



Notice is hereby given that an Ordinary Meeting of Southland District Council will be held on:

Date: Friday, 20 April 2018
Time: 9am
Meeting Room: Council Chambers
Venue: 15 Forth Street
Invercargill

Council Agenda OPEN

MEMBERSHIP

Mayor	Mayor Gary Tong
Deputy Mayor	Paul Duffy
Councillors	Stuart Baird
	Brian Dillon
	John Douglas
	Bruce Ford
	Darren Frazer
	George Harpur
	Julie Keast
	Ebel Kremer
	Gavin Macpherson
	Neil Paterson
	Nick Perham

IN ATTENDANCE

Chief Executive	Steve Ruru
Committee Advisor	Fiona Dunlop

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

TABLE OF CONTENTS

ITEM	PAGE
PROCEDURAL	
1 Apologies	5
2 Leave of absence	5
3 Conflict of Interest	5
4 Public Forum	5
5 Extraordinary/Urgent Items	5
6 Confirmation of Council Minutes	5
REPORTS - POLICY AND STRATEGY	
Nil	
REPORTS - OPERATIONAL MATTERS	
8.1 Dog Registration Fees for 2018/2019	7
8.2 Approval for Unbudgeted Expenditure - Pathways Module for New Dogs	15
8.3 Predator Free Rakiura- Council approval to receive and administer Ministry of Business Innovation and Employment funding	19
8.4 Report seeking Council endorsement of Museum Support Agreement for Wyndham and Districts Historical Society Incorporated	35
REPORTS - GOVERNANCE	
9.1 Initial Proposal and Consultation Booklet for the 2018 Representation Review	47
9.2 Southland Regional Development Agency	151
PUBLIC EXCLUDED	
Procedural motion to exclude the public	168
C10.1 Removal of Ouvea Premix	

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

6 Confirmation of Council Minutes

There are no minutes to confirm.

Dog Registration Fees for 2018/2019

Record No: R/18/3/5184

Author: Michael Sarfaiti, Environmental Health Manager

Approved by: Bruce Halligan, Group Manager Environmental Services

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To set the dog control fees for the 2018/2019 year.

Executive Summary

- 2 Council's dog control fees must be prescribed by resolution. It is proposed to continue the current 2017/2018 fees for the 2018/2019 year.

Recommendation

That the Council:

- a) **Receives the report titled “Dog Registration Fees for 2018/2019” dated 23 March 2018.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Sets the dog control fees in Attachment A for the 2018/2019 registration year.**
- e) **Publicly notifies the fees in the Fiordland Advocate during the weeks starting 4 June 2018 and 18 June 2018.**
- f) **Delegates authority to the Chief Executive and the Group Manager – Environmental Services to authorise rehoming providers, taking into account the following criteria:**
 - i) **the provider is a suitable, reputable, legal, and non-commercial entity; and**
 - ii) **the purposes and objectives of the provider are suitable; and**
 - iii) **the suitability of premises operated by the provider; and**
 - iv) **consideration of any other services provided by the provider; and**
 - v) **the resourcing and experience of the provider.**
- g) **Authorises an incentive prize draw to encourage more dog owners to register their dogs online.**
- h) **Authorises payments to authorised rehoming providers, relating to dogs impounded by Council, for their costs relating to:**
 - i) **Dog registration fees for other Councils; and**
 - ii) **Sustenance costs while in their care for the first 7 days; and**
 - iii) **Veterinary costs for dogs that require specialist care.**

Background

- 3 The Dog Control Act 1996 requires territorial authorities to set dog control fees. The Council currently has approximately 13,000 registered dogs within its District.
- 4 The Dog Control service operates a register of dogs, investigates complaints about dogs, monitors the District, and promotes responsible dog ownership.
- 5 The Dog Control business unit is staffed by a manager, one full-time and part-time dog control officer, a part-time ranger, and a customer services officer. Support services are provided by a contractor (Armourguard) and via a shared service with the Invercargill City Council.
- 6 Council has a combined dog pound with the Invercargill City Council. Council has a licence to occupy the pound with an exclusive licence to use five of the 28 kennels.

Issues

Continuation of fees

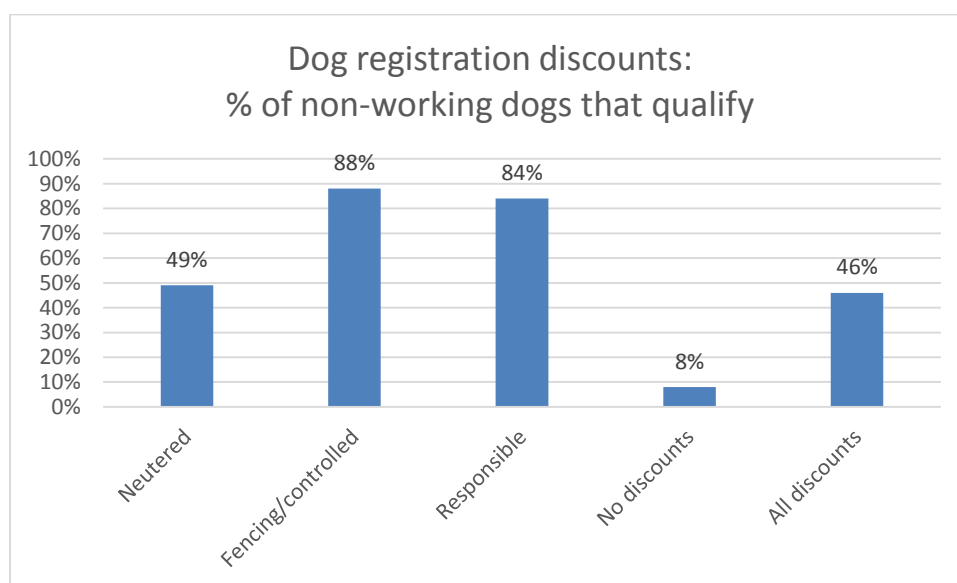
- 7 It is proposed to continue the dog registration fees for 2018/2019 at the same level as 2017/2018 fees. The proposed fees for 2018/2019 are in Attachment A.

Rates

- 8 Dog control is funded from dog registration fees, infringements, and fees and charges. There is no rates funding for dog control.
- 9 While Council may consider a rates contribution at a later date, this is not being considered during the current LTP cycle.

Discounts

- 10 The number of non-working dogs that qualified for the discounts is shown in the graph below.



- 11 The last two bars above mean the number of dogs that did not have any discounts, and the number that had all three discounts applied.

Rehoming providers

- 12 Council's current fees provide as follows:

A dog impounded by SDC released to a SDC authorised rehoming provider for either fostering or rehoming (initial registration only)

Free

- 13 In order to more accurately reflect practice, it is proposed to change the wording to:

Registration fee for a dog that is required to be registered with SDC, that has been impounded by SDC, and released to a SDC authorised rehoming provider (initial registration only)

Free

- 14 For clarity, this report recommends that Council makes a delegation to permit the CEO, or the GM – Environmental Services, to authorise rehoming providers on behalf of Council. Some criteria are suggested in the recommendation of this report.
- 15 Currently Council has not authorised any rehoming providers, and this delegation will permit Council to readily authorise providers.
- 16 It is reasonable that Council reimburses a rehoming provider for the following costs:
- a) Initial registration fees for other Councils; and
 - b) Sustenance fees while in their care for the first 7 days; and
 - c) Veterinary fees for dogs that require specialist care.
- 17 Council would be required to pay sustenance and veterinary fees if the dogs were in Council's pound, and so these payments are like for like. Concerning paying the registration fees for other Councils, the alternative would be paying more for euthanasia fees.
- 18 The Council's rehoming arrangements with Furever Homes have had a significant positive animal welfare effect. Over the last several years Council has had a near 100% rehoming success rate of dogs, with the few dogs that are not considered suitable for rehoming being euthanised by a vet. This is not only a great result for dog welfare, but also morale benefits for Council's Animal Control staff that infrequently have to arrange euthanasia.
- 19 From 1 January 2017 to 31 December 2017, 141 SDC dogs were impounded. Of these 110 were released back to their owners, 29 were rehomed via Furever Homes, and 2 were euthanised.

Incentive to register online

- 20 It is highly desirable to increase the number of dog owners registering their dogs online. Benefits are:
- Less staff time in processing an application = less cost
 - High accuracy – this also results in less cost, due to less time following up on errors
- 21 Staff recommend that a prize draw is conducted this year, to increase the number of online applications. It is proposed that 20 free dog registrations are promoted as prizes for dog owners that apply online by 1 July 2018. This will involve refunding the dog registration of the dogs that are selected from the draw. Assuming that the dogs selected qualified for all three discounts, then the fees refunded would total \$600.
- 22 Applying online means that the dog owner, once receiving the registration pack in the post, goes onto Council's website to the "Payments" shortcut, and then pays for the dog registration using a credit/debit card. Owners that register by this method are not required to send back their registration form.

- 23 In 2017/18, about 22% of dogs were registered online. For the efficiency reasons as outlined above, the Council is seeking to increase this number and it is considered that any lost revenue as referred to in 17 above will be more than made up for in the benefits of reduced staff time and greater efficiencies involved.

Factors to Consider

Legal and Statutory Requirements

- 24 Section 37 of the Dog Control Act 1996, is concerned with fee setting, and is attached to this report in Attachment B.
- 25 The Council is legally required to set the fees by resolution and to subsequently publicly notify these fees.
- 26 The prize draw is a 'Sales Promotion Scheme' under the Gambling Act 2003, as defined in Section 4 of that Act. Sales Promotions Schemes are authorised under Section 18 of that Act.

Community Views

- 27 Members of the community will have an opportunity to express their views on the registration fees when they are publicly notified.

Costs and Funding

- 28 The dog control service is funded mainly from registration fees, and also from infringements, and fees and charges. Council has resolved that dog control is to be fully funded by fees and charges.

Policy Implications

- 29 There are no specific policy and plan considerations.

Analysis

Options Considered

- 30 There are no options, Council must set dog control fees by resolution and may make any changes to the proposed fees in Attachment A as it sees fit.

Analysis of Options

Option 1 – That Council sets the dog control fees in Attachment A for the 2018/2019 registration year, with any amendments as it sees fit.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• The recommended fees are considered suitable for the District.	<ul style="list-style-type: none">• None identified.

Assessment of Significance

- 31 This review is considered to be not significant in accordance with Council's Significance and Engagement Policy.

Recommended Option

- 32 Not applicable.

Next Steps

- 33 Council's decision will be publicly notified in the Fiordland Advocate and also on Council's website; and the fees will come into effect on 1 July 2018.

Attachments

- A Proposed Dog Control Registration Fee Schedule 2018/19 [↓](#)
B Section 37 of the Dog Control Act [↓](#)

DOG CONTROL FEE SCHEDULE**EFFECTIVE 1 JULY 2018****(All fees GST inclusive)****Registration - Dog (non-working)****\$90.00****Discounts**

- (a) The dog is spayed or neutered **-\$10.00**
- (b) The dog is in a fenced or controlled property **-\$20.00**
- (c) Responsible owner (according to Council's criteria) and microchipped dog **-\$30.00**

Registration fee inclusive of (a), (b) and (c)**\$30.00****Registration - Working Dog****\$30.00****Late Registration - All Dogs****50%**

Registration fee for a dog that is required to be registered with SDC, that has been impounded by SDC, and released to a SDC authorised rehoming provider (initial registration only)

Free**Dog Control Fees**

- (a) Dog hearing lodgement fee **\$100.00**
- (b) Multiple dog licence application fee **\$50.00**
- (c) Sale of collars **\$9.00**
- (d) Withdrawal of infringement fee, per infringement **\$30.00**

Microchipping

- (a) Microchipping of a dog registered by SDC **Free**
- (b) Commercial breeders that require more than four pups to be microchipped per registration year **\$30.00 per dog, for the fifth and subsequent dog**

Dog Impounding Fees

- (a) Impounding of dogs **\$100.00**
- (b) Sustenance of impounded dog per day or part thereof **\$20.00**
- (c) Euthanasia **\$40.00**

Section 37 Dog Control Act 1996

Territorial authority to set fees

- (1) The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.
- (2) Any resolution made under subsection (1) may—
 - (a) fix fees for neutered dogs that are lower than the fee for dogs that have not been neutered;
 - (b) fix fees for working dogs that are lower than the fee for any other dog, and may limit the number of working dogs owned by any person which qualify for lower fees under this section;
 - (c) fix different fees for the various classes of working dogs;
 - (d) fix fees for dogs under a specified age (not exceeding 12 months) that are lower than the fee that would otherwise be payable for those dogs;
 - (e) fix, for any dog that is registered by any person who demonstrates to the satisfaction of any dog control officer that that person has a specified level of competency in terms of responsible dog ownership, a fee that is lower than the fee that would otherwise be payable for that dog;
 - (f) fix by way of penalty, subject to subsection (3), an additional fee, for the registration on or after the first day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the first day of that registration year;
 - (g) fix a fee for the issue of a replacement registration label or disc for any dog.
- (3) Any additional fee by way of penalty fixed under subsection (2)(f) shall not exceed 50% of the fee that would have been payable if the dog had been registered on the first day of the registration year.
- (4) In prescribing fees under this section, the territorial authority shall have regard to the relative costs of the registration and control of dogs in the various categories described in paragraphs (a) to (e) of subsection (2), and such other matters as the territorial authority considers relevant.
- (5) Where any 2 or more territorial authorities have formed a joint standing or joint special committee in accordance with section 7, the resolution of that committee under subsection (1) may fix different fees in respect of dogs kept in the different districts, having regard to the costs of registration and dog control in the districts concerned.
- (6) The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the registration year.
- (7) Failure by the territorial authority to give the public notice required by subsection (6), or the occurrence of any error or misdescription in such public notice, shall not affect the liability of any person to comply with this Act or to pay any fee that is prescribed by the territorial authority under subsection (1).
- (8) No increase in the dog control fees for any year shall come into effect other than at the commencement of that year.”

Approval for Unbudgeted Expenditure - Pathways Module for New Dogs

Record No: R/18/3/6691
Author: Michael Sarfaiti, Environmental Health Manager
Approved by: Bruce Halligan, Group Manager Environmental Services

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To obtain Council's approval for unbudgeted expenditure.

Executive Summary

- 2 A Pathways module is available that would enable Council to register new dogs online. This module is a step forward towards Council's goals of increased online lodgement and processing.

Recommendation

That the Council:

- a) **Receives the report titled "Approval for Unbudgeted Expenditure - Pathways Module for New Dogs" dated 11 April 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves the unbudgeted expenditure of \$16,568.18 (excl. GST) for the purchase of the new dogs Pathways module.**

Background

- 3 The Environmental Services Group recently completed a Section 17A review, with a key outcome being the need for greater online delivery of services. The report advised:

Online and mobile service delivery and increasing use of technology in the field for efficiency and improved health and safety are changing the face of how councils operate and interact with their customers and communities. In an increasingly digital world, customer expectations are changing rapidly, with the demand for electronic services on the rise and increased expectations of reduced timeframes and costs.

SDC has electronic processing capability through the use of internal software 'Pathway' but does not have an online lodgement, payment or application tool available for the community.

And,

The unique challenges facing the Southland District, such as geographic spread and physical access to services, is further complicated by recent changes to the New Zealand Post service, significantly increasing the time it takes to complete manual application and consent processes.

Online services and electronic processing abilities provide an opportunity to better reach the community and deliver services with greater convenience and automation, improving the customer experience and driving internal efficiencies.

Engaging with customers online also presents opportunities for improving the frequency and quality of community feedback about Council services. For example, customers could complete a short online survey at the conclusion of an application or consent process, removing the barriers to engaging (such as the current postal survey) and providing fast, relevant data.

- 4 There is a Pathways module that is available but has not been purchased by Council, which allows new dogs to be registered online. Currently only existing dogs can be registered on Council's website.
- 5 Council registers over 2,000 new dogs every year on average.
- 6 Incidentally, staff are investigating the implementation of a software product that allows customers to make payments using bank to bank. Currently only credit cards may be used on Council's payments page of our website. The author may be able to update Council on whether this will be available for this year's dog registrations, at this meeting.

Issues

Increasing online processing

- 7 The purchase of this module is a step forward in the direction of increased online lodgement and processing. This has been identified as a significant issue in the Section 17A review, and subsequently also in the Environmental Services Activity Management Plans.
- 8 The benefits of this are summarised in the analysis of options below.

Factors to Consider

Legal and Statutory Requirements

- 9 There are no legal considerations which are a barrier to implementing this module.
- 10 Concerning the need for certain forms to be signed, Council's legal advisor has previously advised that Electronic Transactions Act permits electronic signatures; that can be captured for example in a banking transaction.

Community Views

- 11 Not required. However as identified in the Section 17A review, customer expectations are changing rapidly, with the demand for electronic services on the rise and increased expectations of reduced timeframes and costs. This module is customer friendly, as it will enable dog owners who prefer to register their new dogs online, to do so.

Costs and Funding

- 12 The module has a one off fee of \$16,568.18 (excl. GST); and an annual 20% maintenance fee. It is proposed that the Animal Control business unit will fund the new dogs module. At the time of writing, the Animal Control business unit reserve is \$95,000.
- 13 It is expected that this product will pay for itself in a short time, as online registrations are significantly more efficient than registrations over the counter or by post.

Policy Implications

- 14 There are no policy implications.

Analysis

Options Considered

Option 1 – Purchase of new dogs Pathways module

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Promotes greater use of online lodgement and payment, and this conforms with Council's future direction• Efficiencies, with less staff time required in processing, error correction and tracking• Ease of doing business• A number of Southlanders do not have credit cards, and so cannot use Council's online payments• Increased internal effectiveness• Customer focussed	<ul style="list-style-type: none">• Purchase cost of module

Option 2 – Status quo

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Savings in not purchasing the module	<ul style="list-style-type: none">• Advantages above not realised

Assessment of Significance

- 15 Not significant.

Recommended Option

- 16 Option 1 - that the module is purchased.

Next Steps

- 17 If Council approves the expenditure, staff will arrange purchase and implementation. Whether this module can be operational for this year's dog registration period will depend on both the supplier and SDC staff resourcing for implementation/testing.

Attachments

There are no attachments for this report.

Predator Free Rakiura- Council approval to receive and administer Ministry of Business Innovation and Employment funding

Record No: R/18/3/6334
Author: Bruce Halligan, Group Manager Environmental Services
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek Council approval to receive unbudgeted income from the Ministry of Business Innovation and Employment (MBIE) for the creation of the Predator Free Rakiura Project Manager - Community role, and for the Council to act as administrator of this funding, including fulfilling reporting-back requirements to MBIE.

Executive Summary

- 2 The Predator Free Rakiura Leadership Group (PFR LG) recently lodged an application with the Ministry of Business Innovation and Employment (MBIE) for \$100,000 (excluding GST) of funding to create a Project Manager role to progress the Predator Free Rakiura project.
- 3 This application was successful. This is very positive for Stewart Island/Rakiura, as during recent collaborative community and interagency work which the Council has been involved in, the advancement of predator free concepts was seen as a major environmental and socio-economic opportunity for the future of the Stewart Island/Rakiura community.
- 4 Council approval is hence now sought to receive this unbudgeted income, and for Council to act as administrator of this funding, including fulfilling reporting-back requirements to MBIE.

Recommendation

That the Council:

- a) **Receives the report titled “Predator Free Rakiura- Council approval to receive and administer Ministry of Business Innovation and Employment funding” dated 11 April 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves the receipt of the unbudgeted income of \$100,000 excluding GST from the Ministry of Business Innovation and Employment for the Predator Free Rakiura Project Manager role.**
- e) **Agrees to act as funding administrator for this role, and for Council staff to fulfil the reporting back requirements to Ministry of Business Innovation and Employment in relation to this funding.**
- f) **Authorises the Chief Executive to sign the funding agreement with Ministry of Business Innovation and Employment.**

Background

- 5 Councillors will no doubt be generally aware of the Predator Free Rakiura (hereafter PFR) Project which came into being approximately four years ago.
- 6 This is an inter-agency initiative to seek to progress predator- free work on Stewart Island/Rakiura; including representatives from DOC, local community representatives, aquaculture representatives, Ngai Tahu, Rakiura Maori Lands Trust and Rakiura Titi Islands Administering Body, Environment Southland, Real Journeys and the Southland District Council. The Group Manager of Environmental Services has been the SDC representative. This group has been recently renamed as the PFR Leadership Group (PFR LG). The current chair is Mr Paul Norris of Real Journeys.
- 7 An application was prepared to the Ministry of Business Innovation and Employment (MBIE) for \$100,000 excluding GST of funding for the creation of a Project Manager position for PFR.
- 8 This application was coordinated through Mr Phil Tisch, Partnerships Manager at DOC, with a subcommittee of the PFR LG also providing input to the formulation of the application.
- 9 The PFR LG has recently been advised that this application was successful.

- 10 This is very positive for the future progression of this work on Stewart Island/Rakiura. As Councillors will be aware, some SDC elected representatives and staff have been involved in a recent significant broader consultation process with the community, which flowed from the recent bonamia outbreak. This sought to identify future socio-economic opportunities for the Stewart Island/Rakiura community. The advancement of initiatives to seek to make Stewart Island/Rakiura predator free came through these processes as having strong community support and the potential for significant socio-economic benefit. This project also has broad alignment with the SoRDS Action Plan.
- 11 A series of technical background papers have been prepared for the PFR LG with significant support from the Department of Conservation (DOC). These will assist in informing and guiding the future direction of the project. DOC has been a very strong and significant supporter of the PFR project, bearing in mind the project's close links to the broader Predator Free 2050 goal which DOC is working towards.
- 12 Attached as Appendix A is the draft funding agreement with MBIE. This outlines the scope of the agreement, including reporting-back requirements and the focus areas for the position itself.
- 13 It is intended that the Department of Conservation will oversee this role on a day to day basis, initially via Mr Tisch, Partnerships Manager at DOC. Hence, the Council's role will be to act as funding manager and to fulfil the reporting back requirements of MBIE in relation to this funding. This was agreed through discussions between the Chief Executive and MBIE and DOC senior management. A separate Memorandum of Understanding will be prepared between DOC and SDC over day to day matters such as payment of salary, managerial oversight and dispute resolution processes.

Issues

- 14 An issue with the receipt of this funding is that it creates an additional fund administration responsibility for Council, which it does not currently have. However, this is seen as an important position to progress the PFR work and hence the Council acting as fund administrator will assist this occurring.
- 15 Ongoing funding of this position is not guaranteed, and would be dependent on demonstrating progress and securing future funding, which may or may not include MBIE as a funding source.

Factors to Consider

Legal and Statutory Requirements

- 16 There is no statutory requirement for Council to be involved in this process, nor to receive this funding.
- 17 However, it is considered that this will assist the PFR LG to advance predator free work which has significant potential to yield broad environmental and socio-economic benefits to the Stewart Island/Rakiura Community and to assist with the delivery of the SoRDS Action Plan.

Community Views

- 18 In the recent community leadership planning process, undertaken by consultant Sandra James, on Stewart Island/Rakiura, the advancement of predator free work received strong community support, coming through as the second-most supported concept.

- 19 There is no statutory requirement to consult the community in relation to whether or not the Council should act as administrator of the funding.

Costs and Funding

- 20 As referred to above if the recommendation is agreed to by Council, the Council will receive \$100,000 excluding GST of funding from the Ministry, to fund salary and administration costs of the position for one year. Ongoing future funding is not guaranteed beyond this initial one year period.
- 21 As outlined in Clause 7.1 of the agreement funding will be payable by MBIE in 3 instalments when key milestones are achieved, with \$50,000 payable on signing.

Policy Implications

- 22 There are no specific policy implications, although it is consistent with Council's general approach that any additional funding administration roles such as this should be considered at elected representative level.

Analysis

Options Considered

- 23 Options are either to agree to receive and administer this funding or not to receive and administer this funding.

Analysis of Options

Option 1 – Receive and administer the MBIE funding

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Supports “leading the way” with the environmental and socio-economic advancement of Stewart Island/Rakiura• Supports delivery of the SoRDS Action Plan• Show support for the interagency PFR LG• Strengthens relationships with iwi and with other stakeholders	<ul style="list-style-type: none">• Creates a further administrative function for Council• Involves a level of exposure/risk (e.g. financial and potentially reputational) for Council which it would not incur if it did not fulfil this role

Option 2 – Not receive and administer the MBIE funding

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Does not expose Council to any risks associated with performing this role	<ul style="list-style-type: none">• Does not support “leading the way” with the environmental and socio-economic advancement of Stewart Island/Rakiura nor the SoRDS Action Plan

	<ul style="list-style-type: none">• Does not show support for the interagency PFR LG• Does not strengthen relationships with iwi and with other stakeholders
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Assessment of Significance

- 24 This matter is not considered significant in terms of Section 76 of the Local Government Act 2002.

Recommended Option

- 25 Option 1- that the Council receives and administers the funding from MBIE for the Predator Free Rakiura Project Manager role and agrees for Council staff to fulfil the reporting back requirements to MBIE in relation to this funding.

Next Steps

- 26 The Council decision will be communicated back to MBIE. If Option 1 is agreed, the creation of the position description and the progression of the recruitment process will continue.

Attachments

- A Draft Funding Agreement - Predator Free Rakiura - Project Manager [↓](#)



Ministry of Business,
Innovation & Employment

FUNDING AGREEMENT

FOR

Southland – Predator Free Rakiura Project Manager

DATED the day of 2018

BETWEEN The Sovereign in Right of New Zealand acting by and through the Chief Executive of the Ministry of Business, Innovation and Employment ("**Ministry**")

AND **SOUTHLAND DISTRICT COUNCIL**, a territorial authority under Schedule 2, Part 2 of the Local Government Act 2002, 15 Forth Street, Invercargill 9810 ("**Recipient**")

("Recipient")

BACKGROUND

The Ministry wishes to contribute to the Project by providing funding from the appropriation set out in the Details on the terms set out in this Agreement.

AGREEMENT

The Ministry will pay the Funding to the Recipient, and the Recipient accepts the Funding, on the terms and conditions set out in Schedule 1 (Details) and Schedule 2 (Funding Agreement Standard Terms and Conditions).

Signed by Iain Cossar, John Doorbar, General Manager, Tourism, Sectors, Regions and Cities branch, Regional Economic Development Director, Regional Economic Development Unit, the authorised delegate of the Chief Executive of the Ministry of Business, Innovation & Employment

Signature

Date: _____

Signed for and on behalf of SOUTHLAND DISTRICT COUNCIL by Steve Ruru, Chief Executive, Southland District Council

Signature

Print Full Name

Print Title

Date: _____

SCHEDULE 1 - DETAILS**1. Context**

- 1.1 New Zealand's economy is made up of diverse regions, each specialising in different activities depending on its natural resources, infrastructure and people. While they differ each region has the potential to attract further investment, raise incomes, and increase employment opportunities. The Government's Regional Economic Development programme (RED) helps to leverage that potential by working with regions to identify opportunities and develop an economic action plan for implementation. It is co-led by the Ministry and Ministry for Primary Industries with each region having a Senior Regional Official (SRO) appointed.
- 1.2 In October 2015, the Southland Regional Development Strategy (SoRDS) was launched. The strategy was commissioned by the Southland Mayoral Forum, which was looking for a high-level, integrated strategy that would unify the regional development effort.
- 1.3 Southland was included in the Government's RGP in July 2016 and the SoRDS Action Plan 2015 - 2025 was launched in November 2016. It aims to promote population growth and retention to foster a solid social and economic base within the Southland region.
- 1.4 The Action Plan has three main objectives; to grow the population; diversify the regional economy, and; strengthen local business.
- 1.5 Stewart Island/ Rakiura has a small population, and is highly impacted by job losses. This Project will create new permanent jobs and support tourism and population growth.
- 1.6 The Ministry wishes to contribute funding for the Recipient to engage a Project Manager with the Department of Conservation, who will be responsible for supporting the Predator Free Rakiura Leadership Group to move the Predator Free Project through the Scoping stage.

2. Appropriation and approval process

- 2.1 The funding for the Project, as outlined in Clause 4 below, is approved from Vote Business, Science and Innovation from Non-departmental Regional Growth Initiatives Multi-Year Appropriation approved by SROs as per delegated authority of the Appropriation.

3. Funding (clause 2.1, Schedule 2)

- 3.1 The funding for the Project is provided up to a maximum of \$100,000 (excl GST).
- 3.2 In-kind contribution will be provided directly by the Department of Conservation, the Recipient and also by the [Predator Free Rakiura](#) Leadership Group.

4. Project (clause 2, Schedule 2)

- 4.1 Rakiura has some of the best examples of intact ecosystems in New Zealand including pristine freshwater systems and internationally significant dunes, yet many of the species that inhabit these ecosystems continue to decline.
- 4.2 This Project is to engage a Project Manager - Community to support the Predator Free Rakiura Leadership Group in achieving its purpose “to grow Stewart Island/ Rakiura and its adjoining islands as a taonga – by working collaboratively towards predator free lands that allow ecosystems and community to thrive and benefit from each other”.
- 4.3 DoC has developed a framework for collaborative projects like Predator Free Rakiura, with projects moving through four stages; scoping, design, implementation, and operationalisation.
- 4.4 Predator Free Rakiura is currently in the scoping stage, the main aim of which is a defined proposal, supported in a formal agreement such as a letter of understanding by the key parties/investors. This stage also includes developing a compelling story for Predator Free Rakiura supported by a communications plan and the preparation of an Investment Prospectus for potential contributors.
- 4.5 The Project Manager will:
- Support the Predator Free Rakiura Leadership Group
 - Increase support and engagement in Predator Free Rakiura from the local community and stakeholders
 - Develop a coordinated approach for all conservation groups on the Island
 - Work up an investment prospectus for potential contributors to the Project
- 4.6 The project is led by the Predator Free Rakiura Leadership Group whose members represent: Ngai Tahu, Rakiura Maori Lands Trust, Rakiura Tītī Islands Administering Body, Rakiura Tītī Committee, Rakiura residents, Fishing and aquaculture industries, New Zealand Deerstalkers Association, Tourism businesses (Real Journeys), Southland District Council, Environment Southland, Department of Conservation (DOC).
- 4.7 The Project aligns with SoRDS which has a primary goal of 10,000 more people by 2025. It will help preserve the environment and also help create greater diversity in the economic base. Predator Free initiatives can create initial work opportunities in their implementation but also potential long-term opportunities in ecotourism and biosecurity management.

5 Project Purpose

- 5.1 The Recipient will engage a Project Manager – Community whose priority tasks include:
- Providing support to the Leadership Group including planning and organising meetings and events, project management and undertaking relevant actions allocated by the Group
 - Communications including supporting the development of a Predator Free Rakiura Story, overseeing the development of a project communications plan, and implementing aspects of the plan, maintaining the website

- Engagement including liaising and coordinating activities with relevant community conservation groups, maintaining relationships with relevant stakeholders and supporting connections with agencies (DOC, councils etc) for project design
- Supporting the development of an Investment Prospectus for potential contributors to the project.

5.3 The Government has set a goal of ridding New Zealand of rats, stoats, and possums by 2050. By supporting Rakiura to become predator free this Project will provide the community with the opportunity to become a leader in Predator Free New Zealand.

6 Project Tasks

6.1 The Recipient will engage a Project Manager using their standard recruitment, human resources and procurement processes.

6.2 [The recruitment panel for this position will include the Recipient and a representative from DOC, and other relevant stakeholders.](#) ~~The Recipient and a representative from DOC, and other relevant stakeholders, will be on the recruitment panel for this position.~~

6.3 The Project Manager – Community will be based in the DOC Regional Office in Invercargill and will be supervised by the Partnerships Manager DOC.

6.4 The Recipient will provide two interim reports to the Ministry:

- (1) The first interim report will be submitted six months from the signing of this Agreement and will include progress of the Project to date and confirmation of the appointment of the Project Manager
- (2) The second interim report will be submitted 12 months from the signing of this Agreement and will include progress of the Project and the key tasks and achievements of the Project Manager to date.

6.5 The Recipient will provide the Ministry with a Final Report.

7 Payment terms (clause 2.1, Schedule 2)

7.1 The Ministry will pay the Recipient in instalments as set out in the table below, subject to completion of the relevant milestone to the Ministry's satisfaction and the Recipient submitting an invoice to the Ministry.

Payment number	Milestone	Amount (excluding GST)
One (1)	On signing of this Agreement	\$50,000
Two (2)	On submission of the first interim report six months after the signing of this Agreement	\$40,000
	Submission of the second interim report to the Ministry 12 months after the signing of this Agreement	
Three (3)	On completion of the Project and submission to the Ministry of a Final Report	\$10,000

4

8 Commencement Date (clause 1.1, Schedule 2)

8.1 On the signing of this funding agreement.

9 Completion Date (clause 1.1, 2,3(b,) Schedule 2)

9.1 August 2019

10 Reporting Requirements (clause 5.1, Schedule 2)

10.1 A final report is to be submitted to the Ministry within 20 Business Days of completion of the Project (Final Project Report).

11 Content of Report (clause 5.1, Schedule 2)

11.1 The Final Project Report must include details relating to:

- (a) the completed Project including a copy of the completed Investment Prospectus.
- (b) a summary of expenditure including co-funding received, actual against budgeted; and
- (c) any other information requested by the Ministry.

12 Address for Notices (clause 12.5, Schedule 2)

Ministry:	Recipient:
Ministry of Business, Innovation & Employment 15 Stout Street PO Box 1473 WELLINGTON Attention: John Doorbar	Southland District Council PO Box 903 15 Forth Street INVERCARGILL 9840 Attention: Bruce Halliganxxxxxxxx

SCHEDULE 2 – FUNDING AGREEMENT STANDARD TERMS AND CONDITIONS

1. Interpretation

- 1.1 In this Agreement, the following terms have the following meanings:

“**Agreement**” means this agreement, including Schedule 1 and this Schedule 2;

“**Business Day**” means any day not being a Saturday or Sunday or public holiday within the meaning of section 44 of the Holidays Act 2003;

“**Commencement Date**” means the commencement date set out in the Details or, if no commencement date is set out, the date of this Agreement.

“**Completion Date**” has the meaning given in the Details;

“**Confidential Information**” includes all information and data (in any form) concerning the organisation, administration, operation, business, clients, finance, and methods of the Ministry, including any information provided by the Ministry under or in connection with this Agreement;

“**Details**” means Schedule 1;

“**Funding**” means the funding amount set out in the Details;

“**GST**” means goods and services tax within the meaning of the Goods and Services Tax Act 1985;

“**Intellectual Property Rights**” includes copyright and all rights conferred under statute, common law or equity in relation to inventions (including patents), registered or unregistered trade marks and designs, circuit layouts, data and databases, confidential information, know-how, and all other rights resulting from intellectual activity;

“**Parties**” means the Ministry and the Recipient and their respective successors and permitted assigns;

“**Project**” means the project described in the Details; and

“**Project Tasks**” means the project tasks (if any) set out in the Details which must be completed by the Recipient before a Funding payment is made by the Ministry.

- 1.2 References to clauses and Schedules are to clauses and Schedules of this Agreement and references to persons include bodies corporate, unincorporated associations or partnerships.
- 1.3 The headings in this Agreement are for convenience only and have no legal effect.
- 1.4 The singular includes the plural and vice versa.
- 1.5 “Including” and similar words do not imply any limitation.

- 1.6 References to a statute include references to that statute as amended or replaced from time to time.

- 1.7 Monetary references are references to New Zealand currency.

- 1.8 If there is any conflict of meaning between the Details and Schedule 2, Schedule 2 will prevail.

2. Funding

- 2.1 The Ministry must pay the Funding at the rate and in the manner set out in the Details. The Funding is the total amount payable by the Ministry for the Project.

- 2.2 The Recipient must use the Funding only to carry out the Project (including the Project Purpose and Deliverable/Milestone in each Appendix) in accordance with this Agreement.

- 2.3 In consideration of the Funding, the Recipient must:

- (a) complete each Deliverable/Milestone by the relevant payment date set out in the Details;
- (b) complete the Project to the Ministry's satisfaction by the Completion Date;
- (c) carry out the Project in accordance with:
 - (i) the methodology (if any) set out in the Details;
 - (ii) the best currently accepted principles and practice applicable to the field(s) of expertise relating to the Project; and
 - (iii) all applicable laws, regulations, rules and professional codes of conduct or practice; and
- (d) refund any unspent Funding to the Ministry within 10 Business Days of the Completion Date.

- 2.4 If at the Completion Date the ratio between the Funding and the Co-funding is not as anticipated in this Agreement, the Recipient will, if requested by the Ministry, promptly pay to the Ministry an amount to make the ratio the ratio anticipated in the Agreement.

- 2.5 Where all of the monies received by the Recipient to carry out the Project (including the Funding) exceeds the total cost of the Project, the Recipient must refund to the Ministry the excess amount. The Recipient is not required to refund, under this clause 2.4, any amount that exceeds the total amount of Funding.

3. Project Progress

- 3.1 If:
- (a) the Ministry is not satisfied with the progress of the Project;
 - (b) the Recipient does or omits to do something, or any matter concerning the Recipient comes to the Ministry's

attention, which, in the Ministry's opinion, may damage the business or reputation of the Ministry; or

- (c) the Recipient breaches any of its obligations under this Agreement,

the Ministry may (without limiting its other remedies):

- (d) renegotiate this Agreement with the Recipient; or
- (e) terminate this Agreement immediately by notice to the Recipient, and clause 4.4, 4.5 and 4.6 will apply.

4. Term and Termination

- 4.1 Subject to clauses 4.2 and 4.3, this Agreement will commence on the Commencement Date and expire when:

- (a) each final report is completed and provided to the Ministry; and
- (b) the Project is completed, to the satisfaction of the Ministry.

- 4.2 The Ministry may terminate this Agreement at any time by giving at least 10 Business Days notice to the Recipient.

- 4.3 The Ministry may terminate this Agreement immediately by giving notice to the Recipient, if the Recipient:

- (a) is in breach of any of its obligations under this Agreement and that breach is not capable of being remedied;
- (b) fails to remedy any breach of its obligations under this Agreement within 5 Business Days of receipt of notice of the breach from the Ministry;
- (c) does or omits to do something, or any matter concerning the Recipient comes to the Ministry's attention, which in the Ministry's opinion may cause damage to the business or reputation of the Ministry or of the Government of New Zealand;
- (d) has given or gives any information to the Ministry which is misleading or inaccurate in any material respect; or
- (e) becomes insolvent, bankrupt or subject to any form of insolvency action or administration.

- 4.4 Termination of this Agreement is without prejudice to the rights and obligations of the Parties accrued up to and including the date of termination.

- 4.5 On termination of this Agreement, the Ministry may (without limiting any of its other rights or remedies):

- (a) require the Recipient to provide evidence of how the Funding has been spent; and/or
- (b) require the Recipient to refund to the Ministry:

- (i) any of the Funding that has not been spent or committed by the Recipient. For the purposes of this clause, Funding is committed where it has been provided or promised to a third party for the purpose of carrying out the Project and the Recipient, after using reasonable endeavours, is unable to secure a refund or release from that promise (as the case may be); or

- (ii) the proportion of the Funding that equates to the uncompleted part of the Project, as reasonably determined by the Ministry; and/or

- (c) if the Funding has been misused, or misappropriated, by the Recipient, require the Recipient to refund all Funding paid up to the date of termination, together with interest at the rate of 10% per annum from the date the Recipient was paid the money to the date the Recipient returns the money.

- 4.6 The provisions of this Agreement relating to termination (clause 4), audit and record-keeping (clause 5.2(b), (c) and (d)), warranties (clause 6), intellectual property (clause 7), confidentiality (clause 8), and liability and insurance (clause 9) will continue after the expiry or termination of this Agreement.

5. Reporting Requirements and Audit

- 5.1 The Recipient must report on the progress of the Project to the Ministry:

- (a) as set out in the Details;
- (b) as otherwise reasonably required by the Ministry; and
- (c) in any format and on any medium reasonably required by the Ministry.

- 5.2 The Recipient must:

- (a) maintain true and accurate records in connection with the use of the Funding and the carrying out of the Project sufficient to enable the Ministry to meet its obligations under the Public Finance Act 1989 and retain such records for at least 7 years after termination or expiry of this Agreement;
- (b) permit the Ministry, at the Ministry's expense, to inspect or audit (using an auditor nominated by the Ministry), from time to time until 7 years after termination or expiry of this Agreement, all records relevant to this Agreement;
- (c) allow the Ministry reasonable access to the Recipient's premises or other premises where the Project is being carried out; and
- (d) appoint a reputable firm of chartered accountants as auditors to audit its financial statements in relation to the use of the Funding;

6. Warranties

- 6.1 Each Party warrants to the other Party that it has full power and authority to enter into and perform its obligations under this Agreement which, when executed, will constitute binding obligations on it in accordance with this Agreement's terms.
- 6.2 The Recipient warrants that:
- (a) it is not insolvent or bankrupt and no action has been taken to initiate any form of insolvency administration in relation to the Recipient;
 - (b) all information provided by it to the Ministry in connection with this Agreement was, at the time it was provided, true, complete and accurate in all material respects; and
 - (c) it is not aware of any material information that has not been disclosed to the Ministry which may, if disclosed, materially adversely affect the decision of the Ministry whether to provide the Funding.

7. Intellectual Property

- 7.1 All Intellectual Property Rights in the reports provided under clause 5.1 will be owned by the Ministry from the date the reports are created or developed.
- 7.2 All intellectual property produced by the Recipient or its employees or contractors in relation to the Project is, on creation, jointly owned by the Ministry and the Recipient. Each Party may use (which includes modifying, developing, assigning, or licensing) such intellectual property without obtaining the prior consent of the other Party. On request, the Recipient must provide to the Ministry such intellectual property in any format, and on any medium, reasonably requested by the Ministry.
- 7.3 The Recipient must ensure that material created or developed in connection with the Project does not infringe the Intellectual Property Rights of any person.

8. Confidentiality

- 8.1 The Recipient must:
- (a) keep the Confidential Information confidential at all times;
 - (b) not disclose any Confidential Information to any person other than its employees or contractors to whom disclosure is necessary for purposes of the Project or this Agreement;
 - (c) effect and maintain adequate security measures to safeguard the Confidential Information from access or use by unauthorised persons; and
 - (d) ensure that any employees or contractors to whom it discloses the Confidential information are aware of, and comply with, the provisions of this clause 8.

- 8.2 The obligations of confidentiality in clause 8.1 do not apply to any disclosure of Confidential Information:

- (a) to the extent that such disclosure is necessary for the purposes of completing the Project;
- (b) required by law; or
- (c) where the information has become public other than through a breach of the obligation of confidentiality in this clause 8 by the Recipient, or its employees or contractors, or was disclosed to a Party on a non-confidential basis by a third party.

- 8.3 The Recipient must obtain the Ministry's prior written agreement over the form and content of any public statement made by the Recipient relating to this Agreement, the Funding, or the Project.

9. Liability and Insurance

- 9.1 The Ministry is not liable for any loss of profit, loss of revenue or other indirect, consequential or incidental loss or damage arising under or in connection with this Agreement.

- 9.2 The maximum liability of the Ministry under or in connection with this Agreement whether arising in contract, tort (including negligence) or otherwise is the total amount which would be payable under this Agreement if the Project had been carried out in accordance with this Agreement.

- 9.3 The Recipient (including its employees, agents, and contractors, if any) is not an employee, agent or partner of the Ministry or of the Chief Executive of the Ministry. At no time will the Ministry have any liability to meet any of the Recipient's obligations under the Health and Safety At Work Act 2015 or to pay to the Recipient:

- (a) holiday pay, sick pay or any other payment under the Holidays Act 2003; or
- (b) redundancy or any other form of severance pay; or
- (c) taxes or levies, including any levies under the Injury Prevention, Rehabilitation and Compensation Act 2001.

- 9.4 The Recipient indemnifies the Ministry against any claim, liability, loss or expense (including legal fees on a solicitor own client basis) ("loss") brought or threatened against, or incurred by the Ministry, arising from or in connection with a breach of this Agreement by the Recipient or the Project, or from the negligence or wilful misconduct of the Recipient, its employees or contractors.

- 9.5 Where the Recipient is a trustee, the Ministry acknowledges that the Recipient has entered into this Agreement as a trustee of the trust named in the Details in an independent capacity without any interest in any of the assets of the trust other than as trustee. Except where the Recipient acts fraudulently, the Recipient is liable under this Agreement

only to the extent of the value of the assets of the trust available to meet the Recipient's liability, plus any amount by which the value of those assets has been diminished by any breach of trust caused by the Recipient's wilful default or dishonesty.

9.6 The Recipient must effect and maintain for the term of this Agreement:

- (a) adequate insurance to cover standard commercial risks; and
- (b) other insurance reasonably required by the Ministry.

The Recipient must, upon request by the Ministry, provide the Ministry with evidence of its compliance with this clause.

10. Dispute Resolution

10.1 The Parties will attempt to resolve any dispute or difference that may arise under or in connection with this Agreement amicably and in good faith, referring the dispute to the Parties' senior managers for resolution if necessary.

10.2 If the Parties' senior managers are unable to resolve the dispute within 10 Business Days of it being referred to them, the Parties will refer the dispute to mediation or another form of alternative dispute resolution agreed between the Parties.

10.3 If a dispute is referred to mediation, the mediation will be conducted by a single mediator appointed by the Parties (or if they cannot agree, appointed by the Chair of LEADR New Zealand Inc.) and on the terms of the LEADR New Zealand Inc. standard mediation agreement (unless the Parties agree otherwise). The Parties will pay their own costs relating to any mediation or other form of alternative dispute resolution (unless they agree otherwise).

10.4 The Parties must continue to perform their obligations under this Agreement as far as possible as if no dispute had arisen pending final resolution of the dispute.

10.5 Nothing in this clause 10 precludes either Party from taking immediate steps to seek urgent relief before a New Zealand Court.

11. Force Majeure

11.1 Neither Party will be liable to the other for any failure to perform its obligations under this Agreement by reason of any cause or circumstance beyond the Party's reasonable control including, acts of God, communication line failures, power failures, riots, strikes, lock-outs, labour disputes, fires, war, flood, earthquake or other disaster, or governmental action after the date of this Agreement ("Force Majeure Event"). The Party affected must:

- (a) notify the other Party as soon as practicable after the Force Majeure Event occurs and provide full information concerning the Force Majeure Event including an estimate of the time likely to be required to overcome it;

- (b) use its best endeavours to overcome the Force Majeure Event; and
- (c) continue to perform its obligations as far as practicable.

12. General

12.1 A waiver by either Party of any rights arising from any breach of any term of this Agreement will not be a continuing waiver of any other rights arising from any other breaches of the same or other terms or conditions of this Agreement. No failure or delay on the part of either Party in the exercise of any right or remedy in this Agreement will operate as a waiver. No single or partial exercise of any such right or remedy will preclude any other or further exercise of that or any other right or remedy.

12.2 Assignment:

- (a) The Recipient must not assign, delegate, subcontract or transfer any or all of its rights and obligations under this Agreement. The Recipient remains liable for performance of its obligations under this Agreement despite any approved subcontracting or assignment.
- (b) If the Recipient is a company, any transfer of shares, or other arrangement affecting the Recipient or its holding company which results in a change in the effective control of the Recipient is deemed to be an assignment subject to clause 12.2(a).

12.3 This Agreement may only be varied by agreement in writing signed by the Parties.

12.4 If any part or provision of this Agreement is invalid, unenforceable or in conflict with the law, the invalid or unenforceable part or provision will be replaced with a provision which, as far as possible, accomplishes the original purpose of the part or provision. The remainder of the Agreement will be binding on the Parties.

12.5 Any notice to be given under this Agreement must be in writing and hand delivered or sent by email or registered post to the Parties' respective email address or postal address as set out in the Details. A notice is deemed to be received:

- (a) if personally delivered when delivered;
- (b) if posted, three Business Days after posting;
- (c) if sent by email, at the time the email enters the Recipient's information system as evidenced by a delivery receipt requested by the sender and it is not returned undelivered or as an error,

provided that any notice received after 5pm or on a day which is not a Business Day shall be deemed not to have been received until the next Business Day.

- 12.6 This Agreement sets out the entire agreement and understanding of the Parties and supersedes all prior oral or written agreements, understandings or arrangements relating to its subject matter.
- 12.7 This Agreement may be signed in any number of counterparts (including email copies) and provided that each Party has signed a counterpart, the counterparts, when taken together, will constitute a binding and enforceable agreement between the Parties.
- 12.8 This Agreement will be governed by and construed in accordance with the laws of New Zealand.

DRAFT

Report seeking Council endorsement of Museum Support Agreement for Wyndham and Districts Historical Society Incorporated

Record No: R/18/3/6583
Author: Bruce Halligan, Group Manager Environmental Services
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek Council approval of the Museum Support agreement between the Southland Regional Heritage Committee and the Wyndham and Districts Historical Society Incorporated, which proposes that the Southland District Council acts as agent for the Southland Regional Heritage Committee.

Executive Summary

- 2 Councillors will be aware of the regional heritage cataloguing project which is a key priority for the Southland Regional Heritage Committee (SRHC), and which is currently going by the name of "Project Ark".
- 3 It is proposed that the Wyndham and Districts Historical Society (WDHS) be the pilot museum for this project, and a support agreement has been prepared between the SRHC and the WDHS. This museum is located within the Southland District and hence the Council's approval is sought to this agreement as agent for the SRHC.

Recommendation

That the Council:

- a) Receives the report titled “Report seeking Council endorsement of Museum Support Agreement for Wyndham and Districts Historical Society Incorporated” dated 11 April 2018.**
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Approves the Museum Support Agreement.**
- e) Authorises the Mayor and Chief Executive to execute this document on behalf of the Council.**

Background

- 4 Councillors will be aware that a key focus of the Southland Regional Heritage Committee has been on a regional cataloguing project. This project aims to consistently catalogue and record all heritage items held by Southland museums into a single consistent repository, and to ensure that digital cataloguing and packing is consistent and coordinated. This project is currently going by the name of “Project Ark”.
- 5 As part of this process, consideration has been given to which museum within Southland could logically form the ‘pilot project’ for Project Ark.
- 6 The Wyndham and Districts Historical Society Incorporated has been selected as the pilot project by SRHC, based on analysis of a combination of collection significance and collection vulnerability.
- 7 On this basis a Museum Support Agreement has been prepared by Mr David Luoni the Project Ark Manager, and has been signed by the WDHS. This agreement is important in managing matters such as the expectations of the respective parties, and intellectual property.
- 8 For example, the intention of Project Ark is that collection information will be publicly available, unless there are specific reasons (e.g. Iwi cultural sensitivity) where this may not be appropriate. This is reflected in the content of Clause 2.1.4.
- 9 Similarly, the intention of Project Ark is also to apply a consistency of approach to collection management, to assist Museum Committees to decide what they collect, keep and let go (see Clause 3.1.2).

- 10 These approaches are seeking to position Southland heritage collections at a regional level so they are protected for the future, digitally available for the public, and also well positioned for a future regional storage facility, if and when such a facility is developed.
- 11 Project Ark is developing a pool of skilled cataloguers which will ensure a consistent approach to the project. These cataloguers would be working from a premises (yet to be determined) in Wyndham for the duration of the project; and only accessing the existing Wyndham Museum building on a limited/as required basis bearing in mind the earthquake-prone nature of the Museum building.
- 12 Mr Luoni has provided the following further background in support of this request:

“Implementing Project Ark’s Pilot requires the Southland Regional Heritage Committee to enter into a number of Agreements. My recommendation is that one of the three funding Councils acts as the SRHC’s agent for such purposes because the SRHC is not a formal legal entity, rather it is a joint committee of the ICC, SDC and GDC.

The GDC’s Department of Arts and Heritage is going to employ/manage the cataloguers and purchase the necessary equipment (as the SRHC’s agent).

Applying the same rationale, we invite the SDC to enter into the Museum Support Agreement with the Wyndham & Districts Historical Society Inc. We see this as appropriate both geographically and politically. All of the work envisaged in the Museum Support Agreement is covered by the Pilot’s approved budget.”

Issues

- 13 The agreement proposes that the Southland District Council will act as agent for the Southland Regional Heritage Committee.
- 14 While this involves a new role for Council, this will assist the SRHC in progressing Project Ark and the cataloguing and protection of the WDHS collection.

Factors to Consider

Legal and Statutory Requirements

- 15 Project Ark is a non-statutory process, but will assist the combined councils in fulfilling their broader statutory duties in relation to heritage preservation. It is also important to ensure that the responsibilities which the parties have under the Health and Safety at Work Act are suitably addressed.

Community Views

- 16 Community consultation is not required in relation to this decision. The intention of Project Ark is that community heritage resources will be managed and preserved in perpetuity. Consultation has already occurred in relation to the use of regional heritage rate funding for this purpose and SRHC reserves are also being directed towards it.

Costs and Funding

- 17 The costs of funding this pilot project for Project Ark in relation to the WDHS are to be funded through the regional heritage rate and through reserves which have accumulated through the SRHC. There will be no additional direct costs to the Council other than its already scheduled regional heritage rating contributions.

Policy Implications

- 18 There is no specific Southland District Council policy of relevance.

Analysis

Options Considered

- 19 The options with respect to this matter are to either approve the agreement and act as agent for SRHC or not approve the agreement and act as agent for SRHC.

Analysis of Options

Option 1 – Approve the Agreement and act as agent for SRHC

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Assist the progression of Project Ark• Assists the WDHS and the wider Wyndham community in preserving its heritage• Will facilitate the wider availability of heritage information held by the WDHS	<ul style="list-style-type: none">• Could expose the Council to some additional liability (e.g. Health and Safety) by acting as agent

Option 2 – Not approve the agreement and do not act as agent for SRHC

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Minimises risks/exposures for Council	<ul style="list-style-type: none">• Does not assist with the progression of Project Ark• Does not assist the WDHS and the wider Wyndham community in preserving its heritage• Will not facilitate the wider availability of heritage information held by the WDHS

Assessment of Significance

This matter is not considered to be significant in terms of Section 76 of the Local Government Act 2002.

Recommended Option

- 20 Option 1- Approve the agreement and act as agent for SRHC.

Next Steps

- 21 If Option 1 is agreed, then Mr Luoni will proceed with the progression of the project in accordance with the project plan previously agreed by the SRHC. If Option 2 is taken, then further consideration would be required as to how to advance this work on behalf of the SRHC.

Attachments

- A Draft Museum Support Agreement [↓](#)

MUSEUM SUPPORT AGREEMENT

SOUTHLAND DISTRICT COUNCIL as agent for the
SOUTHLAND REGIONAL HERITAGE COMMITTEE

WYNDHAM AND DISTRICTS HISTORICAL SOCIETY INCORPORATED

THIS DEED made the day of 2018

PARTIES

The Southland District Council as agent for Southland Regional Heritage Committee.
("the SRHC")

The Wyndham and Districts Historical Society Incorporated.
("the Museum")

BACKGROUND

- A. The Southland Regional Heritage Committee (SRHC) is a joint committee of the Invercargill City, Southland District and Gore District Councils whose purpose is to establish and implement a collaborative strategy to preserve the regional heritage of Murihiku/Southland.
- B. The SRHC is funding a two year Pilot called Project Ark to start to digitally catalogue and pack Southland's public heritage collections in a strategic and co-ordinated way. The SRHC has selected the Museum's collection to be digitally catalogued and packed during the Pilot.
- C. This Document sets out the services that the SRHC will provide to the Museum and the Museum's reciprocal agreements to support and maintain Project Ark.
- D. The Southland District Council is a member and co-funder of the SRHC. The Museum is within the Southland District Council's territory. For these reasons the said Council is entering into this Agreement as agent for the SRHC.
- E. The Southland District Council also owns the building that the Wyndham Museum is currently situated in at 31 Balaclava Street, Wyndham (the Museum building).

K.S.
Page 1 GLT

DEED**The SRHC's Cataloguing and Packing Services**

- 1.1 The SRHC will provide at its cost the following services to the Museum:
 - 1.1.1 Cataloguers to digitally catalogue and pack the Museum's collection. The cataloguing will use an online Collection Management System called eHive. Collection items will be: catalogued, imaged, marked and packed on the basis set out in the SRHC's Southland Regional Heritage Standards.
 - 1.1.2 Collection packing materials for the SRHC's cataloguers to carry out their above work.
 - 1.1.3 The cataloguers will also provide the Museum's volunteers with cataloguing, marking and packing training using the Southland Regional Heritage Standards. The purpose of this training is to equip the Museum's volunteers with the skills to catalogue and pack collection items after this Agreement ends.

The Museum Agrees to:

- 2.1 In return for the above Services the Museum agrees to:
 - 2.1.1 Maintain a broadband internet subscription.
 - 2.1.2 Have a computer on site to use for cataloguing purposes.
 - 2.1.3 Establish and maintain an eHive subscription at a level which aligns with the size of the Museum's online collection.
 - 2.1.4 Public access to online collections is a key element of Project Ark. Accordingly unless there is good reason not to, the Museum agrees to publish and share its collection records online using the following portals: eHive, NZMuseums, the Museums of Southland website and DigitalNZ.
 - 2.1.5 Back up the digital images of its collection items on a regular basis.
 - 2.1.6 Provide at least 3 volunteers to assist the cataloguers capture the provenance of collection items and to provide local knowledge to inform the cataloguing work. The need for flexibility around this assistance is recognised by both parties.
 - 2.1.7 Also provide at least 3 volunteers to receive the training referred to in paragraph 1.1.3. These volunteers will then assist the cataloguers to digitise and pack the collection. If their skill set allows the volunteers can

Page 2

K.S.
GLT

be the same as those in paragraph 2.1.6. Again the need for flexibility is recognised.

- 2.1.8 It is an expectation of Project Ark that the Museum will use its best endeavours to maintain a team with the skills to use the Southland Regional Heritage Standards to catalogue and pack new collection items after this Agreement ends.
- 2.1.9 Provide a suitable and safe workspace for the cataloguers, including desk and packing areas.
- 2.1.10 Provide a suitable space to photograph collection items.
- 2.1.11 Provide a suitable space to store collection packing materials.
- 2.1.12 Provide suitable storage areas for the catalogued collection items.
- 2.1.13 Southland's Roving Museums Officer will liaise with the Museum regarding what amounts to suitability under clauses 2.1.9 – 2.1.12. The final determination of suitability shall rest with the SRHC via its Roving Museums Officer.
- 2.1.14 Following a seismic assessment, the Southland District Council deemed the Museum building to be a safety risk and closed it to the public from 1 January 2018. For this reason the parties agree that the Museum building will not be used for the purposes set out in clauses 2.1.9 and 2.1.10. The parties also agree that the Museum building can be used for the purposes set out in clauses 2.1.11 and 2.1.12 with associated access until 31 December 2022.

Regional Standards and Collection Guidelines

- 3.1 In return for receiving the benefit of the above Services the Museum also agrees to:
 - 3.1.1 Adopt and use the then current Southland Regional Heritage: digital cataloguing, imaging, marking and packing Standards. This is to ensure a consistent, best practice regional approach to heritage collection management.
 - 3.1.2 Follow the Southland Regional Collection Guidelines which are designed to guide Museums on what they collect, keep and deaccession (let go).
 - 3.1.3 The SRHC cataloguers will apply the criteria in the Museum's Collection Policy, the Southland Regional Collection Guidelines and also make significance and condition assessments of collection items to identify items that the Museum should consider for deaccession.

Page 3

K.S.
GLT

- 3.1.4 The Museum agrees to evaluate items for deaccession as identified by the SRHC's cataloguers and if the Museum resolves to deaccession them, the Museum will follow the best practice process set out in the Southland Regional Collection Guidelines.
- 3.1.5 The SRHC will not pack collection items its cataloguing team assess as falling outside the above criteria. This is so resources are concentrated where they will be of the most heritage value.

Length of this Agreement and Resolution Procedure

- 4.1 The length of time that the cataloguers will work at the Museum is at the SRHC's discretion and will be determined by the SRHC's Advisory Group. The maximum length is determined by the Pilot's funding which ends on 30 June 2020.
- 4.2 If any matter under this Agreement is of concern to either party then the issue shall be tabled, discussed and if possible resolved by the SRHC's Roving Museums Officer, the Pilot Co-ordinator, David Luoni and the President of the Museum within 14 days of the matter being raised.
- 4.3 If that does not resolve the concern, it shall be referred to the SRHC's Advisory Group which has representatives from each of the three Councils that form the SRHC.

Ownership and Copyright of Digital Images

- 5.1 The Museum will own all digital images of its collection items created pursuant to this Agreement. The Museum will also own any new copyright that applies to these digital images. The Museum gives an irrevocable licence to the SRHC to use and back up all digital images of the Museum's collection so as to enable the SRHC to implement the purposes and outcomes of Project Ark, in partnership with the Museum.

Exclusion of Liability

- 6.1 The parties agree that this is not a commercial contract, rather it is an Agreement setting out the resourcing that the SRHC is providing to the Museum to advance its collection management. For this reason the Museum agrees to release and

discharge the SRHC¹, its agent and employees from all liability of any kind (whether in contract, tort including negligence or otherwise) which may arise out of providing the services set out in this Agreement.


SIGNATURES

SIGNED on behalf of the Southland Regional
Heritage Committee by its agent the Southland
District Council. The Common Seal of the
Southland District Council was affixed hereto
in the presence of:)

Mayor, Mr Gary Tong

Chief Executive, Mr Steve Ruru

SIGNED on behalf of the Museum by
its President and Secretary in the presence of:)
)



George Taylor, President



Kathryn Smith, Secretary



Witness Name DAVID WOON

Witness Occupation CURATOR

Witness Residence GORE

¹ Being each of the three Councils referred to in Recital A, in both their joint and several capacities.

Initial Proposal and Consultation Booklet for the 2018 Representation Review

Record No: R/18/2/2419
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to present for adoption the Initial Proposal (consultation booklet) for the 2018 Representation Review.
- 2 This report also provides for Council to receive the Southland District Council Community Governance Reference Document which, while outside of the Representation Review requirements, provides important context information.

Executive Summary

- 3 The Local Electoral Act 2001 (LEA) requires local authorities to conduct a review of their representation arrangements at least once every six years.
- 4 The Southland District Council previously conducted a representation review in 2012 for the 2013 local authority elections, the council is now required to undertake a representation review for the 2019 local authority elections.
- 5 Representation reviews are defined by the LEA as reviews of the representation arrangements for a local authority. Section 19H of the LEA requires the council to consider the number of councillors to be elected to the Council; whether councillors are elected by wards or the district as a whole (or a mixture of both systems); if elected by wards, the number, boundaries and names of those wards and the number of councillors that will represent them.
- 6 The Mayor is elected at-large in accordance with Section 19B of the LEA and that position is not part of this review.
- 7 As well as review of wards and the number of elected members of the Council, Section 19J of the LEA requires a review to be carried out of community boards, in particular whether there should be communities and community boards, and if so, the nature of any community and the membership and structure of any community board.
- 8 The LEA details criteria that must be satisfied when the council conducts its representation review. There are three key factors that comprise this criteria. They are identification of communities of interest; effective representation for these communities of interest; and fair representation of electors – this is based on the +or- 10% rule.
- 9 Through the Representation Review the Council is looking to deliver a structure that is more efficient, effective and fit for the future, while at the same time enhancing community involvement, based on the premise of communities of interest delivering equity of representation.

- 10 The adoption of the Initial Proposal (attached as Attachment A) for consultation provides the public with an opportunity to submit their views. There will be an opportunity for submissions to be heard by the Hearing Panel. Council will then consider the submissions and adopt a Final Proposal.
- 11 The Final Proposal will then be publicly notified with a period for appeals and/or objections. The Final Proposal along with any appeals and/or objections will then be sent to the Local Government Commission (the Commission) whose role it will be to issue a final determination following consideration.
- 12 The new representation arrangements will then be in place for the 2019 local authority elections.
- 13 In order to provide a greater context, and additional related information, Council has undertaken a wider community governance review project and a Southland District Council community Governance Reference Document is attached to this report (Attachment B). The document is not being consulted on but rather provides background information on the process together with a draft indicative terms of reference and way of working for the proposed governance structure.

Recommendation

That the Council:

- a) **Receives the report titled “Initial Proposal and Consultation Booklet for the 2018 Representation Review” dated 12 April 2018.**
- b) **Determines that this matter or decision be recognised as significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Resolves under sections 19H and 19J of the Local Electoral Act 2001 to adopt the Initial Proposal for the Southland District Council for the elections to be held in 2019 and elections thereafter until altered by a subsequent decision:**
 - i) **That the district be divided into five wards with three wards each electing three councillors one ward electing two councillors and one ward electing one councillor**
 - ii) **That the ward names remain as follows:**
 - **Mararoa Waimea – three councillors**
 - **Winton Wallacetown – three councillors**
 - **Waiau Aparima – three councillors**
 - **Waihopai Toetoe – two councillors**
 - **Stewart Island Rakiura – one councillor**
 - iii) **That the five wards reflect the following identified communities of interest:**

Proposed Ward	Localities
Mararoa Waimea	Ardlussa, Athol, Balfour, Benmore, Caroline, Cascade Creek, Castlerock, Cattle Flat, Dipton, Dipton West, Five Rivers, Freshford, Garston, Glenure, Hollyford, Jamestown, Josephville, Kingston Crossing, Lintley, Longridge, Longridge North, Lowther, Lumsden, Manapouri, Mandeville, Milford Sound, Mossburn, Nokomai, Otapiri, Otapiri Gorge, Parawa, Potters, Riversdale, Saint Patricks, Sandstone, Te Anau, The Dale, The Key, Waikaia, Waimea, Waiparu, Waipounamu, Wendon, Wendonside

Stewart Island Rakiura	Halfmoon Bay (Oban), Horseshoe Bay, Ringa Ringa
Waiau/Aparima	Aparima, Avondale, Bayswater, Birchwood, Blackmount, Clifden, Colac Bay/Oraka, Crawfords, Cromarty, Drummond, Dunearn, Eastern Bush, Ermedale, Fairfax, Feldwick, Five Roads, Gladfield, Gropers Bush, Gummies Bush, Happy Valley, Hazletts, Heddon Bush, Isla Bank, Longwood, Merrivale, Monowai, Nightcaps, Ohai, Opio, Orawia, Orepuki, Otahu Flat, Otahuti, Otaitai Bush, Otautau, Pahia, Papatotara, Piko Piko, Port Craig, Pourakino Valley, Pukemaori, Raymonds Gap, Ringway, Riverton/Aparima, Round Hill, Ruahine, Scotts Gap, Spar Bush, Taramoa, Te Oneroa, Te Tua, Te Waewae, Thornbury, Tihaka, Tinkertown, Tuatapere, Waianiwa, Waihoaka, Waikouro, Waimatuku, Waipango, Wairio, Wakapatu, Woodlaw, Wreys Bush, Wrights Bush
Waihopai Toetoe	Ashers, Brydone, Bush Siding, Chaslands, Curio Bay, Dacre, Edendale, Fortification, Fortrose, Glenham, Gorge Road, Haldane, Kamahi, Kapuka, Kapuka South, Kennington, Longbush, Matura Island, Menzies Ferry, Mimihau, Mokoreta, Mokotua, Morton Mains, Niagara, Ota Creek, Otara, Oteramika, Oware, Pine Bush, Progress Valley, Pukewao, Quarry Hills, Redan, Rimu, Seaward Downs, Slope Point, Te Peka, Timpanys, Titiroa, Tokanui, Tuturau, Waiairikiki, Waikawa, Waikawa Valley, Waimahaka, Waimatua, Waituna, Woodlands, Wyndham
Winton Wallacetown	Braxholme, Browns, Centre Bush, Gap Road, Glencoe, Grove Bush, Hedgehope, Heenans Corner, Hokonui, Kauana, Lady Barkly, Limehills, Lochiel, Lorneville, Mabel Bush, Makarewa, Makarewa Junction, Northope, Oporo, Oreti Plains, Pukemutu, Rakahouka, Roslyn Bush, Ryal Bush, South Hillend, Springhills, Te Tipua, Thomsons Crossing, Tussock Creek, Waimumu, Waitane, Wallacetown, West Plains, Wilsons Crossing, Winton

iv) **That the population each member will represent is as follows:**

Ward	2013 Census Statistics	Elected Members	Population per Councillor
Mararoa Waimea	7803	3	2601
Winton Wallacetown	7890	3	2630
Waiau Aparima	8139	3	2711
Waihopai Toetoe	5421	2	2713
Stewart Island Rakiura	384	1	384

v) **That the population that each member represents is within the range of 2,469 +/- 10% (2,223 – 2715) in accordance with section 19(V)2 of the Local Electoral Act 2001 except for the Stewart Island Rakiura ward.**

vi) **That the Stewart Island Rakiura ward warrants a member under section 19V(3)(a) as it is an island community of interest.**

vii) **That the boundaries for each ward be as per the attached maps in the Consultation Booklet.**

viii) **That there be eight communities represented by eight community boards as follows:**

Proposed Community Board	Localities
Ardlussa	Ardlussa, Balfour, Cattle Flat, Freshford, Glenure, Kingston Crossing, Longridge, Longridge North, Mandeville, Potters, Riversdale, Saint Patricks, Sandstone, Waikaia, Waimea, Waiparu, Waipounamu, Wendon, Wendonside
Fiordland	Cascade Creek, Hollyford, Jamestown, Manapouri, Milford Sound, Te Anau, The Dale, The Key
Northern	Athol, Castlerock, Five Rivers, Garston, Lintley, Lowther, Lumsden, Mossburn, Nokomai, Parawa
Oreti	Benmore, Branxholme, Browns, Caroline, Centre Bush, Dipton, Dipton West, Gap Road, Glencoe, Grove Bush, Hedgehope, Heenans Corner, Hokonui, Josephville, Kauana, Lady Barkly, Limehills, Lochiel, Lorneville, Mabel Bush, Makarewa, Makarewa Junction, Northope, Oporo, Oreti Plains, Otapiri, Otapiri Gorge, Pukemutu, Rakahouka, Roslyn Bush, Ryal Bush, South Hillend, Springhills, Te Tipua, Thomsons Crossing, Tussock Creek, Waimumu, Waitane, Wallacetown, West Plains, Wilsons Crossing, Winton

Stewart Island Rakiura	Halfmoon Bay (Oban), Horseshoe Bay, Ringa Ringa
Takitimu	Aparima, Avondale, Bayswater, Crawfords, Drummond, Dunearn, Five Roads, Gladfield, Heddon Bush, Isla Bank, Nightcaps, Ohai, Opio, Otahuti, Otautau, Ringway, Scotts Gap, Spar Bush, Tinkertown, Waikouro, Wairio, Woodlaw, Wreys Bush
Taramea Te Waewae	Birchwood, Blackmount, Clifden, Colac Bay/Oraka, Cromarty, Eastern Bush, Ermedale, Fairfax, Feldwick, Groopers Bush, Gummies Bush, Happy Valley, Hazletts, Longwood, Merrivale, Monowai, Orawia, Orepuki, Otahu Flat, Otaitai Bush, Pahia, Papatotara, Piko Piko, Port Craig, Pourakino Valley, Pukemaori, Raymonds Gap, Riverton/Aparima, Round Hill, Ruahine, Taramoa, Te Oneroa, Te Tua, Te Waewae, Thornbury, Tihaka, Tuatapere, Waianiwa, Waihoaka, Waimatuku, Waipango, Wakapatu, Wrights Bush
Waihopai Toetoe	Ashers, Brydone, Bush Siding, Chaslands, Curio Bay, Dacre, Edendale, Fortification, Fortrose, Glenham, Gorge Road, Haldane, Kamahi, Kapuka, Kapuka South, Kennington, Longbush, Matura Island, Menzies Ferry, Mimihau, Mokoreta, Mokotua, Morton Mains, Niagara, Ota Creek, Otara, Oteramika, Oware, Pine Bush, Progress Valley, Pukewao, Quarry Hills, Redan, Rimu, Seaward Downs, Slope Point, Te Peka, Timpanys, Titiroa, Tokanui, Tutarau, Waiarikiki, Waikawa, Waikawa Valley, Waimahaka, Waimatua, Waituna, Woodlands, Wyndham

- ix) **That the boundaries for each board be as per the attached maps in the Consultation Booklet**
- x) **That the Fiordland, Northern, Ardlussa, Takitimu, and Taramea Te Waewae community boards each elect six members. They will each have one appointed member being a councillor from the ward in which the board is situated.**
- xi) **That the Oreti community board elects eight members. One member will be appointed from a ward in which the board is situated.**
- xii) **That the Waihopai Toetoe community board elects seven members. One member will be appointed from the ward in which the board is situated.**
- xiii) **That the Stewart Island Rakiura community board elects four members. One member will be appointed from the ward in which the board is situated.**

- xiv) **No community board will be subdivided for electoral purposes.**
- e) **in accordance with section 19K of the Local Electoral Act 2001, the Council determines that the reasons for the proposed changes are that:**
- **It wishes to see equity of representation across Southland district by having district-wide coverage of community boards, enabling local decision-making across the district**
 - **The Council believes that this model better reflects the community feedback on communities of interest and effective representation.**
- f) **Agrees that public notice be given of the proposals contained in this resolution:**
- g) **Agrees that the full Council (Mayor and 12 Councillors) and the following members of the elected representative working group Pam Yorke, Andre Bekhuis, Brian McGrath and Pam Naylor comprise a Hearings Panel to hear submissions on the Council's Initial Proposal on Monday 18 and Tuesday 19 June 2018 (if needed) and deliberate on Thursday 28 June 2018.**
- h) **Agrees that the Council at its meeting on 11 July 2018 considers submissions received to the initial proposal and adopts its Final Proposal.**
- i) **Authorises the Chief Executive to make any editorial changes necessary to the Initial Proposal Consultation Booklet.**
- j) **Notes that a Southland District Council Community Governance Reference Document has been prepared for information.**
- k) **Endorses the Southland District Council Community Governance Reference Document and agrees to it being made available to members of the public for information purposes.**

Background

- 14 The Southland District Council is presently comprised of 12 Councillors and the Mayor. The current structure of the District in terms of how the Councillors are elected was developed as part of a Representation Review in 2012 and introduced for the 2013 elections as a result of a determination dated 10 April 2013.
- 15 The determination heralded a change from 12 single member wards (the majority of which did not meet the +or-10% rule) to four multi-member wards and a single member ward for Stewart Island Rakiura as an island community of interest.
- 16 In addition the Council has eight community boards. These are spread throughout the district. However, a significant population in the district (one-third) does not have access to a governance structure that provides local decision-making.
- 17 In January 2015 the Council commenced a Community Governance Review project. Council acknowledged that the current representation structure does not provide for fair or equitable representation across the whole district.

- 18 Through the Community Governance Review project and subsequent Representation Review, the Council is looking to provide a solution to this and deliver a structure that is more efficient, effective and fit for the future while at the same time enhancing community involvement at a local level based on the premise of communities of interest delivering equity of representation and keeping local input and involvement at its centre.
- 19 As part of the Community Governance Review project the Council established an elected representative working group comprising the Mayor, three councillors, two community board chairs and two community development area subcommittee chairs. The role of the group was to provide feedback and inform points for consideration as part of the development of issues and options. The working group has also provided a strong political voice in delivering the project and advocating the process to communities across the district – both from a process perspective and from a council mandate for change. Perspective.
- 20 In addition to the legislative criteria outlined in paragraphs five to seven, the Council endorsed a set of guiding principles providing the framework from which it has considered the development of its Initial Proposal.
- 21 The Guiding Principles are:
- Community Leadership,
 - Clear Purpose,
 - Small Council Big Community,
 - Full District Coverage,
 - Equity of Representation,
 - District-wide framework for service delivery,
 - Localism – input and involvement,
 - Relationships first,
 - Streamline delivery,
 - Tailored and targeted delegations,
 - The organisation structure to reflect the governance structure.
- 22 The Initial Proposal and the additional information provided in the reference document which provides a draft indicative terms of reference and way of working for the proposed governance structure is based on these Guiding Principles.

Pre consultation

- 23 In preparation for the 2018 Representation Review the Council, over three years, undertook a community governance review project. This is detailed in the reference document referred to in paragraph 14 and appended to this report. As part of the project there have been a number of

discussions and community engagement conversations. These included, discussion at Council workshops, discussion at community board and community development area subcommittee meetings, presentation and discussion at 18 community conversations and a community fete in 2017 attended by more than 300 people in total, information provided as an article in First Edition distributed across the district with a reach of every household in the district (15,000), a survey form was available on line and at community conversations, a presence at the Southland District Council site at Waimumu South Island field days and feedback sessions for current elected members of the community boards and community development area subcommittees (CDAs).

- 24 During this pre-consultation period a map showing a possible extension of community development area subcommittee boundaries created with input from members of the Athol, Garston, Lumsden and Mossburn CDAs was provided to staff by Councillor Douglas following a council workshop on 8 February 2018. Subsequent to that workshop the issue was raised as to the status of the map. The map and associated information was then presented and considered during a Council workshop on 7 March alongside other matters relating to the representation review pre consultation process. Council reinforced to staff a clear desire to progress developing a local representation model based on community board structures covering the whole of the District geographic area.
- 25 Information and feedback drawn from the community governance review and this associated pre-consultation process for the Representation Review has led to the development of this Initial Proposal.

Issues

- 26 Paragraph eight of the Executive Summary sets out the issues the Council must determine in its review of representation arrangements. These are the criteria of communities of interest, effective representation of communities of interest and fair representation of electors. These are the factors that the Commission will focus on if there are appeals and/or objections against the council's final proposal.
- 27 These are specifically discussed below.

Communities of interest

- 28 The term community of interest is not defined by statute. It can mean different things to different people depending on an individual's or group's perspective from time to time. It can include a sense of belonging to a clearly identified area or locality (perceptual), distinctive physical and topographical features, similarities in economic or social activities carried out in the area (functional), similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community, a distinctive local history of the area or the rohe of local iwi. There is also a political dimension – the ability to represent the interests and reconcile conflicts of the community.
- 29 Southland District is one of the largest by way of geographic area territorial authorities in New Zealand. It is large rural authority with approximately 30,000 people spread over a total area of 30,000km², with 14,300km² of that area held in Department of Conservation National Park. The main economic base is primary production and tourism. Annually, more than 600,000 tourists travel to Milford Sound in the North-west of the district. The development of the

Southern Scenic Route has seen a growing number of tourists through the Waihopai Toetoe ward and on through Waiau Aparima.

- 30 Outside the two major towns of Winton (pop 3168 approx.) and Te Anau (pop 3402 approx.), Southland has more than 30 smaller towns, villages or settlements spread across the district with the remaining 24,000 people residing in these towns, villages or settlements and across a large rural area.
- 31 Many of these smaller settlements have historically developed independently with specific industries in many areas e.g. mining, forestry. The changing pattern of industry and development of technology over the past 30 years has provided a catalyst for change.
- 32 The role of local authorities has changed over the past 30 years and is continuing to change. It is recognised that the pressures and challenges facing local government and the rural provincial sector mean there is the serious need for consideration of a ‘fresh approach’ with regards to representation requirements.
- 33 Council elected representatives and staff were told in the pre-consultation that a number of people felt connected to more than one community of interest. Indeed for some there were multiple communities of interest including some outside of the district.
- 34 A number of people identified that geographical features are a strong community of interest for some communities, rivers e.g. the Oreti, and Aparima, and mountains such as the Takitimu. Respondents from Stewart Island Rakiura identified the island along with Invercargill, and Dunedin. As there is no secondary school on the Island the majority of students travel to attend secondary school.
- 35 For other parts of the district, sporting and education catchments were identified for areas such as Waihopai Toetoe as significant in defining their community of interest. For others it is rural and, others still, the development of tourism initiatives and routes and associated issues.

Effective representation of communities of interest

- 36 Under Section 19(T) of the LEA a territorial authority must ensure that its representation proposals will provide effective representation of the communities of interest in the district.
- 37 As noted in paragraphs 14 and 15, the previous representation review in 2012 saw considerable identification of consideration of the identified communities of interest. Prior to this, there existed 12 single member wards. The outcome of the 2012 representation review which identified four multi-member wards and a single member ward for Stewart Island/Rakiura represented a significant change from the single member ward model that had been in place since 1989.
- 38 It was a model developed through the consultation process and as noted by the Commission in 2013 *out of the models considered the one that best provides for effective representation of communities of interest while also meeting other requirements of the Act.*
- 39 During the pre-consultation for this representation review in 2018 there was discussion and exploration of not having wards but all councillors being elected at large across the whole of the district as is the Mayor or a mix of both.

- 40 While the pre-consultation identified that the majority of responders were satisfied with the communities of interest identified in the current ward structure, approximately 18% of responders to the survey thought that councillors should be elected at large, while 25% thought there should be a mixture of both systems.
- 41 The working group and the council acknowledged that there is some interest in a change to the way councillors are elected, but determined to remain with the majority view. Following the feedback provided during the pre-consultation, it is considered that the changes to the ward boundaries made at the previous representation review still apply now.
- 42 As such, the council's proposal is to retain the five ward, 12 councillor model.
- 43 The proposal is also to retain the same names for the five wards as the current determination.

Fair representation

- 44 Section 19V of the LEA requires that if an authority is to have councillors elected through a ward structure then the membership of the wards is required to provide approximate population equality per member, that is, all votes are of approximately equal value (referred to as the +/- 10% rule) unless there are good reasons (which are prescribed in the LEA) to depart from this requirement.
- 45 When the 2013 census figures were applied to the current ward boundaries it was found that the Winton Wallacetown ward which under the 2013 determination was at +14.19% had increased to +19.77%. While the Commission had allowed the +14% in the previous determination for the 2012 review it was considered that an additional 5.5% could not be proposed as meeting the requirements of the LEA.
- 46 In considering how the boundaries could be altered the only change identified is to ensure that the proposal meets the requirement of Section 19V(2) of the LEA requiring fair representation by altering the boundaries so that Winton Wallacetown ward complies (apart from the recognition of Stewart Island Rakiura remaining as an island community of interest requiring its own ward). The proposal achieves compliance for the Winton Wallacetown ward and all other wards except Stewart Island Rakiura.
- 47 In order to achieve this, the boundary for the current Mararoa Waimea ward has been extended to south of Dipton and the boundary altered between the Waimea Aparima Ward and Winton Wallacetown ward to keep the township of Wallacetown in the Winton Wallacetown ward. Feedback from members of the current governance entities including community board members has confirmed this view that the majority of communities of interest remain with the identified wards. It was noted that Dipton may consider its community to be in the Winton Wallacetown area, therefore it has been included in the Oreti community board area which takes in the majority of the Winton Wallacetown ward.

Stewart Island Rakiura

- 48 In its 2013 determination the Local Government Commission made the following comments at paragraph 34 of its determination in relation to representation of Stewart Island Rakiura:

Non-compliance with the +/-10% rule is permitted in by section 19V(3) where it is necessary for the effective representation of island or isolated communities of interest. The council has determined that Stewart

Island/Rakiura ward, being an island community of interest, requires its own ward to ensure effective representation. We agree with the council's assessment".

- 49 The majority of respondents to the pre-consultation considered that Stewart Island Rakiura should continue to have councillor representation through its own ward. The working group and Council agreed.
- 50 Council is therefore proposing that the representation of Stewart Island Rakiura should continue to be considered as an island community of interest requiring its own ward.
- 51 Note that if the Final Proposal remains to keep Stewart Island Rakiura as an island community of interest the Council must refer its proposal to the Commission, whether or not appeals or objections have been lodged against the proposal.

Communities and community boards

- 52 The current community board boundaries have evolved out of the pattern adopted in the 1989 reorganisation of Local Government. Historically, in Southland, they have been based around towns or townships. At present there are eight community boards.
- 53 A major feature of the Initial Proposal is to have district-wide coverage of community boards. In the 2013 determination, following a model proposed by an appellant, the Local Government commission noted that:

The community board model...while common in other districts, would be a radical departure from the current model operating in the district. While the option of complete community board coverage on a ward basis was referred to in the Council's discussion document, it was unclear to us how well debated this possibility had been and what level of public support for it there was."

- 54 Five years on and the Council's position is now strongly in favour of district-wide coverage. The working group and Council identified this as one of its guiding principles for the review.
- 55 The Initial Proposal is for district-wide coverage of community boards. As previously noted Council wants to have a structure that equitable representation across the whole of the district. Council considers that district-wide coverage of community boards would provide this, while at the same time enhancing community involvement, at a local level based on the premise of communities of interest delivering equity of representation and keeping local input and involvement at its centre.
- 56 During the pre-consultation carried out since April 2017 this was highlighted as an option. Responders to the survey and those who attended meetings indicated support for district-wide coverage of community boards.

- 57 In determining the communities and boundaries of community boards the pre-consultation invited the public to draw on a blank map where they saw their communities. The Initial Proposal identifies eight community boards. These are:
- Fiordland – incorporating the boundary and community of the current Te Anau community board area including the township of Manapouri
 - Northern – incorporating the boundary and community of the former (pre-2013) Five Rivers ward
 - Ardlussa – incorporating the boundary and community of the former (pre-2013) Waikaia ward
 - Waihopai Toetoe – incorporating the boundary and community of the Waihopai Toetoe ward
 - Oreti – incorporating the majority of the current Winton Wallacetown ward. The Oreti River is connecting feature in the proposed board area
 - Takitimu – incorporating the boundary and community of the former (pre-2013) Wallace Community Board. The Takitimu mountains provide a natural boundary for the proposed board area
 - Taramea Te Waewae – incorporating the current Tuatapere and Riverton Community board areas and a community linked by part of the Southern Scenic Route
 - Stewart Island Rakiura – incorporating the current and proposed Stewart Island Rakiura ward area.
- 58 As part of the pre-consultation four feedback sessions were provided for members of the current community boards and community development area subcommittees. There was general acceptance of the concept. It was noted that community board members under the new proposal would need to think more strategically about their community as a whole (not just a particular town).
- 59 The Council is cogniscent of the change (if adopted) this will have on the current governance structure. To this end it has prepared a reference document that will be available for the public to provide greater context and information to ensure its stakeholders, residents and ratepayers understand and appreciate the process and engagement that has occurred in developing this Initial Proposal. In addition, the reference document sets out a ‘way of working’ which includes an indicative draft terms of reference for the proposed community boards and a set of protocols.
- 60 The Council understands that it will be up to the incoming Council to adopt terms of reference and delegations but it has developed this draft document to give the public and prospective candidates an indication of the level of commitment the Council has to a new governance structure. This is attached as attachment B.

Maori representation

- 61 The LEA provides that Maori wards (territorial authorities) or constituencies (regional councils) may be established. The statutory provisions for establishing Maori wards/constituencies is set

out in sections 19Z to 19ZH of the LEA. Utilising the formula set out in the Act, the Southland District based on 12 councillors would be entitled to one Maori ward.

- 62 The concept of separate wards was discussed at a meeting of Te Roopu Taiao. Iwi present expressed satisfaction with the consultation structures inherent with Te Roopu Taiao and Te Ao Marama and saw no need to advocate for separate Maori representation with local government in Southland.
- 63 On 18 October 2017 the Council resolved to take no action to establish a Maori ward as part of the representation arrangements for Southland District.

Electoral system

- 64 Sections 27 to 34 of the LEA provides Councils to decide which electoral system the Council will use for local elections. There are two electoral systems that can be used – First Past the Post (FPP) and Single Transferrable Voting (STV). The electoral system needs to be considered during a representation review.
- 65 The Council reviewed the electoral system. Southland District has previously adopted the First Past the Post electoral system and in September 2017 resolved to retain the First Past the Post electoral system for the 2019 local triennial elections and any associated election. The Council publicly notified this decision and no poll demand was received.

Factors to Consider

Legal and Statutory Requirements

- 66 The legal and statutory requirements of the Local Electoral Act 2001 are set out in the report. It is considered that the Initial Proposal meets the requirements. The Council is also required to comply with the decision-making procedures contained in Part 6 of the Local Government Act 2002.

Community Views

- 67 There has been both external (pre-consultation process) and internal consultation with elected members. A public notice and consultation process will commence on 30 April 2018. Hearings will be held mid-June 2018.

Costs and Funding

- 68 Costs for the Representation Review have been provided for in the 2017/2018 Annual Plan. There will costs associated with the implementation of the proposal. The costs will largely be associated with elected member remuneration and administrative costs and administration of the elections.

Policy Implications

- 69 The proposal is for the adoption of a new model of representation and associated ways of working. The impacts of the proposed changes are outlined in the community governance reference document.

Analysis

Options Considered

- 70 Council must meet its statutory obligations to conduct a representation review in 2018. If Council wish to change any of the matters in the Initial Proposal it will delay the timetable. Council is required to make an Initial Proposal by 7 September 2018.

Analysis of Options

Option 1 – Adopt the Initial Proposal as recommended

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Meets the statutory requirements• Provides for a model that reflects the wide range of community views that have been heard to date• Is consistent with the Council's proposed strategic framework.	<ul style="list-style-type: none">• None identified

Option 2 – Not adopt an Initial Proposal

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• None identified	<ul style="list-style-type: none">• The council would not meet its statutory obligations

Assessment of Significance

- 71 The level of significance is determined as medium because although a large number of people are affected by the representation review, the impact on them is relatively minor.
- 72 The engagement and consultation reflect the requirements of the Local Electoral Act 2001 and the Local Government Act 2002.

Recommended Option

- 73 Option 1 is the recommended option.

Next Steps

- 74 The timeline for the Representation Review is set out in the LEA and documented in the Initial Proposal. The timeline requires Council to adopt an Initial Proposal. Once the Initial Proposal is agreed the formal statutory review process commences. There is no opportunity to stop or delay the statutory process.
- 75 Public notification commences on 30 April 2018. The Initial Proposal will be open for submissions until Wednesday 6 June 2018. A Hearings Panel will hear submissions on 18 – 19 June 2018. Based on those submissions Council needs to either confirm or amend the proposal as its Final Proposal. This will occur on 11 July 2018 and the Final Proposal is also notified. If there are appeals or objections to the final Proposal then the Commission makes the final

determination. The commission's determination must be made no later than 11 April 2019 and is subject to judicial review or appeal on a point of law.

Attachments

- A Initial Proposal Consultation Booklet [↓](#)
- B Community Governance Reference Document [↓](#)

Representation Review

Initial Proposal

Consultation Booklet

Mō tātou, ā, mō ngā uri ā muri ake nei

For us and our children after us

Contents – list out

The reasons for a Representation Review

The Local Electoral Act 2001 (the act) requires local authorities to review their representation arrangements at least once every six years. Southland District Council last reviewed its arrangements in 2012 and is now reviewing them for the 2019 elections.

Representation arrangements include:

- The number of councillors to be elected to Council
- Whether councillors are elected by wards or the District as a whole or a mixture of both systems
- If elected by wards, the number of boundaries and names of these wards and the number of councillors that will represent them
- Whether to have community boards and, if so, how many, their boundaries and membership.

The Representation Review for 2018 gives the District the opportunity to consider a structure that is more efficient and effective, delivers equity of representation and keeps local input and involvement at its centre. The Initial Proposal considers the factors of identifying communities of interest, effective representation of communities of interest and fair representation of electors. In addition, Council identified a set of guiding principles on which the Initial Proposal is based.

The review also addresses the current Winton Wallacetown ward boundary and associated population representation, which does not comply with the 'fair representation' requirement as described in section 19V(2) of the act. In addition, the Initial Proposal provides full District coverage of community boards.

The act requires Council to develop an 'initial proposal' and then publicly notify it. Submissions open on this proposal on 30 April 2018 and will close at 5pm on Wednesday 6 June 2018. Council will hear submitters who wish to speak to their submission in mid-June. Refer to the timetable for key dates.

Submissions will be heard by Council and members of the working group who helped to develop the review. Council will consider and deliberate on the submissions before adopting its final proposal on 11 July 2018. It will then issue this in a public notice. If anyone appeals or objects to the final proposal, Council will refer the matter to the Local Government Commission to decide. The commission is required to publish its decision by 11 April 2019, and the decision is final unless there is a judicial review or appeal on a point of law.

To provide further information on the proposal, Council is also publishing a Community Governance Reference Document which sets out background information about the process Council has used and points for consideration identified in developing the Initial Proposal. It also provides information on a proposed community governance structure.

You can find more details regarding information relating to this Initial Proposal in the Reference Document as an appendix and in the report to Council on this matter.

Representation Review Timetable (as prescribed by the Local Electoral Act 2001)

Date	Activity
2018 30 April	Submissions open on the Initial Proposal
5pm Wednesday 6 June	Submissions close
18-19 June	Submissions heard
28 June	Deliberation
11 July	Council adopts its Final Proposal
2 July	Council publicly notifies its Final Proposal
August	Council forwards appeals and objections to its final Proposal to the Local Government Commission
2019 April	Deadline for final determination from the Local Government Commission
October	Local elections held under new representation arrangements

Part One - Summary, submissions and key issues

Summary of Initial Proposal

The Initial Proposal is for Southland District Council to have five wards and 12 councillors – three councillors elected from three wards, two councillors from one ward and one councillor elected from one ward, with eight community boards covering the District and one mayor elected at large.

The five wards would be as follows:

- Mararoa Waimea – three councillors
- Winton Wallacetown – three councillors
- Waiau Aparima – three councillors
- Waihopai Toetoe – two councillors
- Stewart Island Rakiura – one councillor

The community boards would be as follows with membership of elected members and one appointed councillor

Proposed community board	Number of elected members	Number of appointed councillors	Total members
Fiordland	6	1	7
Northern	6	1	7
Ardlussa	6	1	7
Oreti	8	1	9
Waihopai Toetoe	7	1	8
Takitimu	6	1	7
Taramea Te Waewae	6	1	7
Stewart Island Rakiura	4	1	5

For the details see Part three, 'The proposal in detail on page 7. To make a submission see Part six, Submission form.

Invitation to Submit

We want to know what you think about this proposal.

Page 22 of this booklet tells you the different ways you can make your submission. Remember, we must receive your submission no later than 5pm on the closing date of Wednesday 6 June 2018.

Key issues

Requirements for this review:

The Local Government Commission (the commission) guidelines recommend following three steps to comply with the law:

- Identify communities of interest
- Determine effective representation of communities of interest
- Consider fairness of representation of electors.

In preparing its Initial Proposal, Council had to decide the:

- Basis for election ie, whether councillors are elected at large, by wards or a mix of both
- Number of councillors to be elected
- Ward numbers, boundaries and names and the number of councillors that will represent them
- Community board numbers, their boundaries, names and membership
- Detailed arrangements on the number of electoral subdivisions, if any.

Council also had to consider whether community boards should be subdivided for electoral purposes.

In addition to these factors, Council considered the electoral system, ie, either first past the post (FPP) or single transferrable voting (STV), and the possibility of Maori wards.

The Council resolved on 6 September 2017 to retain the First Past the Post electoral system for the 2019 elections. Following consultation with iwi, Council resolved at its meeting on 18 October 2017 to take no action to establish a Maori ward.

Part Two - Council's consideration of the issues

Consideration of the issues

In 2015 Council identified the Community Governance Review as a priority project to assist in informing the 2018 Representation Review, which is to consider whether the representation structure is effective and equitable for all of Southland District. For more information refer to the reference document.

An elected representative working group (the working group) comprising the Mayor, three councillors, two community board chairs and two community development area subcommittee chairs was established to provide feedback and inform the development of issues, options, governance requirements and opportunities and assist the community engagement process. The working group has also delivered a strong political voice in delivering the project and process to communities across the district – both from a process perspective and from a council mandate for change.

Pre-consultation

Council and the working group undertook a period of pre-consultation which included 18 community conversations throughout the District and a survey available in paper form and online. It was identified that for the 2018 Representation Review the Council was starting with a blank map of Southland District – a clean sheet of paper.

Guiding principles

In addition to the factors that the Local Electoral Act 2001 requires Council to consider, the Council developed the following Guiding Principles for the development of its Initial Proposal for the Representation Review.

The principles are: community leadership; clear purpose; small council big community; full District coverage; equity of representation; District-wide framework for service delivery; localism – input and involvement; relationships first; streamlined delivery – reduce the moving parts; tailored and targeted delegations to meet the purpose; the organisation structure to reflect the governance structure

Based on these guiding principles and the preferences expressed during pre-consultation, Council has prepared the Initial Proposal.

Benefits of the Initial Proposal

Council considers this proposal has a number of benefits:

- Representation should comply with the 'fair' requirement – this model complies with 'fair representation' requirements except for Stewart Island Rakiura
- Effective representation of communities of interest – this model is consistent with the communities of interest identified in the community governance review
- Majority preliminary consultation feedback supported the current number of councillors and wards – this model is consistent with that
- Majority preliminary consultation feedback supported the principle of District-wide coverage of community boards – this model does that while retaining the current number of community boards (eight).

Identifying communities of interest

When identifying communities of interest in Southland District the Community Governance Review took into account several factors, including a sense of belonging to an area; attitudes reflecting identity with an area; local service areas and physical or geographical barriers. In Southland District there are a number of

communities (in particular Stewart Island Rakiura) with a sense of isolation. The District has a population of 31,100 spread over a total area of 30,000km². 14,300km² of that area is Department of Conservation National Park. Nevertheless, a sense of isolation remains on the mainland given that it is approximately 355 kilometres from Curio Bay in the southeast of the District to Milford Sound in the northwest.

The commission has previously said that the test for isolation is a significant one.

Stewart Island Rakiura – Isolated community

In its determination of representation arrangements for Southland District in 2013 the commission agreed that the Stewart Island Rakiura ward, being an island community of interest, requires its own ward to ensure effective representation.

Council proposes that this should continue for the 2018 representation arrangements.

Effective representation of communities of interest

Effective representation of communities of interest includes:

- Identifying communities of interest that are geographically distinct
- Accessibility, size and configuration of an area, including
 - The residents' reasonable access to their elected members and vice versa
- The elected members' ability to
 - Effectively represent the view of their electoral area
 - Attend public meetings throughout the area and provide reasonable opportunities for face-to-face meetings
- Considering single versus multi-member wards
- Whether to have community boards and, if so, how many, their boundaries and membership.

Effective representation is limited by law, such that:

- The mayor must be elected at large
- Members (councillors) must be no fewer than six or more than 30, including the mayor.

Election at large, by ward or mixed

Based on the information gathered during pre-consultation, Council considered whether effective representation would be best achieved by way of

- An at-large system (where all members are elected by all voters across the District)
- A ward system
- A mixed system, with members elected partly at large and partly by ward.

Council proposes to retain the current arrangements of electing members by wards, with four multi-member wards and one ward with one member elected.

Ward boundaries

In order to achieve compliance with the +/- 10% fair representation rule the ward boundaries needed to be reconsidered as the effect of the 2013 census showed that for the Winton Wallacetown ward the population per councillor ratio was 19.77%. Council considers that the proposal best achieves compliance with fair representation while maintaining communities of interest. In order to achieve this the boundary for the current Mararoa Waimea ward has been extended to south of Dipton and the boundary altered between the Waimea Aparima ward and Winton Wallacetown to keep the township of Wallacetown in the Winton Wallacetown ward.

The proposal keeps the same ward names as the current arrangements.

Community boards

There was consensus for the principle of District-wide coverage of community boards. There are currently eight community boards. The proposal sees the number remaining at eight but for the majority the communities of interest and associated boundaries of the newly proposed community boards have been redefined and enlarged.

In the next section the Initial Proposal is outlined in detail

Part Three - The proposal in detail

Initial Proposal

Council representation.

Council proposes that the following changes apply to Southland District Council for the 2019 local authority elections and elections thereafter, until altered by a subsequent decision:

1. That the District be divided into five wards with three wards each electing three councillors, one ward electing two councillors and one ward electing one councillor.
2. That the ward names remain as follows :
 Mararoa Waimea – three councillors
 Winton Wallacetown – three councillors
 Waiau Aparima – three councillors
 Waihopai Toetoes – two councillors
 Stewart Island Rakiura – one councillor
3. That the five wards reflect the following identified communities of interest:

Proposed Ward	Localities
Mararoa Waimea	Ardlussa, Athol, Balfour, Benmore, Caroline, Cascade Creek, Castlerock, Cattle Flat, Dipton, Dipton West, Five Rivers, Freshford, Garston, Glenure, Hollyford, Jamestown, Josephville, Kingston Crossing, Lintley, Longridge, Longridge North, Lowther, Lumsden, Manapouri, Mandeville, Milford Sound, Mossburn, Nokomai, Otapiri, Otapiri Gorge, Parawa, Potters, Riversdale, Saint Patricks, Sandstone, Te Anau, The Dale, The Key, Waikaia, Waimea, Waiparu, Waipounamu, Wendon, Wendonside
Stewart Island Rakiura	Halfmoon Bay (Oban) , Horseshoe Bay, Ringa Ringa
Waiau Aparima	Aparima, Avondale, Bayswater, Birchwood, Blackmount, Clifden, Colac Bay/Oraka, Crawfords, Cromarty, Drummond, Dunearn, Eastern Bush, Ermedale, Fairfax, Feldwick, Five Roads, Gladfield, Gropers Bush, Gummies Bush, Happy Valley, Hazletts, Heddon Bush, Isla Bank, Longwood, Merrivale, Monowai, Nightcaps, Ohai, Opio, Orawia, Orepuki, Otahu Flat, Otahuti, Otaitai Bush, Otautau, Pahia, Papatotara, Piko Piko, Port Craig, Pourakino Valley, Pukemaori, Raymonds Gap, Ringway, Riverton/Aparima, Round Hill, Ruahine, Scotts Gap, Spar Bush, Taramoa, Te Oneroa, Te Tua, Te Waewae, Thornbury, Tihaka, Tinkertown, Tuatapere, Waianiwa, Waihoaka, Waikouro, Waimatuku, Waipango, Wairio, Wakapatu, Woodlaw, Wreys Bush, Wrights Bush

Proposed Ward	Localities
Waihopai Toetoe	Ashers, Brydone, Bush Siding, Chaslands, Curio Bay, Dacre, Edendale, Fortification, Fortrose, Glenham, Gorge Road, Haldane, Kamahi, Kapuka, Kapuka South, Kennington, Longbush, Matura Island, Menzies Ferry, Mimihau, Mokoreta, Mokotua, Morton Mains, Niagara, Ota Creek, Otara, Oteramika, Oware, Pine Bush, Progress Valley, Pukewao, Quarry Hills, Redan, Rimu, Seaward Downs, Slope Point, Te Peka, Timpanys, Titiroa, Tokanui, Tutarau, Waiarikiki, Waikawa, Waikawa Valley, Waimahaka, Waimatua, Waituna, Woodlands, Wyndham
Winton Wallacetown	Branxholme, Browns, Centre Bush, Gap Road, Glencoe, Grove Bush, Hedgehope, Heenans Corner, Hokonui, Kauana, Lady Barkly, Limehills, Lochiel, Lorneville, Mabel Bush, Makarewa, Makarewa Junction, Northope, Oporo, Oreti Plains, Pukemutu, Rakahouka, Roslyn Bush, Ryal Bush, South Hillend, Springhills, Te Tipua, Thomsons Crossing, Tussock Creek, Waimumu, Waitane, Wallacetown, West Plains, Wilsons Crossing, Winton

4. That the population each councillor (ward member) will represent is as follows:

Wards, elected members and population per member – detail to come from Adrian

Ward	2013 Census statistics	Elected members	Population per councillor
Mararoa Waimea	7803	3	2601
Winton Wallacetown	7890	3	2630
Waiau Aparima	8139	3	2711
Waihopai Toetoe	5421	2	2713
Stewart Island Rakiura	384	1	384

5. The population that each member represents is within the range of 2469 +/- 10% (2223 – 2715 in accordance with section 19V(2) of the Local Electoral Act 2001 that each member must be within the range, unless particular community of interest considerations justify otherwise.

Only the representation of the Stewart Island Rakiura ward falls outside the stipulated range. Council considers that the Stewart Island Rakiura ward warrants a member under section 19V(3)(a) as it is an island community of interest.

The boundaries for each ward are as per the attached ward maps in this Consultation Booklet.

Community board representation

6. That the following eight communities be represented by eight community boards be elected as follows:

Proposed Community Board	Localities
Ardlussa	Ardlussa, Balfour, Cattle Flat, Freshford, Glenure, Kingston Crossing, Longridge, Longridge North, Mandeville, Potters, Riversdale, Saint Patricks, Sandstone, Waikaia, Waimea, Waiparu, Waipounamu, Wendon, Wendonside
Fiordland	Cascade Creek, Hollyford, Jamestown, Manapouri, Milford Sound, Te Anau, The Dale, The Key
Northern	Athol, Castlerock, Five Rivers, Garston, Lintley, Lowther, Lumsden, Mossburn, Nokomai, Parawa
Oreti	Benmore, Branxholme, Browns, Caroline, Centre Bush, Dipton, Dipton West, Gap Road, Glencoe, Grove Bush, Hedgehope, Heenans Corner, Hokonui, Josephville, Kauana, Lady Barkly, Limehills, Lochiel, Lorneville, Mabel Bush, Makarewa, Makarewa Junction, Northope, Oporo, Oreti Plains, Otapiri, Otapiri Gorge, Pukemutu, Rakahouka, Roslyn Bush, Ryal Bush, South Hillend, Springhills, Te Tipua, Thomsons Crossing, Tussock Creek, Waimumu, Waitane, Wallacetown, West Plains, Wilsons Crossing, Winton
Stewart Island Rakiura	Halfmoon Bay (Oban) Horsehoe Bay, Ringa Ringa
Takitimu	Aparima, Avondale, Bayswater, Crawfords, Drummond, Dunearn, Five Roads, Gladfield, Heddon Bush, Isla Bank, Nightcaps, Ohai, Opio, Otahuti, Otatau, Ringway, Scotts Gap, Spar Bush, Tinkertown, Waikouro, Wairio, Woodlaw, Wreys Bush
Taramea Te Waewae	Birchwood, Blackmount, Clifden, Colac Bay/Oraka, Cromarty, Eastern Bush, Ermedale, Fairfax, Feldwick, Gropers Bush, Gummies Bush, Happy Valley, Hazletts, Longwood, Merrivale, Monowai, Orawia, Orepuki, Otahu Flat, Otaitai Bush, Pahia, Papatotara, Piko Piko, Port Craig, Pourakino Valley, Pukemaori, Raymonds Gap, Riverton/Aparima, Round Hill, Ruahine, Taramoa, Te Oneroa, Te Tua, Te Waewae, Thornbury, Tihaka, Tuatapere, Waianiwa, Waihoaka, Waimatuku, Waipango, Wakapatu, Wrights Bush
Waihopai Toetoe	Ashers, Brydone, Bush Siding, Chaslands, Curio Bay, Dacre, Edendale, Fortification, Fortrose, Glenham, Gorge Road, Haldane, Kamahi, Kapuka, Kapuka South, Kennington, Longbush, Mataura Island, Menzies Ferry, Mimihau, Mokoreta, Mokotua, Morton Mains, Niagara, Ota Creek, Otara, Oteramika, Oware, Pine Bush, Progress Valley, Pukewao, Quarry Hills, Redan, Rimu, Seaward Downs, Slope Point, Te Peka, Timpanys, Titiroa, Tokanui, Tuturau, Waiarikiki, Waikawa, Waikawa Valley, Waimahaka, Waimatua, Waituna, Woodlands, Wyndham

7. That the boundaries for each board be as per the attached maps.
8. That the Fiordland, Northern, Ardlussa, Takitimu and Taramea Te Waewae community boards each elect six members. They will each have one appointed member from the ward in which they are situated.

9. That the Oreti community board elects eight members. One member will be appointed from a ward in which it is situated.
 10. That the Waihapai Toetoe community board elects seven members. One member will be appointed from the ward in which it is situated.
 11. That the Stewart Island Rakiura community board elects four members. One member will be appointed from the ward in which it is situated.
- No community board will be subdivided for electoral purposes.

Community boards, elected and appointed member numbers

Community board	Community board members	Appointed councillor
Oreti	8	1
Waihapai Toetoe	7	1
Fiordland	6	1
Northern	6	1
Ardlussa	6	1
Takitimu	6	1
Taramea Te Waewae	6	1
Stewart Island Rakiura	4	1

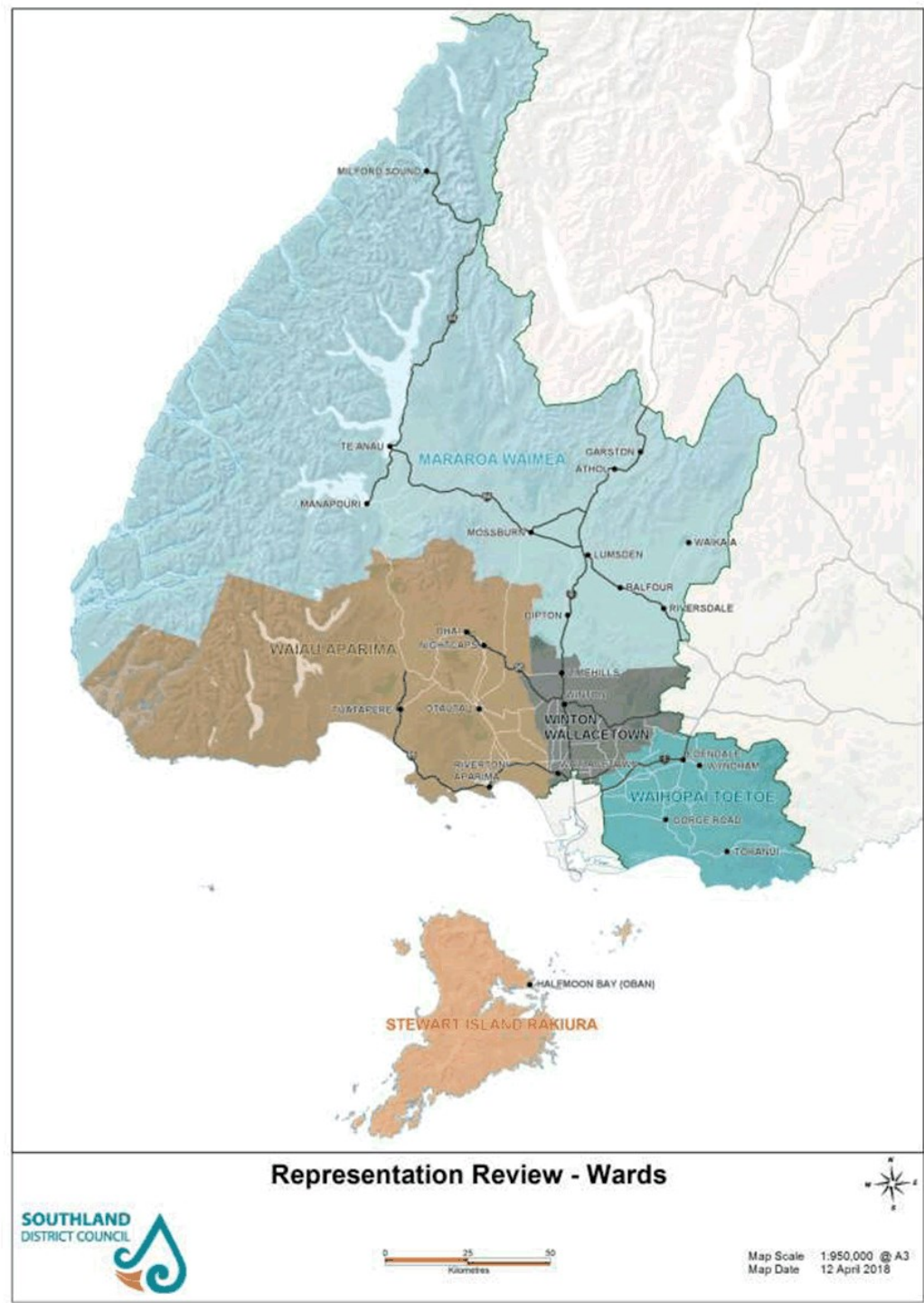
For more information

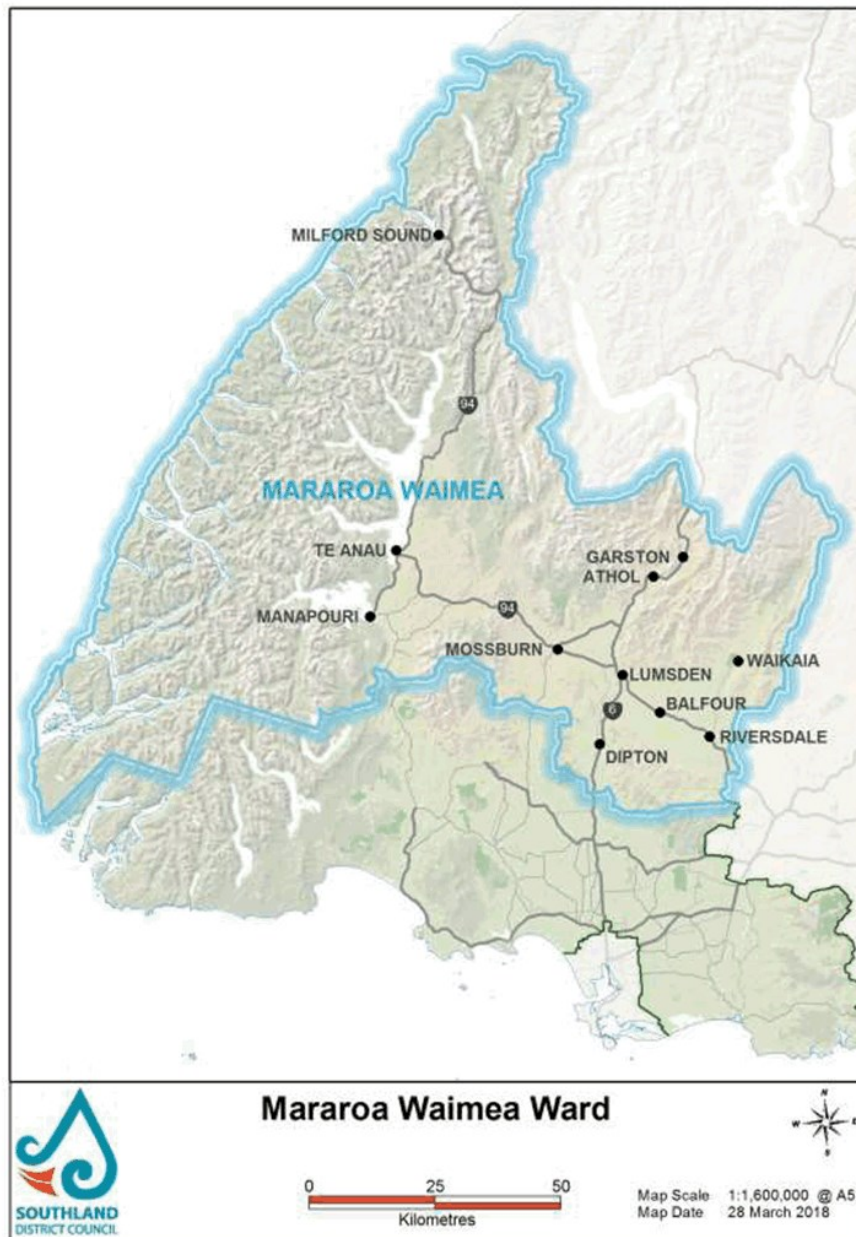
To view your current ward boundary go to the website below: - will attach link

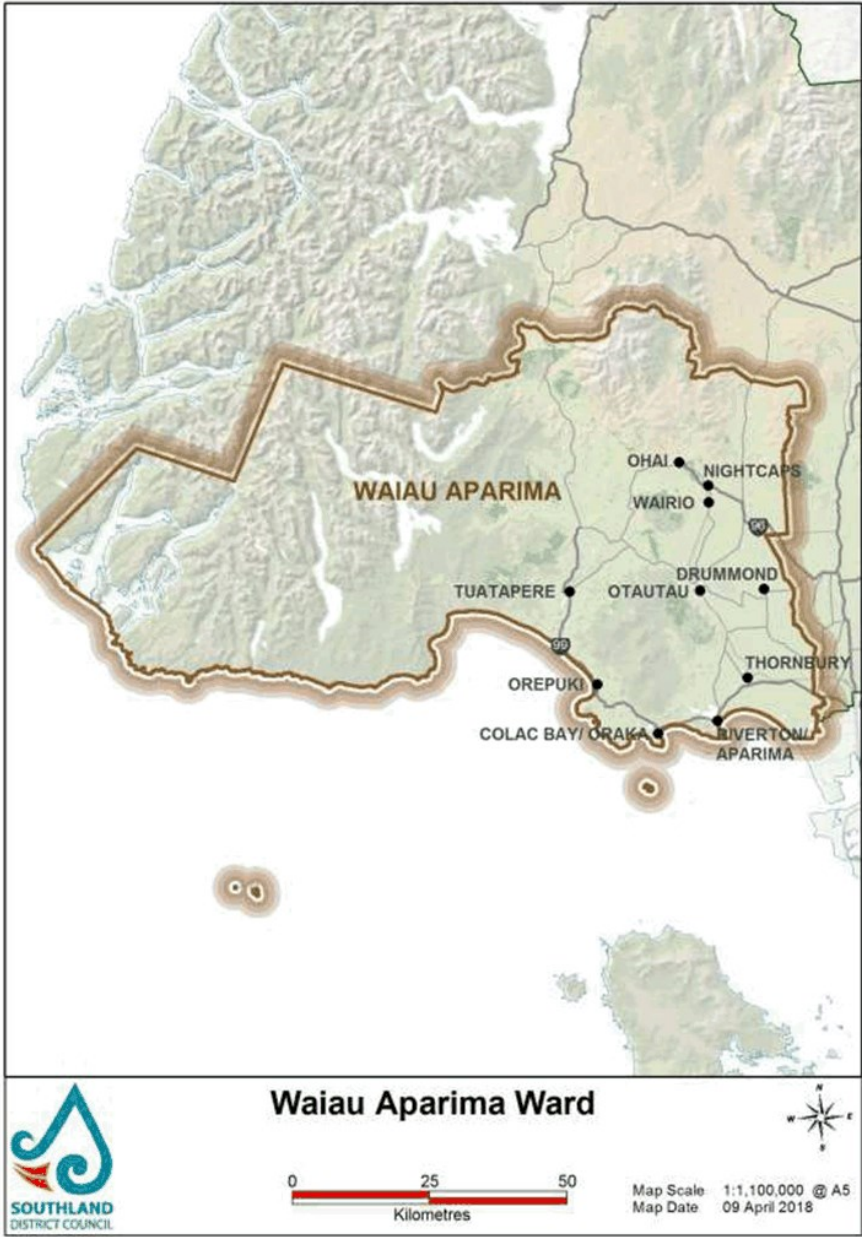
Maps of the proposed ward and community board boundaries start on page ??

A Community Governance Reference Document – attach link – has also been prepared to provide information on the background, process undertaken relating to the associated community governance review and indicative draft terms of reference for the proposed community boards.

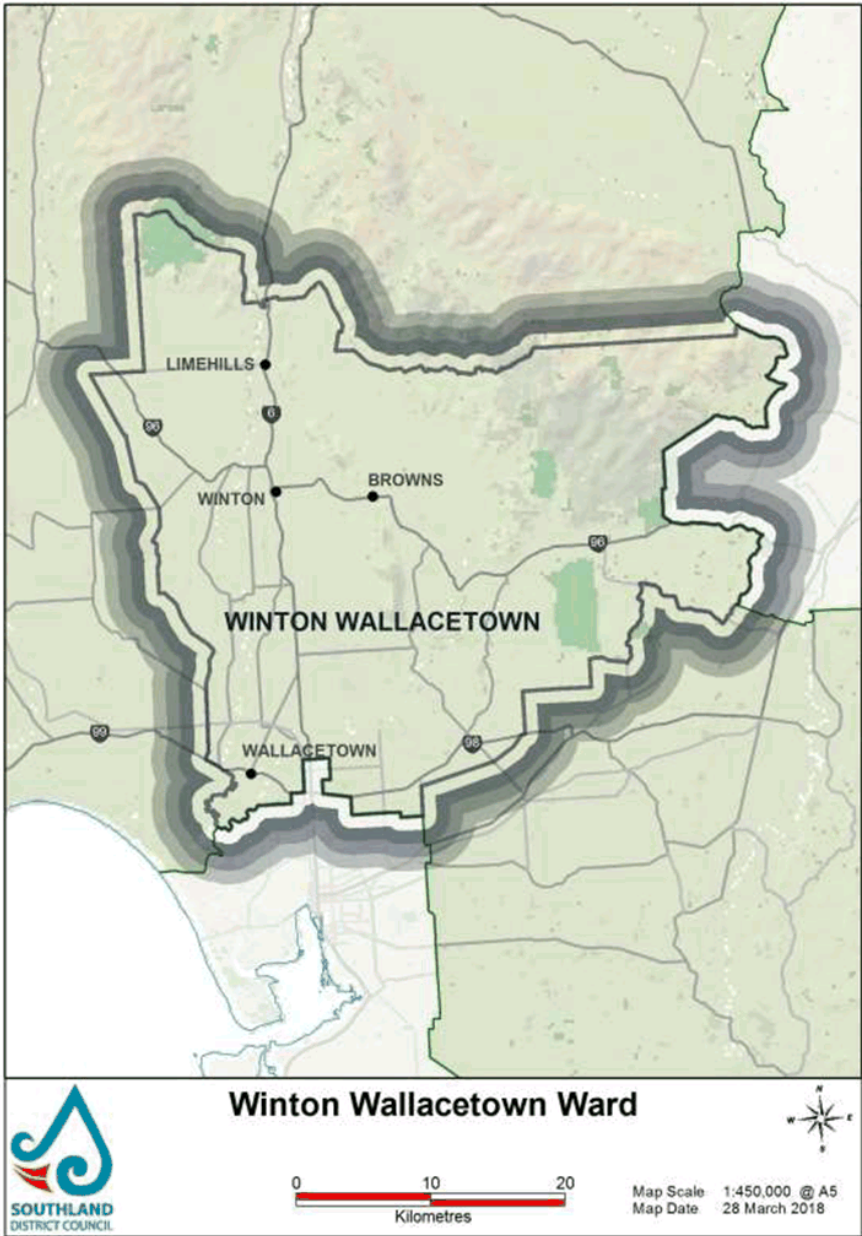
Part Four - Maps of the five wards

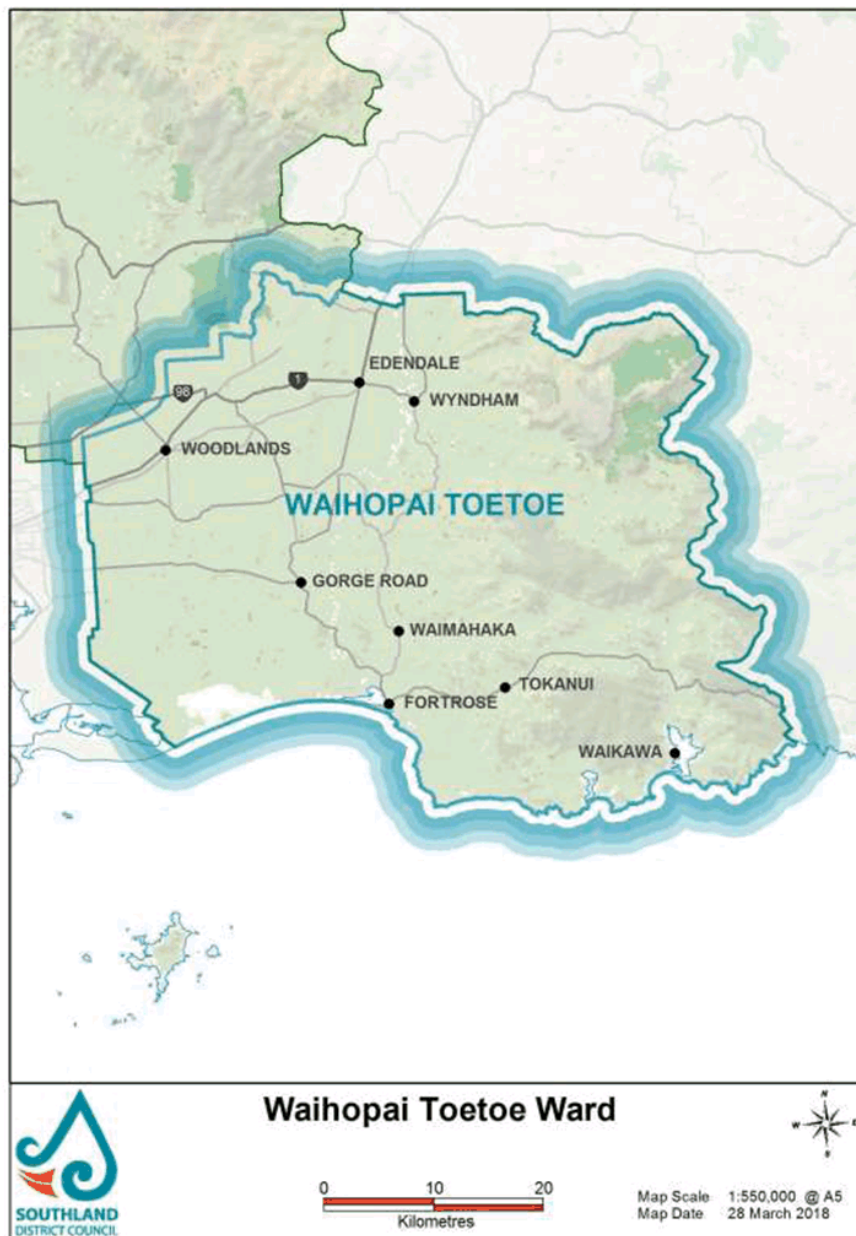




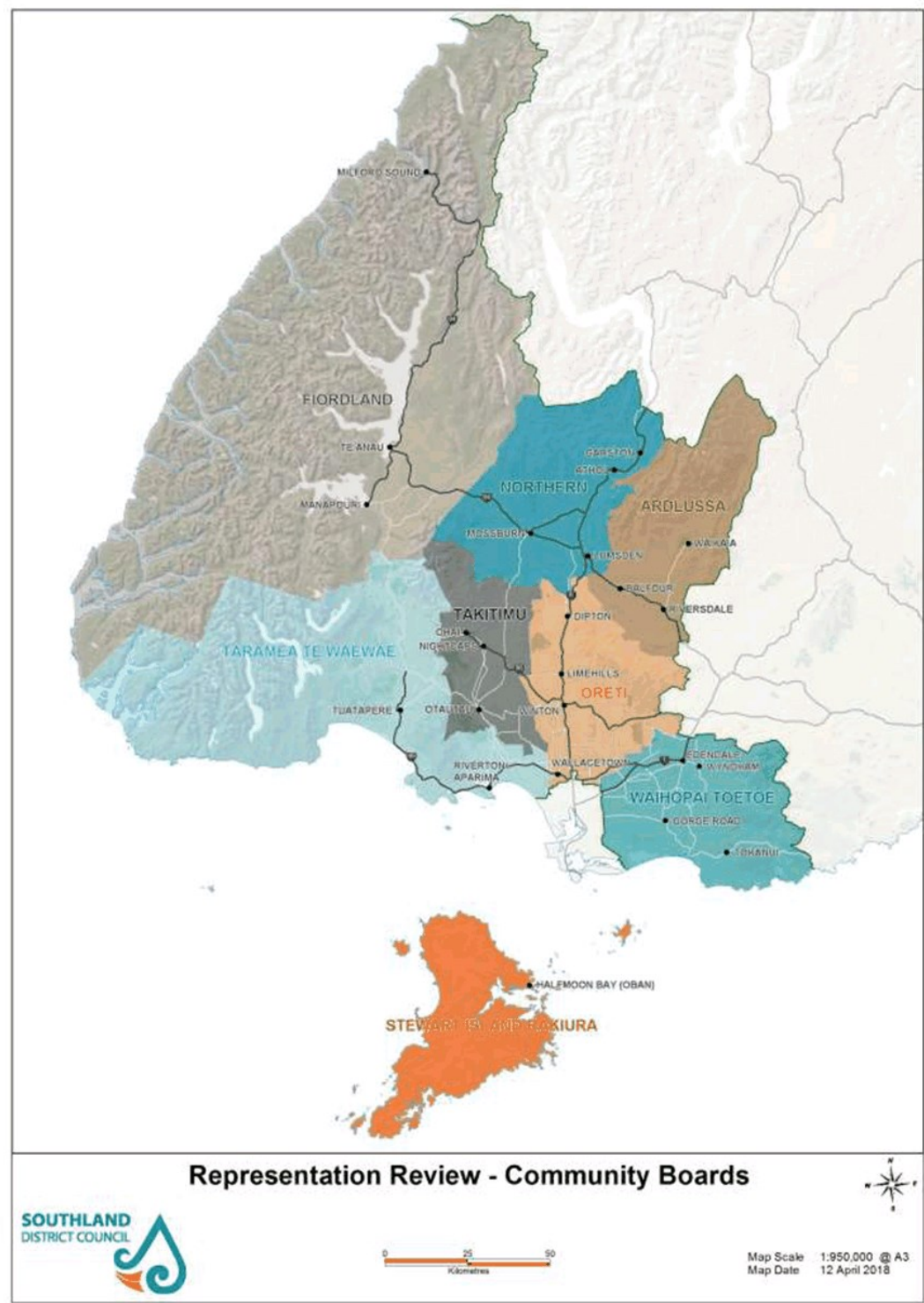


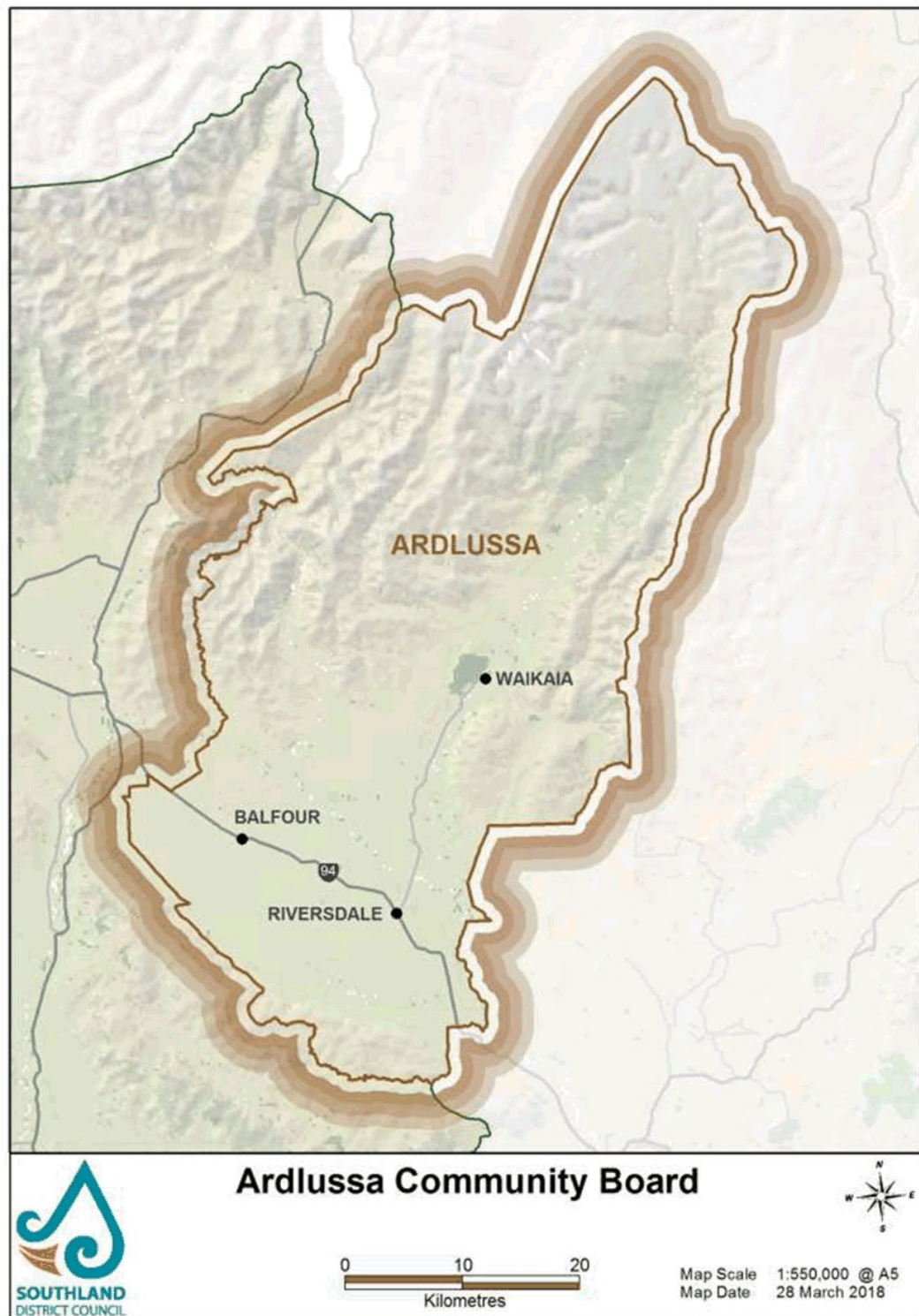


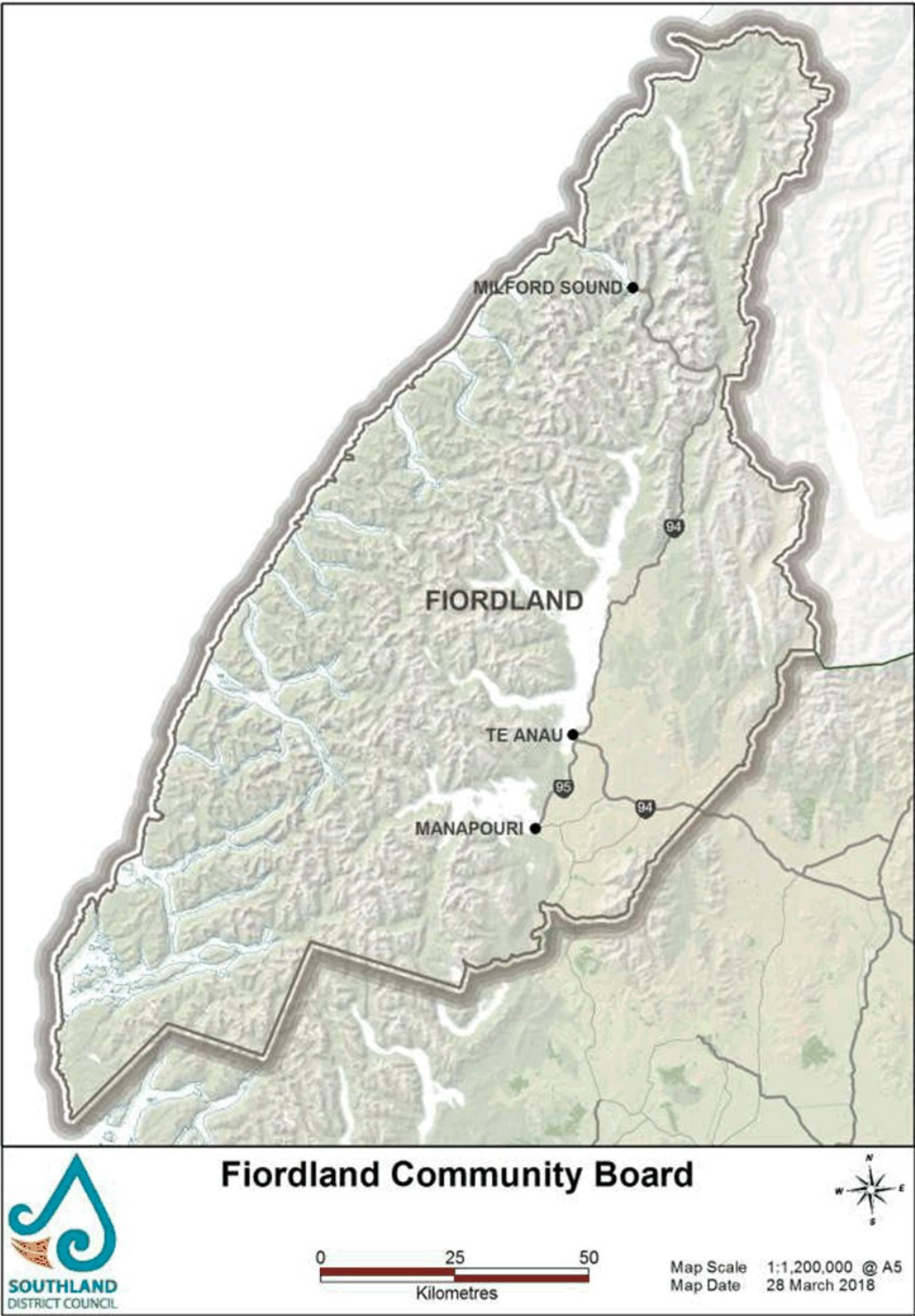




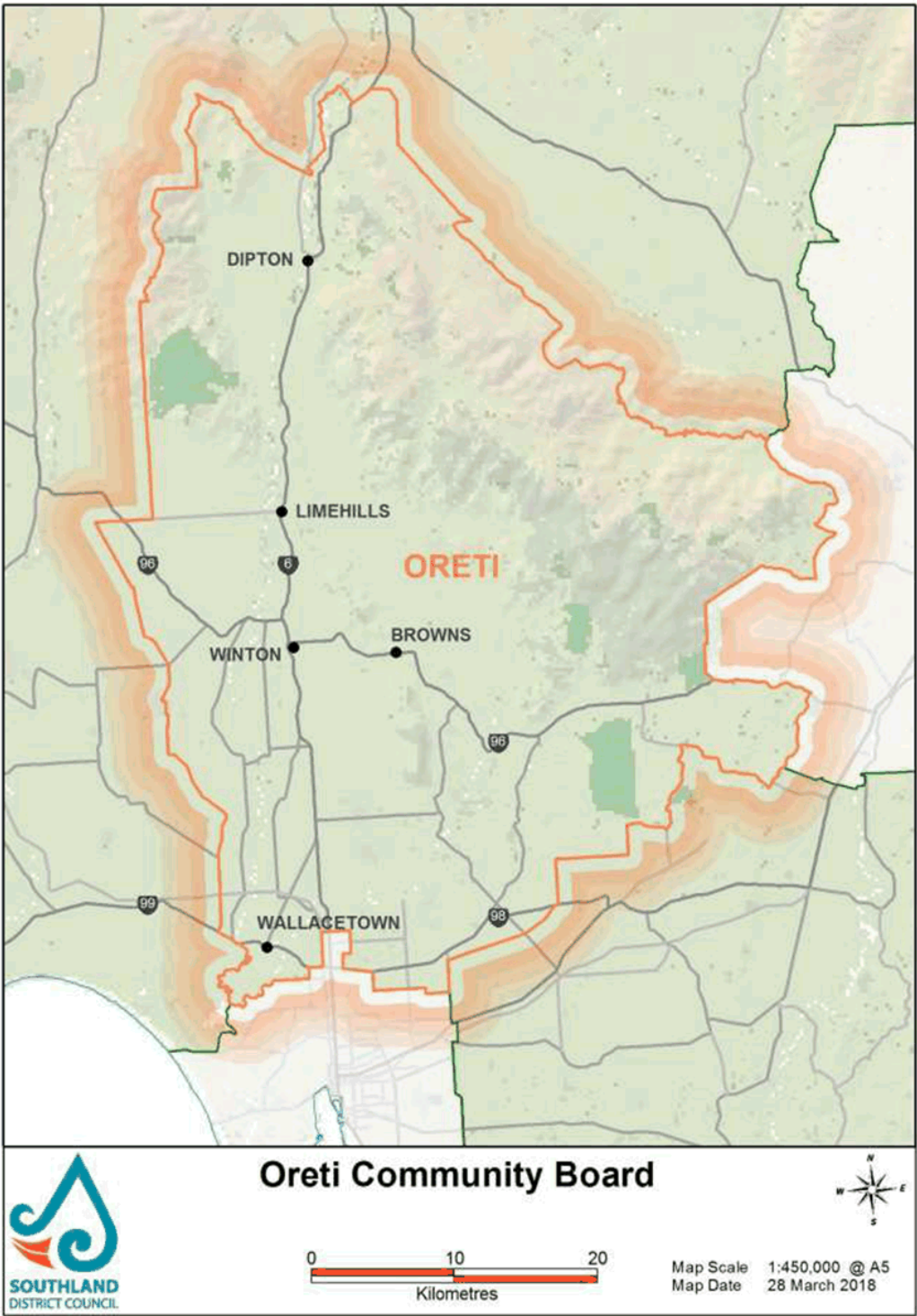
Part Five - Maps of the community boards



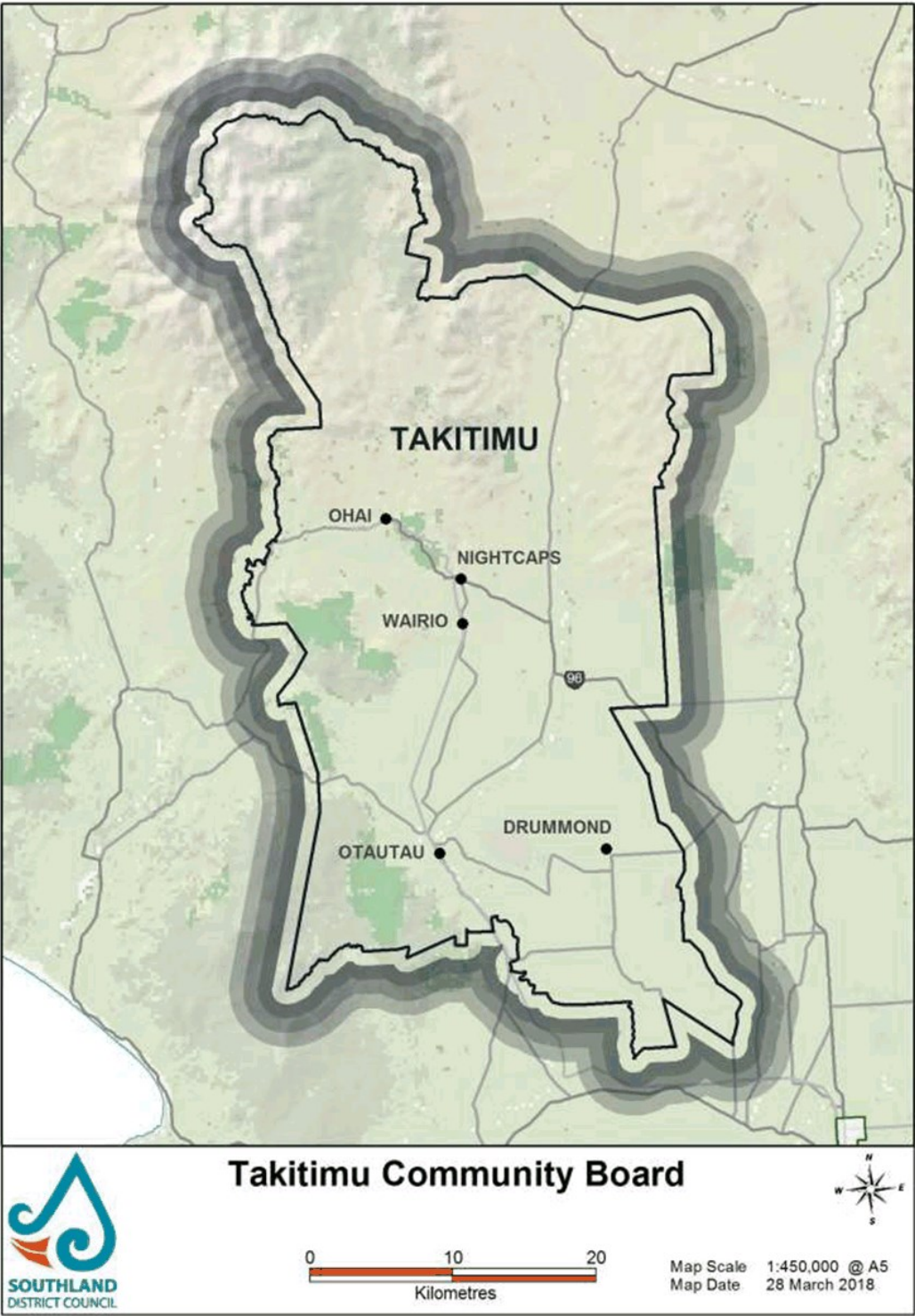




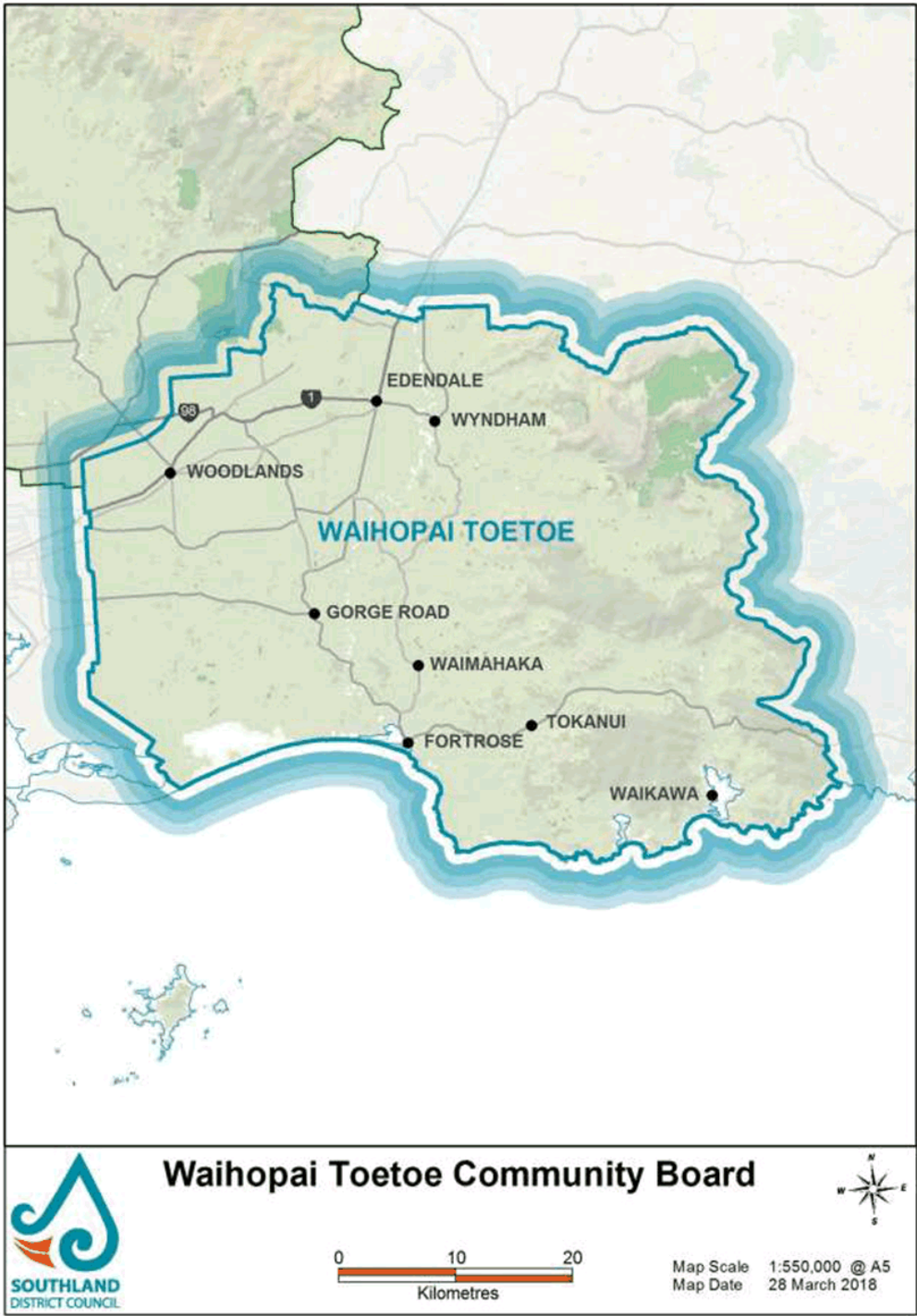












Part Six - Submission form**Have Your Say****SDC: 2018 Representation Review Feedback form**

Thanks for taking the time to let us know what you think about the Council's Initial Proposal for the 2018 Representation Review.

The easiest way to let us know what you think is to use our online form at www.southlanddc.govt.nz It's a lot faster than sending us a hard copy.

Or, if you'd prefer to write to us, just fill out this feedback form or write down your thoughts and get this to us by Wednesday 6 June 2018 at 5pm by either:

Emailing it to: submissions@southlanddc.govt.nz

Delivering it to: one of our offices in Invercargill, Lumsden, Oban, Otautau, Riverton, Te Anau, Winton or Wyndham

Posting it to 2018 Representation Review Freepost, Southland District Council, P.O. Box 903 Invercargill 9840

Please note that all the information you provide in your feedback form (including personal details) will become public documents.

ALL WRITTEN FEEDBACK MUST BE RECEIVED AT OUR OFFICES BY 5PM, WEDNESDAY 6 JUNE 2018

For photocopying purposes, please write clearly using a black pen

DATE:

NAME:

ORGANISATION (IF APPLICABLE)

POSTAL ADDRESS

DAYTIME PHONE

EMAIL

Would you like to speak to the Mayor and Councillors about your views? (please tick) No Yes (we will be in touch to arrange a date/time). Meetings to hear submissions will be held at our main office in Invercargill from 18-19 June (if required) 2018 with a final decision on 11 July 2018.

Submission 2018 REPRESENTATION REVIEW**Questions**

As part of the six-yearly review of our representation arrangements we are proposing the following:

- 12 councillors elected from five wards –
 - Mararoa Waimea, Waiau Aparima and Winton Wallacetown with three councillors each
 - Waihopai Toetoe – two councillors
 - Stewart Island Rakiura – one councillor

The number of Councillors are based on the population in the wards

- Eight community boards covering the whole of the district

The Mayor is elected by the whole district, which will not change.

1. Do you think 12 councillors elected from five wards gives you fair and effective representation?(refer consultation booklet pages..)

Tell us why:

2. Do you think that Stewart Island Rakiura should be an island community of interest? (refer consultation booklet pages ...)

Tell us why.

3. Do you think there should be eight community boards covering the whole of district? (refer consultation booklet pages...)

Tell us why

4. Do you support this proposal which consists of 12 councillors elected from five wards and eight community boards covering the whole of the District? - tick box yes no

Please provide any further comments regarding this proposal

Privacy Act 1993: This form and the details of your submission will be publicly available as part of the decision-making process.

Southland District Council
Community Governance Reference Document

**Mō tātou, ā, mō ngā uri ā muri ake nei –
For us and our children after us.**

Context

Community Governance Review **Part 1**

Background

Strategic Framework & Guiding Principles **Part 2**

Proposed new Governance Structure **Part 3**

Ways of Working (Draft Terms of Reference) **Part 3a**

Protocols relating to local groups operating in their local community **Part 4**

Appendices

Introduction

The Local Electoral Act 2001 (the Act) requires local authorities to review their representation arrangements at least once every six years. The Southland District Council last reviewed its arrangements in 2012 and is now reviewing undertaking a representation review in 2018 – which will be implemented for the 2019 elections.

The following is an excerpt from the LG Magazine March 2018 issue. The Southland District Council believes this provides an appropriate national perspective reflecting the position on the Representation Review process.

Is your council fairly and effectively representing the community?

In 2018, 57 councils are required to review their representation arrangements to apply at the next local authority elections in 2019. Other councils may also decide to do a review. In the first of a series of three articles, Gavin Beattie of the Local Government Commission sets out considerations and first steps in this process for strengthening local democracy.

Every six years councils in New Zealand are required by law to review their representation arrangements. This is to ensure each council continues to provide fair and effective representation for individuals and communities. Representation that provides an effective voice for individuals and communities in the matters affecting them, strengthens local democracy and helps maintain confidence in local government.

The representation review process can be seen as three discrete stages: developing an initial proposal; considering submissions and agreeing a final proposal; and managing the appeals and referrals processes. In this article we address the first stage relating to the initial proposal.

What is a representation review?

A representation review is the process for a council to review the number of councillors it has and how they are to be elected. For cities and districts, councillors can be elected 'at large' (across the whole area), by wards, or by a mix of the two.

The review must also involve consideration of community boards. For regions, constituencies are mandatory so the review involves the number of councillors, and the number and size of the constituencies.

Which councils should be doing a review?

Councils must conduct a review every six years. A review is also mandatory if Maori wards or constituencies are being introduced for the first time. This year Auckland Council will undertake its first review and Environment Canterbury must also conduct a review.

Factors which may prompt other councils to consider undertaking a review this year include significant population changes impacting on communities of interest, or a change in the electoral system e.g., from first past the post (FPP) to single transferable vote (STV).

A city or district council may also be considering changes to governance arrangements and particularly the potential role of community boards.

Councils which undertook a review for 2016 can consider minor boundary alterations this time around without carrying out a full representation review but must refer their proposal to the Commission.

What do councils need to consider?

Councils always need to keep in mind the principle of fair and effective representation for individuals and communities. This requires consideration of three key factors:

- identification of communities of interest;*
- effective representation for these communities of interest; and*
- fair representation of electors – based on the '±10 percent rule' for constituencies, wards and subdivisions of community board areas, though exceptions may be approved by the Commission.*

Territorial authorities, whether they have community boards or not, must also consider the need for boards in order to help achieve fair and effective representation.

If a council has not conducted a fundamental review for some years, it is encouraged to begin its review with a 'clean sheet' rather than by simply looking at adjusting existing arrangements. This should include consideration of preliminary consultation and the canvassing of a range of possible options.

Councils should also consider the use of an independent panel in the process to get some outside perspectives.

What is the timing for an initial proposal?

Councils can resolve their initial proposal (and then give public notice) any time after March 1, 2018. The deadline for public notice of the proposal is September 8, 2018.

So this provides the context – the following is a Reference Document that has been prepared by the Southland District Council to provide information relating to the community governance review process Council undertook over a 30 month period leading up to the representation review process. This community governance review project is over and above any statutory obligation that Council has – but Council believes it is important to inform and ensure its stakeholders, residents and ratepayers understand and appreciate the process and community engagement that has occurred in developing the Southland District Council Representation Review Initial Proposal Consultation Document.

This Reference Document should be read in conjunction with the Southland District Council Initial Proposal Consultation Document

Please note this Reference Document is not being consulted on as part of the Representation Review.

Southland District Council Community Governance Review

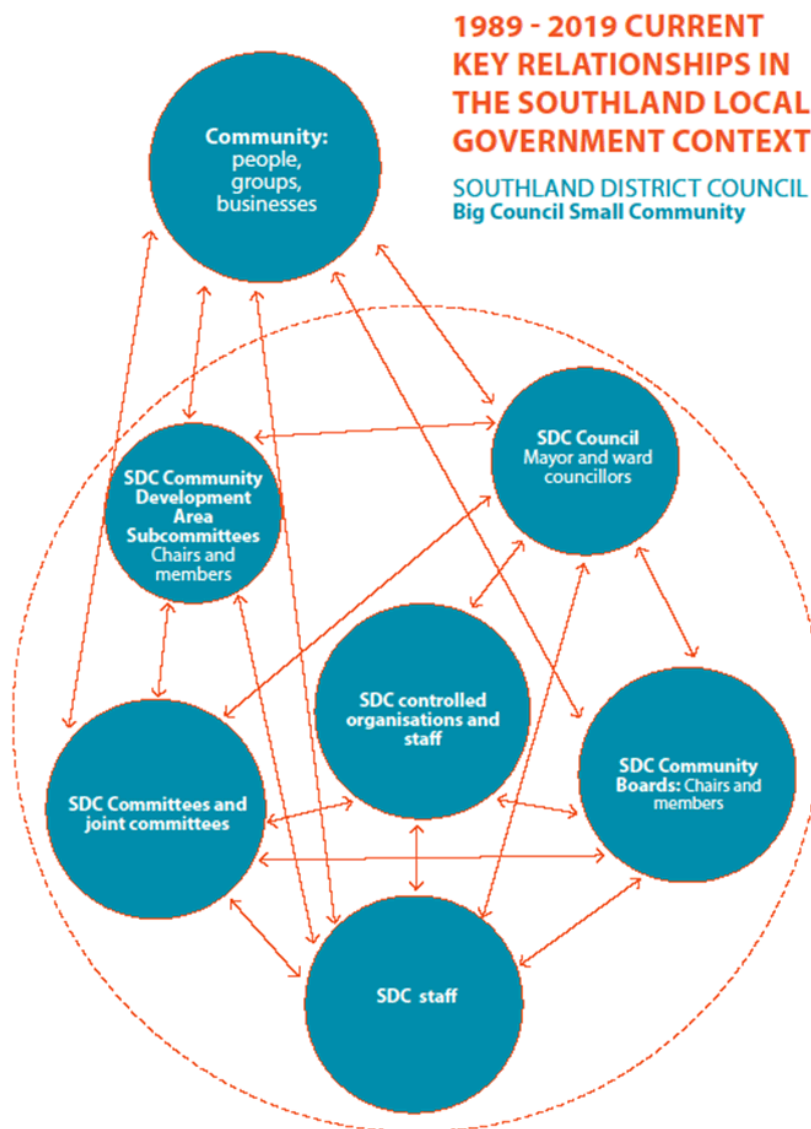
Part 1

Southland - One community offering endless opportunities

The Southland district is facing significant change and as a result of this change come various opportunities as it best prepares for what lies ahead. The Southland District Council is committed to being proactive and ensuring it and its communities are best prepared for the future. In Mayor Tong's words - "we want to do it to ourselves rather than have someone else do it to us."

Council is thinking long term and strategically and acknowledges that in some instances what the future looks like, how things are done and how structures operate will be different. To some people this is challenging and creates uncertainty and insecurity. Council throughout the Community Governance Review and the subsequent Representation Review has made a concerted effort to engage with and involve the communities and associated stakeholders, residents and ratepayers. Throughout the journey over the past 3 ½ years Council has promoted the ideology related to change of not to look at what is being lost but in fact what is being gained.

Southland district's current key relationships in local government context can be demonstrated as the pictured by the following diagram. It highlights a structure "Big Council Small Community" through the community governance structure the council is looking to change this to 'Small Council Big Community'.



The Community Governance Review and subsequent Representation Review should also not be considered in isolation with regards to Council's desire to promote and develop internal and external business improvement opportunities and being a more effective and efficient Council. Council has introduced various operational and organisational changes which have seen changes in our way of working and how things are done. The role of Council in dealing with the why? has also been enhanced throughout this journey of change – and it identified Council has as significant a role to play in community leadership as it does as a services and assets infrastructure provider and regulatory agency capacity.

Council has committed significant resource to the community leadership function and is ensuring that community engagement and community partnership is at the forefront of its modus operandi. Council has identified that it plays a role in being part of the solution – not necessarily needing to be the solution. This has seen a move to a more community centric rather than council centric approach. This also means Council has adopted a partnership and collaboration approach – developing a multi-agency approach to dealing with challenges and opportunities related to its communities.

The proposed community governance structure reflects this approach and way of working – and reflects the desire to ensure Council and its structure is best serving its communities, is fit for purpose and is fit for the future – for the people of today but also future generations.

Mō tātou, ā, mō ngā uri ā muri ake nei – For us and our children after us.

The current community governance model represents a period of 30 years – a generation in itself – and much has changed. Council regularly hears from manufacturing and/or processing businesses, farmers, retailers, tourism operators, accommodation providers, health service providers, schools, other Councils, community organisations, sports groups, arts groups, churches, service clubs, residents and ratepayers – that if they operated the same as they did 30 years ago they would not be providing the best outcomes and delivering the best service for their stakeholders or customers/clients.

The role of local authorities has changed over the past 30 years and is continuing to change. It is widely recognised that the pressures and challenges facing the local government sector create the need for a ‘fresh look’ at what and how local authorities operate. This is very much at the forefront of Southland District Council’s approach to the Community Governance Review and subsequent Representation Review. Council has prioritised the need to best prepare and be fit for the future. This is not only for today but for future generations.

Through the proposed 2018 – 2028 Long Term Plan Council is proposing to invest in the development of a District-wide community future planning model that takes account of changing settlement patterns, population, demographics, socio-economic conditions and visitor trends as well as the impact of climate change and other recognised contributors to societal changes in the future.

The work will also look further at the information we have about our infrastructure to better understand how long it will last and what the likely cost of replacements will be. This will assist in providing an understanding for appropriate and affordable utility and amenity provision for the District. The Council and community governance structure fits within this mandate and the associated changes aligned to this Representation Review reflect Council’s approach in looking forward.

To provide a context and to assure residents and ratepayers that this is a measured and strategic process and approach – Council in 2015, identified the Community Governance Review project as a priority to address a possible change in structure from a community governance perspective. The purpose of the project was to provide reasoned and researched background information and undertake significant community engagement to inform the Representation Review that Council would conduct in 2018 and focus on developing the community governance and representation framework to work more effectively and efficiently for Council and the Southland District in the future.

Background

Southland District Council serves a population of 31,100 people, spread over a total area of 30,000km². It is relevant to note that 14,300 km² of that area is Department of Conservation National Park. The Council manages approximately 5,000 km of roads, 13 urban water supplies, 11 rural water supplies, 17 sewerage schemes, 34 cemeteries, over 60 community halls/centres, almost 70 community housing units, 10 libraries, a mobile library service, and ,150 parks and reserves, and has service centres/offices operating in of nine locations.

The current community governance and political structures are, for the most part, similar to what they were at the time of the local government re-organisation in 1989. Southland District was formed from the amalgamation of Southland, Wallace and Stewart Island County and the Winton borough. Some changes have been introduced from 1989 to 2012 but the current representation structure arrangements are similar.

The Representation Review in 2012 saw a change from 12 single-member wards to four multi-member wards with Stewart Island remaining as an island community of interest and retaining a councillor (the number of councillors, 12, remained the same). There were previously 12 community boards and 16 community development area subcommittees (CDAs). Four community boards became community development area subcommittees and two community boards joined together to form one community board. This resulted in the representation structure incorporating eight community boards and 19 community development area subcommittees that exist across the District today.

It is important to acknowledge and understand that community development area subcommittees are unique to Southland District Council and operate at the discretion of the Council. As a subcommittee of Council the newly elected Council at each triennium has the right to determine the committee and subcommittee structure that it wishes to establish. Community development area subcommittees historically have been established in townships throughout the District. Elected locally (by way of a public meeting process and outside of the Local Government Act 2002 and the Local Electoral Act 2001 provisions) from people in a specific local rating boundary defined area they assist and support in identifying local priorities, and levels of service and overseeing/governing the delivery of services and infrastructure requirements.

A significant change since 1989 has seen the majority of Council services now being delivered at a District-wide level and from a District wide funding base.

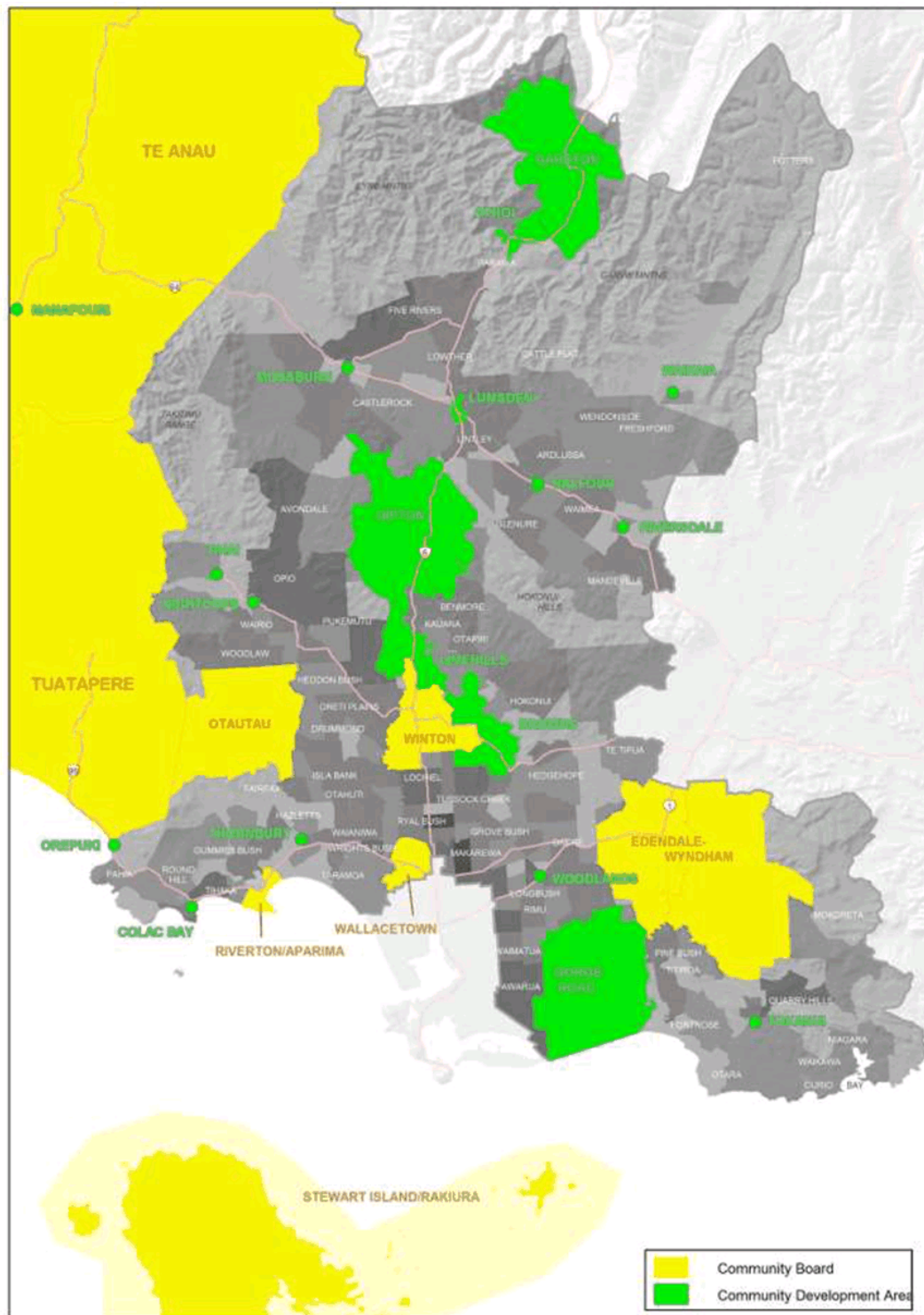
As noted above, the representation structure to be considered as part of the Representation Review process relates to the current structure of a mayor and 12 councillors elected from five wards plus eight community boards which exist in parts of the District. Some existing community boards cover townships solely (Riverton Aparima, Otautau, Stewart Island Rakiura, Winton and Wallacetown), while the remainder - Te Anau, Tuatapere and Edendale Wyndham - incorporate townships and rural areas.

In addition to the 19 CDAs that are part of Council's committee structure Council also administers as part of its representation structure the Milford Community Trust, and other subcommittees including the Stewart Island Jetties Subcommittee, the Riverton Harbour Board and three rural water supply committees.

In effect there are more than 175 elected representatives involved in Council's representation governance structure for 31,100 people. This equates to approximately one elected representative for every 175 people. When this was analysed further by representing the boundaries of community boards and CDAs on a map it showed that approximately one third of the population of the district (10,000 people) were not represented at a local level by the Council representation structure— either a community board or CDA.

The current community boards represent populations ranging from 400 people on Stewart Island Rakiura to 3,400 in Te Anau. The community development area subcommittees range from representing a population in Orepuki of 60 to Gorge Road of 550 people.

Map showing current representation structure



Community boards currently meet every two months – six times a year – and cdas meet either three or four times a year. In effect this involves over 120 local representation entity meetings per annum – or on average two meetings a week.

Council's objective is to ensure that its representation structure is effective, equitable for all of the Southland District, and keeps local input and involvement (localism) at its centre.

In 2011 Council commissioned Morrison Low to assist it in reviewing the effectiveness of the governance structure. The study noted: "the existing community governance structure (community boards, cdas, water supply committees have a focus on process and there are high costs to support them. In financial terms (staff costs, not all of which are accounted for) and there is a focus on "processes" to support the governance structure rather than delivering value and local democracy. Changing the governance structure (cdas and community boards) would require a significant change to how SDC currently operates but this would reduce costs, open up additional opportunities based on consistency of service across the district while maintaining strong local democracy... As a result of the current governance structure the number of rates struck by SDC is far greater than most other councils and the number of targeted rates makes for a complex rating scheme."

When the map shown previously was presented to the public at the Community conversations in April, May and November 2017 the vast majority of people considered this to be inequitable and not fair local representation.

Council, agrees that the current representation structure does not give fair or equitable representation across the whole of the District. Through the Community Governance Review and subsequently the Representation Review, Council is looking to find a solution to this and delivering a structure that is more efficient, effective and affordable while at the same time enhancing community involvement, at a local level based on the premise of communities of interest delivering equity of representation and keeping local input and involvement at its centre.

Process

The process for developing the community governance project has evolved over the past three years and included the following discussions and engagement conversations:

- Discussion at Council workshops in January and June 2015, May 2016, February and December 2017 and March 2018
- Presented at community board, and community development area Subcommittee (CDA) meetings as part of Council report topics and meetings of chairs in July and November 2015, May and November 2016, May and November 2017, and February and March 18
- Community and Policy Committee meetings (and associated agendas) March, April and September 2017 and February 2018
- Discussed at Community Conversations held in April and May 2017 and November and December 2017 attended by over 150 members of the public
- Council meetings (and associated agendas) – consideration through management report – update also on each Community board and CDA meetings from May through to November 2017
- Information and survey available on the Council website and social media since November 2017 – February 2018
- Information included as an article in Council's news magazine First Edition – reach of every household (approximately 15,000) in the District October and December 2017 – attached as Appendix 5
- Presence at Southland District Council site at Waimumu Field days 14 – 16 February 2018
- Four pre-consultation conversation meetings held with elected members (members of community development area subcommittees and community boards) in February and March 2018 to gather feedback.

Working Group

An elected representative working group (terms of reference attached as appendix 4) was established and members attended the various community conversations meetings held in November/December 2017. The group met in May, August, and November 2017, and February 2018. The role of this group – comprising the mayor, three councillors, two community board chairs and two community development area subcommittee chairs – was to provide feedback and inform points for consideration, the development of issues and options and governance requirements and opportunities for Council. The elected representative working group has also delivered a strong political voice in delivering the Representation Review project and process to the communities throughout the District – both from a process perspective and also from a 'Council mandate for change' perspective.

Throughout the engagement process and during the introduction for each of the engagement meetings it was clearly identified that for the 2018 Representation review Council was starting with a blank map or a clean sheet of paper – taking a green fields approach. Council had no preconception or predetermined view of what an outcome may look like. In fact it based its initial points for consideration, project definition and project rationale on a principles approach.

Discussion at the Community Conversations held in November 2017 was in-depth and engaging. Those who attended took away a survey form which asked a series of questions. A number of responses were received and these – together with feedback provided at the sessions – have been very useful in identifying community views in developing future governance options. In this pre-consultation phase two-thirds of the responses received indicated support for 12 councillors representing the District. 56 % said that

councillors should be elected by wards, 18% thought councillors could be elected at large (no ward boundaries) and 25% thought councillors should be elected by a mix of by ward and at large.

80% of the responses thought that Stewart Island Rakiura should continue to be a separate ward.

What has the Council already achieved?

During the 2016–2019 triennium Council has introduced some changes to how its community governance structure functions. These have included revised terms of reference for the community boards and CDAs, a revised committee structure and a new approach and way of working with community boards. This has included Council supporting the community boards to be future focussed in their approach and giving due consideration to wider communities of interest – geographic and issues based, acknowledging that community boards are part of the bigger District wide picture, to consider how decision making processes should consider long term sustainability and affordability of service provision throughout the District and encouraging boards to lead and address various community-wide initiatives – not just with an infrastructure focus.

There are a number of challenges and opportunities that Council now faces as it prepares for the next 30 years. These include but are not limited to:

- Consistent levels of service delivery throughout the District
- Increased community aspirations/expectations
- Financial constraints and affordability issues
- ‘New ways of engagement’ with the community
- Variety of consultation and communication platforms in the digital age
- Multi-agency alignment and delivery
- Rapidly evolving technologies
- Effects of climate change
- Changing socio-economic demographics
- Fair and effective representation

Council continues to promote and develop a multi-agency approach when addressing future issues and advocating across the region and district for more of a partnering and collaborating approach

It is important to note that through the Community Governance review Council has recognised the importance that a cohesive and connected governance structure can have. It can enable Council to focus on the community leadership function as the third part of the role for Council alongside Council’s role as an infrastructure provider and a regulatory body.

Strategic Framework and Guiding Principles

Part 2

As part of Council's Long Term Plan 2018–2028 it is consulting on a new strategic framework. This is attached as appendix 3.

The vision (where Council wants to be) is Southland – one community offering endless opportunities. What this will look like when it is achieved is proud, connected communities that have an attractive and affordable lifestyle and resilient communities that leave a legacy for tomorrow. To achieve this Council will work in partnership with its communities and constantly look for better ways of doing things. The community governance review and subsequent Representation Review is part of delivering on this vision.

The Local Electoral Act 2001 identifies three factors Council must consider when conducting a Representation Review. These are identifying communities of interest, effective representation of communities of interest and fair representation of electors.

In addition through the Community Governance Project Council has identified and developed the following Guiding Principles – providing the framework from which it has considered the development of its Initial Proposal for the Representation Review.

The principles as presented by the elected representative working group and endorsed by Council are:

- Community Leadership – governance entities should be able to identify issues of mutual wider community interest and facilitate multi agency collaboration opportunities and promote the development of a shared vision for the wider community of interest area;
- Clear Purpose – a governance entity should know what its role and purpose is and how that relates to other entities in the Council and district;
- Small Council Big Community – council builds on its role of being an enabler and encouraging communities to develop and build capacity and capability rather than Council being seen to be the solution by default and 'doing it for them';
- Full District coverage – no 'grey areas' on the map, local-decision making covering the whole District;
- Equity of representation – the same governance structure throughout the District – all have access to a councillor or community board;
- District-wide framework for service delivery – appropriate levels of service across the district with same standards depending on the nature of the project providing a linked together standard across the district;
- Localism – input and involvement – ensure that through implementation of the new governance framework that local input and involvement is valued and provided for;
- Relationships first – develop and encourage relationships between Council and community governance entities and staff and the public and how each can be supported to fulfil their roles and responsibilities;
- Streamline delivery – reduce the moving parts – make it easier for people to do business with Council – continuous improvement looking at processes and structures;
- Tailored and targeted delegations to meet the purpose – consider what delegations community boards have and ensure these make sense to streamline delivery and reflect and represent localism; and
- The organisation structure to reflect the governance structure – in order for the new community governance framework and structure to work staff need to consider the processes, and operational way of doing things and the why in how it fits the new community governance model – if not what, needs to change.

Proposed new governance structure

Part 3

The proposed representation arrangements are based on the principles noted in Part 2 above. The Initial Proposal is detailed in the Representation Review consultation document.

Southland District Council's Initial Proposal for the Representation Review 2018 is to retain a five-ward structure for the election of councillors with the number of councillors remaining at 12. The ward boundaries, apart from Stewart Island, will change to ensure that the four wards on the mainland are compliant with the fair representation of electors from those wards – what is traditionally known as the + or – 10 % rule. Currently the Winton Wallacetown ward does not comply with the plus or minus 10% rule, being at 19.77% where the allowable limit under the act is 10%. Council also proposes that Stewart Island is maintained as a ward on the basis that it is an island community of interest and to ensure effective representation on the island.

As noted from the feedback from the Community Conversations and responses to the survey, in keeping with the principles of District wide coverage, Council will continue to retain community boards in the district but redefine the boundaries of the community boards so the District is completely covered by community boards. It is proposed there will be eight community boards. Council will continue to appoint a councillor to sit on each community board in addition to the elected members. 90% of the responses to the survey and the feedback garnered from the Community Conversations both in April and November supported this based on the notion of “starting with a blank sheet of paper.”

The terms of reference and delegations for the community boards are to be determined as part of the next stage of this process and with consideration to a wider structural review of service delivery, delegations and decision-making processes. In developing this it is important to note that Council needs to develop its approach with due consideration to the delivery of national, regional District, and local community programmes, projects and initiatives. The next part of this reference document sets out **indicative** draft terms of reference including indicative draft delegations and an **indicative** outline of a draft agenda for community boards in the new structure to assist in delivering the strategic framework.

Way of Working (Draft Terms of Reference)**Part 3a****Community boards – full District coverage providing community leadership**

Ninety percent of respondents to the pre consultation survey identified that Southland District should continue to have community boards. Of those respondents more than 95% thought that community boards should cover the whole of Southland District.

Comments back from the pre consultation survey regarding community boards include:

- “They need to report back more to the community – unsure what they do, powers they have;
- Community boards should be properly trained from the outset
- Council is the heart and lungs, community boards are the arms and legs
- Community boards should cover the whole District but depending on communities of interest, could cross ward boundaries. There should be some strong support and training for board members about what their terms of reference and their role should be.”

With District-wide coverage of community boards identified in the Initial Proposal, the area of focus for a community board will no longer be mainly based around a town or several townships/villages but will encompass (for most) larger rural areas as well. This will provide new opportunities and challenges. It will also provide the opportunity for much wider strategic thinking and consideration to the challenges and opportunities facing the District as a whole to encompass the vision: – Southland one community offering endless opportunities.

What delegations and purpose do community boards currently have?

As part of determining the representation structure the working group and the Council identified what the purpose of community boards based on the purpose defined in the Local Government Act 2002 and principles agreed as part of the community governance review.

Purpose

Community boards are elected bodies that are both a community voice and a mechanism for local decision-making. The role of a community board is defined in the Local Government Act 2002. In addition to this statutory role a board can only exercise those powers that are delegated by the Council. Community boards were established as part of the 1989 re-organisation of local government and are defined in section .51 of the Local Government Act 2002 as:

- “(a) is an unincorporated body; and
- (b) is not a local authority; and
- (c) is not a committee of the relevant territorial authority”.

Role of community boards

Section 52 of the Local Government Act 2002 states that “the role of a community board is to:

- (a) Represent, and act as an advocate for, the interests of its community; and
- (b) Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) Maintain an overview of services provided by the territorial authority within the community; and

- (d) Prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) Communicate with community organisations and special interest groups within the community; and
- (f) Undertake any other responsibilities that are delegated to it by the territorial authority.”

Powers of community board

Section 53 of the Local Government 2002 states that “A community board has the powers that are delegated to it by the territorial authority in accordance with clause 32 of schedule 7; ...despite subsection (1) a community board may not,-

- (a) Acquire, hold or dispose of property; or
- (b) Appoint, suspend, or remove staff.”

Application of other provisions to community boards

Section 54 of the Local Government Act 2002 applies Part 2 of Schedule 7 to community boards and Part 1 of Schedule 7 (excluding clauses 15 and 33 to 36) applies to community boards also. These clauses relate to the conduct of meetings, the application of standing orders and remuneration of members. The Local Government Official Information and Meetings Act 1987 also applies to community boards.

In addition to the role and powers of community boards as detailed in the act , in the terms of reference for the 2016-2019 term Southland District Council identified community leadership as a key purpose of Council and incorporated this into the Community Board Terms of Reference as detailed below. It is proposed that this community leadership function and strong local representation for the community of interest represented continue for community boards in the future – specifically:-

Community board members will provide leadership by:

- Positively representing their community and the Southland District
- Identifying key issues that will affect their community’s future and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities
- Promote a shared vision for the community of interest area and develop ways to work with others to achieve positive outcomes

Similarly, in the current term Council identified that boards should adopt a strategic focus that will enable board members to

- Provide local representation and guidance on wider community issues, initiatives and projects
- Contribute to the development and promotion of community cohesion, by developing and supporting relationships across a range of stakeholders at a local, regional and national level
- - Take part in local community forums, meetings and workshops
- Inform local residents and ratepayers on issues that affect them.

It is envisaged that this purpose will form part of the terms of reference for community boards in the 2019-2022 term and beyond.

Local services

One of the roles of community boards is to maintain an overview of services provided by Council within the community. Before 1989 a lot of services were undertaken at a local level. In a District like Southland where there are over 30 towns/villages/settlements - this has seen different standards and levels of service develop over the years. From the 1970s to today the changing nature of local government has seen the majority of hard infrastructure services such as roading, water supply, wastewater, and waste management now delivered at a District-wide level.

District-wide levels of service and minimum standards

Council is beginning work on setting District-wide levels of service. This could include having levels of service that are consistent, ensure pride of place and space and connect across the district. This may have an impact on community board decision-making roles and responsibilities and is yet to be defined and determined. A possible implication is that once these District wide levels of service are established they will have an impact on how a community board or community group may want to fund a project that is beyond the minimum standard and how the board could consider funding above that.

INDICATIVE PRELIMINARY DRAFT TERMS OF REFERENCE including delegations FOR COMMUNITY BOARDS

The following is an **indicative** draft terms of reference with delegations for the 2019–2022 triennium. For the purposes of this document they are a draft. However, they are intended to provide an example of the scope and approach being considered for the District-wide community board structure proposed. It will be for the Council elected at the October 2019 elections to determine the final delegations given to community boards.

Power to act

Council has to consider whether to delegate authority to community boards to make decisions on behalf of the Council. When Council does delegate authority it is giving up the right to make the decision in that instance. The council cannot overturn decisions that a board makes under delegated authority.

Community Board Delegations**Purpose**

The primary purpose of community boards is to:

- Provide leadership in empowering local communities to determine local issues
- Ensure that Council has a sound understanding of the needs and aspirations of each of its different communities

Role of community boards

- (a) To provide leadership to local communities on the strategic issues and opportunities that they face
- (b) To be advocates and representatives to their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations
- (c) To be decision-makers on issues that are delegated to it by Southland District Council
- (d) To develop relationships and communicate with key community organisations, special interest group, residents and businesses within the community
- (e) To maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs.

Delegations

All responsibilities, duties and powers exercised by the community boards must be consistent with the strategic framework and any relevant strategies, plans, policies, health and safety matters, standards, budgets or resolutions adopted by Southland District Council as well as relevant legislation to assist Council in meeting.

The community boards shall have responsibility and delegated authority to:

1. Community leadership

- a. Communicate with community organisations, local groups, and special interest groups within the local community of interest.

- b. Articulate, advise, advocate and make recommendations to Council on any matter of interest or concern to the local community of interest.
- c. Work with Council and the community to establish a community plan for the community of interest area – working in with the community leadership plans.
- d. Identify key issues that will affect their community of interest's future and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities
- e. Promote a shared vision for the community of interest area and develop and promote ways to work with others to achieve positive outcomes
- f. Provide a local community perspective on Council's Long Term Plan key performance indicators and levels of service as detailed in the long term plan, and on local expenditure, rating impacts and priorities.
- g. Provide comment on behalf of the relevant community/communities on resource consent applications referred to the community board for comment.
- h. Provide advice to Council and its committees on any matter of interest or concern to the community board in relation to the sale of alcohol where statutory ability exists to seek such feedback.
- i. Provide input into regulatory activities not otherwise specified above where the process allows.

2. Annual submission on a annual plan

- a. Authority to prepare a submission to the Council on the draft Annual Plan and proposed income and expenditure within the community of interest area, for consideration as part of the long term plan/annual plan process
- b. Authority to engage with community groups within their board's area about projects to be included in the long term plan.
- c. Authority to engage with Council staff before preparation of the long term plan about projects to be included within their board community of interest area.

3. Community grants/projects

- a. Authority to allocate community assistance grant funds and any other funds allocated by Council as approved through the long term plan or annual plan process and consistent with delegations and any policies, standards or criteria adopted by Council.
- b. Authority to allocate any bequests or similar consistent with the terms of the bequest by making a recommendation to Council for resolution.

4. Local activities

For activities within the local activities category, the community board shall have authority to:

- a. Recommend to council levels of service for local activities
- b. Develop and recommend to council budgets within the long term plan and annual plan process
- c. Prioritise work within approved budgets
- d. Recommend to Council the rates and/or user charges to fund the local activities
- e. Recommend bylaws required for the management of airfields and electricity supply
- f. Approve project definitions/business cases for approved budgeted capital expenditure up to \$300,000

- g. Authority to assist the chief executive (through the board chairperson) to consider and determine temporary road closures applications where there are objections to the proposed road closure

- 5. In exercising these delegations the community board will have regard to any policies or standards that have been approved by the Council, the needs of their local communities and the approved budget for the activity.

Local activities include:

- i. Local halls and community centres (within Council's overarching policy for community facilities)
- ii. Swimming pools
- iii. Wharves and harbour facilities
- iv. Stormwater
- v. Local parks and reserves
- vi. Road controls such as parking limits and footpaths
- vii. Local leadership

6. District activities

For activities within the "district activities" category the community board shall have delegated authority to:

- a. Review and make recommendations to Council on the levels of service for these services on the understanding that Council will be operating on a district wide minimum level of service
- b. Provide comment by way of a formal annual process on relative priorities for the delivery of these services within their community board area

In exercising this delegation the community board will have regard to any policies or standards that have been approved by Council, the needs of their local communities and the approved budgets for the activity.

District activities include: -

- i. Wastewater
- ii. Solid waste
- iii. Water supply
- iv. Parks and reserves
- v. Roading
- vi. Libraries
- vii. Cemeteries
- viii. Emergency Management
- ix. Community services
- x. District leadership

7. Naming reserves, structures and commemorative places

- a. Authority to receive requests from the community, regarding specific names of reserves, structures and commemorative places and approve staff recommendations in respect of such names.

8. Naming roads

- a. Authority to make recommendations to Council on the naming for public roads, private roads and rights of way.

9. Submissions

- a. Authority to make recommendations to Council on matters to be considered in submissions Council may make to external organisations' regional or national policy documents, select committees
- b. Authority to make submissions to Council on issues within its community of interest area
- c. Authority to make submissions to Council on bylaws and recommend to Council the level of bylaw service and enforcement to be provided, having regard to the need to maintain consistency across the District for all Council bylaws.

10. Emergency management

- a. Ability to provide input to support the development of community planning for a civil defence emergency; and after an emergency event, to provide input and information to support community response efforts.

11. Any specific community board area only delegations.**Matters which are not delegated**

The delegations in the "Southland District Council Terms of Reference and Delegations" that are retained by Council include but are not limited to:

The power to acquire, hold or dispose of property

The power to direct, appoint, suspend or remove staff

The power to enter engage or into contracts and agreements and financial commitments.

The power to make or amend bylaws.

Protocols

In fulfilling their role community boards are expected to:

1. Raise any concerns regarding organisational performance in the delivery of services with the chief executive
2. Actively participate in and support community consultation and advocacy in their community
3. Have regard to the views of Maori and special interest groups
4. Keep Council informed on local issues, needs and aspirations
5. Nominate a member of the board to provide comment on resource consents referred to the community board for comment
6. Hold their meetings in venues that make it easy for communities in their board area to attend their meetings
7. Monitor and make recommendations to Council on opportunities to improve policy.

In supporting Community Boards to fulfil their role, the Council will:

1. Provide appropriate staff support for the boards
2. Provide the information and advice that boards need to fulfil their delegated responsibilities
3. Organise periodic workshops with the community boards to assess the strategic issues and opportunities facing the District and its communities to inform both Council and board decision-making processes
4. Organise regular workshops with community boards, the mayor, chief executive and senior staff to consider matters of specific interest and importance
5. Prepare an induction programme targeting new elected members following each election cycle
6. Provide the opportunity for community board chairs to address Council on local matters of interest on a quarterly basis
7. Before making decisions, seek and include community board views in council reports in relation to:
 - a. The disposal and purchase of land for reserves
 - b. Representation Reviews
 - c. Community development plans
 - d. Changes to the District plan as it affects local communities
 - e. The review of reserve management plans
 - f. The development of bylaws that affect local communities.

Community board agendas

In order to deliver on the delegations and terms of reference it is proposed that the following **indicative** draft agenda structure would be used. It is suggested that on each agenda community boards could schedule a time for representatives of groups in their board area – local committees, progress leagues, community groups, sports groups etc – to attend each board meeting to discuss issues of significance or importance to their group and the community of interest area the community board represents.

Note there may not be reports on each agenda under each heading for every meeting but this is to give an indication.

INDICATIVE DRAFT AGENDAS FOR COMMUNITY BOARDS

Agendas could incorporate the following section headings:

- **Community leadership relating to the specific community board area**
 - Community organisation updates – invite to meetings
 - Grant funding/assistance decisions
 - Policy and planning matters
- **Council matters – District wide**
 - Council report – update presented by councillors covering matters of national, regional and District significance
- **Chairperson's report – written and printed in the agenda**
- **Services and assets relating to the specific community board area**
 - Work programme - update against the annual plan– on a variance report basis
 - Work programme – reports requiring decision – may not be on every meeting
- **Finances**
 - Financial report for local activities
- **Elected members information exchange**
 - This would allow all members to update each other on recent events and/or issues of relevance and interest to the board, its area and communities. This would not include matters that should be entered through an RFS (request for service).

Roles on community boards

The following section sets out various roles and indicative expectations of the roles each member has on a community board. An induction and training programme will be developed and provided for community board members for the 2019 – 2022 triennium and beyond.

- Role of chairperson

The board chairperson has particular responsibilities under standing orders, including chairing each meeting, ruling on matters of procedure, being the key spokesperson for the board and managing the relationship with Council. The board chairperson has the responsibility to engage with board members to prepare submissions to Council on behalf of the board. Final sign-off must be conducted at a board meeting.

Role of member

The role of a community board member is varied. It contains a mix of the following:

- Representation – promoting issues and initiatives to the board and Council; to be an advocate for local issues and initiatives; to respond to resident and community issues; to engage in community development activities; to communicate with groups in their area regarding local issues and the processes, services and decisions of the community board and Council; to promote the role of the board in the board area
- Community leadership to be able to identify issues of mutual wider community interest and promote the development of a shared vision for the wider board area
- Governance – to work in co-operation with the Council – boards are part of the local authority and must work within the framework of the powers and functions set out in statute and delegated by Council; to act as an interface between the Council and the community; to attend meetings of the board and any other bodies the member has been asked to serve on
- Decision-making – contribute to development of any plans, policies, submissions; ensure the integrity of decisions made and represent these as community board decisions; ensure that decisions are made on the basis of sound information and rationale
- Information gathering– to keep well-informed of issues and local initiatives; attend to information directed to members such as emails, board agendas etc
- Accountability – to engage in decision-making processes with no bias and act with integrity; to act in accordance with democratic accountability to all residents within the area; to act in accordance with the Council's code of conduct and to prepare for and attend all board meetings.

Role of councillor appointed to a community board

Southland District has had a practice of appointing a councillor on to each community board. Appointed members are full members of the community board they are appointed to and have full speaking and voting rights.

However, there may be instances (e.g. when the board is considering a submission on an annual plan or long term plan or other submission process such as a bylaw or representation review which the councillor when exercising their councillor role may decide not to take part in as it may create a conflict when they come to make a decision as a councillor at a Council meeting.

Councillors appointed to community boards can assist the board in conveying information regarding District-wide issues. Other councillors not appointed to community boards may attend board meetings and contribute but not vote.

Funding of community boards for projects in their area

An issue that is still to be determined and will require decisions from Council is how projects are funded and grants are allocated in a community board area.

There are several options available. Currently Southland District Council rates by way of a 'local' and 'ward' rate for maintenance and projects on a ward, community board, community development area and town basis. Council could still continue to rate on this basis but with changes to reflect the new board boundaries. Council could also decide to rate on a current community development area basis. This will be Council decision.

Alternatively Council could move to a more streamlined rating basis where consistent levels of service and maintenance work would be rated for across the District, (for example,) with Council making a yearly allocation of grant money available to community boards for them to distribute to local groups and local projects in their area. A number of Council's in New Zealand provide for this. In addition, if a local group in Balfour or Tokanui, for example, wanted to do a beautification project or something similar they could apply to their local community board for the project to be included in the long term plan. Further discussion on this issue is noted in Part 4.

These rating decisions will be made by Council in conjunction with a review of the Revenue and Finance Policy at a later date.

Other governance matters**Frequency and location of meetings**

Currently community board meetings are held every two months and they have six meetings a year. As per the Initial Proposal it is proposed that community boards hold up to a maximum of 10 meetings a year. This will be determined by each community board. Boards could decide to hold their meetings in locations across their board community of interest area to ensure that different sections of their community are able to have access their community board meetings.

With community boards covering the whole of the district it is important that boards are able to represent the interests of and maintain a relationship with localities or townships, villages and settlements within their area – localism in practice.

One option would be at the beginning of each term for boards to allocate a liaison person for particular responsibility of an area or areas, for example the Ardlussa Community Board in the north eastern community of interest – Balfour, Riversdale, Waikaia area - may allocate particular members to represent those townships. Similarly boards may also wish to do this for community groups or issues-based groups in their area and some organisations may have a requirement for a person from the board area to be appointed to a particular group.

Standing orders

Standing orders help ensure the orderly conduct of community board business through open voting and public access to meetings. They provide a mechanism for resolving difficult debates and addressing conflicts in an orderly way. Local Government New Zealand has prepared a specific community board standing orders template that may be used. Council has yet to adopt the new standing order guidelines produced by LGNZ in 2016. A template for community board standing orders has been developed. It is suggested that Council not only consider adopting the new standing orders which have been written in

plain English for Council and its committees but also adopt the community board template for Standing orders for the community boards.

Code of conduct

The Council is required to have a code of conduct but it is not mandatory for community boards. This is because community boards are a separate entity and they have the right to make their own decisions on this issue and standing orders. However, it is considered useful for community boards to be subject to the code of conduct as it provides a useful mechanism if an issue arises.

Support for community boards

A member of the executive leadership team will be assigned to each board to develop and support the relationship between Council and community board. Staff – committee advisers will provide each board with governance support and the community board will be supported by other staff as required. Staff from throughout Council with responsibility for activities or projects that require board input will attend meetings where appropriate.

Induction and training

Before the 2019 election there will be briefing sessions for prospective candidates for Council and community boards about the role and the governance structure.

Previous practice for induction and training of community boards has been a day for all board members and councillors. Feedback has been received that training for community board members needs to be of a more regular basis over a longer period of time. A training programme will be delivered following the election.

Work over the next 18 months will identify what support, training and information is put in place to assist community boards in their role.

Reporting from community boards to Council

Currently the minutes from each representative entity are included on a Council meeting agenda to be received for information once confirmed by the board or committee or subcommittee. Given the current governance structure there can sometimes be more than 20 board, committee or subcommittee meeting minutes on a Council agenda. Because of time constraints, these are often not given the due consideration that would suggest they are treated with the respect they deserve.

To encourage a stronger connection between the boards and Council and give the board chairs an opportunity to directly address Council at a formal meeting it is suggested that there be more of a formal reporting process from the boards through to Council.

It is suggested that after the community board meeting cycle or at every second Council meeting the community board chairperson's report be presented through to a Council meeting by way of a formal report on the Council meeting agenda. This report could include:

- any decisions made by the board acting under delegated authority;
- any recommendations to Council for a Council decision;
- information on any significant projects or initiatives;
- any significant community issues; and
- any other significant matters of interest.

It is envisaged the community board chair would present it to Council in person and be able to discuss with Council. Council would receive this report but not the minutes from the board meeting. Any reports that had gone to a board for recommendation (for a decision by Council) would be dealt with separately

but the board chair would have an opportunity to present the board's view and recommendation on the matter. This is also an opportunity for the board chair to bring to the attention of council any issues that have been raised by members of local groups

It has the potential to raise the profile at Council about what the boards are doing – board chairs have an opportunity to hear from the other board chairs as well. It would also provide an opportunity pre-meeting for the mayor to have a discussion with all the board chairs together and for staff to have some time with them as well (before, during or after the meeting).

Other options used by some councils in New Zealand are for board chairs to attend council meetings and have speaking rights during the public part of a meeting but not voting rights. This could happen in conjunction with the community board reports noted above.

Further, several councils provide opportunities for committees (e.g. services and assets) to hold joint meetings with a particular community board when there is a matter for discussion/decision that affects a board area.

Communication to the community from Council and the board

This report noted above could be used as a basis for a regular information piece in the media or other local/school newsletters. Staff could discuss with boards what methods can be used to promote the work of community boards. More use can be made of social media and the website to promote board activities.

Relationship of Council with community boards

It is important that the community boards and Council recognise and maintain a partnership approach to their governance role for Southland District.

It is intended that all the measures noted above will assist council and community boards to strengthen their relationship to deliver on the vision of Southland – One community offering endless opportunities.

Protocols relating to local groups operating in their local community Part 4

Council acknowledges that community development area subcommittees and before them, in a number of townships, community councils or county town committees have been in existence in many areas since the 1950s and have devolved and changed their names as local government changed. As noted earlier in this document a lot of services and service delivery were undertaken at a local level. The townships elected their own representatives and these entities largely determined their own programmes with a large measure of autonomy.

Community development at that stage was seen as the development of the community/township from an amenity and utilities level – footpaths, the supply of water, provision of stormwater, sewer and drainage treatment, kerbing and channelling etc. Since the 1990s the majority of services such as roading, water supply, wastewater and waste management have been delivered at a District-wide level. This brings better value for money, makes services more affordable (particularly for small communities) and can lead to consistent levels of service across the District. As a result of these changes and taking into account that within the current representation structure one-third of the population in the district is not currently provided for at a local level of decision-making. Council has been questioning at a broader level how it can still remain connected at a local level throughout the District and ensure that every person has access to local decision-making.

Community development

What does it mean? – It is defined as being a process where community members come together to take collective action and generate solutions to local issues.

Council recognises the importance of maintaining and securing relationships with local communities to ensure local input and involvement is at the forefront of Council decision making. It is why localism or the practice of customising solutions to meet local community needs is identified as one of the Representation Review's guiding principles. Council considers that it may be more beneficial for this to occur outside a formal Council subcommittee structure.

Currently as the CDAs have been set up as subcommittees of Council they are subject in all things to the control of the council. They have no separate status but are simply part of the Council. Because of this, CDAs as council sub committees cannot make submissions to Council (itself) on its own proposal so CDAs are excluded from participating in such processes. The same goes for the Council's long term plan, annual plan or any other consultation points of interest.

Council considers it would be more beneficial for local groups to be able to have a say on the long term plan and other proposals. By not being part of the formal committee structure this enables CDAs or their equivalents to do this

When asked the survey question 'if there was another mechanism for people in a township or area to have a relationship with Council other than a formal CDA would you support that' about 60% of responders said they would. A number of respondents indicated that it would depend on the situation and what was put in their place or what the relationship was that would replace a formal CDA subcommittee. A number of people said what else is possible – "we don't know what other types of relationships exist because this is all we have known."

As a result of adopting the principles of Small Council Big Community, full District coverage, equity of representation, localism – input and involvement, and the Initial Proposal providing full District coverage of community boards in the District, it is recognised and the view of this Council that there will not be a need to re-establish community development area subcommittees in the 2019–2022 Council term as part of the Council committee structure.

However, Council will instead proactively engage with its communities and facilitate opportunities to develop an appropriate and fit for future informal (outside of Council) local community governance structure.

If a CDA under the current structure wants to continue to meet with the current membership from October 2019 onwards then it can – it is up to that group. If it wants to invite other members on who live just outside what the previous boundary for the CDA was then it can.

The group can set its own purpose and meeting timetable and meet when it wants to. However, these meetings will not be organised or administered by Southland District Council staff. It will be up to the group to do this. It is intended a community development advisor will assist communities to develop an appropriate structure and legal entity for themselves and operate accordingly

Council recognises that this is a departure from how local representation groups have operated recently – but not necessarily in the past. Council will offer support and assistance to local groups if they want to accept it in the new way of working.

Council considers that the opportunity of having community boards covering the whole of the District means that it can add a strengthened relationship by way of a structured pathway for local groups to contribute to the community board who in turn can contribute through to Council.

As noted in the section on how boards will work there will be a regular space on community board agendas for representatives from local groups to attend and raise issues of importance to their township. Community boards will be encouraged to allocate members of the board to liaise with local townships and community groups.

There are examples in Southland District where people in an area that has not had a community board or a CDA have worked in partnership with Council and other agencies to successfully deliver projects in their area – for example the South Catlins Charitable Trust.

If Council decides on a different funding model for community boards (e.g.- boards have an allocation of funds for projects/grants in their area) then community groups will have the opportunity to apply as appropriate.

Council will communicate with each CDA from the 2016 – 2019 term in November 2019 with information about the new community governance structure and providing a link into the community boards. This will form part of the induction for boards also. This would be an opportunity to introduce staff who can assist local groups.

Abbreviations

SDC – Southland District Council

LGNZ – Local Government New Zealand

LTP – Long Term Plan

CDA – Community Development Area subcommittee – a subcommittee of Council for a specific location

Appendices

List of current community boards and CDAs and their populations	Appendix 1
List of community boards and their populations in the Initial Proposal	Appendix 2
Strategic Framework	Appendix 3
Terms of Reference of Elected Representative Working Group	Appendix 4
First Edition stories in October and December 2017 and February 2018	Appendix 5
New Way of Working Report and attachment to Community Boards April 2017	Appendix 6
Frequently asked questions	Appendix 7

Appendix 1

List of current community boards and community development area subcommittees and their approximate populations 2016- 2019 term as at February 2017 (based on numbers within the rating areas)

Community Boards	Population
Edendale-Wyndham	2469
Otautau	1272
Riverton/Aparima	1518
Stewart Island/Rakiura	384
Te Anau	3402
Tuatapere	1518
Wallacetown	933
Winton	3168

Community Development Area subcommittees	Population
Athol	85
Balfour	135
Browns	240
Colac Bay	80
Dipton	491
Garston	111
Gorge Road and Districts	545
Limehills/Centre Bush	307
Lumsden	483
Manapouri	181
Mossburn	150
Nightcaps	294
Ohai	296
Orepuki	44
Riversdale	375
Thornbury	85
Tokanui	97
Waikaia	102
Woodlands	118

Appendix 2

List of community boards in the Initial Proposal and their populations (approximate) (Refer to SDC Initial Proposal Consultation Document)

Community Boards	Population
Ardlussa	1974
Fiordland	3402
Northern	1740
Oreti	8577
Stewart Island Rakiura	384
Takitimu	3543
Taramea Te Waewae	4596
Waihopai Toetoe	5421

Appendix 3

SDC STRATEGIC FRAMEWORK (10 Year Plan 2018-2028)

What we want to be	Vision: <i>Where we want to be</i>	Southland – one community offering endless opportunities			
	Community Outcomes: <i>What end result looks like for our community</i>	1. Proud, connected communities that have an attractive and affordable lifestyle This means Southland District is a place where people have everything they need to live, work, play and visit; where they are connected to each other, the environment and the world outside Southland; and where they can enjoy a safe and fulfilling life in our unique natural environment.			
How we will work	Mission: <i>How we will go about our role</i>	Working together for a better Southland			
	Our Approach: <i>The way we approach our work</i>	We will work in partnership with our communities <ul style="list-style-type: none"> - Consider the community in everything we do - Small council, big community - Acknowledge that Council doesn't always have the answer or the best ideas and that some of the best ideas come from others - Support our communities to make good decisions - Work to better understand our community's changing needs and priorities - Recognise Council is part of the solution, not the solution - Involve the community in our decisions and explain the reasons behind our decisions - Have conversations with our communities - Build better communication channels into our communities - Debate issues openly and honestly - Work together to maximise regional opportunities - Be accountable for our actions 	We will constantly look for better ways <ul style="list-style-type: none"> - Find ways to make it easy to do business with Council and in Southland - Be open to and look for new ways of doing things - Find efficiencies and don't waste money or resources - Regularly review activities, services, assets and contracts to ensure efficient and effective management and delivery - Focus resources on doing things that are needed and that will make a real difference - Anticipate and adapt to change - Develop other revenue streams to supplement rates - Maximise returns from existing investments - Look at initiatives to bring more people and business to Southland - Collaborate with others to deliver efficiencies and work smarter - Minimise the impact our activities have on the environment 	We will work as one team <ul style="list-style-type: none"> - Focus on what is best for Southland's communities - Understand district and local responsibilities - Clearly define roles at the political and operational levels so everyone knows what is expected of them - Trust each other - Ensure we act as "we" not "me" - Do the things we say we will and be accountable - Deal with any problems honestly and up-front and admit and learn from our mistakes - Fix problems rather than assign blame - Make the best use of the skills and expertise our people have and seek external help when we need to - Build our team capabilities - Look out for each other and our health and safety 	
	The challenge:	Fundamental shifts are occurring in our communities affecting where and how people live that raise questions about how we can best achieve our shared vision.			
	Strategic Priorities: <i>What we need to focus on to ensure that we and our communities are making informed decisions to move from where we are now towards our shared vision.</i>	We need to provide strong community leadership and work with our communities on how to adapt to these changes so that the infrastructure, local services and regulatory functions we provide are appropriate and support the achievement of our shared vision			
		1. Improve how we work Ensuring that the business of Council is running efficiently and effectively and finding ways to do more with less. Key aspects include: <ul style="list-style-type: none"> - Operate in a financially responsible manner - Continue to adapt - Doing what we say we will - Business improvement work - Ease of doing business - Significant projects managed effectively - Community partnerships - Culture - Focus on customer support 	2. Provide appropriate infrastructure/services Ensuring that we are providing infrastructure and services that are fit for purpose for current and future community needs. Key aspects include: <ul style="list-style-type: none"> - Ensuring infrastructure and services are cost-effectively and efficiently managed over the long-term - Ensuring legislative / regulatory compliance - Considering environmental sustainability and best use of natural resources - Considering alternative asset / service delivery options - Getting good asset data / service information (e.g. useful lives) - Considering appropriate levels of service - Mitigating risks – e.g. business continuity planning (natural hazards / critical lifelines) and climate change (sea level rise, rainfall) - Better understanding of the future and what this means for communities 	3. Make informed decisions Ensuring that we have what is needed to make good decisions. Key aspects include: <ul style="list-style-type: none"> - Building resilient communities - Undertaking community engagement and partnership activities and open communication - Working regionally and collaborating - Community governance and representation review - Developing community leadership plans 	4. More people Ensuring that we build great local places where people want to live and supporting new development opportunities that will help attract more people to Southland. Key aspects include: <ul style="list-style-type: none"> - Working with the community to create great local places - Helping to build strong communities - Supporting Southland Regional Development Strategy initiatives: <ul style="list-style-type: none"> o Tourism (destination creation, management, marketing) o Aquaculture o Primary sector extension o Digital connectivity
Consider what is appropriate, affordable, acceptable and achievable for communities long-term					

Appendix 4



Southland District Council

**Community Governance Project -
Elected Representative Working
Group**

Terms of Reference

March 2017

r/15/8/15196



Table of Contents

1	INTRODUCTION	1
2	WHAT DO WE MEAN BY COMMUNITY GOVERNANCE	2
3	CURRENT SITUATION – POLITICAL STRUCTURE AND REPRESENTATION	2
4	GUIDING PRINCIPLES.....	4
5	PROJECT SCOPE	5
6	ROLE OF ELECTED REPRESENTATIVE WORKING GROUP.....	5
7	METHODOLOGY AND TIMELINE	5
8	MEMBERSHIP.....	5
9	REMUNERATION.....	6
10	OFFICER SUPPORT.....	6

Community Governance Project



1 INTRODUCTION

- 1.1 There are a host of challenges and opportunities facing Council - delivering services, greater community aspirations, financial constraints, engaging communities, various consultation and communication platforms, forming new partnerships, stakeholder collaborations, multi-agency delivery, rapidly evolving technologies and changing socio economic demographics.
- 1.2 The community engagement and political structures that have evolved since 1989 have served the SDC communities well - a key question is will they serve our communities as well in the next 20 years? The needs, aspirations and make up of our communities and associated pressures and tensions means Council needs to look at how best to serve and engage with its communities going forward.
- 1.3 It is not about what we have done previously being wrong or having failed - quite the opposite - it is about what we need to be doing looking forward building on the success of the past.

2 WHAT DO WE MEAN BY COMMUNITY GOVERNANCE

- 2.1 We have an opportunity to consider Southland District Council in relation to:
 - The service delivery role it plays to broader roles concerned with strengthening community leadership and steering local and regional opportunities with a greater strategic focus
 - Council expanding its role from a main focus related to infrastructure service delivery and regulatory compliance to a new approach concerned with community wide outcomes.
- 2.2 Community Governance can be described as a way Council is breaking down perceived organisational boundaries within communities to a revised approach in which it is facilitating a collaborative approach to achieve community outcomes. It's a new way of Council connecting with its communities.
- 2.3 Community governance applies to collective issues that require the cooperation of multiple stakeholders and parties - eg, residents, business, voluntary not for profit sector, public sector agencies, local government.
- 2.4 It means literally governance exercised by the communities themselves, rather than for them or to them.
- 2.5 It requires a shift in thinking from a focus on governing organisations to governing communities - not necessarily defined within historical boundaries or service delivery jurisdictions.
- 2.6 It also involves a shift from a focus on a representative democracy model to a participatory democracy model. This provides a focus for members of the community being involved and making a contribution.
- 2.7 This project provides an opportunity for Council to occupy a central and leading role with local communities beyond its traditional roles.



Community Governance Project

- 2.8 Common elements involve:
- Focus on citizens and communities
 - Multiple roles played by council
 - Inter-agency collaboration
 - Strategic or long term thinking
 - Creation of a community vision and a pathway to deliver on that vision
 - Inclusiveness
 - Strong localist orientation
- 2.9 Community governance emphasises the concept of empowerment and identification of Council as an enabling organisation with a greater external orientation in supporting its communities.

3 CURRENT SITUATION - POLITICAL STRUCTURE AND REPRESENTATION

3.1 Council

The Southland District Council political structure consists of a mayor and 12 councillors.

Council is responsible for representing the district, developing and approving Council policy, deciding on expenditure and funding requirements, monitoring Council performance and employing the chief executive. The chief executive, in turn, employs all other staff.

Southland District Council was established in 1989 when New Zealand local government was reorganised. Various councils, including the Wallace County Council, Southland County Council, Stewart Island County Council and Winton Borough Council, were amalgamated to create the Southland District Council, which inherited all the assets and services, including the roading and bridges network, water and waste services in the urban areas, health and building inspections and planning.

Council now manages about 5,000 km of roads, 13 urban water supplies, 11 rural water supplies, 17 sewerage schemes, 34 cemeteries, community halls, 69 community housing units, 10 libraries and one mobile library service, 150 reserves and parks, and more.

Its role not only encompasses the management and improvement of physical assets such as roads and bridges, but also the Southland communities' social, economic, cultural and environmental interests.

Council is a strong advocate on behalf of Southland and continues to represent the district with central government agencies on matters such as health, community services, funding policies, education, youth and migration matters.

3.2 Wards

Following a representation review in 2012 Southland District Council is divided into five wards

- Mararoa Waimea (three councillors)
- Stewart Island Rakiura (one councillor)
- Waiau Aparima (three councillors)
- Winton Wallacetown (three councillors)

Community Governance Project



- Waihopai Toetoes (two councillors).

3.3 Community Boards, Community Development Area Subcommittees and other Subcommittees

Council actively promotes local input into decision-making through its eight community boards - Stewart Island/Rakiura, Winton, Wallacetown, Edendale-Wyndham, Otautau, Riverton/Aparima, Te Anau, Tuatapere - and its 19 community development area subcommittees - Athol, Balfour, Browns, Limehills/Centre Bush, Colac Bay, Dipton, Garston, Gorge Road, Lumsden, Manapouri, Mossburn, Nightcaps, Ohai, Orepuki, Riversdale, Thornbury, Tokanui, Waikaia, Woodlands.

Council also operates a CCO which is the Milford Community Trust and other subcommittees include the Stewart Island Jetties Subcommittee, the Riverton Harbour Board, and 3 Rural Water Supply Subcommittees.

Ward (5)	Community Board (8)	CDA (19)
Mararoa Waimea - 7215	Te Anau - 3402	Athol - 85 Balfour - 135 Garston - 111 Lumsden - 483 Manapouri - 181 Mossburn - 150 Riversdale - 375 Waikaia - 102
Stewart Island Rakiura - 384	Stewart Island-Rakiura - 354	
Waiau Aparima - 7767	Otautau - 1272 Riverton-Aparima - 1518 Tuatapere - 1518	Colac Bay - 80 Nightcaps - 294 Ohai - 296 Orepuki - 44 Thornbury - 85
Winton Wallacetown - 8874	Winton - 3168 Wallacetown - 933	Browns - 240 Limehills-Centre Bush - 309 Dipton - 491
Waihopai Toetoes - 5399	Edendale-Wyndham - 2469	Gorge Road - 545 Tokaui - 97 Woodlands - 118

Table 3-1: District Representation by Population- Current

Community Governance Project



4 GUIDING PRINCIPLES

- 4.1 Effective community governance reflects an ability to balance District issues as a whole and the specifics related to local communities.
- 4.2 Key guiding principles to assist in developing a direction and position relating to:
 - Minimum standards of service delivery across the District.
 - Consistency of representation across the District.
 - Effective and efficient service delivery.
 - Multi agency partnerships and collaboration opportunities.
 - Development of approaches that meet the District needs.
 - Understanding the wider communities of interest approach - with localism being important.
 - Being future focussed – and being appropriate for the next 20+ years.
 - Linkage to Council's community planning approach.
 - Defining the purpose and function of community governance roles and responsibilities in relation to the Council and community requirements.
 - Understanding the principles of representative democracy versus participatory democracy.
 - Financial implications and affordability.
- 4.3 Community views are important to this project.
- 4.4 An important process in developing this project is to ensure that there is significant engagement during the project design and development stages.
- 4.5 This will involve ensuring there is an opportunity for public participation throughout the life of this project.
- 4.6 This will involve various degrees of engagement across the public participation spectrum, including but not limited to:
 - Inform - provide the public with balanced information to assist in understanding the topic, issues and options and opportunities.
 - Consult - obtain public feedback on analysis, alternatives and/or decisions.
 - Involve - work directly with key stakeholders throughout the process to ensure that community views and aspirations are consistently understood and considered.
 - Collaborate - partner with key stakeholders to discuss, as required, the development of alternatives and the identification of a preferred approach.



Community Governance Project

5 PROJECT SCOPE

- 5.1 Consideration to the community governance definition, current situation – political structure and representation, community planning, future opportunities and challenges.
- 5.2 Gain feedback from stakeholders including staff, elected representatives, residents and ratepayers, other regional and community organisations
- 5.3 Development of Community Governance Proposal Paper to be presented to Council
- 5.4 Community Governance Proposal to inform the Representation Review
- 5.6 Development of an Implementation Plan to assist with the development of the agreed approach
- 5.7 Development of standard policies and procedures to ensure that Council has a consistent approach for the agreed Community Governance structure.

6 ROLE OF ELECTED REPRESENTATIVE WORKING GROUP

- 6.1 The Elected Representative Working Group role is to:
 - Provide feedback and inform points for consideration, the development of issues and options and governance requirements and opportunities for Council and District communities.
 - Provide feedback on draft discussion documents produced throughout the project development.
 - Assist and support the stakeholder and community engagement process.
 - Review the final draft Community Governance Proposal document.
- 6.2 It is anticipated the Elected Representative Working Group will meet up to four times throughout the life of this project, dates to be confirmed but suggested timing:
 - May 2017.
 - November 2017.
 - March 2018.
 - August 2018.

Community Governance Project



7 METHODOLOGY AND TIMELINE

7.1 It is important a thorough and inclusive internal and external engagement and concept development process is undertaken.

7.2 The suggested approach and is presented:

Report to Community and Policy Committee meeting providing an update and suggested approach moving forward	5 April 2017
Community Governance Project – Elected Representative Working Group Council Workshop <ul style="list-style-type: none"> - Project Update and introduction of key principles and key points and development of roles and responsibilities in engagement process - Overview of process and project requirements - Draft Future Approach - Community Governance Structure 2019 and beyond discussion document - Discussion on community governance requirements vs. representation requirements 	By 5 May 2017
Community Board and CDA Chairs Meeting Introduction of key principles and key points	10 May 2017
Development of draft Terms of Reference and delegations for proposed Community Boards and Community Governance entities	June 2017
Stakeholder engagement <ul style="list-style-type: none"> • Community Board/CDA meetings • Venture Southland, Department of Conservation, Community Trust of Southland, Southland Chamber of Commerce, Southern DHB, NZ Police, Ministry of Social Development Southern Region, Ministry of Education Southern Region, Ministry of Business, Innovation and Employment et al 	July - November 2017
Community engagement <ul style="list-style-type: none"> • Incorporate as a topic for part of Council's Community Conversations programme 	November 2017
Community Governance Project – Elected Representative Working Group Council Workshop	November 2017
Final Draft Community Governance Proposal completed to support the Representation Review project	December 2017
Final Draft Community Governance Proposal paper to Council for endorsement and inclusion in the Representation Review process	January 2018
Proposal available to inform the Representation Review process	February 2018
Representation Review process undertaken	March - August 2018
Development of standard policies and procedures and operational structures to ensure that Council has a consistent approach for the agreed Community Governance structure	2019
Implement the agreed Community Governance structure for the 2019 Local Government Elections	October 2019

8 Membership

8.1 The Working Group membership is to be derived from

- Mayor
- Councillors x 3
- Community Board Chairs x 2
- CDA Chairs x 2

Community Governance Project



9 Remuneration

- 9.1 Working Group members will receive travel reimbursement expenses as per existing Council policy.

10 Officer Support

- 10.1 Officer support for the project will be provided by the Group Manager Community and Futures and Governance and Democracy Manager or delegates.

Appendix 5

FIRST EDITION, October 2017 edition

Southland has changed significantly in 30 years and Council is asking people to start thinking about the shape of representation in the district.

Councils are required to undergo Representation Reviews every six years and Southland District Council's gets under way next April. However, before that we want to find out your views.

Clare Sullivan, Council's governance and democracy manager, says the next few months are vital for people to get involved and share their ideas for possible representation models with Council.

"We want to know what people are thinking. It's about having that conversation about what a future representation model would look like."

Community lines have changed during the past 30 years – such as where people shop, where people play sport – and the Council is asking people for their thoughts and ideas about communities of interest, Ms Sullivan says.

"We don't have a defined idea or position at this stage and want to gather as many ideas and information from people as we can."

Finding the best fit for Southland in 2018 and beyond is the ultimate goal, she says.

"We want a governance structure that's the best fit for now and the future."

Council is open to ideas around the number of councillors, what areas or communities of interest possible community boards may cover, purpose and composition of the community boards relating to the area they cover – including whether boards should cover the whole of Southland District, and whether elections are held under a ward system or at large (meaning councillors do not represent a defined area within the District).

This year it was identified that one-third of Southland District residents are not covered by local representation – a community board or a community development area subcommittee (CDA), Ms Sullivan says.

CDAs are a local initiative, unique to Southland District, and are not officially part of the Representation Review, but are being included in the discussion about this review. CDA meetings often require similar amounts of administration resourcing to community board and Council meetings.

Possible roles for community-driven liaison committees, trusts or ratepayer groups with less formalised structures for representing communities of interest in Southland are among ideas being floated, she says. For example, the South Catlins Charitable Trust is tackling several different projects in its area, and does not have a CDA.

A Council working group of councillors, community board and CDA members has been formed to look at possibilities, but Ms Sullivan is encouraging the wider Southland public to bring any ideas they have to the table.

In April, Council will put out a proposal for public consultation. Before that, if you would like more information, have ideas or comments you would like to share with us, or would like someone to come out and talk with a group in your area, please email us representationreview@southlanddc.govt.nz or phone 0800 732 732.

FIRST EDITION December 2017 edition

The shape of representation in Southland was at the heart of discussions at nine Community Conversations held around the district in November.

Southland District Council has a Mayor, 12 councillors, eight community boards, each with six members, and 19 community development area subcommittees (CDAs), each with six members.

This is a total 175 elected members – meaning the District has one elected representative for every 165 residents. However, about 10,000 people in the District are not represented by either a community board or a CDA and Council believes this needs to be looked at.

In April next year Council needs to recommend an option for public consultation. However, before that Council would like the opportunity to talk to you about what you think.

This includes:

- where you see your community of interest
- the number of councillors and where they should be elected from
- whether we should have community boards and how many and whether they should cover the whole of the District.

Southland District Council governance and democracy manager Clare Sullivan says Council is keen to get as much feedback as possible on ideas about how Council can deliver effective, efficient and affordable representation.

At the Community Conversations meetings, Southland District Mayor Gary Tong encouraged people to think about where they go for services, schools, shopping, socialising and sport – the things that embody a community of interest.

The roles of councillors, community boards and community development area subcommittees are all going under the spotlight in the review.

Mr Tong says it is important for the Southland community to come up with a workable proposal because if it doesn't the Local Government Commission will take the decision into its own hands.

Less formal community groupings are one option – with Mr Tong citing the success of the South Catlins Charitable Trust in developing the Curio Bay Tuma Toka Heritage Centre.

If you were unable to attend any of the Community Conversations there's plenty of opportunities to get in touch.

Residents have until the end of January to put their ideas and feedback into the mix – and there are several ways to do this:

Email us at: representationreview@southlanddc.govt.nz

In April this year Council will be putting out a proposal on how the Southland District will be governed, what number of representatives there are and how that representation is set up.

We want to hear your views on how you want to be represented in the future.

Southland District Council has a Mayor, 12 councillors, eight community boards, each with six members, and 19 community development area subcommittees (CDAs), each with six members. This is a grand total 175 elected members – meaning we have 1 elected representative for 165 residents. Add to that fact that not everyone in the district is represented by a community board or a CDA and so Council believes we need to look at this.

This would include:

- where you see your community of interest
- the number of councillors and where they should be elected from
- whether we should have community boards and how many and should they cover the whole of the district

Council has been receiving lots of feedback from the community. The idea of community boards covering the whole of the district is supported, along with a focus on local involvement and input.

This review is required under the Local Electoral Act and must happen every six years.

So look out in May for the formal consultation document in your mailbox and have your say.

Edendale-Wyndham Community Board
26 April 2017



Appendix 6

New Triennium 2016-2019 - New Approach

Record No: R/17/3/4147
Author: Rex Capil, Group Manager Community and Futures
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Introduction

- 1 The Southland District Council has been undertaking some significant change over the past two years.
- 2 This has been reflected in considering business improvement opportunities for Council from both an internal and external perspective.
- 3 Many of the internal operational changes have been embedded in over the past 12 months following an Organisation Redesign which resulted in the current operational and staffing structure.
- 4 Council has utilised the new triennium 2016-2019 and the October 2016 election to introduce a number of the changes that have a greater external focus – and involve the interface with communities and the Council's own community governance structures.
- 5 This report covers off the next stage of induction for the eight Community Boards of the Southland District Council.

New Triennium 2016-2019 – New Approach

- 6 The Southland District Council is considering how it engages and liaises with its communities and external stakeholders.
- 7 As part of this approach it has developed some clarity around the approach and way of working with its community governance structures – being Community Boards and Community Development Area Subcommittees – for the 2016-2019 triennium.
- 8 The Council's governance structure is based on the Southland District Council (1 Mayor and 12 Councillors) as being the territorial authority and the Local Government Act 2002 establishes how Council can delegate decisionmaking – while acknowledging that Council is ultimately responsible for a delegated decision.
- 9 Council approved, at its 26 October 2016 meeting, the Southland District Council Community Board Terms of Reference which clearly define the scope of activities and delegations for the Community Boards within the status, role and powers defined in the Local Government Act 2002.
- 10 Community Boards are unincorporated bodies resourced by Council and are part of the Council governance structure. Therefore as an elected representative of the Community Board members represent Council when they act under a Council delegation.
- 11 It is acknowledged that Council and Community Boards share the common objective to assist in contributing to delivery of services and activities for the betterment of the communities Council serves.
- 12 As was mentioned explicitly by the Mayor and Chief Executive Officer at the inaugural meetings of Community Boards in November 2016 – a key focus for this triennium is that Council

Edendale-Wyndham Community Board

26 April 2017

supports its Community Boards to be future focussed and think wider communities of interest – both geographic and issues based.

- 13 This means Council and Community Boards need to look at HOW we do things to ensure long term sustainability and affordability of service provision across the District is maintained at an appropriate level for future generations.
- 14 There are many challenges and opportunities facing the Southland region and district and Council is committed to leading the way with its Community Boards to view these bigger picture issues in a strategic and collaborative way.
- 15 Council is supporting elected Community Board representatives to acknowledge and understand they are part of the bigger district wide picture and have a significant role to play to ensure the district continues to develop and prosper as one.
- 16 Council is also promoting a multi-agency approach when addressing future issues and opportunities – and to this end sees Community Boards playing a significant role in leading and addressing various community wide initiatives on behalf of their wider communities of interest.
- 17 Council is advocating across the region and district for more of a partnering and collaborating approach in working together for a better Southland. Council should not be seen as the sole solution – but as being part of the solution.
- 18 The attached presentation provides an overview and a rationale for the new approach and new way of working to be developed and implemented for the 2016-2019 triennium. The new approach does mean that we will be changing and doing things differently to the way in which they have been done in the past. It is essential that we do change if Southland is to prosper in the future.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled “New Triennium 2016-2019 - New Approach” dated 9 April 2018.**

Attachments

- A Community Board Meetings - April 2017 - new triennium new approach



New Triennium 2016-2019 – New Approach

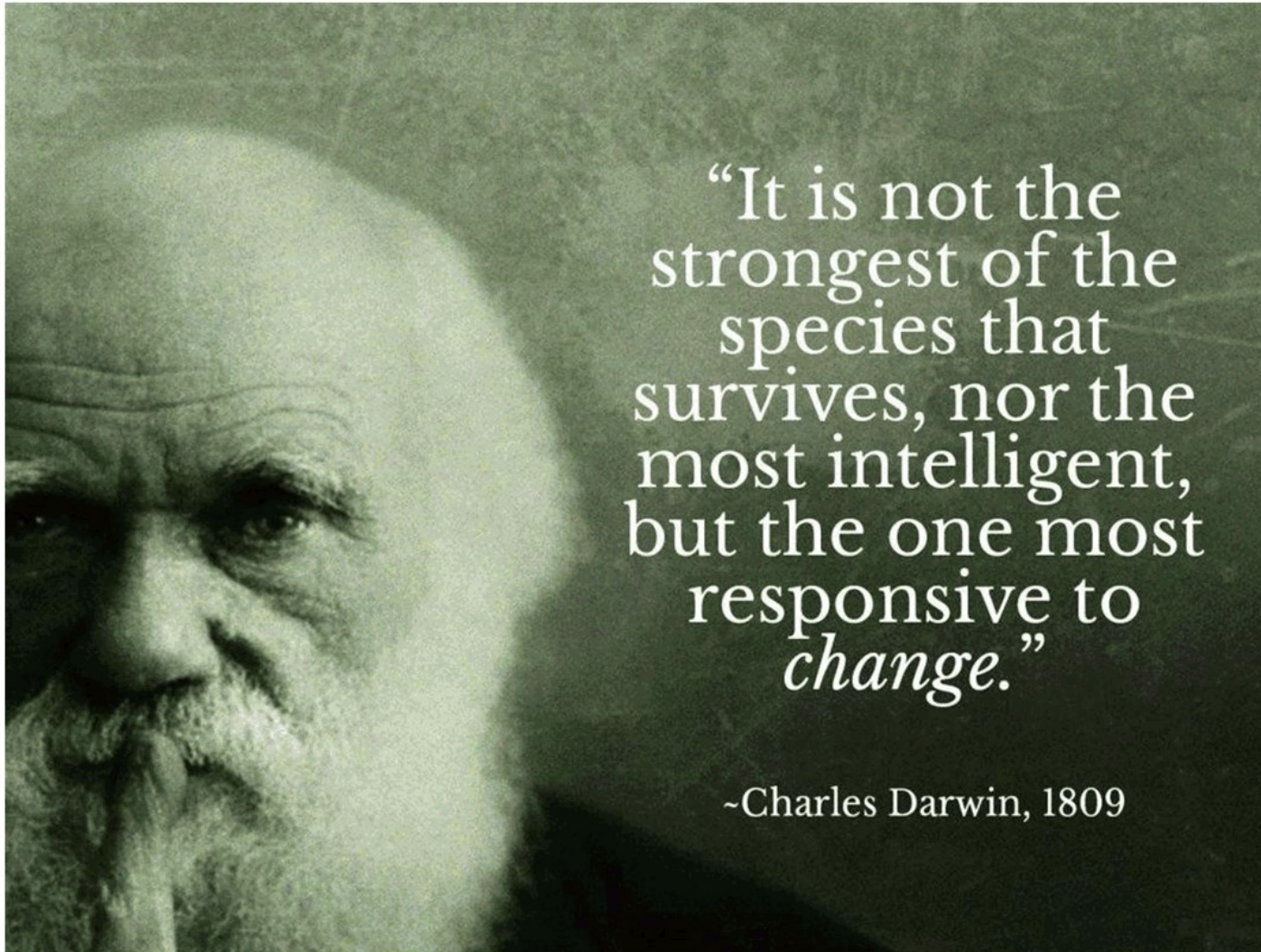
Community Board Meetings – April 2017



2016-2019 Triennium

- National and regional pressures
- Doing more with less
- Seeking improvements
- Not about what – but how
- Fit for purpose
- Fit for future
- What we do today – how we did it 25 years ago – significantly different
- Only constant is change
- Opportunity to embrace change

Nothing stayed the same and farmers had been required to adapt to stay in business, Baird said.
 If a farmer tried to farm his land in 2017 as it was done in the 1960s he would go broke, Baird said.
 He said some of the farming practices presently being undertaken could be improved on and farmers were focusing on the need to improve their environmental practices.
 Baird believed there was a degree of antagonism from Fish and Game towards farmers, which concerned him.





- Council's work programme is made up of many components – national, regional, district, local inputs
- The overall work programme is ultimately the responsibility of the SDC
- Council's work programme must reflect Council's direction which reflects community aspirations
- This is based on a 10 year planning model with a 3 year focus with a 1 year priority – operationalising the 10 Year LTP with the Annual Plan
- Council's organisational and operational structure reflects this
- To this end Council staff work for Council (CEO) and work with Community Boards/CDAs



- Our WOW – Way of Working – must reflect this approach
- Constantly need to ask – what is a CB/CDA matter vs. what is an RFS
- What is a Board matter vs. what is a Board meeting matter?
- It seems there has been a tendency to work to the meeting schedule rather than work to the work programme – this new approach is about the work programme
- Work programme is not about the meetings
- Meetings are about a future focus, community relationships and community leadership



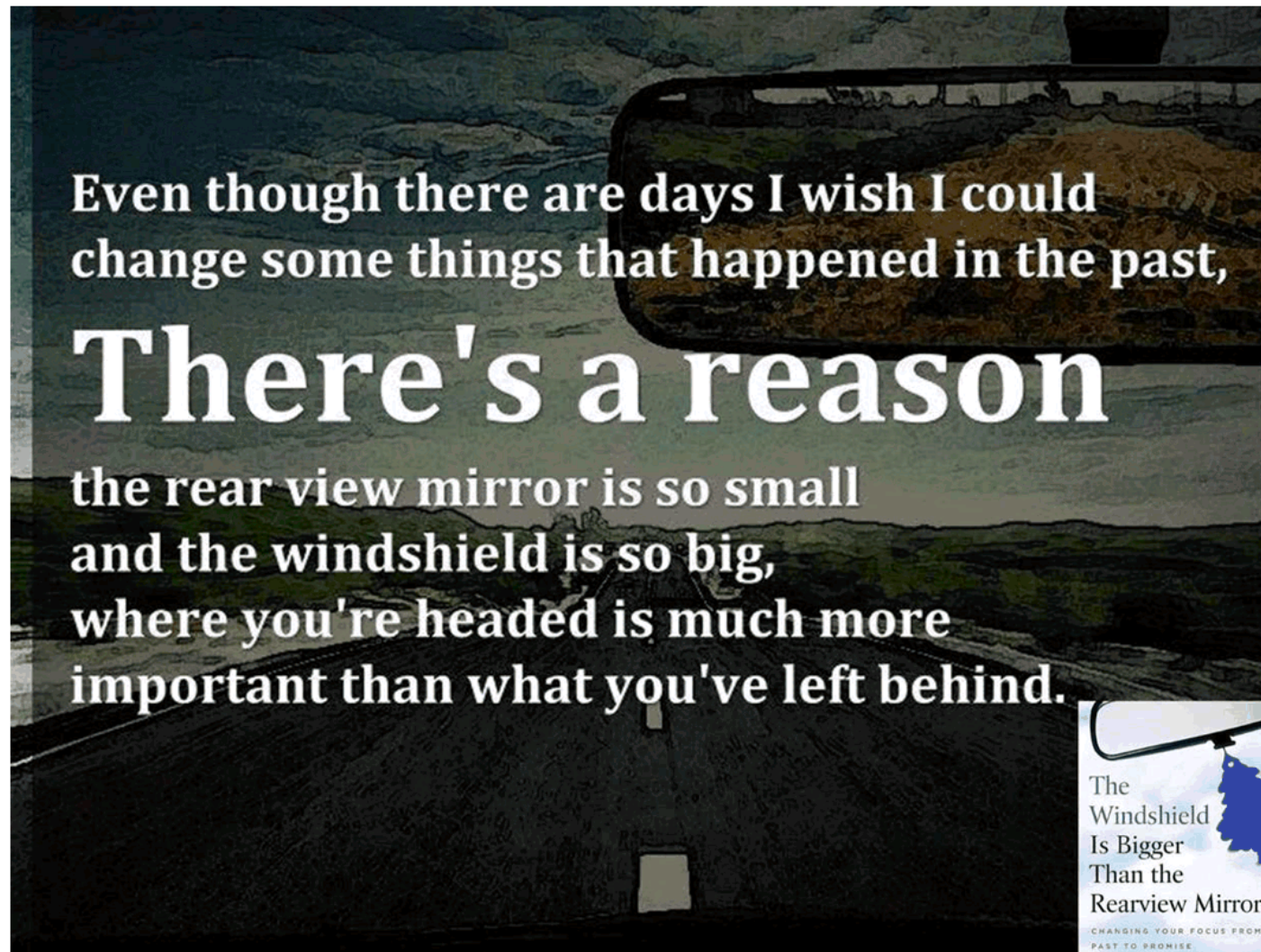
- Correspondence – how it is treated
 - if it requires a Board decision – Board Chair will be informed the correspondence has been received and it will be referred to the appropriate staff member to prepare a report for next meeting
 - If it requires staff follow up – Board Chair will be informed the correspondence has been received and referred to appropriate staff member to deal with direct and Chair will be informed when this has been done



- Planning – future focus – 10 Year LTP 2018 – 2028
 - Think wider communities of interest – not just your village/township
 - Think demands and needs
 - Think longer term
 - Think changing demographics, community awareness, lifestyles, consumer choice and expectations
- Decisionmaking requirements
 - Boards need to provide staff with a clearly understood project scope and defined brief or work request
 - Good governance is about providing a clear direction to have staff get on and deliver to that direction. Good direction requires clarity

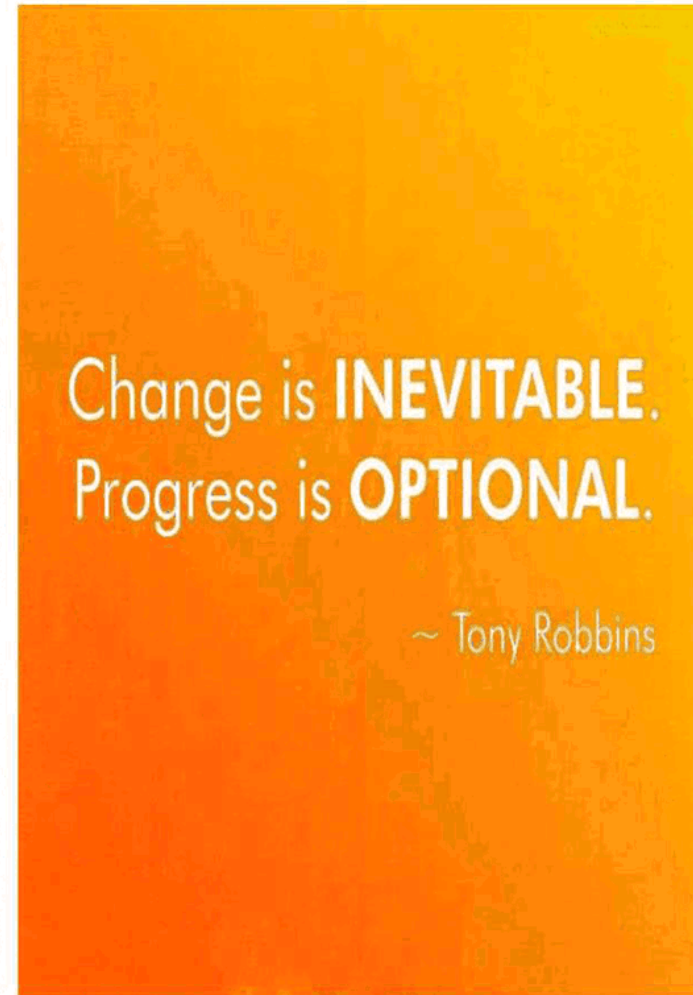
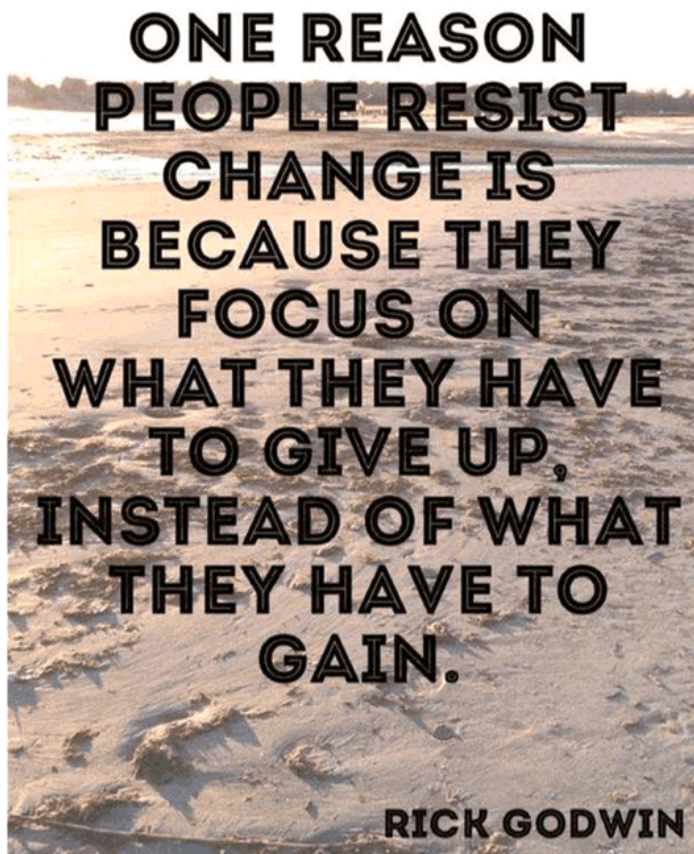


- Need to foster the 'working with' approach
- Not 'a them and us' mentality
- Purpose of the meetings are future focussed and making decisions for the future good of the Southland District
- If there are queries around work programme progress – there is a process in place that doesn't rely on waiting for a meeting to get information
- And there is the use of the RFS system for dealing with service related issues
- Use the meetings for their purpose – to be future focussed, to confirm your direction, to monitor and assess against where are in relation to where you want to be going in the future





- To build trust
- Respecting roles and responsibilities
- Understanding that the change is already embedded in – and it will continue....
- Accepting this will be different – not the what but the how we do things
- To focus on the gains – not the perceived losses
- About being brave and owning the change....
- Being champions for the District and its future





Questions, Comments, Feedback

Appendix 7

Frequently asked questions

During the Community Conversations and feedback sessions Council received a number of questions. Information relating to many of these have already been covered in the reference document. However, for the sake of clarity the following has been prepared and documented with responses to the FAQ

For a community board that goes over more than one ward which councillor will be appointed to the board and for a community group how will we know which councillor to contact?

As happens now at one of the first meetings of the 2019–2022 new term Council will decide which councillor is appointed to which board. They will be a councillor from a ward in which the board is situated. Wards are for electoral purposes only – all councillors when elected take an oath to act in the interest of the District as a whole.

How many councillors will be appointed to community boards?

In the Initial Proposal Council has suggested that one councillor will be appointed to each community board – and this councillor has to be from the ward in which the community board is located.

Will our areas still rate locally?

This is not a question for the Representation Review but one that the Council will address when it reviews the Revenue and Financing Policy as part of the LTP process. Rates are struck by council based on expenditure required to deliver services and projects that have been previously identified and require funding for.

If there are no CDAs in the formal structure what happens to the money in the reserves?

As in the previous Representation Review when the number of wards went from 12 to five the Council will consider a transition period for these funds to be spent in the area of the CDA that the rates have been struck for and against the services and projects they have been allocated against. As Council has to manage a balanced budget if there are reserves there should be projects identified and allocated funding against reserve money in the long term plan to deliver on.

If we still want to meet as CDAs can we?

Yes. However, these will not be formal meetings as per the Council structure and associated LGOIMA requirements with an agenda and minutes provided by staff. Any local or issues-based group can meet whenever it wants to. There will also be a regular opportunity for groups in areas to report to community boards about matters in their area. Support will be provided by community development adviser.

How do we still do projects in our area?

Local input is still important and is one of the guiding principles. If a group in a local area wants to do a beautification project or put in a barbeque area, for example, it can work with the community board and Council staff to deliver a project. Local groups can also ask (via the community board) that specific projects be included in the long term plan for their areas.

Will the current and budgeted CDA projects be completed?

Yes current projects will be completed that have been agreed on.

What can a new community board offer to ratepayers that the CDA is not already doing?

CDAs are subcommittees of the Council and are subject in all things to the control of the local authority. They have no separate status. Community boards are recognised in the Local Government Act and have their own statutory role and powers.

How are members elected, how many from each area? How do we ensure fair representation for our communities?

Elections for community boards are held as per the Local Electoral Act 2001 and as such are part of the local authority elections in October every three years. All board members take an oath to act in the interests of the residents of the board as a whole, not just where they happen to live. The board could decide to appoint particular members as liaison members for particular areas to support the perception of local representation occurring.

The Initial Proposal does not have subdivisions for particular communities for each community board as these appear to be unmanageable in relation to the constraints of the +/- 10% rule.

Would a new board continue with the CDAs current contracts, e.g., - mowing, rubbish collection?

This is not a question for the Representation Review. Council will continue to deliver services as per current service level agreements.

How can there be improvements when items from particular areas such as Manapouri or Milford need to be addressed but have to go an extra step by going through the community board then onto Council?

Not every project or item needs to go to both the community board and then Council. Council is looking to ensure its governance processes are effective while maintaining a local community voice through this Representation Review.

What is the annual cost to Council of having CDAs and community boards?

The cost of having CDAs and community boards has not been quantified.

How many meetings would there be each year, where would they be held, who would chair them?

There will be up to 10 meetings a year, held in locations across their board community of interest area to ensure that different sections of the community are able to access their community board. The board will elect a chair at the start of the term.

How will you get people to stand for community boards?

Candidate evenings prior to/during nominations opening will be held throughout the District. Information will be provided about the role and what can be expected.

How will each individual community be fairly represented?

It is acknowledged that as for the wards the members of some boards may all live in one part of the board's area. As noted above all board members take an oath to act in the interests of the residents of the board as a whole, not just where they happen to live. The board could decide to appoint particular members as liaison members for particular areas to ensure representation.

How will ratepayers be consulted?

The Initial Proposal will be adopted by Council to go out for consultation over a five week period. A copy will be distributed to household via the usual channels. It will be on Southland District Council's website and copies will be available at SDA area offices and libraries.

Would there be any compensation for meetings?

Community board members receive remuneration and mileage costs as per the Remuneration Authority requirements.

It sounds like there would be fewer people involved in representing a much larger area. Would this be the case?

It is acknowledged that in the formal structure the numbers would reduce from 175 to 62. However, as the community boards look to communicate more with community groups in their area it is hoped that more of the community will have greater involvement with the boards.

How would rates be set? What about the smaller communities- would rates be at an achievable level?

This is not a question for the Representation Review. Council is currently consulting on its LTP 2018-2028 which details projects and rating obligations for the next 10 years. Any changes of significance will be dealt with as part of the annual plan process in the interim or by way of an amendment to the LTP if deemed necessary before the adoption of the LTP 2021-2031.

Estimate meetings - how will this be achieved for each community?

Community groups can put priority project requests and associated budget requirements through to their community board for consideration and to be prioritised as part of the normal LTP and annual plan processes.

Loss of community input.

It is hoped measures put in place – including assistance for groups, a linkage into the community board in the area, an item on each board agenda for community groups to speak to the board, a liaison person from the board on a community group, community groups being able to make submissions on Council consultations - will go some way towards alleviating this perceived loss of community input.

Local projects for one area will not be of importance or relevant in another, how will this be fairly dealt with?

As noted earlier a board acts in the best interests of the board area as a whole.

There is not enough information regarding this proposal to make an informed decision or have a discussion about this.

The decisions regarding the Initial and Final Proposals rest with Council – some matters require further consideration by Council. The reference document (to which these FAQs are attached) has been prepared providing information on how the new governance structure will operate. The consultation document and interim proposal for the Representation Review meet the statutory obligations required of Council.

Southland Regional Development Agency

Record No: R/18/3/4715
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To seek Council approval to the formation of the Southland Regional Development Agency as a Council Controlled Organisation (CCO) to lead regional development activity across the Southland Region.

Executive Summary

- 2 Following endorsement of the Southland Regional Development Strategy (SoRDS) Action Plan work was progressed to look at the institutional arrangements that could be put in place to lead regional development activity across the region. This work lead to a proposal to form a Southland Regional Development Agency (SRDA) as a CCO.
- 3 A statement of proposal document, which outlined three possible options being; a status quo option, an advanced status quo option and an option to establish a Southland Regional Development Agency (SRDA) as a Council controlled organisation was released in September 2017. At the same time the four Southland Councils established a Joint Committee to lead the community consultation process.
- 4 The Joint Committee has now completed its hearing and deliberations process and is recommending that the Councils proceed with the formation of the SRDA. This report proposes that Council endorse this recommendation and authorise the Chief Executive to proceed, in conjunction with the other Southland Councils, with the work needed to progress formation of the new Agency.

Recommendation

That the Council:

- a) **Receives the report titled “Southland Regional Development Agency” dated 11 April 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Agree to proceed with the formation, in accordance with the Companies Act 1993 and Local Government Act 2002, of the Southland Regional Development Agency as a limited liability company and Council controlled organisation.**
- e) **Agrees to the development of the Southland Regional Development Agency being advanced in general accord with each of the propositions detailed in Attachment A but in doing so notes that there will need to be changes made as the establishment of the new Agency progresses.**
- f) **Notes the overview transition schedule detailed below and give authority for the process to commence with the overall aim to have the new Southland Regional Development Agency operational by 1 February 2019.**
- g) **Agree that it be noted that a new Memorandum of Understanding will be developed with Ngai Tahu to clarify and formalise its status and role with the new regional Development Agency.**
- h) **Delegates authority to the Chief Executive to progress, in conjunction with the other Southland Councils, development of the constitutional documents and other work needed to form the Southland Regional Development Agency.**

Background

- 5 Over the last three years a jointly funded Council programme lead to development of the Southland Regional Development Strategy and Action Plan (SoRDS). Council formally endorsed the Action Plan on 1 February 2017.
- 6 Following endorsement of the Action Plan the Mayoral Forum had work progressed to look at what institutional arrangements might best be put in place to lead regional development activity, including the implementation of the SoRDS Action Plan, across the region. This work led to a proposal to form a new CCO which would have a ‘whole of region’ approach by ensuring that the agency to be formed would have shareholding and financial involvement from Ngai Tahu, business and community interests in addition to the four Southland Councils.

- 7 A statement of proposal document, which outlined three possible options being; a status quo option, an advanced status quo option and an option to establish a Southland Regional Development Agency (SRDA) as a Council Controlled Organisation was released in September 2017.
- 8 The community consultation process, including the hearing of submissions, was overseen by a Joint Committee made up of two Councillors from each of the four Southland Councils. Cr Dillon and Cr Macpherson were this Council's appointees on the Committee.
- 9 The Joint Committee has now completed its hearing and deliberations process and is recommending that the Councils proceed with the formation of a Southland Regional Development Agency (SRDA). The committee have also made a number of suggestions, which are reflected in a series of propositions, about the shareholding, operational and establishment processes that might be used by the SRDA. These propositions should be used to guide the establishment phase of work.

Issues

- 10 There is a need for Council to decide whether to accept the recommendation of the Southland Regional Development Agency Consultation Joint Committee to proceed with the formation of a new Council Controlled Organisation to lead regional development activity across the region.

Factors to Consider

Legal and Statutory Requirements

- 11 The statutory provisions relating to the formation and operation of Council Controlled Organisations (CCO) are contained in Part 5 of the Local Government Act 2002.
- 12 Under section 56 a proposal to form a CCO must be subject to consultation in accordance with the provisions in section 82. This process has now been completed and so Council is able to make a decision as to whether it wishes to proceed with the formation of the SRDA under the Companies Act 1993.
- 13 Section 64 and 65 outline the requirements for the performance of a CCO to be monitored against the statement of intent which is to be approved by the shareholders prior to the start of each financial year.

Community Views

- 14 In excess of 105 submissions were received and considered by the Joint Committee before making their recommendation to the four Councils.
- 15 While the overall purpose of the consultation was to determine the most effective structure for leading regional development in Southland there were a number of submissions received that commented on matters other than organisation structure. For example, a number of the submissions focussed on regional strategy and particularly the SoRDS programme and its goal of 10,000 more people by 2025. Some submitters disagreed with the thrust of the SoRDS programme while others supported it.
- 16 The views expressed during the community consultation process have been considered by the Joint Committee in forming their recommendation.

Ngai Tahu

- 17 The original proposal put to the community for comment and submission, provides for Ngai Tahu to be included in the governance structure of the new regional entity, as one of the shareholders. This was not supported by Ngai Tahu which believed that its status as a Treaty partner warranted a true partnership.
- 18 As a consequence, proposition 12 within the attached report of the Hearing Committee provides:
- Proposition 12: “That the Chair of the Mayoral Forum advance discussions with Ngai Tahu to determine how they might best be involved”.**
- An approach should be made to Ngai Tahu by the Mayoral Forum to determine how it can best be involved.**
- The exact form of the association has yet to emerge and is expected to do so during the establishment of SRDA.**
- 19 Mayor Tong as Chair of the Southland Mayoral Forum, has met with Ngai Tahu on three separate occasions recently. At this point in time, the thinking on the relationship with and status of Ngai Tahu with the new Agency is that a Memorandum of Understanding (MOU) be developed between the Southland Councils and Iwi. It envisages that the MOU would set out a process where Ngai Tahu’s collective priorities could be incorporated into the new Southland Regional Development Agency’s work plan.
- 20 The MOU could take some time to finalise so it is likely to be undertaken in parallel with the establishment of the new Regional Development Agency.

Costs and Funding

- 21 The transitional costs associated with the formation of the new entity will need to be funded by the four Councils from the shared services activity budgets.
- 22 It is proposed that SRDA funding be split into “core funding” and “contract funding”. The core funding would cover ‘fixed’ overhead costs such as accommodation, vehicle and senior management overheads.
- 23 All outputs or services to be delivered by the SRDA would be purchased using a service contract model under which each Council would be able to determine the range and mix of services that it wanted to fund. Council has budgeted for the purchase of regional development services in its draft 2018 Long Term Plan.

Policy Implications

- 24 The proposal will lead to the work of Venture Southland being integrated into the proposed Southland Regional Development Agency.
- 25 The overall focus and strategic direction of the Agency will be set to reflect the direction outlined through the Southland Regional Development Strategy and Action Plan along with any other priorities that are set through the letter of expectation provided by the Mayoral Forum each year.

Transition Programme

- 26 If the proposal is approved by all four Southland Councils then it will be important for work to be progressed as quickly as possible to form the new agency. The overall aim is to have the new entity established by 1 February 2019 so that there is a clear link to the end of the existing Venture Southland Agreement. The work to be progressed includes:
- Confirmation of shareholder arrangements and development of constitutional documents including shareholders agreement – target 1 July 2018
 - Establishment of Joint Shareholders Committee and Board appointed – target 1 November 2018
 - Management of transition process relating to existing Venture Southland assets, liabilities and staff – target 1 November 2018
 - Statement of intent developed and approved – target 1 February 2019
 - Establishment of core and contract funding agreements – target 1 February 2019.

Analysis

Options Considered

- 27 It is seen that there are three options available. These are to approve the establishment of the SRDA as a CCO (Option 1) or not approve the establishment of the SRDA (Option 2).
- 28 Option 1 is consistent with the recommendations of the Joint Committee and would allow progress to be made with the formation of the new agency.
- 29 Option 2 is an option available if the Council is not satisfied with the recommendation to form a new agency. If the Council were to adopt this option then it would need to be clear about the basis of its concerns and consider whether these can be addressed by further discussion between the Councils. If there were to be a fundamental change to the CCO proposal then there may need to be a new consultation process.

Analysis of Options

Option 1 – Approve establishment of SRDA

Advantages	Disadvantages
<ul style="list-style-type: none">• Allows the formation of a new ‘whole of region’ entity to lead and support regional development activity.• Is consistent with the SoRDS Strategy work that has been progressed over the last three years.• Creates an entity with clear responsibility to lead and coordinate the implementation of the SoRDS Action Plan.• Is consistent with the view that there is a need for a ‘fresh approach’ if the challenging goal of attracting 10,000 more people to Southland is to be achieved.	<ul style="list-style-type: none">• There will be transitional costs associated with the formation of the new entity.

Option 2 – Not approve establishment of SRDA

Advantages	Disadvantages
<ul style="list-style-type: none">• Would be appropriate if Council has concerns about whether the new agency will achieve the gains needed and/or is not convinced that there is substantial support for the proposal.	<ul style="list-style-type: none">• Will create uncertainty about how implementation of the SoRDS action plan is to be progressed.• Will create uncertainty about how regional development activity is to be managed in the future.• Will be a need for work to be progressed to look at options for leading regional development activity in the future.

Assessment of Significance

- 30 In this report Council is being asked to approve a recommendation from the Joint Committee to form a new CCO to lead regional development activity, including the implementation of SoRDS across the Southland region. It is proposed that the assets and liabilities of Venture Southland will be transferred into the new entity.
- 31 The SoRDS initiative is of considerable importance to the future development of the Southland region as a whole and has had a high level of support from business, NGOs and other sections of the community over the last three years. As such achievement of the goals set through SoRDS is a matter of some significance. The delivery of the outcomes expected from the implementation of SoRDS and a decision as to the nature of the entity that might best be used to deliver those outcomes are, however, separate issues.

- 32 In this paper the focus of the decision being considered is what the nature of the entity should be and in particular whether the Council should agree to form a company structure, which will continue to be majority owned by local government, to lead this work. As such the decision can reasonably be seen as being of an administrative nature. In these circumstances staff believe that it is reasonable for the Council to conclude that this decision it is not significant.

Recommended Option

- 33 It is recommended that Council support Option 1 and agree to progress the formation of a new Southland Regional Development Agency to lead regional development activity

Next Steps

- 34 Work will progress with the development of the constitutional documents and other work needed to form the SRDA.

Attachments

- A Draft Proposals arising from the Public Consultation and Panel Process on the institutional arrangements for regional development in Southland [↓](#)

Draft Proposals

Client: Southland Shared Services
Subject: Draft Proposals arising from the Public Consultation and Panel Process on the institutional arrangements for regional development in Southland
Version date: 19 March 2018

Recommendations

Having undertaken a review of the public submissions to the Southland Regional Development Agency proposal, the Southland Regional Development Agency Consultation Joint Committee appointed by the councils to lead the community consultation process in relation to the proposal to form the SRDA has concluded its work. It has two recommendations for the consideration of the parent councils.

The panel recommends to Environment Southland, Invercargill City Council, Southland District Council and Gore District Council that:

They proceed with the formation, in accordance with the provisions of the Companies Act 1993 and Local Government Act 2002, of the Southland Regional Development Agency as a limited liability company and council-controlled organisation.

- *"The four Councils agree to development of the SRDA being advanced in general accord with each of the 38 propositions detailed below but in doing so note that there will need to be changes made as the establishment of the new Agency progresses."*

The Chief Executives group of Southland recommends that:

- *"The four councils note the overview transition schedule detailed below and give authority for the process to commence in accordance with that timetable."*
- *That the Chief Executives group, facilitated by the Chief Executive of Environment Southland, be given authority to proceed with the development of the constitutional documents and other work needed to proceed with the formation of the SRDA in accordance with the 38 propositions attached.*

This Paper

Contained in this paper is the following:

- The recommendations (above) from the Southland Regional Development Agency Consultation Joint Committee
- Thirty eight propositions and brief descriptions supporting them
- An overview transition schedule through to implementation

Introduction

This paper sets out, in a series of propositions, the findings of the Joint Committee in relation to the proposal to form, as a limited liability company under the Companies Act 1993 a Southland Regional Development Agency (SRDA) which will also be a Council Controlled Organisation (CCO). These findings are referred respectfully to the four councils of Southland for their consideration as they make decisions in relation to the formation of the SRDA.

The panel has met three times and has worked through the propositions in detail. It has limited its focus to the brief which is structural arrangements for regional development rather the actions and policies of the delivery of regional development services.

Key Principles

- Proposition 1: **"That the following guiding principles are adopted and used to guide development and operation of the SRDA."**
 - **Reach** - whole-of-region
 - **Funding** - broad as possible funding base
 - **Integrated** – councils, business, community
 - **Regional development** – economic and community
 - **Arms-length** – greater freedom to act
 - **Iwi** – close relationship with iwi
 - **Ambition** – addressing challenging goals
 - **Council facilitation** – councils are the backbone

Funding

- Proposition 2: **"That the four councils of Southland provide core funding to the SRDA."**
 - The councils are referred to as Type A shareholders (definition provided further through this document) and as such are responsible for covering the core overheads of the SRDA on a population basis.
 - That a clear definition of these core costs is developed and include management support overheads and overhead salaries which totalled approximately \$1.6m in the 2017/18 Venture budget.
- Proposition 3: **"That the SRDA is focused on increasing non-council funding."**
 - A key driver for the SRDA proposal is to increase and diversify the funding sources for regional development.
 - While the councils would provide core or foundation funding, contributions are expected from central government, business and the community sectors.
 - An objective is to gradually increase the proportion of non-council funding into regional development.
- Proposition 4: **"That all funding over and above core funding operates on a contract funding model."**
 - This includes all operational funding.
 - The nature of "contracts" may vary and could be SLAs, MOUs, or whatever suits the particular situation.
- Proposition 5: **"That the sources of contract funding will be diverse."**
 - They could include: additional council funding, and also central government, industry, trusts and earned revenue.
 - Contracts would commonly be negotiated on a minimum of three-year cycle to ensure certainty and continuity.

Proposal

- Proposition 6: **"That a Southland Regional Development Agency (SRDA) is formed".**
- Proposition 7: **"That the SRDA incorporates the current Venture Southland."**
 - This involves the transfer of staff along with the assets and liabilities of Venture Southland to the SRDA.
 - A number of these are currently owned by either Invercargill City Council, Southland District Council or the Venture Southland Trust and subsidiary companies.
- Proposition 8: **"That the SRDA adopts the name of Venture Southland".**
 - This assumes there are no legal impediments with doing so.
 - Any change of name, if contemplated, would be a matter for the new board and shareholders.
- Proposition 9: **"That the SRDA is established as a CCO as specified under the Local Government Act 2002 and registered as a limited liability company, under the Companies Act 1993."**
 - It may be that the current Trust structure of Venture can be continued as a conduit for donor funding that will not fund a limited liability company.
- Proposition 10: **"That the SRDA is majority owned by the four councils of Southland."**
 - The councils would be known as Type A shareholders.
- Proposition 11: **"That the SRDA has "community" (non-council) shareholders who are minority shareholders."**
 - These shareholders will be known as Type B shareholders.
- Proposition 12: **"That the Chair of the Mayoral Forum advance discussions with Ngai Tahu to determine how they might best be involved. "**
 - An approach should be made to Ngai Tahu by the Mayoral Forum to determine how it can best be involved.
 - The exact form of that association has yet to emerge and is expected to do so during the establishment phase of the SRDA.
- Proposition 13: **"That as a company the SRDA has the power to establish subsidiaries and undertake relevant commercial activity."**
 - This power will be subject to any relevant legislative and/or constitutional requirements.
 - It is expected that the limited liability nature of the entity would protect the shareholder organisations from financial risk.

Shareholding

- Proposition 14: **"That the capital structure of the SRDA is \$12,000."**
 - 75% - the four councils (Type A)
 - 25% - community organisations (Type B)
 - This means that the four councils would have equal shares of 19% (18.75% to be exact)
- Proposition 15: **"That the community organisations who have indicated their interest should become Type B shareholders."**
 - These include - SIT, CTOS, ILT, MLT, Chamber of Commerce
 - That the level of interest and proposed shareholding arrangement be discussed and formally agreed with the proposed community shareholders.
- Proposition 16: **"That a shareholders' agreement is drafted and agreed by all shareholders (Types A & B) as a method of confirming the shareholder status of all parties."**
- Proposition 17: **"That all shareholders enter the SRDA on the understanding that they will actively facilitate, as best they can, the increased resourcing of the SRDA."**
 - This would mean that they assist with seeking funding contributions from other sources
- Proposition 18: **"That the shareholders, once properly constituted, form a Joint Shareholder Committee (JSC) to oversee appointment of the board and approval of a Statement of Intent."**
 - The members of the JSC are each appointed by their respective shareholders.
 - The delegation arrangement between each shareholder and its JSC member is a matter for each shareholder.
 - The total membership of the JSC is determined by the shareholders, but for the purposes of negotiating the shareholders agreement each would select one representative.
 - It is envisaged that these would be senior office-holders given the gravity of the role.
 - If a vote was held on the JSC then it would be on the basis of shareholding.

Associates

- Proposition 19: **"That a category of partnership with the SRDA is created – called Associates – to recognise commercial entities that might be involved in contract funding associated with the SRDA."**
 - These organisations would be termed associates.
 - These organisations could be involved as co-funders or could be involved in subsidiaries.
 - Contracted suppliers or deliverers would not normally be regarded as associates.

Governance

- Proposition 20: **"That a skill-based board of seven members from public nomination would be the directors of the SRDA."**
- Proposition 21: **"That the board is appointed by the shareholders."**
- Proposition 22: **"That the process of appointment could be undertaken by an appointments panel, itself appointed by the Joint Committee of Shareholders."**
- Proposition 23: **"That the final decision on the make-up of the board membership would be decided by the Joint Committee of Shareholders."**
- Proposition 24: **"That a skills register is used for appointment."** The skills register would be as follows:
 - Private sector governance experience
 - Local government sector governance experience
 - Experience with economic development agencies or organisations
 - Knowledge of contemporary technology industries and practice
 - Experience of organisation development and design
 - Knowledge of tourism development and destination management
 - Connection with iwi
 - Community development experience
- Proposition 25: **"That Central Government could appoint a non-voting observer."** Central Government could nominate an observer. Such a nomination would require confirmation by the shareholders.
- Proposition 26: **"That the decisions of the board would generally be by consensus but if a vote was required, a simple majority would carry the decision."**

Statement of Intent

- Proposition 27: **"That a "Letter of Expectation" is sent from the Mayoral Forum on behalf of the councils of Southland to the JSC and board of the SRDA."**
 - This is the first step in the preparation or refresh of the Statement of Intent.
 - It is intended as a leadership statement on behalf of the region.
- Proposition 28: **"That the Board, together with the CEO and Joint Shareholders Committee, takes the initiative in the preparation of the SOI."**
 - The respective roles of the JSC, the Board and the CEO in the preparation of the SOI is expected to evolve with experience. A close collaborative relationship between these three parties is regarded as the most productive approach.
 - The SOI would receive a major review every three years along the lines of the SoRDS strategy exercise done in the last two years. The timing of this review should also link with the three yearly review of Council Long Term Plans. In the intervening years it will be refreshed and updated as required.
 - At all times the SOI will have at least a three-year horizon, or longer.

Conflict of Interest

- Proposition 29: **"That a Conflicts of Interest Policy be created for shareholders."**

Staff

- Proposition 30: **"That the current council employers of Venture Southland staff (ICC and SDC) will manage the proposed transition of staff to the new entity in accordance with legal requirements including their employment agreements."**
- Proposition 31: **"That, in principle, this transition involves staff retaining their current terms and conditions."**

Operations

- Proposition 32: **"That the operational areas of regional economic development, business sector support and incentives, community development and regional events are all part of the SRDA's brief."**
 - This work will fall into the "contract" portion of the work of the SRDA
 - Generally, the SRDA will be responsible for regional-level activities, but from time to time councils may delegate local functions to the SRDA. Such arrangements would be made between the SRDA board and the particular council.
- Proposition 33: **"That these areas include the following activities."**
 - **Regional economic development**
 - Skills and training – pre-skill; re-skill; on-the-job
 - Business enhancement and efficiency – Lean; Better by Design
 - Shared spaces, incubators
 - Investment – angels, venture capital
 - Enterprise development and extension – SME development
 - Innovation
 - **Business sector support and incentives**
 - Support to particular sectors such as tourism, food, agriculture and aquaculture
 - Development of regional facilities such as space science
 - **Community development**
 - Support for key regional initiatives and programmes such as regional warm houses and welcoming communities
 - Support for arts, culture and heritage ventures in association with existing governance arrangements in these areas
 - **Regional events**
 - Regional scale events and promotions

Industry focus

- Proposition 34: **"That the management of tourism in the region is considered by the incoming board as a matter of priority."**
Consideration should be given to:
 - The individuality of the tourism sub-regions meaning that their integrity needs to be preserved. Even if they become part of the SRDA, their integrity should be preserved.
 - The priorities as reflected in the SORDS Action Plan and Letter of Expectation as provided by the Mayoral Forum.
- Proposition 35: **"That the economic development operation of the SRDA is considered by the incoming board as a matter of priority."**
Consideration to be given to:
 - A more strongly business-based economic development approach.
 - Measures to involve local business in leadership of economic development, not just as advisors.
 - The priorities as reflected in the SORDS Action Plan and Letter of Expectation provided by the Mayoral Forum.

Transition

- Proposition 36: **"That a number of target dates are established for the transition to the SRDA as targets to expedite progress and the completion of the transition."**

By 1 July 2018 the following completions would be achieved:
 - The relationship with Ngai Tahu would be finalised.
 - The Joint Shareholders Committee is established.
 - The Shareholders Agreement is completed.
 - The Board appointment process is well advanced.
 - The Letter of Expectation is completed for 2018/19.
By 1 November 2018 the following additional completions would be achieved:
 - The Board would be appointed and in place.
 - The legal entity of the SRDA would be completed and registered.
 - The Statement of Intent would be in place.
By 1 February 2019 the following additional completions would be achieved:
 - The formal transition would be completed.
 - The Board would take over full operation of the organisation.
 - All staff would be transitioned..
 - All the legal and financial considerations associated with transition would have been resolved.
- Proposition 37: **That immediately following the completion of the transition, the Board would focus on tourism and economic development arrangements."**
 - Resolution of tourism arrangements – as outlined in this document above
 - Resolution of economic development arrangements – as outlined in this document above.
- Proposition 38: **"That once the councils have agreed the approach outlined in these propositions and the transition timetable is confirmed, they also need to agree on a process for exiting the current Venture Southland Agreement and transferring the current Venture Southland assets, liabilities and commitments to the SRDA."**

- SDC and GDC have already given notice under this Agreement with the 18-month period expiring on 1 February 2019. As a result, there is an alignment between the proposed timetable for formation of the SRDA and exit from the existing Agreement.
- There will be a need for a due diligence process to identify the existing assets, liabilities and contractual commitments that Venture Southland has and determine how these might be transferred into the SRDA. This process will require agreement between SDC, GDC, ICC the Venture Southland Trust and existing subsidiary companies.

Transition Detail

This section takes the high-level transition outline in Proposition 36 and adds a greater level of detail to help the councils and ultimately all shareholders to assess what might be involved in the transition and at what stage.

By 1 May 2018:

- **Negotiation of association with Ngai Tahu**
 - Discussions would be undertaken with Ngai Tahu in a similar manner to those with the shareholders.
 - A formula for the arrangement would be developed and incorporated into the model of the company.

By 1 July 2018:

- **Notification**
 - ICC would give formal notice of its intent to exit the current Venture Southland Agreement and enter discussions with GDC, ES and SDC about the creation of the SRDA.
 - Ideally these would focus on 1 February 2019.
- **Appointment of shareholders**
 - Discussions are held with each prospective shareholder to ascertain their interest and expectations, especially the community shareholders who have not been as closely involved in the background work as the councils.
- **Informal establishment of the Joint Shareholders Committee**
 - The primary task of this informal committee is to facilitate the preparation of the Shareholders' Agreement.
 - The Shareholders' Agreement would then be drafted and taken to each of the shareholders for consideration and ratification.
 - A legal peer review process would be required.
 - Any difficulties in the Shareholders' Agreement would be ironed out.
 - It is envisaged the council CEOs would assist the JSC with this development work. This CEO group would include the CEO of Venture.
- **Establishment of the board**
 - The Board appointment process would be set in motion.
 - Public advertising for board positions would be undertaken.
 - A board appointment sub-committee would be appointed.
 - It is not expected that all appointments would be completed by 1 July 2018, but soon after.

- **Letter of Expectation**
 - The process through which a Letter of Expectation is decided by the shareholders.
 - It is expected that it would emerge from a joint discussion between the council shareholders and would be delivered by the Mayoral Forum on behalf of the region.
- **Organisation transition**
 - The Joint Shareholders Committee would have interim authority from its parent organisations to proceed with the transition until the shareholders' Agreement is in place.
 - An organisation transition plan would be developed under the supervision of the Joint Shareholder Committee as an interim measure.
 - The draft plan would be forwarded to the incoming board to oversee its implementation through the chief Executive. Implementation would take place in the next transition period.
 - The transition plan would cover off:
 - Staff transition
 - Transition of funding arrangements – decisions about core and contracted funding
 - Contracts developed as required, with funding commitments for current projects
 - Transition of financial management including banking arrangements
 - Entity transition such as trust arrangements
 - Transition of legal agreements and arrangements.

By 1 November 2018

- **Legal entity**
 - The legal entity of the SRDA would be completed and registered.
 - The entity would be in a position to gradually begin operating as per the transition plan.
- **Board**
 - The Board would be appointed and in place.
 - Orientation would be undertaken.
 - The board would takeover operation of both the new entity and the old entity and a phase-out arrangement would be made with the current Venture Board.
- **Organisation Transition**
 - The board would review the transition plan and endorse it to proceed having made any changes it sees fit and squared these off with the JSC.
 - In particular, it would review responsibilities and delegations, banking arrangements and relevant matters.
- **Statement of Intent**
 - The first Statement of Intent would be drafted under the supervision of the SRDA Board in association with the JSC.
 - The SOI would be completed by 1 February 2019.

By 1 February 2019

- **Completions:**
 - The formal transition would be completed.
 - The Board would take over full operation of the organisation.
 - All staff would be transitioned.
 - All the legal and financial considerations associated with transition would have been resolved.

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Recommendation

That the public be excluded from the following part(s) of the proceedings of this meeting.

C10.1 Removal of Ouvea Premix

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Removal of Ouvea Premix	<p>s7(2)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the health and safety of members of the public.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	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 for which good reason for withholding exists.