



AGENDA

Meeting of the
Buller District Council

Commencing at 3.30pm
Wednesday 31 July 2024

To be held at the
Clocktower Chambers
Palmerston Street
Westport



CORE COUNCILLOR ROLE AND RESPONSIBILITIES

The Governance role entails:

- Strategic planning and decision-making;
- Policy and strategy review;
- Community leadership and engagement, and stewardship;
- Setting appropriate levels of service;
- Maintaining a financially sustainable organisation; and
- Oversight/scrutiny of Council's performance as one team.

The governance role focusses on the big picture of 'steering the boat' - management's role focusses on 'rowing the boat'

Our commitments to best support each other and meet the challenges and opportunities of 2024 include:

CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

Actively listening and not interrupting;

Remaining conscious of 'tone', body language, and amount of time speaking (allowing time for others);

Responding/answering in a timely manner; and

Being honest, reasonable, and transparent.

TRUST AND RESPECT

We recognise that trust and respect must be earned and that a team without trust isn't really a team. Trust can be built by:

Valuing long-term relationships; being honest; honouring commitments; admitting when you're wrong; communicating effectively; being transparent; standing up for what's right; showing people that you care; being helpful; and being vulnerable.

CONTINUOUS LEARNING AND IMPROVEMENT

Continuous learning and improvement are critical for growing together as a team.

We are committed to constantly reviewing what is going well and what needs to improve in relation to the way we work together, the processes we follow, and the outcomes we deliver.

NONE OF US IS AS SMART AS ALL OF US

Council

Chairperson:	Mayor
Membership:	The Mayor and all Councillors
Meeting Frequency:	Monthly – or as required.
Quorum:	A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement 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 or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.
 - h) Approval of funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District
 - i) Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - i) Implementation of Government requirements
 - ii) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office
 - j) All other powers and responsibilities not specifically delegated to the Risk and Audit Committee, subcommittees, independent hearing panels or Inangahua Community Board.

Buller District Council



Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel

31 July 2024 03:30 PM - 05:00 PM

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BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 1

Prepared by Simon Pickford
Chief Executive Officer

APOLOGIES

1. REPORT SUMMARY

That Buller District Council receive any apologies or requests for leave of absence from elected members.

2. DRAFT RECOMMENDATION

That there are no apologies to be received and no requests for leave of absence.

OR

That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 2

Prepared by Simon Pickford
Chief Executive Officer

MEMBERS INTEREST

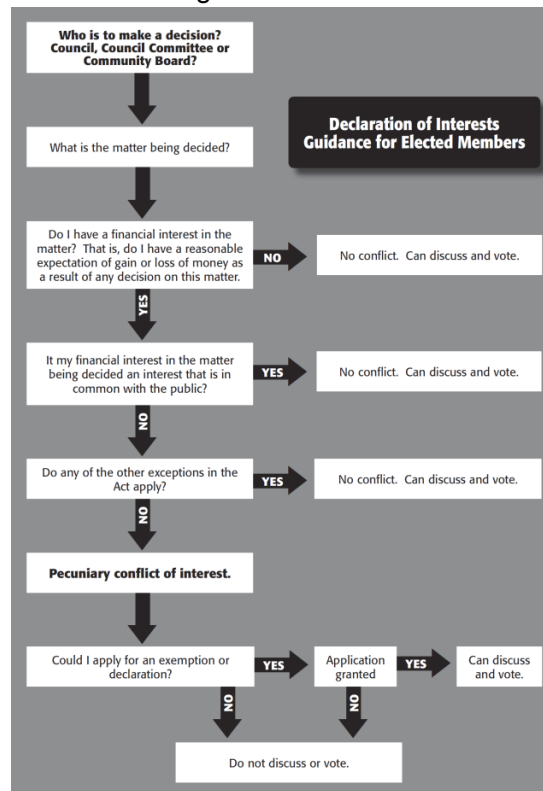
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

DRAFT RECOMMENDATION:

That Members disclose any financial or non-financial interest in any of the agenda items.



BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 3

Prepared by Simon Pickford
Chief Executive Officer

Attachments 1. Council Meeting Public Minutes 26 June 2024

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That Council receive and confirm the Public Minutes from:

- **Council Meeting 26 June 2024**



THE BULLER DISTRICT COUNCIL EXTRAORDINARY MEETING, HELD AT THE CONCLUSION OF THE RISK AND AUDIT COMMITTEE MEETING ON WEDNESDAY 26 JUNE 2024 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

PRESENT: Mayor J Cleine, Councillors P Grafton, J Howard, T O'Keefe, R Sampson, Cr A Pfahlert, Cr G Neylon, Deputy Mayor A Basher, Cr L Webb

IN ATTENDANCE VIA ELECTRONIC LINK: Nil

IN ATTENDANCE: S Pickford (CEO), M Duff (GM Infrastructure Services), K Trigg (GM Community Services), J Salmond (Senior Project Lead), P Numan (GM Corporate Services), N Riley (GM Regulatory Services), M Sutherland (Contractor Manager Infrastructure Planning), E de Boer (Manger Infrastructure Delivery), L Brooks (Manger Finance), C Borrell (Governance Assistant), C McDonald (Governance Secretary).

PUBLIC FORUM: Nil

MEDIA: Ellen Curnow (Westport News)

MEETING DECLARED OPEN AT: 5:00PM

1. APOLOGIES (Page 7)

Discussion:

Cr C Reidy, N Tauwhare (Iwi Representative)
 Cr A Pfahlert will be late.
 Cr R Sampson departed after Agenda Item 10.

RESOLVED That Buller District Council receives apologies from Cr C Reidy and N Tauwhare (Iwi Representative) and accepts Cr A Pfahlert and Cr R Sampson request for leave of absence.

Deputy Mayor A Basher / Mayor J Cleine

9/9

CARRIED UNANIMOUSLY

Cr P Grafton departed the room at 5:00PM
 Cr P Grafton returned at 5:01PM

2. MEMBERS INTEREST (Page 8)

Discussion: Nil

RESOLVED that members disclose any financial or non-financial interest in any of the agenda items.

Mayor J Cleine / Cr G Weston
9/9

CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MINUTES (Page 9)

Discussion:

Extraordinary Council Meeting 11 June: Funding Requests - Karamea Information Centre. The funding for Love Binz should read as \$800.00, not \$8000 *noted and amended*

Cr A Pfahlert joined the meeting 5:03PM

Cr A Pfahlert has no conflict of interests to be added.

RESOLVED that Council receive and confirm the minutes from the:

- Extraordinary Council Meeting 22 May 2024
- Council Meeting 29 May 2024
- Extraordinary Council Meeting 5 June 2024
- Extraordinary Council Meeting 11 June 2024

Mayor J Cleine / Cr P Grafton
10/10

CARRIED UNANIMOUSLY

4. ACTION POINTS REPORT (Page 54)

Discussion:

Nil

RESOLVED that Council receive the Action Points list for information.

Deputy Mayor A Basher / Cr A Pfahlert
10/10

CARRIED UNANIMOUSLY

5. 2024-2025 ENHANCED ANNUAL PLAN ADOPTION REPORT (Page 56)

Discussion:

S Pickford spoke to the report and answered questions.

The recommendations will be moved and seconded as a whole, but each will be voted on separately.

L Brooks answered Councillors questions around rates increases and staff remuneration.

It is noted that resolution six should read Local Government Act 2002 (not 2022)

RESOLVED That the Council

1. Receives the Enhanced Annual Plan 2024-2025 adoption report.

Mayor J Cleine / Cr P Grafton

9/1

MOTION CARRIED

2. Confirms that the total rates revenue increase of 14% in the Enhanced Annual Plan 2024-2025 is 9.2% higher than the same year of the 2021-2031 Long Term Plan and exceeds the 2.2% Long Run Local Government Cost Index limit set in the Financial Strategy.

Mayor J Cleine / Cr P Grafton

7/3

MOTION CARRIED

3. Confirms that the increase in the net debt in the Enhanced Annual Plan 2024-2025 of \$36.9 million exceeds the net debt limit of \$25 million set in the Financial Strategy, and exceeds the net debt forecast for the year end 2024-2025 in the 2021-2031 Long Term Plan of \$23.8 million.

Mayor J Cleine / Cr P Grafton

7/3

MOTION CARRIED

4. Agrees that exceeding both the total rates revenue increase and net debt limits which are set in the Financial Strategy are required to ensure that the Council appropriately funds its operating and capital expenditure activities for 2024/2025, and that these decisions have been explained and are not considered significant enough to warrant a Long Term Plan amendment.

Mayor J Cleine / Cr P Grafton

7/3

MOTION CARRIED

5. Approves the list of proposed fees and charges to be included in the Buller District Council Enhanced Annual Plan 2024-2025.

Mayor J Cleine / Cr P Grafton

10/10

CARRIED UNANIMOUSLY

6. In accordance with section 95 of the Local Government Act 2002, adopts the Final Buller District Council Enhanced Annual Plan 2024-2025 on 26 June 2024; and

7. Authorises the Chief Executive Officer Simon Pickford to approve any minor editorial amendments to the Final Enhanced Annual Plan 2024 - 2025 document, prior to being printed and made available online on the Council's website.

Mayor J Cleine / Cr P Grafton

7/3

**Cr G Neylon, Cr R Sampson and Cr L Webb against
MOTION CARRIED**

6. SETTING OF RATES FOR THE 2024-2025 FINANCIAL YEAR (Page 258)

Discussion:

Nil

RESOLVED That Council resolves the following:

- (a) That the rates listed in the attached Schedule 1 (being those listed in the Funding Impact Statement of the 2024-2025 Annual Plan), as adopted at the Council meeting of 26 June 2024 are set under the Local Government (Rating) Act 2002 (“the Act”) on rating units in the district for the financial year commencing 1 July 2024 and ending on 30 June 2025.
- (b) That each of the rates for the financial year are set under the following sections of the Act:
 1. General Rates
 - 1.1 General (differential) Land Rate – Section 13
 - 1.2 Uniform Annual General Charge – Section 15
 2. Water Supply Rates
 - 2.1 Targeted Water Supply Rate(s) – Section 16 & Schedule 3
 - 2.2 Metered water rate – Section 19
 3. Sewage Disposal Rates
 - 3.1 Targeted Sewage Disposal Rate(s) – Section 16 & Schedule 3
 4. Waste Management Rates
 - 4.1 Targeted Waste Management Rate(s) – Section 16 & Schedule 3
- (c) That all rates will be payable in 4 instalments with the due dates being:
 1. Instalment 1 – 28 August 2024
 2. Instalment 2 – 28 November 2024
 3. Instalment 3 – 28 February 2025
 4. Instalment 4 – 28 May 2025
- (d) That rates for metered water will be payable by the 20th day of the month following the invoice date, sic:
 1. July 2024 invoice – 20 August 2024
 2. August 2024 invoice – 20 September 2024
 3. September 2024 invoice – 20 October 2024
 4. October 2024 invoice – 20 November 2024
 5. November 2024 invoice – 20 December 2024
 6. December 2024 invoice – 20 January 2025
 7. January 2025 invoice – 20 February 2025
 8. February 2025 invoice – 20 March 2025
 9. March 2025 invoice – 20 April 2025
 10. April 2025 invoice – 20 May 2025

11. May 2025 invoice – 20 June 2025
12. June 2025 invoice – 20 July 2025

(e) That all unpaid rates will incur penalties on the penalty dates being:

1. Instalment 1 – 28 August 2024
2. Instalment 2 – 28 November 2024
3. Instalment 3 – 28 February 2025
5. Instalment 4 – 28 May 2025
6. Any year's rates struck prior to 1 July 2024 – 1 September 2024

Cr A Pfahlert / Cr P Grafton

10/10

CARRIED UNANIMOUSLY

(f) That all unpaid balance of metered water rates will incur penalties on the penalty dates being:

1. July 2024 invoice – 21 August 2024
2. August 2024 invoice – 21 September 2024
3. September 2024 invoice – 21 October 2024
4. October 2024 invoice – 21 November 2024
5. November 2024 invoice – 21 December 2024
6. December 2024 invoice – 21 January 2025
7. January 2025 invoice – 21 February 2025
8. February 2025 invoice – 21 March 2025
9. March 2025 invoice – 21 April 2025
10. April 2025 invoice – 21 May 2025
11. May 2025 invoice – 21 June 2025
12. June 2025 invoice – 21 July 2025

(g) That Council apply the following penalties in terms of Sections 57 & 58 of the Act:

1. On the penalty date a ten percent (10%) charge to be added to the balance of rates (excluding metered water rates) left owing of the instalment due on that date.
2. A charge of five percent (5%) be added on 1 September 2024 to any balance owing from any year's rates struck prior to 1 July 2024.
3. On the 21st day of each month, a charge of 10% to be added to any balance of the metered water rates owing from that total amount invoiced in the previous month (as set out in Section (D) above).
4. That rates shall be payable at Council's main office, Brougham Street, Westport (open 8:30am-4:30pm, Monday to Friday), or the Visitor & Service Centre at 67-69 Broadway, Reefton (open 09:00am- 4:30pm), or by using on-line banking, or through direct credit, direct debit, or credit card.

Cr A Pfahlert / Cr P Grafton

10/10

CARRIED UNANIMOUSLY

7. ZONE 1 RUBBISH COLLECTION LEVEL OF SERVICE – COUNCIL DECISION (Page 280)

Discussion:

Nil

RESOLVED That Council:

1. Receives the report.
2. Approves Option 3 for Zone 1 rubbish collection services, to be provided by Council through a contractor, with a 120L wheelie bin and funded via a Pay-As-You-Throw model for implementation from 1 July 2025.
3. Delegates the Chief Executive Officer authority to approve the Procurement Plan to tender the Option 3 Zone 1 rubbish collection services.
4. Notes that the tender recommendations resulting from the procurement process will return to Council for final review and approval before awarding a contract.

Cr G Neylon / Mayor J Cleine

10/10

CARRIED UNANIMOUSLY

8. DRAFT WEST COAST REGIONAL SPEED MANAGEMENT PLAN – FEEDBACK FROM PUBLIC CONSULTATION PROCESS (Page 286)

Discussion:

M Sutherland spoke to the report and answered Councillors questions.

Table A from previous agenda was circulated so that Council could go through the summary for public submissions and staff recommendations

Cr A Pfahlert departed the room at 6:10PM

Cr A Pfahlert returned at 6:13PM

Cr G Neylon departed the room at 6:20PM

Cr G Neylon returned at 6:22PM

Cr L Webb departed the room at 6:24PM

Cr L Webb returned at 6:25PM

Cr R Sampson departed the room at 6:25PM

Cr R Sampson returned at 6:27PM

Deputy Mayor A Basher departed the room at 6:28PM

Deputy Mayor A Basher returned at 6:29PM

Recommendation two was left on the table.

Two new recommendations were added and read below as recommendation two and three.

Each recommendation was voted separately.

RESOLVED That Council

1. Receives this report.

Mayor J Cleine / Deputy Mayor A Basher

10/10

CARRIED UNANIMOUSLY

- ~~2. Approves the "Do Minimum" option as presented in the Draft West Coast Regional Speed Management Plan with the following amendments:~~

~~2.1 All proposed school signs are 30/50 static variable speed limit signs.~~

~~2.2 The speed limit in Karamea remain at 50 kph (Map B2).~~

~~2.3 The speed limit in Little Wanganui is posted at 50 kph (Map B3).~~

~~2.4 The speed limit for Seddonville (De Malmanches Rd) is posted at 40 kph (Map B4).~~

~~2.5 The speed limit for Beach Road from SH 6 to the north side of Parsons Hill section is posted at 30 kph.~~

2. That Council, under standing order 24.6 as advised by the Mayor revoke the decision made 29 May 2024 in agenda item 7 where council resolved not to approve the following:

'b) After consideration of the submissions as summarised in Table A (Attachment 1); agrees and adopts the recommended changes detailed in Table A, to the Do Minimum Option, as well as to the West Coast Speed Management Plan and Buller District Council Maps.'

Cr A Pfahlert / Mayor J Cleine

7/3

MOTION CARRIED

3. That Council, under standing order 23.9 (as advised by the Mayor in order to provide direction) approve the "Do Minimum" option as presented in the Draft West Coast Regional Speed Management Plan incorporating the agreed amendments added from 'Table A' having regard to public submissions and staff advice.

Mayor J Cleine / Cr Joanne Howard

7/3

MOTION CARRIED

4. Requests the Regional Transport Committee to include the "Do Minimum" option, and any resolved amendments for the Buller district, into the West Coast Regional Speed Management Plan and advise Council of any subsequent changes it proposes.

Mayor J Cleine / Cr A Pfahlert

7/3

MOTION CARRIED

5. Authorises the CEO to make a submission to the Minister of Transport on the draft Land Transport Rule: Setting of Speed Limits 2024 Consultation Document by the closing date of 11 July 2024.

Cr T O'Keefe / Cr G Weston

7/3

MOTION CARRIED

9. STATEMENT OF INTENT – BULLER HOLDINGS LTD GROUP FOR THE YEAR ENDED 30 JUNE 2025 (Page 364)

Discussion:

Nil

RESOLVED That the Council adopts the Statement of Intent for Buller Holdings Limited, WestReef Services Limited, and Buller Recreation Limited which are combined into one document named the Buller Holdings Group Statement of Intent for the year ending 30 June 2025.

Deputy Mayor A Basher / Cr G Weston

9/1

MOTION CARRIED

10. STATEMENT OF INTENT – WESTPORT AIRPORT AUTHORITY (Page 388)

Discussion:

Nil

RESOLVED That the Council adopts the Statement of Intent for the Westport Airport Authority for the year ending 30 June 2025.

Mayor J Cleine / Cr A Pfahlert

9/1

MOTION CARRIED

MEETING ADJOURNED AT 6:53PM

Cr R Sampson departed the meeting at 6:53pm

11. PROPOSED CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS FOR FINANCIAL YEAR 2024/2025 (Page 398)

Discussion:

Page 401 The one year specific goals should say 2024/2025 Financial Year, not 2023/2024 *noted and amended*.

Page 400 – Under Statutory Duties Audit NZ to be replaced with Council's Auditor *noted and amended*.

Discussion was held around the report and feedback was provided by Councillors around what they would like to see as part of the KPI's.

RESOLVED That Council:

1. That Council receives the report Proposed Chief Executive Officer Key Performance Indicators for Financial Year 2024/2025.
2. That Council notes that these proposed Key Performance Indicators for financial year 2024/2025 have been presented and agreed with the Chief Executive Officer.
3. That Council adopts the proposed Key Performance Indicators for financial year 2024/2025.

Cr T O'Keefe / Cr A Pfahlert
9/9

CARRIED UNANIMOUSLY

12. MAYOR'S REPORT (Page 403)**Discussion:**

Discussion was held around the potential conflict of interest.

RESOLVED That Council:

1. Receive the report for discussion and information.
2. Notes the update to the Interests Register provided by Sharon Roche in relation to Independent Chairperson Risk and Audit Committee,
And either,
a) confirms the perceived or actual conflicts can be effectively managed,
OR
b) ~~Requests the CEO to prepare a report for further consideration on how best to manage the perceived or actual conflict of interest.~~
3. Notes Inwards and Outwards Correspondence and provide direction for any responses required.

Cr L Webb / Cr P Grafton
8/0/1

MOTION CARRIED

13. CHIEF EXECUTIVE OFFICER'S REPORT (Page 419)**Discussion:**

S Pickford spoke to the report and answered councillors questions.

RESOLVED

1. That the Council receive the Chief Executive Officers Report.
2. That the Council retrospectively approves the West Coast Councils NZTA Emergency Works Policies Review Submission.

Deputy Mayor A Basher / Cr A Pfahlert

9/9

CARRIED UNANIMOUSLY

14. PORTFOLIO LEADS VERBAL UPDATE (Page 426)**Discussion:****a. Inangahua Community Board – Cr L Webb**

Next meeting is 9 July.

b. Regulatory Environment & Planning - Councillors Neylon and Basher

Another Resource Consent Hearing 25 July. Council has applied under TTPP to rezone much of Alma Road. There is a prehearing Thursday 27 June.

c. Community Services - Councillors Howard and Pfahlert

Changes to Grants covered in CEO report. Thank you to all the groups who submitted to the EAP. Last week was volunteer week.

d. Infrastructure - Councillors Grafton and Weston

Nothing to update. AN interim Group Manager of Regulatory Services has been appointed and will be on site from next week.

e. Corporate Policy and Corporate Planning - Councillors Reidy and Sampson

Nothing to update as neither Councillor is in attendance.

f. Smaller and Rural Communities - Councillors O’Keefe and Webb

Hoping to go to Charleston and Punakaiki in August.

g. Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine

Nothing to update.

h. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon

Met in Westport. At the end of this week is the release of the new hazard maps for this area.

i. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy

Hasn’t met again since the last time.

j. WC Health Localities Project - Cr G Neylon

The three Mayor’s have decided to withdraw from this project. The three Councils do not have the resources for staff input.

k. Regional Transport Committee – Cr Phil Grafton

First meeting on the 5th July.

RESOLVED That Council receive verbal updates from the following Chairs and Council Representatives, for information:

- a. Inangahua Community Board – Cr L Webb
- b. Regulatory Environment & Planning - Councillors Neylon and Basher
- c. Community Services - Councillors Howard and Pfahlert
- d. Infrastructure - Councillors Grafton and Weston
- e. Corporate Policy and Corporate Planning - Councillors Reidy and Sampson
- f. Smaller and Rural Communities - Councillors O’Keefe and Webb
- g. Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine
- h. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon
- i. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy
- j. WC Health Localities Project - Cr G Neylon
- k. Regional Transport Committee – Cr Phil Grafton

Mayor J Cleine / Cr A Pfahlert

9/9

CARRIED UNANIMOUSLY

15. PUBLIC EXCLUDED (Page 427)

Discussion:

RESOLVED That the public be excluded from the following parts of the proceedings of this meeting:

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE 1	Krissy Trigg Group Manager Community Services	Flood Recovery Temporary House Options	s7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE 2	Krissy Trigg Group Manager Community Services	Flood Recovery Temporary House Options	s7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
PE3	Simon Pickford – Chief Executive Officer	Confirmation of Public Excluded Minutes	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or (s 7(2)(j)) - prevent the disclosure or use of official information for improper gain or improper advantage.

Mayor J Cleine / Deputy Mayor A Basher

9/9

CARRIED UNANIMOUSLY

Mayor J Cleine acknowledged M Duff who is finishing his role as GM Assets and Infrastructure on 27 June. He thanked Mr Duff for his 8 years of service to the Buller community and acknowledged the significant projects completed during his tenure.

MOVED INTO PUBLIC EXCLUDED AT 7:44PM

Table A Recommendations considering Public Consultation Feedback and Buller District Council decisions at 26/06/2024 meeting

Kph = kilometres per hour

SAAS = Safe and appropriate speed as assess by NZTA

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation Including summary required speed limit changes from Council Meeting)
B1	Kohaihai Road	16	Refer Map B1 Kohaihai Road from 800 m north of McCallums Mill Road 60 kph	NZTA recommends SAAS of 60 kph from 800 metres north of McCallums Mill Road. Recommend retain proposed 60 kph from north side of Mossy Burn Creek Bridge to northern end of Kohaihai Rd (1.75 km approx.) Recommend 80 kph from 800 m north of McCallums Mill Road to north side of Mossy Burn Creek Bridge. Map B1 to be amended to reflect this recommendation	Map B1 Most submissions (10) were in favour of a speed reduction on Kohaihai Rd, but wanted the length reduced, 5 wanted no reduction or speed reduced to 80 kph. <i>60 kph from north side of Mossy Burn Creek Bridge to northern end of Kohaihai Road.</i> <i>80 kph from 800 metres north of McCallums Mill Road to north side of Mossy Burn Creek Bridge.</i> <i>Map B1 to be amended to reflect the decision.</i>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation Including summary required speed limit changes from Council Meeting)
B2	Karamea	38	Refer Map B2 Waverly Street 30,kph Wharf Rd 30, kph Ray St 30, kph Hunter St 30 kph	<p>Replace existing 50 kph signs on Bridge Street with 30 kph and extend 30 kph for 200 m on each leg of intersection with Oparara Rd, Umere Road and Waverley Street.</p> <p>Rest of Waverley Street at current speed limit 50</p> <p>School zone 100 m each side of Karamea School side boundary.</p> <p>Waverley Street: 30 kph</p> <p>Signs to be Variable 30/50 kph. Signs be static (non-flashing).</p> <p>All other roads to remain at current speed limits in Karamea Township</p> <p>Map B2 to be amended to reflect these recommendations.</p> <p>Māori Point Rd 80 kph.</p> <p>And Karamea Highway from Māori Point Rd Intersection to current 50 kph sign Bridge Street 80 kph to be</p>	<p>Map B2 The majority of the submissions (all but one who wanted 40 kph) support the 30 kph zone in Waverley Street. Most only want the 30 kph during drop off and pick up times</p> <p>The majority of submissions are not in favour of reducing the speed for the rest of the street or on the side streets.</p> <p>8 submissions requested the Market Cross area be included with a speed reduction to 30 kph. This is consistent with the NZTA recommendation for this area.</p> <p><i>Note, minor amendment for 40 kph signs around Market Cross area.</i></p> <p><i>Replace existing 50 kph signs on Bridge Street with 40 kph and extend 40 kph for 200 m on each leg of intersection with Oparara Rd, Umere Road and Waverley Street.</i></p> <p><i>School zone 100 m each side of Karamea School side boundary. Waverley Street with Variable</i></p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation Including summary required speed limit changes from Council Meeting)
				considered as part of the next SMP review.	<i>Speed Limit.: Variable Speed Limit 30/50 kph. Stati Signs.</i> <i>Map B2 to be amended to reflect the decision.</i>
B3	Little Wanganui	20	Refer Map B3 Karamea Hwy (Little Wanganui) 40 kph	NZTA recommends SAAS 80 kph. Given majority of submissions were in favour 50 kph which is the current temporary speed limit through the area then 50 kph is recommended instead of the originally proposed 40.kph Map B3 to be amended to reflect these recommendations	Map B3 5 submissions were in favour of 40 kph 9 Submissions were in favour of keeping the current temporary 50 kph Not all submissions indicated a preferred speed. <i>50 kph for section of Karamea Highway (Little Wanganui) shown on map.</i> <i>Map B3 to be amended to reflect the decision.</i>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
B4	Seddonville	10	Refer Map B4 De Malmanches RD 60 kph	SAAS 60 kph. However, most submissions have requested 30 kph and the free flow speed is 31 (NZTA assessed). Recommend 30 kph for De Malmanches Rd due to narrow, windy gravel road with high seasonal use Recommend including Mokihinui Rd from intersection with Mokihinui Preserve Road to eastern end of formed and maintained Mokihinui Rd 60 kph Map B4 to be amended to reflect these changes	Map B4 6 submissions requested a lower speed than 60 kph. One submission was in support of 60 kph, one submission requested 80 kph, two wanted road widening. One submission was to include Mokihinui Rd <i>30 kph De Malmanches Road from Karamea Highway.</i> <i>60 kph Mokihinui Road from intersection with Mokihinui Preserve Road to eastern end of formed and maintained road.</i> <i>Map B4 to be amended to reflect this decision.</i>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
B5	Powerhouse Road	6	Refer Map B5 Powerhouse Road 60 kph	<p>NZTA SAAS 60 kph. Recommend 60 kph for Powerhouse Road as proposed.</p> <p>Caledonian Road - Consider this road at the next review of the SMP</p> <p>Map B5 as proposed to be confirmed as is to reflect this recommendation.</p>	<p>Map B5 All but one submission was in favour of 60 kph for Powerhouse One submission also requested Caledonian Rd be included at 60 kph One submission requested 80 kph</p> <p><i>60 kph Powerhouse Road for section shown on the map.</i></p> <p><i>Map B5 to be amended to reflect the decision.</i></p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
B6	Westport (including Carters Beach)	34	<p>Refer to Map B6 Westport - All schools - School Zones 30 Permanent (24/7) 30 kph</p> <p>Carters Beach - section of Marine Pde 30 kph</p> <p>Palmerston St from Brougham St north 30 kph All side streets west of Palmerston St from Brougham St north including east side of Brougham St 30 kph Gladstone St to Russell St 30 kph Adderley St from Wakefield St to Henley St 30 kph</p> <p>Alma Rd 60 kph McPaddens Rd 60 kph</p>	<p>School zones, locations as proposed on Map B6. Signs to be Variable 30/50 kph. Signs on all local roads to be static signs (non-flashing).</p> <p>Carters Beach Include all of Marine Pde and Golf Links Road in the General Residential Zone at 30 kph. Westport All streets and roads including Alma Rd and McPaddens Rd as per original recommendation, that is to remain as proposed. Additional streets in Carters Beach and Westport to be considered during the next review of the SMP. To be included for consideration at that time: McKenna Rd, Stephens Rd, Stafford St, Abattoir Rd, Excelsior Rd, Kew</p>	<p>Map B6 Westport Most submissions support 30 kph around schools but again most submissions only wanted restriction to be for drop off and pick up times only. Submissions did support Palmerston St at 30 kph and some included SH 67 which are recommended to be referred to NZTA. Some submissions request additional roads to be included. Alma Road and McPadden Road support the speed reduction, some support 60 kph others wanted 80 kph. Due to subdivision pressures 60 kph is supported for these two roads. Free flow speeds (NZTA assessed) on their roads are low 32 kph and 19 kph respectively support original recommendation of 60 kph.</p> <p>Carters Beach Submissions emphasised the need to reduce speed on Golf Links Rd. Some wanted the entire area to be 30 kph. Recommendation is to include Golf Linds road and Marine Parade with other roads to be</p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation Including summary required speed limit changes from Council Meeting)
				<p>Rd, Schadick Avenue – (Carters Beach)</p> <p>Map B6 to be amended to reflect these recommendations</p>	<p>considered as part of the next SMP review.</p> <p><i>(It is noted that the proposed 30 kph of Palmerston Street north of Brougham Street and the adjacent side roads was removed by Council. This matter may be considered in the future dependant on any proposed changes to the southern section of Palmerston Street (State Highway 67).</i></p> <p><i>School Zones, locations as shown on Map B6 with Variable Speed Limits.</i></p> <p><i>Variable Speed Limits 30/50 kph Static Signs.</i></p> <p><i>30 kph Marine Parade Carters Beach in General Residential Zone</i></p> <p><i>30 kph Golf Links Road Carters Beach in General Residential Zone</i></p> <p><i>60 kph McPadden Road</i></p> <p><i>60 kph Alma Road</i></p> <p><i>60 kph Gillows Dam Road</i></p> <p><i>60 kph Lakeside Terrace</i></p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation Including summary required speed limit changes from Council Meeting)
					<p><i>Map B6 to be amended to reflect the decision.</i></p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
B7	Cape Foulwind	10	Refer to Map B7 Lighthouse Rd 60 kph Limestone Road 60 kph Cape Foulwind Rd 60 kph Tauranga Bay Rd 60 kph	<p>Omau Rd - 30 kph Domain Rd 30 kph Clifftop Ln 30 kph Larson St – 30 kph Lighthouse Rd 40 kph Limestone Rd -60 kph Tauranga Bay Rd – 800 m from Lighthouse Rd intersection Cape Foulwind Rd 60 kph from McKay Rd to Tauranga Bay Rd</p> <p>Following road to be added Rest of Tauranga Bay Road through to Seal Colony Rd 80 kph Map B7 to be amended to reflect these recommendations</p>	<p>Map B7 Most submissions were in support but wanted further speed reductions, or additional roads included or the restrictions to be extended further due to safety concerns. NZTA recommendations as to safety and appropriate speeds plus the free flow speeds have been taken into account with the recommendations. Also official speed limit of some of the side roads is still 100.kph</p> <p><i>Omau Rd - 30 kph Domain Rd 30 kph Clifftop Ln 30 kph Larson St – 30 kph Lighthouse Rd 40 kph Limestone Rd -60 kph (western section from intersection with Lighthouse Road)</i></p> <p><i>It was noted that the speed limit on the eastern section of Limestone Road and Tauranga Bay Road is to be considered as part of the intersection upgrade.</i></p>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
B8	Charleston	27	Refer to original Map B8 Beach Road to middle section of Parsons Hill 40kph Beach Road to #192 60 kph Mays Rd 40 kph	Beach Road from SH intersection at Nile River to Mays Road: 30 kph Beach Road from Mays Road to #192 Beach Road: 30 kph #192 Beach Road to northern end of Hands Road: 60 kph Mays Road from SH intersection to Beach Road: 30 kph Beach Road from Hands Road intersection to SH intersection: Requested One-Way section of Beach Road from SH6 to Mays Road to be considered as part of the review of the BDC Traffic Bylaw Request for SH PSL to be reduced from 80 kph to 60 kph to be referred to NZTA The formed and maintained sections of the following roads also be included with the speed limits of Cemetery Rd 30 kph Princes Street 30 kph	Map B8 Charleston High number of submissions referred to this area. All were supportive of the speed reductions but wanted lower speeds and/or the sections of roads to be extended further, or some additions. Most submissions recognised the need to take into account the cycle trail which is under development for this area. The opportunity has been taken to include other mostly residential streets in the Charleston area with speeds that are consistent with the free flow speeds or the safe and appropriate speeds. Also official speed limit of some of the side roads is still 100 kph. <i>30 kph Beach Road from State Highway 6 intersection at Nile River to Property Number 192 Beach Road.</i> <i>60 kph from Property Number 192 Beach Road to northern intersection with State Highway 6</i> <i>60 kph Hands Road</i> <i>30 kph Mays Road</i>

Map Number	Road or Area	Number of Submissions	Draft SMP Recommendation	Recommendation based on consultation	Explanation for recommendation (Including summary required speed limit changes from Council Meeting)
				Constant Bay 30 kph Rotten Row 30 kph Powell Place 30 Darkies Trc 60 kph Access known as Birds Ferry Rd not included as not a legal road. Map B8 to be amended to reflect these recommendations	<i>30 kph Cemetery Road</i> <i>30 kph Princes Street</i> <i>30 kph Constant Bay</i> <i>30 kph Rotten Row</i> <i>30 kph Powell Place</i> <i>60 kph Darkies Terrace</i> <i>Map B8 to be amended to reflect the decision.</i>
B9	Reefton	13	Refer Map B9 Reefton - All schools - School Zones 30 kph Permanent (24/7)	School zones, locations as proposed on Map B9. Signs to be Variable 30/50 kph. Signs on local roads to be static signs, (non- flashing). Map B9 to be amended to reflect recommendation	Map B9 - Reefton Only three submissions referred to Reefton. Many submissions supported 30 kph around schools with most of these requesting during school hours. <i>School Zones Variable Speed Limited 30/50 Static Signs</i> <i>Map B9 to be amended to reflect the decision.</i>

Legend

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 4

Prepared by Simon Pickford
Chief Executive Officer

Attachments Attachment 1 – Council Action Points July 2024

COUNCIL ACTION POINT LIST

1. REPORT SUMMARY

A summary of council resolutions requiring actions.

2. DRAFT RECOMMENDATION

That Council receive the Action Point list for information.

Council Action Points - CURRENT

No	Meeting Date / Action Point	Responsible	Update	Date Required By
24	29 November 2023 Punakaiki Campground Update on progress with upgrading the Punakaiki Wastewater Treatment Plant	D-Marshall M Sutherland	<p>A budget of \$796,000 was included in the 2023/2024 annual plan for this project. The project has funding of \$398,000 from the TIF fund, \$198,000 from various council sources and \$200,000 from other funds - external funding.</p> <p>Current estimates to undertake the project are \$496,000. Staff have a number of matters to complete before the project commences including:</p> <ul style="list-style-type: none"> • Decision to proceed or not with a propriety system and sole supplier. • The level of TIF funding if the project cost is lower (approved application was based on a 50% contribution at cost estimate of \$796,000) • External funding - indications are that funding may not be available <p><u>Update 16 April 2024</u></p> <p>Council staff have engaged with staff managing the TIF fund. We have noted that we expect to have a much lower claim than they are funding us for due to lower project costs but that we are now unlikely to receive the \$200,000 of external funding.</p> <p>TIF have advised that the saving on the grant claim can be used to fund this shortfall if it occurs as they will still get a saving based on our forecasts.</p> <p><u>Update 26 June 2024</u></p> <p>Council staff received confirmation from TIF on 13 June 2024 that the Funding Agreement is now being prepared based on the proposed project timeline targeting project completion by mid-September 2024. Project status reports will be provided through RAC once initiation phase completed.</p>	26 June 2024 25 September 2024
25	28 February 2024 Punakaiki Campground Lease D Marshall to bring back reports to April Council regarding proposal from the Leasee	D-Marshall M Sutherland	<p>Staff have been focused on achieving the additional funding from TIF during the last month and on preparing the draft enhanced annual plan.</p> <p>Staff will be contacting the leasee over the effluent system installation in the coming month and will engage and report back on their proposal by end of June.</p> <p><u>Update 26 June 2024</u></p> <p>Once the TIF Funding Agreement has been received and approved by Council, staff will contact the leasee regarding the effluent system project and report back to the August 2024 meeting.</p>	26 June 2024 28 August 2024
26	28 February 2024 Brougham House Update Staff will report back in December 2024 on progress update on options being considered for Brougham House, EOC and Library.	K Trigg		18 December 2024

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 5

Prepared by Bronwyn Little
Policy Advisor

Reviewed by Krissy Trigg
Group Manager Community Services

FORMER REEFTON SERVICE CENTRE

1. REPORT SUMMARY

This report outlines the options presented to Council on 29 May 2024 for the future of the former Reefton Service Centre and to the Inangahua Community Board on 9 July 2024. It seeks Council's final direction on the future of the property.

2. DRAFT RECOMMENDATION

That the Council:

- 1. Notes the recommendations of the Inangahua Community Board (9 July 2024) as follows:**
 - **dispose of the former Reefton Service Centre property on the open market subject to legal advice; and**
 - **use the funds from the sale as investment into the senior housing portfolio in the Inangahua Ward.**
- 2. Resolves that the former Reefton Service Centre (building and associated land sections 178-179 Town of Reefton NL 8B/1024) be:**
 - a. disposed of on the open market, subject to legal advice; or**
 - b. leased at a commercial rate; or**
 - c. leased for a community use at a commercial rental amount; or**
 - d. leased for a community use at a peppercorn rental amount.**
- 3. Resolves that if the property is to be disposed of on the open market, then the proceeds of any sale are used to fund:**
 - a. Development of the Senior Housing portfolio within the Inangahua Ward; and/or**
 - b. Upgrading Council owned Community facilities within the Inangahua Ward**

3. ISSUES & DISCUSSION

3.1 BACKGROUND

In 2022 the Buller District Council Reefton Service Centre amalgamated with the Reefton Visitor Information Centre in Broadway. The former Service Centre is now vacant.

An initial search of council archives shows that the land and building were purchased from the Crown in 1989. It is understood that NZ Post operated the Reefton Post Office from the building. Inangahua County Council appears to have purchased the building and land to continue operating the post office and provide offices for their own staff. After local government amalgamation in November 1989 Buller District Council continued to use the building for the Reefton Service Centre and continued to provide NZ Post services along with the library services.

As noted above, the land and building are no longer used for Council purposes and there are a range of options for the future of the property.

3.2 COMMUNITY HUB PROPOSAL

At both the April 2024 and May 2024 Community Board meetings, a proposal to use the property for a Community Hub Facility was presented. In April 2024 ICB decided that they would not make a recommendation until a full proposal with more information was received. At that time, it was planned to give a recommendation to Council for May's meeting.

In May 2024 members of the community again spoke to a proposal for the community hub in the old service centre which had been sent to ICB members and Councillors on 19 April 2024. At that meeting the Community Board resolved as follows:

'that the Inangahua Community Board wait to make any recommendation on the Community Proposal until more information is received about the options for the Reefton Service Centre Building via a staff report at the May Council Meeting.'

3.3 COUNCIL CONSIDERATION

At the May 2024 Council meeting, the future of the property was considered by Council as part of a report on the property rationalisation project. Council considered the options presented by staff. Rather than make a final decision, Council resolved as follows:

'5. With regard to the Reefton Service Centre Building that Council refer the Report to the Inangahua Community Board for recommendation at their July meeting and that Council supports the Community Group to develop a Feasibility Study for presentation alongside the staff report for presentation at the July Inangahua Community Board Meeting.'

This decision was in line with the Inangahua Community Board Terms of Reference which include making recommendations to council on property (including land & buildings) acquisitions and disposals in the local area.

3.4 Inangahua Community Board recommendation

At the Community Board meeting on 9 July 2024 the report was considered, and the future of the building was discussed. After deliberating on the matter, the Board made the following decisions (unconfirmed minutes):

RESOLVED that the Inangahua Community Board

1. Recommends to Council that the former Reefton Service Centre (building and associated land sections 178-179 Town of Reefton NL 8B/1024) be:
 - a. disposed of on the open market subject to legal advice; or
 - ~~b. leased at a commercial rate; or~~
 - ~~c. leased for a community use at a commercial rental amount; or~~
 - ~~d. leased for a community use at a peppercorn rental amount.~~

D Giddens / R Abbey

5/5

CARRIED UNANIMOUSLY

RESOLVED that the Inangahua Community Board recommends to Council in regard to the sale of the former Reefton Service Centre that the funds be used as investment into the senior housing portfolio in the Inangahua Ward.

A Neil / D Giddens

5/5

CARRIED UNANIMOUSLY

3.5 OPTIONS

The options for the future of the property are set out in the following table:

Option	Benefits	Challenges
<p>a. sale of the property subject to legal advice</p> <p>Valuation (May 2024): Land Value \$185,000 Improvements \$210,000 Market Value \$395,000 (Excl. GST)</p> <p><u>ICB recommendation:</u> Dispose of the property on the open market and use the funds as an investment into the senior housing portfolio in the Inangahua Ward.</p>	<ul style="list-style-type: none"> • Immediate financial return to Council – valuation report attached as Appendix 1 • No future maintenance costs • Proceeds could be used for benefit of Inangahua Ward e.g. senior housing or community facilities upgrades 	<ul style="list-style-type: none"> • Legal matters to be resolved prior to sale e.g. S40 PWA1981– see 4.5 below
<p>b. lease the building at a commercial rate</p>	<ul style="list-style-type: none"> • On-going return 	<ul style="list-style-type: none"> • Lower return to Council over time • No immediate return to Council • Maintenance costs would still be incurred
<p>c. leases the building for a community use at a commercial rental amount</p>	<ul style="list-style-type: none"> • On-going return • Space for community use. 	<ul style="list-style-type: none"> • Lower return to Council over time • No immediate return to Council • Maintenance costs would still be incurred.
<p>d. leases the building for a community use at a peppercorn rental amount</p>	<ul style="list-style-type: none"> • Space for community use • No cost to community groups 	<ul style="list-style-type: none"> • Maintenance costs would still be incurred • No return to Council. • Inconsistent with how Council uses other buildings

3.6 Discussion

The former Reefton Service Centre is no longer required for a Council use and a decision on the future of the building and associated land is required. It is considered that, in line with the principles of the property rationalisation project (see 4.1 below) endorsed in the 2021-2031 Long Term Plan, the property should be sold. Leasing the building to a third party even at a market rate would still likely incur on-going costs to the council and ratepayers. Those costs would include maintenance, insurance payments and the management of responsibilities as a landlord.

The proceeds from the sale could then be used for the benefit of the Inangahua ward community in some way. The Inangahua Community Board has recommended that the funding should be allocated to senior housing in the Inangahua Ward. Council may wish to consider a wider use for the proceeds within the Ward, such as the upgrading of existing community facilities e.g. the Reefton Women's Institute Rooms, as well as the senior housing portfolio.

4. CONSIDERATIONS

4.1 Strategic Impact

The rationalisation of council property to ensure it is managed and utilised responsibly and for the benefit of the community is aligned to the Council's policy and direction. In the 2021-2031 Long-Term Plan one of the key assumptions is as follows:

'Opportunities to rationalise Council's building and property portfolio with sales of some surplus land and buildings will be realised during the life of this plan.'

And one of the Activity Contributions for the 'Property' Activity is:

'Ensuring land and property owned, vested and managed by the Council is rationalised and utilised responsibly, and for the benefit of the Buller community.'

4.2 Significance Assessment

The decisions in this report are not considered to meet the threshold to be considered significant decisions under the Policy.

4.3 Risk Management Implications

This decision does not provide Council with a significant risk.

4.4 Values

The Buller District Values are Community Driven, One Team, Future Focussed, Integrity and We Care. This project aligns with these values.

4.5 Policy / Legal Considerations

Legal advice is still being sought; however, it is likely that if the land and building were to be sold by Council the offer back process under Section 40 PWA1981 would be required as the property was acquired for the purposes of a public work i.e. the post office and council office. The offer back of the property, in this case most likely to be to the Minister of Land Information, would be based on the current valuation. It is also noted that the property is gazetted as Post Office (NZ Gazette Notice 1969 p.902). This matter will also need to be addressed, subject to legal advice, if a decision to sell the property was made.

If Council decides to dispose of the property a full legal assessment will be undertaken immediately.

4.6 Tangata Whenua Considerations

Council works in partnership with Ngāti Waewae to provide governance. To the best of our knowledge the decision to dispose of the particular properties outlined in this report does not hold significance in relation to ancestral land or a body of water or other elements of intrinsic value, and does not specifically impact Tangata Whenua, their culture, and traditions.

4.7 Views of Those Affected

The Inangahua Community Board has considered the matter and resolved to recommend the disposal of the property with the resulting sale funds to be used for senior housing purposes in the Inangahua Ward.

4.8 Costs

Staff input is managed from within existing budgets and staff workloads. Any additional work undertaken by specialist consultants (e.g. surveyors) is also managed from within existing budgets.

4.9 Benefits

See table above.

4.10 Media / Publicity

There has been media interest in the future of the former Reefton Service Centre recently – any future media enquiries will be managed appropriately by the Community Engagement Team.

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 6

Prepared by Bronwyn Little
Senior Policy Advisor

Reviewed by Krissy Trigg
Group Manager Community Services

Attachments 1. Proposed Amended 2022 BDC Standing Orders

AMENDMENTS TO STANDING ORDERS

1. REPORT SUMMARY

This report proposes some changes to the Buller District Council Standing Orders to clarify the function of, and process for workshops, as a consequence of the Ombudsman's report 'Open for Business' (October 2023). It also outlines amendments to the audio-visual provisions to bring the Standing Orders into line with best practice. The report notes the intention of Local Government New Zealand to provide a new template for Standing Orders later this year.

2. DRAFT RECOMMENDATION

That Council:

- 1. Receive the report;**
- 2. Notes the outcomes of the Ombudsman's 2023 Report ' Open for Business' and the resolution to adopt the findings of the report by Council on 13 December 2023;**
- 3. Notes the advice from Local Government New Zealand regarding amendments to Standing Orders as a result of the Local Government Electoral Legislation Act 2023 (Audio-Visual attendance at meetings);**
- 4. Adopts the amended Buller District Council Standing Orders as attached in Attachment 1.**

3. ISSUES & DISCUSSION

3.1 Ombudsman's Report 2023 - Workshops

In October 2023, The Chief Ombudsman released the findings from his investigations into local Council meetings and workshops. This investigation was initiated on 2 August 2022 to test concerns that councils were using workshops and other informal meetings to make decisions.

The Local Government Official Information and Meetings Act 1987 (LGOIMA) states that any meeting of a local authority, at which no resolutions or decisions are made, is not a 'meeting' for the purposes of the Act. During the course of the Chief Ombudsman's investigation, it became apparent that there is a lack of clarity around the definition of a 'decision' amongst local authorities.

The Ombudsman noted that in workshops some Councils gave their view on 'direction setting' with a show of hands and indicated that there was 'some degree of straw polling' in order to narrow options down.

The purpose of workshops should be to prepare elected members with the appropriate background and knowledge to make robust decisions for their communities, and to allow interrogation, discussion and deliberation among and between elected members and Council staff. Workshops are part of the educative and deliberative phases of Councils' decision-making process. However, final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

Provided an 'actual and effective decision' is not made, the Ombudsman considered that this type of deliberative process could appropriately take place in a workshop. However, a perception was likely to grow that the council is not operating transparently, if the following occurs:

- workshops are regularly conducted behind closed doors;
- the fact that they are occurring, and the rationale for closing the workshop, is kept out of public awareness;
- full and accurate records are not kept or are withheld from the community without explicit and robust rationale.

In conclusion the report sets out what should be done by Councils as a result of the findings:

- Adopt a principle of openness by default for all workshops (and briefings, forums etc), including a commitment to record a clear basis for closure where justified, on a case-by-case basis.
- Make sure the time, dates, venues, and subject matter, of all workshops are publicised in advance, along with rationale for closing them where applicable.
- Review practice and internal guidance for the keeping of records of workshop proceedings, ensuring they contribute to a clear audit trail of the workshop (including details of information presented, relevant debate

and consideration of options). Councils may wish to consider consulting with Archives NZ to determine good practice in this respect.

- Publish workshop records on the council's website as soon as practicable after the event.
- Formalise a process for considering release of information from closed workshops.
- Consider adding a message on a relevant section of council websites stating that members of the public are able to make a complaint to the Ombudsman in relation to the administration of workshops.

3.2 Council Decision December 2023 – current practice

In December 2023 Council considered an initial staff report on the Ombudsman's findings and resolved to fully implement the recommendations in the Open for Business Report as they relate to workshops:

- (a) Open all Council meetings and workshops for public attendance. Agendas for all meetings to be prepared however no public forum will be offered, or minutes taken at workshops.
- (b) A written record of the workshop will be kept and include:
 - time, date, location, and duration of workshop
 - people present, and
 - general subject matter covered.
- (c) Continue to use workshops for discussion and presentations. Recommendations can be presented to Council, but no decisions can be made within a workshop setting.
- (d) Advertise all Council meetings and workshops on the Buller District Council website and social media as well as other platforms as they become available.
- (e) Livestream all Council meetings and workshops via Buller District Council's YouTube channel.
- (f) Record all Council meetings and workshops and ensure they are on the Buller District Council website in a timely manner.
- (g) Establish pathways for complaints regarding Council meetings and workshops to be received and resolved.

3.3 Amendments to Standing Orders – Workshops

In order to implement these proposals and processes it is considered that some changes to the Standing Orders should be made. The addition of an Appendix to the Standing Orders regarding Workshops is proposed – attached as

Attachment 1. The appendix takes the matters referred to above into consideration.

3.4 Electoral Legislation Act 2023 - Audio-Visual meeting attendance

The Electoral Legislation Act 2023 changed the definition of quorum, as defined in the LGA 2002, for councils like BDC that allow remote participation in meetings. The specific change makes it clear, that from 1 October 2024, that anyone joining a meeting by audio visual means is to be counted towards the quorum. The amendment makes permanent the temporary arrangement put in place during the pandemic.

Local Government New Zealand have updated their current guidelines for standing orders as a result and have advised that the following amendments should be made.

The provisions in standing orders that need to be amended are:

- The definition, "*Present at the meeting to constitute quorum*".
- Clause 11.1 *Council meetings*
- Clause 13.8 *Members' status: quorum*
- Clause 13.9 *Members' status: voting*

The recommended changes are:

- **(Page 15) Delete** the current definition: Present at the meeting to constitute a quorum and replace with:
Present at the meeting to constitute quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link.
- **(Page 34) Amend** Clause 11.1 **Council meetings**, by deleting the word "physically" in sub-clauses "a" and "b".
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.*
- **(Page 38) Delete** Clause 13.8: **Member's status: quorum.**
~~*13.8 Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum*~~
- **(Page 38) Amend** Clause 13.9: **Member's status: voting**, by deleting the word "physically".
13.9 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.

Attachment 1 includes these amendments.

3.5 Updated Advice from Local Government New Zealand

It should be noted that Local Government New Zealand has advised that they are currently reviewing their Standing Orders guidelines and template. They will be seeking feedback on a draft template within the next few months and will have a new template ready for use for the inaugural meetings of the 2025 triennial elections.

4. CONSIDERATIONS

4.1 Strategic Impact

A decision to accept the changes would enhance the ability to meet strategic and statutory obligations by providing for open and transparent decision making.

4.2 Significance Assessment

This matter is not considered to meet the significance threshold under Council's Significance and Engagement Policy.

4.3 Risk Management Implications

This decision will provide for a clear audit trail of matters considered in workshops by recording and keeping records of workshop proceedings.

4.4 Values

The principle of openness for workshops being the default position and the corresponding commitment to record a clear basis for any closure where justified supports the Buller District Value of Integrity.

4.5 Policy / Legal Considerations

Legal considerations are considered in the body of this report. The changes proposed to the Audio-Visual attendance matters are as a result of the Local Government Electoral Legislation Act 2023.

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture and traditions.

4.7 Views of Those Affected

This decision does not require consultation with the community or stakeholders.

4.8 Costs

There is no financial implication relevant to this decision.

4.9 Benefits

Providing for the inclusion of members of the public at workshops (unless there is good reason to exclude the public) will improve the delivery of more transparent operations and therefore strengthen relationships between Council, stakeholders and communities.

4.10 Media / Publicity

There may be some interest in this decision from the media. The communications team will ensure that appropriate media releases and social media content are provided if required.



Buller District Council

Standing Orders

Ngā Tikanga Whakahaere Hui

~~October 2022~~

As Amended 31 July 2024

Preface/Kupu whakapuaki

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees, 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, subordinate decision-making bodies, and local and community boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

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.

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/Kupu Whakataki

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; the Guide is not part of the Standing Orders.

1.1 Principles/Ngā Mātāpono

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 2002; 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" (LGA 2002, s 39).

1.2 Statutory References/Ngā tohutoro ā-ture

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether 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/Ngā kupu rāpoto

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/Te hāngaitanga

For the removal of any doubt these Standing Orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions/Ngā whakamārama

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.

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

Audio link means facilities that enable audio communication between participants at a meeting where one or more of the participants is not physically present at the place of the meeting.

Audiovisual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under s 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 cl 30A of sch 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.

Conflict of Interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

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.

Debate means discussion by members that occurs once a motion has been moved/seconded

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.

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

Emergency meeting has the same meaning as defined in cl 22A of sch 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl 22 of sch 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.

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with cl 30A of sch 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, extraordinary, or emergency 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.

Member of the Police means a Constable of the New Zealand Police within the definition of s 4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and

this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these Standing Orders.

Officer means any person employed by the council either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968.

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 ss 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.~~

Present at the meeting to constitute quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link.

Presiding member means the chairperson.

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 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 website. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s 52 and s 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as chairperson of that regional council under cl 25 of sch 7 of the 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 or amendment.

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, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.

General Matters/Ngā take whānui

3. Standing Orders/Ngā tikanga whakahaere hui

3.1 Obligation to Adopt Standing Orders/Te kawenga ki te whakatū tikanga whakahaere hui

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.

LGA 2002, sch 7, cl 27(1) & (2).

3.2 Process For Adoption and Alteration of Standing Orders/Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

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.

LGA 2002, sch 7, cl 27(3).

3.3 Members Must Obey Standing Orders/Me whai ngā mema i ngā tikanga whakahaere hui

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.

LGA 2002, sch 7, cl 16(1).

3.4 Application of Standing Orders/Te whakahāngai i ngā tikanga whakahaere hui

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/Te tārewa taupua i ngā tikanga whakahaere hui

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.

LGA 2002, sch 7, cl 27(4).

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please Note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial Proceedings/Ngā whakawā a te Kaunihera

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical Address of Members/Ngā wāhi noho o ngā mema

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. Public access to those addresses is subject to the Privacy Act.

4. Meetings/Ngā hui

4.1 Legal Requirement to Hold Meetings/Te tikanga ā-ture ki te whakahaere hui

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/Te roa o ngā hui

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, then 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/Te reo

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.

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/Te pāho mataora i ngā hui

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First Meeting (Inaugural)/Te hui tuatahi

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.

LGA 2002, sch, cl 21(1) - (4).

4.6 Requirements For the First Meeting/Ngā tikanga mō te hui tuatahi

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 LGA 2002, sch 7, cl 21(4)).

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 LGA 2002, sch 7, cl14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (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 ss 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 the LGA 2002, sch7, cl 17.

LGA 2002, sch 7, cl 21(5).

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 authority from removing a deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

5. Appointments And Elections/Ngā kopounga me ngā pōtitanga

5.1 Mayoral Appointment of Deputy Mayor, Committee Chairs and Members/Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema

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 themselves.

LGA 2002, s 41A(3).

5.2 Council Discharge of a Mayoral Appointment/Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua

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 LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Establishment of Committees by the Mayor/Te whakatū a te koromatua i ngā komiti

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 sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

Please note, a Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A (3) and (4).

5.4 Elections of Regional Chairpersons, Deputy Mayors and Deputy Chairpersons/Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua

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 powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

LGA 2002, sch 7, cl 25.

5.5 Removal of a Deputy Mayor/Te whakakore i te tūranga a tētahi Koromatua tuarua

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 7.

LGA 2002, sch 7, cl 18.

5.6 Voting System for Chairs, Deputy Mayors and Committee Chairs/Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti

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.

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.

LGA 2002, sch 7, cl 25.

6. Delegations/Te tuku mana

6.1 Duty to Consider Delegations to Community Boards/Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori

The council of a territorial authority must consider whether to delegate to a community board if the delegation will enable the community board to best achieve its role.

LGA 2002, sch 7, cl 32(6).

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 LGNZ Guide to Standing Orders for further information.

6.2 Limits On Delegations/Ngā tepenga o te tuku mana

Unless clearly stated in the LGA 2002 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.

LGA 2002, sch 7, cl 32 (1).

6.3 Committees May Delegate/Ka taea e ngā komiti te tuku mana

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.

LGA 2002, sch 7, cl (2) & (3).

6.4 Use of Delegated Powers/Te whakamahi i ngā mana tuku

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

LGA 2002, sch 7, cl 32(2),(3), and (4).

6.5 Decisions Made Under Delegated Authority Cannot Be Rescinded or Amended/E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

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.

LGA 2002, sch 7, cl 30 (6).

6.6 Committees and Sub Committees Subject to the Direction of the Local Authority/Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe

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.

LGA 2002, sch 7, cl 30(3) & (4).

7. Committees/Ngā komiti

7.1 Appointment of Committees and Subcommittees/Te kopounga o ngā komiti me ngā komiti āpiti

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.

LGA 2002, sch 7, cl 30(1) & (2).

7.2 Discharge or Reconstitution of Committees and Subcommittees/Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

LGA 2002, sch 7, cl 30 (5) & (7).

Please note: Section 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. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

7.3 Appointment or Discharge of Committee Members and Subcommittee Members/Te kōupounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

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.

LGA 2002, sch 7, cl 31(1) & (2).

7.4 Elected Members on Committees and Subcommittees/Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

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.

LGA 2002, sch 7, cl 31(4).

7.5 Local Authority May Replace Members If Committee Not Discharged/Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl 30 (7), sch 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

LGA 2002, sch 7, cl 31(5).

7.6 Membership of Mayor/Te mematanga a te Koromatua

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.

LGA 2002, s 41A(5).

7.7 Decision Not Invalid Despite Irregularity in Membership/Kāore e noho manakore tētahi whakatau ahakoa i rangirua te mematangā

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.

LGA 2002, sch 7, cl 29.

7.8 Appointment of Joint Committees/Te kopounga o ngā komiti hono

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.

LGA 2002, sch 7, cl 30A(1) & (2).

7.9 Status of Joint Committees/Te tūnga o ngā komiti hono

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.

LGA 2002, sch 7, cl 30A(5).

7.10 Power to Appoint or Discharge Individual Members of a Joint Committee/Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono

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.

LGA 2002, sch 7, cl 30A(6)(a).

Pre-meeting/I mua i te hui

8. Giving Notice/Te tuku pānui

Please note; the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

8.1 Public Notice – Ordinary Meetings/Te pānui tūmatanui – ngā hui noa

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 the LGNZ Guide to Standing Orders for more information).

LGOIMA, s 46.

8.2 Notice to Members - Ordinary Meetings/Te pānui ki ngā mema – ngā hui noa

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.

LGA 2002, sch 7, cl 19(5).

8.3 Extraordinary Meeting May Be Called/Ka āhei ki te karanga hui Motuhake

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).

LGA 2002, sch 7, cl 22(1).

8.4 Notice to Members - Extraordinary Meetings/Te pānui ki ngā mema – ngā hui Motuhake

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the 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.

LGA 2002, sch 7, cl 22(3).

8.5 Emergency Meetings May Be Called/Ka āhei ki te karanga hui ohotata

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.

LGA 2002, sch 7, cl 22A(1).

8.6 Process For Calling an Emergency Meeting/Te pūnaha mō te karanga hui ohotata

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.

LGA 2002, sch 7, cl 22A(2).

8.7 Public notice – Emergency and Extraordinary Meeting/Te pānui tūmatanui – ngā hui ohotata me te Motuhake

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 website and in any other manner that is reasonable in the circumstances.

LGOIMA, s 46(3).

8.8 Meetings Not Invalid/Kāore e manakore ngā hui

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.

LGOIMA, s 46(6).

8.9 Resolutions Passed at an Extraordinary Meeting/Ngā tatūnga i whakamanahia i te hui Motuhake

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.

LGOIMA, s 51A.

8.10 Meeting Schedules/Ngā hōtaka hui

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 publicly notify each meeting.

LGA 2002, sch 7, cl 19(6).

8.11 Non-receipt of Notice to Members/Te kore e whiwhi pānui a ngā mema

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.

LGA 2002, sch 7, cl 20(1) & (2).

8.12 Meeting Cancellations/Te whakakore hui

The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting Agenda/Te rārangi take o ngā hui

9.1 Preparation of the Agenda/Te whakarite i te rārangi take

It is the chief executive's responsibility, on behalf of the chairperson, 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 must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for Raising Matters for a Decision/Te pūnaha mō te whakatakoto take hei whakatau

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.

9.3 Chief Executive May Delay or Refuse Request/Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono

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.

Where a Chief executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

9.4 Order of Business/Te raupapatanga o ngā mahi

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 8.

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/Te marohi a te ūpoko

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. A recommendation that differs significantly from the officer’s recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson May Prepare Report/Te pūrongo a te ūpoko

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public Availability of the Agenda/Te wātea o te rārangi take ki te marea

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.

LGOIMA, ss 5 & 46A.

9.8 Public Inspection of Agenda/Te tiroiro a te marea i te rārangi take

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (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.

LGOIMA, s 46A(1).

9.9 Withdrawal of Agenda Items/Te tango take i te rārangi take

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/Te tuari i te rārangī take

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of Agenda/Te tūnga o te rārangī take

No matter on a meeting agenda, including recommendations, may be considered final until determined by a formal resolution of that meeting.

9.12 Items Of Business Not on The Agenda Which Cannot Be Delayed/Ngā take kāore i runga i te rārangī take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

LGOIMA, s 46A(7).

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 of the LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of Minor Matters Not on The Agenda/Te kōrerorero i ngā take iti kāore i runga i te rārangī take

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.

LGOIMA, s 46A(7A).

9.14 Public Excluded Business on the Agenda/Ngā take o te rārangi take kāore e whārikihia ki te marea

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including 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.

LGOIMA, s 46A(9).

9.15 Qualified Privilege Relating to Agenda and Minutes/Te maru whāiti e pā ana ki te rārangi take me ngā meneti

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.

LGOIMA, s 52.

Meeting Procedures/Ngā Tikanga Hui/

10. Opening and Closing/Te whakatuwhera me te whakakapi

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/Kōrama

11.1 Council Meetings/Ngā hui Kaunihera

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.

LGA 2002, sch 7, cl 23(3)(a).

11.2 Committees and Subcommittee Meetings/Ngā hui komiti me te komiti āpiti

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.

LGA 2002, sch 7, cl 23(3)(b).

11.3 Joint Committees/Ngā komiti hono

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.

LGA 2002, sch 7, cl 30A(6)(c).

11.4 Requirement for a Quorum/Te herenga mō te kōrama

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.

LGA 2002, sch 7, cl 23(1) & (2).

11.5 Meeting Lapses Where No Quorum/Ka tārewa te hui mēnā karekau he kōrama

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/Ngā take mai i ngā hui tārewa

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/Te urunga a te marea me te hopunga

12.1 Meetings Open to the Public/E tuwhera ana ngā hui ki te marea

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.

LGOIMA, s 47 & 49(a).

12.2 Grounds For Removing the Public/Ngā take e panaia ai te marea

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Local Authority May Record Meetings/Ka āhei te mana ā-rohe ki te hopu i ngā hui

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the chairperson.

12.4 Public May Record Meetings/Ka āhei te marea ki te hopu i ngā hui

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings should 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 direct the recording to stop for a period of time.

13. Attendance/Te taenga

13.1 Members Right To Attend Meetings/Te mōtika a ngā mema ki te tae ki ngā hui

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.

LGA 2002, sch 7, cl 19(2).

If a member of the local authority is not an appointed member of the meeting which they are attending, 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 s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then 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/Te tae ki ngā hui ina whakahaere whakawā te komiti

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/Te tuku tamōtanga

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 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.

13.4 Apologies/Ngā whakapāh

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/Te hopu whakapāha

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/Te tamōtanga kāore i whakaaetia

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.

LGA 2002, sch 7, cl 5(d).

13.7 Right to Attend by Audio or Audiovisual Link/Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei

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/Te tūnga a te mema: kōrama~~

~~Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.~~

~~*LGA 2002, sch 7, cl 25A(4).*~~

13.9 Member's Status: Voting/Te tūnga a te mema: te pōti

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/Ngā mahi a te ūpoko

Where the technology is available and a member is attending a meeting by audio or audiovisual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

LGA 2002, sch 7, cl 25A(3).

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.

13.11 Conditions for Attending by Audio or Audiovisual Link/Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei

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 Audiovisual Link/Te tono kia tae mā te hononga ā-oro, ataata-rongo rānei

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 audiovisual 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 audiovisual 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/Ka āhei te ūpoko ki te whakakore i te hononga

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;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.14 Giving or Showing a Document/Te tuku, te whakaatu rānei i tētahi tuhinga

A person attending a meeting by audio or audio visual link may give or show a document by:

- (f) Transmitting it electronically;
- (g) Using the audio visual link; or
- (h) Any other manner that the chairperson thinks fit.

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

13.15 Link Failure/Ina mūhore te hononga

Where an audio or audiovisual 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/Te matatapu

A member who is attending a meeting by audio or audio-visual link must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's Role in Meetings/Te mahi a te ūpoko i roto i ngā hui

14.1 Council Meetings/Ngā hui kaunihera

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.

LGA 2002, sch 7, cl 26(1), (5) & (6).

14.2 Other Meetings/Ētahi atu hui

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.

LGA 2002, sch 7, cl 26(2), (5) & (6).

14.3 Addressing the Chairperson/Me pēhea te whakaingoa i te ūpoko

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's Rulings/Ngā whakataunga a te ūpoko

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appoint of order questions the

chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Chairperson Standing/Ina tū te ūpoko

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/Te mōtika a te mema ki te korero

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/Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero

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/Ngā Matapakinga a te Marea

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 of their choice, 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/Ngā tepenga wā

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. 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/Ngā Herenga

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/Ngā pātai i ngā matapakinga a te marea

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/Kāore he tatūnga

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 LGNZ Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations/Ngā Teputeihana

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; however, this requirement may be waived by the chairperson. 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/Ngā tepenga wā

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/Ngā Herenga

The chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a Deputation/Te pātai i ngā teputeihana

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/Ngā tatūnga

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/Ngā Petihana

17.1 Form of Petitions/Te āhua o ngā petihana

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 five working days before the meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 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/Te petihana ka whakatakotohia e te kaipetihana

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition Presented by Member/Te petihana ka whakatakotohia e tētahi mema

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/Te aukati i te marea

18.1 Motions and Resolutions to Exclude the Public/Ngā mōtini me ngā tatūnga ki te aukati i te marea

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in s 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.

LGOIMA, s 48.

18.2 Specified People May Remain/Ka āhei ngā tāngata ka tohua ki te noho mai

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.

LGOIMA, s 48(6).

18.3 Public Excluded Items/Ngā take e aukatihia ana ki te marea

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.

LGOIMA, s 46A(8).

18.4 Non-disclosure of Information/Te kore e whāki i ngā mōhihio

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/Te tuku i ngā mōhiohio nō te nohoanga aukati ki te marea

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.

19. Voting/Te pōti

19.1 Decisions by Majority Vote/Mā te nuinga e whakatau

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, a local authority (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

LGA 2002, sch 7, cl 24(1).

19.2 Open Voting/Te pōti tuwhera

An act or question coming before the local authority must be done or decided by open voting.

LGA 2002, sch 7, cl 24(3).

~~**19.3 Chairperson Has a Casting Vote/Kei te ūpoko te pōti whakatau**~~

~~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.~~

~~*LGA 2002, sch 7, cl 24(2).*~~

19.4 Method of Voting/Te tikanga pōti

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/Te tono i te wehenga

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/Te tono kia tuhi i ngā pōti

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members May Abstain /Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

~~19.8 Members May Abstain/Ka āhei ngā mema ki te noho puku~~

~~Any member may abstain from voting.~~

20. Conduct/Ngā whanonga

20.1 Calling to Order/Te tono kia tau ngā mema

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 immediately leave the meeting for a specified time.

20.2 Behaviour Consistent With Code Of Conduct/Ngā whanonga e hāngai ana ki te Tikanga Whakahaere

At a meeting no member 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/Te tango kōrero me te whakapāha

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/Ngā whanonga kino

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/Te whakahāwea

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.

A member who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal From Meeting/Te pana i te tangata i te hui

A member of the police or authorised security personnel may, at the chairperson's request, remove or exclude a member from a meeting.

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial Conflicts Of Interests/Ngā take taharua ahumoni

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.

LAMIA, ss 6 & 7.

20.8 Non-financial Conflicts of Interests/Ngā take taharua ahumoni-kore

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) could be affected by a separate interest, or duty, which that member may have 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/Te maru whāiti mō ngā whakaritenga hui

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.

LGOIMA, s 53.

20.10 Qualified Privilege Additional to Any Other Provisions/He āpitihanga te maru whāiti ki ētahi atu whakaritenga

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.

LGOIMA, s 53.

20.11 Electronic Devices at Meetings/Ngā pūrere hiko i ngā hui

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:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

21. General Rules of Debate/Ngā tikanga whānui mō te tautohetohe

21.1 Chairperson May Exercise Discretion/Kei te ūpoko te tikanga

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/Te tepenga wā mā ngā kaikōrero

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/Ngā pātai ki ngā kaimahi

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson, and how the question is to be dealt with is at the chairperson's discretion.

21.4 Questions of Clarification/Ngā pātai whakamārama

At any point in 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/or the particular stage the debate has reached.

21.5 Members May Speak Only Once/Kotahi noa iho te wā e āhei ai te mema ki te korero

A member, depending on the choice of options for speaking and moving set out in SO 22.2 -22.4, 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/Ngā tepenga mō te maha o ngā kaikōrero

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 Secunder May Reserve Speech/Ka āhei te kaitautoko ki te whakatārewa i tana korero

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

21.8 Speaking Only to Relevant Matters/Me hāngai ngā kōrero ki ngā take whai panga

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

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/Te whakahua anō i te mōtini

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/Te whakahē i ngā tatūnga

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/Te whakahē kupu

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.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 Right of Reply/Te mōtika ki te whakautu

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.

The original mover may 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 may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right or reply until the closure motion.

21.13 No Other Member May Speak/E kore e āhei tētahi atu mema ki te korero

In exercising a right of reply, no other member may speak:

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. 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.

21.14 Adjournment Motions/Ngā mōtini hei hiki i te hui

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/Te whakaae a te ūpoko ki ngā mōtini whakakapi

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/Ngā tikanga whānui mō te kōrero me te mōtini

22.1 Speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini

This subsection outlines the requirements for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

22.2 Option B/Kōwhiringa 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.

23. Motions and Amendments/Ngā mōtini me ngā whakahoutanga

23.1 Proposing and Seconding Motions/Te whakatakoto me te tautoko mōtini

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. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in Writing/Te tuhi i ngā mōtini

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

23.3 Motions Expressed in Parts/Ngā mōtini i whakawehea

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/Te whakakapi mōtini

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/Me hāngai ngā whakahoutanga me kua e whakahē i te mōtini

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. Reasons for not accepting an amendment can include:

- a) Not directly relevant
- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of Part 6 of the LGA 2002.

23.6 Foreshadowed Amendments/Ngā whakahoutanga kua kōrerotia kētia

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.7 Carried Amendments/Ngā whakahoutanga i whakaaetia

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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.8 Lost Amendments/Ngā whakahoutanga i whakahēngia

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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.9 Where a Motion is Lost/Ina whakahēngia tētahi mōtini

In a situation where a substantive motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.10 Withdrawal of Motions And Amendments/Te tango i ngā mōtini me ngā whakahoutanga

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement 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.

23.11 No Speakers After Reply or Motion Has Been Put/Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti

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 chair started putting the motion.

24. Revocation or Alteration of Resolutions/Te whakakore, te whakahou rānei i ngā tatūnga

24.1 Member May Move Revocation of a Decision/Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga

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 Part 6, 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/Mā te rōpū nāna te whakatau e whakakore

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.

LGA 2002, sch 7, cl 30(6).

24.3 Requirement to Give Notice/Te herenga ki te tuku pānui

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/Ngā herenga mō ngā mahi i raro i te tatūnga whai pānga

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/Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu

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/Te whakakore, te whakahou rānei mā te marohi ki rō Pūrongo

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.

LGA 2002, sch 7, cl 30(6).

25. Procedural Motions/Ngā mōtini whakahaere

25.1 Procedural Motions Must be Taken Immediately/Me pōti ngā mōtini whakahaere i taua wā tonu

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural Motions to Close or Adjourn a Debate/Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe

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/Te pōti mō ngā mōtini whakahaere

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/Te tautohetohe i ngā take i whakatārewatia

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/Ngā take e toe ana i ngā hui i whakatārewatia

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/Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

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/Etahi atu momo mōtini whakahaere

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

26. Points of Order/Te tono ki te whakatika hapa

26.1 Members May Raise Points of Order/Ka āhei ngā mema ki te tono ki te whakatika hapa

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/Ngā kaupapa mō te whakatika hapa

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/Ngā whakahē

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/Te tono whakatika hapa i te wā o te wehenga

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/Te whakatau a te ūpoko mō ngā tono whakatika hapa

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.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

27. Notices of Motion/Te pānui i ngā mōtini

27.1 Notice of Intended Motion to be in Writing/Me tuhi te pānui mō te mōtini e takune ana

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of Notice of Motion/Te whakahē i te pānui mōtini

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 the LGA 2002, ss 77-82. 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; 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/Te kaimōtini o te pānui mōtini

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/Te whakarerekē i te pānui mōtini

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/Ka tārewa te pānui mōtini

Notices of motion that are not moved when called for by the chairperson must lapse.

27.6 Referral of Notices of Motion/Te tuku i ngā pānui mōtini

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat Notices Of Motion/Ngā pānui mōtini tārua

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion 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/Ngā meneti

28.1 Minutes to be Evidence Of Proceedings/Ka noho ngā meneti hei taunakitanga mō te hui

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.

LGA 2002, sch 7, cl 28.

28.2 Matters Recorded in Minutes/Ngā take ka tuhi ki ngā meneti

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) Member absent without apology or leave of absence;

- (f) Member absent on council business;
- (g) The arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) 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;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) the names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA 1991, 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/Kāore e āhei te whakawhiti kōrero mō ngā meneti

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/Ngā meneti o te hui whakamutunga i mua i te pōtitanga

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/Te whakarite mauhanga

29.1 Maintaining Accurate Records/Te whakarite i ngā mauhanga tika

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.

Public Records Act 2002, s 17.

29.2 Method for Maintaining Records/Te tikanga mō te tiaki i ngā mauhanga

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.

Contract and Commercial Law Act 2017, s 229(1).

29.3 Inspection/Te tiroiro

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

LGOIMA, s 51.

29.4 Inspection of Public Excluded Matters/Te tiroiro i ngā take aukati marea

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.

Referenced Documents/Ngā tohutoro tuhinga

- 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

Appendix 1: Grounds to Exclude the Public/Āpitihanga 1: Ngā take e aukatihia ai te marea

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.

LGOIMA, s 7.

Under A2 (above) 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.

LGOIMA, s 48.

Appendix 2: Sample Resolution to Exclude The Public/Āpitihanga 2: He tauira mō te tatūnga ki te aukati i te marea/

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

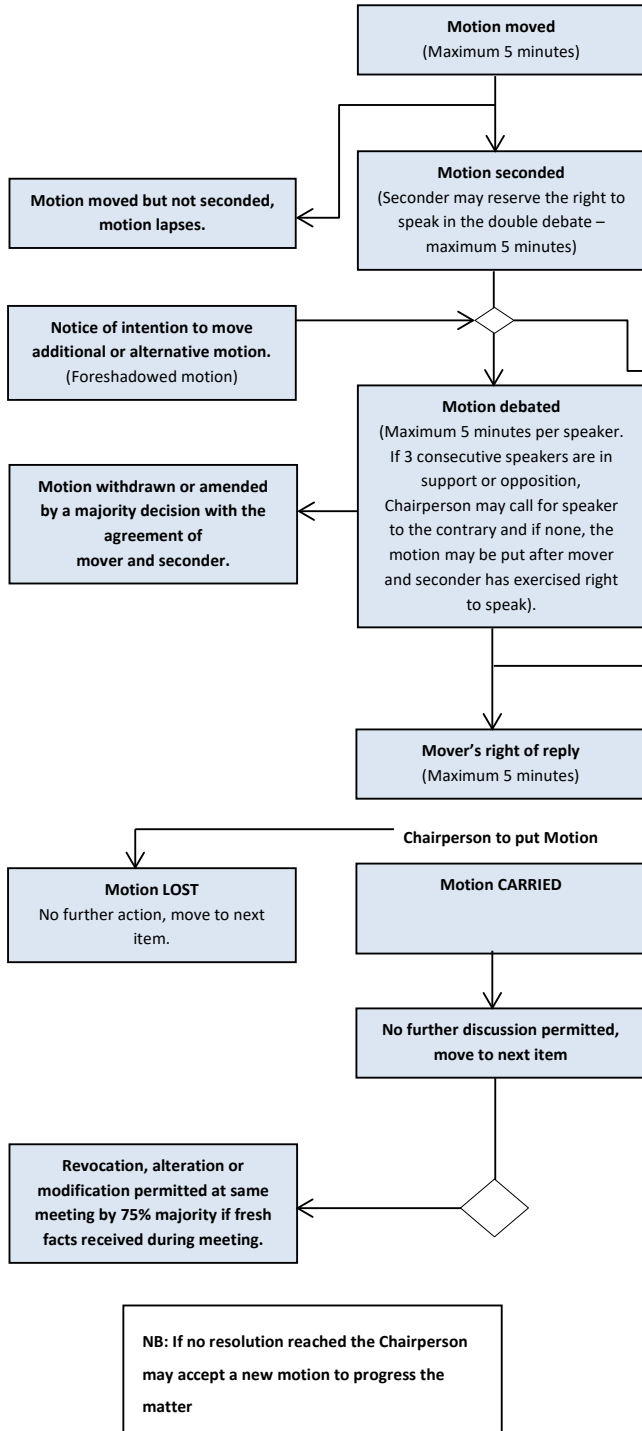
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

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)).

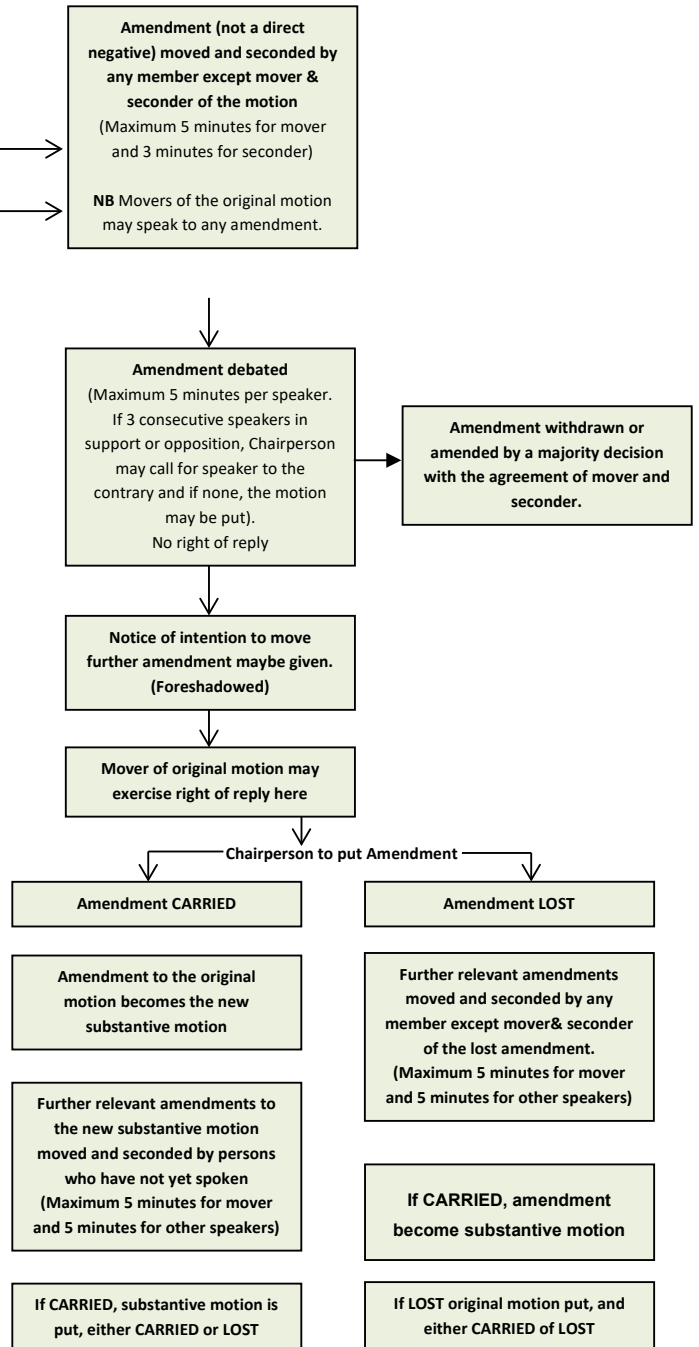
2. That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

Appendix 3: Motions and Amendments (Option B)/Āpitianga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)

Motions without amendments



Motions with amendments



Appendix 4: Table of Procedural Motions/ĀpitiHanga 4: Tūtohi mō ngā mōtini whakahaere

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 on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is 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

Appendix 5: Webcasting Protocols/Āpitihanga 5: Ngā tikanga mō te pāhotanga mataora

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.

Appendix 6: Powers of a Chairperson/Āpitihanga 6: Ngā Mana Whakahaere a te Ūpoko

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 (SO. 26.5)

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 (SO.9.12)

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 (SO.9.6)

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 (SO.9.5)

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 (SO.19.3)

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 (SO.23.2)

The chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts (SO.23.3)

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

Notice of motion (SO.27.2)

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 (SO.

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 (SO.27.7)

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.

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 scheduled 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 (SO.21.8)

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 (SO.21.11)

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 (SO.14.5)

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 (SO.14.6)

The chairperson may permit members to leave their place while speaking.

Priority of speakers (SO.14.7)

The chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes (SO.28.1)

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers (SO.16.3)

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 (SO.20.3)

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 (SO.14.4)

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 (SO.20.4)

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 (SO.20.6)

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance (SO.13.10)

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 be undertaken by the deputy chair or a member who is physically present.

**Appendix 7: Process for Removing a Chairperson or Deputy Mayor
From Office/Āpitianga 7: Te pūnaha mō te whakakore i te tūranga
a te ūpoko, te Koromatua tuarua rānei**

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.

LGA 2002, sch 7, cl 18.

Appendix 8: Sample Order of Business/Āpitihanga 8: He taurira mō te whakaraupapatanga o ngā take

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)

Appendix 9: Process for Raising Matters for a Decision/Āpiti hanga 9: Te pūnaha mō te whakatakoto take hei whakatau

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community 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 the chief executive; or
- Report of the 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 chairperson.

APPENDIX 10: WORKSHOPS

Purpose of workshops:

The purpose of workshops is to prepare elected members with the appropriate background and knowledge to make robust decisions for the community, and to allow interrogation, discussion and deliberation among and between elected members and Council staff. Workshops are part of the educative and deliberative phases of Councils' decision-making process. However, final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

Application of standing orders to workshops:

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

Calling a workshop:

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees
- (b) The Mayor,
- (c) A committee or subcommittee Chairperson or
- (d) The chief executive.

Notice of 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;
- (c) Advise the subject matter; and
- (d) Confirm that the workshop is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.

Public Notice:

Public notice of a workshop (either open or closed) is required and must include the details in (a) to (c) above.

Open/closed workshops:

As a matter of principle all workshops shall be open to the public unless there is a clear basis for the public to be excluded. If a workshop is to be closed to the public a record of the basis for the closure shall be recorded.

Workshop Process:

There will be no public forum or formal minutes taken at workshops.

Record of workshop:

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

- Time, date, location, duration of workshop;

- Persons present; and
- General subject matter covered

This record of the workshop shall be made available on the council's website as soon as practicable after the workshop.

If the workshop is closed to the public the release of information from the workshop shall be considered at the conclusion of the workshop.

Livestream:

All workshops which are open to the public shall be livestreamed on Buller District Council's YouTube channel. Livestreaming is not required at venues which do not have the appropriate technology or equipment available.

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 7

Prepared by Bronwyn Little
Senior Policy Advisor

Reviewed by Paul Numan
Group Manager Corporate Services

Attachments 1. Buller District Council Ward Boundaries Survey Office Plans

REPRESENTATION REVIEW – INITIAL PROPOSAL

1. REPORT SUMMARY

To consider Buller District Council's initial proposal for representation arrangements for the 2025 and 2028 elections.

2. DRAFT RECOMMENDATION

That Council:

- a. **Receive** the Representation Review – Initial Proposal report; and
- b. **Consider** how its representation arrangements can best provide for the fair and effective representation of identified communities of interest; and
- c. **Adopt**, in accordance with sections 19H and 19J of the Local Electoral Act 2001, the following initial proposal for representation arrangements to apply for the 2025 and 2028 elections:
 1. Buller District will be divided into three wards.
 2. Those three wards will be:
 - a) Seddon Ward as shown in **Attachment 1**
 - b) Inangahua Ward as shown in **Attachment 1**
 - c) Westport Ward as shown in **Attachment 1**
 3. The council will comprise the Mayor and 10 Councillors elected as follows:
 - a) 2 Councillors elected by the electors of Seddon Ward
 - b) 2 Councillors elected by the electors of Inangahua Ward
 - c) 6 Councillors elected by the electors of Westport Ward.
 4. There will be an Inangahua Community Board, comprising the area of Inangahua Ward.

5. The Inangahua Community Board will comprise four elected members and two members appointed by the council representing Inangahua Ward; and
- d. **Direct** the Chief Executive Officer, as required by section 19M of the Local Electoral Act 2001, to publicly notify the initial proposal, as adopted in c. above, within 14 days of this resolution (and before 8 August 2024) and distribute the initial proposal for public consultation.

3. ISSUES & DISCUSSION

3.1 Background

Local Electoral Act 2001:

All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements need to be determined to provide fair and effective representation for individuals and communities.

Buller District Council last reviewed its representation arrangements prior to the 2019 local authority elections. Therefore, Buller District Council is required to undertake a review prior to the next triennial elections in October 2025.

2019 Review:

At the time of the last review, an appeal against the council's final proposal was received and supported by a petition signed by 51 people, seeking establishment of a revised new Paparoa ward. The Local Government Commission considered the appeal and determined that the Council's final proposal be endorsed as set out below:

1. Buller District, as delineated on SO Plan 11451 deposited with Land Information New Zealand, will be divided into three wards.
2. Those three wards will be:
 - a) Seddon Ward, comprising the area delineated on SO Plan 14452 deposited with Land Information New Zealand
 - b) Inangahua Ward, comprising the area delineated on SO Plan 14454 deposited with Land Information New Zealand
 - c) Westport Ward, comprising the area delineated on SO Plan 14453 deposited with Land Information New Zealand.

3. The council will comprise the mayor and 10 councillors elected as follows:
 - a) 2 councillors elected by the electors of Seddon Ward
 - b) 2 councillors elected by the electors of Inangahua Ward
 - c) 6 councillors elected by the electors of Westport Ward.
4. There will be an Inangahua Community, comprising the area of Inangahua Ward.
5. The Inangahua Community Board will comprise four elected members and two members appointed by the council representing Inangahua Ward.

3.2 Review Process for Representation Arrangements:

In its review, Buller District Council must provide for effective representation of identified communities of interest and fair representation of electors, this is where the membership of wards provides approximately the same population equality per member, that is, all votes are of approximately equal value (referred to as the +/- 10% rule) unless there are good reasons to depart from this requirement.

Based on legislative requirements (Local Electoral Act 2001), the Local Government Commission's Guidelines for local authorities undertaking representation reviews identify the following three key factors when considering representation proposals:

- communities of interest
- effective representation of communities of interest
- fair representation for electors.

The Guidelines also identify the following as matters for consideration when identifying the 3 factors above:

- a. Recognising communities of interest:
 - perceptual: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - functional: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - political: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.

- b. Determining effective representation:
 - avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.

- c. Fair representation for the electors of a district
 - section 19V(2) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').

It is noted that the decision as to whether or not to have Māori electoral wards is not part of this review. That decision has already been determined by Council and is out of scope. Similarly, the choice of electoral system is not part of this review. Council has already determined to retain the "First-Past-the-Post" electoral system.

3.3 Workshop Discussions

Councillors considered the above matters in workshops in 2023 and the following is a brief overview of the discussions.

- a. Communities of Interest

Councillors discussed the methods used to engage with their communities and the majority felt that the face-to-face approach would still be key to how the various communities of the Buller would engage.

The council also noted in the last 6 years that:

- Population growth and the demographic split had seen minimal change,
- Settlement patterns, development activity and transportation links changes had been minimal.

This led councillors to conclude that communities of interest across the Buller were consistent with 2019.

- b. Effective representation of communities of interest

The spread-out nature of the district was noted by councillors. It was considered important that each community would be represented by an individual who knew their needs. Councillors took a view that the ward structure ensured that each geographical area of the district was

represented in the best way possible. They considered the current 3 ward approach as appropriate noting that previous considerations for a Punakaiki ward had not been supported by the council or the Local Government Commission and that nothing had changed in their view to support further consideration.

Councillors supported the retention of the Inangahua Community Board as did the board itself. No other community boards were identified as needing to be considered for representation purposes.

c. Fair Representation of Electors

The ‘+/-10% rule’ was noted in the workshops. The data used for this calculation in Buller was provided by the Local Government Commission as at June 2023 (original source being Statistics New Zealand). As the +/- 10% thresholds are not breached using the existing ward boundaries and the number of elected members calculation, it was not considered there was a need to change the ward boundaries or the number of elected members.

WARD	Estimated Residential Population*	Current number of Councillors	Population-Councillor ratio **	Deviation from district average population per Councillor	Percentage deviation from district average population per Councillor
Seddon Ward	1,780	2	890	-78	-8.06
Inangahua Ward	1,830	2	915	-53	-5.48
Westport Ward	6,070	6	1,012	44	4.51
Total	9,680	10	968***		

**Estimated Resident Population at 30 June 2023, based on 2018 census usually resident population counts (Source: Statistics New Zealand).*

***Population per Councillor, based on estimated residential population divided by 10 members*

****Population per Councillor across whole of District*

3.4 Draft Proposal

After consideration at the workshops Council adopted (29 May 2024) a draft proposal for initial community engagement which was to retain the status quo determined by the Local Government Commission for the 2019 election and used in the 2022 election – see above 3.1.

Local authorities undertaking reviews are strongly encouraged to carry out preliminary consultation prior to publicly notifying their initial proposal to the community This draft proposal was advertised in local newspapers and on the Buller District Council website with feedback sought from the community for the period 5 June 2024 to 5 July 2024. Council did not receive any public feedback during this period.

3.5 Initial Proposal

The final date for resolving an Initial Proposal for representation arrangements for the district for the elections in 2025 (and 2028 if so decided – see 3.7 below) is 31 July 2024 (today). Given that no feedback was received it is considered that the draft proposal (status quo) should be adopted as the Initial Proposal for public consultation for the following reasons:

- Population growth in the district and the demographic split have seen minimal change since 2019,
- Changes to settlement patterns, development activity and transportation links have been minimal since 2019,
- The current ward structure ensures that each geographical area of the district is represented in the best way possible,
- The current ward boundaries and allocation of councillors per ward is within the +/-10% threshold for fair representation.

Appendix 1 shows the boundaries of the district and wards as proposed.

3.6 Process and Timeframe:

Once Council decides on the initial proposal, the statutory process commences. Buller District residents will have an opportunity to provide their feedback on the proposal via submissions once the initial proposal is notified.

If no submissions are received the proposal becomes the basis for election at the next triennial election and public notice is given accordingly. If council does receive submissions, they will be considered, and Council may change the proposal as a result or endorse the initial proposal as the final proposal.

The final proposal will be publicly notified, and residents will again have the opportunity to make an appeal or objection. If there are no appeals or objections, the proposal becomes the basis of election at the next triennial election and public notice is given accordingly. If a person or organisation who made a submission to the initial proposal is not satisfied with council's final proposal, they can appeal against it. Alternatively, if the proposal is changed, any person or organisation (whether or not they made a submission) may object to those changes.

At this point, if appeals or objections are received, it is the Local Government Commission which makes a final determination on Buller's representation arrangements, and Council has no further role in the decision making. Similarly, if any part of the proposal adopted by Council does not comply with the +/- 10% requirements for fair representation (noting that the status quo does comply with these requirements), the

proposal will be referred to the Local Government Commission for determination.

The timeframe set for the review by the Local Government Commission is set out below:

Timeframe	Phase
By 31 July 2024	Resolve Initial Proposal for public notice
Within 14 days of resolution 5 August 2024	Public Notice of Initial Proposal
One month (minimum) 5 September 2024	Submission Period
Within 8 weeks of close of submissions By 3 November 2024	Approve and give public notice of Final Proposal
One month after publication By 3 December 2024	Final Proposal available for Appeals or Objections
Final Proposal	<ul style="list-style-type: none"> • No Appeals or Objections, proposal approved • If Appeals or Objections Final Proposal must be forwarded to Local Government Commission.
4 March 2025	Provisional date for hearing of any objections by Local Government Commission
By 10 April 2025	Determination provided by Local Government Commission
Appeals to Local Government Commission on matter of law	Within 1 month of determination

3.7 Options

Due to the timeframe for decision making the options available to Council are limited to the following:

- a. To adopt an initial proposal for Buller District Council's representation arrangements based on the status quo to put to the community for consultation; or
- b. To adopt an alternative initial proposal for Buller District Council's representation arrangements, to put to the community for consultation.

Council can also choose to adopt the representation arrangements for either the 2025 election alone or both the 2025 and 2028 elections. As noted above Councils must undertake a representation review at least once

every six years, unless a council chooses to undertake a review three years after its previous review. This might be due to rapid population growth, new residential development areas or if new representation arrangements are not working as intended. It is unlikely that the population in Buller will change significantly over the next six years in either size or general location. It is therefore recommended that, for clarity, the initial proposal is adopted for both the 2025 and 2028 triennial elections.

4. CONSIDERATIONS

4.1 Strategic Impact

Representation reviews are very important for local governance and help to ensure that:

- The process for the community selecting their elected representatives is open and fair.
- Everyone in the community have an equal right to stand for elected office and know that everyone's vote is of equal value.
- The community trusts in electoral processes and public institutions, which in turn supports democratic participation.
- A council's representation arrangements remain relevant and fair, considering changes in population, demographics and other factors.
- That council's overall representation is sufficient to meet community expectations and challenges.

4.2 Significance Assessment

Representation arrangements affect all Buller residents and have a high degree of significance. Electoral arrangements need to be representative and fair so that communities feel that they have influence and can effect change. Extensive consultation is required to ensure Council's representation arrangements accurately reflect the district and the communities of interest within it.

It should be noted that if no submissions are received, the initial proposal will automatically become the basis of representation for the 2025/2028 elections.

4.3 Risk Management Implications

There is a risk that the Council's representation decision could be overturned by an appeal. Under section 19O of the Act 2001, anyone who has made a submission on the review resolutions can lodge an appeal against Council's decision. The appeals are forwarded to the Local Government Commission which makes the final determination.

There is also a reputational risk for Council if the review process and final decisions are perceived as unfair or incomplete by the community.

4.4 Values

This decision aligns with all Buller District Values, which are: Community Driven, One Team, Future Focussed, Integrity and We Care.

4.5 Policy / Legal Considerations

The review of representation arrangements for Buller District is required under the Local Electoral Act 2001. Provided the decision on the initial proposal is adopted at this Council meeting all timeframes under the Act will have been met. The timeframe going forward will be adhered to as required.

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture and traditions.

It is not mandatory to consider the establishment of Māori wards, but the Council did consider this matter in 2023. The Council already has established a non-elected Māori Portfolio Councillor role (Ngāti Waewae) with voting rights at Buller District Council committee meetings but no voting right in Council meetings. This arrangement was considered to be appropriate and working well.

4.7 Views of Those Affected

Once an initial proposal is adopted it will be publicly notified, as required under the Act 2001. Then Council is required to consult with the public on the initial proposal for at least one month.

This consultation will be promoted through the usual Council social media channels and website, and through a public notification in local newspapers. Information will also be available at the Westport and Reefton Service Centres and the Library.

Any submissions received on the initial proposal will assist Council to either confirm its chosen representation arrangements or inform its amendment. Hearings for submitters wishing to speak to their submission, and deliberations, will be held within 8 weeks of submissions closing.

Local authorities are required under the Act 2001 to communicate their initial proposal to their applicable regional authority, the Local Government Commission, the Surveyor-General, the Government Statistician, the Secretary for Local Government and the Remuneration Authority. This is to help these organisations anticipate and plan the work required of them as a result of representation reviews.

4.8 Costs

There are no financial implications relevant to this decision as costs for public consultation will be met from existing budgets. The cost of a significant change to the representation arrangements e.g. an additional ward or community have not been considered by staff and are not currently budgeted for.

4.9 Benefits

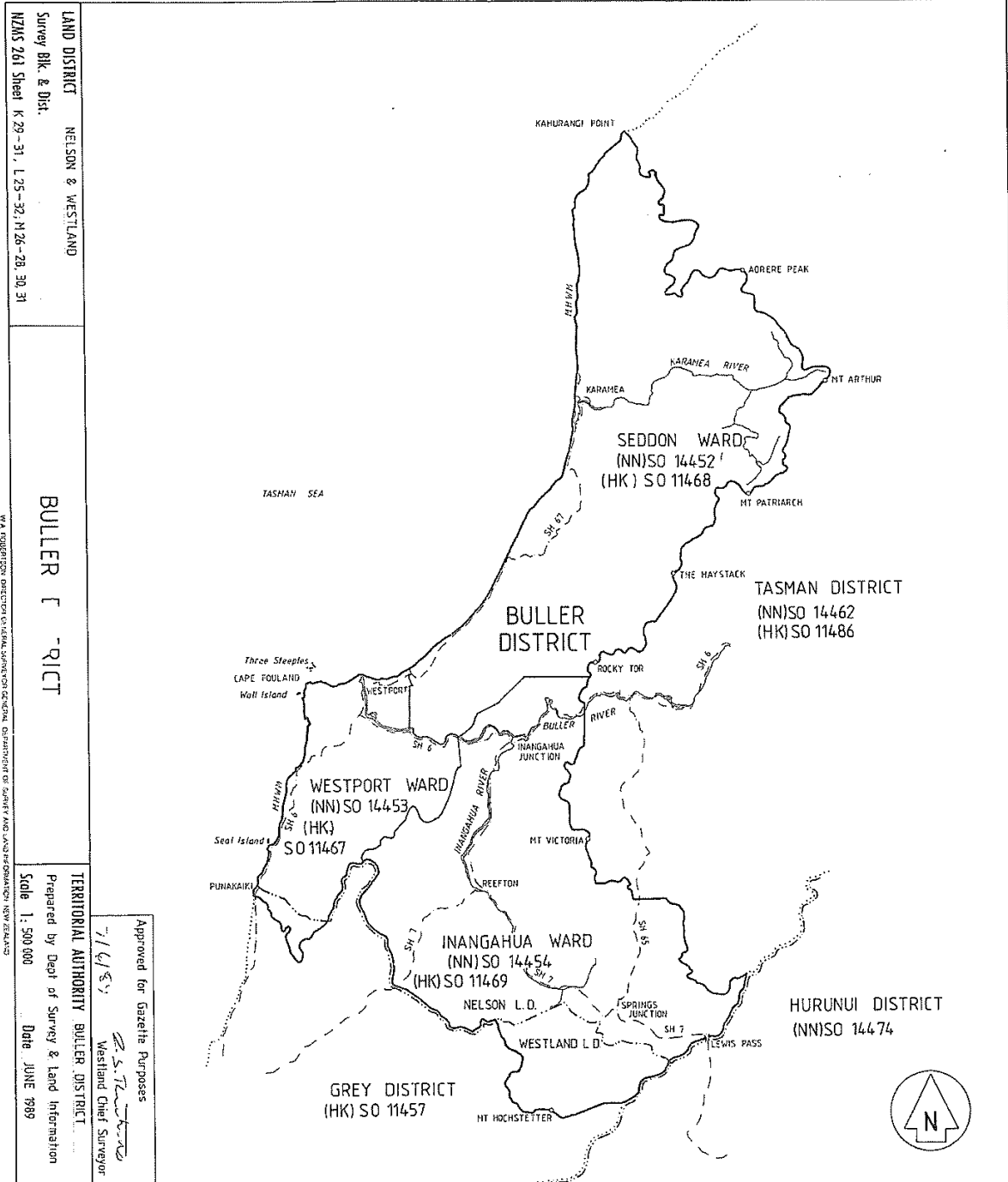
The benefits of retaining the status quo representation arrangements are discussed above in 3.5 and in summary:

- Recognises communities of interest throughout Buller District
- Effectively represents those communities of interest
- Provides for the fair representation for electors.

4.10 Media / Publicity

There is likely to be some media interest in the review of representation arrangements and the Communications team will provide appropriate media releases and responses.

The consultation and engagement programme has been prepared and will involve public notices in newspapers and full information on the initial proposal and submission process on the Buller District Council website.



LAND DISTRICT NELSON & WESTLAND
 Survey Blk. & Dist.
 NZMS 261 Sheet K 29-31, L 25-32, M 26-28, 30, 31

BULLER DISTRICT

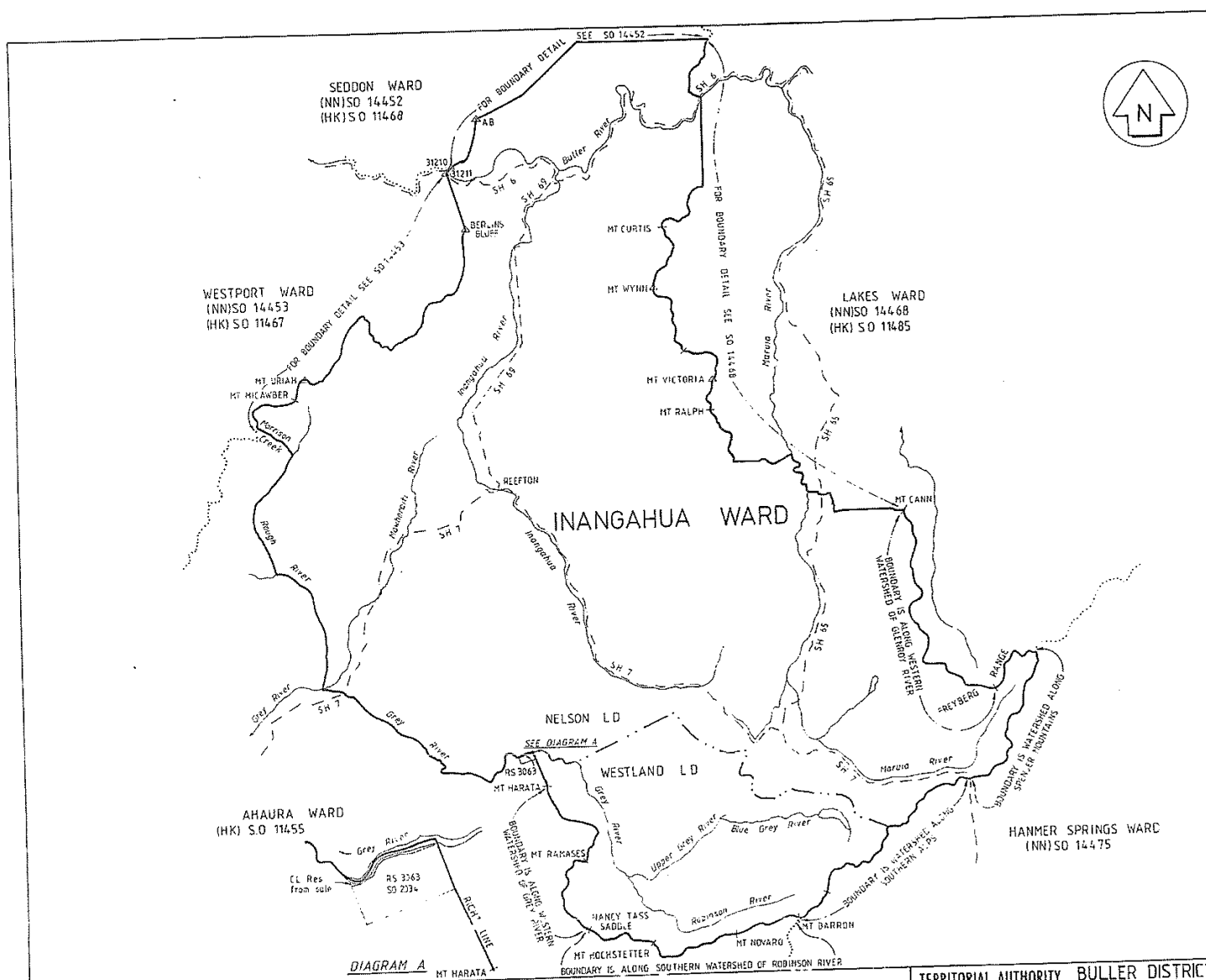
TERRITORIAL AUTHORITY BULLER DISTRICT
 Prepared by Dept of Survey & Land Information
 Scale 1: 500 000
 Date JUNE 1989

Approved for Gazette Purposes
 7/6/89
 Westland Chief Surveyor

Approved as to additions Wall Island, Seal Island and Three Steeples have been added to correct the extent of Buller District File 6215 01 (1777) 22/3/94 Chief Surveyor	Approved for Gazette Purposes 7/6/89 Nelson Chief Surveyor
COPY HELD AS SO 14451 IN THE OFFICE OF THE CHIEF SURVEYOR OF THE NELSON LAND DISTRICT	Deposited this day of 19
Total Area	SO 14451
Composed in	District Land Registrar
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1958 hereby certify that the data has been made from correct sources by me or under my direction. That the data has been prepared in accordance with the provisions of the Survey Act 1977 or any regulations made in substitution thereof.	
Dated at	
18 Signature	
19 Signature	
20 Signature	
21 Signature	
22 Signature	
23 Signature	
24 Signature	
25 Signature	
26 Signature	
27 Signature	
28 Signature	
29 Signature	
30 Signature	
31 Signature	

NOTE:-
 For all boundary detail refer to relevant
 Ward Plans

MICROROX
 MICROROX RECORDS (WAIKATO) LTD, HAMILTON
 9/5/94
 3
 2



Approvals

NOTE:
Where a Boundary is shown along a river or road it follows the middle line of the physical river or legal road unless shown otherwise.

All seaward boundaries follow MHWB but cross the mouths of all rivers, streams, inlets and estuaries unless shown otherwise.

Copy held as SO 14454 in the office of the Chief Surveyor of the Nelson Land District.

Approved for Gazette Purposes
21/4/89 Westland Chief Surveyor

Total Area _____

Comprised in _____

I, Registered Surveyor and holder of an annual practicing certificate who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at _____ this _____ day of _____ 19 _____

Field Book _____ a _____ Traverse Book _____

Reference Plans _____

Examined _____ Correct

Approved for Gazette Purposes
21/4/89 Nelson Chief Surveyor

Deposited this _____ day of _____ 19 _____

District Land Registrar

File No. 22 - _____
Received 6/6/89
Instructions 87, 88, 3023

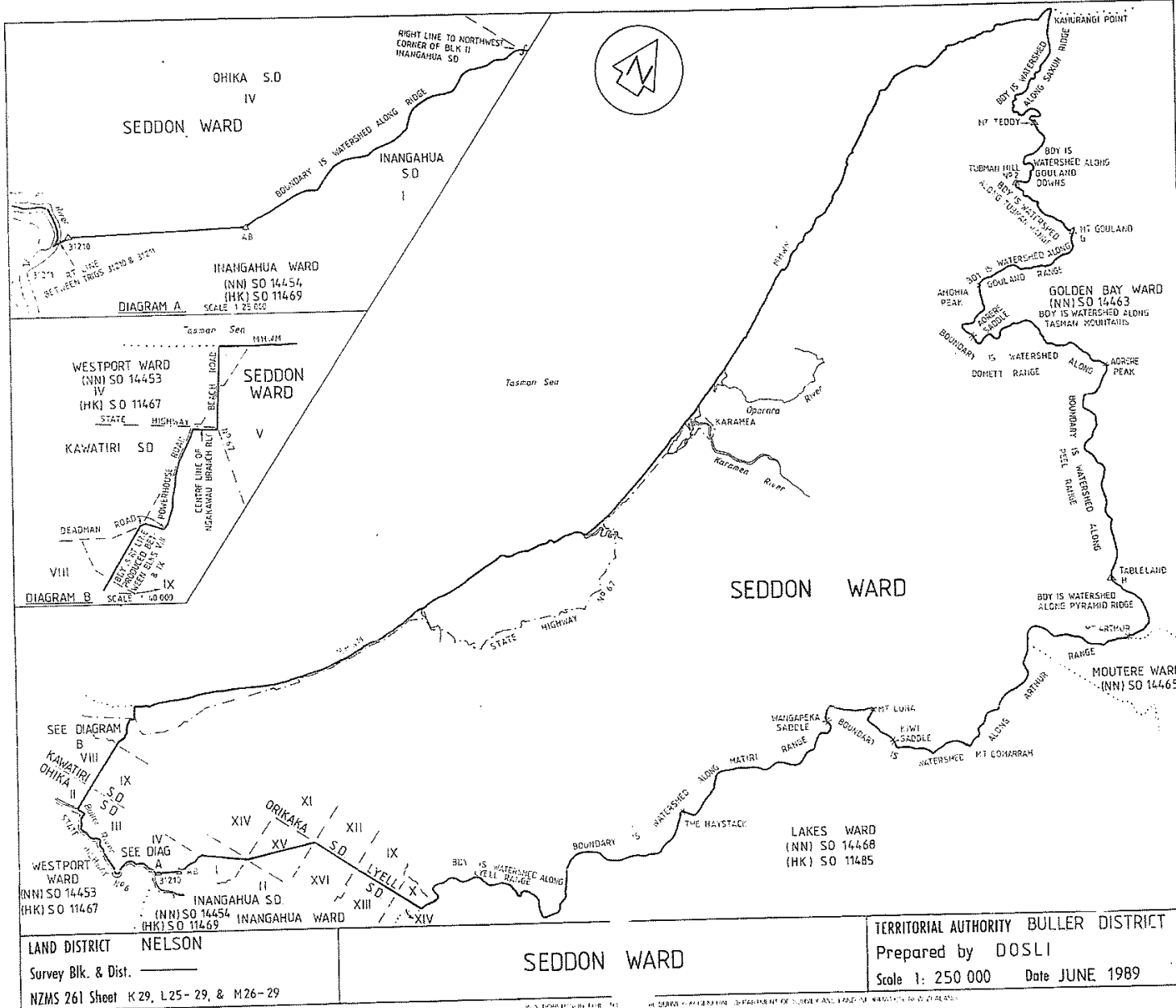
SO 14454

LAND DISTRICT NELSON & WESTLAND
Survey Blk. & Dist. _____
INFO MAP 261 Sheet K30, K31, L29, L31, L32, M30, M31

INANGAHUA WARD

TERRITORIAL AUTHORITY BULLER DISTRICT
PREPARED BY DOSLI
Scale 1:250 000 Date JUNE 1989

ATTACHMENT 1



Approvals

NOTE
Where a Boundary is shown along a river or road it follows the middle line of the physical river or legal road unless shown otherwise

All seaward boundaries follow MHWM but cross the mouths of all rivers streams inlets and estuaries unless shown otherwise

COPY HELD AS SO14452 IN THE OFFICE OF THE CHIEF SURVEYOR OF THE NELSON LAND DISTRICT.

Total Area _____

Comprised in _____

I, Registered Surveyor and holder of an annual practicing certificate for whom may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that this plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof

Dated at _____ this _____ day _____ 1989

Field Book _____ p _____ Traverse Book _____

Reference Plans _____

Examined _____ Correct

Approved for Gazette Purposes

7/6/89 _____
(Chief Surveyor)

Deposited this _____ day of _____ 1989

_____ District Land Registrar

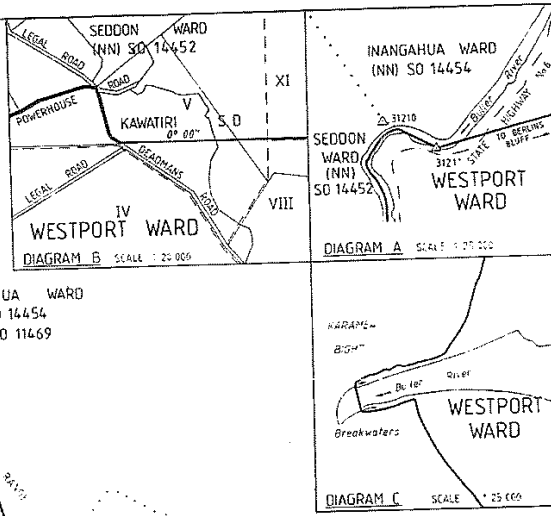
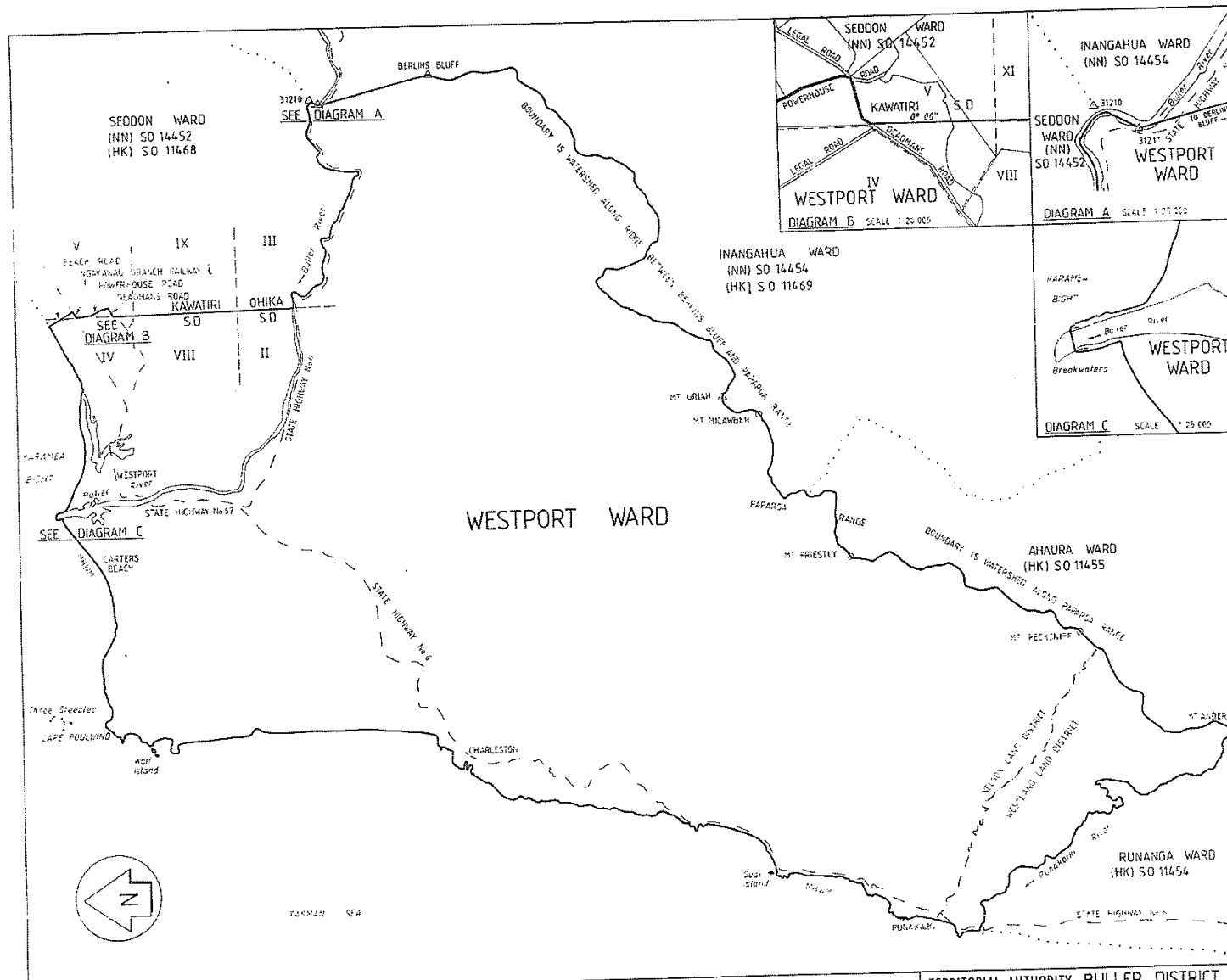
File 115214
Revised C. G. 89
Instructions 11780/89/2023

SO 14452

LAND DISTRICT NELSON
Survey Blk. & Dist. _____
NZMS 261 Sheet K 29, L25-29, & M26-29

SEDDON WARD

TERRITORIAL AUTHORITY BULLER DISTRICT
Prepared by DOSLI
Scale 1: 250 000 Date JUNE 1989



Approvals
 NOTE
 Where a Boundary is shown along a river or road it follows the middle line of the physical river or legal road unless shown otherwise

All seaward boundaries follow MHWM but cross the mouths of all rivers, streams, inlets and estuaries unless shown otherwise

Copy held as SO 14453 in the office of the Chief Surveyor of the Nelson Land District

Approved for Gazette Purposes
 7/6/89 *[Signature]*
 Westland Chief Surveyor

Total Area _____
 Comprised in _____

I, Registered Surveyor and holder of an annual practicing certificate or who may act as a Registered Surveyor pursuant to section 26 of the Survey Act 1950, hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof

Dated at _____ this _____ day of _____ 19____
 Signature _____

Field Book _____ Traverse Book _____
 Reference Plans _____
 Enclosures _____

Approved for Gazette Purposes
 7/6/89 *[Signature]*
 Nelson Chief Surveyor

Deposited this _____ day of _____ 19____
 District Land Registrar

File 1762/4
 Received 6.6.89
 Instructions 82/55/1023

LAND DISTRICT NELSON & WESTLAND
 Survey Blk. & Dist. _____
 NZMS 261 Sheet K29, K30, K31, L29 & L30

WESTPORT WARD

TERRITORIAL AUTHORITY BULLER DISTRICT
 PREPARED BY DOSLI
 Scale 1:125 000 Date JUNE 1989

SO 14453

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 8

- Prepared by** Brent Oldham
Manager Infrastructure Planning
- Reviewed by** Mel Sutherland
Acting Manager Infrastructure Delivery
- Michael Aitken
Group Manager Infrastructure Services (Interim)
- Attachments**
1. QuickMap Drain, 7 Herald Street, Reefton
 2. Email from Ngati Waewae
 3. Public Notification Reefton Clarion
 4. Public Notification Greymouth Star
 5. Council Resolution of 13-Dec-2023

DISESTABLISHMENT OF AN EXISTING RESERVE AND ESTABLISHMENT OF A REPLACEMENT RESERVE AND AN ACCESS EASEMENT IN REEFTON TOWNSHIP

1. REPORT SUMMARY

Mr Jon Escreet owns a large section at 7 Herald Street Reefton. A local purpose reserve, for stormwater drainage, was gazetted in 1968 and runs diagonally across the property. **(Attachment 1)** The owner is both unable and unwilling to build or develop on this section while this reserve is in place.

The reserve status is no longer needed as the stormwater drain now flows along the Eastern and Northern boundaries.

Disestablishing the reserve and swapping this for an equal area of land and an easement to access the drain for maintenance was agreed by Council Resolution on 13-Dec-2023. **(Attachment 5)**

Ngati Waewae have been consulted and support the decision to proceed with the process.

Public consultation commenced on 6 May 2024 and concluded on 7 June 2024 with no objections or submissions received.

The process now requires a second resolution from Council to authorise staff to formally apply to the Minister of Conservation for a decision.

2. DRAFT RECOMMENDATION

That Council:

- 1. Receives this report.**
- 2. Authorises Buller District Council staff to formally request the Minister of Conservation to consider an exchange of the current drainage reserve for an equivalent land area and titles.**

3. ISSUES & DISCUSSION

BACKGROUND

Mr Escreet and Council have been working to resolve this issue for over three years. While his section remains bisected by this reserve he is unwilling to invest in any development of the site. However, it is a complex situation that will take time to successfully navigate.

Infrastructure Services engaged CJ Coll Surveyors to find a way forward and they have advised Council on a process that will enable the matter to be resolved.

4. CONSIDERATIONS

4.1 Strategic Impact

No significant impacts other than the benefit that, if the desired result can be achieved, this will enable the land to be developed.

4.2 Significance Assessment

The section involved does not appear to hold any significance of an environmental or historic nature. Its sole significance is the existing drainage reserve.

4.3 Risk Management Implications

No significant risks have been identified with continuing this process.

It is noted that this case is an exceptional issue and has been considered on its merits.

4.4 Values

Aligns with our Community values.

4.5 Policy / Legal Considerations

There is no significant legal context, issue, or implication relevant to this decision.

4.6 Tangata Whenua Considerations

Iwi has been consulted and have no issues with proceeding with this process. **(Attachment 2)**

4.7 Views of Those Affected

The process required that the intention to disestablish the reserve was publicly notified and no objections were received. **(Attachments 3 & 4)**

4.8 Costs

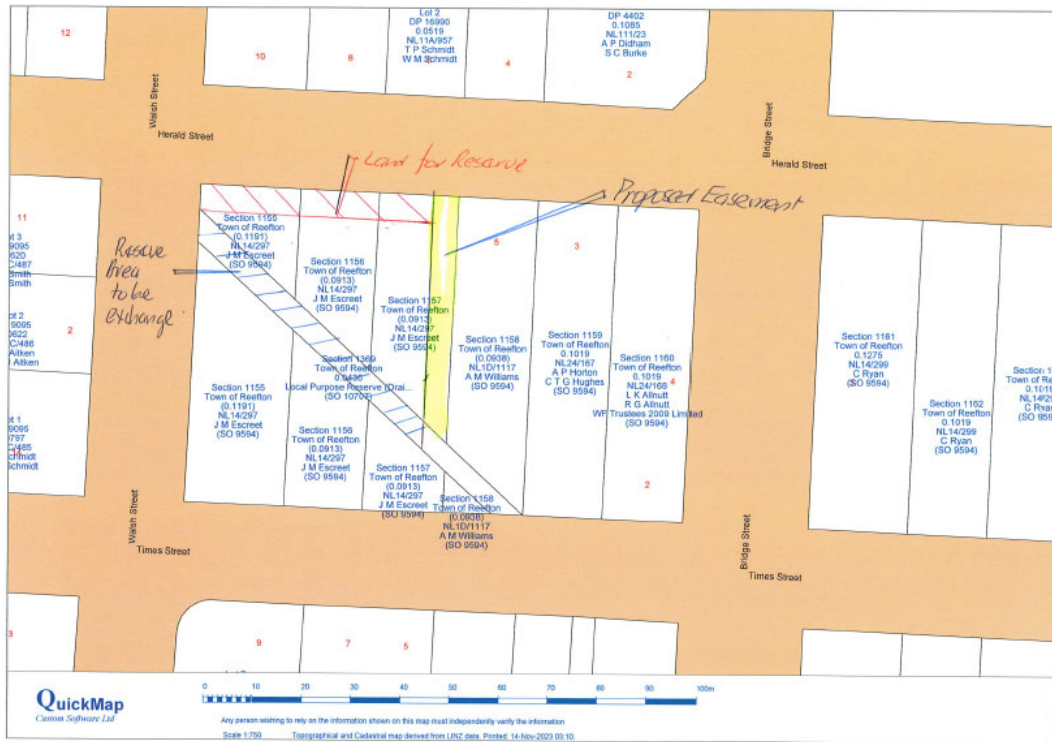
Total external costs, survey, legal and advertising have been estimated at \$10,500+GST. The bulk of these costs (survey and legal) will only be incurred if the process results in an agreement from the Department of Conservation to the disestablishment of the reserve. The landowner has accepted liability for all third-party costs incurred by Buller District Council.

4.9 Benefits

A significant hinderance to the development of a large Reefton section will be removed. A new drainage reserve will be created where a substantial drain is located and, via an easement, Buller District Council will have security of legal access to the remainder of the drain for maintenance purposes.

4.10 Media / Publicity

It is considered unlikely that this will attract any media attention. It is assumed that most residents and any affected stakeholders will see this as a logical resolution of a long-standing situation.

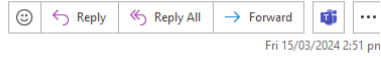


RE: Drainage Reserve in Reefton



Francois Tumahai <francois@ngatiwaewae.org.nz>
To Brent Oldham

You replied to this message on 18/03/2024 8:28 am.



Fri 15/03/2024 2:51 pm

Kia ora Korua

Sorry I thought I had responded to this.

Te Runanga o Ngati Waewae is happy to support the transfer and has no concerns, we have also informed Te Runanga o Ngai Tahu of our support should there be any issues.

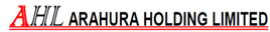
Please send anyone my way if they require any details.

Naku noa

na Francois Tumahai
Chairman



Chief Executive



Phone 0508-7862642
Mobile 021-425-229

Email Francois.Tumahai@ngaitahu.iwi.nz

THE CLARION, Monday, 6th MAY, 2024



BULLER
DISTRICT COUNCIL
The East Coast's Heartland



Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton under s.15, Reserves Act 1977

Council notifies the public that it intends to exchange the portion of the Local Purpose Reserve (drainage) (S1369 Town of Reefton) which runs through 7 Herald Street, Reefton (Sections 1155, 1156 and 1157 Town of Reefton) for land of an equivalent size on the northern boundary of the property.

Reason
The stormwater drain no longer flows through the current reserve but along the eastern and northern boundaries of the property.
Council proposes to create a new local purpose reserve on the land to be exchanged and also create an easement on the eastern boundary of 7 Herald Street. This arrangement will reflect the location of current stormwater infrastructure on the property and also allow the landowner to better utilise their property.

Submissions
Under Section 15, Reserves Act 1977 members of the public can make submissions to object to the proposed exchange.
Objections must be in writing, addressed to the Chief Executive Officer, Buller District Council, P.O. Box 21, Westport 7866 or by email to info@bdc.govt.nz with the subject Herald Street.
Objections must be received no later than 5pm on 7 June 2024.

Further information
To view a plan of the proposal and further information, go to Council's website, visit the Reefton Visitor and Service Centre (67-69 Broadway, Reefton) or the Buller District Council office in Westport (6-8 Brougham Street, Westport).



If you have any queries, please contact our Customer Service team on 0800 807 239 or email info@bdc.govt.nz.

Buller District Council, Chief Executive Officer, Simon Pookford

Sport/Classifieds

Supersport Star
SUPER RUGBY

Top four cement positions

Wideman, Hartman, Auckland... The Queensland Reds... The Hurricanes... The Brumbies... The Bulls...



Picture: Getty Images

Chick Daniel Ross scored a hat-trick in the match against Western Force at PNG Stadium, in a Hamilton on Saturday.

The Brumbies, Australia's top... The Bulls... The Hurricanes... The Brumbies... The Bulls...

RFL LEAGUE

Warriors slump continues, table-topping Sharks silence critics

The slumping Warriors... The Sharks... The Warriors... The Sharks...

In the end, Webster said... The Warriors... The Sharks... The Warriors... The Sharks...

of that performance, especially... The Warriors... The Sharks... The Warriors... The Sharks...

West Coast badminton results

West Coast... Results... The West Coast... The West Coast...

Results... The West Coast... The West Coast... The West Coast...

Results... The West Coast... The West Coast... The West Coast...

Public Notices

Crawford Refrigeration Ltd... Electrical and... Mechanical... Plumbing...

Public Notices

Employment... Electric tools... Welding equipment... Job applications...

Public Notices

For Hire... Diggers... Metal... West Coast Diggers... Livestock... FARA STOCKFEED... Meetings... Wanted... Adult Entertainment...

Public Notices

Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton... Greymouth Star... PERMANENT/RELIEVING RUNS AVAILABLE... in Kumara and Karoro areas...

Public Notices

Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton... Greymouth Star... PERMANENT/RELIEVING RUNS AVAILABLE... in Kumara and Karoro areas...

Public Notices

Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton... Greymouth Star... PERMANENT/RELIEVING RUNS AVAILABLE... in Kumara and Karoro areas...

Situations Vacant

HORIKITA CLUB... 42 Hamilton Street, Hokitika... JOB VACANCY - HEAD COOK/CHEF... We are looking for a passionate, highly motivated Cook...

Public Notices

Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton... Greymouth Star... PERMANENT/RELIEVING RUNS AVAILABLE... in Kumara and Karoro areas...

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Public Notices

Public Notice of intention to exchange Local Purpose Reserve (drainage) land at 7 Herald Street, Reefton... Greymouth Star... PERMANENT/RELIEVING RUNS AVAILABLE... in Kumara and Karoro areas...

RESOLVED that the Council

1. Receives the report.
2. Approves Option 3 to commence the reserve change process conditional on all costs to completion being accepted by the landowner, irrespective of the final outcome as may transpire.
3. Notes that any further development of the property will still be subject to Council's normal consenting process, irrespective of the final outcome as may transpire.

Cr G Neylon/Cr P Grafton

9/9

**Cr A Pfahlert not present for vote
CARRIED UNANIMOUSLY**

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 9

Prepared By: Jamie Cleine
Mayor

Attachments: 1. LGNZ Remits for 2024 Report
2. Mayors Correspondence

MAYOR'S REPORT

1. REPORT SUMMARY

This report is to provide commentary of significant events and meetings attended by the Mayor. The Mayoral inwards and outwards correspondence is provided for information and discussion. Council is also requested to consider proposed LGNZ remits and provide direction on voting and priority ranking.

2. DRAFT RECOMMENDATION

That Council:

1. Receive the report for discussion and information.
2. Notes Inwards and Outwards Correspondence and provide direction for any responses required.
3. Provides direction to the Mayor (via the table below) for voting on Proposed Remits at LGNZ Annual General Meeting 2024.

Proposed Remit	For/Against	Priority Ranking
1. Representation reviews		
2. Community Services Card		
3. Local government constituencies & wards should not be subject to referendum		
4. Entrenchment of Māori wards seats for local government		
5. Graduated driver licensing system		
6. Proactive lever to mitigate the deterioration of unoccupied buildings		
7. Appropriate funding models for central government initiatives		
8. Goods and services tax (GST) revenue sharing with local government		

3. COUNCIL

3.1 Mayors Taskforce For Jobs (MTFJ)

A contingent of Buller youth attended Festival for the Future in Wellington sponsored by Buller MTFJ. Unfortunately, flight disruptions meant I was unable to attend as planned, however my TUIA mentee (Matiu Manuel) and the Buller Mayors Task Force for Jobs (MTFJ) team did make it on the final day to participate in the festival.

The new financial year has begun for MTFJ, and the contract is once again in place with Buller REAP to continue delivery of the programme.

The annual performance report for 2023/24 year is almost complete for submission to the MTFJ national office. This report will be provided to Council in the August agenda.

3.2 Local Government New Zealand – Annual General Meeting Remits

The LGNZ AGM is to be held on 21 August 2024 as part of the Annual Conference events in Wellington. The Mayor has been registered as the presiding delegate authorised to vote on all matters at the AGM on behalf of the Buller District Council. CEO Simon Pickford is the alternate delegate. This paper seeks Council direction to the Mayor on how it wishes to vote on remits presented at the AGM. Further information on the remits to be considered is included as **attachment 1**.

Every year, LGNZ adopts new remits at the AGM. Each remit requires resourcing to deliver, and there is no limit to the number of remits that can be considered and passed. This means remits can create resourcing challenges, including conflict with agreed policy priorities.

LGNZ's National Council decided at its June meeting to ask the AGM to prioritise remits, to make it clearer where most resource should be directed. This will be a two-step process:

1. At the AGM, delegates will vote on remits as usual. Then, in a separate vote, they will rank successful remits in order of priority. This vote will be carried out electronically and result in a prioritised list of remits.
2. National Council will look at this prioritised list and allocate resource accordingly.
 - This will include determining where on the list the cutoff lies between a 'maximalist' and 'minimalist' approach. Depending on the nature of the remit, a 'maximalist' approach could include commissioning advice or research, or in-depth policy or advocacy work. A 'minimalist' approach could involve less resource, such as writing a letter to the relevant minister or agency.

- Any support that proposing Councils offer to deliver the remit will be considered in this decision making.

National Council will share its decision with Councils, along with proposed actions.

Progress made against remits will continue to be reported in the four-monthly update to members.

Council is asked to indicate via resolution its support for the various remits and the priority ranking by resolution.

4. EXTERNAL MEETINGS

4.1 West Coast Mayors, Chairs & Iwi Forum (MCI)

The West Coast Mayors, Chairs and Iwi forum (MCI) met via zoom on 3 July to further plan the best approach for application to the Regional Infrastructure Fund (RIF). It's important that the West Coast speaks with one voice in terms of alignment and support of each Council led application, noting that private enterprise will also be making applications to the RIF and will likely require MCI endorsement. We are achieving this "one voice" by working with Development West Coast, who have committed to co-funding of the projects and will assist in preparing the applications. If successful, the actual project funding and delivery will sit with the district. In Buller the first project that meets the criteria is further investment into the Westport floating pontoon fishing berths and potentially other resilience improvements to harbour facilities. The much larger project for the RIF will be Westport stormwater integration which will be worked on once we have the concept design work completed in September.

4.2 Ministerial Visits

Hon Penny Simmonds

I travelled to Greymouth on Tuesday 9 July for a late notice ministerial visit by Hon Penny Simmonds, Minister Tertiary Education & Skills to discuss the future of Tai Poutini Polytechnic. With the disestablishment of te Pukenga, the local polytechnic needs to develop a sustainable way to operate. The Minister is releasing a consultation document soon to share and receive feedback on options for this sector. The Mayors, Chairs and Iwi forum will continue to advocate for options that keep tertiary education options available to West Coast students.

Hon Simeon Brown

I travelled to Hokitika on Thursday 18 July to meet Hon Simeon Brown who was on a whistle stop tour to meet the regions' Mayors and Chairpersons. Minister Brown holds several portfolios including Local Government, Transport and Energy. We shared some of the challenges all three Councils are facing in funding three waters work and the importance of affordability for the community when considering Local Water Done Well. I also emphasised the importance of reviewing the financial assistance provided to low-income households through the rates rebate scheme. I highlighted how many rural ratepayers including those in Buller are disproportionately exposed to rising household expenses such as insurance, electricity and fuel compared to many urban centres. Rural areas are also facing the direct costs of emergency response and long-term recovery from natural hazards. We also spoke about his concept of "regional deals" and how there could be an opportunity to strategically plan a thirty-year pipeline of investment across the region in partnership with central government. This could include all facets of enabling and resilience investments into roads, three waters, and housing development that supports growth and may create opportunities for public/private investments where that made sense.

4.3 National Emergency Management – Wellington

I visited the National Crisis Management Centre – the "bunker" under the Beehive in Wellington on Wednesday 10 July. This was at the invitation of Department of Prime Minister and Cabinet to participate in a workshop with officials developing options for emergency management system reform. The group were interested in hearing lived experience of how the emergency management system works, especially in the West Coast context.

The Wellington trip also included my attendance at the Ru Whenua national exercise at Te Papa. I was invited to speak as part of a panel discussion to expand on opportunities to partner with private funders and partnership approaches to resourcing a long-term recovery. This was the third and final workshop/conference based on an alpine fault magnitude 8 earthquake. This day was based on recovery and considered things like major infrastructure rebuild, supply line challenges and restoring/rebooting the economy.

5. LOCAL EVENTS & RELATIONSHIP MEETINGS

I have attended various local events and relationship meetings over the period:

- West Coast Tasman MP Maureen Pugh was in Westport for a few days during the parliamentary recess. I met with Maureen to provide a briefing on the Resilient Westport work, including masterplanning and next steps once that is completed. We also discussed the RIF applications, the enabling of the minerals

sector and the potential for increased royalties from mining to flow back into the district.

- Owen Kilgour recently appointed Regional Director, Department of Conservation and Suvi van Smit, Buller Area Manager, for an update on the work of the department on the West Coast and the focus areas of Hon Tama Potaka as the new Minister of Conservation.
- Mayor's chats in Reefton and attended the Inangahua Community Board meeting.
- Hon Kieran McAnulty. Kieran was minister of local government and held the emergency management portfolios in the last government term. In both of those roles he forged a strong understanding of the issues the floods of 2021 and 2022 created and was instrumental in supporting our various funding requests to his cabinet colleagues. It was good to give him an update on the Resilient Westport work packages that BDC has responsibility for, the broader flood recovery and opportunities that lay ahead off the back of the Masterplanning work.

6. CORRESPONDENCE

For Council consideration – see attached.

Incoming Correspondence 2024	From	Subject
1 July 2024	John Bougen, Reefton Business Assoc.	Thank you – Reefton Volunteer of the Year Awards
3 July 2024	Hon Mark Mitchell	Reply to letter regarding a possible Emergency Management Precinct in Greymouth
12 July 2024	Minister Louise Upston	Jobseeker Reduction
23 July 2024	Hon Simeon Brown	Reply to letter regarding the Rates Rebate Scheme
Outgoing Correspondence 2024	To	Subject
26 June 2024	Road Safety Committee	Westland DC, Grey DC, Buller DC,
4 July 2024	Minister Simon Watts	Resilient Westport Progress
4 July 2024	Minister Simeon Brown	Rates Rebate Scheme – Adjustment
9 July 2024	Minister Chris Bishop	Infrastructure Acceleration Fund – Conditions Relief
17 July 2024	Lotteries Funding	Westport Returned Soldiers Bowling Club - Letter of Support
17 July 2024	Mike Palmer	Letter of Thanks Carters Beach Hall & Reserve Subcommittee
25 July 2024	Lotteries Funding	Norther Buller Museum Society – Letter of Support



2024 Annual General Meeting

REMITTS



Please note that this document is not the full set of papers for this year's AGM. It just includes the remits going forward to the AGM so members can decide how they will vote on them. The full set of AGM papers will be shared no later than 10 working days before the AGM.



Prioritising remits

Every year, LGNZ adopts new remits at the AGM. Each remit requires resourcing to deliver, and there is no limit to the number of remits that can be considered and passed. This means remits can create resourcing challenges, including conflict with agreed policy priorities.

LGNZ's National Council decided at its June meeting to ask the AGM to prioritise remits, to make it clearer where most resource should be directed. This will be a two-step process:

1. At the AGM, delegates will vote on remits as usual. Then, in a separate vote, they will rank successful remits in order of priority. This vote will be carried out electronically and result in a prioritised list of remits.
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 - Any support that proposing councils offer to deliver the remit will be considered in this decision making.

National Council will share its decision with councils, along with proposed actions.

Progress made against remits will continue to be reported in the four-monthly update to members.



Proposed Remit		Page
1.	Representation reviews	4
2.	Community Services Card	5
3.	Local government constituencies & wards should not be subject to referendum.	7
4.	Entrenchment of Māori wards seats for local government	20
5.	Graduated driver licensing system	22
6.	Proactive lever to mitigate the deterioration of unoccupied buildings	26
7.	Appropriate funding models for central government initiatives	46
8.	Goods and services tax (GST) revenue sharing with local government	48



// 01

Representation reviews

Remit: *That LGNZ advocate for changes that support the provision of timely and accurate regional and sub-regional population data to councils for use in council representation reviews.*

Proposed by: Waikato Regional Council

Supported by: Zone 2

Why is this remit important?

Because local democracy relies on accurate and up to date electoral population data to ensure fair and effective representation.

Background and Context

Census and local electoral cycles are not aligned which means that census data used to inform representation reviews can be up to six years old.

This remit is flexible enough to enable advocacy that takes into account a possible move to a four-year term and possible future shifts in the way the census may be conducted in the future, including a possible replacement by the use of administrative data.

How does this remit relate to LGNZ's current work programme?

This is a critical issue for local government as it goes to the very foundation of localism. Seeks advocacy in relation to a significant issue impacting local government.

This is not currently part of the current work programme but could be linked to the Electoral Reform Working Group's look at how to best implement a four-year term.

How will the proposing council help LGNZ to make progress on this remit?

Drafting submissions and attending meetings with Statistics New Zealand amongst other things.



// 02

Community Services Card

Remit: *That LGNZ advocate to Central Government to amend the Health Entitlement Cards Regulations 1993 so that the cardholder can use the Community Services Card as evidence for the purposes of accessing Council services which would otherwise rely on a form of means testing.*

Proposed by: Palmerston North City Council

Supported by: Zone 3

Why is this remit important?

Councils are restricted from requesting a community services card as evidence of eligibility to access services. Instead Council must instead request a series of other documents from an individual to test eligibility. This creates obstacles for applicants and privacy and consistency concerns for councils.

Background and Context

The authorised uses of Community Services Cards are set out in the Health Entitlement Cards Regulations 1993 regulation 12 and restrict the purposes for which it can be used. The Regulations state that no person, other than an employee of the department or the Ministry of Health or a pharmacist or any person (other than the cardholder) mentioned in regulation 12(b) or (ba) shall demand or request a Community Services Card as a form of identification of the cardholder or as evidence that the cardholder is eligible for that Community Services Card.

People in receipt of a main benefit (e.g. Jobseeker Support, Sole Parent Support, Supported Living Payment) or receiving a Student Allowance automatically qualify for a Community Services Card. Otherwise people can apply for a Community Services Card and must meet qualifying criteria including:

- They are over 18 years of age (or over 16 years of age if enrolled in full-time tertiary study)
- They are living legally in New Zealand (or are applying for refugee status)
- They meet an income test.

Palmerston North City Council in seeking to determine a means of establishing eligibility for some council services, including social housing, found that the Community Services Card, based on its eligibility criteria, would appropriately identify eligible people. However, current regulations do not allow councils to ask if a person is a Community Services Card holder in order to establish eligibility for council services.

Cabinet has previously amended the Health Entitlement Cards Regulation 1993 and the Social Security Regulations 2018 to add public transport authorities to those able to request or demand to see a Community Services Card, and the combination SuperGold and Community Services Card, as evidence that the cardholder is eligible for public transport concessions.

**How does this remit relate to LGNZ's current work programme?**

This remit could increase accessibility to local government services. It also comfortably sits within the principles of the Local Government Act 2002 in that it would give local government a tool to provide services more efficiently.

How will the proposing council help LGNZ to make progress on this remit?

We can provide further legal background knowledge and research to date; and accompany LGNZ in any advocacy meetings with the Ministry or legislators.



// 03

Local government constituencies & wards should not be subject to referendum

Remit: *That LGNZ lobbies central government to ensure that Māori wards and constituencies are treated the same as all other wards in that they should not be subject to a referendum. We oppose the idea that Māori wards should be singled out and forced to suffer a public referendum.*

Proposed by: Palmerston North City Council

Supported by: Zone 3, Te Pae Tawhiti (Horizons Region, Māori ward and constituency councillors)

Why is this remit important?

It is evident that the introduction of Māori wards and constituencies empowered more Māori to nominate, stand, vote, and participate in local government.

Legislative changes will only apply to Māori wards and constituencies but not all wards and constituencies. This shows a prejudice to Māori, a complete lack of fairness and will result in further disengagement of Māori in local government. It will see the demise of Māori representation and engagement in local government.

Background and Context

Māori wards and constituencies councillors serve on district, city and regional Councils in New Zealand and represent local ratepayers and constituents registered on the Māori parliamentary electoral roll. The purpose of Māori wards and constituencies is to ensure Māori are represented in local government decision making.

In February 2021, the Government made legislative changes which would uphold local council decisions to establish Māori wards and abolish the existing law which allowed local referendums to veto decisions by councils to establish Māori wards and Constituencies. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021, eliminated mechanisms for holding referendums on the establishment of Māori wards and constituencies on local bodies.

Many councils took the opportunity to make decisions about establishing Māori wards and Constituencies after the law change and as a result, the 2022 local elections saw six of the eleven regional councils (54.5%) have Māori constituencies and 29 of the 67 territorial authorities (43.3%) have Māori ward/s. Horizons Regional Council, and all seven District Councils of this region, have Māori wards.

Following the changes in legislation, there was a significant increase in Māori representation. The 2022 Local Government election saw the highest number of Māori elected members in local government, growing from 5% to 22%.



How does this remit relate to LGNZ's current work programme?

The proposed remit fits within LGNZ's stance that they too believe that Māori wards and constituencies should be treated the same as other wards in that they should not be subject to a referendum or if so, all wards should be subjected to the referendum.

Councils should be empowered to make decisions about the make-up of their representation through the Representation Review process.

How will the proposing council help LGNZ to make progress on this remit?

Palmerston North City Council and Te Pae Tawhiti already made oral and written submissions to the Justice Select Committee in June.

We also encouraged LGNZ to lead out the letter from the mayors to key ministers in May.

We are keen to support ongoing messaging, noting this remit is submitted prior to the Parliamentary decision on the proposed legislation.



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29 May 2024

Members of the Justice Select Committee,
Re: Local Electoral Amendment Act 2024

E ngā mana e ngā reo e ngā karangatanga maha, tēnā koutou katoa.

E te tēpū whakatau o ngā whakakaupapa hou mō 'Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill' Nei rā he mihi nui ki a koutou i āta whakaaro i āta whiriwhiri i ēnei kaupapa whakahirahira e pā ana ki ngā kaunihera o te motu. Ko mātou tēnei o Te Kaunihera o Papaioea e mihi atu nei ki a koutou me te kaupapa e kawea nei e koutou. Kia kaha, kia māia kia manawanui. Anei o mātou ake whakaaro e pā ana. Nō reira tēnā koutou, tēnā koutou, tēnā tātou katoa.

Thank you for the opportunity to submit to the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill. We challenge the Select Committee to genuinely consider the feedback provided through this process. Councils do not want or need this change to occur. Our communities, and certainly Rangitāne o Manawatū our Treaty partner, are not asking for this.

Palmerston North is home to:

- near on 100,000 people of over 150 ethnicities
- one of the youngest populations with the highest number of PhDs per capita in the country

We proudly display:

- our city crest in our Council Chamber- one of we understand only four in the country which depict both Māori and Pākehā in the heraldry. Three being councils and the Crown you represent being the fourth.
- a statue of Te Peeti Te Awe Awe in the heart of our city- Te Marae o Hine The Square. Erected in 1906 jointly by city and Rangitāne leaders.

Our representation arrangements, most recently reviewed in 2021, are 1 mayor + 15 members: 2 Māori ward seats and 13 General ward seats, at-large across the city.

PNCC is committed to the principles of local government. Namely, as set out in the Local Government Act 2002 sections 4 and 81, which state we must

"... recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local

government decision-making processes... to facilitate participation by Māori in local authority decision-making processes.”

and

“establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and

consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.”

There are also other statutory obligations, most notably the Resource Management Act 1991, to account for the culture and traditions of Māori as it relates to the natural environment. Not to mention obligations under the Treaty of Waitangi and the Human Rights Act. These obligations alone do not adequately emphasise the foundational importance of councils’ partnership with Māori and the critical value that relationships with tangata whenua bring to local governance.

Councils have many strategic commitments that support the development of Māori capacity to participate more fully and effectively in the Council’s decision-making processes. We engage directly with tangata whenua as a part of our statutory responsibilities and as a means of giving expression to the Council’s commitment to bicultural development and responsiveness. A Māori ward is another expression of this.

PNCC is committed to its kawenata relationship with tangata whenua Rangitāne o Manawatū, who support a Māori ward for wider Māori voice at Council. In 2021 Rangitāne o Manawatū gifted names for the city-wide wards:

- Te Hirawanui General Ward: reflects the long history of partnership between the Council and Rangitāne in the founding of Palmerston North, most particularly recognising one of our Rangatira chief Te Hirawanui who coordinated and inter alia signed the deed for sale for Te Ahu a Turanga land block, of which Palmerston North became a part.
- Te Pūao Māori Ward: the heralding a new dawn, and the mouth of a river as it leads to the ocean, reminiscent of the words spoken by Rangitāne rangatira Tiweta and Mahuri to the Ngāti Upokoiri people when they invited them to take refuge in the Manawatū-- in other words signalling the opportunities to come from the Māori ward and the relationship between Māori and Local Government in the Manawatū and beyond.

On 1 May 2024, Council resolved to formally endorse this current representative structure.

PNCC wants to increase engagement with parts of the city’s community that have historically been representationally marginalised. A Māori ward ensures Māori voices will be represented at local decision-making tables. It is one tool to support democracy, which a council can use to best represent the communities it serves. Māori can stand in general wards, but the data tells us they haven’t been doing so, even in Palmerston North where STV voting and district-wide wards which should encourage diverse candidacy. Māori wards are one way to remove a structural obstacle to the choices of Māori voters. In our view, having Māori ward seats at councils to represent those on the Māori elector role is the equivalent of Māori seats in Parliament for Parliamentary elections. Participation literature repeatedly points to people being able ‘to see themselves’ in diverse candidates as a motivator for voting. Many councils chose to establish Māori wards for the 2022 elections. We then saw the highest number of Māori elected members in local government, growing from 5% to 22%, much more closely aligned to the population. It is evident the introduction of Māori wards and constituencies enabled through the 2021 legislative change empowered more Māori to nominate, stand, vote, and participate in local government.

In its report to the Māori Affairs Committee in February 2021 on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill of the time, National Party members made their own statement, separate to the Committee report. The members noted (emphasis in bold below) that:

Rushed legislation is not good legislation.

We agree.

The [prior] law requires that when a council proposes general wards it must publicly notify its proposals and call and hear submissions. These provisions do not apply to the creation of a Māori ward under this [previous] bill. If the Government genuinely wished to align the process it would require the same legal process for creating Māori wards as for general wards.

We agree.

If Government wishes to treat Māori wards in the same way as general wards, it should seek to include Māori wards within the representation review process subject to community submissions and Local Government Commission review NOT reinstate a different process.

Representation issues are complex. They cannot be reduced to simple binary questions of yes or no. Palmerston North knows first-hand what division looks like when lobby groups from outside our community lead a poll demand.

If the Government's true intentions were to improve the representation arrangements for councils, rather than revert this legislation, they would be looking to improve it. For example, could the rules around population ratios be removed so that councils can be more responsive to the needs of their communities of interest and not limited by percentages and population ratios?

"Our 78 local councils with their 1,600 elected members, are already obliged under legislation to have improving relationships with Māori and ensure proper engagement and involvement with Māori in decision-making. Local government and iwi/hapū take those responsibilities very seriously and in good faith. How they best meet their Treaty obligations should be up to them to decide. Local government and Māori are quite capable of doing that and achieving the outcome, without the central government deciding the means."

We agree.

Local democracy is one of the two purposes of local government set out in section 10 of the Local Government Act,

"The purpose of local government is—to enable democratic local decision-making and action by, and on behalf of, communities."

Aotearoa New Zealand is a representative democracy. We elect leaders to lead. We understand well that as councillors we are democratically elected to make decisions on behalf of all of our communities, not just the majority. Local councils are well placed to make those decisions, because we consult our people and weigh up various viewpoints on an issue.

PNCC voted to establish a Māori ward for the City, in 2017 and again in 2021. Since then, every council in our Horizons region (8 councils) has established Māori wards or constituencies.

Why is the Government telling us we are not capable of making a decision we have already made twice, and must now be bound to the result of a referendum? New Zealand is a representative democracy. Referenda are usually used for consultative purposes on controversial issues. The 1993 electoral system referendum is the rare case of a binding referendum. None of the 5 citizen-initiated referenda held since 1994 have been actioned by Parliament. Why then impose a binding referendum

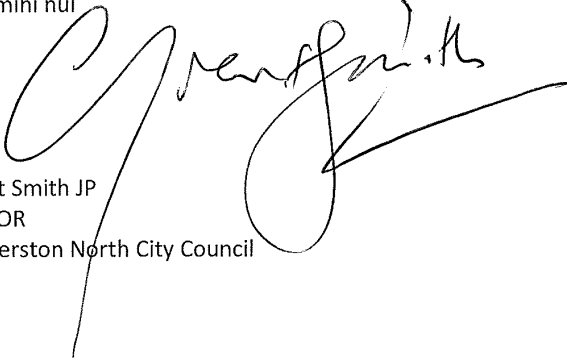
that allows people not directly affected by the result (ie. those not on the Māori electoral roll) to determine an outcome?

“Not the most important local government issue at this time when Local government is struggling on several fronts. The sector is overwhelmed and facing the most significant period of change in 30 years, and there are more pressing issues to address at this time like infrastructure, housing, transport, water, resource management, consenting processes, climate change impacts, and poor customer experiences.”

We agree. The costs of polls are another unfunded mandate on councils. We have more than enough to do without distractions of fixing something that is not broken; that is in fact working well. Having a Māori ward works extremely well for Palmerston North. Why is the central government now telling us to spend more ratepayer money and time on a referendum?

We ask that the Local Electoral Act provisions with regard to the establishment of Māori wards and constituencies not be changed.

Ngā mihi nui



Grant Smith JP
MAYOR
Palmerston North City Council

29 May 2024

Submission of Te Pae Tāwhiti Rōpū

To: Justice Committee regarding the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Te Pae Tāwhiti Rōpū is a rōpū (group) made up of Māori Ward Councillors from the Horizons Region.

The Horizons Region is the Manawatū-Whanganui area of the lower North Island. The region is made up of eight Councils:

- Horizons Regional Council
- Palmerston North City Council
- Manawatu District Council
- Ruapehu District Council
- Rangitikei District Council
- Horowhenua District Council
- Tararua District Council
- Whanganui District Council.

All of the Councils of the Horizons Region, except Whanganui District Council, established at least one Māori ward/constituency in 2021, in time for the 2022 local elections. In October 2023, Whanganui District Council voted to establish a Māori ward for the 2025 and 2028 elections.

This submission in opposition to the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (Bill) is based on the views of Māori Ward Councillors who belong to Te Pae Tāwhiti Rōpū.

Although we are current Councillors, we make this submission not to advocate for our personal positions on Council but for the future preservation of Māori wards and constituencies, to ensure that Māori who choose to be on the Māori electoral role, continue to have the choice of Māori representation in local government.

Introduction

We are Local Government elected members, elected to represent the best interests of Māori within our ward/constituency, and in addition we serve all constituents across the wider Districts and Region we represent. We provide a connection into Council and advocate for residents and ratepayers.

We believe that Māori have been under-represented in Local Government for far too long, and the establishment of Māori wards/constituencies at our Councils in 2021 have helped bridge this gap.

Since we were elected in 2022, we have striven to provide a voice, true representation and a Te Ao Māori view on our respective councils. We wish to emphasise that the decisions by our respective Councils to establish Māori wards/constituencies in 2021 each followed an extensive public consultation process, whereby all members of the community had an equal chance to be heard, and Councils openly debated and decided the issues.

Poll provisions, by contrast, are a “tool of the majority” and never favour minority groups such as Iwi Māori. This has been proven to be the case since 2001 under the previous Māori wards regime – with only two Councils being able to establish Māori wards prior to the 2021 Amendment Act (Waikato Regional Council in 2013 and Wairoa District Council in 2016). All 15 other initiatives to establish Māori wards were voted down by binding poll.

Bringing back the poll provisions will recreate a higher procedural standard for Māori wards than that of general or wards for “communities of interest” such as rural wards, for which Council decisions are democratically made in a representation review and cannot be subject to a binding poll. This is completely unfair and seeks to silence the voice of Māori. We believe that Māori wards and constituencies should be treated the same as all other wards and not be subject to poll provisions. Instead Local Government should be empowered to make its own decisions – not have the ability to do so taken away.

In this respect, we fully support the letter dated 20 May 2024 to the Government from the 52 Mayors and Chairs, LGNZ and Te Maruata, and agree that this legislation is a complete overreach on the Coalition Government’s part, on local decision-making.

Ultimately, given the track record of binding polls in the past, we believe the Bill will result in many Māori wards and constituencies across the country being disestablished. Not having a Māori ward or constituency will remove the option for Māori voters to choose whether to be represented by general or Māori ward councillor and we believe that any alternative mechanisms for Māori participation in Local Government would not be the same as having a dedicated seat at the decision-making table.

We fully support the Waitangi Tribunal Report dated 17 May, which found that this Bill will breach the Treaty of Waitangi and its principles, and recommended the Bill be paused for further policy development and consultation. The Tribunal findings also show that the Department of Internal Affairs advised the Minister of Local Government against this move, providing good rationale and that it is likely to breach Te Tiriti o Waitangi.

We do not agree with the Government putting its commitment to its Coalition agreement above Te Tiriti o Waitangi, and with the extremely rushed way in which the Coalition Government is progressing this change of legislation process, including only allowing 4 working days for a submission to be made.

Māori Wards Contribution to Local Government

We are opposed to this Bill because it does not honour and respect the contribution of Māori Wards to Local Government.

As Councillors of a Māori ward or constituency, we are honoured and privileged to represent Māori in our respective Councils. The participation of Māori representatives is crucial for fostering a more inclusive, equitable, and culturally responsive Council. It’s about having faces at the table that reflect their community and bringing our values, and lived and real perspectives to discussions and collective decision making.

Māori ward/constituency elected members bring valuable cultural knowledge and perspectives to Local Government, enhancing the cultural competence of Councils. This leads to:

- Better Decision-Making with diverse viewpoints contributing to robust and well-rounded policy decisions
- Cultural Responsiveness in policies and services that are more in line with to the needs and aspirations of Māori
- Social Cohesion which promotes mutual respect and understanding between Māori and non-Māori populations.

Inclusive governance that actively involves Māori can lead to improved outcomes across various sectors, such as:

- Environmental Stewardship with Māori often bringing a deeper understanding of and commitment to environmental sustainability, informed by traditional ecological knowledge
- Social Wellbeing where policies reflect Māori values and needs can contribute to healthier, more vibrant communities.

We wish to note that, while we have Councillor colleagues elected to general wards and constituencies who have whakapapa Māori, and they can also seek to bring their Māori-centric experiences to the Council table, those Councillors did not campaign to be (and may not want to be) a voice or representative for Māori on their Council. They are not and should not be expected to represent the voice of Māori in the way that we, as specifically-elected Māori Ward/Constituency Councillors, are.

Honouring Te Tiriti o Waitangi

We are opposed to this Bill because it does not honour Te Tiriti o Waitangi.

Te Tiriti o Waitangi establishes a foundational relationship between Māori and the Crown, emphasising partnership, participation, and protection. The changes enacted by the Crown in 2021 have helped ensure Māori representation in Local Government aligns with the principles of Te Tiriti by:

- Partnership - facilitating collaborative decision-making processes that involve Māori perspectives
- Participation - encouraging active Māori involvement in governance, ensuring these voices and concerns are heard
- Protection - safeguarding Māori rights and interests, particularly in areas impacting our whenua, resources, and cultural heritage.

The participation of Māori Councillors is crucial for fostering a more inclusive, equitable, and culturally responsive governance structure.

We fully support the Waitangi Tribunal Report dated 17 May. Although the Tribunal was forced to draft the Report under intense time pressure due to the imminent introduction of the Māori Wards legislation into Parliament, the report findings are comprehensive and compelling. The Tribunal found that this Bill will breach the Treaty of Waitangi and its principles, and recommended the Bill be paused for further policy development and consultation.

Poll Provisions – not compatible with complex constitutional matters

We are opposed to this bill because binding polls are not fair in practice and not compatible with complex constitutional matters such as establishing Māori wards.

The Waitangi Tribunal findings show that the Crown’s own advisors on Local Government issues – the Department of Internal Affairs advised the Minister of Local Government against this move, providing good rationale and that it is likely to breach Te Tiriti o Waitangi.

Historically, providing poll provisions for Māori wards and constituencies did not deliver on the original policy intent which was to involve the community in decision making, and to support Māori communities by providing an avenue for them to demand that their Council holds a poll to establish Māori wards or constituencies.

The effects of poll provisions from 2002 to 2019 have proven to be an insurmountable barrier to establishing a Māori ward or constituency. From the 16 polls taken between 2002 and 2019 only one poll was successful (Wairoa District Council 2016). This was a Council initiated poll with 54% in favour and 46% against.

Instead of being a mechanism for community participation, they have deterred Councils and communities from proposing a Māori ward or constituency.

The Department of Internal Affairs, in advice to the Minister on this Bill, summed up the problems with poll provisions in that:

Reinstating the polls will be unpopular with many in the local government sector and Māori communities;

Since the 2021 law changes, 46 local authorities have resolved to establish Māori wards. Our understanding is that many councils previously did not seriously consider establishing Māori wards. This was because of the perception that the polls could harm community relationships, including relationships with mana whenua, and undermine social cohesion.

We anticipate most of these councils will be very concerned about the re-introduction of the polls. It is likely to discourage any other councils considering establishing Māori wards in the future. The change is also likely to be very unpopular with Māori communities, especially where wards have been established.

Before the 2021 amendments, Local Government New Zealand (LGNZ) and Taituarā – Local Government Professionals advocated strongly to remove the polls. In a 2018 letter, LGNZ noted “It is imperative that the Government act to address the unfairness created by the poll provisions and put in place a legislative framework that will enable mature and constructive conversations about options for Māori representation in local authorities”.

An LGNZ survey of elected members found that, after the 2022 local elections, about 21% of members identify as Māori or are of Māori descent. This is up from 14% in the 2019 survey.

We agree with this statement from the Department of Internal Affairs.

Advice to Minister Brown from Department of Internal Affairs 5 December 2023:

The polls proved to be an almost insurmountable barrier to establishing Māori wards. Only two councils were able to establish Māori wards using the Local Electoral Act process. When polls were held, community division and animosity was common. As a result many councils

opted not to even put the option on the table because of the risk of community conflict. Similarly, mana whenua sometimes asked councils not to consider Māori wards because of the risk of a backlash against their community. The poll provisions gave no scope for councils to balance minority interests in the final decision because the poll outcome was binding, based on a straight majority. Since the poll provisions were removed, 46 councils have resolved to establish Māori wards

We agree with this statement from Department of Internal Affairs.

The Waitangi Tribunal has observed that “Alternative mechanisms for Māori participation in local government are not the same as having a dedicated seat at the council table”. A Māori ward or constituency is the only mechanism that guarantees Māori representation on the body that makes the final decisions (for example committees of council cannot adopt a District Plan or Long-Term Plan).

We agree with this statement from Department of Internal Affairs citing the Waitangi Tribunal.

The advice from the Department of Internal Affairs to Minister Brown was:

“Referendums and polls are an instrument of majority rule which can suppress minority interests. Normal lawmaking process have safeguards to make sure minority rights and interests are considered – human rights legislation, parliamentary debates and the select committee process. But referendums do not require that tabling and balancing of interests, and the outcome will depend on the majority’s perception of the minority interests.”

We completely agree with this advice and believe that the Department of Internal Affairs summed this up perfectly. The issue of representation for Māori is complex and should be decided upon locally by Councils in consultation with Iwi / Māori and its communities, not by a simple ‘yes’ or ‘no’ poll.

Further to this, the former LGNZ President Dave Cull summed up binding polls by saying:

“Of equal concern, the polls reduce a complex issue to a simple binary choice, which, by encouraging people to take sides, damages race relations in our districts. Matters of representation and relationships should be addressed in a deliberative manner that employs balanced and considered dialogue – not by poll. In fact, a poll is not necessary. Should a council resolve to establish Māori wards or constituencies, or any other ward, against the wishes of its community then the community has the option to hold that council to account at the next election – this is how representative democracy is intended to work

Again, we agree with this statement and also believe that binding polls and poll provisions in general are divisive and do nothing to enhance relationships within communities. In fact, it will do quite the opposite.

In summary, we are in opposition to the reinstatement of polls for Māori wards and constituencies and ask that this be relooked at and withdrawn.

If polls are to be implemented then we strongly urge the following to be implemented:

- That only those on the Māori roll vote in a poll. These are the only residents and ratepayers who will be affected by the outcome of the poll and therefore should have the most input into it.

- We ask that there is an increase in the petition threshold from 5% to 10% of electors to initiate a poll. Five per cent is a low threshold given the costs and impacts of polls on communities. It is therefore not unreasonable to expect a larger demonstration of a desire for a poll before undertaking one. A move to 10 per cent would align with the threshold set out in the Citizens Initiated Referenda Act 1993.
- We also recommend making the polls non-binding but require councils to give them due consideration in their decision making process. This would give the poll weight in the decision making process, but still enable these decisions to be made within the wider legal context and with due consideration of a range of relevant factors.

Cost to Ratepayers

The significant cost to ratepayers is another reason we oppose this Bill.

This change in legislation could result in up to 45 councils being required to hold a poll on Māori wards and constituencies at the 2025 elections, with the outcome to take effect in 2028. This is dependent upon what is decided by August 2024 in terms of disestablish now or ride it out until a poll in 2025. Councils throughout the country have extremely tight budgets and will need to fund the extra cost for the poll, as well as an early representation review. Many Councils are in the process of reviewing their Long Term Plan with proposed rates increases the highest ever seen. This in the midst of a cost of living crisis that will constrain Council budgets further. The cost of a poll and representation view will be dependent on the size of the council and district/region with an estimate at around \$175,000 for a poll and potential costs of up to \$170,000 for a representation review. In addition, Council staff and resource will be required.

Timing of Poll Should it Proceed

Finally, we are concerned at the timing of the proposed poll on Māori wards and constituencies. All Māori ward candidates will need to campaign for their seat, engage with Māori and participate in electioneering, while simultaneously convincing the community of the value of a Māori ward or constituency. This will be a huge undertaking and put potential Māori ward/constituency councillors to an unfair burden. The responsibility of educating the community on Māori wards will naturally fall to iwi to lead and coordinate without guaranteed resources or support.

Summary and Recommendation

In summary, Māori should be fairly represented in local government. This Bill will likely result in the disestablishment of many Māori wards and constituencies across the country. Disestablishing Māori wards and constituencies, and making them subject to a higher procedural standard than that of general or rural ward is opposed by Te Pae Tāwhiti Rōpū.

We recommend that the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill not be progressed and that status quo remains.

Whilst we oppose the reintroduction of poll provisions for Māori wards and constituencies, should these be reintroduced, we recommend the following:

- Increase the petition threshold from five per cent to 10 per cent of electors to initiate a poll. Five per cent is too low a threshold given the costs and impacts of polls on communities.
- Only those registered on the Māori roll can vote on a Māori ward and constituency poll.
- Make the poll non-binding and require councils to give them due consideration.

We would like the opportunity to speak in support of this submission.

Parties to the submission:

Roly Fitzgerald

Te Pūao Māori Ward Councillor, Palmerston North City Council

Korty Wilson

Ruapehu Māori Ward Councillor, Ruapehu District Council

Justin Tamihana

Horowhenua Māori Ward Councillor, Horowhenua District Council

Nina Hori Te Pa

Horowhenua Māori Ward Councillor, Horowhenua District Council

Coral Raukawa

Tiikeitia ki Tai (Coastal) Ward Councillor, Rangitikei District Council

Piki Te Ora Hiroa

Tiikeitia ki Uta (Inland) Ward Councillor, Rangitikei District Council

Bridget Bell

Ngā Tapuae o Matangi Māori Ward Councillor, Manawatū District Council

Fiona Kahukura Hadley-Chase

Ruapehu Māori Ward Councillor, Ruapehu District Council

Channey Iwikau

Ruapehu Māori Ward Councillor, Ruapehu District Council

Naioma Chase

Tāmaki-nui-a-Rua Māori Ward Councillor, Tararua District Council

Te Kenehi Teira

Tonga Māori Councillor, Horizons Regional Council

Turuhia (Jim) Edmonds

Raki Māori Councillor, Horizons Regional Council

And from Horizons Regional Council:

Wiremu Te Awe Awe

Councillor, Horizons Regional Council.



// 04

Entrenchment of Māori wards seats for local government

Remit: *That LGNZ proactively promote and lobby to entrench the Māori Wards and Constituencies for the 64 councils which currently have these, to require the support of a supermajority of parliament should either parliament or councils seek their removal.*

Proposed by: Northland Regional Council

Supported by: LGNZ Zone 1 (Northland Regional Council, Far North District Council, Whangarei District Council)

Why is this remit important?

Zone 1 opposes the changes proposed to Māori wards and constituencies provisions in the Local Electoral Act 2001 (LEA), the Local Government Electoral Legislation Act 2023, and the Local Electoral Regulations 2001.

Zone 1 views are summarised below:

- a) Māori wards and constituencies are an appropriate and necessary way to deliver on Te Tiriti o Waitangi obligations — they are not a race-based selection.
- b) Reversion to a poll system to establish / retain Māori constituencies in local government is inconsistent with the national electoral system of a Māori roll and Māori seats in Parliament. There is no rational reason for the different approach.

Background and Context

The current government has agreed to amend the legislation and regulation related to the establishment and continuation of Māori wards in Aotearoa New Zealand.

The proposed changes have a major impact for the representation of Māori communities and the unique opportunities and challenges they face. It also compromises the ability of local government across the country to deliver on its Treaty of Waitangi obligations.

Zone 1 members do not support the proposed changes and have submitted their views as individual councils and the broader local government sector through LGNZ.

As discussions have developed on the proposed amendments, the need to align Māori ward representation models with parliamentary Māori electorate representation model has become evident.

How does this remit relate to LGNZ's current work programme?

This proposal aligns with LGNZ's policy that states:

- Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;



- Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.

In accordance with LGNZ's strategy, this proposal would strengthen local government as a whole to support our communities to thrive - environmentally, culturally, economically and socially.

How will the proposing council help LGNZ to make progress on this remit?

Northland Regional Council, with the support of Far North District Council and Whangarei District Council, will advocate, lobby, and promote the cause and case for the entrenchment of Māori ward seats in local government governance structures.



// 05

Graduated driver licensing system

Remit: *That LGNZ advocate for changes to the fee structure for driver licensing, better preparing young people for driver license testing, and greater testing capacity in key locations throughout New Zealand, in order to relieve pressure on the driver licensing system and ensure testing can be conducted in a quick and efficient manner.*

Proposed by: Ashburton District Council

Supported by: Hurunui District Council, Kaikōura District Council, Selwyn District Council, Timaru District Council, Waimakariri District Council and Waitaki District Council

Why is this remit important?

Communities across New Zealand are being impacted by excessive wait times associated with the graduated driver licensing system (GDLS). There are three stages to the GDLS, and those aged 16 or older can enter the system and undergo both theoretical and practical testing to graduate from a learner's license (accompanied driving) to a full license (license without restrictions) over the space of 24 months. Currently, across the country, demand for testing significantly exceeds testing capacity leading to negative implications for our young people, and the wider community. Action is required to ensure young people in our community can undertake testing without delay, failing to remedy this situation could result in:

- Reduced ability to access testing
- Increases in testing failure rates
- Social and economic disadvantages for young people

Background and Context

Work undertaken by Waka Kotahi and other agencies identified the need to remove barriers for young people associated with obtaining a driving license in New Zealand. Through this work, re-sit fees were identified as a potential barrier. According to Waka Kotahi data, only 53% of people on a restricted license pass their practical driving test first time around, meaning many young people trying to graduate were being financially burdened by subsequent fees in completing a re-sit.

From October 1 2023, Waka Kotahi introduced a revised fee structure for a learner's, restricted, or full license, which removed re-sit fees for drivers who failed a first or subsequent attempt. While this change makes graduation through the system more financially obtainable, it has put increased pressure on testing services as those who fail the first time are rebooking immediately. This, in combination with the shortage of assessors, is causing significant wait times across the country. The increase in wait times has multiple implications which are summarized below using national and local examples.

- **Reduced ability to access testing:** In 2020, the national average wait time to sit a restricted driving test was 16 days, this has dramatically increased to 53 days in 2023/24. Drivers in the Ashburton district are facing a 94-day delay in booking a restricted license test, with only one agent (VTNZ) being able to facilitate testing.



- Increases in testing failure rates: excessive wait times in Ashburton may be causing young people to book testing in alternative locations. According to information obtained during an Ashburton District Road Safety Co-ordinating Committee meeting, some young people from Ashburton and Timaru are travelling to the West Coast (3-5 hours away) to undertake practical testing, there is concern that completing a practical test on unfamiliar roads may lead to an increase in failure rates. Reports have also been made that the decision to remove re-sit fees has led to young drivers completing the test before they are ready, leading to multiple failed attempts.
- Social and economic disadvantages for young people: there are social and employability benefits to holding a driver's license. According to MBIE, two-thirds of all jobs advertised in New Zealand have a minimum requirement of a restricted license. The reduced ability for young people to obtain a restricted or full license may see otherwise suitably skilled candidates miss out on employment opportunities while they wait to sit and obtain the required license. This also has impacts for the community, in particular local businesses, who will potentially struggle to source young candidates for entry level roles. This is further amplified in our community where public transport is non-existent, with the only quasi-public transport available being the Mid Canterbury Connector – a locally led, volunteer driven service operating on a booked return trip service between rural communities.

Relevant legislation, policy or practice

- Land Transport Act 1998 (part 4)
- Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999.
- NZTA driving licensing fees schedule

How does this remit relate to LGNZ's current work programme?

While this is not currently part of LGNZ's work programme, engaging with central government will be essential to making progress in this area. Ensuring that the local voice is heard and understood by central agencies is the only way in which this issue will be able to be addressed. Given the impact on our young people, and the subsequent effects this has on their ability to gain independence and contribute to our communities and local economies, we believe this is a worthy project for LGNZ to drive on behalf of the sector.

How will the proposing council help LGNZ to make progress on this remit?

While changing the fee structure will help incentivise people to pass their tests on their first attempt, other changes should be made to better prepare people, particularly young people, who are trying to obtain a driver licence, and ensure there is sufficient capacity in the system.

Ashburton District Council is willing to trial/pilot the practical applications of an improved graduated driver's licensing scheme.

Our Mayors Taskforce for Jobs programme has been highly successful, working with community groups and schools to identify people who are disadvantaged in the labour market. A significant proportion of this group are seeking drivers' licences in order to improve their chances of employment. There is an opportunity to align the Mayors Taskforce for Jobs programme with an enhancement of an Ashburton based training and accreditation centre, leveraging the MTFJ programme's experience in driver licensing schemes. The goal of this would be to better prepare



young people for driver licence tests and reduce the pressure on the system imposed by people having to re-sit tests.

Ashburton District Council also proposes a pilot scheme to work with government to attract, train and supply increased numbers of examiners for the Ashburton district along with other centres throughout the country. Ashburton district would become a training region; prospective examiners would be based in the region while they train and qualify before returning to their respective regions to fill gaps and boost capability. Our region is well suited to examiner development, being close to Christchurch but more affordable and having a network of urban and rural roads.

Hon Simeon Brown

Minister for Energy
 Minister of Local Government
 Minister of Transport
 Minister for Auckland
 Deputy Leader of the House



James Meager MP
 Member of Parliament for Rangitata
 Parliament Buildings
WELLINGTON

24 MAY 2024

Dear James

Thank you for your letter of 2 May 2024 regarding the driving licence processing delays in the Rangitata electorate. I share the frustration being experienced by people wanting to engage driver licence services only to be met with significant delays.

The Automobile Association (AA) and Vehicle Testing New Zealand (VTNZ) have been providing regulatory services on behalf of the NZ Transport Agency (NZTA) since 1999.

NZTA advises me that since the previous government's decision last year to remove the re-sit fee for theory and practical tests there has been a significant increase in demand for testing services, leading to unacceptable delays.

The inability to engage driver licence services in a timely manner is having an impact on the employability of learners and delaying their progression into the community.

NZTA and VTNZ are currently taking measures to accommodate the current high demand by re-prioritising driver testing officers to driver licencing agent sites with high booking numbers and increasing site opening hours. NZTA is aware of the urgency and my expectation that the issues be addressed promptly.

These delays across New Zealand, which follow the previous government's changes to re-sit fees, are unacceptable. I remain very concerned about these delays and am currently considering advice on options to address it, which may include reinstating a re-sit fee.

Regarding your request that NZTA remove the age limit for booking drivers licence tests, I have been advised that it is a legal requirement for applicants of driver licences to be 16 years or older.

Thank you again for writing.

Yours sincerely

Hon Simeon Brown
Minister of Transport



// 06

Proactive lever to mitigate the deterioration of unoccupied buildings

Remit: *That LGNZ advocate to Government:*

- *For legislative change enabling local authorities to compel building owners to remediate unoccupied derelict buildings and sites that have deteriorated to a state where they negatively impact the amenity of the surrounding area.*
- *To incentivise repurposing vacant buildings to meet region-specific needs, for example, accommodation conversion.*

Proposed by: Gisborne District Council

Supported by: Rotorua Lakes Council, South Wairarapa District Council, Wairoa District Council, New Plymouth District Council, Napier City Council, Rangitikei District Council, Whanganui District Council, Dunedin City Council

Why is this remit important?

There is no legislation enabling councils to take proactive action on the decaying condition of vacant buildings. Intervention is only possible when buildings become so dangerous that the Building Act 2004 (BA04) allows for dangerous building notices.

The absence of enabling regulations and enforcement tools can result in derelict sites negatively affecting both neighbourhoods and city centres. The public expects their local authorities to maintain community standards and they are frequently disappointed by our inability to intervene. Especially where keystone buildings deteriorate over decades.

The economic and social consequences of unoccupied derelict buildings negatively affect local businesses, city centre revitalisation, regional economic development, and tourism activity. Negative impacts suppress local investment and the prosperity of regional centres throughout New Zealand. Legislative change to enable the remediation of decaying building conditions and unlock their economic potential is in the national interest and significant to local government as a whole.

Background and Context

Existing building legislation is too late to mitigate decaying buildings

Once a Code Compliance Certificate has been issued, there is no regulatory avenue for proactive remediation of a vacant building's decaying condition. The BA04 is silent on maintenance responsibilities until the public is likely to be harmed by unsafe building conditions.

The BA04's approach to dangerous buildings is reactive as it seeks only to remediate dangerous conditions. The impact of a deteriorating building on its surrounding environment is not taken into consideration.

Waiting until a building becomes dangerous is too late to remediate the significant economic and social effects of vacant and deteriorating buildings.



In regional centres like Gisborne, a small number of deteriorating assets can have a significant impact on surrounding businesses and perceptions of the city centre. Long-term underinvestment means significant capital is required to restore these buildings before prospective owners and/or tenants can reoccupy the space. Investment is often cost-prohibitive, leaving vital buildings empty and further deteriorating.

In May 2024, Gisborne's Mayor wrote to Government detailing the national impact of this legislative gap (letter attached). The letter's appendix, *Ten years of the National Problem*, outlines how problematic buildings are challenging local authorities throughout New Zealand.

Local authorities have developed ad hoc, imperfect solutions to address the legislative gap

Upper Hutt City Council's Unoccupied Commercial Premises Bylaw and Clutha District Council's Regulatory Bylaw both aim to prevent building deterioration. However, bylaw solutions are unenforceable without costly prosecutions that risk uncertain outcomes.

In Rotorua, where houses are problematic, rather than commercial buildings, Rotorua District Council has spent \$60,000 on consultants' reports and legal advice for a single abandoned property because it lacks the authority to require its demolition.

The BA04 seeks to ensure safety and well-being, sustainable development, and building code compliance. However, because it does not provide local authorities with effective tools to encourage essential maintenance and building utilisation, we have no way to intervene when buildings are deteriorating until the problems are significant, sometimes beyond repair.

Wellington City Council recently signaled its intention to remove ten buildings from its heritage list as part of a district plan review. Among those buildings were the dangerous, unoccupied Gordon Wilson Flats, a contentious feature of the Wellington skyline intended for demolition by their owner, Victoria University, due to restoration cost.

List removal failed to secure ministerial approval. However, this situation illustrates the impossible predicament faced by local authorities when heritage buildings have not been adequately maintained, and the extraordinary measures they must take when buildings have deteriorated beyond repair. Local authorities' inability to prevent the deterioration of vital assets threatens a loss of national heritage and identity through demolition. The solution must be to enable proactive measures addressing deteriorating conditions before buildings are demolished by neglect.

Mitigating the social and economic consequences of underutilised buildings urgently requires:

- A new legislative lever that will enable earlier intervention and action to remediate deteriorating building assets and or
- Collaboration between local and central government and regional providers to develop region-specific incentives encouraging the use of unproductive assets, e.g., repurposing buildings for accommodation.

How does this remit relate to LGNZ's current work programme?

Addressing the gap in building legislation and its consequences for regional economic development does not currently feature in LGNZ's broader advocacy work programme. However, LGNZ has for some time been aware of the legislative gap and advocated on this issue as it aligns with their strategic priority of focusing advocacy on the big issues impacting local government.



In 2014, LGNZ wrote to the Minister of Building and Construction suggesting the BA04 define derelict sites, which would allow for such properties to be included in their Dangerous and Insanitary Buildings Policies. LGNZ's 2015 submission to the Rules Reduction Taskforce highlighted that derelict building issues are a regular source of community distress, presenting risks to health, fire hazards, and sites for criminal behaviour. In 2022, LGNZ again proposed that the government define derelict buildings; however, attempts to meet the Minister of Building and Construction were unsuccessful.

While these efforts failed to find favour, advocacy to political leaders is urgently required because:

- Current BA04 considerations are inadequate in addressing building issues that need to be remediated before buildings become derelict.
- The Government's accelerated review of building code requirements extends to improving economic activity.
- The Government has signalled its intention to develop housing improvement strategies through a cross-government Ministerial Working Group on Housing.
- Legislative change and incentives to activate unproductive buildings and unlock regional economic improvement align with the Coalition's Decision-Making Principles A – E.

How will the proposing council help LGNZ to make progress on this remit?

Gisborne District Council will:

- Continue advocating directly to the Ministers for Building and Construction, Housing and Local Government.
- Collaborate with LGNZ, councils, Government and stakeholders to develop new legislative tools to tackle this issue, strengthening our national economic resilience.
- Share any appropriate research and development, and data analysis from our region.
- Undertake any pilot programme involving temporary rule changes or funding initiatives, such as incentivising the conversion of commercial buildings to housing.
- Identify and work with local providers and property owners on the implementation of any pilot.

2 May 2024

Hon Chris Penk - Minister for Building and Construction
 Hon Chris Bishop - Minister for Housing
 Hon Tama Potaka - Associate Minister Social Housing
 Hon Simeon Brown - Minister Local Government



GISBORNE
 DISTRICT COUNCIL
 Office of the Mayor

Email: christopher.penk@parliament.govt.nz, Chris.Bishop@parliament.govt.nz,
Tama.Potaka@parliament.govt.nz, Simeon.Brown@parliament.govt.nz

Cc: Dana.Kirkpatrick@parliament.govt.nz, cushla.tangaere-manuel@parliament.govt.nz

LEGISLATIVE CHANGE IS REQUIRED TO UNLOCK SUBSTANTIAL ECONOMIC AND HOUSING IMPROVEMENTS IN NEW ZEALAND'S REGIONAL CENTRE

Good morning Ministers,

I would like to bring to your attention a gap in current building legislation, which is affecting local businesses, city centre revitalisation, regional economic development and tourism activity in our region.

In short, there is no enabling legislation that allows regulatory agencies to take proactive action on the decaying condition of vacant buildings.

Intervention is only possible when buildings become so dangerous that the Building Act 2004 allows for dangerous building notices. The absence of enabling regulations and enforcement tools, results in keystone buildings remaining idle and unproductive, sometimes for decades.

The attachments to this letter provide more information on the challenges facing Gisborne District Council and many other local authorities across New Zealand.

Legislative change to unlock the economic potential of underutilised and decaying buildings is in the national interest because the negative economic and social impacts created by underutilised buildings are nationally significant.

Unproductive buildings negatively impact regional prosperity throughout the country. We believe:

- New legislative tools are needed to unlock the economic potential of underutilised buildings.
- Urgent collaboration between local and central government is needed to develop a solution that will enable earlier intervention and action on commercial building issues.

15 Fitzherbert Street, Gisborne • PO Box 747 Gisborne 4040 New Zealand

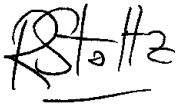
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- Activating unproductive buildings to support regional economic development is strongly aligned with the Government's Ongoing Decision-Making Principles A – E.

As this matter is significant for local government as a whole, Council will be putting forward a remit on this matter at the upcoming LGNZ Annual General Meeting.

We look forward to working with the Government to develop new legislative tools to enable us to tackle this issue and continue to strengthen our national economic resilience.

Warm regards,

A handwritten signature in black ink, appearing to read 'R Stoltz', with a horizontal line underneath.

Rehette Stoltz
Mayor Gisborne District Council

Attachments:

Attachment 1 – Gisborne’s Deteriorating Buildings

Attachment 2 – Problem definition: Current legislation is too late to mitigate decaying buildings

Attachment 3 – Ten Years of the National Problem

Attachment 4 – Seized buildings in Gisborne

Attachment 1 – Gisborne’s Deteriorating Buildings

Main Street retail space. Corner Gladstone Rd and Peel St



Former Westlake Hotel. Corner Gladstone Rd and Peel St



Premium retail space. Peel St



Deteriorating building. Lowe St



Main Street retail space. Gladstone Rd



Deteriorating building. Childers Rd



Masonic Hotel decaying façade. Lowe St



Masonic Hotel frontage. Gladstone Rd



Abandoned detritus. Adjacent to Masonic Hotel



Main Street building decay. Gladstone Rd



Attachment 2: Problem definition: Current legislation is too late to mitigate decaying buildings

During deliberations on the Gisborne Dangerous, Affected and Insanitary Buildings Policy 2024¹ under the Building Act 2004 (the BA04), Gisborne District Council (Council) identified inadequacies in the existing building legislation framework. Also identified were the negative impacts these deficiencies are having both regionally and nationally.

Once a code compliance certificate (CCC) has been issued, there is no enabling legislation that allows regulatory agencies to take proactive action on the decaying condition of vacant buildings. Mitigation of problematic buildings is only possible when they eventually deteriorate to a condition so dangerous that BA04 provisions allow for dangerous building notices. The absence of enabling regulations and enforcement tools, in between CCC and dangerous building notices, results in essential buildings remaining idle and unproductive, sometimes for decades.

The BA04's approach to dangerous buildings is reactive. It seeks only to remediate dangerous conditions and does not consider the impact a decaying building has on its surrounding environment. This means it is both *too late* to remediate problematic conditions and an *inadequate tool* to address the significant economic effects caused when buildings become locked in a deterioration spiral. In Gisborne's case, deteriorating conditions negatively impact surrounding businesses and perceptions of the city centre, affecting a decline in economic activity. As regional economies underpin national economic prosperity,² the negative impact of underutilised buildings has a ripple effect on the national economy.

As a building's condition declines, the required investment in its essential maintenance and works (e.g. earthquake strengthening and cosmetic upkeep) decreases. The deteriorating condition of commercial buildings is particularly problematic in regional city centres, as this inefficient use of key placemaking assets contributes to poor amenity.

In regional centres, where the *heart of the city* is comprised of only a handful of buildings, even a small number of deteriorating assets can have a significant impact. A prolonged lack of maintenance requires significant investment to get a building back up to scratch before prospective owners and/or tenants can once again operate out of it. The required work is often cost-prohibitive, and vital buildings can remain empty, which leads to further deterioration.

The BA04 seeks to ensure safety and well-being, sustainable development, and building code compliance. However, because the current BA04 legislation does not provide local authorities with effective tools to encourage essential maintenance and building utilisation, we have no way to intervene when buildings are deteriorating until the problem is significant. We can only intervene when buildings have decayed to such a condition that they are likely to harm the public.

The public expects their local authorities to prevent city centre building deterioration, and they are frequently disappointed by our inability to intervene. Regional communities such as Gisborne, where the problem is acutely felt, are unable to prevent the gradual decline of their city centres. Without a legislative tool enabling the remediation of inactive buildings, and no central Government solution either, Council cannot achieve its aspiration of maintaining a

¹ Gisborne Dangerous, Affected and Insanitary Buildings [Policy](#) 2024.

² Hon Steven Joyce (2016) *Regions lead recovery from Global Financial Crisis*. This Beehive [Release](#) emphasises the instrumental role regional economies, including Gisborne, played in leading New Zealand's economic recovery from the Global Financial Crisis.

high-quality urban environment that capitalises on heritage, tourism, and lifestyle to attract economic investment and development.

The Problem in Gisborne

Gisborne's Central Business District (CBD) contains several **vacant** and **underutilised buildings** that have been **neglected for long periods**.³ Their deteriorating aesthetic condition **negatively affects the city's appearance, impacting tourism experiences** and **suppressing local utilisation, economic growth**, and community wellbeing.

Deterioration of Buildings: A lack of basic maintenance has led to the disrepair of unoccupied buildings in Gisborne. This includes premium ground-floor retail spaces on Gladstone Road, Gisborne's main street (see [Attachment1 – Gisborne's Deteriorating Buildings](#)).

Negative Community Impact: Reduced vibrancy in the CBD has suppressed community utilisation and local commerce,⁴ making it less attractive to new businesses and shoppers. This decline in activity fosters increased incidences of vandalism and the impression of an unsafe CBD.

Homelessness Consequences: The declining condition of city buildings leads to squatters occupying vacant buildings, resulting in litter, sanitation issues, and antisocial behaviour adversely affecting adjacent businesses, some of which are rate-paying owner-occupiers. Council increasingly incurs the financial burden of cleanup and the disassembly of homeless encampments in conjunction with the Police.

Economic Investment Deterrence: Visible city centre decline creates the perception of an economically depressed area and discourages economic investment from outside the region, weakening local economic resilience. Decreased revenue from idled assets reduces the likelihood that owners of earthquake-prone buildings will fund reinforcement works, threatening key buildings with demolition.

Suppressed Tourism and Economic Growth: Tourism, a vital part of Gisborne's economy, is growing slower than the national average,⁵ limiting regional employment opportunities. The declining state of Gisborne's CBD negatively impacts tourists' experiences in our region, which challenges the Government's recent commitment to support tourism.⁶ A vibrant and welcoming city centre is essential for creating positive visitor experiences, as it influences overall impressions of a place.⁷ However, buildings becoming locked into a spiral of declining

³ In June 2007, Gisborne witnessed a 1.3% decline in retail sales despite national economic growth accelerating to 2.6%. In the same period. The number of commercial permits issued in Gisborne also fell by 13%. In December 2008, Gisborne experienced the largest quarterly decline in retail sales at a time when national retail sales were trending upward. Commercial building consents dropped by 6.1% in the same quarter. Sources: The National Bank Regional Trends Economics reports, February 2007, February 2008. In the wake of the global financial crisis, Council's 2010/11 Annual [Report](#) identified Gisborne's retailers among those most affected by economic conditions at the time.

⁴ Over 55% of Gisborne employment is currently located outside of land zoned for business.

⁵ The tourism sector contributed \$56.3 million to Gisborne GDP in 2022, accounting for 2.3% of the region's economic output and 7.1% of total annual employment. In 2022, total tourism spending in Gisborne was down 0.1% year on year, while national tourism spending increased by 1.4% in the same period. In the 10-year period 2012-2022, Gisborne has experienced only 1.8% annual employment growth, lagging 2.1% national growth. Sources: Trust Tairāwhiti (2023) [Draft Destination Management Plan](#) utilising data retrieved from Infometrics.co.nz; Infometrics (2023) *Tairāwhiti at a Glance: 2022* retrieved from Infometrics.co.nz on 7 March 2023.

⁶ Acknowledging tourism is the second biggest contributor to New Zealand's recent economy, the Tourism Minister, Hon. Matt Doocey, recently affirmed government commitment to supporting the growth of tourism and hospitality operators. Source: Hon Matt Doocey (2024) *Tourism data shows determination of sector*. Beehive [Release](#).

⁷ The Ministry of Business, Innovation and Employment [Destination Management Guidance](#) emphasises that supporting infrastructure and amenities are essential to cultivating compelling visitor experiences.

investment and physical deterioration presents a significant barrier to regional aspirations for a vibrant, thriving city that is a destination for business, employment, and tourism.

Figure 1 - the old Masonic Hotel greets cruise-ship tourists walking from Gisborne's port to the city centre.



The Problem nationwide

Gisborne is not the only region with declining, under-utilised buildings. Provincial areas are experiencing a downward spiral in the status of city centre vitality when compared to major urban areas.⁸ Unoccupied buildings are contributing to this decline. They pose safety risks and affect community well-being, property values, and public perception of city centres around the country.

[Attachment 3 – Ten Years of the National Problem](#) outlines how issues with idle, unproductive buildings have become a nationwide concern in the last decade. Neglected heritage buildings face significant challenges as councils struggle to intervene where *demolition by neglect*⁹ becomes irreversible. The lack of clear criteria for identifying and addressing derelict properties hinders councils' ability to take proactive measures to remediate these buildings as they deteriorate.

Legislative Inadequacies Prevent a Proactive Approach

1. Building Maintenance Responsibility

- After local authorities have issued code compliance certificates and no further building work is required, building maintenance is the responsibility of property owners.
- Local authorities have no means to enforce minimum maintenance standards for dormant or underutilised buildings, even in cases where buildings are left to decay.
- The absence of any tool to encourage proactive maintenance means local authorities can be left with unsightly buildings, often in prominent locations. This creates a cycle of declining investment that negatively impacts regional prosperity.
- Gisborne has five large, central buildings locked in an ongoing legal dispute between the Police and silent offshore owners. This contested ownership status prevents building remediation, even under dangerous building notices, as no party assumes responsibility for remediating the unsafe conditions.

2. The Building Act 2004 Does Not Adequately Consider Remediation

- The BA04 enables local authorities to compel remediation via dangerous or insanitary building notices only when building issues become so dangerous, they may harm occupants or the public.
- These notices are a last resort. They cannot address situations where buildings essential to a city's social, cultural and economic fabric decay due to neglect. This is because the BA04 does not consider the negative consequences experienced during a building's decline when its conditions are deteriorating but not yet dangerous.
- Councils can intervene when there is evidence of infestation or fire risk; however, the threshold for action is high.¹⁰

⁸ Aigwi, I., et al. (2019). *A performance-based framework to prioritise underutilised historical buildings for adaptive reuse interventions in New Zealand*. *Sustainable Cities and Society*, [48](#), 101547-101547.

⁹ Dunedin City Council defines *demolition by neglect* as a building being allowed to deteriorate to the point that demolition becomes necessary, or restoration becomes economically unreasonable. In some cases, building owners may allow this to happen to bypass heritage protections and the substantial financial investment to enable ongoing use. Source: Dunedin City Council's 15 May 2023 [Agenda](#).

¹⁰ [Newshub](#). (2022). Call for law change as councils say there is an increasing problem of derelict, unoccupied houses.

- Neglected heritage buildings are particularly vulnerable to becoming dangerous and, in instances of continued neglect, demolition.¹¹ Heritage New Zealand Pouhere Taonga recently requested Council policy¹² encourage heritage building owners to undertake preventative maintenance and upgrades to conserve their essential heritage character. However, BA04 considerations do not provide any mechanism for local authorities to encourage such action. Therefore, any suggestion or encouragement of proactive maintenance via a dangerous building policy would be unenforceable under the current BA04 considerations.
- In cases where heritage buildings have been neglected, the costs associated with restoration or repurposing can be prohibitive for building owners. Lotteries funding is not always readily available¹³ and heritage funding prioritises category-one buildings. Not all vital buildings are so categorised, and few buildings in Gisborne meet eligibility requirements.

Solution needed: Legislative Change

Activating unproductive buildings to unlock regional economic improvements aligns with the Coalition's Decision-Making Principles A – E:

- **Principled** decisions based on sound policy principles and economic efficiency;
- **Focused** on improving productivity and economic growth to increase prosperity, and enhance housing affordability, efficiency and effectiveness.
- Stopping interventions that aren't delivering **Results**.
- **People-focused** public services will be designed around the needs of public and tourist users. The Government will be **accountable** for clear public service targets and regular progress reporting on these objectives.

Proactive remediation measures do not sit comfortably within the BA04 framework because it was not designed to address the problem of inactive buildings and the associated economic consequences. Fixing the problem requires:

- a lever compelling proactive remediation of deteriorating city centre assets and or
- incentivising the utilisation of unproductive assets.

Examples of proactive legislative tools for unlocking the potential of unproductive buildings can be found in both the United Kingdom and the Republic of Ireland.

United Kingdom's Town and Country Planning Act 1990

The UK mitigates unproductive buildings via Section 215,¹⁴ which enables Local Planning Authorities to:

- take proactive steps towards sustainable regeneration of local areas, including conditions that adversely affect the amenity of the surrounding area
- consider local circumstances, such as site conditions and impact on the surroundings
- require a broad scope of works, including painting, external repairs, demolition and re-building

¹¹ The Ministry of Culture and Heritage identified late requests to 'save' buildings are commonly requested at the last possible moment due to communities not seeking remediation until a building is under threat of demolition. Source: Ministry for Culture and Heritage. (2018). *Strengthening protections for heritage buildings: Report identifying issues within New Zealand's heritage protection system*.

¹² HNZPT (2023) [submission](#) (Page 51) on the Gisborne District Council Dangerous Buildings Policy 2024.

¹³ Lottery Environment and Heritage Committee year on year funding [declined](#) by 46% in the 2023/24 financial year.

¹⁴ Town and Country Planning Act 1990 Section 215 [Best Practice Guidance](#) and [Act](#).

- use Section 215 notices in conjunction with other powers, such as repair notices for heritage-listed or dangerous buildings.

'Amenity' is a broad concept not formally defined in the legislation. This means assessment is a matter of degree. A clear and well-presented case that stresses the adverse impact of the site on the local street scene has proven more effective than a technical definition of 'loss of amenity'.

The Republic of Ireland Derelict Sites Act 1990

Ireland mitigates unproductive buildings with the Derelict Sites Act,¹⁵ which defines *derelict sites* and makes local authorities responsible for dealing with them. Derelict sites are defined as detracting from the amenity, character or appearance of the neighbourhood with:

- structures in a ruinous, derelict or dangerous condition
- land or structure condition that is neglected, unsightly or objectionable
- deposits or collections of litter, rubbish, debris, or waste.

Under the legislation, local authorities can mitigate problems by:

- prosecuting owners who do not comply with notices
- making compulsory land purchases
- carrying out necessary work and recovering cost.

Proactive Measures to Mitigate Inactivity would not conflict with the New Zealand Bill of Rights 1990 (BORA)

BORA protects human rights and fundamental freedoms; however, it does not provide for a general right to privacy or property enjoyment. BORA protections are subject to reasonable limitations where they are demonstrably justifiable in a free and democratic society.¹⁶ Indeed, the Justice Minister, Hon Paul Goldsmith, has indicated the government wishes to strike an appropriate balance between individual rights and the public interest.¹⁷

Therefore, it is reasonable to expect that the public interest should be safeguarded from neglected buildings and the significant negative impacts they have on our communities' life, livelihood, and economic output.

The [New Zealand Bill of Rights \(Right to Lawfully Acquired Property\) Amendment Bill](#) (introduced into Parliament on 27 July 2023) proposes reasonable compensation for property owners when deprived of the right to own and use lawfully acquired property. Enabling local authorities to encourage and or incentivise remediation or utilisation of vacant buildings would not conflict with this amendment, should it become law.

Alignment with improving housing availability

The Minister of Housing, Hon Chris Bishop, seeks to fix the housing crisis by increasing supply through the removal of barriers to construction. The Minister's recent Cabinet Briefing Paper *Fixing the housing crisis*¹⁸ outlines a programme to lift productivity, wages and ultimately national income by unleashing urban growth. The briefing paper identifies that:

- New Zealand's houses are among the world's least affordable due to persistent undersupply
- unaffordable housing has far-reaching social and economic consequences.

¹⁵ Republic of Ireland Derelict Sites [Act](#) 1990.

¹⁶ New Zealand Bill of Rights Act 1990, [Section 5: Justified limitations](#)

¹⁷ [RNZ](#) (2024) Bill of Rights won't stop gang patch ban - Justice Minister

¹⁸ [Hon Chris Bishop \(2024\) Fixing the Housing Crisis Cabinet Paper.](#)

- increasing housing supply and lowering housing costs will improve the living standards of all New Zealanders and lift productivity and wages by allowing more workers to live and work in cities.

Council agrees with the Minister's assessment that fixing the housing crisis will involve collaborative actions across Government and by different Ministers.

Gisborne is currently experiencing a critical housing shortage while city centre buildings deteriorate due to a lack of investment. There is an opportunity for the Government to address the housing shortage by incentivising building owners to repurpose buildings for accommodation before they decay beyond repair.

As an example, in 2017, the city of Vancouver introduced an [empty homes tax](#). Which currently charges owners three per cent of a property's value if it remains unoccupied for more than six months. Since inception, the number of vacant properties in Vancouver has decreased by 54% and CAD\$142 million has been raised for the city's housing initiatives.¹⁹

Figure 2 - Trends in Vancouver's Declared Vacant Properties 2017 – 2022. Source: City of Vancouver



¹⁹ Housing Vancouver. (2023). Empty Homes Tax Annual [Report](#) 2023. City of Vancouver.

Attachment 3 – Ten Years of the National Problem

27 February 2013: Upper Hutt City Council adopted an Unoccupied Commercial Premises [Bylaw](#) that aims to prevent unoccupied commercial premises from falling into disrepair by setting standards for the maintenance of unoccupied commercial premises. By requiring commercial premises be maintained to an immediately tenable standard, the bylaw attempts to address issues such as rubbish, boarded windows, vermin and overgrown foliage. However, at best, this is a half-measure because it does not address utilisation and investment issues, which are the underlying cause of cosmetic conditions.

A fundamental problem with use of bylaws is unless new regulation enables fines, enforcement requires a prosecution. This would be cost-prohibitive with no guarantee of success or remediation of problematic conditions. This would waste a lot of time and resources that ratepayers expect to be well-utilised elsewhere.

2014: Following discussion with a number of councils, including discussion at an LGNZ Rural and Provincial Sector meeting, LGNZ wrote to the Minister of Building and Construction asking that the Government provide councils with powers to deal with problems created by derelict buildings to combat demolition by neglect. Specifically: "That a definition for derelict sites and homes be developed and included in the Building Act. This would enable Territorial Authorities to include such properties in their Dangerous and Insanitary Buildings Policy and update their procedures to respond in a timely and cost-effective manner to the needs of their community." However, as [reported](#) in Dunedin City Council's 15 May 2023 Agenda, the MBIE response was this was not a priority at the time.

22 April 2014: South Wairarapa District Council identified derelict commercial [buildings](#) as a problem that did not qualify as dangerous or unsanitary. The inability to take proactive remediation action has resulted in a perception of Featherston's town centre as unattractive and run-down.

4 May 2015: LGNZ's [submission](#) to the Rules Reduction Taskforce highlights that councils regularly face derelict building issues with requests for action coming from many sources, including neighbours and health officials. Buildings in serious disrepair cause neighbours distress, are a risk to health, a potential fire hazard, and are sites for criminal activity. However, councils have limited powers to remediate derelict properties. Over a period of five years, Rotorua District Council has spent more than \$60,000 on consultants' reports and legal advice for a single abandoned property because they lack the authority to require its demolition.

1 August 2016: The Christchurch City Development Forum, made up of city councillors and the business community, [urged](#) Christchurch City Council to develop an incentivisation policy to encourage owners to develop their derelict sites. Frustrating city revitalisation efforts are buildings that remain in limbo due to unresolved intentions or insurance disputes. High-profile heritage buildings are also part of the concern. However, despite derelict buildings being dangerous, unsanitary and an eyesore the city council had limited powers to deal with them.

21 October 2016: Stuff.co.nz reporting [highlights](#) that shuttered, deteriorating buildings are frustrating towns around the country, with Councils in these towns having found there is virtually nothing they can do legally about it. South Wairarapa District Council found that despite complaints that problematic buildings were holding the town back, there was no effective legal remedy. While the council can take the owners of these buildings to court under the Resource Management Act for loss of amenity, it is a subjective rather than objective issue, making it challenging to win in court. Additionally, even if they did win, taking someone to the Environment Court is expensive, with potential costs ranging from \$60,000 to \$100,000. Enforcement remains difficult even after winning a case. In Rotorua, the problem is with houses

rather than commercial buildings, but the issue remains the same. Derelict sites have potential fire risks, and the impact of these structures negatively impacts the value of surrounding properties. These abandoned buildings are eyesores; however, what is considered offensive is debatable under the law.

19 May 2017: Christchurch City Council outlines their [plan](#) for tracking derelict CBD sites they consider a barrier to the regeneration of the city centre. The plan of action seeks to address concerns about the sites, to improve investor confidence and to create a more positive impression of the central city. The third and final phase of their plan (to be used only as a last resort) involves joint action by agencies with enforcement and land acquisition powers. **This plan illustrates the problem: without legislative change, local authorities cannot prevent buildings from deteriorating to such a condition that outside agencies are required to facilitate collaborative solutions.*

16 June 2021: In the wake of a derelict house fire that destroyed a neighbouring house and damaged two others in Wellington, experts [question](#) why only a limited number of buildings meet strict criteria for dangerous or insanitary criteria. Otago University housing expert researcher Dr Lucy Telfar-Barnard said the bar was set too high for a dangerous or insanitary building. Regarding derelict houses, Victoria University Professor of Building Science Robyn Phipps says: "It's a ticking time bomb."

23 April 2022: Local authorities called for a change in the law to address the problem of derelict and unoccupied houses. In Whanganui, absentee owners are responsible for 10% of the derelict CBD buildings, committing to *demolition by neglect*. Litigating problem buildings is cost-prohibitive, and the bar is extremely high. Councils are completely powerless if a building simply looks terrible. As a result, LGNZ has [proposed](#) that the government define derelict buildings so that action can be taken. Stuart Crosby, LGNZ president, has highlighted that this problem is growing and needs to be addressed.

12 May 2022: Clutha District Council [identified](#) that its staff do not currently have the necessary tools to deal with abandoned buildings that become a target for vandals or unsightly in a town's main shopping street or issues of excessive waste and vegetation growth on private property.

May 2022: Dunedin City Council reports* that In May 2022, another attempt by LGNZ to meet the Minister of Building and Construction regarding derelict sites was unsuccessful. *Recounted in Dunedin City Council's 15 May 2023 [Agenda](#).

February 2023: As part of its submission to the Environment Select Committee on the Natural and Built Environment Bill and Spatial Planning Bill, DCC requested* the inclusion of "provisions in the NBEA to explicitly enable the management of neglected heritage buildings where a lack of maintenance is having an adverse effect on the structural stability, weather tightness, or long-term retention of a scheduled heritage building (aka demolition by neglect). This is urgently necessary for DCC (and other territorial authorities) to take actions to save heritage buildings where neglect has not yet progressed to a point of no return". *Reported in Dunedin City Council's 15 May 2023 [Agenda](#).

15 May 2023: Dunedin City Council (DCC) [identifies](#) that demolition by neglect is an issue in cities across New Zealand, yet is not regulated nor specifically referred to in either the Resource Management Act 1991, the Building Act 2004 or the Local Government Act 2002. DCC reports demolition by neglect is an issue for historic buildings that require significant investment to enable ongoing use. DCC asserts that, in the absence of legislative change, incentivisation is required to help motivate building owners to maintain buildings.

9 August 2023: The Press [reports](#) that the absence of legislation dealing with derelict properties has resulted in a derelict Christchurch property that, despite significant decay, does not meet the threshold for action.

6 September 2023: Considering lower rates for businesses and higher rates for vacant land, Wellington City Councillors express [frustration](#) with the inability of local authorities to target underutilised land due to it being too difficult to define: "It's deeply frustrating ... we can't make people do more with their land."

8 February 2024: Homeless persons squatting in a derelict building near Point Chevalier's town centre raise well-being and safety [concerns](#). Local businesses report daily harassment from intoxicated individuals and an increase in shoplifting, which they attribute to the squatters.

8 April 2024: Wellington City Council aims to remove ten buildings from the heritage list as part of its district plan review, utilising a 2012 amendment to the Resource Management Act (RMA) amendment aimed at ensuring more housing intensification in the country's largest cities. Among the ten buildings are the dangerous, unoccupied Gordon Wilson Flats. Considered unsafe due to potential earthquake and wind damage and empty since 2012, the flats have become a contentious feature of the Wellington skyline.

This move by Wellington City Council illustrates the extraordinary measures local authorities must take when buildings have deteriorated beyond repair resulting in a loss of national heritage and identity. The solution must be to enable proactive measures that address deteriorating conditions before buildings reach this level of decay.

Attachment 4 - Seized buildings in Gisborne

For almost a decade, five prominent Gisborne buildings have been the subject of an ongoing legal dispute between the Police and silent offshore owners. One of these buildings is Gisborne's finest, the heritage-listed [Masonic Hotel](#), and another features prominently in the Gisborne skyline (Figures 13 and 14, overleaf).

In 2016, Singaporean national Thomas Cheng was arrested in Gisborne for the importation and supply of methamphetamine. The Police subsequently obtained restraining orders over six commercial properties in Gisborne as part of a wider investigation into alleged tax evasion and money laundering by Cheng's father, William Cheng, and stepmother Nyioh Chew Hong, who live in Singapore.

An investigation into the "complex" ownership structure of the buildings saw restraining orders placed on associated bank accounts along with nine other buildings across Whanganui, Te Puke, Pahiatua, Timaru, and Gisborne. In 2020, the Police applied for the forfeiture of these buildings and associated bank accounts. The courts have recently declared the buildings to be beyond the reach of the drug investigation. However, legal proceedings continue to restrain the buildings.

In 2023, the Wellington High Court [ruled](#) that Cheng Jnr does not hold an interest in or have effective control of Cheng Snr's property. Therefore, the properties are not subject to forfeiture relating to Cheng Jnr's drug crimes. However, as the Police have appealed the ruling, the buildings remain in limbo, further complicated by possible [tax-evasion and money laundering](#) by Cheng Snr and Ms Hong.

Council has found it impossible to address building issues via Cheng Snr's New Zealand representatives. Cheng Snr is likely reluctant to undertake works without knowing what percentage of the buildings he will retain. The Police will not do anything as they are temporary custodians ill-equipped to deal with building remediation and unsure what percentage of the buildings they will retain.

This contested ownership status prevents building remediation, even under dangerous building notices, as no party assumes responsibility for remediating the unsafe conditions. Council has issued one seized building with a dangerous building notice; however, as ownership is contested, mitigation of dangerous conditions is not easily progressed. The restrained buildings, including the Masonic Hotel, continue to decline but are a long way from becoming Dangerous. Continued attempts by Council to engage building owners have met with little success.

Seized building: Gisborne's Masonic Hotel (now closed) prior to its decline. 46 Gladstone Rd



Seized building (left). 200 Gladstone Road.





// 07

Appropriate funding models for central government initiatives

Remit: *That LGNZ proactively promote and lobby for the development of a more equitable and appropriate funding model for central government initiatives.*

Proposed by: Northland Regional Council

Supported by: Zone 1 (Northland Regional Council, Far North District Council, Whangarei District Council).

Why is this remit important?

The constant reprioritisation of funding has a major impact on the ability of local government to provide quality infrastructure and services to the communities they are legally obliged to serve.

The development of a more equitable and appropriate funding model for central government initiatives would mitigate the risks and challenges the current funding model creates.

Background and Context

The reprioritisation of spending from community needs and services, to the implementation of central government policy and regulation, continues to be a major challenge for many councils.

Experience to date has shown that the current funding model needs to be reviewed and improved, to better reflect the community and operational realities of local government.

Zone 1 members firmly believe that central government should fully fund initiatives they wish to implement, or provide funding to local government in situations where they are required to implement a central government initiative.

How does this remit relate to LGNZ's current work programme?

This proposal aligns with LGNZ's policy that states:

- Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;
- Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.

In accordance with LGNZ's strategy, this proposal would strengthen local government as a whole to support our communities to thrive – environmentally, culturally, economically and socially.



How will the proposing council help LGNZ to make progress on this remit?

Northland Regional Council, with the support of Far North District Council and Whangarei District Council, will advocate the case for the development of an improved equitable funding model for central government initiatives.



// 08

Goods and services tax (GST) revenue sharing with local government

Remit: *That LGNZ be proactive in lobbying central government on sharing GST revenue with local government, derived from local government rates and service fees related to flood protection mitigation, roading, and three waters, for investment in these areas.*

Proposed by: Northland Regional Council

Supported by: LGNZ Zone 1 (Northland Regional Council, Far North District Council, Whangarei District Council).

Why is this remit important?

Local government faces funding and resourcing challenges due to current funding models. The sharing of GST revenue derived from local government rates and service fees related to flood protection, roading, and three waters, would allow for increased spending and investment in these areas.

Background and Context

S&P Global Ratings note that local government rates have not increased, as a percentage of the economy, in the past 100 years – compared with central government taxation which has gone up 200% in the same period.

This funding gap presents many challenges for local government and its ability to provide infrastructure and services to its communities.

Member councils of Zone 1 have not lobbied central government individually to date. However, there was full support for the position of LGNZ given on the matter on 27 February 2024.

This proposal seeks to elevate the matter and make it a high priority for LGNZ to lobby, with a view to achieve, the diversion of GST revenue for localised investment in flood protection mitigation, roading, three waters, and the related capital expenditure and debt servicing.

How does this remit relate to LGNZ's current work programme?

This proposal aligns with LGNZ's policy that states:

- Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;
- Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.

In accordance with LGNZ's strategy, this proposal would strengthen local government as a whole to support our communities to thrive – environmentally, culturally, economically and socially.



How will the proposing council help LGNZ to make progress on this remit?

Northland Regional Council, with the support of Far North District Council and Whangarei District Council, will advocate, lobby, and promote the case for the sharing of GST revenue with local government from the areas noted in this proposal.



REEFTON INC – Reefton’s Business Association

C/O 33 Broadway, Reefton, 7830

1 July 2024

The Mayor

Buller District Council

Buller

West Coast

jamie.cleine@bdc.govt.nz

To: The Mayor – Jamie Klein

Re: Reefton Volunteer of the Year Awards.

Dear Jamie

Thank you for officiating at the inaugural Reefton Volunteer of the Year Awards and by doing so, helped make the awards not only possible and an unparalleled success. The Awards are now firmly embedded in the Reefton Annual Event calendar.

The support of Reefton Inc and the Reefton community by you and your Council , makes it possible for Reefton Inc to host events such as the Volunteer of the Year Awards and by doing so, thank all those who contribute tirelessly and largely without recognition, to making Reefton the go ahead, all-encompassing town that it has become.

Of special note on the night, were the emotions and gratitude that were shown by the Award recipients. In the case of the Reefton Volunteer Fire Brigade and also the Women’s division of the Reefton RSA, their awards, were to the best of their knowledge, the first time that they had been formally thanked by the community in all the years that they have toiled in their service to Reefton.

We look forward to doing all again next year.

Sincerely

A handwritten signature in black ink, appearing to be "John Bougen", written over a horizontal line.

John Bougen

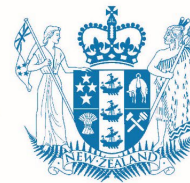
Chair

Reefton Inc – Reefton’s Business Association.

Cc Ronnie Buckman – Secretary- Reefton Inc. ronnie@reefton.nz

Hon Mark Mitchell

Minister of Corrections
Minister for Emergency Management and Recovery
Minister of Police



REF: EM COR 2023-24-051

3 July 2024

Jamie Cleine
Mayor of Buller District
Chair, West Coast Emergency Management Joint Committee
By email c/o: cindy.fleming@wcr.govt.nz

Dear Mayor Cleine,

Thank you for your letter of 14 May 2024 about the possibility of an emergency management precinct in Greymouth.

While the location of FENZ and Police properties are operational matters for the respective agencies, I support the general principle of services exploring the possibility of closer working arrangements at the local and regional level.

I am advised that Police would welcome the opportunity to discuss potential options to replace the Greymouth station, particularly if councils were interested in financing a build and lease option.

I understand this would depend on the facility's ability to meet the Police's requirements, including ensuring any Building Importance Level standards are appropriate to the requirements of policing.

If you wish to follow up further with NZ Police, I am advised the contact is Inspector Kyle Sherson. His email address is kyle.sherson@police.govt.nz.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Mitchell'.

Hon Mark Mitchell
Minister for Emergency Management and Recovery
Minister of Police

cc. Hon Brooke van Velden, Minister of Internal Affairs (Fire and Emergency New Zealand)

Hon Louise Upston

Minister for the Community and Voluntary Sector
 Minister for Disability Issues
 Minister for Social Development and Employment
 Minister for Child Poverty Reduction



Mayor Jamie Cleine
 Buller District Council

Dear Mayor Cleine

As you know, the Government is committed to getting people into jobs, reducing benefit dependency, and lifting economic outcomes for all New Zealanders.

On 8 April, the Prime Minister announced nine targets for agencies to achieve across a range of areas. I've asked MSD to lead one of the targets, which is to reduce the number of people receiving Jobseeker Support by 50,000 by 2030.

MSD will look to achieve this primarily by getting people into work. Not only can employment help to build better lives for people and their families, but it also creates stronger communities, a stronger economy, and creates talent pipelines to set New Zealand up for the future.

While MSD is leading this, they can't do it alone. Local representatives play a critical role in bettering the lives of people and creating more prosperous communities.

The best path out of financial hardship is through work. You can help get people into jobs by working with MSD, and making sure any appropriate job vacancies your Council has are listed with them first. Your local MSD Regional Commissioner can advise you on how to arrange this so please don't hesitate to contact them.

Importantly, you can also encourage local employers in your communities to do the same. MSD can make sure they line up the right person for the right role, but we need businesses to be willing to give local people a chance.

There are currently 190,000 people receiving Jobseeker Support with a wide range of work experience, and 110,000 of those are work-ready. That's a huge talent pool. Please find enclosed information on job seekers in your territorial authority. I believe that everyone has potential, and everyone has the capacity to improve their lives. We want to support people who can work, into work.

The target is ambitious, and it's not going to be easy. Economic conditions and challenges in the education and immigration spaces all have an impact. But as a community, we can work together to make a difference for New Zealanders.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Louise Upston'.

Hon Louise Upston
Minister for Social Development and Employment



Buller District

Jobseeker Support factsheet

March 2024 quarter

This factsheet provides Jobseeker Support (JS) information for Buller District. It includes specific JS breakdowns as supporting information.

636

People on
Jobseeker Support

This makes up **12 percent** of the total number of working-age people in Buller District, compared to **6 percent** for all of New Zealand (**187,986**).



423

People on Jobseeker Support –
Work Ready



This makes up **67 percent** of the total number of people on JS in Buller District, compared to **58 percent** for all of New Zealand.

216

People on Jobseeker Support –
Health Condition or Disability



This makes up **34 percent** of the total number of people on JS in Buller District, compared to **42 percent** for all of New Zealand.

96

Young People (aged 18–24)
on Jobseeker Support



This makes up **15 percent** of the total number of people on JS in Buller District, compared to **21 percent** for all of New Zealand.

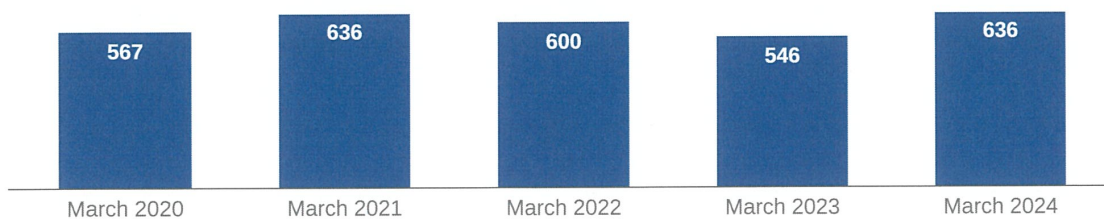
237

Have spent one year or less
on Jobseeker Support



This makes up **37 percent** of people on JS in Buller District, compared to **42 percent** for all of New Zealand.

Number of people on Jobseeker Support in Buller District over the last five years.



To protect confidentiality, numbers are randomly rounded to a base three. For further information please visit the MSD statistics page: www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics

The number of youth not in employment, education or training (NEET) is not able to be provided in Buller District because NEET numbers are based on a survey across New Zealand and are not provided by Territorial Authority by Stats NZ.

Jobseeker Support numbers in this document are working-age (18–64 years) and youth numbers are for people aged 18–24.

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



COR901

Jamie Cleine
Mayor
Buller District Council
By email: jamie.cleine@bdc.govt.nz

Dear Jamie,

Thank you for your letter of 4 July 2024 regarding the recent adjustment in the Rates Rebate Scheme (the Scheme). I appreciate your concerns and views as to how to further assist those who are in financial hardship and have issues in paying their rates, particularly those in rural communities. I also appreciate your insight on specific factors that affect Buller households.

As you are aware, the purpose of the Scheme is to provide financial relief to low-income homeowners. On 18 April 2024, the Coalition Government announced it would increase the Scheme's key settings as part of its commitment to bringing down the cost of living for New Zealanders. As of 1 July 2024, the maximum rebate increased from \$750 to \$790, and the income abatement threshold rose from \$30,100 to \$31,510.

As part of its coalition agreement with New Zealand First, the Government is also committed to exploring options to build on the Scheme for Super Gold Card holders.

I will be considering a wide range of issues regarding the Scheme, and will work with the local government sector to ensure that the options considered are realistic and pragmatic.

Thank you again for writing.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S-B', with a long horizontal stroke extending to the right.

Hon Simeon Brown
Minister of Local Government



26 June 2024

Members
West Coast Road Safety Coordinating Committee

By email

Dear Members

Due to the new strategic direction from the Government and the Waka Kotahi Road to Zero Initiative now disestablished it has been indicated that Waka Kotahi's contribution to the District Councils for the funding of the West Coast Road Safety Committee will no longer be available.

With the fiscal constraints of the current government and councils it is therefore prudent to look at our programmes of work and put our direct focus into our roading renewals, maintenance and safety aspects of the areas we control. It is unfortunate therefore to advise the members of the West Coast Road Safety Committee that at this stage the Committee will be disestablished until there is clarity of the funding that will be received. We will therefore not be renewing the contract for the Coordinator's role which expires on 30 June 2024.

We believe that with all the roles we play in our individual agencies we will still be performing our obligations to road safety awareness to our best ability. It is also believed that correspondence and concerns raised on behalf of the community will be dealt with through the respective channels including interactions with councils' transport teams and engagement with the public as well as in Annual and Long-Term planning documents. There is also still the Regional Transport Committee where concerns relating to the roading network can be raised and shared with Waka Kotahi, Police and other relevant agencies.

The Government will let us know in due course their new policies and strategic direction around reform and we await their direction on the future.

Yours sincerely

Jamie Cleine
Mayor
Buller District Council

Mayor
Grey District Council

Helen Lash
Mayor
Westland District Council



OFFICE OF THE MAYOR
Jamie Cleine

04 July 2024

Hon Simon Watts
Minister Climate Change

Via email: Simon.Watts@parliament.govt.nz

Kia ora Minister Watts

I wish to follow up on my letter to you of 18 March 2024, in particular my invitation to meet either in Westport or Wellington to discuss progress on the Resilient Westport work.

Recently I provided a briefing to local Member of Parliament, Maureen Pugh who again encouraged me to reach out to discuss these matters with you as you frame up policy direction on climate adaptation. I agree that cross party support for this policy is essential to enable communities to take the required inter-generational approach.

Prior to the election and your appointment as Minister for Climate Change, you visited Westport where we were encouraged by your understanding of the nature of the issues and subsequent conversations about the challenges facing the Buller District.

The work required for the greater Westport area to adapt to multi-hazards is continuing at pace – with Master Planning now into community and stakeholder workshops which have met with unanimous attendee support to date. We continue to work in tandem with West Coast Regional Council who are advancing the first stages of hard flood protection components of the Resilient Westport work package, which is the comprehensive plan to reduce hazard risk to Westport over time.

Overall, we have a strong plan coming together, one that applies the PARA framework to address the multi-hazard challenge for Westport and also looks to seize on the significant opportunities that we have present here in the Buller region to do something about it.

I would like to request a meeting with yourself to discuss the work programme in detail, some of the predicted outcomes and most importantly how the Buller District Council and the Government work closely together moving forward.

We firmly believe that we have established a set of work streams which will assist not only Westport to thrive, but potentially provide a type of pilot study on how the PARA framework, if applied astutely, can provide economic development opportunity, protect property value and address hazard risk for other communities across New Zealand facing the challenges of a changing climate.

I believe there is an opportunity to re-frame the adaptation discussion to one of enabling growth (into less hazard prone areas). This may be further enabled by adaptation policy alignment with Regional Infrastructure Fund, Regional Deals and Housing and Urban Development policy. Westport is poised (in partnership with the Crown and others) to test run how such an alignment might stimulate growth whilst enabling a scalable response to future climate hazard avoidance.

We would appreciate an opportunity to meet either in Wellington or here in Westport to discuss further.

Yours faithfully



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

cc: Maureen Pugh, MP West Coast Tasman
Hon Penny Simmonds, Minister for the Environment



OFFICE OF THE MAYOR
Jamie Cleine

4 July 2024

Hon Simeon Brown
Minister of Local Government

Via email: S.Brown@ministers.govt.nz

Dear Minister Brown

Rates Rebate Scheme – Adjustment

Thank you for your recent letter advising of a small uplift in the maximum rates rebate available to our low-income earners. This increase is appreciated and certainly helps. Unfortunately, a \$40 increase (4.7%) is drastically insufficient to keep pace with various influences on household budgets in Buller.

On behalf of low-income earners across the Buller District I urge you to consider a realistic increase in the rates rebate scheme. In my view, the thresholds of the scheme need to be flexible enough to consider local factors that exacerbate the challenge to an individual's ability to pay rates.

Examples of factors specific to Buller that need to be considered include:

1. Census data released in May confirms Buller population is increasing in number but that this is largely in the over 65 age group. Buller has double the percentage of over 65's compared to the New Zealand average. A large proportion of this cohort are almost certainly also on fixed incomes.
2. Average household income in Buller is 30% less than the New Zealand average. A recent Infometrics report stated an average household income in Buller of \$100,000 vs \$130,000 nationally.
3. Buller District Council rates 2024/25 have lifted around 14% driven largely by increases in three waters expenditure, insurance and interest costs and local government inflationary pressures. Infometrics reported cumulative inflation since 2020 (when Long Term Plans were last assessed) is more than 25% across the capital costs that local government invests in. Civil construction costs are up 27% over the last three years (compared to 19% for consumer price inflation). Significant weather events have exacerbated cost increases in Buller.
4. West Coast Regional Council (WCRC) rates 2024/25 have lifted 27% generally, with significant additional local rating to fund flood protection works. Westport ratepayers will have the biggest increases due to the co-funded \$22.9 million Westport Resilience Package announced under Budget 2023.

Under the WCRC LTP, Westport's targeted rate annual increase will be:

- 36 percent in 2024-25
- 248 percent in 2025-26
- 33 percent in 2026-27.

The targeted rate increase - cumulative from 2023-24 - will be up 539 percent by 2026-27.

This will equate to hundreds of dollars per Westport household as this work progresses over the next three years.

5. Buller Electricity Limited line charges increasing at double the national average. MBIE data shows the average Westport household on a low user plan is now likely to pay \$290.40 per month for power, \$85 more per month than a consumer in Christchurch or Wellington.
6. Home insurance increases as insurers seek to factor in risk-based pricing. RBNZ data suggests premium increases of 25-30%. This is likely to be higher for anyone with the Westport postcode, with some insurance providers no longer providing quotes in this area.
7. Fuel is approximately 10% more expensive than urban centres, with extremely limited public transport options for people to avoid this cost.

I accept that the focus of government is one of fiscal restraint and also note that many other districts will be facing household budget pressures driven by matters similar to those detailed above. However, I doubt many districts will be exposed to all of the factors listed above as is the case in Westport, and the remainder of Buller where many of the national averages are well exceeded.

This makes it clear that a one size fits all approach to setting the rates rebate thresholds fails to consider local pressures that households in some rural communities (such as Buller) are exponentially more exposed to.

I encourage you to consider a rural adjustment to the rates rebate scheme that provides greater consideration to the real costs facing households in smaller rural communities across New Zealand. We don't have the benefit of population density to buffer the challenge of maintaining equitable access to the services required for communities to thrive.

Yours faithfully



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

Cc: Maureen Pugh MP

Our Values: Community Driven | One Team | Future Focused | Integrity | We Care



6-8 Brougham Street • PO Box 21 • Westport 7866 • New Zealand • Ph: (03) 788 9111 • E: info@bdc.govt.nz • www.bullerdc.govt.nz



OFFICE OF THE MAYOR
Jamie Cleine

9 July 2024

Hon Chris Bishop
Minister of Housing

Via email: Chris.Bishop@parliament.govt.nz

Dear Minister Bishop,

Infrastructure Acceleration Fund – Conditions Relief

I am writing to request your re-consideration of funding conditions imposed by the previous government when it approved an Infrastructure Acceleration Fund (IAF) grant to Buller District Council in 2021. Unfortunately, although well intended, these conditions are now highly likely to limit the ability of Council to draw down the IAF funds and to construct the infrastructure. I recently provided an update on this issue to local MP Maureen Pugh who encouraged me to raise this directly with you.

Although the successful IAF application predated the major Westport Floods of 2021 and 2022, the work planned to be delivered is enabling and complimentary of the significant Resilient Westport Work Package that government recently confirmed in a pre-budget announcement in May 2024.

Reefton and Westport currently have severe housing shortages which limits the ability of minerals sector to go for growth. Initial discussions with local mining companies indicates that they will have increasing demand for construction and mine worker accommodation over the next 12- 24 months. The lack of accommodation is negatively impacting their ability to attract qualified staff to work on the Coast. This is a real lost opportunity, especially as we have approved IAF funding that could enable this long-term gain for the district.

The Buller district has a low-rate base and are unable to directly fund new infrastructure to unlock new housing growth and subdivisions. The approval of our IAF was an excellent local/central government partnership to unlock land for housing in an area near Westport that has a low natural hazard profile. Currently, the IAF has released funds to design six projects including extending the water main, new sewer capacity, an upgraded wastewater treatment plant, road safety upgrades, and a pedestrian/cycleway connection to Westport and upgraded stormwater conveyance.

However, construction funding is at risk because, while funding for stage 1 - \$7.1M and stage 2 \$6.3M has been agreed and contracted, access to funds must be approved by Kāinga Ora. Their funding is in turn approved by the Ministry of Housing and Urban Development (MHUD). MHUD took a funding options paper to the joint Ministers (former Minister of Housing and Minister of Finance) in September 2023.

This paper included three options for Ministers to consider. Kāinga Ora recommended approving option 2 which was to make stage 1 design and construction funding immediately available. However, Ministers chose an alternative being option 3, based on the MHUD advice.

Option 3 related to releasing stage one design funding only and making construction funding contingent upon the new combined District Plan -Te Tai O Poutini (TToP), being fully operative by December 2025. This was despite the TToP development being led by the West Coast Regional Council and timeframes for the Plan development and hearings process being completely outside of Buller District Council control.

The TToP process has also indicated that a private plan change is unlikely to be progressed pending the finalisation of the TToP itself. Council has been actively engaging with the TToP development process and working to mitigate objections to land being rezoned to enable residential development.

Council has also approached the Independent Hearings Panel Chair to ask if consideration could be given to confirming the residential zoning changes ahead of the rest of the Plan. We have now been asked to submit a formal request of the Hearings Panel, but the outcome of this request is also uncertain.

Council is aware of developers that may wish to buy land and develop housing however, the development economics and lack of infrastructure currently makes new development uneconomic.

Council is of the view that construction of the infrastructure improves the development potential of the land and allows for more housing density. This improves the economic return for developers and allows for the inclusion of affordable housing in any scheme plan.

As an alternative to meet the requirements of Kāinga Ora, Council has also applied for fast-track consenting of the land under the Fast Track Consenting Bill to enable residential development. However, there is no certainty around how long the Fast Track consenting process will take or what the outcome may be.

The delay in access to construction funding means the delivery programme is being delivered in serial rather than parallel, leading to higher delivery costs and extending delivery timeframes. Furthermore, the local market understands that IAF funding is at risk and this uncertainty leads to a further reluctance to invest in urban development. Council is also at risk for any construction inflation, and delays in being able to commence construction increases the probability of this risk being realised.

In the meantime, large lot subdivision applications continue to be received by council in this area that could support more intensive development. This undermines our long -term strategy of being able to encourage more dense subdivisions on land that is at low risk from natural hazards and to make provision for affordable housing to be included in these developments.

We would like to invite Ministers to revisit the funding conditions, with a view to making the already approved construction funding available for draw down now. This will send a clear message to the development community that we are going for growth and responding to the long-term benefit that the burgeoning mining sector could deliver to our local economy. This was the original recommendation of Kāinga Ora.

Should you or your advisors require additional information please contact Simon Pickford, Chief Executive Officer, Buller District Council, simon.pickford@bdc.govt.nz / 021 949 922.

We look forward to your favourable response.

Yours faithfully



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

Cc Maureen Pugh MP



OFFICE OF THE MAYOR
Jamie Cleine

17 July 2024

To Whom It May Concern,

Lotteries Funding Application - Westport Returned Soldiers Bowling Club

I wish to support the Westport Returned Soldiers Bowling Club in their application to Lotteries for critical upgrades to their pavilion.

The pavilion has over many years provided much more to the community than just a bowling club, with the building used as an election polling booth and for community gatherings and training seminars on a frequent basis. Of recent times the building has been on standby to act as a civil defence welfare centre during the significant 2021 and 2022 floods which caused widespread damage to the Westport community.

The committee work hard to maintain good facilities for their 40 strong membership. With most these members in the over 65 age range, bowling and social events around this sport are an important element to their active recreation and connectedness as a community. Unfortunately, the building is aging and needs some significant upgrades to ensure it can continue to serve the community for its many uses for years to come.

I fully endorse this application as any funds received will be a welcome support to the club and its ability to maintain the broader community benefits the pavilion provides.

Best Regards

Jamie Cleine

Buller District Mayor



OFFICE OF THE MAYOR
Jamie Cleine

17 July 2024

Mike Palmer



Dear Mike,

Acknowledgement of Your Voluntary Services

On behalf of the Buller District Council, I am writing to express our heartfelt appreciation for your dedicated voluntary services to the Carter's Beach Reserve and Hall Subcommittee. Your commitment and contributions have been invaluable to our community.

Your work with the subcommittee has not only enhanced the facilities and environment at Carter's Beach Reserve but also fostered a strong sense of community spirit. Your dedication to improving the reserve has provided a space where residents and visitors alike can enjoy the natural beauty and amenities it offers.

The Buller District Council and the broader community deeply value your contributions. Please accept our sincerest thanks and appreciation for your unwavering commitment.

Best Regards,

Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

Our Values: Community Driven | One Team | Future Focused | Integrity | We Care

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OFFICE OF THE MAYOR
Jamie Cleine

25 July 2024

To Whom It May Concern,

Northern Buller Museum Society - Letter of Support

I wish to support the Northern Buller Museum Society in their application to the Lottery Environment and Heritage Fund.

The volunteers of this group work extremely hard to preserve a vital part of Buller history and continue to develop and refine the offering to build on the visitor experience for those spending time in northern Buller.

In February 2022 natural disaster struck the Buller region with widespread flooding leading to a civil defence emergency. For the museum, this weather event caused a major setback as a culvert in a creek behind the museum burst causing widespread water damage and silting to the grounds, in the buildings and to some of the artifacts. The volunteers of the museum rallied and worked hard to reinstate the site and recover and clean up all of the displays. A larger culvert has now been installed to prevent this happening again.

A successful funding application would really help the Society further move on from these difficult times and play a greater role in attracting visitors to the area.

I can assure funding decision makers that this museum and the volunteers that manage it will put any funds received to good use.

Best Regards

Jamie Cleine

Buller District Mayor

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BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 10

Prepared by Simon Pickford
Chief Executive Officer

CHIEF EXECUTIVE OFFICER'S REPORT

1. REPORT SUMMARY

This report provides an overview of activities across the previous month and a 'horizon-scan' of upcoming strategic focus areas and opportunities.

2. DRAFT RECOMMENDATIONS

1. That Council receive the Chief Executive Officer's Report for information.

3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over June/July 2024, and key matters of interest to Council.

Resource Management Reform

The RMA Amendment Bill 2 will propose targeted changes to the Resource Management Act to improve the efficiency and effectiveness of the system and deliver coalition agreement and manifesto commitments aimed at:

- doubling the amount of renewable energy available
- enabling the delivery of high-quality infrastructure
- unlocking development capacity for housing
- enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining).

The Bill will be introduced to Parliament in late 2024 and is aimed to be finalised in mid-2025.

National Direction

National direction provides national resource management policies and standards to support local government policy development and decision-making under the RMA.

The programme is likely to be one of the single biggest changes to National Direction ever delivered at one time. Seven new National Direction instruments will be developed. Fourteen existing instruments will be amended through three packages for decision-making. For programme purposes, National Direction-making RMA functions will be delegated to the RMA Reform Minister instead of the Environment Minister. The exception is the New Zealand Coastal Policy Statement, which the Conservation Minister has statutory responsibility for.

The decision-making packages are:

- *Primary sector* - This package includes proposals relating to freshwater, indigenous biodiversity, commercial forestry, and marine aquaculture .
- *Housing and urban development* - This package includes proposals relating to urban development, heritage, highly productive land, and natural hazards.
- *Infrastructure and energy* - This package includes proposals aimed at better enabling infrastructure and delivering national direction aspects of the 'Electrify NZ' initiative.

The policy development phase is underway and will run until October 2024. Formal consultation will be undertaken in early 2025. Final reporting and Cabinet decisions on new or amended National Direction will be in mid-2025.

Climate Adaptation Framework

The Minister of Climate Change has initiated work on developing an Adaptation Framework. The Finance and Expenditure Committee (FEC) has commenced an inquiry into adaptation which will develop an agreed problem definition and principles for the framework. The Environment Committee has ceased its inquiry into climate adaptation and submissions to that inquiry will be considered by the FEC, in addition to new / supplementary submissions. The final report of the FEC inquiry is due in September. Potential legislative change will follow in early 2025.

Regulatory Services Update

- Resilient Westport – Master Planning
Following the early engagement workshops in April and late May, the Resilient Westport Master Planning team (headed up by Paul Zaanen) are planning for round 3 of workshops at Epic Westport in late July / early August. As with earlier rounds, the positive feedback and interest from industry, government stakeholders and the community remain high. Further engagement is ear-marked for the coming months to continue this important conversation around future options for growth and settlement in our District.

- Resource Consenting

The team is continuing to field interest from the development sector regarding subdivisions and new housing, which remains an encouraging sign. 260 planning related enquiries were received via email and phone for June (compared to 205 for April, 251 for May).

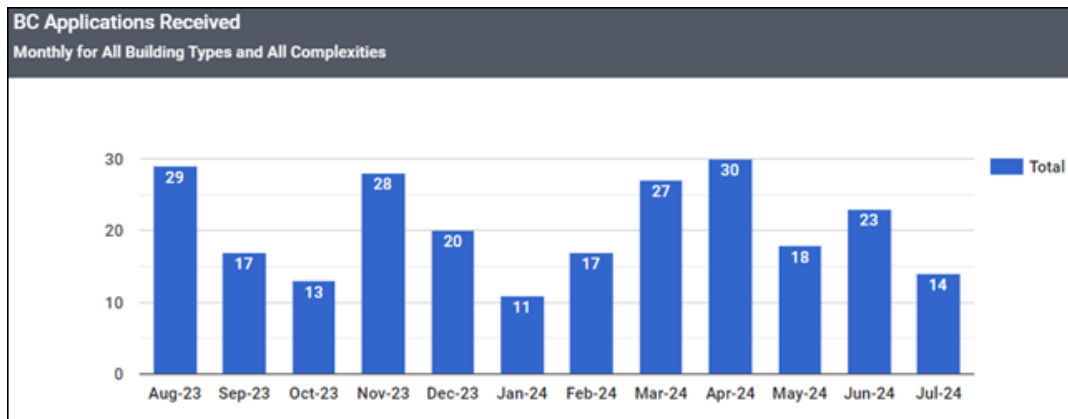
6 Resource Consent applications have been received for June, with 10 granted for the month. Similar numbers to this time last year.

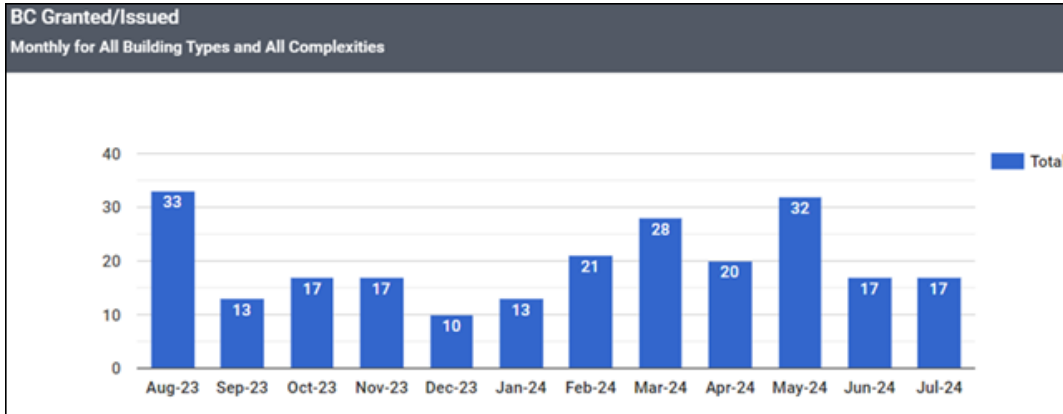
Council received 21 LIM applications and issued 26 LIMS for June (slightly down on May). These statistics reflect similar numbers at this time in 2023.

- Building

As depicted below, for June - 23 Building applications were received, and 17 Building Consents were granted, including 6 dwellings.

89 inspections were carried out during June, much in line with the 94 for May (and higher in comparison to 60 and 52 for March and April respectively). 100% of building consents were issued within 20 days. June's figures have trended downwards from March to May. The processing of PIMs and LIMs remains at a steady to high volume.





- Animal Control and Environmental Health

The team has now completed the annual Dog Registration process. A major yearly undertaking for the team, with great additional support from IT and Customer Services teams.

Animal control and general compliance matters, as well as liquor licensing applications, all remain at a high volume – a consistent trend for BDC.

- Resilient Westport Floating Lagoon Repairs and Vegetation Clearance

During a recent assessment, WCRC identified that some low points along the stop bank at the 'Floating Lagoon' need topping up. Vegetation clearance on the BDC land is scheduled to begin in the coming months. As previously updated, a letterbox drop informing residents of the WCRC repair project was undertaken and staff are with residents on a case-by-case basis regarding specific enquiries or the moving of structures. A representative from the WCRC has engaged with a number of property owners regarding removal of structures and belongings in this area. Property owners still have until July 31st to either remove structures or contact the Resilient Westport team.

- WCRC Data Update

BDC staff recently received updated natural hazard data from the WCRC, which supersedes the existing WCRC data that BDC held on record. Importantly, this updated data references 2016 NZ Vertical Datum (to replace the 1936 Lyttleton Vertical Datum previously issued by the WCRC). At the time of this report, the new data does not appear to suggest any significant Vertical Datum differences that would contribute to any foreseeable strategic impacts for Council or the District.

This updated data is now being included in the information provided within Land Information Memorandums (LIMs) and will also be used by Regulatory staff to inform responses and enquiries relating to building and resource consent applications.

Community Services

- Library

Buller District Libraries has launched Hoopla, a new library App allowing library members to borrow and enjoy online eBooks, eAudiobooks, comics, movies, TV, magazines, or music. Borrowers can issue up to 10 items per month. The beauty of this App is, there are no wait / hold times for content. Hoopla can be used on computers, smartphones, and most smart TVs, so offers greater access.

The library is currently recruiting a Community Connections Librarian, a role that will continue to create and deliver exciting activities and opportunities for our community. There has been a great deal of interest from applicants, and interviews are underway. We hope to fill this position soon.

We are about to launch a reciprocal borrowing agreement with our West Coast libraries, whereby any West Coast residents will be able to apply for a library membership from any of the three districts. This will largely benefit people living near the borders of our districts, and workers who travel. There is no additional cost to the home libraries as it is the borrower's responsibility to return books to the correct location.

- NBS Theatre

HAC system

The beginning of this long-awaited upgrade is almost underway. NBS Theatre Manager is working with a Project Manager to complete the Procurement Plan. With quotes now received, the NBS Theatre manager will apply for additional funding through Buller Arts and Recreation Trust.

\$5 movies are still up and running until September. Six \$5 movie specials have been run so far with a total of 81 people attending these sessions.

There are 13 more sessions scheduled through to September prior to a re-evaluation of the trail period.

Networking with local schools

Leading to September, theatre staff will be linking in with the local schools on how best to be kept up to date with their unscheduled days off i.e. teacher only days, so we can schedule movies the kids would want to come to. So essentially developing a closer relationship and network with the local schools.

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 11

Prepared by Simon Pickford
Chief Executive Officer

PORTFOLIO LEADS VERBAL UPDATE

1. REPORT SUMMARY

A summary of updates is verbally provided by each of the new Portfolio Leads and Council Representatives listed below.

2. DRAFT RECOMMENDATION

That Council receive verbal updates from the following Chairs and Council Representatives, for information:

- a. Inangahua Community Board – Cr L Webb
- b. Regulatory Environment & Planning - Councillors Neylon and Basher
- c. Community Services - Councillors Howard and Pfahlert
- d. Infrastructure - Councillors Grafton and Weston
- e. Corporate Policy and Corporate Planning - Councillors Reidy and Sampson
- f. Smaller and Rural Communities - Councillors O’Keefe and Webb
- g. Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine
- h. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon
- i. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy
- j. WC Health Localities Project - Cr G Neylon
- k. Regional Transport Committee – Cr Phil Grafton

BULLER DISTRICT COUNCIL

31 JULY 2024

AGENDA ITEM: 12

Prepared by Simon Pickford
Chief Executive Officer

PUBLIC EXCLUDED

1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

2. DRAFT RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting:

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE1	Simon Pickford – Chief Executive Officer	Confirmation of Public Excluded Minutes	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or (s 7(2)(j)) - prevent the disclosure or use of official information for improper gain or improper advantage.
PE2	Simon Pickford – Chief Executive Officer	Code of Conduct	(s 7(2)(a)) - Protect the privacy of natural persons, including that of deceased natural persons.