale	186	186	186
LGFA Borrower notes	32	0	32
Total current assets	**15,804**	**10,849**	**12,217**
less			
Current liabilities			
Trade and Other Payables	13,991	13,329	11,219
Provisions	135	148	135
Employee Entitlements	660	1,111	905
Public debt	1,500	600	1,000
Total current liabilities	**16,285**	**15,188**	**13,258**
Working capital/(deficit)	**(481)**	**(4,340)**	**(1,042)**
plus			
Non-current assets			
Property, plant, equipment	717,939	720,724	714,402
LGFA Borrower notes	672	704	672
Biological Assets	1,045	1,017	1,045
Other financial assets	279	278	279
Total non-current assets	**719,935**	**722,723**	**716,398**
less			
Non-current liabilities			
Public debt	44,000	47,657	44,000
Provisions	4,599	4,679	4,599
Derivative Financial Liabilities	5,995	4,427	5,995
Total non-current liabilities	**54,594**	**56,763**	**54,594**
Net assets	**664,859**	**661,620**	**660,762**

Comments on major variances:

Trade and Other receivables – increase is due to:

- Rates instalment two has been applied in January, payments are due on 20 February 2020.
- NZTA subsidy of $985k not paid yet.

Public Debt: The public debt position at 31 January 2020 is $45.5 million and the net debt position (debt less cash) is $42.8 million.

Public Debt and Requirements	June 2019 $000's	January 2020 $000's	June 2020 $000's
Debt			
Public debt	45,000	45,500	48,257
Cash in bank (overnight deposits)	(1,926)	(2,700)	(563)
Net Debt	43,074	42,800	47,694
Reserves (future obligations)			
Development Contribution Reserve	(24,395)	(24,395)	(26,341)
Other reserves	15,192	15,192	17,180
Total reserves (future obligations)	(9,203)	(9,203)	(9,161)
Debt Requirements			
Public debt	45,000	45,500	48,257
Future obligations	15,192	15,111	17,180
Gross Debt Requirement	60,192	60,611	65,437
Less cash in bank	(1,926)	(2,700)	(563)
Net Debt Requirement	**58,266**	**57,911**	**64,875**

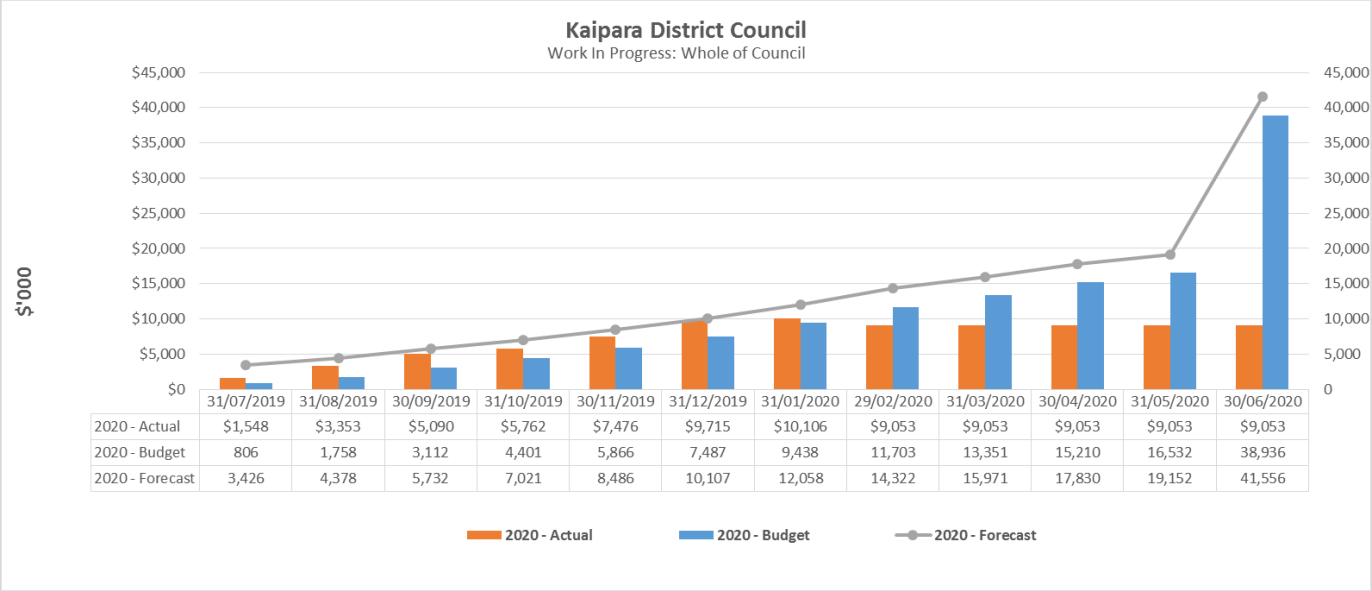
***Note:** Reserves balances are only recalculated at end of year.

Activities Net Cost for the period to 31 January 2020

Activity	Actual as at 31 January 2020			Whole Year Annual Plan
	Operating Income $000's	Operating Costs $000's	Net Operating Surplus/(Deficit) $000's	Net Operating Surplus/(Deficit) $'000
Community Activities	3,727	3,197	531	150
District Leadership	4,392	4,984	(592)	(1,738)
Regulatory Management	3,860	4,257	(397)	51
Roads and Footpaths	8,919	6,694	2,225	4,116
Wastewater	4,566	1,780	2,787	2,970
Water Supply	2,143	1,228	915	1,540
Stormwater	1,059	265	794	836
Flood Control	418	223	195	143
Solid Waste	755	590	165	307
	29,840	**23,217**	**6,622**	**8,375**

Activities Capital projects for the period ended 31 January 2020

Activity - Work in Progress	Actual as at 31 January 2020			Whole Year	
	Actual $000's	Annual Plan $000's	Variance $000's	Annual Plan $000's	Forecast $000's
Community Activities	491	915	424	2,643	3,184
District Leadership	1,207	1,060	(147)	6,175	6,407
Regulatory Management	0	0	0	0	0
Roads and Footpaths	6,216	6,271	55	24,618	25,276
Wastewater	1,617	514	(1,103)	2,911	3,835
Water Supply	481	512	32	1,952	2,068
Stormwater	58	166	108	216	316
Flood Control	19	0	(19)	421	421
Solid Waste	17	0	(17)	0	50
	10,106	**9,438**	**(668)**	**38,936**	**41,556**



	31/07/2019	31/08/2019	30/09/2019	31/10/2019	30/11/2019	31/12/2019	31/01/2020	29/02/2020	31/03/2020	30/04/2020	31/05/2020	30/06/2020
2020 - Actual	$1,548	$3,353	$5,090	$5,762	$7,476	$9,715	$10,106	$9,053	$9,053	$9,053	$9,053	$9,053
2020 - Budget	806	1,758	3,112	4,401	5,866	7,487	9,438	11,703	13,351	15,210	16,532	38,936
2020 - Forecast	3,426	4,378	5,732	7,021	8,486	10,107	12,058	14,322	15,971	17,830	19,152	41,556

Significant Capital projects for the period ended 31 January 2020

	Year to Date	Full Year
	Actual	Annual Plan
Roads Resurfacing 2019/2020	397,364	2,288,276
Tomorata Bridge Repairs	1,619,194	1,500,000
Upgrade Mangawhai Wastewater Existing Reticulation	36,900	1,000,000
Upgrade Mangawhai Wastewater Treatment Plant	646,537	800,000
Drainage Renewals 2019-2020	444,859	784,000
MCP Paths - Walkways and Cycleways 2019-2020	604,098	560,000
Insley/Moir Intersection (Intersection 1)	31,103	540,000
Moir/Molesworth Intersection (Intersection 2)	27,411	540,000
Matakohe West Rd - Road works sealed	29,254	520,000
Flexible workspace	320,033	480,000
Wood Street - Main street redevelopment	24,160	400,000
Racecourse SH14 watermain	13,630	400,000
Ararua Rd - Road works sealed	22,534	400,000
Total Significant Projects	**4,217,078**	**10,212,276**

Provincial Growth Fund

Programme performance:

	Actual (to date)	Budget (to date)	Forecast (All programme)
Operating Income	**554,349**	**340,050**	**5,160,000**
PGF100 Kaipara Kickstart Programme	454,349	340,050	1,300,000
PGF101 Kaipara Kickstart Kai	50,000	-	980,000
PGF102 Kaipara Kickstart Moana Investigation	50,000	-	950,000
PGF103 Kaipara Kickstart Waipoua River Road Investigatior	-	-	120,000
PGF104 Kaipara Kickstart Waipoua Road Implementation	-	-	1,480,000
PGF105 Pouto Road Phase 2 (Investigation)	-	-	330,000
Operating costs	**563,427**	**599,533**	**5,170,000**
PGF100 Kaipara Kickstart Programme	273,072	599,533	1,300,000
PGF101 Kaipara Kickstart Kai	112,630	-	980,000
PGF102 Kaipara Kickstart Moana Investigation	126,147	-	950,000
PGF103 Kaipara Kickstart Waipoua River Road Investigatior	23,806	-	130,000
PGF104 Kaipara Kickstart Waipoua Road Implementation	4,169	-	1,480,000
PGF105 Pouto Road Phase 2 (Investigation)	23,602	-	330,000
Internal charges and recoveries	**260,540**		
PGF100 Kaipara Kickstart Programme	181,276	-	-
PGF101 Kaipara Kickstart Kai	33,633	-	-
PGF102 Kaipara Kickstart Moana Investigation	40,546	-	-
PGF105 Pouto Road Phase 2 (Investigation)	5,085	-	-
Capital expenditure	**1,624,956**	**1,630,000**	**13,350,000**
11152 Tomorata Bridge Repairs	1,619,194	1,500,000	1,500,000
9999 120 PGF Heavy metalling	-	-	-
PGF100 Kaipara Kickstart Programme	750	-	-
PGF104 Kaipara Kickstart Waipoua Road Implementation	661	-	-
PGF105 Pouto Road Phase 2 (Investigation)	3,730	130,000	7,850,000
PGF107 Kaipara Moana Physical works	-	-	4,000,000
PGF108 Pouto Road Phase 1 (Physical Works)	621	-	-
Grand Total	**1,894,573**	**1,889,483**	**13,360,000**

Please note these financials have been put together with a view of the Programme to Date. This programme of works officially commenced on 3 February 2019.

Activities Report

Kaipara KickStart Programme (PGF)

Progress across all three projects within the Kaipara KickStart Programme (Roading, Kai for Kaipara and Kaipara Wharves) is continuing, as planned, without significant delays or changes. Resource constraints are adding pressure onto the programme team, however this is currently being managed within the team.

The revised engagement approach advised at the Council Briefing on 4 December, is now operational, with draft and final deliverables being reviewed by elected members, bi-monthly briefings and observer attendance at Programme Steering Group meetings.

PGF funding of $745k for Kai Water was announced in Dargaville on 31 January. This work establishes demonstration sites for localised water use and technology based management systems for horticultural crops. Delivery of this scope will be completed within the Kai project. The Funding Agreement for Kai Water is yet to be provided by MBIE.

Two workshops with elected members will be held on 19 February, where the Wharves Feasibility Study and options will be discussed as well as the Kai Feasibility Study and establishing the Kai Hub.

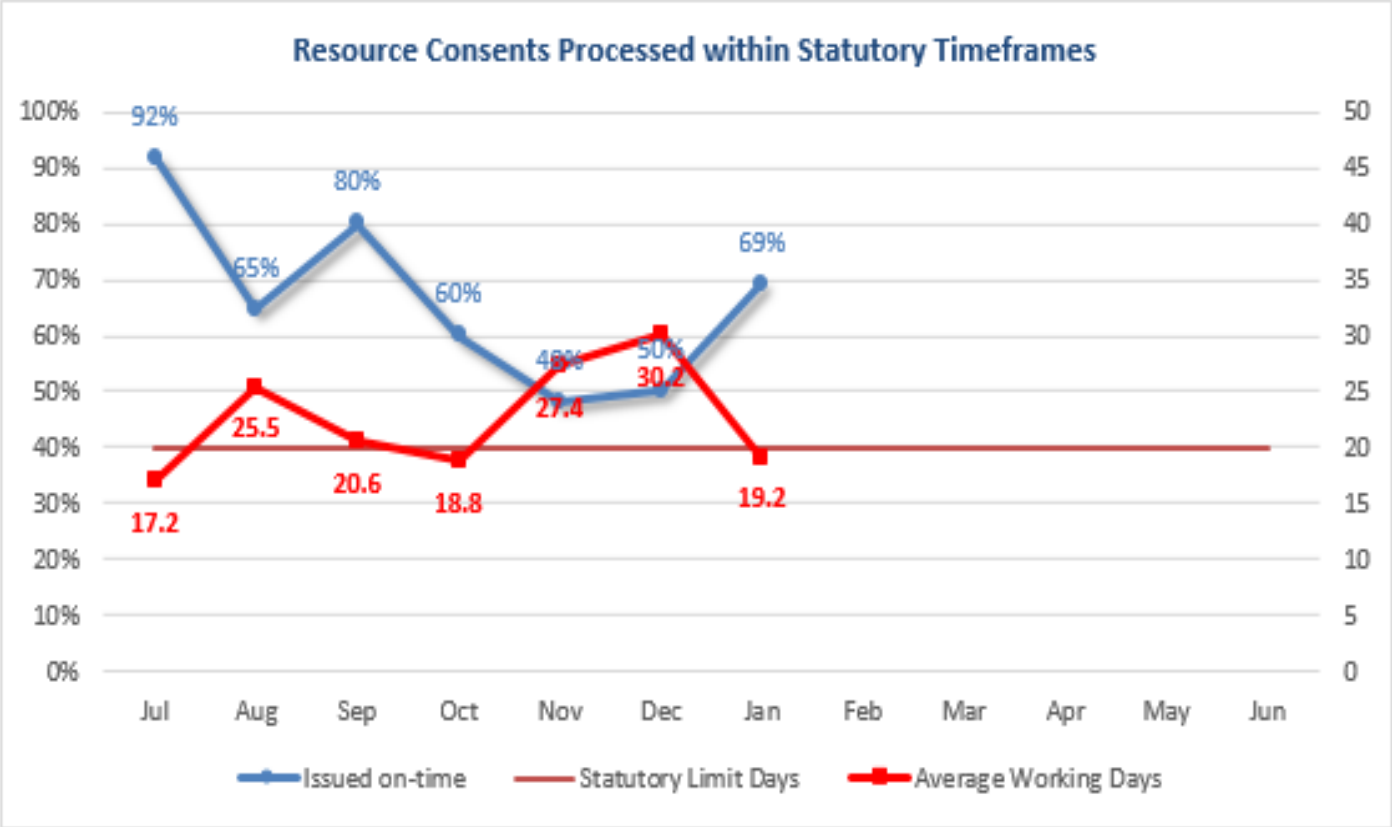
The next Kaipara KickStart briefing is being planned for March.

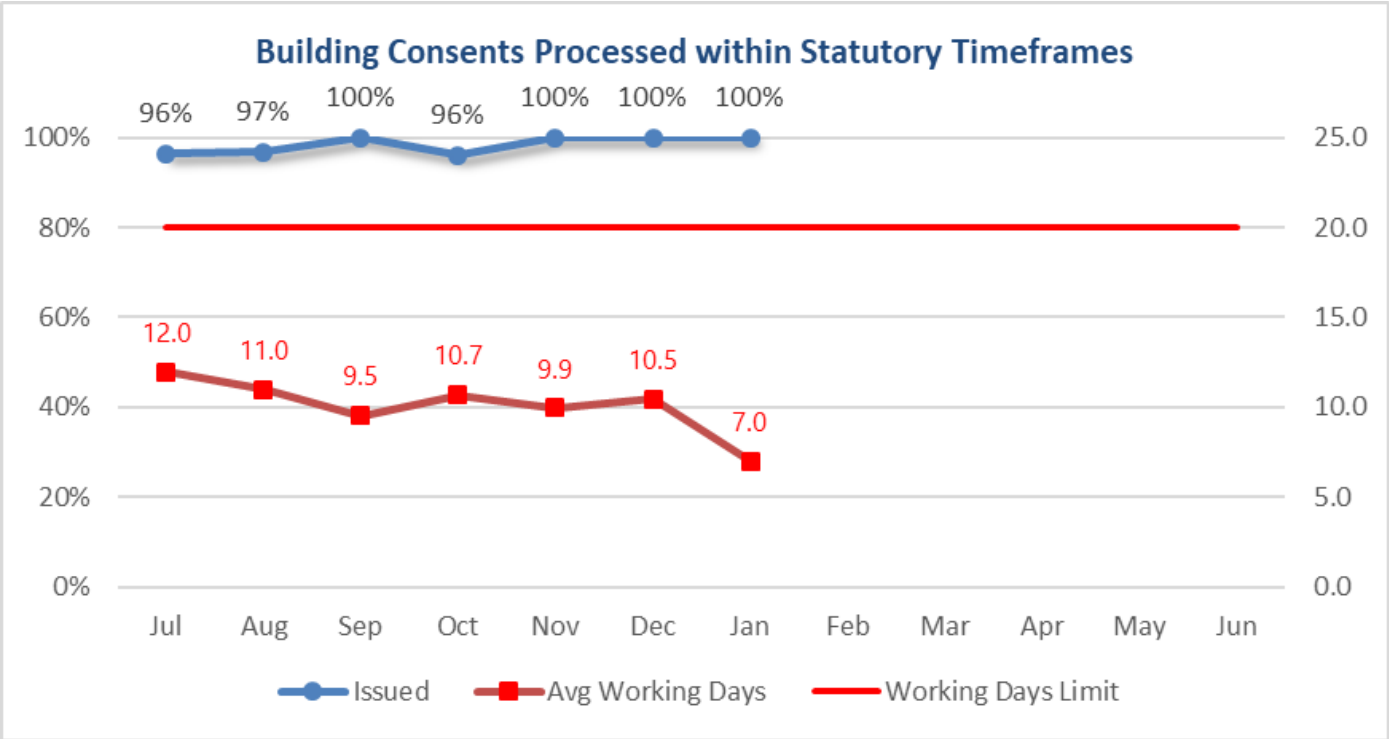
Building and Resource Consents

***Note**: Tables containing shaded cells do not contain calculations as these are not currently measured.*

Consents	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
Resource Consent Applications	59	43	60%	24.69	66%
224 Applications	14	7	100%	1	
Building	**Received**		**% On Time**	**Average Working Days**	**YTD % On Time**
	2018	**2019**			
Building Consent Applications	104	101	100%	8.73	98%
CCC Applications	96	52	99%	1.42	99%

Planning: December saw an increase in average working days (30.18) due to completion in a number of long outstanding consents. January has reduced again to 19.2 average working days. As a result of the above, the overall average for both months is 24.69 working days.


Resource Consents Processed within Statutory Timeframes
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
50
45
40
35
30
25
20
15
10
5
0
92%
65%
80%
60%
48%
50%
69%
17.2
25.5
20.6
18.8
27.4
30.2
19.2
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Issued on-time
Statutory Limit Days
Average Working Days


Building Consents Processed within Statutory Timeframes
100%
80%
60%
40%
20%
0%
25.0
20.0
15.0
10.0
5.0
0.0
96%
97%
100%
96%
100%
100%
100%
12.0
11.0
9.5
10.7
9.9
10.5
7.0
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Issued
Avg Working Days
Working Days Limit

Customer Services

December 2019

Total Customer interactions	Emails	Reception	Total Calls	Average speed answer (min:secs)	Average call abandonment (%)	Calls FTE	Longest wait time (min:secs)
3238	488	573	2177	0.20	3.5	2.15	12.50

January 2020

Total Customer interactions	Emails	Reception	Total Calls	Average speed answer (min:secs)	Average call abandonment (%)	Calls FTE	Longest wait time (min:secs)
3837	491	960	2386	0.32	5	2.15	10.23

Capital Projects Update

	Complete
	In progress
	Not yet started

Roading

Programme for the 2019/2020 year	Stage	% Complete/ Status
Bridges and structures – Tomarata Road Bridge	Construction	65%
Reseals	Construction	30%
Rehabilitations		
• Ararua Road	Design	75%
• Matakohe West Road	Design	100%
• Te Kowhai Road	Construction	100%
• Trounson Park Road	Construction	100%
Low Cost Low Risk		
➢ Associated improvements	Design	50%
➢ Bridges		
• Tara Road culvert	Construction	100%
• Waihue Road bridge	Design	10%
➢ Walking and cycling improvements	Complete	100%
➢ High risk curve roads		
• Paparoa Oakleigh RP3500	Design	25%
➢ Network improvements - LEDs		
• LED V Cat Installation (variation to WDC contract)	Construction	70%
• LED V Cat Infill (variation to WDC contract)	Tendering	100%
➢ Mangawhai Community Plan intersections	Design	60%
➢ Resilience		
• Drainage Improvements	Construction	100%
• Pukehuia Road RP9650 slip remediation	Construction	70%
➢ School zones safety		
• Mangawhai School	Construction	100%
• Te Kopuru School	Construction	95%
• Ruawai College	Construction	100%
• Kaiwaka School	Construction	100%

• Maungaturoto School	Construction	100%
• Dargaville Intermediate	Design	25%
• Dargaville Primary	Design	25%
• Otamatea High School	Construction	100%
• Selwyn Park School	Design	25%
• Pouto School	Design	95%
• St Joseph's School	Design	95%
• Kaihu Valley School	Design	95%

Parks and Reserves

Programme for the 2019/2020 year	Stage	% Complete/ Status
Taharoa Domain/Kai Iwi Lakes	Additional powered site installations completed, along with shade sails at Pine Beach Campground. Planning has begun for an upgrade to the day visitor change room and a new toilet is currently being investigated. Prices have been received for new water meters to monitor online the water takes at Kai Iwi lakes, for resource consent monitoring.	50%
Pou Tu Te Rangi Harding Park	The Landscape Plan is being implemented as the Governance committee instructs. A Feasibility Study into alternative traffic flows has been commissioned and will be presented to the Committee.	30%
Mangawhai Community Park	A draft Urban Landscape Design Plan has been completed and is being assessed. Planning for the new toilet block is underway with designs being finalized. Additional funding was received from the Tourism Infrastructure Fund for this project.	40%
Mangawhai Coastal Walkway and Linkages	Resilio have completed the walkway condition assessment and priority report. Concept designs have been done for the Breve Street connection. Olsen Ave improvements are underway.	60%
Mangawhai Esplanade Development	The Wayfinding project is ready for public feedback. This is linked with the Mangawhai Coastal Walkway and Linkages project.	50%
Toilet Amenities	Planning and design for the new toilet at the Mangawhai Historic Village is underway. Public consultation has been completed and feedback collated for the Lincoln Street and Alamar Crescent toilet. Planning and design now underway. Public consultation for the Maungataroto toilet has been completed with planning and design underway.	40%
Walking/Cycling Strategy Implementation	Currently planning the project priority's.	10%
Playgrounds	Public survey results have been collated. Planning is now underway with a public drop in session to discuss options planned for late February early March.	30%
Baylys Beach Boardwalk	Tender went out December but with it being close to the end of year no tenders were received. Four invited tenders were received and have been evaluated.	30%
Community Infrastructure Dargaville	Designs for an additional area for car parking at Memorial Park have been approved and due to start February 2020.	25%

Community Infrastructure District	Geotech and area surveys are being completed and discussion with Department of Conservation to get land use consent are progressing.	40%
Rangiora Rd Reserve development	Once the consultants panel is finalized, engineering designs and estimates for this project will be obtained.	10%
Kaiwaka Fitness trail equipment	Approved for payment.	90%
Park Improvements	Bike stands, bench seats and signage across the district is underway.	30%
Hard Surface Renewal	Road resurfacing was due to start December. Delays will mean this won't happen until February.	60%

Four Waters

Water Supply

Programme for the 2019/2020 year	Stage	% Complete/ Status
946 Dargaville CBD Watermain Renewal 19.20, design completed, tender for physical works under evaluation.	Tender closed	10%

Wastewater

Programme for the 2019/2020 year	Stage	% Complete/ Status
Dargaville Wastewater Pond Desludging	Awarded	25%
Maungaturoto Wastewater Treatment Plant Upgrade	Construction	90%
Kaiwaka Wastewater Treatment Plant Upgrade	Construction	80%
Mangawhai Wastewater Treatment Plant Upgrade, Aeration	Construction	95%

Stormwater

Programme for the 2019/2020 year	Stage	% Complete/ Status
Eveline Street Stormwater Control	Design, Consent	90%

Land Drainage

Programme for the 2019/2020 year	Stage	% Complete/ Status
Beach Road Floodgate	Construction	100%
Kaihu Valley Floodgate 49 Replacement	Sourcing Materials	15%
Raupo Drainage Board Stopbank Upgrade, Donovans Bluff to K Canal	Planning	80%

Resolutions Register update February 2020

Meeting: **Kaipara District Council**
Date of meeting: **26 February 2020**

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

a) Notes the Resolutions Register at 19 February 2020.

Attachments/Ngā tapiritanga

	Title
A	Resolutions Register at 19 February 2020

Attachment A: Resolutions Register at 19 February 2020

Ref	Meeting Date	Item Number	Item Name	Resolution	Assigned	Status	Comments
1	**11/07/2017**	1.7.2	Notice of Motion 2, Councillor Larsen	1) That the Chief Executive develop a policy for the appointment of independent commissioners; and 2) That the policy include: a) the process for Council appointment to, and removal from the list of commissioners; and b) standardising of commissioner remuneration; and c) the requirement for Council approval of appointments of commissioners for resource consent hearings, and a procedure for appointment including: i) an alphabetical acceptance and refusal process to remove bias; and ii) a public register recording the process followed in point a); and iii) a process allowing applicants to refer disputes over appointments decisions to Council for resolution; and iv) mechanisms to allow qualified elected members to sit on hearing panels if Council decides to do so. 3) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure 4) That any related current delegations be amended to reflect policy 5) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM T&E	**In Progress**	An updated draft of the policy was presented to the February 2020 Council briefing. Further work on this has been requested from the Council to be reported to a future Council briefing.
2	**26/09/2017**	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	3 Delegates responsibility to the interim Chief Executive to complete any associated works for the stopbank reinstatement of Raupo Drainage District flood protection based on feedback from community consultation and expert advice 4 Notes that the works are to be funded by Raupo Drainage Targeted Rate	GM IS	**In Progress**	Council made further decision on this issue in November 2018 (see below, ref 9).
3	**11/12/2017**	6.5	Mangawhai Museum Partial Surrender of Lease	3 Approves the Partial Surrender of the Lease by the Mangawhai Museum 4 Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease 5 Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM IS	**In Progress**	The Deed of Partial Surrender can be finalised now with updated plans. However, the Museum has since advised they now want a new lease rather than a partial surrender. The Museum agreed to sign the new lease if Council seals carpark area they are surrendering. This was reported to the Mangawhai Community Park Governance Committee on 15 July 2019. The Committee deferred making a decision until more information on stormwater implications was known.

4	**23/05/2018**	5.1.3	Issues and Options: Reserve Contributions	2 Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018 3 Continues to fund the existing $100,000 p.a. budgets ($150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy 4 Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy 5 Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM T&E GM SGI GM IS	**Completed**	The fund opened for applications on 01 July 2019 and closed on 13 September 2019. Applications were assessed and allocated on 10 December 2019 by the Awards and Grants Committee.
5		5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	2 Approves the inclusion of $20.05 million in the Long Term Plan 2018/2028 for the upgrade and extension of the Mangawhai Community Wastewater Scheme to accommodate new connections 3 Agrees that the $20.05 million shall be funded through debt 4 Agrees that the growth portion of $20.05 million debt servicing and financing be levied on future connections with the associated revenue raised from development contributions 5 Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval	GM IS	**In Progress**	Staff are looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years' capacity). Staff will then progress acquiring the necessary resource consents for the preferred long term disposal option. Council briefing was provided in 2019. Staff are currently working through disposal options with landowners. WSP have been appointed to undertake the works.
6		5.1.15	Issues and Options: Pensioner Housing	2 Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners 3 Requests the Chief Executive reports the results of the investigation to Council	GM IS	**In Progress**	Pensioners have been informed of Council's intent. Request for Expressions of Interest was published in November 2019, and expressions received are being evaluated.
7	**26/07/2018**	4.11	Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence	3 Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy 4 Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of	GM SGI	**In Progress**	Public notification was done in August 2018, with no objections received. Staff are in negotiation with the Golf Club on terms and conditions of the surrender and Licence to Occupy (LTO). Council's lawyers drafted an LTO for the Golf Club's consideration. Revised LTO was sent in May 2019. Meeting was held with the Golf Club in

				the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977			June 2019 to discuss the last remaining substantive issue, which is related to the rent review clause. The Club to provide a proposed revision in near future.
8	**23/08/2018**	4.5	Road stopping and amalgamation: 623 Golden Stairs Road, Paparoa	3 Agrees in principle to the stopping of a portion of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report) under s116 of the Public Works Act subject to reaching prior agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement, subject to the sale price being no less than $7,800 plus GST (if any), and that the purchaser meets all costs associated with the transaction 4 Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report)	GM IS	**Completed**	Invoice paid for $10,880 + GST (balance outstanding for the land, KDC fees, and CPS, TPG, LINZ and Gazette Office Fees).
9	**20/11/2018**	4.7	Murphy Bower Stopbank Options Report	3 Resolves that the Murphy Bower stopbank located on SECT 73 75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of $375,000 + GST 4 Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank: a) $128,000 to come from financial year capital works projects; b) $50,000 from Management services (identified to start hydraulic modelling); c) $42,000 from the stopbank maintenance budget 5 Resolves to approve an additional Raupo Drainage District capital budget of $45,000 to be loan funded	GM IS	**In Progress**	Meeting with landowner was requested but not accepted. Details were sent to landowner's legal advisors. If no agreement can be reached with the landowner regarding approval to enter private property to undertake the works, then Council will need to proceed with statutory process to obtain authority to enter property to construct the public works. No contact from the landowner as promised on 31 May. KDC engaged legal representation.
10	**28/02/2019**	4.1	Notice of Motion, Councillor del la Varis-Woodcock	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	GM T&E	**In Progress**	The draft policy was reported to the February 2020 Council Briefing for feedback, with the updated policy on the February Council meeting agenda for adoption.

				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 recipient(s) d) Requests that the Chief Executive i. drafts an Award 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 includes any possible costs to council for the establishment of the Award and the Committee.			
11		5.4	Road Stopping and Inundation of an Unformed Legal Road: Roberts West Road, Dargaville	3 Agrees to the stopping of a portion of the section of Roberts West Road in Dargaville (approximately 1,538.6 metres of unformed road) as shown in Attachment 1 of the aforementioned report, under s342 of the Local Government Act 1974.	GM IS	**Completed**	The applicant has withdrawn their application and has been invoiced for Council's administrative costs to date.
12	**28/03/2019**	4.3	Notice of Motion 3, Councillor Larsen	a) That Council directs the Chief Executive to prepare a report on the feasibility of designing and building a pedestrian bridge or shared path (walking and cycling) bridge beside the Insley Street (Tomarata Road) bridge; and b) That the report include an assessment of requirements for community consultation to complete the bridge earlier than currently scheduled (after 2028) in the Mangawhai Community Plan (MCP) and any funding implications; and c) That the report be brought back to a subsequent Council meeting (to be determined by agreement abased on workload and resourcing).	GM IS	**Completed**	Reported to the November 2019 Council meeting.
13	**02/05/2019**	4.3	Taharoa Domain Bylaw 2019 – Adoption	a) Adopts the Taharoa Domain Bylaw 2019 as presented in Attachment C to this Report. b) Delegates the Chief Executive to make the Taharoa Domain Bylaw 2019 operative when final signoff has been received by the Department of Conservation c) Delegates the Chief Executive as an authorised Officer under the Taharoa Domain Bylaw 2019 and to	GM T&E	**Completed**	Council adopted the updated bBlaw at the November 2019 Council meeting.

				exercise the powers of an Officer under Part 5 of the Reserves Act 1977. d) Delegates the Chief Executive to investigate appropriate and effective enforcement of the final Taharoa Domain Bylaw 2019, with appropriate delegations e) Delegates to the Mayor and Chief Executive the authorisation to approve minor editorial changes as discussed at the meeting.			
14	**27/06/2019**	4.4	Policy on Dogs and Dog Management Bylaw 2019 – Adoption	a) Adopts the Policy on Dogs and Dog Management Bylaw 2019 as presented in Attachment C to the circulated "Policy on Dogs and Dog Management Bylaw 2019 – Adoption" report b) Directs the Chief Executive to undertake a review of the effectiveness of the Policy on Dogs and Dog Management Bylaw 2019, 12 months after its adoption and to report back to Council on the review findings	GM T&E	**In Progress**	Review to be undertaken 2020.
15	**29/08/19**	4.1	Independent Planning Functions Review	b) Requests the Chief Executive implement the recommendations provided by Barker & Associates and set out in Appendix 7 of the above report	CE	**In Progress**	Update at November 2019: Currently reaching out to recruitment agencies and contacts to fill roles where there are gaps in the RPP structure. Working with team on leadership skills to ensure a customer centric approach. Update at February 2020: Implementation of recommendations is on Executive Team's priority list to be completed by June 2020. Sue advised ET that she would also put an action in to the Audit, Risk and Finance Committee.
16	**26/09/19**	2.1	Stop 5G in Mangawhai petition	Requests the Chief Executive investigate the issues raised in the petition that council has jurisdiction over and report back to the council	GM T&E	**Completed**	The response to this petition was reported to the 11 December Council meeting.
17		4.2	Notice of motion 2, Councillor Larsen	a) That Council directs the Chief Executive to prepare a report on the use of the Lincoln Downs bush block; and b) That the report include but not be limited to the proposed use as a recreation reserve for walking and mountain biking, and access options and issues. c) That the report be presented to the December 2019 Council ordinary meeting.	GM IS	**Completed**	Reported to the December 2019 Council meeting.
18		5.2	Kaipara District Council Dog Control Annual Report 01 July 2018 to June 2019	a) Adopts the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2019' (circulated as Attachment A to the above mentioned report) and forwards it to the Secretary for Local Government, in terms of s10A(1) and s10A(2) of the Dog Control Act 1996 b) Delegates the Chief Executive and the Mayor to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara District Council Dog Control Annual report for the 12 months ending 30 June 2019'	GM CE	**In Progress**	To be sent to the Department of Internal Affairs.

19		5.3	Kaipara Territorial Authority Annual Report under the Sale and Supply of Alcohol (Fees) Regulations 2013 – 01 July 2018 to 30 June 2019	a) Adopts the 'Kaipara Territorial Authority Annual Report – Kaipara District Licensing Committee Proceedings for the period 01 July 2018 to 30 June 2019', circulated as Attachment A to the afore mentioned report, and makes it publically available to meet the requirements of s19 of the Sale and Supply of Alcohol (Fees) Regulations 2013 b) Delegates the Chief Executive to approve minor typographical changes that do not alter the intent of the information in the 'Kaipara Territorial Authority Annual Report – Kaipara District Licensing Committee Proceedings for the period 01 July 2018 to 30 June 2019'	GM CE	**In Progress**	To be forwarded to the Alcohol Regulatory Licensing Agency.
20		5.5	Development contributions for first response or community organisations	a) Notes the status quo with regard to development contributions charged to a first response or community organisation and that, in this instance, no remission been given and they be directed to apply for the applicable grant on their building and resource consent b) Requests the Chief Executive review the Development Contributions Policy for consistent approaches for both first response services; and community organisations	GM SGI	**In Progress**	Fire Service has been contacted and understands it can apply for grants. Review of the Development Contributions will be part of the 2021/2031 Long Term Plan process.
21	**25/10/19**	6	Ordinary meetings of Council – November and December 2019	a) Set the first Ordinary Meeting for 27 November 2019 starting at 9.30am, in the Dargaville Town Hall. b) Set the December Ordinary Meeting for 11 December 2019 starting at 9.30am, in the Dargaville Town Hall.	GM T&E	**Completed**	
22	**27/11/19**	5.1	Committee structure, membership and outside appointments for the 2019-2022 triennium	a) Notes the committee structure, chairs and members of those committees, for the 2019—2022 triennium as listed in the revised Mayor's memo tabled at the meeting (attached). b) Notes the appointment of Brenda Jackson as the Council's West Coast Ward representative on the Kaipara Community Health Trust for the term ending 30 November 2022. c) Nominates Rob Harding, Councillor Karen Joyce-Paki and Councillor Peter Wethey as Council representatives to be appointed to the Pou Tu Te Rangi Joint Management Committee by the Minister of Conservation. d) Appoints Kaipara District Council representatives to outside organisations as recommended in the revised Mayor's memo tabled at the meeting (attached).	GM T&E	**Completed**	
23		5.2	Committee Terms of Reference for the 2019-2022 triennium	a) Adopts the Committee Terms of Reference for the 2019—2022 triennium as attached to this report as Attachment A. b) Delegates the Chief Executive to update Council policies to reflect the new committee structure and delegations.	GM T&E	**Completed**	

<table>
<tr><td></td><td></td><td></td><td></td><td>c) Delegates the Mayor and Chief Executive the authority to make minor editorial changes that do not alter the intent of the Committee Terms of Reference for the 2019—2022 triennium.</td><td></td><td></td><td></td></tr>
<tr><td>24</td><td></td><td>5.3</td><td>Elected member remuneration</td><td>Recommends to the Remuneration Authority that the following remuneration structure be applied:
Option one
<table>
<tr><th>Role / Name</th><th>Base annual payment</th><th>Description</th></tr>
<tr><td>Deputy Mayor – Anna Curnow</td><td>$55,000</td><td>To provide leadership, assist with duties and responsibilities of the Mayor, as determined by the Mayor and Deputy Mayor.</td></tr>
<tr><td>Councillors (7)</td><td>$43,489</td><td>No additional responsibilities.</td></tr>
</table></td><td>GM T&E</td><td>Completed</td><td></td></tr>
<tr><td>25</td><td></td><td>5.4</td><td>Code of conduct – list of investigators</td><td>a) Approves Code of Conduct Investigators for the Kaipara District Council as follows: John Laws, Paul Sill, Lynn Booker, Campbell Gourlay, Margaret Robins, LGNZ Equip Ltd.</td><td>GM T&E</td><td>Completed</td><td></td></tr>
<tr><td>26</td><td></td><td>5.5</td><td>Dargaville de-sludging contract</td><td>a) Awards contract 928.02 to Hydra-Care (NZ) Ltd (Option 2 Geotextile dewatering) – Contract Price $1,472,935.14 + GST
b) Delegates to the Chief Executive the authority to negotiate the terms and conditions of the contract</td><td>GM IS</td><td>Completed</td><td>Contract awarded.</td></tr>
<tr><td>27</td><td></td><td>5.6</td><td>Northern Bass temporary road closure</td><td>a) Approves the application for the temporary road closure, which includes Settlement Road, Kaiwaka as shown on the proposed Traffic Management Diagram (attachment A of this report) from 7:00am on Sunday 29 December 2019 to 12:00pm on Wednesday 1 January 2020.
b) Notes that a condition of approval being the event organiser to do a letter drop to all businesses/residents located within the road closure</td><td>GM IS</td><td>Completed</td><td></td></tr>
<tr><td>28</td><td></td><td>5.7</td><td>Partial Road Stopping & Disposal – 35d Taranga View Road, Mangawhai</td><td>a) Agrees that the subject land is not required for further public works.
b) Agrees to investigate the road stopping application in terms of the Local Government Act 1974 (LGA) of part of Seacoast Road (0.1014 ha) approximately for potential sale and amalgamation to the adjoining property owner at 35d Taranga View Road, Mangawhai.
c) Requests Council staff seek an appropriate bond from the Applicant to cover initial Council processing costs and commence LGA stopping process</td><td>GM IS</td><td>In Progress</td><td>Staff are progressing the agreement to secure a bond payment.</td></tr>
</table>

				d) Confirms that the applicant is to meet all costs involved with road stopping application. e) Requests Council staff firstly seek Ministerial approval for the partial stopping in accordance with Sec 342 pf the LGA and if Ministerial approval granted; i. Authorise Council officers to initiate the road stopping process for the road land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974. ii. Approve the disposal of the (subject land) to the Owners of 35d Taranga View Road subject to a successful road stopping process. f) Delegates the Chief Executive the authority to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the road land with the adjoining owner, 35d Taranga View Road, Mangawhai, provided any such agreement is conditional upon the road being stopped.			
29		5.8	Taharoa Domain Bylaw	a) Adopts the Taharoa Domain Bylaws as presented in Appendix B of this report.	GM T&E	**Completed**	
30	**11/12/19**	5.1	Annual Plan	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.	GM SGI	**Completed**	Reported to the February 2020 Council briefing.
31		5.3	Telecommunications lease - Kopuru Domain, Glinks Gully	a) Resolves that public notification of the intention to grant a telecommunications tower is not required as the Kopuru reserve, Glinks Gully, is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanently affected - by the granting and lawful exercise of the rights and powers contained in the licence. b) Approves a licence for a telecommunication tower on the Kopuru Domain at Glinks Gully to the Rural Connectivity Group.	GM IS	**In Progress**	Staff are finalising the licence agreement with the Rural Connectivity Group.

				c) Delegates to the Chief Executive responsibility for negotiating the terms and conditions of the licence to the Rural Connectivity Group.			
32		5.4	2019 - 2022 Triennial Agreement	a) Adopts the 2019 – 2022 Triennial Agreement. b) Delegates to the Mayor and Chief Executive the authority to approve editorial changes if required. c) Delegates to the Mayor the authority to sign the agreement on behalf the Kaipara District Council.	GM T&E	**Completed**	The Northland Regional Council is progressing the agreement for completion prior to the statutory timeframes.
33		5.6	Delegations register update	a) Approves the revisions to the Delegation Register as specified in the six referenced documents circulated as Attachments 2 - 7 to the 'Delegations Register Update November 2019' report.	CE	**Completed**	
34		5.7	Decision-making over the 2019/2020 Christmas recess period	a) Delegates the power to make urgent decisions on behalf of the Council or its committees between the last scheduled meeting in December 2019 and the first meeting of Council or relevant committee in 2020 (the recess period) to the Mayor and Deputy Mayor. b) Notes that if it is considered necessary, an extraordinary meeting of the Council will be called during the recess period. c) Notes that if the urgent decision-making process is exercised, the instances will be reported to the first Council or relevant committee meeting, in 2020. d) Designates Cr Curnow the authority under section 25(5) of the Civil Defence Emergency Management Act 2002 to declare a state of local emergency in the event the Mayor is unavailable over the recess period.	GM T&E	**Completed**	Decisions made under delegation are being reported to the February 2020 Council meeting.
35		5.8	Temporary road closure approval – Whakapirau Road culvert replacement	a) Approves the application for the temporary road closure on Whakapirau Road at RP80 as shown on the proposed Traffic Management Diagram (attachment A of this report) from Monday 17 February 2020 from 7am to Friday 21 February 2020 at 6:00pm. b) Notes that this approval is conditional on the maintenance contractor informing all businesses/residents located within the road closure area with a letter drop.	GM IS	**Completed**	
36		5.9	Council submission on Action for Healthy Waterways	a) Approves the Council submission for the Ministry for the Environment's "Action for healthy waterways (October 2019)" at Attachment A.	GM T&E	**Completed**	Submission was lodged following adoption by Council.
37		5.10	Dargaville Pontoon Asset	a) Notes that work is ongoing over the 19/20 Summer break to progress the delivery of the Dargaville Pontoon to agreed timeframes b) Agrees that the Dargaville Pontoon becomes a Council owned asset upon completion of the project c) Notes that if Council agree the Dargaville pontoon becomes a Council owned asset, maintenance costs of $5,000 - $7,500 for Year 2 (19/20) and	GM T&E	**In Progress**	These decisions will be incorporated into our financials for future years.

				$10,000 - $13,000 of Year 3 (20/21) of the Long-term Plan will be incurred, with these costs funded from current operating budgets. d) Agrees with the proposed establishment of a specific coastal structure maintenance budget to fund the estimated maintenance costs for wharf infrastructure developed through Provincial Growth Funding, as part of decision-making in the Long Term Plan 2021-2031.			