

Urgent decision made during COVID-19 shutdown

Meeting: Kaipara District Council
Date of meeting: 24 June 2020
Reporting officer: Lisa Hong, Governance Advisor

Purpose/Ngā whāinga

To formally note the decision made by Mayor Smith, Deputy Mayor Curnow and Councillor Wethey during the COVID-19 shutdown period.

Executive summary/Whakarāpopotanga

Council gave the authority to the Mayor, Deputy Mayor and Councillor Wethey to make urgent decisions if Council could not convene physically or virtually due to the COVID-19 crisis. One such decision was required and made using this delegation; and is reported here for Council to formally note.

Recommendation/Ngā tūhunga

That the Kaipara District Council:

- a) Notes the urgent decision made by Mayor Smith, Deputy Mayor Curnow and Councillor Wethey during the COVID-19 pandemic, as delegated by Council on 23 March 2020 and attached to this report as **Attachment A**.

Context/Horopaki

Emergency delegation

At the emergency Council meeting on 23 March 2020, Council resolved the following.

That the Kaipara District Council...

- c) *Delegates the power to make urgent decisions on behalf of the Council or its committees, to the Mayor, Deputy Mayor and Councillor Wethey (or a substituted elected member should one of the three members listed become incapacitated)*
- d) *Notes that the above delegation (c) will only be used for decisions which;*
 - i. *are urgent, and*
 - ii. *are recommended to decision-makers by the Chief Executive, and*
 - iii. *are to be made in a period where it is not possible to convene a physical or electronic Council meeting due to the COVID-19 situation and*
 - iv. *Council is statutorily able to delegate*
- e) *Notes that when the urgent decision-making process is exercised, instances will be reported to the first subsequent Council or relevant committee meeting*
- ...
- i) *Agrees that all delegations (recommendations c, g and i) will remain in force until the pandemic is declared over, or advice is received from the Government instructing all government agencies and authorities to return to normal business status, or Council decides to do so.*

Urgent decision required

The country moved into COVID-19 Alert Level 4 on 25 March, meaning that no physical meetings could be held, and the *COVID-19 Response (Urgent Management Measures) Legislation Act 2020* received royal assent on the same day allowing virtual decision-making meetings during this crisis. At this time (late March—early April), Kaipara District Council did not have the capability to hold virtual meetings.

Staff identified an urgent decision was required on whether the application for a private plan change by Mangawhai Central Limited should proceed to the next stage of the plan change process. This decision was needed urgently to comply with legislative timeframes in the Resource Management Act 1991, which requires Council to respond to such requests within 30 working days. This meant that a decision was needed before 07 April, and the Chief Executive agreed that this decision should be made using the emergency delegation.

On 02 April, a decision was sought from the delegated three via a staff report. On 03 April, the delegated three made its decision and informed the staff via individual emails. The full staff report with the decision is attached to this report as **Attachment A**.

The applicant and the other elected members were informed of the decision on 03 April, and the report and the decision were published on the Council website on the following Monday on 06 April.

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

There are no additional steps to this report. The urgent decision-making delegations will cease when the pandemic notice expires on 25 June 2020 (unless extended), or if Council decides otherwise.

Attachments/Ngā tapiritanga

	Title
A	Private Plan Change 78 report and decision