



Notice is hereby given that a Meeting of the Stewart Island/Rakiura Community Board will be held on:

Date: Monday, 11 November 2019
Time: 9am
Meeting Room: Stewart Island Pavilion
Venue: Ayr St, Stewart Island

Stewart Island/Rakiura Community Board Agenda OPEN

MEMBERSHIP

Members

Aaron Conner
Anita Geeson
Rakiura Herzhoff
Steve Lawrence
Gordon Leask
Jon Spraggon
Councillor Bruce Ford

IN ATTENDANCE

Committee Advisor Kirsten Hicks
Community Partnership Leader Karen Purdue
Community Liaison Officer Megan Seator

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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.

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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

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member 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 committee 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."

Making and Attesting of Members' Declarations

Record No: R/19/11/25752
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To enable the making and attesting of declarations of office by Community Board members.

Executive Summary

- 2 Elected members take up office on the day after the official declaration of the election results is publicly notified. However, they cannot make any decisions or otherwise act as a member until they have made an oral declaration and made a written declaration in the form set out in clause 14, Schedule 7 of the Local Government Act 2002.
- 3 The oath for the Community Board members elect is taken at the inaugural meeting of the Community Board. The Mayor will receive and witness the declarations of the Community Board.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled "Making and Attesting of Members' Declarations" dated 6 November 2019.**
- 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) **Notes that the Mayor has received and witnessed the declaration of the Stewart Island/Rakiura Community Board members.**

Background

- 4 The Local Government Act 2002, Schedule 7 clause 14 requires the Community Board members elect to make oral declarations and also a written declaration before they can act as a member of the Community Board and is follows:

Declaration by mayor or chairperson or member

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the [Local Government Official Information and Meetings Act 1987](#), or any other Act

Dated at: [*place, date*]

Signature:

Signed in the presence of:

CD, [*mayor or chairperson or member or chief executive of local authority*]”.

Issues

- 5 There is a need for the Community Board members elect to make the required declarations before they can act.

Factors to Consider

Legal and Statutory Requirements

- 6 The Local Government Act 2002 clearly outlines the procedure that must be undertaken to enable the Community Board members to act as members of the Community Board.

Community Views

- 7 The community would expect newly elected members to make the declarations as required.

Costs and Funding

- 8 There are no costs.

Policy Implications

- 9 There are no policy implications.

Analysis

Options Considered

Option 1 – Making and attesting of declarations

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• Is consistent with the statutory requirements• Will enable the Community Board to conduct its business. | <ul style="list-style-type: none">• None identified. |

Option 2 – Not making and attesting of declarations

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|--|
| <ul style="list-style-type: none">• There are no advantages | <ul style="list-style-type: none">• The Community Board would not be able to conduct its business. |

Assessment of Significance

- 10 This a routine administrative matter and therefore is not considered significant.

Recommended Option

- 11 The recommended option is option 1 to make and attest declarations to enable the Community Board to conduct its business.

Next Steps

- 12 Proceed with the remainder of the agenda following the making and attesting of declarations.

Attachments

There are no attachments for this report.

Election of Chair and Deputy Chair

Record No: R/19/11/25871

Author: Kirsten Hicks, Committee Advisor/Customer Support Partner

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 This report calls for the election of a Community Board Chairperson as required under clause 37, Schedule 7 of the Local Government Act 2002 ('the Act').
- 2 The report also provides the opportunity for the Community Board to appoint a Deputy Chairperson to act for the Chairperson if he or she is unable to perform his or her duties.

Executive Summary

- 3 The Southland District Council requires, by statute, the election of a Chairperson to its community boards. The Community Board may also wish to appoint a Deputy Chairperson who will be called on to fulfil the duties of the Chairperson if he or she is unable to perform his or her duties. All community board members are eligible to be nominated for these roles.
- 4 Prior to electing the chair and deputy chair, the Board must decide which voting system to use. Clause 25 of schedule 7 of the Local Government Act 2002 stipulates that a voting system must be used for certain appointments and the options for this are outlined below.
- 5 There are two options of voting – system A and system B.
 - (3) System A—
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
 - (4) System B—
 - (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Election of Chair and Deputy Chair” dated 6 November 2019.**
- 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) **Agrees to use system A the election of the Chair and Deputy Chair.**
- e) **Elects a Board member to the Chair of the Community Board for the 2019/2022 triennium.**
- f) **Elects a Board member to the Deputy Chair of the Community Board for the 2019/2022 triennium.**

Background

- 6 The Southland District Council requires, by statute, the election of a Chairperson to its community boards. The Community Board may also wish to appoint a Deputy Chairperson who will be called on to fulfil the duties of the Chairperson if he or she is unable to perform his or her duties. All community board members are eligible to be nominated for these roles.

Issues

- 7 The system of voting for the position of Chairperson and Deputy Chairperson is “First Past the Post” by using either system A or B.
- 8 System A requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting.
- 9 System A works by having a first round of voting for all candidates. If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded. Then if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded. Should the result be tied, the then the decision is decided by lot. This could be the toss of a coin or the drawing a name out of a hat.
- 10 System B requires that a person is elected or appointed if he or she receives more votes than any other candidate.

- 11 System B works by there being only 1 round of voting; and if 2 or more candidates tie for the most votes, the tie is resolved by lot. (toss of a coin or the drawing a name out of a hat.)
- 12 There are no requirements for a formal nomination – the Mayor, or their nominee, will call for nominations at the Inaugural Meeting of the Community Board. Members may be nominated for these roles *in absentia*, but cannot vote.
- 13 The term of office for the Chairperson and, if appointed, the Deputy Chairperson of the Community Board shall be for the duration of the 2019/2022 triennium. However, a member may terminate (or have terminated) their office by:
 - Resigning as Chairperson or Deputy Chairperson.
 - A majority decision of the Community Board.
 - A resolution of the Community Board.
 - Being no longer eligible to hold office.
- 14 The Chairperson of the Community Board is responsible for ensuring that the decisions of the Board are consistent with the powers delegated to it by Southland District Council. The Chairperson is responsible for ensuring that the conduct of business is carried out in an orderly way and in accordance with Standing Orders, and any other statute that may apply from time-to-time.
- 15 The role of Chairperson includes:
 - Chairing meetings
 - Review/monitor board work programme and agendas with appropriate staff
 - Address delegated routine matters outside of a board meeting
 - Manage media enquiries relating to community board business
 - Prepare a chairperson's report to be included in each board agenda
- 16 It is recommended that once elected the Chair undertake Chairs training and mentoring at the start of the triennium.
- 17 If the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and exercise any powers, of the Chairperson:
 - with the consent of the Chairperson at any time during the temporary
 - absence of the Chairperson;
 - without that consent, at any time while the Chairperson is prevented by illness or some other cause from performing the responsibilities and duties, or exercising the powers, of his or her role;
 - while there is a vacancy for the role of Chairperson.
- 18 In the absence of proof to the contrary, a Deputy Chairperson acting as Chairperson is presumed to have the authority to do so.
- 19 A Deputy Chairperson continues to hold his or her position so long as he or she continues to be a member of the Community Board or until the election of his or her successor, or until the close of the 2019/2022 triennium.
- 20 In accordance with voting procedures the Community Board is called on to elect members to the position of Chairperson and, if it chooses to do so, to appoint a Deputy Chairperson.

Factors to Consider

Legal and Statutory Requirements

- 21 The Southland District Council requires, by statute, the election of a Chairperson to its community boards.

Community Views

- 22 There are no community views

Costs and Funding

- 23 The Chair is remunerated for the role and the Deputy is not remunerated.

Policy Implications

- 24 There are no policy implications

Analysis

Options Considered

- 25 There are two options to consider – system A or system B

Analysis of Options

Option 1 – System A

| <i>Advantage</i> | <i>Disadvantage</i> |
|--|--|
| <ul style="list-style-type: none">Has more of a focus on voting for a position | <ul style="list-style-type: none">Can take more than one round to achieve a result especially if there is more than two candidates |

Option 2 – System B

| <i>Advantage</i> | <i>Disadvantage</i> |
|--|---|
| <ul style="list-style-type: none">Less steps in achieving a result if there are more than two candidates | <ul style="list-style-type: none">Does not have the same focus on voting for a position |

Recommended Option

- 26 The recommended option is system A.

Assessment of Significance

- 27 This is not considered significant.

Next Steps

- 28 The person elected as Chair will have the relevant administrative matters updated to reflect the responsibilities.

Attachments

There are no attachments for this report.

General Explanation from Chief Executive

Record No: R/19/11/25753
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To provide elected members with a general explanation of the laws affecting them in their role.

Executive Summary

- 2 The chief executive of a local authority is bound by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members on certain legislation which controls the way in which the Council's business may be conducted and the way in which elected members are required to undertake their duties.
- 3 This report provides an overview of the relevant legislation identified in the Act in addition to some other relevant information.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled "General Explanation from Chief Executive" dated 5 November 2019.**
- 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.**

Background

- 4 The general explanation that must be conducted at the first meeting of the Southland District Council following the triennial general election is required to cover sections of the following pieces of legislation:
 - Local Government Official Information and Meetings Act 1987
 - Local Authorities (Members' Interests) Act 1968
 - Sections 99,105, and 105A of the Crimes Act 1961

- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013.

5 The information provided on the relevant legislation does not attempt to cover all the detailed points of the legislation, but brings to elected members attention the key issues affecting their role and functions as members of the Community Board for the 2019/2022 Triennium.

Local Government Act 2002

6 The Local Government Act 2002 is the principal piece of empowering legislation for local authorities. The purpose of the Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this act:

- a. states the purpose of local government
- b. provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them
- c. promotes the accountability of local authorities to their communities
- d. provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach.

7 Section 10 of the act defines the purpose of local government as being:

- a. to enable democratic local decision making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

8 Section 12 grants a power of general competence to local authorities to carry on or undertake any business, do any act or enter into any transaction for the purpose of performing their role. This power is subject to compliance with the other relevant provisions of the Act, particularly those relating to decision-making processes.

9 Part 6 of the Act contains detailed provisions relating to planning, decision making and accountability. These include a requirement to follow a particular process in making decisions, principles governing consultation, consideration of the views of those likely to be affected by or have an interest in the decisions being made and the contribution of Maori to decision-making processes.

Local Government Official Information and Meetings Act 1987

10 The Local Government Official Information and Meetings Act 1987 (LGOIMA) governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by staff and the chief executive has statutory authority to make decisions in relating to administration of these requests.

11 LGOIMA also sets meeting procedures and requirements. These include:

- the requirement to give public notice of meetings

- the public availability of the agenda and supporting papers for meetings of the Council, and its committees and subcommittees
- the circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances
- the responsibility of the chair to maintain order at meetings and the power they have, under section 50, to require any person to leave the meeting should they believe on reasonable grounds that their behaviour could prejudice the orderly conduct of the meeting.

12 What is official information?

- formal documents, any writing on any material, any information recorded or stored by means of a tape recorder or computer
- draft reports, correspondence etc
- handwritten notes
- emails – including on your home computer or emails sent from your personal accounts and any deleted emails
- pictures
- recordings
- text messages
- information that is known to elected members and/or staff but is not necessarily recorded.

13 It is useful to ask:

- is this a personal record or a Council record?
- do I need to keep this personal record in Council systems?
- do I need to make this record in this way using this language?
- how would this look on the front page of the newspaper?

14 Elected members should be aware that all information that they receive or ‘know’ in their official capacity falls within the scope of official information covered by LGOIMA. This includes, for example, any information that they may receive on a private email. As a general rule elected members should forward a copy of any such information to a committee advisor so that it can be formally filed in Council’s records management system. It is an offence to destroy official information.

Local Authority (Members’ Interests) Act 1968

15 The Local Authorities (Members’ Interests) Act 1968, which has two main aspects:

Contracts

16 The act provides that no person shall be elected or appointed to be a member of a local authority or any committee of a local authority, if the total payments made by that local authority in respect

of a contract with which that person is concerned or interested exceeds \$25,000 in any financial year (although the local authority can seek the approval of the Auditor General on a case by case basis).

- 17 If a member breaches the \$25,000 limit, he/she is disqualified from holding office and there is an extraordinary vacancy created. The disqualification remains until the next triennial election

Pecuniary Interest

- 18 The act further provides that a member of a local authority shall not vote on or take part in the discussion of any matter in which he/she has directly or indirectly any pecuniary interest, other than an interest in common with the public, The same applies if a member's spouse or partner has directly or indirectly a pecuniary interest other than an interest in common with the public.
- 19 Members who are prohibited from voting on or discussing a matter are under a duty to declare their interest to the meeting, and their abstention from discussion or voting is to be recorded in the minutes.
- 20 If a member acts in breach of this prohibition he/she commits an offence and is liable to a fine of \$100. The member is required to vacate office creating an extraordinary vacancy.

Crimes Act 1961

- 21 Under the Crimes Act 1961 a member of a local authority who obtains or accepts or offers to accept any bribe to do, or not do, something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to seven years.

Secret Commissions Act 1910

- 22 Under the Secret Commissions Act 1910, an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to two years and a fine of up to \$1,000.

Financial Markets Conduct Act 2013

- 23 The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

Health and Safety at Work Act 2015

- 24 Health and Safety at Work Act 2015 allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure as far as is reasonably practicable the safety of workers and others who may be impacted by the work the business undertakes.

- 25 For the purposes of the act elected members (which include the Mayor, councillors and community board members) and the chief executive are by default identified as “officers”. Officers is any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking.
- 26 Officers have due diligence obligations, which include:
- To acquire, and keep up to date, knowledge of work, health and safety matters
 - To gain an understanding of the nature of the operations of the business and the associated hazards and risks
 - To ensure that sufficient resources have been allocated and processes put in place to eliminate or minimise risks to health and safety from work carried out
 - To ensure that there are appropriate processes in place for receiving and considering information regarding incidents, hazards and risks.

Public Audit Act 2001

- 27 Local Authorities are defined as public entities in section 4 of the Act. The Auditor-General is appointed as the auditor of every public entity. He also has the power (section 16) to examine, at any time:
- The extent to which the public entity is carrying out its activities effectively and efficiently
 - The entities compliance with it statutory obligations
 - Any actions which show or appear to show a lack of probity or financial prudence.
- 28 Under section 18 the Auditor-General also has a general power to hold an inquiry into any matter concerning the use of resources by a public entity.

Issues

- 29 There is a need for the chief executive to provide elected members with a briefing on relevant legislation.

Factors to Consider

Legal and Statutory Requirements

- 30 The chief executive is required by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members in relation to specific sections of legislation.

Community Views

- 31 The community would expect the chief executive to comply with a statutory requirement.

Costs and Funding

- 32 There are no costs and funding.

Policy Implications

- 33 There are no policy implications.

Analysis

Options Considered

- 34 There are no options to consider as this is a legislative requirement for the chief executive to provide.

Assessment of Significance

- 35 This is not considered significant.

Recommended Option

- 36 There are no recommended options.

Next Steps

- 37 Elected members to consider their obligations in undertaking their duties.

Attachments

There are no attachments for this report.

Terms of Reference and Delegations 2019 - 2022

Governance Structure

Record No: R/19/11/25754

Author: Fiona Dunlop, Committee Advisor

Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision

☐ Recommendation

☒ Information

Purpose

- 1 To advise the Community Board of the Terms of Reference and Delegations for Southland District Council Community Boards for the 2019/2022 Triennium which were approved by Council at its meeting on Friday 1 November 2019.

Executive Summary

- 2 Council at its meeting on Friday 1 November 2019 adopted a new Delegations Manual containing the terms of reference/delegations for the governance structure adopted by Council for the 2019/2022 triennium.
- 3 This report presents the new Delegations Manual to the Stewart Island/Rakiura Community Board and highlights some of the key changes from the previous term.
- 4 The terms of reference and declarations for the community boards reflect the new structure and the representative leadership pillar supporting the community governance concept that Council has progressed.
- 5 The key functions of the community board as expressed in the delegations manual are to:
 - to promote the social, economic, environmental and cultural well-being of local communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities
 - to provide leadership to local communities on the strategic issues and opportunities that they face
 - to be advocates and representatives for their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations
 - to be decision-makers on issues that are delegated to the board by Southland District Council
 - to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community
 - to maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs
- 6 Other changes are referred to in the issues section of this report.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Terms of Reference and Delegations 2019 - 2022 Governance Structure” dated 5 November 2019.**
- 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) **Notes that the Delegations Manual containing terms of reference and delegations for the governance structure including Community boards was adopted by Council at its meeting on Friday 1 November 2019.**

Background

- 7 Council at its meeting on Friday 1 November 2019 approved the adoption of a Delegations manual which provides a ‘one stop shop’ for elected representatives, staff and the public to access Council’s delegations of governance activities to Council committees and community boards, Council’s delegations of management activities to the chief executive and the chief executive’s delegations to Council staff including the executive leadership team.
- 8 A delegations manual helps Council to operate efficiently and effectively, concentrate on strategic matters and empower the chief executive and staff to implement and administer the policies and provide a practical mechanism that enables decisions to be made at an appropriate level.
- 9 In exercising the delegations committees, community boards and staff need to do this within the policies and guidelines established by Council, and within the budgets set by Council.

Issues

- 10 As noted in paragraph 5 of this report the key functions of the community boards have been rewritten to better reflect the role of community boards.
- 11 The recent change to the Local Government Act 2002 including the concept of community wellbeing has been reflected in the delegations for community boards and also the Community and Strategy Committee.
- 12 In addition to measures to strengthen the relationship of Community boards with Council, the delegations reflect that community boards will also have a relationship with a subject matter committee –e.g. Community and Strategy or Services and Assets.
- 13 The delegations for community boards are set out in a way that relate to the different roles. For example, community leadership, advocacy, community assistance, service delivery and environmental management.

- 14 The board will be able to approve a business case for an approved budgeted capital expenditure of up to \$300,000 – this is for particular projects that are in the Long Term Plan. The board will also be able to accept donations of a local asset – for example a barbeque or park bench with a value less than \$20,000.
- 15 The board will also be able to approve unbudgeted operating expenditure for local activities of up to \$20,000. In the previous term this was \$10,000. In addition, the board will have the authority to approve up to \$20,000 increase in the projected cost of a budgeted capital works project /item that is included in the annual plan/long term plan.
- 16 Local activities include community leadership, halls and community centres, wharves and harbour facilities, local parks and reserves.
- 17 The board will also have authority to name reserves, structures and commemorative places and roads.
- 18 In addition to the delegations to each community board there are several that relate to one or two community boards in particular.
- 19 The Northern community board has power to make decisions regarding funding applications to the Northern Southland Development Fund.
- 20 The Fiordland Community Board will recommend levels of service and annual budget to the Services and Assets Committee and monitor the performance and delivery of the Te Anau/Manapouri Airport.
- 21 Similarly, the Stewart Island/Rakiura Community Board will recommend levels of service and annual budget to the Services and Assets Committee and monitor the performance and delivery of the Stewart Island Electricity Supply Authority (SIESA).
- 22 Council has changed the reporting relationship of its subcommittees and one committee. The Riverton Harbour subcommittee, Te Anau Basin, Five Rivers and Matuku water supply subcommittees, the Stewart Island/Rakiura Visitor Levy subcommittee and the Ohai Railway Fund Committee will each have a relationship with their respective community board. Council acknowledges that several of these subcommittees and the Ohai Railway Fund committee have power to act on certain matters.

Factors to Consider

Legal and Statutory Requirements

- 23 Council is legally empowered to grant the delegations.

Community Views

- 24 Community views were not sought in relation to the Delegations manual as it relates to organisation wide operational practices. It can be expected that the community would expect council to operate in accordance with recognised good practice standards in this regard.

Costs and Funding

- 25 There are no cost or funding implications.

Policy Implications

- 26 There are no policy implications associated with noting that Council has adopted a delegations manual

Analysis

Options Considered

- 27 There are two options – either receive the report and note the delegations manual adopted by Council or not.

Analysis of Options

Option 1 – Receive the report and note the delegations manual adopted by Council

| <i>Advantage</i> | <i>Disadvantage</i> |
|---|---|
| <ul style="list-style-type: none">The Board will be able to make decisions in accordance with the delegations manual. | <ul style="list-style-type: none">There are no disadvantages. |

Option 2 – Not accept the report

| <i>Advantage</i> | <i>Disadvantage</i> |
|--|---|
| <ul style="list-style-type: none">There are no advantages. | <ul style="list-style-type: none">The board will not have any authority to act. |

Recommended Option

- 28 The recommended option is Option 1.

Assessment of Significance

- 29 This is not considered significant.

Next Steps

- 30 Community board members are to note the report and consider the obligations in undertaking their duties.

Attachments

- A Delegations Manual as approved by Council on 1 November 2019 [↓](#)



Southland District Council

Manual of Delegations

1 November 2019

Southland District Council
Te Rohe Pōtae o Murihiku

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Council Revisions

| Council meeting date | Amendment/act | Report # |
|----------------------|--|-------------|
| 10/4/19 | Created | R/19/1/1589 |
| 10/4/19 | Disestablishment of the Te Anau Wastewater Discharge Project Committee | R/19/3/5028 |

Delegations to Officers

| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|--------------------------------|--|---|--------------|
| 9 June 2019 | Section 319 – LGA 1974 | General Powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council 319(h) where a permanent road stopping is proposed as this is required to be referred to Council | Group manager services and assets Strategic manager transport Property services manager | R/19/6/10616 |
| 9 June 2019 | Section 181 – LGA 2002 | Construction of works on private land | Group manager services and assets Property services manager Strategic manager water and waste | R/19/6/10615 |
| 9 June 2019 | Airport Authorities Act 1966 | Leasing powers of airport authorities | Group manager services and assets Property services manager Commercial infrastructure manager | R/19/6/10614 |
| 9 June 2019 | Residential Tenancies Act 1986 | To undertake the role and obligations of the landlord as required by the act. | Group manager services and assets Property services manager Community facilities manager | R/19/6/10613 |
| 30 June 2019 | Building Act 2004 | Various sections of the Building Act 2004 | Group manager environmental services | R/19/7/12649 |

| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|-----------------------------|---|--|--------------|
| | | | Manager building solutions Technical lead building solutions Building control officer Technical support partners Team leader resource management Senior planner | |
| 11 July 2019 | Land Transfer Act 1952 2017 | 10.4 Delegations to the chief executive 10.4.1 Legislation and regulations The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these acts. This includes, but is not limited to , the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers. Land Transfer Act 1952 Land Transfer Act 2017 | Chief executive | R/19/7/13091 |
| | | 11.28 Land Transfer Act 1952 2017 Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 1952 2017 | Property services manager | R/19/7/13091 |
| | S.34 | Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 1952 2017 | Property services manager | |
| 6 August 2019 | | 11.28 Land Transfer Act 2017 | Group manager services and assets | R/19/8/15000 |

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| Date approved by chief executive | Section | Delegation | Officers granted delegation | |
|----------------------------------|---------|---|--|--|
| | | The authority to execute A&I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction | Property services manager Group manager – environmental services Team leader resource management | |

1 Introduction

Southland District Council ("Council") relies on a clear distinction between governance and management activities for effective operation. Council is comprised of:

- **elected members**, including councillors and community board members who have overall responsibility for Council decisions and activities
- **the chief executive**, who is the sole employee of the elected members, and
- **Council officers**, who are employed by the chief executive.

Governance activities are the remit of elected members. Management activities are the remit of the chief executive, which includes the provision of policy advice, as well as implementing the governance decisions made by elected members.

In order for a council to operate efficiently and effectively, the chief executive delegates provision of policy advice and decision implementation to council officers.

1.1 Purpose

The purpose of the Delegations Manual ("the manual") is to define and authorise the scope of:

- a) the division between governance and management activities
- b) Council's delegations of governance activities to Council committees and community boards
- c) Council's delegations of management activities to the chief executive
- d) the chief executive's delegations to Council officers, including the Executive Leadership Team.

Other aspects of Council's work programme can be delegated by Council resolution. This includes the work programme detailed in the Long Term Plan and Annual Plan. Separate delegations are not required for Council officers to undertake any work included in these documents, which are adopted by Council.

The Delegations Manual also provides for specific delegations relating to finance, regulatory functions and specific statutory responsibilities devolved to Council through legislation.

1.2 Structure of Manual

The Delegations Manual is structured as follows:

1. Delegations framework – this section outlines Council's guiding principles for delegating authority and establishes the legal power for making these delegations. It then establishes the framework through which the delegations are made and structured
2. Governance delegations – this section sets out the delegation of governance powers from Council to committees and community boards
3. Financial delegations – the delegation of financial powers enables the achievement of Council's objectives and work programme, as adopted in the Long Term Plan and Annual Plan. This section sets the limits of financial delegations to Council sub-committees and Council officers
4. Statutory delegations - this section sets out key statutes and regulations that devolve and delegate power, duties and responsibilities to Council. These delegations are consistent with the Local Government Act 2002 ("the act"), which empowers Council to delegate the enforcement,

inspection, licensing and administration related to bylaws and other regulatory matters to any other local authority, organisation, or person

5. Non statutory delegations – this section sets out how the chief executive delegates management powers and responsibilities to facilitate the effective operation and administration of Council business.

2 Delegations Philosophy

Delegations are the assignment of a duty or power of action to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

The powers, functions and duties of Council are prescribed by central government either expressly or implicitly by statute and associated regulations. The legislative framework imparts various different powers, functions and duties to the elected Council, the chief executive and to specific Council officers.

Primary statutes that impact Council include but are not limited to:

- Local Government Act 2002 ('the act')
- Resource Management Act 1991 ('RMA')
- Building Act 2004
- Reserves Act 1977.

2.1 Philosophy

In the interests of good management and effective administration, Council believes that decision-making should be delegated to the lowest competent level. This will enable the best use of elected member and Council officer abilities and minimise the cost of material, technical and financial resources.

Authority and responsibility are inseparable. Those with the responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use.

Delegations do not remove ultimate accountability of elected members, the chief executive and the leadership team for the affairs of Council.

2.2 Key Principles

In making decisions about delegated authority, Council and the chief executive will balance the following, to enable Council to:

- operate efficiently and effectively
- concentrate on its policy making role, empowering the chief executive and Council officers to implement and administer those policies
- carry out Council functions openly and fairly
- provide delegates with the necessary authority to effectively carry out delegated responsibilities
- properly observe all statutory requirements.

Other principles observed in the development of the manual are that delegations will:

- be made to positions, not people
- be recorded in the Delegations Manual
- have any updates recorded in an Appendix of Subsequent Delegations
- commit Council to decisions made by staff with delegated authority
- be reviewed and amended as required, including a review in line with triennial elections.

2.3 Delegations to the Chief Executive

Council may delegate any function to the chief executive except those expressly precluded by legislation. Any further delegations by the chief executive made following the publication of this manual will be recorded in an Appendix of Subsequent Delegations.

The chief executive may appoint an Executive Leadership Team member to assume delegated authority in the event of planned or unplanned leave, absence or unavailability. Such appointments should be for a limited time and be recorded in writing.

2.3.1 Temporary Delegations

Council officers who are charged with increased duties in a temporary capacity also receive the delegated powers, duties and responsibilities relevant to the position in which they are acting. Any appointment in a temporary capacity shall be recorded in writing and be for a defined period.

2.3.2 Extension of Delegated Authority

The group manager and team leader/activity manager of any Council officer who has a specific delegated authority will share the same delegation.

2.4 Legal Restrictions

Council cannot delegate any power which is required by law to require a resolution of Council, including under Schedule 7 Clause 32 of the Local Government Act 2002.

Council cannot delegate the power to:

- set a rate
- adopt a bylaw
- borrow money, purchase or dispose of assets, outside of the Long Term Plan
- adopt a Long Term Plan, Annual Plan, or Annual Report
- appoint the chief executive
- adopt policies with consultation requirements prescribed by the Local Government Act 2002, including those associated with the Long Term Plan
- approve, adopt, and set operative dates for changes and/or variations to resource management plans and policies under the Resource Management Act 1991
- approve and adopt the District Plan and Notices of Requirement
- adopt a remuneration or employment policy

- make a final decision following an ombudsman's recommendation that rejects or modifies that recommendation
- appoint or discharge the deputy mayor
- approve or amend Council's Standing Orders
- approve or amend the Code of Conduct for elected members
- establish and determine the structure, terms of reference, and delegated authorities of committees
- appoint and discharge members of committees
- establish a joint committee with another local authority or public body.

2.5 Powers and Responsibilities Retained by Council

Council also retains the following additional powers and responsibilities:

- the powers and duties conferred or imposed on Council under Part 2 of the Public Works Act 1981 to allow for the compulsory acquisition of land
- approval of a draft Long Term Plan or draft Annual Plan prior to community consultation
- approval of a draft bylaw prior to community consultation
- resolutions required to be made by Council under the Local Electoral Act 2001, including the appointment of an electoral officer
- the power to institute any proceedings in the high court that are not injunctive proceedings
- the power to sell, dispose or purchase land, including parks, reserves and endowment properties where they are not being acquired as part of the approval of a resource consent for developments such as subdivisions or where the land is being acquired as part of a project included in the Long Term Plan where the value is less than \$50,000
- the power to cease any existing function or commence any new significant activity
- formulation or amendment of Council's corporate goals and objectives
- adoption of the Local Governance Statement
- adoption of the Triennial Agreement
- preparation of Long Term Plan/Annual Plan documents
- power to set fees and charges
- adoption of the Assessment of Water and Sanitary Services.

3 The Statutory Framework

3.1 Council's Principal Responsibilities

The purpose of local government as per s.10 of the Local Government Act 2002 is:

- to enable democratic local decision-making and action by, and on behalf of, communities, and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The governance principles of local government as set out in s.39 of the Local Government Act 2002 are:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community
- a local authority should ensure that the governance structures and processes are effective, open, and transparent
- a local authority should ensure that, so far as is practicable, responsibility and processes for decision making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities
- a local authority should be a good employer
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

3.2 Responsibilities of the Chief Executive

The Local Government Act 2002 requires Council to delegate the management of the organisation to the Chief Executive in accordance with s.42 and Schedule 7 ss.33 – 36, on the terms and conditions that Council consider appropriate.

The Chief Executive is responsible to the elected Council for:

- a) implementing the decisions of the local authority
- b) providing advice to members of the local authority and to its community boards, if any
- c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised
- d) ensuring the effective and efficient management of the activities of the local authority
- e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- f) providing leadership for the staff of the local authority
- g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy) and
- h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The chief executive is responsible for:

- a) ensuring, as far as practicable, that the management structure of the local authority:
 - reflects and reinforces the separation of regulatory responsibilities and decision making processes from other responsibilities and decision making processes
 - is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- b) appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications in respect of which Council, or a Council controlled organisation (CCO), is or could be perceived to be an interested party

- c) delegating to the hearings panel all of Council's regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; approvals under the Fencing of Swimming Pools Act 1987; and actions under the Dog Control Act 1996
- d) delegating to appropriate staff Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

3.3 Delegation of Powers to any Other Officer

The Delegations Manual records all delegations from the chief executive to Council officers. Schedule 7 (s.32B) of the Local Government Act 2002 provides (with some restrictions) powers for a Council officer to further delegate to any other officer.

4 Authority

All previous delegations were revoked by resolution, and the delegations made in the governance section of the manual and other delegations of statutory and financial powers to committees and subcommittees and all the delegations made to the chief executive were adopted by Council at its meeting on 10 April 2019.

Sub delegations made by the chief executive pursuant to the policy and to the powers delegated to him were made effective from 10 April 2019.

5 Amendments to this Manual

This manual shall be maintained by the Governance and Democracy Team who shall amend it in accordance with:

- any instruction to that effect given by Council, and any for delegate authorised to amend this manual
- any need for typographical, grammatical or other minor amendment where the intention of Council in the matter of a delegation is not altered
- any amendments to address legislative or regulatory changes, excluding the powers and responsibilities that remain with Council, which shall go to Council for approval.

The Delegations Manual will be reviewed in line with triennial elections.

6 Conduct of Affairs

All elected members, community boards, committees and subcommittees shall conduct their affairs in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act (LGOIMA) 1987, Local Authorities (Members' Interests) Act 1968, Council Code of Conduct (with respect to all elected members) and standing orders.

7 Ambiguity or Conflict

In the event of ambiguity or conflict as to which committee or subcommittee has the delegated authority to act in respect of a particular matter, then the mayor will decide in consultation with governance and democracy and having received advice from the chief executive.

8 Governance Delegations

8.1 Introduction

Council's delegation model is designed to enable committees of Council to undertake their roles consistent with their terms of reference. The use of delegated authority to the most appropriate level of the organisation enables Council to achieve the purpose of local government as prescribed in the Local Government Act 2002; which is:

- to enable democratic local decision-making and action by and on behalf of, communities; and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

When a statute or regulation empowers Council to carry out a decision making function, that decision must be made by resolution of the full governing body, unless the statute or regulation permits delegation to a committee, subcommittee or Council officer.

Under s.41A of the Local Government Act 2002, the mayor has the power to establish the committees of Council and appoint the chairperson of each committee of Council before the other members of the committee are determined.

The business to be delivered and administered by Council is significant and wide-ranging, implementing the requirements of many statutes and associated regulations, Council plans, policies, bylaws and other services. Without delegation, Council's operations and administration would not be efficient, effective or timely in delivering services.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. Delegates may choose not to exercise authority when a matter becomes of high public interest, or the issues involved are contentious or high risk.

When urgency, public interest, or risk requires matters that would normally be delegated for decision to a standing committee may go to the full elected Council for decision. The decision to do so will be made by the mayor in conjunction with the chief executive.

8.2 Community Boards

Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 ('LGA'), Council delegates the responsibilities, duties and powers listed below to community boards to exercise within their communities (as defined in the LGA).

Any decision by a community board must be consistent with policies or standards or resolutions adopted by Council (whether or not specifically referred to in the delegations below), the needs of their local communities and the approved budget for the activity.

It is Council's intention that community boards exercise their delegations in respect of local activities. For District activities which are the responsibility of Council, community boards will have the power to review and make recommendations to Council on the levels of service on the understanding that Council will be operating on a District wide minimum level of service.

The decision as to whether the exercise of a delegated power is for a local activity will be made by the group manager community and futures and the assigned executive leadership team member on behalf of the chief executive. The group managers may consult with the chairperson of the relevant community board.

| | |
|------------------------------|--|
| TYPE OF COMMITTEE | Community board |
| RESPONSIBLE TO | Council Each community board will have a relationship with the committees in section 8.4.2 to 8.4.5 based on the scope of the activities/functions delegated to each committee. |
| SUBCOMMITTEES | As noted in section 8.5 various subcommittees will report to specific community boards. |
| LEGISLATIVE BASIS | Resolution made by Council through the representation arrangements as per the Local Electoral Act 2001. Role, status and membership as per subpart 2 of Part 4 of the Local Government Act 2002 (LGA). Treaty of Waitangi as per section 4, Part 1 of the LGA. Opportunities for Maori to contribute to decision-making processes as per section 14 of Part 2 of the LGA. Community boards delegated powers by Council as per schedule 7, clause 32, LGA. Appointment of councillors to community boards as per section 50, LGA. |
| MEMBERSHIP | Oreti and Waihopai Toetoe Community Boards have seven members elected by the local authority triennial elections plus a member appointed by Council. All other community boards have six members plus a member appointed by Council. The chairperson is elected by the community board. Councillors who are not appointed to community boards can only remain for the public section of the community board meeting. They cannot stay for the public excluded section unless the community board agrees. |
| FREQUENCY OF MEETINGS | Every second month but up to ten ordinary meetings a year |
| QUORUM | Not less than four members |
| KEY FUNCTIONS | <ul style="list-style-type: none"> to promote the social, economic, environmental and cultural well-being of local communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities to provide leadership to local communities on the strategic issues and opportunities that they face to be advocates and representatives for their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations to be decision-makers on issues that are delegated to the board by Southland District Council |

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| | <ul style="list-style-type: none"> • to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community • to maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs • to recommend the setting of levels of service and budgets for local activities. |
| DELEGATIONS | <p>The community board shall have the following delegated powers and be accountable to Council for the exercising of these powers.¹</p> <p>In exercising the delegated powers, the community board will operate within:</p> <ol style="list-style-type: none"> 1) policies, plans, standards or guidelines that have been established and approved by Council 2) the needs of the local communities; and 3) the approved budgets for the activity. <p>Power to Act</p> <p>The community board will prepare and implement programmes of work, which will be reflected in its community board plan, which are relevant to the purposes of the community board that are consistent with the long term plan and annual plan processes of Council. Such programmes are to include budgetary provision for all costs associated with the work.</p> <p>Community Well-Being</p> <ol style="list-style-type: none"> 4) to develop local community outcomes that reflect the desired goals for their community/place 5) to monitor the overall well-being of local communities and use the information gathered to inform development of local strategies to address areas of need 6) work with Council and the community to develop a community board plan for the community of interest area – working in with any community plans that may exist. <p>Community Leadership</p> <ol style="list-style-type: none"> 7) communicate and develop a relationship with community organisations, local groups, and special interest groups within the local community of interest 8) 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 9) promote a shared vision for the community of interest area and develop and promote ways to work with others to achieve positive outcomes 10) 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. |

¹ Local Government Act 2002, s.53

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| | <p>Advocacy</p> <p>11) submissions</p> <ul style="list-style-type: none"> 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 or other agency 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. <p>12) authority to prepare a submission to Council on the proposed levels of service, income and expenditure within the community of interest area, for consideration as part of the long term plan/annual plan process</p> <p>13) provide comment by way of the formal Annual Plan/Long Term Plan process on relative priorities for the delivery of District services and levels of service within the community board area.</p> <p>District activities include:</p> <ul style="list-style-type: none"> a) wastewater b) solid waste c) water supply d) parks and reserves e) roading f) libraries g) cemeteries h) emergency management i) stormwater j) public toilets k) community housing <p>14) Council will set the levels of service for District activities – if a community board seek a higher level of service they will need to recommend that to Council and it will need to be funded in an appropriate way (locally).</p> <p>Community Assistance</p> <p>15) authority to establish prioritisation for allocation based on an overarching set of criteria from council to guide the scope of the activity</p> <p>16) authority to grant the allocated funds from the Community Partnership Fund</p> <p>17) authority to allocate bequests or grants generated locally consistent with the terms of the bequest or grant fund</p> <p>18) Northern Community Board</p> <p>19) make decisions regarding funding applications to the Northern Southland Development Fund. The Northern Community Board</p> |
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| | <p>may invite a representative of the community of Dipton to take part in the decisions on applications to the Northern Southland Development Fund.</p> <p>Unbudgeted Expenditure</p> <p>Approve unbudgeted operating expenditure for local activities of up to \$20,000.</p> <p>Approve up to a \$20,000 increase in the projected cost of a budgeted capital works project/item that is included in the annual plan/LTP.</p> <p>Authority to delegate to the chief executive, when approving a project definition/business case, over-expenditure of up to \$10,000 for capital expenditure against the budget detailed in the Annual Plan/LTP.</p> <p>Service Delivery</p> <p>Local Activities</p> <p>For activities within the local activities category, the community board shall have authority to:</p> <ol style="list-style-type: none"> recommend to Council levels of service for local activities having regard to Council budgets within the Long Term Plan and Annual Plan process recommend to Council the rates and/or user charges and fees to fund the local activities accept donations of a local asset eg a gas barbeque, park bench, etc with a value of less than \$20,000. approve project definitions/business cases for approved budgeted capital expenditure up to \$300,000 recommend to the Services and Assets Committee the approval of project definitions/business case and procurement plan for capital expenditure over \$300,000 and/or any unbudgeted capital expenditure monitor the performance and delivery of the service in meeting the expected levels of service facilitate the development of local management plans (for subsequent recommendation to Council), where required by statute or in support of District or other plans for reserves, harbours, and other community facilities, except where powers: <ul style="list-style-type: none"> have been delegated to Council officers; or would have significance beyond the community board's area or otherwise involves a matter of national importance (Section 6 Resource Management Act 1991); or involve the alienation of any part of a proposed or existing esplanade reserve by way of width reduction, easement, lease or otherwise. <p>Local activities include:</p> <ol style="list-style-type: none"> community leadership local halls and community centres (within Council's overarching policy for community facilities) |
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| | <ul style="list-style-type: none"> iii) wharves and harbour facilities iv) local parks and reserves v) parking limits and footpaths vi) Te Anau/Manapouri Airport (Fiordland Community Board) vii) Stewart Island Electricity Supply Authority (SIESA) (Stewart Island/Rakiura Community Board) <ul style="list-style-type: none"> (i) for the above two local activities only (ii) recommend levels of service and annual budget to the Services and Assets Committee (iii) monitor the performance and delivery of the service |
| | <p>20) naming reserves, structures and commemorative places</p> <ul style="list-style-type: none"> a) authority to decide upon requests from the community, regarding names of reserves, the placement of structures and commemorative places. |
| | <p>21) naming roads</p> <ul style="list-style-type: none"> a) authority to decide on the naming for public roads, private roads and rights of way |
| | <p>22) assist the chief executive by providing comment (through the board chairperson) to consider and determine temporary road closures applications where there are objections to the proposed road closure.</p> |
| | <p>Rentals and Leases</p> <p>In relation to all leases and licences of land and buildings for local activities within their own area, on behalf of Council;</p> <ul style="list-style-type: none"> a) accept the highest tenders for rentals more than \$10,000 b) approve the preferential allocation of leases and licenses where the rental is \$10,000 or more per annum. |
| | <p>Environmental management and spatial planning</p> <p>23) provide comment on behalf of the relevant community/communities on resource consent applications referred to the community board for comment.</p> <p>24) recommend to Council the level of bylaw service and enforcement to be provided within the community, having regard to the need to maintain consistency across the District.</p> <p>25) 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.</p> <p>26) provide input into regulatory activities not otherwise specified above where the process allows.</p> <p>27) recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the board has made submissions; 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.</p> |

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| LIMITS TO DELEGATIONS | <p>No financial or decision making delegations other than those specifically delegated by Council.</p> <p>The community board shall only expend funding on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its Long Term Plan/Annual Plan. In accordance with the provisions of section 39(2) of Schedule 7 the board may not incur expenditure in excess of the approved budget.</p> <p>Matters which are not Delegated</p> <p>Southland District Council has not delegated to community boards the power to:</p> <ul style="list-style-type: none"> • make a rate or bylaw • acquire, hold or dispose of property • direct, appoint, suspend or remove staff • engage or enter into contracts and agreements and financial commitments • institute an action for recovery of any amount • issue and police building consents, notices, authorisations and requirements under acts, statutes, regulations, bylaws and the like; • institute legal proceedings other than the delegation to recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the community board has made submissions. |
| CONTACT WITH MEDIA | <p>The community board chairperson is the authorised spokesperson for the board in all matters where the board has authority or a particular interest.</p> <p>Board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The assigned Executive Leadership Team member will manage the formal communications between the board and its constituents and for the board in the exercise of its business. Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |
| REPORTING | <p>Community boards are unincorporated statutory bodies which are elected to represent the communities they serve.</p> <p>The boards maintain bound minute books of their own meetings.</p> |

8.3 Expectations of Committees

Within its areas of jurisdiction, each committee is expected to:

- report minutes of all meetings to Council
- observe and pursue the goals, objectives and strategies in any strategic plan adopted by full Council
- maintain regular communications with other committees and full Council to ensure that the widest possible good is achieved for the community
- approve expenditure that exceeds delegated authority of Council officers, within the financial parameters of the Long Term Plan and Annual Plan
- ensure appropriate consultation and communication is undertaken with the community and affected stakeholders
- monitor and respond to changes in legislation governing their jurisdiction
- support Council staff to achieve programmes and projects contained in the Long Term Plan.

All committees will operate within:

- the policies, plans, standards or guidelines established and approved by Council
- the overall priorities of Council
- the needs of people in the district
- the approved budgets for the activity.

8.4 Committees

Council has established the following committees:

- Executive Committee
- Community and Strategy Committee
- Services and Assets Committee
- Finance and Assurance Committee
- Regulatory and Consents Committee
- District Licensing Committee

8.4.1 Executive Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | Mayor (chairperson), deputy mayor, chairperson Regulatory and Consents Committee, chairperson Services and Assets Committee, chairperson Finance and Assurance Committee, chairperson Community and Strategy Committee |
| FREQUENCY OF MEETINGS | As required |
| QUORUM | Three members |
| SCOPE OF ACTIVITIES | The Executive Committee is responsible for: <ul style="list-style-type: none"> • overseeing the employment of the chief executive • managing code of conduct issues relating to elected members • making decisions on urgent matters arising between scheduled Council meetings or on specific matters referred to it by Council. |
| DELEGATIONS | Council delegates to the Executive Committee the following powers: <ol style="list-style-type: none"> (a) oversee the employment of the chief executive in accordance with the provisions of the Local Government Act 2002 (b) development of the chief executive's performance agreement for review and approval by Council (c) monitoring the chief executive's performance against the approved performance agreement (d) commissioning any market data required to assess appropriate remuneration for the chief executive for their annual review (e) developing a remuneration arrangement for the chief executive and making recommendations to Council. (f) authority to investigate any complaints or issues about the actions of an elected member under the code of conduct (g) authority to make decisions on urgent matters between Council meetings or on matters specifically referred to it by Council including the approval of unbudgeted expenditure requests that do not include the purchase of an asset not provided for in the Long Term Plan. (h) the authority to engage the independent member of the Finance and Audit Committee to assist with the investigation of a code of conduct issue/complaint should they consider that desirable. |
| FINANCIAL DELEGATIONS | Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction. |

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| | <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Executive Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy. |
| CONTACT WITH MEDIA | <p>The mayor is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest. Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations unless expressly given.</p> |

8.4.2 Community and Strategy Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Community and Strategy Committee is a committee of the whole Council. The mayor and all councillors will be members of the Community and Strategy Committee. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Seven |
| SCOPE OF ACTIVITIES | <p>The Community and Strategy Committee is responsible for:</p> <ul style="list-style-type: none"> • providing advice to Council on the approaches that it should take to promote the social, economic, environmental and cultural well-being of the District and its communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities • to provide leadership to District communities on the strategic issues and opportunities that they face • to develop relationships and communicate with stakeholders including community organisations, special interest groups and businesses that are of importance to the District as a whole. • assessing and providing advice to Council on: <ul style="list-style-type: none"> - key strategic issues affecting the District and Council - community development issues affecting the District and Council - the service needs of the District's communities and how these needs might best be met - resource allocation and prioritisation processes and decisions. • developing and recommending strategies, plans and policies to the Council that advance Council's vision and goals, and comply with the purpose of local government as specified in the Local Government Act 2002 • monitoring the implementation and effectiveness of strategies, plans and policies • developing and approving submissions to government, local authorities and other organisations • advocating Council's position on particular policy issues to other organisations, as appropriate • considering recommendations from community boards and Council committees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required. |

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| | <p>It is also responsible for community partnerships and engagement. This includes:</p> <ul style="list-style-type: none"> • monitoring the progress, implementation and effectiveness of the work undertaken by Great South in line with the Joint Shareholders Agreement and Constitution. • allocations of grants, loans, scholarships and bursaries in accordance with Council policy • international relations • developing and overseeing the implementation of Council's community engagement and consultation policies and processes. <p>The Community and Strategy Committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • community services • district leadership. |
| DELEGATIONS | <p>Power to Act</p> <p>The Community and Strategy Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ol style="list-style-type: none"> a) approve submissions made by Council to other councils, central government and other bodies b) approve scholarships, bursaries, grants and loans within Council policy and annual budgets c) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. d) monitor the performance of Great South.. <p>Power to Recommend</p> <p>The Community and Strategy Committee has authority to consider and make recommendations to Council regarding strategies, policies and plans.</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Community and Strategy committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land subject to the disposal being provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items |

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| | <ul style="list-style-type: none"> • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee will maintain and develop relationships with:</p> <ul style="list-style-type: none"> • Community Boards • Great South • Milford Community Trust • Destination Fiordland. <p>The committee will also hear and receive updates to Council from these organisations as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager, community and futures will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.3 Services and Assets Committee

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| TYPE OF COMMITTEE | Council standing committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Services and Assets Committee is a committee of the whole Council. The mayor and all the councillors will be members of the Services and Assets Committee. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Not less than seven members |
| SCOPE OF ACTIVITIES | <p>The Services and Assets Committee is responsible for ensuring that Council delivers its infrastructural asset based services in an effective and efficient manner that meets the needs of its communities and protects the investment that Council has in these assets.</p> <p>The committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • transport • property management including community facilities, acquisitions and disposals (including land dealings) • forestry • water supply, wastewater and stormwater • solid waste management • flood protection • waste management • Te Anau airport • Stewart Island Electrical Supply Authority • Stewart Island Jetties and Riverton Harbour • water supply schemes. |
| DELEGATIONS | <p>The Services and Assets Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <p>Power to Act</p> <p>The committee has the delegated authority to:</p> <ol style="list-style-type: none"> a) assess and provide advice to Council on the strategic issues relating to the delivery of infrastructural asset services b) reviewing and recommending to Council strategies on how it should go about managing the delivery of the infrastructural asset services that it provides c) monitor the condition and performance capability of the infrastructural assets owned by Council so as to ensure that it protects its investment in these assets in accordance with accepted professional standards |

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| | <p>d) monitor the delivery of capital works projects and the implementation of the capital works programme</p> <p>e) monitor the delivery of operations and maintenance contracts</p> <p>f) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. Where the value of the work, services, supplies or business case or the value over the term of the contract is estimated to exceed \$2 million a prior review and recommendation of the business case by the Finance and Assurance Committee is required. The business case shall include as a minimum; risk assessment, a procurement plan and financial costings. If there is a different recommendation from the Finance and Assurance Committee the matter will be referred to Council for a decision</p> <p>g) monitor the return on all Council's investments including forestry</p> <p>h) monitor and track Council contracts and compliance with contractual specifications.</p> <p>Power to Recommend</p> <p>The Services and Assets Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to the scope of activities of the Services and Assets Committee</p> <p>b) changes to Council's adopted levels of service</p> <p>c) the dividend from the forestry business unit</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Services and Assets committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> funded by way of savings on existing budget items within the jurisdiction of the committee consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> amendment to fees and charges relating to all activities |

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| | <ul style="list-style-type: none"> • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Community Boards Regional Land Transport Committee • WasteNet • FENZ (Fire and Emergency New Zealand) <p>The committee will also hear and receive updates to Council from these organisations, as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager services and assets will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.4 Finance and Assurance Committee

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| TYPE OF COMMITTEE | Council standing committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | Mayor, three councillors and one external appointee |
| FREQUENCY OF MEETINGS | Quarterly or as required |
| QUORUM | Three members |
| SCOPE OF ACTIVITIES | <p>The Finance and Assurance Committee is responsible for:</p> <ul style="list-style-type: none"> ensuring that Council has appropriate financial, risk management and internal control systems in place that provide: <ul style="list-style-type: none"> an overview of the financial and non-financial performance of the organisation effective management of potential opportunities and adverse effects reasonable assurance as to the integrity and reliability of Council's financial and non-financial reporting. exercising active oversight of information technology systems exercising active oversight of Council's health and safety policies, processes, compliance, results and frameworks relationships with external, internal auditors, banking institutions and insurance brokers. <p>The Finance and Assurance Committee will monitor and assess the following:</p> <ul style="list-style-type: none"> the financial and non-financial performance of Council against budgeted and forecasted outcomes consideration of forecasted changes to financial outcomes Council's compliance with legislative requirements Council's risk management framework Council's control framework Council's compliance with its treasury responsibilities Council's compliance with its Fraud Policy. |
| DELEGATIONS | <p>The Finance and Assurance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Finance and Assurance Committee will operate within:</p> <ul style="list-style-type: none"> policies, plans, standards or guidelines that have been established and approved by Council the overall priorities of Council the needs of the local communities |

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| | <ul style="list-style-type: none"> the approved budgets for the activity. <p>The Finance and Assurance Committee will have responsibility and delegated authority in the following areas:</p> <p>Financial and Performance Monitoring</p> <ol style="list-style-type: none"> monitoring financial performance to budgets monitoring service level performance to key performance indicators. <p>Internal Control Framework</p> <ol style="list-style-type: none"> reviewing whether Council's approach to maintaining an effective internal control framework is sound and effective reviewing whether Council has taken steps to embed a culture that is committed to probity and ethical behaviour reviewing whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud. <p>Internal Reporting</p> <ol style="list-style-type: none"> to consider the processes for ensuring the completeness and quality of financial and operational information being provided to Council to seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council. <p>External Reporting and Accountability</p> <ol style="list-style-type: none"> agreeing the appropriateness of Council's existing accounting policies and principles and any proposed change enquiring of internal and external auditors for any information that affects the quality and clarity of Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above satisfying itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (ie letters of representation), and recommend signing of the financial statements by the chief executive/mayor and adoption of the Annual Report, Annual Plans, Long Term Plans <p>Risk Management</p> <ol style="list-style-type: none"> reviewing whether Council has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks considering whether appropriate action is being taken to mitigate Council's significant risks. <p>Health and Safety</p> <ol style="list-style-type: none"> review, monitor and make recommendations to Council on the organisations health and safety risk management framework and policies to ensure that the organisation has clearly set out its commitments to manage health and safety matters effectively. review and make recommendations for Council approval on strategies for achieving health and safety objectives |
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- c) review and recommend for Council approval targets for health and safety performance and assess performance against those targets
- d) monitor the organisation's compliance with health and safety policies and relevant applicable law
- e) ensure that the systems used to identify and manage health and safety risks are fit for purpose, being effectively implemented, regularly reviewed and continuously improved. This includes ensuring that Council is properly and regularly informed and updated on matters relating to health and safety risks
- f) seek assurance that the organisation is effectively structured to manage health and safety risks, including having competent workers, adequate communication procedures and proper documentation
- g) review health and safety related incidents and consider appropriate actions to minimise the risk of recurrence
- h) make recommendations to Council regarding the appropriateness of resources available for operating the health and safety management systems and programmes
- i) any other duties and responsibilities which have been assigned to it from time to time by Council.

Internal Audit

- a) approve appointment of the internal auditor, internal audit engagement letter and letter of understanding
- b) reviewing and approving the internal audit coverage and annual work plans, ensuring these plans are based on Council's risk profile
- c) reviewing the adequacy of management's implementation of internal audit recommendations
- d) reviewing the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

External Audit

- a) confirming the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor at the start of each audit
- b) receiving the external audit report(s) and review action(s) to be taken by management on significant issues and audit recommendations raised within
- c) enquiring of management and the independent auditor about significant business, political, financial and control risks or exposure to such risks.

Compliance with Legislation, Standards and Best Practice Guidelines

- a) reviewing the effectiveness of the system for monitoring Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and best practice guidelines as applicable
- b) conducting and monitoring special investigations, in accordance with Council policy, and reporting the findings to Council

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| | <p>c) monitoring the performance of Council organisations, in accordance with the Local Government Act.</p> <p>Business Case Review</p> <p>a) review of the business case of work, services, supplies, where the value of these or the project exceeds \$2 million or the value over the term of the contract exceeds \$2 million.</p> <p>Insurance</p> <p>a) consider Council's insurance requirements, considering its risk profile</p> <p>b) approving the annual insurance renewal requirements</p> <p>Treasury</p> <p>a) oversee the treasury function of Council ensuring compliance with the relevant Council policies and plans</p> <p>b) ensuring compliance with the requirements of Council's trust deeds are met</p> <p>c) recommend to Council treasury policies.</p> <p>Fraud Policy</p> <p>a) receive and consider reports relating to the investigation of suspected fraud</p> <p>b) monitor the implementation of the Fraud Policy.</p> <p>Power to Recommend</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to risk management, rating, loans, funding and purchasing</p> <p>b) accounting treatments, changes in generally accepted accounting practice, and new accounting and reporting requirements</p> <p>c) the approval of financial and non-financial performance statements including adoption of the Annual Report, Annual Plans and Long Term Plans.</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to the Services and Assets Committee on business cases completed under the 'Power to Act' section above.</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan |

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| | <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| RELATIONSHIPS WITH OTHER PARTIES | <p>The committee shall maintain relationships with each of the nine community boards.</p> <p>Professional advisors to the committee shall be invited to attend all meetings of the committee including:</p> <ul style="list-style-type: none"> • external auditor • internal auditor/risk advisor (if appointed) • chief financial officer. <p>At each meeting, the chairperson will provide the external auditor and the internal auditor/risk advisor (if appointed) with an opportunity to discuss any matters with the committee without management being present. The chairperson shall request the chief executive and staff in attendance to leave the meeting for the duration of the discussion. The chairperson will provide minutes for that part of the meeting.</p> <p>The chief executive and the chief financial officer shall be responsible for drawing to the committee's immediate attention any material matter that relates to the financial condition of Council, material breakdown in internal controls and any material event of fraud.</p> <p>The committee shall provide guidance and feedback to Council on financial performance, risk and compliance issues.</p> <p>The committee will report to Council as it deems appropriate but no less than twice a year.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The chief financial officer will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.5 Regulatory and Consents Committee

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| TYPE OF COMMITTEE | Council committee |
| RESPONSIBLE TO | Council |
| SUBCOMMITTEES | None |
| LEGISLATIVE BASIS | Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | The Regulatory and Consents Committee will comprise of six members. |
| FREQUENCY OF MEETINGS | Six weekly or as required |
| QUORUM | Three |
| SCOPE OF ACTIVITIES | <p>The Regulatory and Consents Committee is responsible for overseeing the delivery of regulatory services and statutory functions that fall with the scope of, but limited to, the following legislation:</p> <ul style="list-style-type: none"> • Resource Management Act 1991 • Health Act 1956 • Food Act 2014 • Dog Control Act 1996 • Sale and Supply of Alcohol Act 2012 • Heritage New Zealand Act Pouhere Taonga Act 2014 • Building Act 2004 • Freedom Camping Act 2011 • Psychoactive Substances Act 2013 • Impounding Act 1955 • Southland Land Drainage Act 1935 • Southland Land Drainage Amendment Act 1938. <p>The committee is responsible for hearing and determining regulatory matters including but not limited to:</p> <ul style="list-style-type: none"> • resource consents • public work requirements • objections against the construction of public works on private land • objections to decisions made by the committee and/or delegated staff • administration of Council bylaws • proposed variations to the District Plan. |
| DELEGATIONS | <p>Council delegates to the Regulatory and Consents Committee the following functions:</p> <p>Power to Act</p> <ol style="list-style-type: none"> a) maintain an oversight of the delivery of regulatory services b) conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding matters it is legally unable to make decisions on ie - pursuant to the RMA) c) appoint panels for regulatory hearings |

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| | <p>d) hear appeals on officer's decisions to decline permission for an activity that would breach the Southland District Council Control of Alcohol Bylaw 2015</p> <p>e) approve Council's list of resource management hearing commissioners (from whom a commissioner can be selected) at regular intervals and the chief executive be authorised to appoint individual commissioners for a particular hearing</p> <p>f) make decisions on applications required under Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections</p> <p>i) receive and approve Council's Annual Reports on dog control and alcohol licensing</p> <p>j) hear and determine objections to officer decisions under the Dog Control Act 1996</p> <p>k) hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938.</p> <p>The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers (Local Government Act 2002, Schedule 7, Clause 32).</p> <p>Power to Recommend</p> <p>The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) regulatory policies and bylaws for consultation</p> <p>b) regulatory delegations</p> <p>c) regulatory fees and charges (in accordance with the Revenue and Financial Policy)</p> <p>d) assisting with the review and monitoring of the District Plan.</p> |
| FINANCIAL DELEGATIONS | <p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land as provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> funded by way of savings on existing budget items within the jurisdiction of the committee |

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| | <ul style="list-style-type: none"> • consistent with the Revenue and Financing Policy. |
| LIMITS TO DELEGATIONS | <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • making operative District Plan changes • decision to notify the reviewed District Plan and make operative amendments to fees and charges relating to all activities. <p>Powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual.</p> <p>Delegated authority is within the financial limits in section 9 of this manual.</p> |
| STAKEHOLDER RELATIONSHIPS | <p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Each of the nine community boards • Southland Museum and Art Gallery • Southland Heritage Building Preservation Trust • Emergency Management Southland • Southland Regional Heritage Committee • Public Health South • New Zealand Police • Ministry of Business, Innovation and Employment • Alcohol Regulatory and Licensing Authority. <p>The committee will also hear and receive updates to Council from these organisations, as required.</p> |
| CONTACT WITH MEDIA | <p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The group manager, environmental services will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p> |

8.4.6 District Licencing Committee

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| TYPE OF COMMITTEE | Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Sale and Supply of Alcohol Act 2012, s.186. |
| MEMBERSHIP | Membership of the committee shall follow the requirements set out in s.189 of the Sale and Supply of Alcohol Act 2012. Committee members are appointed for a period of three years coinciding with triennial elections. |
| QUORUM | Quorum shall follow the requirements set out in s.191 of the Sale and Supply of Alcohol Act 2012 |
| FUNCTIONS | <p>Functions are set out in s.187 of the Sale and Supply of Alcohol Act 2012. These include that the District Licensing Committee decides applications for:</p> <ul style="list-style-type: none"> • new and renewed licences and managers certificates, regardless of whether they are contested • temporary authorities and temporary licences • variation of licences • most enforcement action for special licences. |

8.4.7 Ohai Railway Fund Committee

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| TYPE OF COMMITTEE | Committee |
| SUBORDINATE TO | Relationship with Wallace Takitimu Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The Ohai Railway Fund Committee comprises the following members:</p> <ul style="list-style-type: none"> • three representatives who are appointed by Council • four local representatives whom are elected at the committee's triennial meeting. |
| QUORUM | NA |
| FREQUENCY OF MEETINGS | The triennial meeting of the subcommittee is held within the first three months of the year following the triennial elections of Southland District Council. |
| SCOPE OF ACTIVITIES | The purpose of the fund is to provide grant(s) for the benefit of the "residents" of the former "Ohai Railway Board Area" as legally described in the New Zealand Gazette Notice, page 1671 of 11 May 1916. A "resident" being a person or a descendant of a person whose name appeared on the Parliamentary Electoral Roll for a nine year period during the years 1960 to 1999, both years inclusive, and whose address at this time or times was within the area of the district of the former Board. |
| DELEGATIONS | <p>Power to Act</p> <p>The Ohai Railway Fund Committee shall have the following delegated powers:</p> <ul style="list-style-type: none"> • making decisions regarding funding applications to the Ohai Railway Fund. |

8.5 Subcommittees

8.5.1 Introduction

Council and its committees may appoint such subcommittees and other subordinate decision making bodies as it considers appropriate. Council's delegation model is designed to enable the subcommittees of Council to fully and completely undertake their role, consistent with their terms of reference.

Council has established the following subcommittees:

| SUBCOMMITTEE | SUBCOMMITTEE OF |
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| Riverton Harbour Subcommittee | Oraka Aparima Community Board |
| Water supply subcommittees - Te Anau Basin, Five Rivers, Matuku | Fiordland Community Board and Northern Community Board respectively |
| Ohai Railway Fund Committee | Wallace Takitimu Community Board |
| Stewart Island/Rakiura Visitor Levy Subcommittee | Stewart Island Community Board |

8.5.2 Delegations to Subcommittees

A subcommittee shall exercise only such delegated authority as is granted to it from time to time by Council or the relevant standing committee. The primary purposes of subcommittees are:

- to dispose of matters which have been delegated to it
- to investigate and report, with recommendations if appropriate, on matters referred from Council or the relevant standing committee
- to act as a forum for communication between elected representatives, officers, and interested parties.

8.5.5 Riverton Harbour Subcommittee

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Oraka Aparima Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The Riverton Harbour Subcommittee will comprise as follows:</p> <ul style="list-style-type: none"> one councillor from the Waiau-Aparima Ward four members nominated by Oraka Aparima Community Board (community board to nominate a representative from the community board, two representatives from berth owners and one representative from either Riverton Rowing Club or Riverton Coastguard) one member nominated by the local Iwi Aparima Oraka Runaka one representative from Environment Southland (with no voting rights). |
| QUORUM | Four |
| FREQUENCY OF MEETINGS | Quarterly |
| SCOPE OF ACTIVITIES | The Riverton Harbour Subcommittee is delegated the following responsibilities by Council: |

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| | <p>(a) the management and control of all Riverton Harbour assets vested in Council being:</p> <ul style="list-style-type: none"> the use and maintenance of the boat ramp adjacent Koi Koi Park the use and maintenance of the “unloading wharf” and crane at Lees Point operated by Council so that no vessel anchors, moors, secures or is placed at the unloading wharf unless actively loading or unloading fuel, provisions, fishing equipment or fish (1972 Bylaw No. 3) the use and maintenance of the “common walkway” on the jetty leading to the privately owned berth numbered L36. the use and maintenance of the “common walkway” on the jetty leading to the privately owned berths numbered L22, L23, L24, L25, L26, L27, L28, L29 and L30 the provision and maintenance of the ‘lead lights’ markers the white light at Howells Point and red flashing light at Pearl Rock and any other navigational aids required to assist those vessels leaving and entering the Riverton Harbour the use and maintenance of berth L35 currently subject to a lease. <p>(b) the administration, management and control of all Riverton Harbour endowment lands now vested in Southland District Council in consultation with and subject to approval by Southland District Council being those lands comprised in Certificates of Title 5C/914, 5C/917, 5C/918, 5C/919, 5C/920, 5C/921, 5B/825, 9D/859, 10C/615, 10C/616 and all such other Riverton harbour endowment lands so vested.</p> |
| DELEGATIONS | <p>Power to Act</p> <p>The Riverton Harbour Subcommittee shall be responsible for the following:</p> <p>1 The exercise of the following powers (and enforcement of same):</p> <ul style="list-style-type: none"> to determine whether any person shall be authorised as necessary to carry out work on any vessel or fishing equipment or any other work or lease any equipment used in fishing or any other gear on Council harbour endowment land and any such authorisation may be given by the Harbourmaster (1972 Bylaw No. 3) to determine whether any vessel may be left on Council harbour endowment land (1972 Bylaw No. 3) to determine by resolution that any particular area on Council Harbour Endowment land be a parking area for restricted periods (1972 Bylaw No. 3) to ensure as necessary that no person stops, stands or parks any vessel, vehicle, trailer, boat trailer or any other equipment in any area of Council harbour endowment land unless authorised by the committee or the Harbourmaster (1972 Bylaw No. 3) to take such steps as are necessary to arrange for the removal of any vessel, gear, equipment, vehicle, trailer, or boat trailer left on Council harbour endowment land without the approval of the Riverton Harbour Committee provided that if the goods are not removed or remain unclaimed by the owner the matter shall be |

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| | <p>referred to Council for further action in consultation with the Riverton Harbour Committee (1972 Bylaw No. 3)</p> <ul style="list-style-type: none"> • to ensure as necessary that no person drives any vehicle over Council harbour endowment land at a speed greater than 20 kilometres per hour (1972 Bylaw No. 3). • to arrange for and provide such signs as deemed necessary from time to time to assist in the best use of the wharves and Council harbour endowment lands and for any other reason (1972 Bylaw No. 3). <p>2. The Riverton Harbour Subcommittee shall be responsible for ensuring that the income from assets and income derived from harbour activities and endowment lands is applied to the maintenance and development of Riverton Harbour, to the maintenance and improvement of endowment lands vested in Council and for such other purposes to benefit the Riverton community</p> <p>3. The Riverton Harbour Subcommittee shall be responsible for preparing an annual budget in every financial year in consultation and with the assistance of Council</p> <p>4. The Riverton Harbour Subcommittee shall be responsible for preparing an Asset Management Plan in and with the assistance of Council.</p> <p>5. The Riverton Harbour Subcommittee shall under delegated authority from Council perform those functions, powers and duties which have now been transferred by Environment Southland as under the Riverton Harbour Board Bylaws (No. 2) 1970 Clauses 1-14, 22 and 35-37. Accordingly the subcommittee is responsible as under:</p> <p>Control of Vessels</p> <ul style="list-style-type: none"> (a) to ensure as necessary that vessels only anchor, moor at a berth or wharf/ mooring site for which that vessel has been licensed unless the licensee of that berth, wharf has given approval for same. [1970 Bylaw No. 1(a)] (b) to ensure as necessary that any vessel not having a licensed site or wharf/berth is moored, anchored, secured or placed within the Riverton Harbour as directed by the Harbourmaster. [1970 Bylaw No. 1(b)] (c) to ensure as necessary that vessels are not anchored in the fairway or stopped in such a way that the approach to any wharf is obstructed. [1970 Bylaw No. 2] (d) to ensure as necessary that all vessels anchored or moored or secured to any wharf within the Harbour are adequately secured. [1970 Bylaw No. 3] (e) to order the removal of any vessel, timber or other obstacle to any part of the Riverton harbour as deemed necessary by the Harbourmaster for the better working of shipping, cargo or wharves. [1970 Bylaw No. 4] (f) in pursuance of the responsibilities under (a), (b), (c), (d) and (e) the Harbourmaster may arrange to secure, moor, unmoor, place or remove any vessel and where necessary recommend to Environment Southland that it consider a prosecution for a |
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| | <p>breach of these Bylaws. [1970 Bylaw Nos. 5(a), 5(b), 5(c) and 5(d)]</p> <p>(g) to grant permission in appropriate situations for a master of any vessel to haul a vessel on shore for the purpose of inspection or repairs. [1970 Bylaw No. 6]</p> <p>(h) to require, where appropriate by order of the Harbourmaster the removal from a wharf of any vessel having on board cargo or other matter injurious to health or offensive or dangerous in any respect or other action deemed to be necessary for the safety and interest of all vessels. [1970 Bylaw No. 7]</p> <p>(i) to control as determined by the Harbourmaster the place, times and manner of bringing vessels to or in taking them from any wharf and the securing of any vessel. [1970 Bylaw No. 10]</p> <p>(j) to take such steps as are necessary for the suppression of any fire happening on any vessel or on any wharf. [1970 Bylaw No. 13]</p> <p>(k) to ensure as necessary that all motor-launches operating within the Riverton Harbour have a silencing device in good repair to prevent undue noise from the engine and that the master/driver of the motor-launch is over 15 years of age. [1970 Bylaw Nos. 14(2), 14(3), 14(4), 14(5), 14(6), 14(7), 14(8)]</p> <p>(l) to ensure as necessary that the speed, use or management of a motor launch or of a seaplane on the harbour surface or of a water ski aquaplane or other object towed by any motor-launch or seaplane does not create a nuisance or continue to be a nuisance. [1970 Bylaw No. 14(9)]</p> <p>(m) to ensure as necessary that the speed of a motor-launch or seaplane on the surface of the water does not exceed ten kilometres an hour in those situations prescribed by 1970 Bylaw No. 14(10)(a), (b), (c) and (d)</p> <p>(n) to ensure as necessary that the speed of any water ski, aquaplane or other similar object or person towed by any motor launch or seaplane does not exceed ten kilometres an hour or ride on any water ski aquaplane or other object so towed in those situations prescribed by 1970 Bylaw No. 14(11)(a), (b), (c) and (d)</p> <p>(o) to ensure as necessary that any motor launch or seaplane being used to tow any water-ski aquaplane or other similar object or person has two persons on board so that one person can warn of any mishap occurring or the possibility of any mishap occurring to the person being towed or riding upon the water ski, aquaplane or other object. [1970 Bylaw No. 14(12)(a) and (b)]</p> <p>(p) to determine from time to time what part of the Riverton Harbour is to be reserved as an access lane or lanes for any particular purpose in accordance with 1970 Bylaw No. 14(13)(a), (b) and (c)</p> <p>(q) to determine in any particular case where special circumstances so justify by resolution that any of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof shall</p> |
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| | <p>not apply in respect of any area or areas of the Riverton Harbour. [1970 Bylaw No. 14(14)]</p> <p>(i) to deal with any applications on the occasion of any yacht, launch or boat race or speed trial for the suspension of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof in accordance with 1970 Bylaw No. 14(15)(a) and (b)</p> <p>(s) to obtain where possible the name and address of any person who appears to have committed any offence against the Bylaws and where appropriate the registered number of any vessel involved in the alleged offence.</p> <p>Mooring and Anchoring</p> <p>To enforce the General Harbour Regulations for harbours of New Zealand as may be applicable (1970 Bylaw No. 22).</p> <p>Control</p> <p>To appoint a Harbourmaster for the purposes of control in terms of the Riverton Harbour Board Bylaws (No. 2) 1970 and to supervise the observance and enforcement of the provisions of these bylaws and to appoint in consultation with the Southland District Council such other officers as may be deemed necessary from time to time [1970 Bylaw No. 35].</p> <p>Offences and Penalties</p> <ul style="list-style-type: none"> - to order any person or persons who may be in breach of the provisions of the Riverton Harbour Board Bylaws (No. 2) 1970 to leave the foreshore forthwith. [1970 Bylaw No. 36] - to recommend commencement of summary proceedings in appropriate cases against any person in breach of the bylaw. <p>(6) The Riverton Harbour Subcommittee shall have the power to make submissions to Environment Southland in respect of all resource consent applications received by Environment Southland that deal with matters involving the Riverton Harbour.</p> <p>(7) The Riverton Harbour Subcommittee will report at three monthly intervals to Environment Southland on any actions taken pursuant to the powers transferred by Environment Southland and any issues or concerns identified by users of the harbour.</p> <p>5.2 Power to Recommend</p> <p>The Riverton Harbour Subcommittee will:</p> <ul style="list-style-type: none"> (a) make recommendations to Environment Southland on matters of concern that pertain to Environment Southland's RMA functions (b) make recommendations to the Services and Assets Committee on all matters of policy not delegated to the Riverton Harbour Subcommittee (c) recommend to Council the granting of any leases or licenses for any Riverton Harbour endowment lands |
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8.5.7 Water Supply Subcommittees – Te Anau Basin, Five Rivers, Matuku

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Fiordland and Northern Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>Te Anau Basin Water Supply Subcommittee (Fiordland Community Board)</p> <p>The total membership of the Te Anau Basin Water Supply Subcommittee will be nine. Membership of the subcommittee shall be determined by an election at a triennial public meeting.</p> <p>The subcommittee representation shall comprise:</p> <ul style="list-style-type: none"> a water supply consumer from each of the following areas: <ul style="list-style-type: none"> Duncraigen Homestead Kakapo Mt York Princhester Ramparts Takitimu two representatives appointed by Landcorp. <p>Matuku Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Matuku Water Supply Subcommittee will be six plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p> <p>Five Rivers Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Five Rivers Water Supply Subcommittee will be six members plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p> |
| QUORUM | <p>Te Anau Basin Water Supply Subcommittee – 5</p> <p>Matuku Water Supply Subcommittee – 4</p> <p>Five Rivers Water Supply Subcommittee – 4</p> |
| FREQUENCY OF MEETINGS | <p>Te Anau Basin Water Supply Subcommittee</p> <p>Three meetings per annum or as required.</p> <p>Matuku Water Supply and Five Rivers Water Supply Subcommittee</p> <p>One meeting per annum or as required.</p> |
| SCOPE OF ACTIVITIES | <p>The activity of Southland District Council's Water Supply Subcommittees is framed by Council policies and plans. The responsibilities of these water supply subcommittees include:</p> <ul style="list-style-type: none"> providing feedback to Council officers on relevant plans and strategies (including asset management plans) receiving operational and financial reports community engagement and representing community views to Council. |

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| DELEGATIONS | <p>Power to Act</p> <p>The Te Anau Basin, Matuku and Five Rivers Water Supply Subcommittees shall have the following delegated powers and be accountable to the relevant community board for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) power to recommend the annual budget relating to the relevant water supply scheme (b) power to approve expenditure outside Council's authorised officer levels but within the budget of the water supply schemes. All decisions to approve expenditure outside Council's authorised officer levels must be made by way of a resolution at a meeting of the water supply subcommittees. Any such decisions must be reflected in the minutes of the meeting (c) power to approve new connections to the relevant water supply scheme (d) power to approve expenditure outside of the relevant annual budget for emergency works (e) policies relating to water schemes. <p>In addition to the power to approve expenditure outside of the relevant annual budget for emergency works, this committee can also recommend unbudgeted expenditure to the Works and Services Committee and Council for approval.</p> |
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8.5.9 Stewart Island/Rakiura Visitor Allocation Levy Subcommittee

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| TYPE OF COMMITTEE | Subcommittee |
| SUBORDINATE TO | Stewart Island/Rakiura Community Board |
| LEGISLATIVE BASIS | Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002. |
| MEMBERSHIP | <p>The subcommittee consists of the following members appointed by Council:</p> <p>Chairperson:</p> <p>A councillor of Southland District Council who shall be the Chair of Council's Community and Strategy Committee.</p> <p>Members:</p> <ul style="list-style-type: none"> • a representative from or recommended by each of the approved operators named under the Stewart Island/Rakiura Visitor Levy Policy <ul style="list-style-type: none"> ○ one community board representative ○ the chair of the Finance and Assurance Committee ○ a member from Stewart Island/Rakiura community, and ○ a member to represent iwi • the councillor for Stewart Island/Rakiura Ward |
| QUORUM | Majority of members |
| FREQUENCY OF MEETINGS | One meeting per annum or as required |
| SCOPE OF ACTIVITIES | The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee is responsible for governance of the Stewart Island/Rakiura Visitor Levy |

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|--------------------|---|
| | Fund and setting strategic objectives to act as the basis for assessing applications for funding. |
| DELEGATIONS | <p>The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) determining strategic outcomes for the Stewart Island/Rakiura Visitor Levy Fund (b) making decisions regarding funding applications to the Stewart Island/ Rakiura Visitor Levy Fund. (c) setting policy in relation to the collection and enforcement of the Stewart Island/Rakiura Visitor Levy. |

8.6 Local Authority Joint Committees

Council may unite with any one or more local authorities or other public bodies in appointing a joint committee in accordance with Schedule 7 clause 30A of the Local Government Act 2002. Southland District Council and other local authorities within the region have formed a number of joint committees, with terms of reference to address specific subject matters.

Any committee appointed will be considered to be both a committee of Southland District Council and a committee of the other local authority or public body, unless otherwise specified by legislation. In forming any such committee Council must reach agreement with the other local authorities or public bodies involved which must specify the number of members, how the chairperson and deputy are to be appointed, the terms of reference of the committee, what responsibilities are to be delegated to the committee and how the agreement may be varied.

The powers to discharge any individual member and appoint another will be exercisable by the local authority or public body that made the appointment.

| JOINT COMMITTEE |
|---|
| Venture Southland Joint Committee |
| Emergency Management Group |
| Southland Regional Heritage Joint Committee |
| Southland Regional Land Transport Committee |
| Wastenet (Waste Management Advisory Group) |
| Combined Local Approved Products Committee |
| Combined Local Alcohol Policy Committee |

8.6.1 Venture Southland Joint Committee

| | |
|--------------------------|---|
| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor, Southland District Council |

| | |
|--------------------------------|---|
| | <ul style="list-style-type: none"> • mayor, Invercargill City Council • one councillor, Invercargill City Council • one councillor, Gore District Council <p>Note: Mayor or councillors can transfer their position to another councillor in their absence and the transference has full voting rights.</p> |
| QUORUM | Four |
| MEETINGS | The joint committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Southland District Council and will provide administrative support and leadership of the joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | <p>Power to Act</p> <p>Full power to act within scope of activity set out below:</p> <ol style="list-style-type: none"> 1) to appoint trustees to the Venture Southland Trust 2) Oversee the winding up and transfer of the assets of Venture Southland to the Southland Regional Development Agency. 3) to undertake as necessary other activities which are incidental or conducive to the attainment of the above objects and purposes. <p>Power to Recommend</p> <p>Full power to recommend outside scope of activity.</p> |

8.6.2 Wastenet (Waste Advisory Group)

| | |
|--------------------------------|--|
| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor and one councillor, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The joint committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | <p>The functions and responsibilities of the Waste Management Advisory Group are to:</p> <ol style="list-style-type: none"> 1. be the high level decision making committee for the implementation and carrying out of the WasteNet activities within the delegations |

| | |
|--|---|
| | <p>from each of the WasteNet Councils</p> <ol style="list-style-type: none"> 2. receive and approve financial monitoring reports as to the accounting between the WasteNet Councils in relation to the WasteNet activities 3. report to each constituent WasteNet Council as to the WasteNet activities outcomes 4. develop policies to ensure the smooth implementation and operation of the WasteNet activities 5. provide a forum for: <ol style="list-style-type: none"> a) the exchange of views and information relevant to the management of waste for each of the WasteNet Council territories; b) discussion as to the effectiveness of the services contracts including ways in which value can be added to the parties through the services contracts and the implementation of the WasteNet Southland Business Plan c) the identification of opportunities for joint waste management and minimisation initiatives d) identification and resolution of points of tension or difficulties between the WasteNet Councils as to their respective roles under the services contracts and this agreement. 6. receive reports and recommendations from the WMG and approve recommendations as permitted by each separate WasteNet Council's delegations 7. formulate recommendations in relation to the services contracts, waste disposal and minimisation strategies and the implementation of the WasteNet Southland Business Plan for consideration by the joint committee and each of the WasteNet Councils as appropriate 8. make recommendations to the WasteNet Councils in relation to the following: <ol style="list-style-type: none"> a) the exit by a WasteNet Council from any or all of the services contracts b) the inclusion of other territorial authorities into any of the services contracts or into WasteNet Southland 9. make decisions generally (in accordance with each Council's delegations) in relation to the implementation of the WasteNet Southland Business Plan 10. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Regional Landfill Contract as to the following: <ol style="list-style-type: none"> a) the portion of funding of general waste management and waste minimisation costs to be recovered through landfill charges b) landfill pricing for authorised users c) and requests from the landfill operator for approval of major industrial users. 11. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Recyclables Acceptance Contract as to the following: |
|--|---|

| | |
|--|---|
| | <ol style="list-style-type: none"> a) the exercise of the WasteNet extension right pursuant to clause 2.5 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.5 c) the allocation of the contract price payable under the contract as between the WasteNet Councils d) the apportionment of the revenue share payment received by the WasteNet Councils under the contract. |
| | <ol style="list-style-type: none"> 12. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Collection and Transfer Stations Contract as to the following: <ol style="list-style-type: none"> a) the exercise of the WasteNet Extension Right pursuant to clause 2.3 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.3 13. exercise such powers or functions as shall be delegated to the WAG by the WasteNet Councils (either together or separately) 14. carry out such other functions and responsibilities as the WasteNet Councils shall agree shall be functions and responsibilities of the WAG. |

8.6.3 Southland Regional Heritage Joint Committee

| | |
|--------------------------------|---|
| TYPE OF COMMITTEE | Joint committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | <p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • two councillors, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council • one iwi representative may be appointed by the committee <p>Other committee members may be appointed by the committee being persons who have the skills, attributes or knowledge that may assist the work of the committee</p> |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have such powers, functions and duties as are necessary to carry out the objects and goals set out in the Southland Regional Heritage Joint Committee Heads of Agreement 2017-24. |

8.6.4 Civil Defence Emergency Management Group (CDEM)

| | |
|--------------------------------|---|
| DESCRIPTION | The Southland CDEM group is a partnership of local authorities, emergency services and other organisations tasked with providing effective and comprehensive management of major hazards and their consequences anywhere in Southland. Civil Defence is a major function of Council and the availability of resources from outside the district in the case of a major incident is important. In addition, the Civil Defence and Emergency Management Act 2002 intensified the relationships within the region on these issues. |
| SUBORDINATE TO | Council |
| MEMBERSHIP | Membership from the Southland District Council includes <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor (alternate) |
| FUNCTIONS | Liaise on regional civil defence plans |
| MEETINGS | The Joint Committee will meet on an as required basis |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Southland Regional Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | Recommend to Council any changes to the district civil emergency plan as a consequence of regional plans. |

8.6.5 Southland Regional Land Transport Committee

| | |
|-----------------------|---|
| DESCRIPTION | The Regional Transport Committee (RTC) is established under the auspices of the Land Transport Act 2003 (as amended). It is responsible for preparing the Regional Land Transport Strategy, the Regional Land Transport Programme, and for advising the Regional Council on strategic land transport planning and funding matters. The Regional Council requires that Council has one appointee (plus an alternate) on the body. Other Councils in the region have a similar entitlement. |
| SUBORDINATE TO | Council |
| MEMBERSHIP | The committee comprises of: <ul style="list-style-type: none"> • an elected member from each of the following councils: <ul style="list-style-type: none"> - Southland District Council - Invercargill City Council - Gore District Council • two Environment Southland elected members • a representative from the New Zealand Transport Agency |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |

| | |
|--------------------------------|---|
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority Environment Southland shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Environment Southland and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| FUNCTIONS | To make sure that arrangements for land transport throughout the region are integrated. Participation in this committee should contribute to this objective. |
| DELEGATIONS | <ul style="list-style-type: none"> to report to Council on discussions and resolutions of RTC meetings recommend changes to Council on matters arising from the RTC |

8.6.5 Combined Local Approved Products Committee

| | |
|--------------------------------|---|
| TYPE OF COMMITTEE | Joint Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Psychoactive Substances Act 2013 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |
| MEMBERSHIP | Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> two councillors, Southland District Council two councillors, Invercargill City Council two councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have the powers, functions and duties under sections 66 to 69 of the Psychoactive Substances Act 2013 (local approved products policies): <ul style="list-style-type: none"> to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons. |

8.6.6 Combined Local Alcohol Policy Committee

| | |
|--------------------------|--|
| TYPE OF COMMITTEE | Joint Committee |
| SUBORDINATE TO | Council |
| LEGISLATIVE BASIS | Sale and Supply of Alcohol Act 2012 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002. |

| | |
|--------------------------------|---|
| MEMBERSHIP | Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> • four councillors, Southland District Council • four councillors, Invercargill City Council • four councillors, Gore District Council |
| QUORUM | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each. |
| MEETINGS | The Joint Committee will meet on an as required basis |
| STANDING ORDERS | The current Standing Orders of the administering authority shall govern the conduct of the meetings. |
| ADMINISTERING AUTHORITY | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee. |
| REPORTING | The committee will report to each member authority. |
| DELEGATIONS | The committee shall have the powers, functions and duties under part 2, sub part 2 of the Sale and Supply of Alcohol Act 2012 (local alcohol policies): <ul style="list-style-type: none"> • to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons. |

9 Financial Delegations

9.1 Introduction

This section outlines the delegated financial authority to committees and Council officers. The roles and responsibilities of elected members and officials within the financial management system are quite different. Elected members set the overarching policy setting, while Council officers implement the policy. The different roles are more specifically set out below.

9.2 Council's Role in Financial Management

The responsibility of Council in financial management is to:

- ensure Council remains financially stable while giving focus to financing key Council priorities
- promote the prudent use of ratepayer's money together with other funding available to deliver agreed levels of service, cater for growth and maintain a sound asset management approach
- ensure Council rates and fees are kept to a level commensurate with its levels of service obligation
- provide financial parameters within which Council's work programmes are to be achieved.

9.3 The Chief Executive's Role in Financial Management

The responsibility of the chief executive in financial management includes:

- overall responsibility of the sound financial management of Council
- delivery of the financial outcomes of Council's Long Term Plan

- responsibility for the performance of staff with delegated financial powers
- arbitrating any conflict relating to finance which may arise from time to time, in which the chief executive's decision is final
- ensuring compliance with Council's funding and financial policies
- compliance with the Local Government Act 2002, the Local Government (Rating) Act 2002, Rates Rebate Act 1973, Financial Reporting Act 1993 and other statutory provisions.

9.4 Committees' Role in Financial Management

The role of Council committees in financial management is to:

- consider issues and make recommendations to Council on how best to achieve goals and objectives for activities that fall within the scope of each committees responsibilities
- consider issues and make recommendations on how best to reflect this in the Long Term Plan, Annual Plan and Annual Report
- take responsibility for the finances of activities within the committee jurisdiction
- recommend changes to full Council when required
- approve the transfer of funding between projects or programmes within the same categories, when the transfer is beyond the delegated authority of the chief executive and within the scope of the Long Term Plan
- consider and approve contracts or expenditure if recommended by a manager.

9.5 Managers' Role in Financial Management

Council group and activity managers' role in financial management is to:

- deliver the work programme outlined in the long term plan within the agreed budget
- take responsibility for the performance and management of specified activity budgets
- monitor and control activity finances
- keep the chief executive and appropriate Council committee informed of financial matters and the overall status of activity finances
- liaise with the finance manager on all financial matters
- produce annual and Long Term Plan activity budgets in a form specified by the finance manager
- obtain and provide services within delegated limits and Council policy
- take responsibility and accountability for activity expenditure.

In all cases, financial delegations are made only to enable the commitment or expenditure of funds provided for in the annual plan or long term plan. Financial delegations are made relative to the specified sum as outlined further below.

9.6 The Finance Manager's Role

The finance manager (in consultation with the chief financial officer) has responsibility for carrying out the day to day cash and short term debt management activities. This will include, but is not limited to, the following:

- calculating and maintaining comprehensive cash flow projections on a daily (two weeks forward), weekly (four weeks forward), monthly (12 months forward) and annual (five years) basis. These cash flow forecasts determine Council's borrowing requirements and surpluses for investment
- electronically downloading all Council bank account information daily
- co-ordinating Council's operating units to determine daily cash inflows and outflows, to manage Council's ongoing cash position within approved parameters
- carrying out short term borrowing as required, minimising overdraft costs
- using spreadsheet modelling to provide accurate forecasting that promotes efficient cash management
- minimising fees and bank/government charges by optimising bank account/facility structures
- monitoring Council's use of overdraft or cash advance facilities
- matching future cash flows to smooth the overall cash flow timeline
- providing detailed reports comparing actual and budgeted monthly cash flows
- maximising the return from available funds by not making vendor payments earlier than required, unless there is a financial benefit in doing so.

9.7 Financial Delegations to Council Committees

Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction, also detailed in the terms of reference section of this manual.

9.7.1 Contract Acceptance

Council committees are authorised to:

- accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract or the annual value of the term contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities for the relevant committee.
- accept or decline any contract for the disposal of goods, plant or other assets other than property and land that is provided for in the Long Term Plan.

9.7.2 Budget Reallocation

Committees are authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:

- funded by way of savings on existing budget items
- within the jurisdiction of the committee

- consistent with the Revenue and Financing Policy.

9.8 General Delegations from Council to the Chief Executive

For the purpose of implementing decisions made by Council and its committees, the chief executive has delegated authority for:

- all arrangements and contracts for the supply of goods, services, plant and labour
- the management of operations and maintenance
- capital expenditure to the limit approved in the Annual Plan and/or Long Term Plan.

9.8.1 Emergency Delegations

During a declared state of emergency, the chief executive may enter into any contract on behalf of Council of up to \$1 million in excess of budgeted amounts.

In the time between the last Council meeting of the term, and the inaugural Council meeting, the chief executive may enter into any contract on behalf of Council, subject to the budgeted limits approved in the Long Term Plan/Annual Plan.

9.9 Expenditure Delegations

9.9.1 Contract and Expenditure Authorisation

Council delegates to its officers the power to incur expenditure and enter into contracts as per the following table, subject to Council's approval:

- Procurement Policy and Manual
- Sensitive Expenditure Policy
- Long Term Plan/Annual Plan budget.

Authority to purchase capital items or goods and services within relevant Council estimates

| POSITION | LIMIT \$ |
|---------------------------------------|------------------|
| Chief executive | No Limit |
| Chief executive support | 10,000 |
| Mayoral support | 5,000 |
| GM community and futures | 100,000 |
| Communications and engagement manager | 10,000 |
| Strategy and policy manager | 10,000 |
| Governance and democracy manager | 10,000 |
| Community partnership leader | 10,000 |
| GM services and assets | 1,000,000 |
| Projects delivery manager | 200,000 |
| Strategic manager water and waste | 200,000 |

| POSITION | LIMIT \$ |
|--|----------------|
| Strategic manager transport | 200,000 |
| Commercial infrastructure manager | 100,000 |
| Community facilities manager | 100,000 |
| Manager property services | 100,000 |
| Manager operations water and waste | 50,000 |
| Senior water and waste engineer | 50,000 |
| Senior roading engineer | 50,000 |
| Road asset engineer | 50,000 |
| Road engineering | 20,000 |
| Road contract manager | 20,000 |
| Work scheme supervisor | 20,000 |
| Community facilities officer building assets | 20,000 |
| People and capability manager | 100,000 |
| People and capability advisor | 1,000 |
| Chief financial officer | 200,000 |
| Finance manager | 20,000 |
| Finance officer – rates | 1,000 |
| GM customer delivery | 100,000 |
| Digital solutions manager | 10,000 |
| Business solutions manager | 10,000 |
| Team leader knowledge management | 10,000 |
| Customer contact centre manager | 10,000 |
| Library/customer support operations manager | 10,000 |
| District library manager | 10,000 |
| Senior technical librarian | 1,500 |
| GM environmental services | 100,000 |
| Team leader resource management | 10,000 |
| Team leader building solutions | 10,000 |
| Environmental health manager | 10,000 |
| Quality assurance lead | 10,000 |

Authority to enter into contracts (full value of contract) within estimates or accept tenders for asset disposal

| POSITION | LIMIT \$ |
|--------------------------|----------|
| Chief executive | 200,000 |
| GM community and futures | 100,000 |
| GM services and assets | 200,000 |

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| People and capability manager | 100,000 |
| Chief financial officer | 200,000 |
| GM customer delivery | 100,000 |
| GM environmental services | 100,000 |

Authority to authorise payments for awarded contracts (1) or approved loan payments (2), investments (3), tax and payroll payments (4) or GST and FBT payments (5)

| POSITION | LIMIT \$ |
|-----------------------------------|-----------------------------------|
| Chief executive | No limit (all) |
| GM community and futures | 100,000 (1) |
| GM services and assets | No limit (1) |
| Strategic manager water and waste | 200,000 (1) |
| Strategic manager transport | 200,000 (1) |
| People and capability manager | 100,000 (1) 500,000 (4) |
| Chief financial officer | No limit (1,2,3,5) 500,000 (4) |
| Finance manager | No limit (2,3,5) 500,000 (4) |
| Management accountant | No limit (5) |
| Financial accountant | No limit (5) |
| GM customer delivery | 100,000 (1) |
| GM environmental services | 100,000 (1) |

Authority to make electronic bank payments, direct debits, inter account transfers and sign cheques subject to invoice or payment request being duly authorised

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| Chief executive | No limit |
| People and capability manager | No limit |
| Chief financial officer | No limit |
| Finance manager | No limit |
| Management accountant | No limit |
| Financial accountant | No limit |
| GM environmental services | No limit |

Authority to purchase plant, capital items and goods and services NOT within estimates but subject to suitable funding source being available (district budgets only)

| POSITION | LIMIT \$ |
|-----------------|----------|
| Chief executive | 10,000 |

| POSITION | LIMIT \$ |
|------------------------|----------|
| GM services and assets | 5,000 |

Authority to purchase plant, capital items and goods and services NOT within estimates due to extreme weather and/or other emergency event

| POSITION | LIMIT \$ |
|-----------------|----------|
| Chief executive | 500,000 |

Authority to authorise credit notes in debtor system

| POSITION | LIMIT \$ |
|-------------------------------|----------|
| Chief executive | No limit |
| GM community and futures | 100,000 |
| GM services and assets | 100,000 |
| People and capability manager | 100,000 |
| Chief financial officer | 200,000 |
| Finance manager | 20,000 |
| GM customer delivery | 100,000 |
| GM environmental services | 100,000 |

9.9.2 Council Credit Cards

The following positions are delegated authority to use Council credit cards to the specified limit:

| POSITION | LIMIT \$ |
|-----------------|----------|
| Mayor | 10,000 |
| Chief executive | 20,000 |
| Group managers | 10,000 |

The chief executive may approve the issue of additional credit cards to staff (other than those listed in 9.9.2) where appropriate, subject to the following:

- the chief executive must be satisfied that the credit card is necessary to cover regular travel or administrative efficiencies, such as payment of properly authorised purchases from overseas
- a credit limit of no more than \$10,000.

9.10 Schedule of Financial Delegations

Council makes the following additional delegations of financial powers:

9.10.1 Agency Payments when Council acting on behalf of another agency (MCT, Southland Flood Relief, etc)

| DESCRIPTION | DELEGATE |
|--|--|
| Collection and transfer of funds, not subject to limits in 9.1 and Investment and Liability Management Policy. | Chief financial officer Finance manager Financial accountant |

9.10.2 Approve Expenditure

| DESCRIPTION | DELEGATE |
|--|--|
| All purchases require an authorised purchase order. Authoriser must have the authority to approve the level of expenditure as per 9.9.1. | The person initiating the purchase order should not be the same person who is authorising it. Where expenditure relates to the individual (ie training, accommodation, mileage, expense, reimbursement) the purchase order must be approved by the individual's manager or higher. |

9.10.4 Bank Signatories

| DESCRIPTION | DELEGATE |
|--|---|
| Authorised to operate Southland District Council accounts. | Any two of the following officers: Chief executive Chief financial officer Finance manager Financial accountant Management accountant |

9.10.5 Authorised to 'own' Council bank accounts

| DESCRIPTION | DELEGATE |
|--|--|
| Authorised to operate Southland District Council accounts. | Chief executive and chief financial officer |

9.10.6 Bonds

| DESCRIPTION | DELEGATE |
|---|--|
| Forfeiture of bonds (partial or total). | Chief financial officer |
| Refund of bonds (partial or total). | Chief financial officer Finance manager |

9.10.7 Credit Cards

| DESCRIPTION | DELEGATE |
|---|-----------------|
| Issue of credit cards subject to 9.9.2. | Chief executive |

9.10.8 Credit Notes

| DESCRIPTION | DELEGATE |
|----------------------------------|---|
| Authority to issue credit notes. | As per 9.9.1 authority to authorise credit notes in debtor system |

9.10.9 Debt

| DESCRIPTION | DELEGATE |
|--|--|
| Approve the write-off of rates, water rates, SIESA tariffs and other revenue, and associated charges (such as legal/collection fees, interest/penalties etc) | Chief executive (up to \$25,000 per request) Chief financial officer (up to \$25,000 per request) Finance manager (up to \$10,000 per request) |
| Approve/authorise legal proceedings in relation to collection of all arrears, other than rating sales/leases and abandoned land sales/leases | Chief executive Finance manager |
| Approve the write-off of other revenue associated with their activity, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request | Executive Leadership Team members |
| Approve payment arrangements outside normal Council terms | Chief executive Executive Leadership Team members Finance manager (up to \$10,000 and/or 240 days) |
| Authorise disconnection of supply | SIESA activity manager |
| Approve the write-off of SIESA tariffs, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request | SIESA activity manager |
| Approve payment arrangements for SIESA arrears outside normal Council terms | SIESA activity manager |
| Make demand on the mortgagee for unpaid rates and water rates | Finance officer Debtors officer |
| Issue disconnection notices in accordance with the Debt Recovery Policy | Finance officer Debtors officer |
| Apply penalty charges in accordance with the Debt Recovery Policy | Finance officer Debtors officer |
| Lodge debts with recovery agencies as required | Finance officer Debtors officer |
| Advise debt recovery agency or legal representative to proceed to legal recovery (once approved) | Finance officer Debtors officer |

9.10.10 Deposit of Funds

| DESCRIPTION | DELEGATE |
|--|---|
| Authorise the deposit of funds into Council's operational bank accounts (ie non-investment). | All customer support staff All finance staff |

9.10.11 Investments (placing/withdrawing/changing terms)

| DESCRIPTION | DELEGATE |
|--|--|
| Authority in accordance with Council's Investment and Liability Management Policy is granted to invest Council monies. A regular report is to be prepared for the Finance and Audit Committee stating what investments are made, with whom, term, and interest rate. | Chief financial officer Finance manager |

9.10.12 Discontinue Service

| DESCRIPTION | DELEGATE |
|---|--|
| Authority to discontinue any service for non payment and authorise resumption of service where appropriate. | Finance manager in consultation with group manager services and assets |

9.10.13 Donations

| DESCRIPTION | DELEGATE |
|-----------------------------------|--|
| Authority to make donations/koha. | Executive Leadership Team or their delegated authorities |

9.10.14 Early Payment of Rates

| DESCRIPTION | DELEGATE |
|---|--|
| Accept notifications/requests for early repayment of rates on behalf of council. Calculate and update the schedule of specified rates on an annual basis. | Finance officer |
| Accept notifications/requests for early repayment of rates on behalf of council. Oversee the early payment of specified rates. | Finance manager Chief financial officer |

9.10.15 Interest

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to negotiate loan interest rates and terms with brokers and/or lending institutions for loans raised by Council. | Chief financial officer Finance manager |

9.10.16 Overdraft (establishing/cancelling/modifying)

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy. | Chief financial officer Finance manager |

9.10.17 Borrowing (establishing/cancelling/modifying)

| DESCRIPTION | DELEGATE |
|--|-------------------------|
| Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy. | Chief financial officer |

9.10.18 Oath/Declaration

| DESCRIPTION | DELEGATE |
|--|--|
| Make any oath or declaration in regard to Council's financial affairs. | Chief financial officer Finance manager |

9.10.19 Rates Penalties

| DESCRIPTION | DELEGATE |
|---|---|
| Remission of penalties in accordance with Council's Remission and Postponement of Rates Policy. | Chief financial officer Finance manager Finance officer – rates Finance officer – credit control |

9.10.20 Rates Remission and Postponement

| DESCRIPTION | DELEGATE |
|---|---|
| Authority to postpone rates or remit rates in accordance with Council's Remission and Postponement of Rates Policy. | Chief financial officer Finance manager |
| Authority to request any further information and documentation required to make a decision regarding the remission or postponement of rates or penalties. | Chief financial officer Finance manager Finance officer – rates Finance officer – credit control |

9.10.21 Rates Remission and Postponement on Maori Freehold Land

| DESCRIPTION | DELEGATE |
|---|-------------------------|
| Authority to accept or decline applications for remission of rates on Māori freehold land. Authority to review applications, if applicable, for remission of rates on Māori freehold land. | Chief financial officer |

| DESCRIPTION | DELEGATE |
|--|---|
| <p>Authority to receive applications and make recommendations to chief financial officer for remission of rates on Māori freehold land.</p> <p>Authority to request financial statements regarding the property if there is evidence that the land is occupied or being used for economic benefit.</p> <p>Authority to write off rates if the application is accepted.</p> | <p>Finance manager</p> <p>Finance officer – rates</p> <p>Finance officer – credit control</p> |

9.10.22 Refunding Overpayments

| DESCRIPTION | DELEGATE |
|---|---|
| Authority to refund customer/ratepayer overpayments/payment errors. | <p>Chief financial officer</p> <p>Finance manager</p> |

9.10.23 Reserve Contributions

| DESCRIPTION | DELEGATE |
|--|--|
| Authority to consider and decide upon any application for remission or reduction of reserve contributions. | <p>Group manager services and assets</p> <p>Group manager environmental services</p> <p>Community facilities manager</p> <p>Strategic manager property</p> |

9.10.24 Development and Financial Contributions

| DESCRIPTION | DELEGATE |
|--|-------------------------|
| Authority to refund, development and/or financial contributions. | Chief financial officer |

9.10.25 Small Claims

| DESCRIPTION | DELEGATE |
|--|---|
| Authority to refund, development and/or financial contributions. | <p>Chief executive</p> <p>Chief financial officer</p> |

9.10.26 Valuations

| DESCRIPTION | DELEGATE |
|---|--|
| Amend any entries in the valuation roll or Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances. | <p>Group manager customer service delivery</p> <p>Chief financial officer</p> <p>Finance officer – rates</p> <p>Finance officer – credit control</p> <p>Where appropriate, information management/business solutions</p> |

| DESCRIPTION | DELEGATE |
|--|---|
| Vary or waive any fee within jurisdiction and only if permitted by law and not inconsistent with Council policy. | Chief executive Executive Leadership Team |
| Authority to apply to the valuer general for valuation equalisation certificates for ratings purposes. | Group manager customer delivery Chief financial officer Finance manager |

10 Statutory Delegations

10.1 Introduction

Local authorities have a wide range of legislative responsibilities. Some of these are general, in that they apply to all organisations in New Zealand. These include the Employment Relations Act 2000, Health and Safety at Work Act 2015 and Goods and Services Tax Act 1985. However, many statutes contain provisions specific to local government, setting out specific powers and responsibilities.

Most of Council's regulatory powers, along with the rules around their implementation, are contained in statute. These include the Resource Management Act 1991 and Building Act 2004.

This section of the Delegations Manual sets out the delegations of these statutory responsibilities to committees, Council officers and external service providers.

Section 145 of the Local Government Act 2002 empowers Council to develop bylaws. The purpose of any bylaw must be one or more of the following:

- protect the public from nuisance
- protect, promote and maintain public health and safety
- minimise the potential for offensive behaviour in public places.

Bylaw development and adoption cannot be delegated, although the powers created by bylaws and their enforcement of bylaws can be.

The delegation of these powers, duties and functions is also specified in this section of the Delegations Manual.

10.3 Delegations to Council Committees

Council committees have the delegated authority to make policy and financial decisions within the limits of relevant legislation. Specific delegations are contained in governance terms of reference section.

10.4 Delegations to the Chief Executive

10.4.1 Legislation and Regulations

The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these Acts. This includes, **but is not limited to**, the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers.

| | | |
|---|---|--|
| Amusement Devices Regulations 1978 | Land Act 1948 | Reserves Act 1977 |
| Airport Authorities Act 1966 | Land Transfer Act 2017 | Residential Tenancies Act 1986 |
| Racing Act 2003 | Land Drainage Act 1908 | Resource Management Act 1991 |
| Building Act 2004 | Land Transport Act 1998 | Sale and Supply of Alcohol Act 2012 |
| Building Research Levy Act 1969 | Land Transport Management Act 2003 | Smoke-free Environments Act 1990 |
| Burial and Cremation Act 1964 | Litter Act 1979 | Soil Conservation and Rivers Control Act 1941 |
| Civil Defence Emergency Management Act 2002 | Local Government Act 1974 | Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012 |
| Dog Control Act 1996 | Local Government Act 2002 | Southland Harbour Board Act 1958 |
| Electricity Act 1992 | Local Government (Rating) Act 2002 | Southland Land Drainage Act 1935 |
| Land Transport (Infringement and Reminder Notices) Regulations 2012 | Local Government Official Information and Meetings Act 1987 | Telecommunications Act 2001 |
| Food Act 1981 | Rating Valuation Act 1998 | Transport Act 1962 |
| Food Act 2014 | New Zealand Geographic Board Act 2008 | Unit titles Act 1972 |
| Transport (Vehicular Traffic Road Closure) Regulations 1965 | New Zealand Library Association Act 1939 | Utilities Access Act 2010 |
| Gambling Act 2003 | Walking Access Act 2008 | Waste Minimisation Act 2008 |
| Gas Act 1992 | Privacy Act 1993 | Freedom Camping Act 2011 |
| Hazardous Substances and New Organisms Act 1996 | Property Law Act 2007 | Trespass Act 1980 |
| Health Act 1956 | Prostitution Reform Act 2003 | Summary Proceedings Act 1957 |
| Health (Drinking Water) Amendment Act 2007 | Public Bodies Leases Act 1969 | Health (Burial) Regulations 1946 |
| Heritage NZ Pouhere Taonga Act 2014, | Public Works Act 1981 | Camping-Grounds Regulations 1985 |
| Human Rights Act 1993 | Rating Valuations Act 1998 | Drainage and Plumbing Regulations 1978 |
| Impounding Act 1955 | Rates Rebate Act 1973 | Food Hygiene Regulations 1974 |

| | | |
|--|--|---|
| Health (Hairdressers) Regulations 1980 | Health (Registration of Premises) Regulations 1966 | Infrastructure (Amendments Relating to Utilities Access) Act 2010 |
|--|--|---|

10.4.2 Bylaws

The chief executive has delegated authority for all powers, duties and functions of all Council adopted bylaws. This includes, but is not limited to, the following. See section 11 below for subdelegations for these bylaws from the chief executive to officers.

| | |
|---|---|
| Alcohol Control Bylaw 2015 | Signs and Objects on Roads and Footpaths Bylaw 2016 |
| Alcohol Licensing Fee Setting Bylaw | Solid Waste Bylaw 2008 |
| Ashton Flats Roothing Bylaw 2016 | Stewart Island Rakiura Visitor Levy Bylaw 2012 |
| Cemetery Bylaw 2016 | Subdivision Land Use and Development Bylaw 2012 |
| Dog Control Bylaw 2015 | Trading in Public Places Bylaw 2013 |
| Fire Prevention Vegetation Bylaw 2010 | Speed Limits Bylaw |
| Freedom Camping Bylaw 2015 | Wastewater Drainage Bylaw 2017 |
| The Keeping of Animals, Poultry & Bees Bylaw 2010 | Trade Waste Bylaw 2018 |
| Roothing Bylaw 2008 (2015 revision) | Stormwater Drainage Bylaw 2017 |
| | Water Supply Bylaw 2017 |

10.4.3 Warrants

The chief executive has delegated authority to issue warrants to Council officers under all relevant legislation, as per Schedule 7 Clause 32A of the Local Government Act 2002.

11 Sub Delegations

The following schedule details all statutory sub delegations made by the chief executive. The chief executive can withdraw or replace delegates at any time. Any subdelegation made by the delegate is withdrawn at the same time.

These sub delegations expressly exclude any power, responsibility or duty that has been delegated to a community board, committee, subcommittee or other subordinate decision making body.

All delegations are made severally unless specified otherwise (ie a delegation can be exercised by the officer acting alone)

11.1 Amusement Devices Regulations 1978

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| S.11 | Power to issue a permit for amusement devices | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|--|
| | | Manager building control Building control officer |
| S.23 | Power of entry | Group manager environmental services Manager building control Building control officer |

11.2 Building Act 2004

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | All powers, functions and duties under the Building Act 2004 (except those that are unable to be legislatively delegated) | Group manager environmental services |
| | All powers, functions and duties shown | |
| s.31 | To apply for and provide PIM to owner on application of a building consent | Manager building solutions Technical lead building solutions Building control officer |
| s.33 | To determine the adequacy of information received with an application for a PIM and require further information on an application | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.34(1) | To issue a PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.34(4) | To determine if any PIM issued contains an error or omission, or determine if any information received affects that PIM, and re-issue the PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.35 | To determine the content of a PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.37 | To permit issue of building consent with certificate attached that resource consent required and no work to commence until this has been obtained | Group manager environmental services Team leader resource management Senior planner |
| s.38 | To provide PIM to operators or other authorities that have provided information in that PIM | Manager building solutions Technical lead building solutions Building control officer Technical support partners |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| s.39 | To advise New Zealand Historic Places Trust of certain applications | Group manager environmental services Team leader resource management Senior planner |
| s.40 | To initiate legal proceedings in respect of individuals who have undertaken building work without first having obtained a building consent | Group manager environmental services |
| ss.45, 48 | To determine the adequacy of information received with a building consent application or an application for an amended building consent, and require further information on the application | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.46 | To provide a copy of certain applications to Fire and Emergency New Zealand | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| S47 | To determine an application without a memorandum provided from Fire and Emergency New Zealand. | Technical lead building solutions Building control officer |
| s.48 | To process building consent applications | Technical lead building solutions Building control officer Technical support partners |
| s.49 | The authority to grant a building consent subject to receipt of fees and any levy payable | Technical lead building solutions Building control officer |
| s.50 | To determine whether to refuse any building consent and give written notice of the refusal and the reasons for the refusal | Technical lead building solutions Building control officer |
| s.51 | The authority to issue a building consent | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.52 | To extend the time permitted to activate a building consent to prevent lapse of consent | Manager building solutions Technical lead building solutions Building control officer |
| s.54 | To advise applicant of the amount of levy payable | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| ss.58, 59 | The duty to make payments and certify in respect of levies to the Ministry of Building, Innovation and Employment | Manager building solutions |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------|--|---|
| s.62 | The power to recover unpaid levies from applicant | Manager building solutions |
| s.64 | The duty to keep in safe custody all records and building consents issued including the estimated value of the building work. | Manager building solutions |
| s.67 | Authority to grant or refuse any applications for a waiver or modification of the Building Code, on matters of minor non compliance. | Manager building solutions Technical lead building solutions |
| s.68 | The duty to notify the Ministry of Building, Innovation and Employment | Manager building solutions |
| s.70 | The duty to receive applications for energy work | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.71 | Authority to refuse any building consent in relation to land with natural hazards | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| ss.72-74 | To permit the issue of a building consent in circumstances where the site may be subject to natural hazards but the situation is not made worse by the construction of the building | Group manager environmental services Team leader resource management Senior planner |
| s.75 | Building on two or more allotments - issue and authenticate for entry of titles | Group manager environmental services Team leader resource management Senior planner |
| ss.90, 222 | The power to inspect any land and building work and enter any premises for the purpose of inspection and be an “authorised agent or officer” | Manager building solutions Technical lead building solutions Building control officer |
| s.91 | Authority on behalf of the building consent authority that grants a building consent to issue a code compliance certificate | Manager building solutions Technical lead building solutions Building control officer |
| ss.93-95 | To determine all matters as a building consent authority in relation to whether a code compliance certificate will be issued, including requiring further information, and the issuing of all code compliance certificates | Manager building solutions Technical lead building solutions Building control officer |
| s.96 | To determine whether to grant or refuse an application for a certificate of acceptance | Manager building solutions Technical lead building solutions Building control officer |
| ss.97, 98 | Power to determine information required and to require further information on an application for a certificate of acceptance | Manager building solutions Technical lead building solutions |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------------|--|---|
| | | Building control officer |
| s.99 | To determine whether any qualifications should be made on any certificate of acceptance | Manager building solutions Technical lead building solutions Building control officer |
| ss.100-103, 108 | Authority to consider and implement all aspects relating to compliance schedules, building warrants of fitness and approval of independent qualified persons | Manager building solutions Technical lead building solutions Building control officer |
| s.103 | Content of compliance schedule (specified systems) | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| ss.106, 107, 109 | Power to amend a compliance schedule | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.110 | To require owner of building to produce of annual written reports on compliance schedules | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| s.111 | Power to inspect buildings | Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer |
| s.112, 118 | To determine all matters in relation to alterations to an existing building, that will not comply fully with the relevant provisions of the building code | Manager building solutions Technical lead building solutions Building control officer |
| s.113 | Authority to determine conditions of a building consent in relation to buildings with specified intended lives | Manager building solutions Technical lead building solutions Building control officer |
| s.115 | The power and authority to determine the change of use of buildings | Manager building solutions Technical lead building solutions Building control officer |
| s.116 | The power and authority with respect to code compliance requirements to determine an extension of life of a building and subdivisions (as warranted authorised officers) | Manager building solutions Technical lead building solutions Building control officer |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|---|---|
| s.121 | To determine whether a building is dangerous, including seeking advice from Fire and Emergency New Zealand. | Manager building solutions Technical lead building solutions |
| s.123 | To determine whether a building is insanitary | Manager building solutions |
| ss.124-129- | Authority to take action in relation to dangerous and insanitary buildings | Manager building solutions Environmental monitoring manager |
| s.126 | Apply to the district court for order to carry out building | Group manager environmental services |
| s.129 | Take action to avoid immediate danger or to fix insanitary conditions | Chief executive of territorial authority |
| s.133AH | Request engineering assessment of potentially earthquake-prone buildings | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.133AJ | Granting /refusing application for extension of time to provide engineering assessment | Manager building solutions Technical lead building solutions Building control officer |
| s.133 AK | Determining if a building is earthquake prone | Manager building solutions Technical lead building solutions Building control officer |
| s.133 AL | Issue EPB notice for earthquake prone buildings | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AN | Granting/refusing application for exemption from requirement to carry out seismic work | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AO | Granting/refusing application for extension of time to complete seismic work on certain heritage buildings | Group manager environmental services Manager building solutions Technical lead building solutions Building control officer |
| s.133AQ | Assessing information relating to earthquake prone building status at any time and deciding if a building is or is not an EPB | Group manager environmental services Manager building solutions |
| s.133AR | Impose safety requirements in relation to EPB | Group manager environmental services Manager building solutions |
| s.133AS | Applying to the District Court to carry out seismic work | Group manager environmental services Manager building solutions |
| s.133AT | Assess alterations of a building or part of a building that is subject to an EPB notice | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|--------------|--|---|
| | | Manager building solutions Technical lead building solutions |
| ss.164-166 | The power and authority to issue notices to fix, or to determine whether another authority should issue notices to fix | Manager building solutions Technical lead building solutions Building control officer Technical support partners |
| s.167 | The power to inspect the building work to which any notice to fix relates, to confirm whether or not the notice to fix has been complied with, and to issue any notices with reasons | Manager building solutions Technical lead building solutions Building control officer |
| s.177 | To apply to the chief executive for a determination (comment this is the chief executive MBIE) | Manager building solutions |
| s.180 | To withdraw any application for a determination | Manager building solutions |
| s.189 | To apply for the clarification of a determination | Manager building solutions |
| s.215 | Duty to obtain accreditation and be registered | Manager building solutions |
| s.216 | The duty to keep all records relevant to the administration of the Building Act 2004 | Manager building solutions |
| s.217 | The duty to provide access to that information to the public | Manager building solutions |
| ss.224, 371C | The duty of authorised and warranted officers to carry and produce evidence when required | Manager building solutions Technical lead building solutions Building control officer Monitoring and enforcement officer |
| s.222 | To be an authorised officer to inspect land on which building work is or is proposed, building, building work or residential pool or pool area | Manager building solutions Technical lead building solutions Building control officer Manager environmental health Environmental health officer Monitoring and enforcement officer (limited to barriers for swimming pools) |

11.4 Building Research Levy Act 1969

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s. 9 | The duty to make payments and certify in respect of levies to the Building Research Association of New Zealand | Group manager environmental services Manager building control |

11.5 Burial and Cremation Act 1964

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | All powers, functions and duties under the Burial and Cremation Act 1964 excluding s.49 | Property services manager |
| s.49 | Remission of burial charges | Property services manager in consultation with group manager services and assets |

11.6 Camping-Grounds Regulations 1985

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------------|--|--|
| ss. 3, 14, 15 | Issue, renew and transfer licences, permits or registrations, grant and set conditions on certificate of exemption, inspection | Group manager environmental services Environmental health manager Environmental health officer |

11.7 Civil Defence Emergency Management Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------------|---|-------------------------------|
| ss.12, 13 | Obligation to form, and for the mayor or the mayor's nominee to be a member of a Civil Defence Emergency Management Group | Mayor or nominee |
| s.25 | Power to declare a state of local emergency | Mayor |
| s.27 | Appointment of local controllers | Civil Defence Emergency Group |
| s.64 | Obligation to plan and provide for civil defence emergency management in the district | Emergency management officer |
| ss.68, 71, 72 | Power to declare, extend and terminate a state of local emergency | Mayor |

11.8 Dog Control Act 1996

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------------|---|--|
| | All powers, functions and duties under the Dog Control Act 1996 and any subsequent amendments, including the power to authorise prosecutions (except those that are unable to be legislatively delegated) | Group manager environmental services |
| s.9 | Requirement to retain funds obtained under the act and apply for authorised purposes only under the act | Environmental health manager |
| s.10, 10A, 10AA | Requirement to adopt a policy about dogs and annually report on the policy and other matters | Group manager environmental services Environmental health manager |
| s.11 | Appoint dog control officers | Chief executive |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.12 | Appoint dog rangers | Group manager environmental services |
| s.13 | Issue warrant to dog control officers and dog rangers | Chief executive |
| s.21 | Classify a person as a probationary owner and give notice of that decision | Group manager environmental services Environmental health manager |
| s.22 | Hear and determine an objection to classification as a probationary owner | Regulatory and Consents Committee |
| s.23A | Require a probationary owner to undergo training | Group manager environmental services Environmental health manager |
| s.25 | Disqualification of owners and specification of period of disqualification. Determine whether the circumstances are such that disqualification is not warranted, or the person should instead be classified as a probationary owner and give notice of disqualification | Group manager environmental services Environmental health manager |
| s.26 | Hear and determine an objection to disqualification | Regulatory and Consents Committee |
| s.28 | Extend period of disqualification | Group manager environmental services Environmental health manager |
| s.30 | Maintain records and provide information | Environmental health manager Dog control officer Group manager environmental services Customer services officer |
| s.31 | Classify any dog as a dangerous dog. Hear and determine an objection to classification of any dog as a dangerous dog | Group manager environmental services Environmental health manager Regulatory and Consents Committee |
| s.32 | Consent to disposal of dangerous dog to any person | Environmental health manager Dog control officer Group manager environmental services |
| s.33A | Classify a dog as a menacing dog and give notice of the classification | Group manager environmental services Environmental health manager |
| s.33B | Hear and determine an objection to classification of a dog as a menacing dog | Regulatory and Consents Committee |
| s.33C | Classify a dog as a menacing dog by belonging to breed or type listed in Schedule 4 and give notice of the classification | Group manager environmental services Environmental health manager Dog control officer |
| s.33D | Hear and determine an objection to classification of a dog as a menacing dog by belonging to breed or type | Regulatory and Consents Committee |
| s.33E | Require production of a certificate in accordance with s.33E(1)(b). | Environmental health manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|--|--|
| | Determine under s.33E(5) that a dog need not be muzzled | Dog control officer Group manager environmental services |
| s.33EB | Require neutering of dog | Environmental health manager Dog control officer Group manager environmental services |
| s.33ED | Classification of certain dogs | Group manager environmental services Environmental health manager |
| s.35 | Supply information in accordance with the provisions of this section | Environmental health manager Dog control officer Group manager environmental services Customer services officer |
| s.35(5)(c) | To determine whether or not a dog should be delivered into custody of a dog control officer or dog ranger | Environmental health manager Dog control officer |
| s.36A | Request verification that a dog has been implanted with a functioning microchip transponder | Environmental health manager Dog control officer Group manager environmental services Customer services officer Dog control ranger |
| s.39 | Remit, reduce or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where satisfied that there are special grounds for doing so | Environmental health manager Dog control officer Customer services officer |
| s.40 | Require the production of a written statement or veterinarian's certificate as proof of class of dog | Environmental health manager Dog control officer Customer services officer |
| s.42 | Determine that there are reasonable grounds for believing there has been a breach of s.42(1) | Environmental health manager Dog control officer Dog control ranger |
| s.46 | To issue a replacement label or disc | Dog control officer Customer services officer |
| s.55 | Consider and determine an objection to a notice to abate a barking dog nuisance | Group manager environmental services |
| s.66 | Issue infringement notices Make any decision on any matter relating to those proceedings | Environmental health manager Dog control officer Dog control ranger Environmental health manager Dog control officer |
| s.68 | Require pound fee set is paid before release of dog | Environmental health manager Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | | Dog control officer Dog control ranger |
| s.69 | Give written notice to the owner that a dog has been impounded and dispose of a dog pursuant to s.69(2) Where the owner of a dog is not known and cannot be identified from the dog registration label or disc, seize the dog, sell, destroy, or otherwise dispose of the dog pursuant to s.69(3) Apply proceeds from sale of dog against fees of the owner | Environmental health manager Dog control officer Customer services officer Dog control ranger |
| s.69A | Verify that a dog has been fitted with a functioning microchip transponder Recover the costs of microchip transponder | Environmental health manager Dog control officer Group manager environmental services Dog control ranger |
| s.70 | Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager Dog control officer Group manager environmental services |
| s.71 | Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager, dog control officer, group manager environmental services |
| s.71A | Sell, destroy or otherwise dispose of dogs seized under s.15 and s.33EC in a manner thought fit Apply fees from disposal towards fees Apply fees to sustenance of dog and require payment before return of dog | Environmental health manager Dog control officer Dog control ranger |

11.9 Drainage and Plumbing Regulations 1978

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|-----------------------------------|
| | Authority to exercise the powers of "Engineer" under the Drainage and Plumbing Regulations | Group manager services and assets |

11.12 Food Act 1981

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | Initiating prosecutions and injunctions under act or regulations | Group manager environmental services |
| s.2 | Appoint inspector | Chief executive |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.8E | Enforce Food Hygiene Regulations | Environmental health manager Environmental health officer |
| s.8N | Grant exemption from provisions of the Food Hygiene Regulations 1974 or refer to director general | Environmental health manager Environmental health officer |
| s.8O | Grant or refuse to grant exemption on director general's direction | Environmental health manager Environmental health officer |
| s.8P | Give notice of intention to refuse to grant exemption | Environmental health manager Environmental health officer |
| s.8Q | Revoke, amend, add conditions to any exemption | Environmental health manager Environmental health officer |
| s.8R | Specify exemption for specified period | Environmental health manager Environmental health officer |
| s.8S | Revoke exemption and give notice of intention to do so | Environmental health manager Environmental health officer |
| s.8U | Grant substitute exemption | Environmental health manager Environmental health officer |

Delegations under the Food Act 1981 remain in place during the period of transition to the Food Act 2014.

11.13 Food Act 2014

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| | All powers, functions and duties under the Food Act 2014, excluding ss.173(2), 176, 179, 182 and 205 which remain with Council | Group manager environmental services Environmental health manager Environmental health officer Customer services officer |

11.14 Food Hygiene Regulations 1974

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| S.4 | Grant, extend, set conditions on certificate of exemption | Group manager environmental services Environmental health manager Environmental health officer |

11.16 Freedom Camping Act 2011

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| s.25 | Power to issue proceedings for an offence other than an infringement notice | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | | Environmental health manager |
| s.27 | Issue infringement notices Make any decision on any matter relating to those proceedings | Environmental health manager Environmental health officer Freedom camping ranger |
| s.28 | Power to issue reminder notice | Customer services officer |
| s.32 | Appointment of an enforcement officer | Chief executive |
| s.39 | Power to return property seized or impounded | Environmental health manager Environmental health officer Freedom camping ranger |
| s.40 | Power to dispose of seized and impounded property | Environmental health manager Environmental health officer Freedom camping ranger |

11.17 Gambling Act 2003

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|--------------------------------------|
| ss.98-100 | Considering and determining application for territorial authority consent | Group manager environmental services |

11.18 Gas Act 1992

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| S.25 | Power to set reasonable conditions on the opening up of any road and recover reasonable costs | Assets manager Roading manager |
| S.33 | Power to require fittings to have their position changed | Assets manager Roading manager |

11.19 Hazardous Substances and New Organisms Act 1996

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| | Initiating prosecutions and injunctions under Act or Regulations | Group manager environmental services |
| s. 108 | Confirm, change or cancel Compliance Order | Environmental health manager Environmental health officer |

11.20 Health Act 1956

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------------------|
| | Initiating prosecutions and injunctions | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.28 | Appoint environmental health officers | Chief executive |
| s.33 | Bring proceedings for nuisance | Environmental health manager |
| s.34 | Determine that immediate action for the abatement of the nuisance is necessary by reason of the existence of a nuisance on any premises and without notice to the occupier, enter on the premises and abate the nuisance | Environmental health manager |
| s.41(1) | Decide and cause service of a cleansing order | Environmental health manager |
| s.41(2) | Cause cleansing | Environmental health manager |
| s.42 | Duly authorised to issue certificate | Environmental health manager |
| s.42(2) | Cause service of a repair notice | Environmental health manager |
| s.42(3) | Issue a closing order | Environmental health manager |
| s.45 | Cancel a closing order | Environmental health manager |
| s.54 | Determine any application to carry on an offensive trade, register or renew the registration of any premises used for an offensive trade | Environmental health manager Environmental health officer |
| s.58 | Determine any application to establish a stockyard, register or renew the registration of any premises used for a stockyard | Environmental health manager Environmental health officer |
| s.66 | Apply for injunction where continuing breach of bylaw following conviction | Group manager environmental services |
| s.81 | Decide and authorise environmental health officer to enter and carry out cleansing | Group manager environmental services Environmental health manager |
| s.83 | Destroy articles that cannot be effectively disinfected | Environmental health manager Environmental health officer |
| s.128 | Power to enter and inspect | Environmental health manager Environmental health officer |

11.21 Health (Burial) Regulations 1946

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.16 | Consent, register, renew, refuse, impose conditions for registration or consent | Environmental health manager Environmental health officer |

11.22 Health (Drinking Water) Amendment Act 2007

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| S.69S | Duty to take all practicable steps to ensure that an adequate supply of drinking water is | Strategic manager water and waste |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------------|--|-----------------------------------|
| | provided to each point of water supply to which drinking water is supplied | |
| s.69T | Duty to take action where risk to water is actual or foreseeable | Strategic manager water and waste |
| s. 69U | Duty to take reasonable steps to contribute to the protection of a drinking water source | Strategic manager water and waste |
| S.69V | Duty to take all practicable steps to comply with drinking water standards | Strategic manager water and waste |
| s. 69W | Duty to take reasonable steps to supply wholesome drinking water | Strategic manager water and waste |
| s.69X | Duty to check water quality before connecting to a new water source | Strategic manager water and waste |
| s.69Y | Duty to monitor drinking water to ensure compliance with drinking water standards and assess public health risk | Strategic manager water and waste |
| ss. 69ZA – 69ZF | Duty to prepare and implement a public health risk management plan in relation to the drinking water supply, to review/renew plans, keep and make available records of plans, to investigate complaints, to take remedial action if standards breached | Strategic manager water and waste |
| s. 69ZZZ | Duty to protect water supplies from risk of backflow | Strategic manager water and waste |

11.22 Health (Hairdressers) Regulations 1980

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.4 | Grant, extend, set conditions on certificate of exemption | Group manager environmental services Environmental health manager Environmental health officer |

11.23 Health (Registration of Premises) Regulations 1966

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.5 | Consent, amend, register, renew, impose conditions for registration, and cancel registrations | Environmental health manager Environmental health officer |
| s.9 | Cause first notice and further notice to be served | Environmental health manager Environmental health officer |

11.24 Housing Improvement Regulations 1947

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|------------------------------|
| | Exercise the powers and functions of a local authority | Environmental health manager |

11.25 Impounding Act 1955

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| | Authority to authorise any officer to carry out all or any functions of a ranger under the Impounding Act 1955 | Group manager environmental services |
| ss.8, 9 | Appointment of a pound keeper (a statutory appointment) and appointment of a deputy (statutory appointment) | Chief executive |
| s.10 | Remove or suspend pound keeper or deputy | Chief executive |
| s.11 | Authority to publicly notify every appointment, or suspension, or removal from office of any pound keeper or deputy pound keeper, as required by Section 11 of the Impounding Act 1955 | Chief executive |
| s.14 | Recover actual costs of sustenance of impounded stock | Environmental health manager Dog control officer Dog control ranger |
| s.32 | Declare fenced paddock a temporary pound | Dog control officer Dog control ranger |
| s.42 | Disposal of wild stock straying on roads | Dog control officer Dog control ranger |
| s.50 | Authorise person to act as auctioneer for sale of impounded stock | Environmental health manager Dog control officer Dog control ranger |
| s.52 | Destroy worthless or suffering stock | Dog control officer Dog control ranger |
| s.53 | Dispose of unsold stock | Dog control officer Dog control ranger |
| s.56 | Recover any deficiency in costs from owner of stock | Environmental health manager Dog control officer Dog control ranger |

11.26 Infrastructure (Amendments Relating to Utilities Access) Act 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| s.14 | Power to set reasonable conditions over the opening up of any road and recover reasonable costs | Group manager services and assets Roading manager |

11.27 Land Drainage Act 1908

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| S.6 | Obligation to provide information on ratepayers in respect of property within the district liable to be rated | Chief financial officer Finance manager Rates officer |
| S.20 | Power to object to Drainage Board (ES) interfering with road or footpath | Strategic manager water and waste |
| SS. 61,63 | Power to cleanse, repair or maintain a watercourse or drain | Strategic manager water and waste |

11.28 Land Transfer Act 2017

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|---|
| | Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 2017 | Property manager in consultation with group manager environmental services or group manager services and assets |
| S.34 | Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 2017 | Chief executive Group manager environmental services Group manager services and assets |
| | The authority to execute A & I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction | Group manager services and assets Property services manager Group manager environmental services Team leader resource management |

11.29 Land and Transport Act 1998

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.16A | Powers regarding restriction of heavy traffic on roads | Group manager services and assets Roading manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------|---|---|
| ss.22AB, 22AD and 22AE | Powers regarding transport related bylaws | Group manager services and assets Roading manager |
| s.128D | Appointment of parking wardens | Group manager environmental services Environmental monitoring manager Parking officer |
| s.128E | Powers of parking wardens | Group manager environmental services Environmental monitoring manager |
| s.139 | Power to issue infringement notices | Group manager environmental services Environmental monitoring manager Parking officer |
| s.157 | Power as road controlling authority to control, restrict and prohibit traffic | Group manager services and assets Roading manager |

11.30 Land Transport (Infringement and Reminder Notices) Regulations 2012

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|---|----------------------------------|
| Schedule 4 | Power to review or waive stationary vehicle infringements | Environmental monitoring manager |

11.31 Litter Act 1979

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.5 | Appoint litter control officers | Chief executive |
| s.8 | Appoint and revoke appointment of litter wardens | Chief executive |
| s.10 | Serve notices to clear litter To hear and determine any objection | Environmental health manager Environmental health officer Group manager environmental services |
| s.14 | Issue infringement notices and make any decision on any matter relating to those proceedings | Environmental health manager Environmental health officer |
| s.15 | Initiating prosecutions and injunctions | Group manager environmental services |

11.32 Local Government Act 1974

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|--|
| s.319 | General powers in respect of roads | Group manager services and assets Roading manager Assets manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------------------|--|---|
| s. 319 (a) | General powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council. | Group manager services and assets Strategic manager transport Property services manager |
| s. 319B | Allocation of property numbers | Team leader resource management Support officer (Environmental Services) |
| 319 (h) | 319(h) where a permanent road stopping is proposed as this is required to be referred to Council | Group manager services and assets Strategic manager transport Property services manager |
| S.344 | Authority to approve and authorise the installation of gates and cattle stops on legal roads | Group manager services and assets Roding manager |
| s.346D | Authority to approve new vehicle entrances on to roads and limited access roads and/or alter the location of existing approved entranceways | Group manager services and assets Roding manager |
| s.348 | Creation and cancellation of right of ways | Group manager environmental services Team leader resource management Senior planner |
| s.353 | Require fencing | Group manager environmental services |
| s.355 | Council's powers relating to the removal and/or trimming or overhanging trees etc., and recovery of costs | Group manager services and assets Roding manager |
| ss.356, 356A | The power to authorise any person to remove and dispose of motor vehicles found on a road or in a public place which may be abandoned | Group manager services and assets Roding manager |
| s.357 | The power to penalise a person who commits an offence which encroaches on a road | Group manager services and assets |
| Schedule 10 clauses 11 (a) and (b) | The temporary prohibition of traffic for the purpose of: Construction or repair of the road or any drain, water race, pipe or apparatus under, upon, or over the road Diversion of traffic in order to resolve problems associated with traffic operations When, for any reason it is considered desirable that traffic should be diverted to other roads | Group manager services and assets Roding manager |

11.33 Local Government Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.162 | Apply for injunction restraining a person from committing a breach of a bylaw or an offence against this Act | Executive Leadership Team |
| s.163 | Remove or alter a work or thing that is, or has been, constructed in breach of a bylaw, and recover the costs of removal or alteration | Environmental health manager Environmental health officer |
| s.167 | Return of property seized or impounded | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.168 | Dispose of property that has not been returned within six months after it was seized and impounded | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.171 | Enter any land or building other than a dwelling house. Determine how to exercise the power to enter occupied land or buildings. Give notice of intended entry | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.173 | Enter occupied lands or buildings without giving prior notice Inform occupier and owner of entry | Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| S.174 | To be an authorised officer to act and enter private land | Group manager environmental services Building services manager Team leader resource management Environmental monitoring manager Building official Technical officer Senior planner Planner Graduate planner Environmental health officer Compliance coordinator Assets management engineer Asset management officer – transportation Utilities engineer Asset management officer – utilities Support officer service and assets Farm manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|--|--|--|
| | | Assets manager Rearing manager Monitoring and enforcement officer Environmental monitoring officer Alcohol licensing inspector Systems officer – animal control Group manager customer service Contracts engineer – rural Contracts engineer – urban Technical support officer – rearing Development engineer Technical support officer – applications Waste recovery manager Operations and services officer Assets field assistant Projects and operations manager Asset management engineer – utilities Stockwater rangers |
| s.177 | Appoint enforcement officer | Chief executive |
| s.179 | Contract out administration of regulatory functions | Group manager environmental services |
| s.181 | Construction of works on private land | Group manager services and assets Property services manager Strategic manager water and waste |
| s.185 | Approve the carrying out of works by an occupier | Environmental health manager |
| s.186(2) | Execute, provide or do works, materials or things and recover costs from person in default | Group manager environmental services Environmental health manager |
| s.187 | Act in default of owner and recover costs from person in default | Group manager environmental services Environmental health manager Environmental health officer Dog control officer Dog control ranger |
| s.215 | Application for removal order for fence, structure or vegetation | Group manager environmental services |
| ss.227, 228, 229, 230, 231, 232, 238, 239, | Initiating prosecutions and injunctions under acts or bylaws | Group manager environmental services |

11.34 Local Government Official Information and Meetings Act 1987

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|--|
| S.5 | Power to determine availability of information | Chief executive Group managers |
| S.6 | Power to determine withholding of information | Chief executive Group managers Communications and engagement manager |
| S.7 | Other reasons for withholding official information | Chief executive Group managers Communications and engagement manager |
| S.10 | Requests for official information | Chief executive Group managers Communications and engagement manager |
| S.11 | Assistance with requesting information | Chief executive Group managers Communications and engagement manager |
| S.12 | Transfer of requests | Chief executive Group managers Communications and engagement manager |
| S.13 | Decisions on requests | Chief executive Group managers Communications and engagement manager |
| S.14 | Extension of time to provide official information | Chief executive Group managers Communications and engagement manager |
| S.15 | Power to determine the manner of presenting information | Chief executive Group managers Communications and engagement manager |
| S.16 | Power to determine deletions of some information from documents | Chief executive Group managers Communications and engagement manager |
| SS.17, 18 | Refusal of requests for information | Chief executive Group managers Communications and engagement manager |
| S.24 | Precautions regarding access to personal information | Chief executive Group managers Communications and engagement manager |
| S.25 | Correction of information | Chief executive Group managers |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------|---|--|
| | | Communications and engagement manager |
| S.26 | Refusal to supply personal information | Chief executive Group managers Communications and engagement manager |
| S.33 | Requirement to notify decision of ombudsman | Chief executive Group managers Communications and engagement manager |
| S.44A | Authority to prepare and approve Land Information Memoranda | Team leader knowledge management Property information officer Knowledge officer |
| S.46 | Public notification of meetings | Governance and democracy manager Chief executive Committee advisor |
| SS.46A, 49, 51 | Availability of agendas, reports and minutes | Governance and democracy manager Communications and engagement manager Committee advisor |
| S.51A | Public notification of resolution at emergency meeting | Governance and democracy manager Communications and engagement manager Committee advisor |

11.35 Local Government (Rating) Act 2002

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------|---|--|
| S.27 | Keep and maintain rating information data base | Chief financial officer Finance manager |
| S.37 | Keep and maintain rates records | Finance manager Rates officer |
| S.40 | Power to correct errors in rating information database and rates records | Finance manager Rates officer |
| S.41 | Power to issue an amended rates assessment if an error is corrected | Finance manager Rates officer |
| SS.44-51 | Obligations to deliver rates assessments and rates invoices to ratepayers setting out the information required by the act | Finance manager Rates officer |
| S.53 | Power to appoint a rates collector s.67. Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |
| S.54 | Power not to collect rates that are uneconomic to collect | Finance manager Rates officer |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------------|---|--|
| SS.57, 58 | Power to add penalties for rates not paid by the due date | Finance manager Rates officer |
| S.62, 63 | Powers for recovery of rates if owner in default | Finance manager Rates officer |
| S.67 | Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |
| S.77 | Obtain a court ruling that abandoned land can be disposed of by Council and then to dispose of such land. | Chief executive Group manager services and assets |
| S.79 | To set the reserve price of abandoned land which is to be offered for sale, or to be leased. | Chief executive Group manager services and assets |
| SS.85-90; 114-115 | Power to remit or postpone rates pursuant to Council rates remission and postponement policy | Finance manager Rates officer |
| S.108 | Appointment of principal administrative officer with power to have judgments of the court enforced by the court | Finance manager Rates officer |

11.36 New Zealand Library Association Act 1939

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--------------------------|
| S.5 | Power to become a member of the association | Manager district library |

11.37 Overseas Investments Act 2005

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| | Issue certificates relating to land | Group manager environmental services Team leader resource management Senior Planner |

11.38 Public Bodies Leases Act 1969

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------------|--|--|
| ss. 7, 17, 18, 22, 23A | To sign on behalf of Council, lease, tenancy, service and other miscellaneous agreements where the use of the corporate seal is not required | Strategic manager property Property advisor |
| ss.7, 17, 18, 22, 23A | To sign leases on behalf of Council, including renewal, transfers, rent reviews that are in accord with legislation and Council policy | Strategic manager property Property advisor |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| SS. 8-9 | Leases to be sold by public tender or auction subject to certain conditions | Strategic manager property Property advisor |
| S.23 | To authorise process for surrender of leases | Strategic manager property Property advisor |

11.39 Public Works Act 1981

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|--------------|---|-----------------------------------|
| ss. 110-111A | Provides certain powers of entry onto private land. | Group manager services and assets |
| SS.133-134 | Provide for removal of trees and hedges that interfere with public works | Group manager services and assets |
| SS.233-234 | Obligation to provide notice before entry onto private land | Group manager services and assets |
| S.237 | Power to approve excavations near public works | Group manager services and assets |
| S.238 | Power to bring action for damage to public work | Group manager services and assets |
| S.239 | Power to remove and/or dispose of abandoned property from public works land | Group manager services and assets |
| S.240 | Removal of land from persons holding illegal possessions | Group manager services and assets |

11.40 Racing Act 2003

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------|--|--------------------------------------|
| SS.65A-65E | Receiving, considering and determining application for territorial authority consent | Group manager environmental services |

11.40 Rates Rebate Act 1973

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| SS.5-7 | Provide for application of rebate of rates to be considered by chief executive | Chief financial officer Finance manager |
| S.9 | Provides for application to secretary for Local Government for refund of rebates granted | Chief financial officer Finance manager |
| S.13 | Power to receive declarations | Chief financial officer Finance manager |

11.41 Rating Valuations Act 1998

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------|--|--|
| S.10 | Duty to prepare and maintain district valuation roles | Chief financial officer Finance manager |
| SS.11-13 | Powers regarding general revaluations | Chief financial officer Finance manager |
| SS.14-17 | Powers regarding specific revaluations during the currency of a general revaluation | Chief financial officer Finance manager |
| SS.32-40 | Objections to valuations | Chief financial officer Finance manager |
| SS.41-42 | Powers for information to be disclosed | Chief financial officer Finance manager |
| S.43 | Power to obtain contribution to the cost of preparing and maintaining the valuation role from the regional Council | Chief financial officer Finance manager |
| S.45 | Provides authorisation for entry onto private property to carry out valuations | Chief financial officer Finance manager |

11.42 Reserves Act 1977

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-------------------------|--|---|
| | All powers, functions and duties under the Reserves Act 1977 except those outlined below | Communities facilities manager Property services manager |
| SS.78-80, 84-85A, 89-92 | Financial powers and duties regarding reserves | Chief financial officer Finance manager Community facilities manager Property services manager |

11.43 Resource Management Act 1991

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------------|---|---|
| SS.10, 10A, 10B | Determination of whether existing rights in terms of Section 10 of the RMA apply | Group manager environmental services Team leader resource management Senior planner |
| s.27 | To provide information to the Minister for Environment | Group manager environmental services Team leader resource management Senior planner |
| s.36(5) | Power to require the payment of additional charges to cover processing costs in accordance with Council's approved Schedule | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|--|---|
| | of Fees and Charges under the Resource Management Act 1991 | Senior planner Resource management planners |
| s.36(6) | Power to provide on request an estimate of additional charges over and above the processing deposits | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.36AAB (1) | Power to remit the whole or any part of the charge under s36 that would otherwise be payable. | Group manager environmental services Team leader resource management |
| ss.37, 37A | Power to waive and/or extend time limits for functions under the act. | Group manager environmental services Team leader resource management Senior planner |
| s.38 | Authorisation of Enforcement Officers | Group manager environmental services Team leader resource management |
| s.41B | Direction to provide evidence with time limits | Group manager environmental services Team leader resource management Senior planner |
| s.42 | Protection of sensitive information | Group manager environmental services Team leader resource management |
| s.42A | Require the preparation of a report on information provided | Group manager environmental services Team leader resource management |
| s.42A (5) | Waiving compliance regarding timeframes for distributing reports, where there is no material prejudice | Group manager environmental services Team leader resource management Senior planner |
| s.87BA | To issue a notice confirming a boundary activity is permitted | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.87BB | To issue a notice confirming a marginal or temporary activity is permitted | Group manager environmental services Team leader resource management Senior planner |
| s.87E | Decision on request for application to go directly to environment court | Group manager environmental services Team leader resource management |
| s.87F | Preparation of report on application referred directly to environment court | Group manager environmental services Team leader resource management Senior planner |
| s.88(3) | Determining an application incomplete and returning to the applicant | Group manager environmental services Team leader resource management Senior planner |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|--|---|
| s.91 | Determining not to proceed with notification or hearing of application pending lodging of further consents under the act | Group manager environmental services Team leader resource management Senior planner |
| s.92 | Request further information or agreement to commissioning of a report on resource consent application | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.92A (2) | Set timeframe for provision of further information or commissioning of a report | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| ss.95A, 95B | Determination of public notification or limited notification | Group manager environmental services Team leader resource management Senior planner |
| s.95D | Determination of adverse effects likely to be more than minor | Group manager environmental services Team leader resource management Senior planner |
| s.95E | Determination if person is affected person | Group manager environmental services Team leader resource management Senior planner |
| s.95F | Determination if group is an affected customary rights group | Group manager environmental services Team leader resource management |
| s.95G | Determination if group is an affected customary marine title group | Group manager environmental services Team leader resource management |
| s.99 | Organise and convene prehearing meetings and prepare reports on these under Section 99 (5) | Group manager environmental services Team leader resource management Senior planner |
| s.100 | Determine whether a formal hearing is necessary | Group manager environmental services Team leader resource management |
| s.101 | Fix time and date for hearings | Group manager environmental services Team leader resource management Senior planner |
| s.102 | To determine whether applications are required to be heard by Joint Hearings Committee | Group manager environmental services Team leader resource management |
| s.103 | To determine whether two or more applications to different authorities are sufficiently unrelated that a joint hearing is not appropriate. | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---|--|---|
| ss. 104, 104A, 104B, 104C, 104D, 108, 113 | Make and issue decisions and impose conditions for non-notified resource applications and limited notified resource applications where there are no submissions received or where all submissions received are in support and no party wishes to be heard; in accordance with the provisions of the Southland District Plan and the RMA. | Group manager environmental services Team leader resource management Senior planner |
| s.106 | Ability to refuse subdivision consent in certain circumstances. | Group manager environmental services Team leader resource management Senior planner |
| s.108A | Determination of requirement for a bond | Group manager environmental services Team leader resource management Senior planner |
| s.114 | Notify decisions to applicant and other appropriate authorities | Group manager environmental services Team leader resource management Senior planner Resource management planners |
| s.123 (b) | Duration of consent | Group manager environmental services Team leader resource management Senior planner |
| s.125 (1A)(B) | Fix longer period for lapsing of resource consents than is the norm under Section 125(1) | Group manager environmental services Team leader resource management Senior planner |
| s.126 | Cancel consent if not exercised | Group manager environmental services Team leader resource management |
| s.127 | Determining whether application to change or cancel consent requires notification, or limited notification and changing or cancelling any condition on a resource consent | Group manager environmental services Team leader resource management Senior planner |
| s.128 | Service of notice of intention to review conditions of a resource consent | Group manager environmental services Team leader resource management Senior planner |
| ss.129, 130 | Formulation and public notification of notice to review conditions | Group manager environmental services Team leader resource management Senior planner |
| s.133A | Minor corrections of resource consents | Group manager environmental services Team leader resource management Senior planner |
| s.134(4) | Approval of transfer of resource consents – written notice | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|------------------|---|---|
| | | Senior planner |
| s.138 | Surrender of consent | Group manager environmental services Team leader resource management |
| s.139 | Consider request for and issue Certificates of Compliance for any activity which is a permitted activity under the District Plan. | Group manager environmental services Team leader resource management Senior planner |
| s.139A | Consider request for and issue Existing Use Certificate. | Group manager environmental services Team leader resource management Senior planner |
| s.169 | Request further information and process notice of requirement | Group manager environmental services Team leader resource management Senior planner |
| s.170 | Discretion to include notice of requirement in proposed Plan | Group manager environmental services Team leader resource management |
| s.171 | Consider notice of requirement and make submissions thereto, and make recommendation to the requiring authority | Group manager environmental services Team leader resource management Senior planner |
| s.174 | Lodge appeal against decision of a requiring authority. | Group manager environmental services Team leader resource management |
| s.176A(2) (C) | Outline plan waivers | Group manager environmental services Team leader resource management Senior planner |
| s.181(3) | Alteration of designation in plan at request of requiring authority, to a minor extent | Group manager environmental services Team leader resource management |
| s.182 | Removal of designation at request of requiring authority | Group manager environmental services Team leader resource management |
| s.184(2) | Waiver of lapsing designation | Group manager environmental services Team leader resource management |
| s.220 | Issue certificates relating to requirements to comply on ongoing basis with consent conditions and endorsements on titles | Group manager environmental services Team leader resource management Senior planner |
| s.221 | Imposing and issuing Consent Notices on subdivision consents. | Group manager environmental services Team leader resource management Senior planner |
| s.222 | Dealing with Completion Certificates on subdivision consents | Group manager environmental services Team leader resource management Senior planner |
| s.223 | Approval of Survey Plan – check compliance prior to sealing | Group manager environmental services Team leader resource management |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------------------|--|---|
| | | Senior planner |
| s.224 | Issue certificates indicating all or any of conditions on subdivision consent have been complied with | Group manager environmental services Team leader resource management Senior planner |
| s.226 | Certifications of plans of subdivision that allotments on the plan meet the requirements of the District Plan | Group manager environmental services Team leader resource management Senior planner |
| ss.229 – 237H | Creation of esplanade reserves and strips and associated conditions. | Group manager environmental services Team leader resource management Senior planner |
| ss.240,241 | Imposition and cancellation of amalgamation conditions and restrictive covenants | Group manager environmental services Team leader resource management Senior planner |
| s.243(E) | Revoking a condition specifying easements | Group manager environmental services Team leader resource management Senior planner |
| ss.310, 311 | Application to Environment Court for a declaration | Group manager environmental services Team leader resource management |
| ss.314,316 | Seek and/or respond to an Enforcement Order | Group manager environmental services Team leader resource management |
| s.320 | Seek and/or respond to an interim enforcement order | Group manager environmental services Team leader resource management |
| s.325A | Signature or cancellation of abatement notice | Group manager environmental services Team leader resource management Senior planner |
| Schedule 1, Clause 5A | To identify all affected parties for limited notification of a plan change or variation | Group manager environmental services Team leader resource management |
| ss.322, 327, 3258, 343C | The taking of enforcement action in relation to the Resource Management Act, initiating the review the resource consent decisions, and conditions | Group manager environmental services Team leader resource management |
| s.332 | To carry out inspection of any premises of property (except a dwelling house) to determine whether the RMA, any regulation or rule of the District Plan or resource consent is being complied with | Team leader resource management Senior planner Resource management planner Compliance and consents officer |
| s.333 | Entry to land (except a dwelling house) for purposes connected with any preparation, change, or review of the District Plan | Team leader resource management Senior planner Resource management planner Compliance and consents officer |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-----------|---|---|
| s.336 | Return of property seized under ss.323 and 328 | Group manager environmental services Environmental health manager Environmental health officer |
| s.342 | The power to collect fines for an offence under s.338 | Group manager environmental services Team leader resource management Environmental health manager |
| s.357 | The power to consider and make decisions on application for objections for an application which does not require a hearing, except where the decision would result in a net payment of reserve contributions by Council less credits for land to vest exceeding the delegation for the role. The power to decide whether an objection requires a hearing | Group manager environmental services Team leader resource management Environmental health manager |
| ss.357C-D | The power to consider and decide upon objections made. To consider, dismiss or uphold (in whole or in part) any objection under sections 357, 357A or 357B of the Act PROVIDED that this delegation shall NOT be exercised in respect of objections on resource consent applications which have been the subject of a hearing under section 100 of the Act | Group manager environmental services Team leader resource management |
| s.360F | To set overall charges payable by the applicant for a plan change or resource consent | Group manager environmental services Team leader resource management |

11.44 Sale and Supply of Alcohol Act 2012

Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council.

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | That Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council. | |
| | To give consent of Council as landowner (including reserves) for the purpose of the act | Property manager |
| | Authorising prosecutions and injunction proceedings. | Group manager environmental services |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|----------|--|---|
| s.100(f) | Certificates that proposed use of premises meets the requirements of the Resource Management Act 1991 and Building Code | Group manager environmental services Team lead resource management Senior planner |
| s.189(6) | The appointment from time to time of two members from the list of persons approved to be members of the District Licensing Committee for the purposes of s.191. The appointment may be for such period not exceeding four weeks as is considered necessary for the purposes of a quorum for any meeting of the committee | Chief executive |
| s.197 | Appointment of licensing inspectors | Chief executive |
| s.198 | Delegation of functions, duties, or powers of chief executive | Written delegations contained in R/16/6/9766 and R/16/10/17914 |
| s.204 | Authorising any person to appear on behalf of Council in any proceedings described in s.204(1). | Chief executive |
| s.205 | Authorising any person to appear on behalf of Council at any appeal to the Licensing Authority under s.81. | Chief executive |

Sale and Supply of Alcohol Act 2012 delegations that are affected by limitations at the bottom of chart:

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|----------|---|--|
| s.137(2) | Accept late application for special licence | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(a) | To consider and determine applications for manager's certificates and special licenses. | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(b) | To consider and determine applications for renewal of licences | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| s.187(b) | To consider and determine applications for renewal of manager's certificates | Chief executive Group manager environmental services Chief licensing inspector |

| SECTION | SUMMARY OF FUNCTION / POWER DELEGATED | DELEGATED OFFICER |
|-------------|---|--|
| | | Licensing inspector Customer services officer |
| s.187(c) | To consider and determine applications for temporary authority | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector |
| s.208 | To waive certain omissions | Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer |
| Limitations | <p>The delegations in this chart are subject to these limitations which staff cannot decide:</p> <ol style="list-style-type: none"> consider or decide on any opposed applications, or applications subject to public objection consider or decide on any waivers that do not meet any agreed criteria within the SEAL reference document decline, suspend, or cancel any application or licence or certificate vary any licence without the consent of the licence holder reduce the term of renewal of any certificate or licence decide on any application that any reporting agency requests to be considered by the District Licensing Committee any application which the general manager environmental services decides should be considered by the District Licensing Committee. | |

11.45 Sale and Supply of Alcohol (Fees) Regulations 2013

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| s.4 | Classification of premises | Group manager environmental services |
| s.5(1) | Assigning cost/risk ratings | Group manager environmental services |
| s.5(6) | Opinions with regard to premises types | Group manager environmental services |
| s.6(1) | Assigning fees categories | Group manager environmental services |
| s.6(4) | Assigning fees categories | Environmental health manager Environmental health officer |
| s. 9(2) | Determining event types | Environmental health manager Environmental health officer |
| s.10(2) | Setting of fees | Environmental health manager Environmental health officer |

11.46 Smoke Free Environments Act 1990

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-------------------------------|
| S.5 | Duty of employers to have a policy on smoking | People and capability manager |

11.47 Summary Proceedings Act 1957

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--------------------------------------|
| | Functions and duties related to vehicle parking and other stationery vehicle offence enforcement | Group manager environmental services |

11.48 telecommunications Act 2001

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|-------------|---|-----------------------------------|
| S.119 | Sets out the matters that may be considered in setting conditions for access to Council roads | Assets manager Roading manager |
| S.128 | Powers to deal with trees on road verges interfering with telecommunications networks | Assets manager Roading manager |
| S.135 | Duty to provide telecommunications networks access to Council roads | Assets manager Roading manager |
| SS.137, 143 | Duty to notify network operator of conditions imposed under section 135 or section 142 | Assets manager Roading manager |
| S.142 | Duty to provide telecommunications networks rights to place cabinets on public roads | Assets manager Roading manager |

11.49 Transport (Vehicular Traffic Road Closure) Regulations 1965

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|-----------------------------------|
| | The powers conferred on Council by the Transport (Road Closure) Regulations | Group manager services and assets |

11.50 Utilities Access Act 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| S.6 | Obligation to comply with the national code of practice to co-ordinate work done in transport corridors | Group manager services and assets Roading manager Assets manager |

11.51 Waste Minimisation Act 2008

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|----------------------|--|-----------------------------------|
| SS.26, 27 | Duty to impose levy on waste disposed of at disposal facility at prescribed rate | Group manager services and assets |
| S.28 | Duty of operator of disposal facility to pay levy to levy collector | Group manager services and assets |
| S.32 | Duty to spend levy money received on waste minimisation initiatives or in accordance with a Waste Management and Minimisation Plan | Group manager services and assets |
| S.51 | Mandatory requirements for waste assessment | Group manager services and assets |
| S.53 | Duty to use any proceeds from a service undertaken under s.52 in implementing the Waste Management and Minimisation Plan | Group manager services and assets |
| S.54 | Duty for territorial authority to provide a service that collects waste promptly, efficiently and at regular intervals | Group manager services and assets |
| S.66 | Authority to enforce provisions of bylaw | Group manager services and assets |
| SS.73,74 | Authority to initiate proceedings for infringement offences and to issue and serve infringement notices | Group manager services and assets |
| S.75 | Authority to retain infringement fees | Group manager services and assets |
| S.76 | Authority to authorise any officer to be an enforcement officer | Group manager services and assets |
| SS.79, 80-82, 84, 85 | Powers of enforcement officers | Group manager services and assets |
| SS.86-87 | Duty to keep records and provide details if required | Group manager services and assets |

11.52 Dog Control Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|------------------|--|---|
| ss.10(a) and (b) | Changes to dog access by public notice | Chief executive Group manager environmental services |
| s.13 | Granting of multiple dogs licences | Chief executive Group manager environmental services Environmental health manager Dog control officer Customer services officer |
| s.14 | Requirement to neuter uncontrolled dog | Chief executive Group manager environmental services Environmental health manager |

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|-------------------|
| | | |

11.53 Freedom Camping Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| s.7 | Consent to freedom camping | Chief executive Group manager environmental services |

11.54 Alcohol Control Bylaw 2015

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| s.6 | Granting of dispensations with or without conditions | Chief executive Group manager environmental services |

11.55 Keeping of Animals, Poultry and Bees Bylaw 2010

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|-------------------------------------|---|
| s.5 | Prescribe conditions | Chief executive Group manager environmental services |
| s.6 | Dispensing powers | Chief executive Group manager environmental services |

11.56 Roading Bylaw 2008 – Revision 2 2018

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|--|
| | Functions and duties related to vehicle parking and other stationary vehicle offence enforcement | Group manager services and assets Roading manager |

11.57 Trading in Public Places Bylaw 2013

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|--|---|
| SS.5, 6 | Receiving, considering and determining application for licence | Chief executive Group manager environmental services Environmental health manager Environmental health officer |

11.58 Trade Waste Bylaw 2008

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | All of the powers of council under the trade waste bylaw 2008 in respect of trade premises as defined in the bylaw and the discharges from them | Environmental health manager Environmental health officer |

11.59 Airport Authorities Act 1966

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---------------------------------------|---|
| s.6 | Leasing powers of airport authorities | Group manager services and assets Property services manager Commercial infrastructure manager |

11.60 Residential Tenancies Act 1986

| SECTION | SUMMARY OF FUNCTION/POWER DELEGATED | DELEGATED OFFICER |
|---------|---|--|
| | To undertake the role and obligations of the landlord as required by the act. | Group manager services and assets Property services manager Community facilities manager |

12 Non Statutory Delegations

12.1 Advertising

| DESCRIPTION | DELEGATED OFFICER |
|---|---|
| To authorise general advertising | Group managers Communications and engagement manager |
| Authority to issue public notices as required | Chief Executive or nominee Group Managers |
| Authority to issue works notices to property owners and residents in areas where works are to be carried out, subject to any other statutory provisions | Chief executive Group manager services and assets Assets manager Roading manager |
| To authorise resource consent application public notices | Group manager environmental services |
| To authorise advertising related to property matters. | Group manager services and assets Strategic property manager |
| To authorise advertising related to employment opportunities | Chief executive People and capability manager |

12.2 Animal Control

| DESCRIPTION | DELEGATED OFFICER |
|--|--------------------------------------|
| Authority to approve dog rehoming providers in relation to “approved rehoming providers” in Council’s fees and charges | Group manager environmental services |

12.3 Appointment and Termination

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Appointment of salaried staff within the established limits | People and capability manager in consultation with the relevant group manager |
| Appointment of hourly rate staff within the established limits | People and capability manager People and capability advisor |
| Appointment of group managers | Chief executive |
| Termination of staff | Chief executive or nominee in consultation with people and capability manager and relevant group manager |

12.4 Public Tender

| DESCRIPTION | DELEGATED OFFICER |
|---|-------------------|
| Authority to call for tenders and authorise the request for tenders document in accordance with the approved procurement plan | Chief executive |

12.4 Asset Disposal

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Sale or trade-in of equipment or vehicles or plant surplus to requirements | Chief financial officer Finance manager |

12.5 Civic Ceremonies and Civic Functions

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Arrangements for civic or mayoral functions | Chief executive Chief financial officer Communications and engagement manager Mayoral support |

12.6 Closed Circuit Television ("CCTV")

| DESCRIPTION | DELEGATED OFFICER |
|-------------------------------------|---|
| Release of all recorded CCTV images | Manager customer delivery Customer contact centre manager Privacy officer |

12.8 Council Common Seal

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Affix the Southland District Council Common Seal | Mayor and chief executive. In the absence of the mayor, any other councillor. In the absence of the chief executive, any group manager. |

12.9 Document Execution

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to execute documents on Council's behalf for documents related to the Services and Assets Group and the Environmental Services Group as appropriate when the chief executive is absent and no acting chief executive has been appointed by Council and there is necessity for such documents to be signed as a matter of urgency | Group manager services and assets Group manager environmental services |

12.10 Insurance

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to sign release documents on insurance claims made by Council and to contribute any excess payable in accordance with policy | Chief financial officer Finance manager |
| Authority to settle any claim for compensation where the amount proposed does not exceed: (where provision is made in council's estimates) the amount provided in the estimates; or (where no provision is made in the estimates) an amount not exceeding \$5,000. All such settlements to be reported to the Finance and Audit Committee. | Chief financial officer Finance manager |

12.11 Media Statements

See Governance Delegations section for specific committees and subcommittees.

| DESCRIPTION | DELEGATED OFFICER |
|-------------------------------|--|
| To authorise media statements | Chief executive Group managers Communications and engagement manager Business unit managers |

12.13 Planning

| DESCRIPTION | DELEGATED OFFICER |
|--|--------------------------------------|
| To lodge submissions and further submissions on behalf of Council on: Any proposed District Plan or variation to a proposed District Plan administered by Council or by any other council | Group manager environmental services |

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Any Council initiated or privately initiated change to a District Plan administered by Council or by any other council Any notice of requirement for a heritage order Any notice of requirement for a designation Any proposed Regional Plan or variation to a proposed regional Plan, or on any change to a regional Plan Any proposed Policy Statement administered by Council or by any other Council Any matter lodged with the Environmental Protection Authority. This delegation is to be reported to Council at the next available opportunity to allow for the Council to review and endorse the submission | |
| Authority to require payment of financial contributions in accordance with Council's adopted schedule of fees | Group manager environmental services Team leader resource management |
| Authority to authorise the recovery of reasonable costs in relation to the monitoring of Resource Consent, District Plan, Resource Management Act and National Environmental Standard compliance | Group manager environmental services Team leader resource management |
| Authority to reduce the application fee for resource management administration as shown in Council's Schedule of Fees and Charges | Group manager environmental services Team leader resource management |

12.14 Public Tenders

| DESCRIPTION | DELEGATE |
|--|---|
| Authority to open public tenders received | Chief executive Chief financial officer Group manager environmental services Group manager services and assets Activity managers Finance manager Transport manager Community facilities manager Property services manager Projects and contracts coordinator |
| Prepare recommendations for tenders above personal limit. | Executive Leadership Team Activity managers |
| Prepare recommendations for acceptance by appropriate committee. | Executive Leadership Team |

12.15 Property

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to enter into new leases for Council properties on the following basis: that the length of the lease not be more than five years that the value of the property not be more than \$200,000 | Group manager services and assets Property services manager |
| Termination of tenancies, lease or licence of Council property for non-compliance with tenancy agreements | Chief executive Group manager |
| Authority to approve leases, licences or other occupation agreements (other than residential tenancies) | Chief executive Group manager services and assets Property services manager |

12.16 Refuse and Recycling

| DESCRIPTION | DELEGATED OFFICER |
|---|-----------------------------------|
| Authority to close refuse areas due to adverse weather conditions | Group manager services and assets |

12.17 Roads

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Authority to set fees and charges for inspection and repair of service authority trenches | Group manager services and assets Roading manager |
| Authority to approve the imposition of no-parking restrictions of up to 25m length for where these are necessary for road safety reasons or because of restricted carriageway or traffic-lane widths | Group manager services and assets Roading manager |

12.18 Signage

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to take appropriate action to control the display of advertising signs in a public place, not including roads and footpaths (see The SDC signs and objects on roads and footpaths bylaw 2016) | Group manager environmental services Environmental health manager Environmental health officer |
| Authority to approve the erection of hoardings for election campaigns and public meetings | Group manager environmental services Environmental health manager Team leader customer support |

12.19 Street Appeals

| DESCRIPTION | DELEGATED OFFICER |
|---|---|
| To authorise appeals to the public for financial assistance where that appeal is conducted from a public place by a charitable or community service organisation. | Manager environmental health Customer services team leader |

12.20 Street Furniture and Signage

| DESCRIPTION | DELEGATED OFFICER |
|---|--|
| Authority to approve the design and positioning of street furniture, including bus shelters | Group manager services and assets Roading manager |
| Authority to approve erection of directional signs | Group manager services and assets Roading manager |

12.21 Street Parades

| DESCRIPTION | DELEGATED OFFICER |
|--|--|
| Authority to permit street parades and rallies on public places, not including roads | Group manager services and assets Roading manager |

12.22 Water Services

| DESCRIPTION | DELEGATED OFFICER |
|--|---|
| Authority to impose restrictions on the use of water on those public supplies operated and administered by Council | Group manager services and assets Assets manager |

Date and Time of First Meeting of the Stewart Island/Rakiura Community Board

Record No: R/19/11/25762

Author: Kirsten Hicks, Committee Advisor/Customer Support Partner

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 The report recommends the setting of the date for the first community board meeting of the 2019/2022 triennium.

Executive Summary

- 2 The Local Government Act 2002 [Schedule 7, Clause 21(5)(d)] requires Council, at its first meeting following a triennial general election, to fix the date and time of the first meeting of the Council, or to adopt a schedule of meetings.
- 3 A report recommending a schedule of community board meeting dates for the remainder of the 2019/2022 Triennium will be submitted for adoption at the Board meeting on Monday 10th February 2020.
- 4 Council approved the Terms of Reference/Delegations for Community Boards at its meeting on 1 November 2019. In the approved terms of reference the frequency of the meetings are “every second month but up to ten meetings a year”. Every second month is taken as February, April, June, August, October and December.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Date and Time of First Meeting of the Stewart Island/Rakiura Community Board” dated 6 November 2019.**
- 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) **Agrees that the first meeting of the Stewart Island/Rakiura Community Board will be held at 8.45am on Monday 10th February 2020.**

Background

- 5 The Local Government Act 2002 [Schedule 7, Clause 21(5)(d)] requires the community board, at its first meeting following a triennial general election, to fix the date and time of the first meeting of the Council, or to adopt a schedule of meetings.
- 6 A report will be prepared for the February 2020 meeting setting the meeting dates for the remainder of the 2019/2022 Triennium.

Issues

- 7 There are no issues.

Factors to Consider

Legal and Statutory Requirements

- 8 The Local Government Act 2002 requires the setting of the date for the first community board meeting following the triennial general election or to adopt a schedule of meeting.

Community Views

- 9 There are no community views.

Costs and Funding

- 10 There will be costs for advertising meetings and the preparation of agendas for the meeting.

Policy Implications

- 11 There are no policy implications

Analysis

Options Considered

- 12 There are no options to consider.

Assessment of Significance

- 13 This is no considered significant.

Recommended Option

- 14 Agree to the meeting date and time.

Next Steps

- 15 Note the date and time of the next meeting.

Attachments

There are no attachments for this report.

Adoption of 2019 Standing Orders

Record No: R/19/11/25852

Author: Clare Sullivan, Governance and Democracy Manager

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 The purpose of the report is to recommend that the Stewart Island/Rakiura Community Board adopts a set of Standing Orders as attached to the officer's report.

Executive Summary

- 2 Council at its meeting on 1 November 2019 adopted a set of Standing Orders.
- 3 The Community Board must adopt a set of Standing Orders under clause 27(1) of Schedule 7 of the Local Government Act 2002. Southland District Council has been using the 2003 model Standing Orders with relevant legislative changes. However, the structure and language is still that of the 2003 edition.
- 4 In 2015 Local Government New Zealand (LGNZ) set up a working group comprising elected members and staff skilled in using the Standing Orders to review the model Standing Orders.
- 5 In 2016 a new template of Standing Orders were prepared for councils to adopt from that point.
- 6 A specific template for community boards were prepared. These have been reviewed again and are now available for community boards to adopt as they see fit.
- 7 75 percent of the members present must approve the decision to adopt a set of Standing Orders. All members of Community Boards must abide by them.
- 8 The Community Board template of Standing Orders are being reported to all Boards for adoption.

Recommendation

That Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Adoption of 2019 Standing Orders” dated 6 November 2019.**
- 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) **Agrees to adopt the Standing Orders (attachment a to the officer’s report) and**
 - i. **That the Chair of the Community Board has both a deliberative and casting vote (s.o.19.3)**
 - ii) **That members have the right to attend by an audio or audio-visual link (s.o.13.7)**
 - iii. **That Option C (s.o.22.4) be the default option for speaking and moving motions.**

Background

- 9 Standing Orders provide a framework of rules for making decisions of Council, all of its committees and community boards. They assist in ensuring that public decision-making processes are open, transparent and fair.
- 10 Southland District Council and its committees, subcommittees and community boards have been using the New Zealand model Standing Orders which were last reviewed in 2003 with relevant legislative changes.
- 11 In 2016 LGNZ reviewed the model Standing Orders. These were introduced in 2016 for councils to decide to adopt. There has been a further review completed in 2019 and it is recommended that these now be adopted by the community boards.

Issues

- 12 The benefits of the new Standing Orders include the legislative changes made since 2002; provide a new structure to identify matters more easily; a greater use of plain English to make them more easily understood by elected members, staff and the public and provide separate versions for Council and community boards.
- 13 Since then an updated version of the Standing Orders has been provided in 2019. It is recommended that the 2019 version as attached is adopted by the community board. Changes in

the 2019 edition include the new emergency meeting provisions; a process for the release of public excluded information; further information about financial and non-financial conflicts of interest and the keeping of minutes.

- 14 Training will be provided to chairs and members on the use and guidance of Standing Orders.
- 15 Council has made a decision on the three optional provisions included in the recommendations for the Boards to consider. These should be agreed on as part of the resolution d) above and it is appropriate for the Boards to adopt the same.
- 16 The provision for a casting vote by the chairperson – the current Standing Orders have this and it is recommended that this continue.
- 17 The option for members to join meetings by audio and audio-visual link – again the current Standing Orders have this and it is recommended that this continue.
- 18 The provision of a choice of a default option for speaking and moving motions at a meeting. Previously Standing Orders were quite prescriptive and limited the ability of members to move amendments if they have previously spoken. The 2019 (and 2016) version allow for greater flexibility for dealing with different situations. There are three options available – Option A – S.O. 22.2 repeats the current provisions in the Standing Orders; Option B – S.O. 22.3 - provides more flexibility by allowing any member, regardless of whether they have spoken before to move or second an amendment; Option C allows further flexibility.
- 19 The 2019 edition recommends that community boards, when adopting the Standing Orders, should decide which option will be its default option which will be used most frequently. For a particular item or meeting, where a different option is desired, the meeting can decide on the option to be used. It is recommended that Option C be community board's default option as this reflects what happens in practice at most meetings.

Factors to Consider

Legal and Statutory Requirements

- 20 Community boards are required under clause 27(1) schedule 7 of the LGA 2002 to adopt a set of Standing Orders.

Community Views

- 21 This is a statutory requirement, specific community consultation has not been sought. The Standing Orders provide for a process for people to engage with the Community Board.

Costs and Funding

- 22 There are no cost implications in this report.

Policy Implications

- 23 There are no policy implications

Analysis

Options Considered

- 24 There are two options.

Analysis of Options

Option 1 – Adopt the new 2019 edition of Standing Orders

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• brings community boards up to date in terms of process and procedure• the 2019 edition uses plain English and is set out in a more structured way. | <ul style="list-style-type: none">• a small adjustment as elected members become familiar with the new standing orders. |

Option 2 – retain the current Standing Orders

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|---|
| <ul style="list-style-type: none">• elected members and staff are familiar with the current standing orders. | <ul style="list-style-type: none">• not using best practice in terms of advice and meeting procedure. |

Assessment of Significance

- 25 This report is considered significant because the Standing Orders provide the framework of rules under which decisions are made by Council, committees and community boards.

Recommended Option

- 26 Option 1 Adopt the 2019 edition of Standing Orders developed by LGNZ.

Next Steps

- 27 Training will be offered for elected members and the Standing Orders will also be made available on Council's website.

Attachments

- A Southland District Council Community Board Standing Orders - 2019 [↓](#)



Southland District Council

Community Board

Standing Orders

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for community boards and their committees and subcommittees. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that community boards adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of the community board must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

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

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

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

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

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

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

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

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

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

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

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

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

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

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

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

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Seconder means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

Working day means a day of the week other than:

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

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

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

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A community board is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

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

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the community board and by a vote of not less than 75% of the members present.

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

3.3 Members must obey standing orders

All members of the community board must obey these standing orders..

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

3.4 Application of standing orders

These standing orders apply to all meetings of community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a community board, committee or subcommittee may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

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

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

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

3.7 Physical address of members

Every member of a community board must give to the chief executive a physical residential or business address within the district of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a community board following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the community board or the adoption of a schedule of meetings; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

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

It is common for community boards to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of Chairpersons, and deputy Chairpersons

The community board must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a community board;
- The Chairperson and deputy Chairperson of a committee; or
- A representative of a local authority.

cl. 25 Schedule 7, LGA 2002.

5.2 Removal of a Chairperson deputy Chairperson

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

cl. 18, Schedule 7, LGA 2002.

5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs

When electing a community board Chairperson the board must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) the power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

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

6.2 Committees may delegate

A community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

6.3 Use of delegated powers

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

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a community to rescind or amend a lawfully made decision of a committee or subcommittee carried out under a delegation authorising the making of that decision.

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

6.5 Committees and sub committees subject to the direction of the community board

A committee or subcommittee established by a community board is subject in all things to the control of the community board, and must carry out all general and special directions given to them by the community board.

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

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

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

7. Committees

7.1 Appointment of committees and subcommittees

A community board may appoint the committees and subcommittees that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the community board.

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A community board may discharge or reconstitute a committee or subcommittee; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee or subcommittee is, unless a community board resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

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

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. This also applies to District Licensing Committees.

7.3 Appointment or discharge of committee members and subcommittee members

A community board may appoint or discharge any member of a committee and, if established by the community board, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the community board.

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

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A community board or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the community board or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the community board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

7.5 Local authority may replace members if committee not discharged

If a community board resolves that a committee or subcommittee is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the community board may replace the members of that committee or subcommittee after the next triennial general election of members.

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

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a community board is not invalidated if:

1. There is a vacancy in the membership of community board or committee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the community board or committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

A community board may appoint a joint committee with another community board or other public body if it has reached agreement with each community board or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

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

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

7.8 Status of joint committees

A joint committee is deemed to be both a committee of a community board and a committee of each other participating community board or public body.

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

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the community board or public body that made the appointment.

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

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the community board of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the community board has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

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

8.3 Extraordinary meeting may be called

An extraordinary community board meeting may be called by:

- (a) Resolution of the community board; or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Chairperson; or
 - ii. Not less than one third of the total membership of the community board (including vacancies).

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

8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the community board at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

8.5 Emergency meetings may be called

If the business a community board needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

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

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the community board and the chief executive, at least 24 hours before the time appointed for the meeting.

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

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the community board must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the parent local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a community board becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

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

8.11 Non-receipt of notice to members

A meeting of a community board is not invalid if notice of that meeting was not received, or not received in due time, by a member of the community board unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a community board may waive the need to be given notice of a meeting.

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

8.12 Meeting cancellations

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

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

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the community board, committee or subcommittee and, in the case of decision-making bodies other than the community board, must fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 13.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the community board or committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a community board meeting must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

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

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website; and
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

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

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

9.11 Status of agenda

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

9.12 Items of business not on the agenda which cannot be delayed

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

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

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Community board meetings

The quorum for a meeting of the community board is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

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

11.2 Committees and subcommittee meetings

A community board sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the community board.

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

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.3. Community boards participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each community board or any party.

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

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

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

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

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

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

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

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A community board may grant a member leave of absence following an application from that member. The community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Community board may approve an application from the Chairperson. The Chairperson will advise all members of the community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on community board business where their absence is a result of a commitment made on behalf of the community board.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

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

13.7 Right to attend by audio or audio visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the community board and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

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

cl. 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

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

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

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

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

13.11 Conditions for attending by audio or audio visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

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

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the Chairperson thinks fit.

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

13.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Community board meetings

The Chairperson must preside at meetings of the community board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the community board members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

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

14.2 Other meetings

In the case of committees and subcommittees, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

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

14.3 Addressing the Chairperson

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

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a community board and its committees, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

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

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

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

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

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

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

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the community board or any of its committees, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

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

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

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; or
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a community board must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

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

19.2 Open voting

An act or question coming before the community board must be done or decided by open voting.

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

19.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct (if adopted) or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the community board's Code of Conduct (if adopted), the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

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

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

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a community board could be affected by some other separate

interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

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

21.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the community board, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Secunder may reserve speech

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

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

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

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

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

23.2 Motions in writing

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

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

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

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the community board can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

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

23.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

23.10 Where a motion is lost

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

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee or subcommittee, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent a community board that made the delegation from removing or amending the delegation given to a committee or subcommittee.

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

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the community board, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received, no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; or
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The community board, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

25. Procedural motions

25.1 Procedural motions must be taken immediately

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

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); or
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or subcommittee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the community board

Where an item of business is referred (or referred back) to a community board, the community board will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

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

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

27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subcommittee.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or subcommittee.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

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

27.6 Referral of notices of motion

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

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

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the community board no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

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

29.3 Inspection

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

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
 - (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

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

1 that the public is excluded from:

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

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

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

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

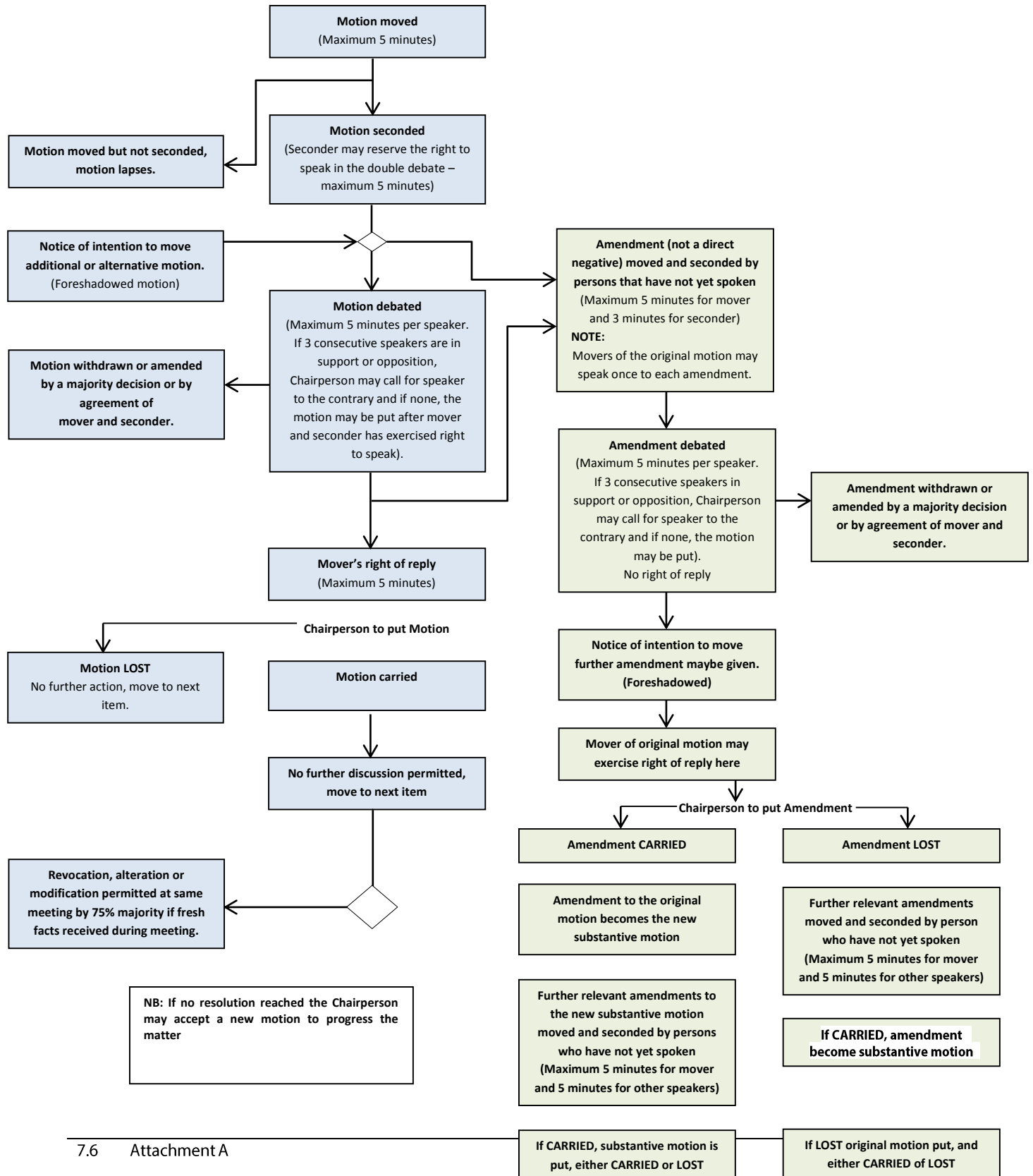
| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public |
|------------------------------|---------------------------------|--|
| | | To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)). |
| | | To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)). |
| | | To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)). |
| | | To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)). |

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

Appendix 3: Motions and amendments (Option A)

Motions without amendments

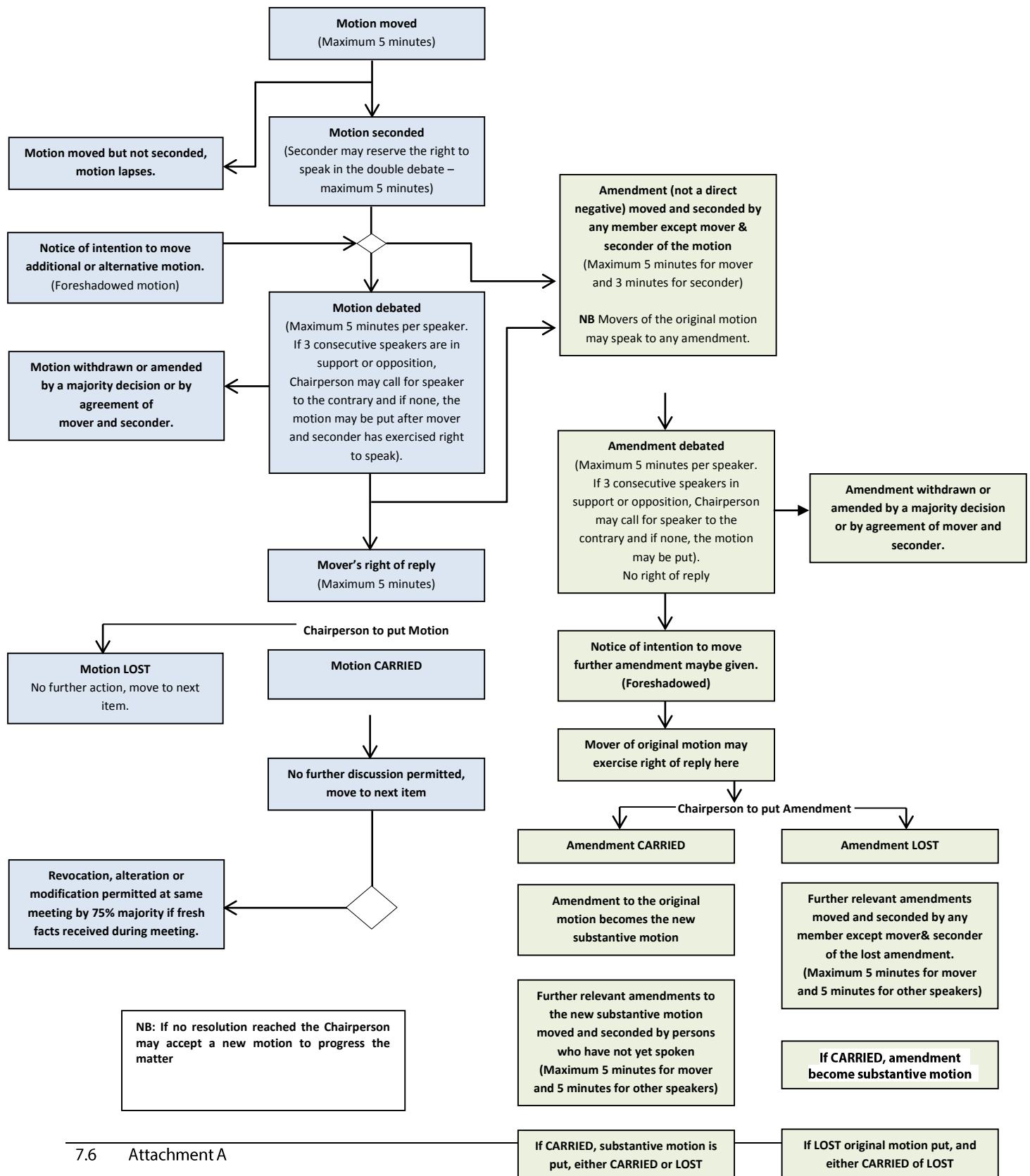
Motions with amendments



Appendix 4: Motions and amendments (Option B)

Motions without amendments

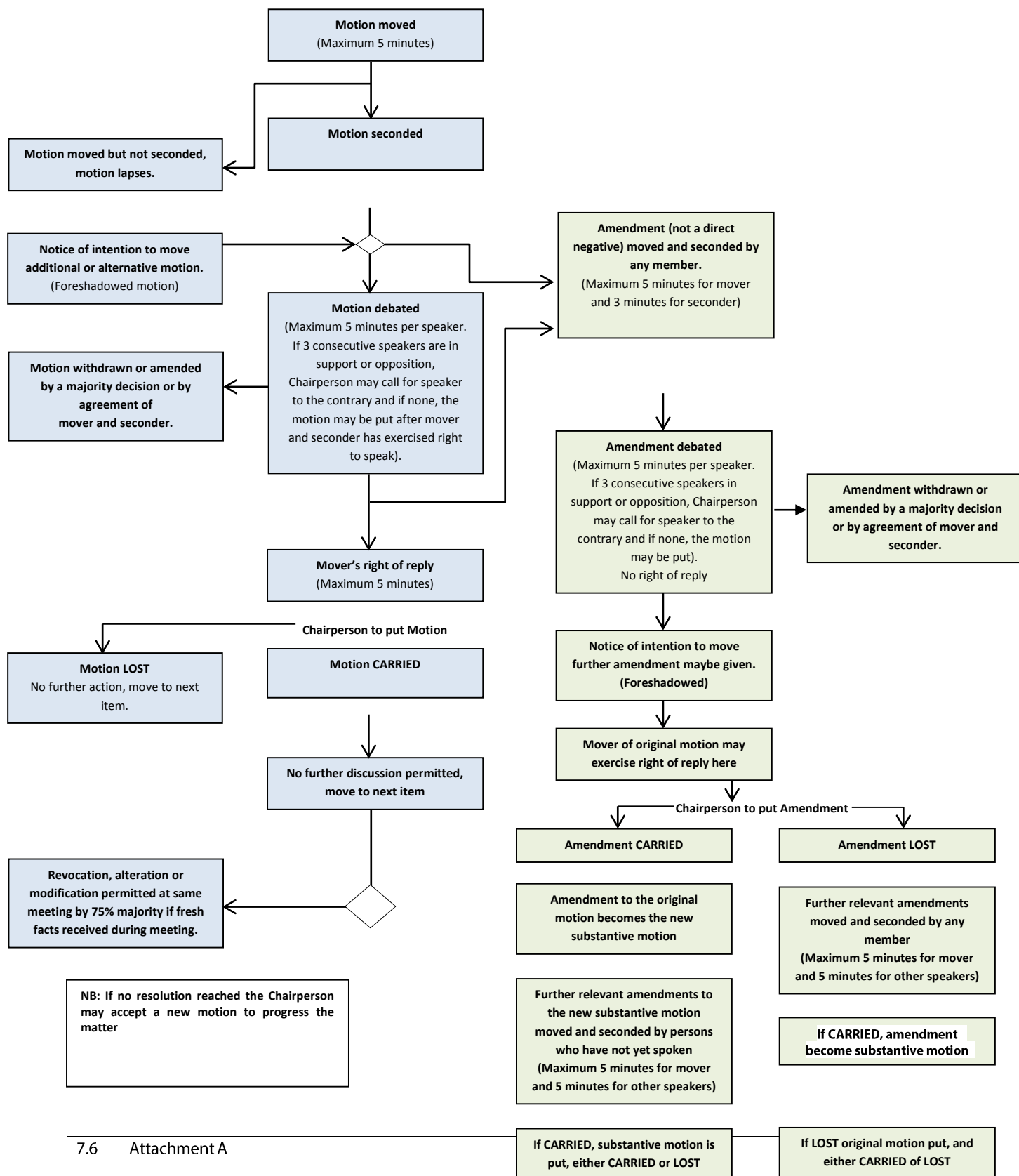
Motions with amendments



Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

| Motion | Has the Chair discretion to refuse this Motion? | Is seconder required? | Is discussion in order? | Are amendments in order? | Is mover of procedural motion entitled to reply? | Are previous participants in debate entitled to move this motion? | Can a speaker be interrupted by the mover of this motion? | If lost, can motion be moved after an interval? | Position if an amendment is already before the Chair | Position if a procedural motion is already before the Chair | Remarks |
|---|---|-----------------------|-------------------------|--------------------------|--|---|---|---|---|---|--|
| (a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place" | No | Yes | No | As to time and date only | No | No | No | Yes – 15 minutes | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned | On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again |
| (b) "That the motion under debate be now put (closure motion)" | No | Yes | No | No | No | No | No | Yes – 15 Minutes | If carried, only the amendment is put | If carried, only the procedural motion is put | The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put |
| (c) "That the item of business being discussed be adjourned to a stated time and place" | No | Yes | No | As to time and date only | No | No | NO | Yes – 15 minutes | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned | |

| Motion | Has the Chair discretion to refuse this Motion? | Is seconder required? | Is discussion in order? | Are amendments in order? | Is mover of procedural motion entitled to reply? | Are previous participants in debate entitled to move this motion? | Can a speaker be interrupted by the mover of this motion? | If lost, can motion be moved after an interval? | Position if an amendment is already before the Chair | Position if a procedural motion is already before the Chair | Remarks |
|--|---|-----------------------|------------------------------------|---|--|---|---|---|--|---|-------------------------|
| (d) "That the item of business being discussed does lie on the table and not be discussed at this meeting" | No | Yes | No | No | No | No | No | Yes – 15 minutes | If carried, the original motion and amendment are both laid on the table | Motion not in order | |
| (e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee" | No | Yes | No | As to committee, time for reporting back etc only | No | No | No | Yes – 15 minutes | If carried, the original motion and all amendments are referred to the committee | If carried, the procedural motion is deemed disposed of | |
| (f) "Points of order" | No – but may rule against | No | Yes – at discretion of Chairperson | No | No | Yes | Yes | No | Point of order takes precedence | Point of order takes precedence | See standing order 3.14 |

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

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

Motion in parts

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

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

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

Priority of speakers

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

Minutes

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

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

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

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

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

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

Appendix 9: Process for removing a Chairperson or deputy Chairperson from office

1. At a meeting that is in accordance with this clause, a community board may remove its Chairperson, or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the community board may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson, or deputy Chairperson may be called by:
 - (a) A resolution of the community board; or
 - (b) A requisition in writing signed by the majority of the total membership of community board (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the community board (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the community board (excluding vacancies) votes in favour of the resolution.

See cl. 18 Schedule 7, LGA 2002.

Appendix 10: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

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

Calling a workshop

Workshops, briefings and working parties may be called by:

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

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

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

Record of workshop

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

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 11: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Chairperson and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Chairperson , deputy Chairperson and elected members' reports (information)

Appendix 13: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee;
- Report of a community and/or local board; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

Elected Members Code of Conduct

Record No: R/19/11/25755

Author: Fiona Dunlop, Committee Advisor

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To present the Elected Members Code of Conduct (the Code) to the Community Boards for information which was approved by Council at its meeting on 1 November 2019.

Executive Summary

- 2 Council at its meeting on 1 November 2019 adopted a Code of Conduct to apply to Council, all Council Committees, Subcommittees and Community Boards, while they are acting under Council delegations.
- 3 Council is required under Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) adopt a Code which applies to all elected members (Mayor and Councillors).
- 4 While section 54 of the Local Government Act excludes the Code from applying to Community Boards Council has approved that this Code apply to all Community Boards, while they are acting under Council delegations.
- 5 The Code has been approved by Council is to apply to Council, all Council Committees, Subcommittees and Community Boards.
- 6 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 7 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) Receives the report titled “Elected Members Code of Conduct” dated 5 November 2019.**
- 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) Notes the Elected Members Code of Conduct agreed to by Council at its meeting on 1 November 2019 for the Mayor and Councillors and members of the Community Boards, all Committees and Subcommittees of the Southland District Council.**

Background

- 8 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members. While section 54 of the Act excludes the Code from applying to Community Boards it is recommended that this Code apply to all Community Boards, while they are acting under Council delegations. The Code will apply to Council, all Council Committees, Subcommittees and Community Boards.
- 9 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors, members of committees and subcommittees and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 10 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Issues

- 11 The Code has been revised and updated, to ensure that it reflects today’s expectations for a local authority Code of Conduct. It provides further options for dealing with an issue if there is a breach of the code.

Factors to Consider

Legal and Statutory Requirements

- 12 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members.

- 13 While section 54 of the Act excludes the Code from applying to Community Boards, Council has approved the Code to apply to all Community Boards, while they are acting under Council delegations.

Community Views

- 14 This is a statutory requirement. No specific community views have been sought.

Costs and Funding

- 15 There are no costs of funding issues identified.

Policy Implications

- 16 There are no policy implications.

Analysis

Options Considered

- 17 There are two options.

Analysis of Options

Option 1 – Note new Code of Conduct

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• Updates the current code to make it more appropriate for the new triennium• Provides new options for dealing with issues that may arise | <ul style="list-style-type: none">• There are no disadvantages |

Option 2 – Not note the Code of Conduct

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• There are no advantages | <ul style="list-style-type: none">• Council does not benefit from a code that is appropriate for the new triennium. |

Assessment of Significance

- 18 This report is not considered significant.

Recommended Option

- 19 Option 1 - Adopt the new Code of Conduct as approved by Council at its meeting on 1 November 2019.

Next Steps

- 20 The new Code of Conduct will be used if any issues arise.

Attachments

A Southland District Council - Code of Conduct - 2019/2022 Triennium [↓](#)



Code of Conduct – Council, all Committees and Community Boards

1 November 2019

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Part One: Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires Council to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

In the context of this report, the term “elected members” refers to the Mayor, Councillors, members of committees and Community Board members.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Southland District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, Subcommittees and Community Boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Southland District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

Elected members are primarily accountable to the electors of the district through the democratic process. However, elected members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members’ Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward or community that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part Two: Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act 2002 have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions.

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Southland District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Southland District there are nine community boards:

- Ardlussa Community Board
- Fiordland Community Board
- Northern Community Board
- Oreti Community Board
- Oraka Aparima Community Board
- Stewart Island/Rakiura Community Board
- Tuatapere Te Waewae Community Board
- Waihopai Toetoe Community Board
- Wallace Takitimu Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Southland District Council within the community
- prepare an annual submission to the Southland District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Southland District Council.

Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards.

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and Subcommittee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

Part Three: Relationships and Behaviours

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

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

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members will create a supportive and inclusive environment by:

- Take all reasonable steps to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance including attending post-election induction process
- Taking part in any assessment of council's overall performance and operating style during the triennium
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their declaration of office and contribution to the good governance of the Council's district.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will make no allegations regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Executive Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Support who will enter the issue into our Request for Service system (RFS). This enables progress on these issues to be monitored.

Relationships with the Community

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

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

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

Contact with the Media

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

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

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson

- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a personal view in the media provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, or legislation e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory and Consents Committee, where this might compromise the statutory decision-making processes.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Confidential Information

In the course of their duties elected members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. Decisions on whether confidential information is able to be released are to be made by the Chief Executive in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member is official information under the Local Government Official Information and Meetings Act 1987 (LGOIMA). As such the Council has a requirement to hold that information in accordance with the provisions of LGOIMA and the Public Records Act 2005. As such a copy of any such information should be provided to the Chief Executive so that it can be held in accordance with Council record management policies.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government New Zealand Conference, Local Government New Zealand Zone meetings and New Zealand Planning Institute Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

In the case of a Community Board elected member, an approach should be made to the Chairperson.

Costs incurred with attending training and conferences will be managed in accordance with the Elected Member Remuneration and Reimbursements Policy and the Sensitive Expenditure Policy.

Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Elected members therefore need to familiarise themselves with the provisions

of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary or other conflict of interest arise.

Elected members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the elected member or the elected member's spouse for profit or gain
- any company, trust, partnership etc for which the elected member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Southland District Council
- the address of any land where the landlord is the Southland District Council and:
- the elected member or their spouse is a tenant, or
- the land is tenanted by a firm in which the elected member or spouse is a partner, or a company of which the elected member or spouse is a director, or a trust of which the elected member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

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

Standing Orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Southland District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$300 excluding GST or more is offered to an elected member, immediately disclose this to the Chief Executive for inclusion in the register of interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

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

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

Part Four: Compliance and Review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is

made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

All alleged breaches of the code should be reported to the Mayor or Chief Executive. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

In response to a breach, the Executive Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information, could impinge on the privacy of a member of staff or of the general public or other good reason, as defined in LGOIMA, exists for considering it in public excluded.

Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render elected members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the elected member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- censure
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.
- request an apology
- removal of certain council-funding privileges (such as attendance at conferences)
- restricted entry to Council offices such as no access to staff areas
- limitations on any dealings with council staff so that they are confined to the CE only

A decision to apply one or more of these actions requires a Council resolution to that effect.

Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- Attend relevant training course and/or;
- Work with a mentor for a period of time and/or;
- Participate in voluntary mediation (if the complaint involves a conflict between two members) and/or;
- Tender an apology.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

Appendix to the Code of Conduct

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where an elected member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that elected member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

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

The Local Government Official Information and Meetings Act 1987 sets out the rules around provision of information. This is summarised as follows:

Official Information

The term “Official Information” refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with “due particularity” (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information
 - avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
 - protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
 - maintain free and frank discussion or protect officers and elected members from harassment
 - maintain legal professional privilege

- enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
- prevent the use of information for improper gain.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

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

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is:
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

In performing its role a local authority must have particular regard to the contribution that the following core services make to its communities

- (a) network infrastructure;
- (b) public transport services;
- (c) solid waste collection and disposal;
- (d) the avoidance or mitigation of natural hazards;
- (e) libraries, museums, reserves, recreational facilities and other community infrastructure

“(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:

- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.”

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

“(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and

omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:

- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
- (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- (c) a liability has been unlawfully incurred by the local authority; or
- (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.”

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Health and Safety at Work Act 2015

Council has obligations to provide a safe working place for staff and members of the public. Attendance to health and safety concerns is part of the responsibility of each staff member and elected member.

Significant penalties exist where the provisions of the Health and Safety at Work Act 2015 are not adhered to.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

Direction-setting for Annual Plan 2020/2021

Record No: R/19/10/23447

Author: Chantelle Subritzky, Corporate Performance Lead

Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision

☒ Recommendation

☐ Information

Purpose

- 1 The purpose of this report is to confirm the direction determined for the third year of the Long Term Plan 2018-2028.
- 2 This report provides an overview of the forecasted projects and services for the Stewart Island/Rakiura Community Board in 2020/2021. It includes any variations from what was anticipated in year three of the Long Term Plan 2018-2028 ("LTP") – especially with consideration that the Stewart Island/Rakiura Community Board is a new entity and has responsibility for a geographic area including multiple towns and townships and rural areas.

Executive Summary

- 3 The purpose of Local Government is to enable local decision-making and to promote the social, economic, environmental and cultural well-being of communities in the present and in the future.
- 4 Direction-setting provides an opportunity for community boards to outline their vision and plan for the future. It enables goal setting, support for community-led initiatives and leadership, and helps to ensure that communities consider the levels of service they want.
- 5 Direction-setting helps to inform the Council work programme for each board as well as how they will provide support for their local communities outside of the Council work programme. This may involve setting aside funds for grant allocations, identifying areas of need, and allocating funds to have a third-party deliver a programme in the community board area or community of interest.
- 6 The Annual Plan process ensures that planned community initiatives, projects and rates align with the LTP overall strategic vision. Where extraordinary projects or changes to the level of service are needed outside of the LTP process, the Annual Plan provides an opportunity to raise these to ensure the on-going needs of the community are met.
- 7 The Stewart Island/Rakiura Community Board has identified the following variances for year three of the LTP 2018-2028:
 - addition of Golden Bay wharf rebuild project, estimated at \$400,000 and local contribution to footpath renewals, eligible for NZTA funding.
 - proposed changes to operational expenditure are for various increased maintenance budgets as a result of health and safety implications and asset management, as well as changes to loan repayments as a result of a difference in the loan amount expected to be drawn-down.

- 8 These proposed budgets also include Stewart Island Electrical Supply Authority (“SIESA”). This report proposes that all SIESA electricity fees and charges, other than bonds, increase by 2.2%. The current fees have not been increased since 1 July 2014.
- 9 The direction-setting provided by the Stewart Island/Rakiura Community Board, including any variances, may be incorporated into Council’s draft Annual Plan for 2020/2021. Where there are significant changes from the LTP, public consultation is proposed to take place in March/April 2020 so that the community and wider District stakeholders have an opportunity to give feedback on any changes proposed.
- 10 The final Annual Plan, including changes made as a result of consultation, will be adopted by Council in June 2020 and will be used to set rates for the year beginning 1 July 2020.
- 11 This report outlines two options for consideration by the community board; to accept the direction as proposed in the report, or to make amendments to the direction proposed.

1 Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Direction-setting for Annual Plan 2020/2021”**
- 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) **Recommends that the budgets for the year commencing 1 July 2020 be adopted for inclusion in Council’s Draft 2020/2021 Annual Plan (subject to any amendments made at this meeting).**
- e) **Recommends to Council the setting of the following rates and charges (including GST) for the year commencing 1 July 2020 based on the approved budgets in (d) above.**

| <u>Rate Description</u> | <u>Rate (GST Incl)</u> |
|---|-------------------------------|
| Stewart Island/Rakiura Community Board Rate | \$132,274 |
| Stewart Island Waste Management Rate | \$137,564 |

- f) **Recommends to Council the setting of the following fees and charges (including GST) for the year commencing 1 July 2020, for inclusion in Council’s Draft 2020/2021 Annual Plan.**

| <u>Description</u> | <u>Fee/Charge (GST Incl)</u> |
|-----------------------------|-------------------------------------|
| Traill Park - Pavilion Hire | \$50.00 |

- g) **Recommends to Council the setting of the following Stewart Island Jetties fees and charges (including GST) for the year commencing 1 July 2020, for inclusion in Council’s Draft 2020/2021 Annual Plan.**

| <u>Stewart Island Jetties Fee/Charge Description</u> | <u>Fee/Charge (GST Incl)</u> |
|---|-------------------------------------|
| Wharf and Jetty user annual fee | \$1,500.00 |
| Boat Park fee | \$287.50 |

- h) **Recommends to Council the setting of the following SIESA electricity fees and charges (including GST) for the year commencing 1 July 2020, for inclusion in Council’s Draft 2020/2021 Annual Plan.**

| <u>SIESA Electricity Fee/Charge Description</u> | <u>Fee/Charge</u> |
|--|--------------------------|
|--|--------------------------|

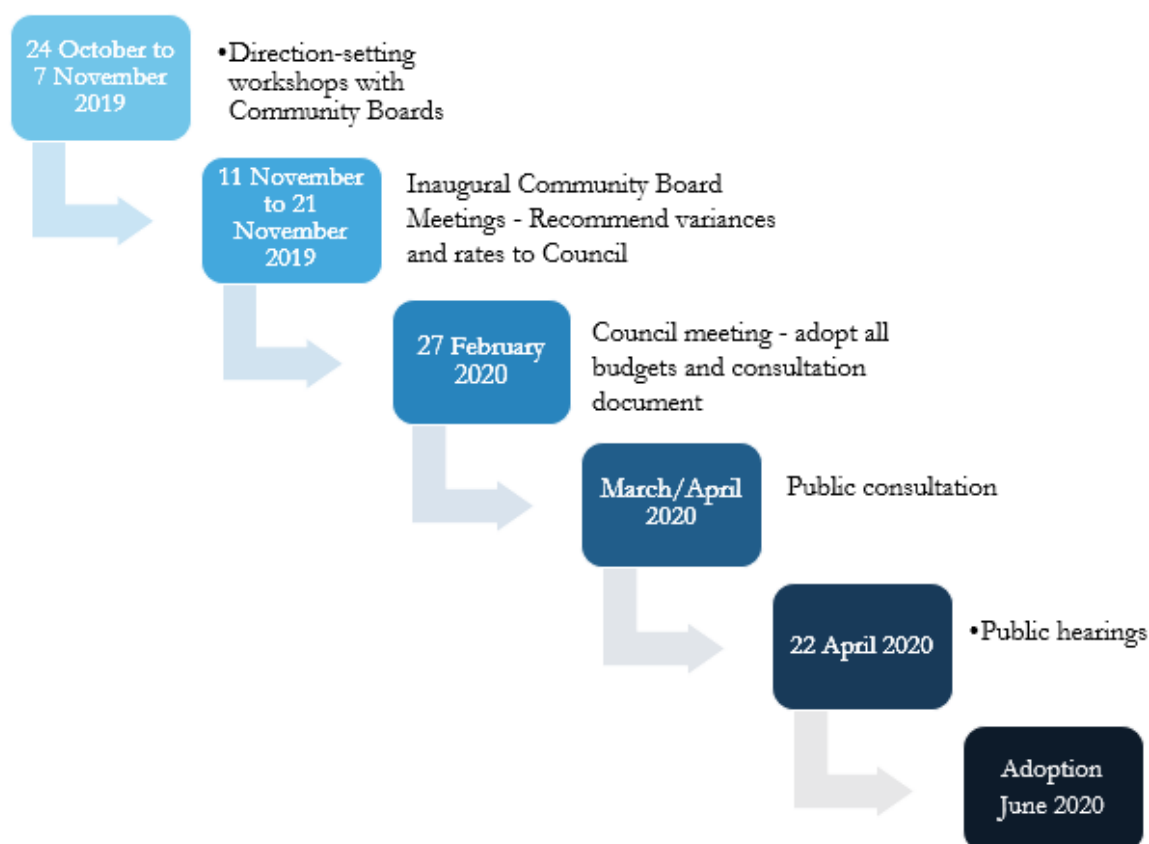
| | (GST Incl) |
|--|-------------------|
| Residential Connections | |
| Standard rate per unit | \$0.6024 |
| Night rate per unit | \$0.5239 |
| Fixed monthly charge | \$89.48 |
| <i>New Connections</i> | |
| New consumer connection fee | \$293.83 |
| Capital development charge | \$1,762.95 |
| <i>Existing Connections</i> | |
| Water heating/night rate meter installation | \$293.83 |
| Disconnection fee (no monthly charge after) | \$94.02 |
| Reconnection fee (new consumer/applicant) | \$141.04 |
| Connection bond (new consumer, if applicable) | \$150.00 |
| Commercial Connections | |
| Standard unit rate | \$0.6024 |
| Night rate per unit | \$0.5239 |
| Fixed monthly charge | \$89.48 |
| <i>New Connections</i> | |
| New consumer connection fee | \$293.83 |
| Capital development charge | \$1,762.95 |
| <i>Existing Connections</i> | |
| Disconnection fee (no monthly charge) | \$470.12 |
| Reconnection fee (new consumer/applicant) | \$470.12 |
| Temporary Supply | |
| Monthly fee (payable in advance) | \$244.46 |
| Standard unit rate (as per residential rate) | \$0.6024 |
| Distributed Generation | |
| Subject to its terms and conditions set out in Schedule 1 of the SIESA Domestic Contract, SIESA will buy the electricity generated by residents at the rate of \$0.20c per kilowatt per hour, inclusive of GST | \$0.20 |
| Other Chargeable Fees | |
| Not metered and special connections | \$564.14 |
| Meter testing | \$99.90 |
| Temporary supply and caravan inspection | \$99.90 |
| Dis/re-connection due to non-payment of account | \$99.90 |

Background

- 12 The Annual Plan process ensures that planned community initiatives, projects and rates align with the Long Term Plan 2018-2028 (LTP 2018-2028) strategic vision. The LTP 2018-2028 community outcomes for Southland District are:
- proud, connected communities that have an attractive and affordable lifestyle
 - resilient communities that leave a legacy for tomorrow.
- 13 The purpose of this report is to confirm the direction determined for the third year of the LTP 2018-2028.

- 14 There are occasions where extraordinary projects or changes to the level of service may be needed outside of the LTP process. The Annual Plan is an opportunity to raise these variances to ensure that the on-going needs of the community are being met.
- 15 Community boards have the opportunity to recommend any variances to Council for adoption in the Annual Plan 2020/2021 in the November 2019 meetings. The variances will be considered within the wider District work programme and prioritised accordingly. If there are any variances that cannot be delivered within the 2020/2021 financial year, staff will work with the community boards from February to June 2020 to incorporate changes into the LTP 2021-2031 work programme.
- 16 The draft budgets for the Stewart Island/Rakiura Community Board for 2020/2021 have been based on forecasted information from year three of the Long Term Plan 2018-2028, and updated for any known and anticipated changes.

Overview of the process:



Issues

New Project Process

- 17 Council identified the need to improve the way that projects were delivered, which includes a more stringent requirement for scoping prior to project approval.
- 18 Community boards can recommend new projects in the November 2019 direction-setting meetings. The entire work programme for District and local projects will then be considered by staff and Council to ensure that there is adequate resource to deliver the work and that the projects are aligned with the strategic framework.
- 19 Community boards also have the opportunity to raise new projects at the LTP 2021-2031 direction-setting workshops from February to June 2020. If these projects are approved by Council in June 2021, then they will be delivered in the following financial years.

Changes to projects from what was planned for year three of the Long Term Plan are detailed in the table below.

Annual Plan 2020/2021 Project Variances

| Project Details, including Variance Description | Proposed budget for Annual Plan 2020/2021 | Existing budget for year three (2020/2021) of LTP 2018-2028 | Budget Variance | Funding |
|---|--|--|------------------------|----------------|
| Stewart Island Jetties - WS0009A Golden Bay Wharf rebuild | \$400,000 | \$- | \$400,000 | Grants |

Local Projects vs District Projects

- 20 The locally-funded work programme for each community board area will be presented at the November 2019 meeting. At this meeting, the community board will recommend this work programme to Council for approval. The work programme for District-funded activities planned for the community board area in 2020/2021 will be presented to the community board in February 2020 and the board will have the opportunity to advocate to Council on this work programme. District-funded activities include water, wastewater, public toilets and roading.

Representation Review – New Structure and Community Board Coverage

- 21 Council has undertaken a community governance review project over the past four years. One of the outcomes of this community governance review culminated in the Local Government Commission providing a determination on the community board structure for 2019-2022 as part of the representation review process. There are now nine community boards across the District and they are responsible for all the townships, villages and rural areas within their boundaries. The change will mean that the community boards must now undertake direction-setting for larger geographic areas and wider community interests than previous Annual Plans.

Footpath Renewals Update

- 22 At the start of the 2018-21 Long Term Plan, the new government resulted in a change in focus for NZTA. This last minute change resulted in NZTA providing funding assistance for the maintenance/renewal of footpaths (51%).
- 23 The first year of the LTP had a reasonable amount of projects identified that qualified for this funding assistance. For the 2020/2021 year, there was significantly less work identified in the Long Term Plan budgets. To help the community boards take advantage of this funding assistance and develop a forward works programme, the transport team engaged WSP (Opus) to carry out a condition assessment of all footpaths throughout the district. From this, the transportation team were able to estimate the expected quantity/budget of maintenance and renewal required to bring the footpaths to the acceptable standard.
- 24 These additional proposed footpath works, and what the communities had originally budgeted for the 2020/2021 year, have been incorporated into the transport team's work plan and budgets,

with the local contribution (49%) included in these proposed budgets as an internal contribution (rather than a project).

- 25 Condition assessments are planned to be ongoing and the information gathered will be used to help inform the footpath requirements for the 2021-2031 Long Term Plan.

Stormwater Consenting Update

- 26 Council now has in place resource consents for discharges of stormwater from 17 townships across the District. This is a requirement from Environment Southland that such discharges are consented in line the current Regional Water Plan and Proposed Southland Water and Land Plan (various parts of which are still under appeal to the Environment Court).
- 27 Towns and villages covered under these consents are Balfour, Browns, Lumsden, Mossburn, Riversdale, Tokanui, Waikaia, Manapouri, Ohai, Nightcaps, Otautau, Tuatapere, Edendale, Wallacetown, Dipton, Winton and Te Anau. Sampling is now underway to determine level of compliance with these conditions which in turn will provide information on areas where further work may be required.
- 28 Stormwater costs are the responsibility of each local community, and therefore future monitoring and capital costs will need to be funded by the relevant communities. The exact cost of monitoring and capital costs are not yet known. Staff will update the community boards as that information becomes available.

Local Service Contracts Review

- 29 A number of local service contracts (including mowing, cleaning, and gardening) in the community board areas across the district are up for renewal in the 2020/2021 financial year. These contracts are being reviewed and consideration is being given to health and safety requirements, how the service is delivered (in accordance with section 17A of the Local Government Act) and the extent of the service provided. This review is anticipated to impact all community boards. Staff will update community boards in early 2020 on the results of this review and associated impacts.

SIESA

- 30 SIESA's 2018/2019 actual and 2019/2020 forecast operating results are a deficit of approximately \$100,000 per annum, which is being funded from accumulated reserves. This issue arose primarily as a result of the significant increase in costs SIESA was exposed to through the renewal of the PowerNet maintenance and operations contract. The contract was extended for a two-year period, which expires in mid-2020. The contract review and subsequent negotiation period is scheduled to occur prior to July 2020.
- 31 SIESA's financial forecasts therefore have been updated to include this revised contract cost (refer Appendix 7), however it is not prudent for ongoing significant operational deficits to be funded from accumulated reserves. Accordingly, these financial forecasts propose to increase all SIESA fees and charges (other than bonds) by an inflationary factor of 2.2% from 1 July 2020. The inflationary factor proposed is the forecast Local Government Cost Index for operational expenditure as published by BERL in September 2019. This inflationary increase has resulted in an additional \$50,000 of electricity revenue from what was proposed for Year 3 of the 2018-28 Long Term Plan (based on 2018/2019 actual revenue). Further work to resolve the remaining

deficit will be necessary in order to ensure the ongoing sustainability of this business unit. It is proposed to work with the Community Board towards this end in the early stages of 2020.

- 32 An important point to note is that the current electricity fees and charges have been in place since 1 July 2014. A schedule of the individual proposed fees and charges can be found in Appendix 7.

Community Partnership Fund (Community Initiatives Fund)

- 33 Council agreed at its July 2019 meeting to change the way they allocate funding to community groups. The Community Initiatives Fund is a contestable fund that Council allocates twice a year. Council has decided to reallocate the funds over the nine community boards and retain a smaller amount (35%) for Council to allocate to District wide projects and initiatives. The fund will be renamed 'The Community Partnership Fund'.
- 34 This means that as of 1 July 2020, each community board has a one-off allocation of \$25,473 to be spent in the 2020/2021 year from the Community Initiatives Fund reserve (refer to column B in the table below). Additionally, each community board will receive an annual amount calculated on an equal share of 50% of the funds, and the remaining 50% allocated on population base (refer to column A in the table below).
- 35 This money is rated from the District, and any amount not utilised at the end of the financial year will be retained in a District reserve for allocation by Council to District wide projects and initiatives.
- 36 The community board may wish to consider adding additional local rates funding to further support their local initiatives and increase the amount available to allocate by way of the Community Partnership Fund. This will require the Community Board to determine an extra amount it wishes to allocate and locally rate accordingly.

| Community Board | 50% pa population and 50% pa equal distribution (A) | One-off contribution to boards from community initiatives reserve (B) | Total funding available for 2020/2021 (C) |
|-------------------------------|---|---|---|
| Ardlussa | \$6,338 | \$25,473 | \$31,811 |
| Fiordland | \$7,988 | \$25,473 | \$33,461 |
| Northern | \$6,069 | \$25,473 | \$31,542 |
| Oraka Aparima | \$7,136 | \$25,473 | \$32,609 |
| Oreti | \$13,672 | \$25,473 | \$39,145 |
| Stewart Island/Rakiura | \$4,387 | \$25,473 | \$29,860 |

Stewart Island/Rakiura Community Board**11 November 2019**

| | | | |
|---------------------|----------|----------|----------|
| Tuatapere Te Waewae | \$5,898 | \$25,473 | \$31,371 |
| Wallace Takitimu | \$8,020 | \$25,473 | \$33,493 |
| Waihopai Toetoe | \$11,213 | \$25,473 | \$36,686 |

Factors to Consider**Legal and Statutory Requirements**

- 37 The Annual Plan 2020/2021 is a requirement of the Local Government Act 2002 and is also closely aligned with the Local Government (2002) Rating Act.

Community Views

- 38 Any significant issues affecting local communities may be included in the official consultation document which will be publicly available. This consultation is expected to occur in March/April 2020 and the public will have the opportunity to attend hearings if they wish to present their submission to Council.

Costs and Funding

- 39 This report provides an indication of the variances to the Annual Plan 2020/2021, including the cost variances and financial implications. Key variances, other than projects, are noted in the table below:

| Business Unit | Account | Proposed budget for Annual Plan 2020/2021 | Existing budget for year three of LTP 2018-2028 | Budget Variance | Comments |
|---|--|---|---|-----------------|--|
| 26602 Stewart Island Operating Costs | 21836 Miscellaneous Grants | \$29,860 | \$0 | \$29,860 | Funding available for Community Initiatives. |
| 26607 Stewart Island Street Works | 43360 Internal SDC Capital Contribution | \$16,000 | \$0 | \$16,000 | Local funding of 49% for the required footpath renewals in the community. NZTA fund the remaining 51%. Value of works required is calculated from footpath assessment data collected over the past two years. Another assessment |

Stewart Island/Rakiura Community Board

11 November 2019

| | | | | | |
|---------------------------------------|---|------------|------------|------------|---|
| | | | | | is to be carried out in December, the data from this will be used to further refine the required renewals prior to work being undertaken. |
| 26646 Playground Waterfront | 35214 Maintenance General | \$4,000 | \$1,648 | \$2,352 | Increase to cover the cost of meeting health and safety requirements. |
| 26700 Stewart Island Jetties | 11316 Licence fee income | (\$18,000) | (\$37,500) | \$19,500 | Licence fees per the 2018-28 LTP were estimated on a per person basis, which hasn't materialised. The amount of the current AP change is to bring budgets in line with actual licence fees collected. |
| | 35214 Maintenance General | \$45,667 | \$15,667 | \$30,000 | Increase to cover the cost of maintaining jetties. |
| | 43317 Internal Interest on loans | \$2,593 | \$13,201 | (\$10,608) | Revised repayment based on actual balance of loan drawdown. |
| | 71533 Internal Loan repayments | \$3,416 | \$8,416 | (\$5,000) | Revised repayment based on actual balance of loan drawdown. |

Overall Impact on Rates

- 40 The changes noted above have the potential impact on the board's rates as follows:

| Rate Type | Basis of Rate | Actual 2019/ 2020 (Incl GST) | Proposed 2020/2021 (Incl GST) | Change \$ |
|-----------------------------------|-----------------|------------------------------------|-------------------------------------|-----------|
| Stewart Island/Rakiura CB Rate | Fixed Charge | \$188.66 | \$271.05 | \$82.39 |

Stewart Island/Rakiura Community Board**11 November 2019**

| | | | | |
|--------------------------------------|-------------|----------|----------|--------|
| Stewart Island Waste Management Rate | Unit Charge | \$353.29 | \$356.38 | \$3.09 |
|--------------------------------------|-------------|----------|----------|--------|

- 41 Consideration should be given to if all or some of the additional costs or projects could be funded from reserves or loans.

Assumptions Made in Preparing the Budgets

- 42 All assumptions that were made when preparing the LTP 2018-2028 have been applied in these budgets including the interest rate on borrowings. The interest rate applicable to community borrowings has been held consistent with the 2018-2028 LTP at 4.65%. This interest rate is based on the average BNZ three year fixed interest rate at the time of setting the LTP 2018-2028 assumptions.
- 43 Interest on community reserves (monies held on reserve by the community for various purposes) has been calculated at 3.29% on the average of these balances at year end, and is consistent with the 2018-2028 LTP.
- 44 Inflation rates have also been kept consistent with BERL rates adopted in the 2018-2028 LTP.

Fees and Charges

- 45 As part of the 2020/2021 Annual Plan process, Council is required to set all Council related fees and charges.
- 46 Council has a legislative requirement to publish all fees and charges imposed by Council or Council committees. This is achieved by way of Council's annual fees and charges booklet. The fees and charges booklet is a single document where ratepayers and Council staff can locate all charges in one place for the relevant financial year. The 2020/2021 fees and charges booklet is currently being prepared and will take effect from 1 July 2020.

Policy Implications

- 47 There are no policy implications in the direction setting for the Annual Plan 2020/2021.

Analysis

Options Considered

- 48 There are two options to be considered in this report:
- option 1 is to accept the direction as proposed in the report
 - option 2 is to make amendments to the direction proposed in the report.

Analysis of Options

Option 1 – Accept the direction as proposed in the report

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|--|
| <ul style="list-style-type: none">• ensures that Council has all recommendations from the community boards prior to determining whether formal consultation on the Annual Plan will be required. This decision needs to be made by February 2020• the cost and associated funding for preparing and consulting on the 2020/2021 Annual Plan are included in the organisation's approved operational budgets. | <ul style="list-style-type: none">• any variations from the community boards regarding the Annual Plan will not be able to be incorporated. Community boards are still able to submit on the Annual Plan consultation. |

Option 2 – Accept the direction as proposed in the report with minor variations recommended to the Annual Plan

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• allows for any further amendments that staff may not have factored in• initiatives or projects from the community that have been recommended in the report can be scoped by staff. These projects can be | <ul style="list-style-type: none">• rates recalculations may be higher than identified in the LTP• Council resourcing has been allocated based on the 2018-2028 LTP, and a |

| | |
|--|--|
| included in the Annual Plan, subject to approval by Council. | prioritization of resourcing will be required if outside capacity <ul style="list-style-type: none">• There may not be sufficient time for staff to adequately scope new initiatives and projects for inclusion in the Annual Plan. |
|--|--|

Assessment of Significance

- 49 The contents of this report is not deemed significant under the Significance and Engagement Policy.

Recommended Option

- 50 Staff recommend Option 1, accept the direction as proposed in the report.

Next Steps

- 51 The recommendations passed in this report will be summarised in Council's Draft 2020/2021 Annual Plan. If there are significant or materially different variances from the LTP, these will be included in a consultation document and released for consultation in March/April 2020.
- 52 The final Annual Plan including changes made as a result of consultation, will be adopted by Council in June 2020.
- 53 This report has the following appendices:
- Appendix 1: This section is broken into rate types and includes a list of business units that make up the rate type and financial summary statement which shows the expenditure and income and rates calculation.
 - Appendix 2: A list of projects to be undertaken in the 2020/2021 year.
 - Appendix 3: A list of reserves with the forecasted opening balance and projected closing balance.
 - Appendix 4: A list of existing loans and those proposed to be uplifted in 2020/2021.
 - Appendix 5: A list of fees and charges as at 1 July 2019 and those proposed at 1 July 2020.
 - Appendix 6: A list of Stewart Island jetty fees and charges as at 1 July 2019 and those proposed at 1 July 2020.
 - Appendix 7: SIESA financial forecasts for 2020/2021 year, including forecast accumulated reserve funds and a list of electricity fees and charges as at 1 July 2019 and those proposed from 1 July 2020.

Stewart Island/Rakiura Community Board

11 November 2019

Appendix 1

| Stewart Island/Rakiura Community Board Financial Summary | | | |
|--|---------------------|---------------------|-----------------------|
| | Actual 2018/2019 | Budget 2019/2020 | Proposed 2020/2021 |
| Operating Expenditure | (97,655) | (97,976) | (150,700) |
| Capital Expenditure | (26,800) | (127,323) | (123,858) |
| Loans Repaid | (6,080) | (6,368) | (6,669) |
| Non Cash Expenditure | 13,886 | 10,925 | 14,372 |
| Total Expenditure | (116,649) | (220,742) | (266,855) |
| <i>Less Funding</i> | | | |
| Net Reserve Movements | (74,645) | (7,116) | 67,630 |
| Other Income | 111,683 | 146,488 | 84,204 |
| Total Funding | 37,038 | 139,372 | 151,834 |
| Total Rates Required | 79,611 | 81,370 | 115,021 |
| GST | 11,942 | 12,206 | 17,253 |
| Rate (including GST) | 91,553 | 93,576 | 132,274 |
| \$ Increase/(Decrease) | | 2,023 | 38,699 |
| % Increase/(Decrease) | | 2.21% | 41.36% |

| Stewart Island/Rakiura Community Board Rates Calculation | | | | |
|--|---------------|---------------------|---------------------|-----------------------|
| Rate Type | Basis of Rate | Actual 2018/2019 | Actual 2019/2020 | Proposed 2020/2021 |
| Stewart Island/Rakiura CB Rate | Fixed Rate | \$185.70 | \$188.66 | \$271.05 |

The Stewart Island/Rakiura CB Rate is comprised of the following business units:

| | |
|--------------------------|-----------------------|
| 26600 Administration | 26625 Cemetery |
| 26602 Operationing Costs | 26628 Beautification |
| 26607 Streetworks | 26629 Motorau Gardens |
| 26610 Refuse Collection | 26634 Traill Park |
| 26613 Stormwater | 26646 Playground |

Stewart Island/Rakiura Community Board

11 November 2019

| Stewart Island Waste Management Financial Summary | | | |
|---|---------------------|---------------------|-----------------------|
| | Actual 2018/2019 | Budget 2019/2020 | Proposed 2020/2021 |
| Operating Expenditure | (111,838) | (117,245) | (119,820) |
| Non Cash Expenditure | 199 | 199 | 199 |
| Total Expenditure | (111,639) | (117,046) | (119,621) |
| <i>Less Funding</i> | | | |
| Net Reserve Movements | (3,171) | (819) | (846) |
| Other Income | 880 | 819 | 846 |
| Total Funding | (2,291) | - | - |
| Total Rates Required | 113,930 | 117,046 | 119,621 |
| GST | 17,090 | 17,557 | 17,943 |
| Rate (including GST) | 131,020 | 134,603 | 137,564 |
| | | | |
| \$ Increase/(Decrease) | | 3,583 | 2,961 |
| % Increase/(Decrease) | | 2.74% | 2.20% |

| Waste Management Rates Calculation | | | | |
|---|---------------|---------------------|---------------------|-----------------------|
| Rate Type | Basis of Rate | Actual 2018/2019 | Actual 2019/2020 | Proposed 2020/2021 |
| Stewart Island Waste Manageme Unit Charge | | \$343.88 | \$353.29 | \$356.38 |

| Stewart Island Jetties Financial Summary | | | |
|--|---------------------|---------------------|-----------------------|
| | Actual 2018/2019 | Budget 2019/2020 | Proposed 2020/2021 |
| Operating Expenditure | (129,792) | (59,946) | (99,084) |
| Capital Expenditure | (75,750) | (493,812) | (400,000) |
| Loans Repaid | (2,718) | (2,846) | (3,416) |
| Non Cash Expenditure | 9,666 | 31,092 | 49,292 |
| Total Expenditure | (198,594) | (525,512) | (453,208) |
| <i>Less Funding</i> | | | |
| Loans Raised | - | 20,000 | - |
| Net Reserve Movements | 73,449 | 32,154 | (26,979) |
| Other Income | 125,144 | 473,358 | 480,187 |
| Total Funding | 198,593 | 525,512 | 453,208 |

Stewart Island/Rakiura Community Board

11 November 2019

Appendix 2

| Stewart Island/Rakiura Projects | | | |
|--|--------|-------------------|--------------------|
| Project Description | Object | 2020/2021 Funding | |
| | | \$ | |
| 810- A - New walking track horseshoe Bay Road part 3 | 65521 | 54,922 | Grants |
| PR0010 Replace wooden climbing structure | 65172 | 58,936 | Dev Cont & Reserve |

| Stewart Island Jetties Projects | | | |
|----------------------------------|--------|-------------------|--------|
| Project Description | Object | 2020/2021 Funding | |
| | | \$ | |
| WS0009A Golden Bay Wharf rebuild | 67313 | 100,000 | Grants |

Appendix 3

| Stewart Island/Rakiura Reserves | | | |
|-----------------------------------|-----------------|------------------|------------------|
| | Opening Balance | Forecast Balance | Forecast Balance |
| | 1/07/2019 | 30/06/2020 | 30/06/2021 |
| Local Reserve | | | |
| Stewart Island General - RES | 245,127 | 200,243 | 158,086 |
| Stewart Island Waste Management - | 30,203 | 31,022 | 31,868 |
| Total Local Reserve | 275,330 | 231,265 | 189,954 |

| Stewart Island Jetties Reserves | | | |
|--------------------------------------|-----------------|------------------|------------------|
| | Opening Balance | Forecast Balance | Forecast Balance |
| | 1/07/2019 | 30/06/2020 | 30/06/2021 |
| Other Operating | | | |
| Stewart Island Jetties General - RES | 50,289 | 18,135 | 45,114 |
| Wharf Replacement Ulva Island | 207,945 | 207,945 | 207,945 |
| Total Other Operating | 258,234 | 226,080 | 253,059 |

| | | | |
|--------------------------------|----------------|----------------|----------------|
| Overall Reserve Balance | 533,564 | 457,345 | 443,013 |
|--------------------------------|----------------|----------------|----------------|

Stewart Island/Rakiura Community Board

11 November 2019

Appendix 4

| Stewart Island/Rakiura Loans | | | | | |
|--|---------------|-------------------------|-----------------------------|---------------------------------|---------------------------------|
| Description | Business Unit | Term as at 30/6/2019 | Actual Balance 30/6/2019 | Forecasted Balance 30/6/2020 | Forecasted Balance 30/6/2021 |
| Stormwater | 26613 | 11 | 39,212 | 32,844 | 59,190 |
| Port William (SI Jetties) | 26700 | 11 | 39,873 | 37,027 | 30,924 |
| User pays investigation (Jetties) * | 26700 | | - | 20,000 | 19,110 |
| <p>* Per Stewart Island/Rakiura Community Board and Stewart Island Jetties Subcommittee minutes dated 10 December 2018, the Jetty user pays investigation is to be funded by reserves or loan. If there is available general reserve balance at 2019/20 year end this loan will not be drawn down.</p> | | | | | |

Appendix 5

| Traill Park Fees and Charges | | |
|------------------------------|--------------------------------------|--------------------------------------|
| Description | As of 1 July 2019 (Including GST) | As of 1 July 2020 (Including GST) |
| Pavillion Hire | \$ 50.00 | \$ 50.00 |

Appendix 6

| Stewart Island Jetties Fees and Charges | | |
|---|--------------------------------------|--------------------------------------|
| Description | As of 1 July 2019 (Including GST) | As of 1 July 2020 (Including GST) |
| Wharf and Jetty user annual fee | \$ 1,350.00 | \$ 1,500.00 |
| Boat Park fee | \$ 287.50 | \$ 287.50 |

Appendix 7

| SIESA Financial Summary | | | |
|--------------------------|--------------------|--------------------|--------------------|
| | Actual | Budget | Forecast |
| | 2018/2019 | 2019/2020 | 2020/2021 |
| Operating Expenditure | (1,684,670) | (1,648,148) | (2,432,140) |
| Capital Expenditure | (1,704) | (464,633) | (140,890) |
| Loans Repaid | 0 | 0 | 0 |
| Non Cash Expenditure | 91,637 | 154,799 | 135,000 |
| Total Expenditure | (1,594,737) | (1,957,982) | (2,438,030) |
| <i>Less Funding</i> | | | |
| Net Reserve Movements | 0 | 415,195 | 292,311 |
| Other Income | 1,594,737 | 1,542,787 | 2,145,719 |
| Total Funding | 1,594,737 | 1,957,982 | 2,438,030 |

SIESA is comprised of the following business units:

32000 SIESA operations
 36000 SIESA Staff house
 37000 SIESA Kerbside
 38000 SIESA Waste Recovery

| SIESA Accumulated Funds | | | |
|--------------------------------|------------------|------------------|------------------|
| | Opening Balance | Forecast Budget | Closing Balance |
| | 1/07/2019 | 30/06/2020 | 30/06/2021 |
| Other | | | |
| Operating | | | |
| Accumulated funds | 1,720,000 | 1,304,805 | 1,012,494 |
| Total Other Operating | 1,720,000 | 1,304,805 | 1,012,494 |
| Overall Reserve Balance | | | |
| | 1,720,000 | 1,304,805 | 1,012,494 |

Stewart Island/Rakiura Community Board
11 November 2019

| SIESA electricity fees and charges | | | | |
|--|----------|--|---|------------------------------------|
| Description | | As of 1 July 2019 (including GST) | Proposed as of 1 July 2020 (including GST) | Proposed increase in charge |
| <u>SIESA - Electricity Charges</u> | | | | |
| <u>Residential Connections</u> | | | | |
| Standard rate per unit | | \$0.5894 | \$ 0.6024 | \$ 0.01 |
| Night rate per unit | | \$0.5126 | \$ 0.5239 | \$ 0.01 |
| Fixed monthly charge | | \$87.55 | \$ 89.48 | \$ 1.93 |
| <u>New Connections</u> | | | | |
| New consumer connection fee | | \$287.50 | \$ 293.83 | \$ 6.32 |
| Capital development charge | | \$1,725.00 | \$ 1,762.95 | \$ 37.95 |
| <u>Existing Connections</u> | | | | |
| Water heating/night rate meter installation | | \$287.50 | \$ 293.83 | \$ 6.32 |
| Disconnection fee (no monthly charge after) | | \$92.00 | \$ 94.02 | \$ 2.02 |
| Reconnection fee (new consumer/applicant) | | \$138.00 | \$ 141.04 | \$ 3.04 |
| Connection bond (new consumer, if applicable) | No GST | \$150.00 | \$ 150.00 | \$ - |
| <u>Commercial Connections</u> | | | | |
| Standard unit rate | | \$0.5894 | \$ 0.6024 | \$ 0.01 |
| Night rate per unit | | \$0.5126 | \$ 0.5239 | \$ 0.01 |
| Fixed monthly charge | | \$87.55 | \$ 89.48 | \$ 1.93 |
| <u>New Connections</u> | | | | |
| New consumer connection fee | | \$287.50 | \$ 293.83 | \$ 6.32 |
| Capital development charge | | \$1,725.00 | \$ 1,762.95 | \$ 37.95 |
| <u>Existing Connections</u> | | | | |
| Disconnection fee (no monthly charge) | | \$460.00 | \$ 470.12 | \$ 10.12 |
| Reconnection fee (new consumer/applicant) | | \$460.00 | \$ 470.12 | \$ 10.12 |
| <u>Temporary Supply</u> | | | | |
| Monthly fee (payable in advance) | | \$239.20 | \$ 244.46 | \$ 5.26 |
| Standard unit rate (as per residential rate) | Per unit | \$0.5894 | \$ 0.6024 | \$ 0.01 |
| <u>Distributed Generation</u> | | | | |
| Subject to its terms and conditions set out in Schedule 1 of the SIESA Domestic Contract, SIESA will buy the electricity generated by residents at the rate of \$0.20c per kilowatt per hour, inclusive of GST | | \$0.20 | \$ 0.20 | \$ 0.00 |
| <u>Other Chargeable Fees</u> | | | | |
| Not metered and special connections | | \$552.00 | \$ 564.14 | \$ 12.14 |
| Meter testing | | \$97.75 | \$ 99.90 | \$ 2.15 |
| Temporary supply and caravan inspection | | \$97.75 | \$ 99.90 | \$ 2.15 |
| Dis/re-connection due to non-payment of account | | \$97.75 | \$ 99.90 | \$ 2.15 |

Attachments

There are no attachments for this report.

SIESA Monthly report

Record No: R/19/11/25829

Author: Matt Russell, Group Manager Services and Assets

Approved by: Steve Ruru, Chief Executive

☐ Decision

☐ Recommendation

☒ Information

Purpose of report

- 1 The purpose of this report is to provide for your information PowerNet's monthly report for SIESA for the month of October 2019.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled "SIESA Monthly report" dated 6 November 2019.**

Attachments

- A SIESA Monthly Report - October 2019 [↓](#)
- B SIESA - Copy of October 2019 REPORT [↓](#)

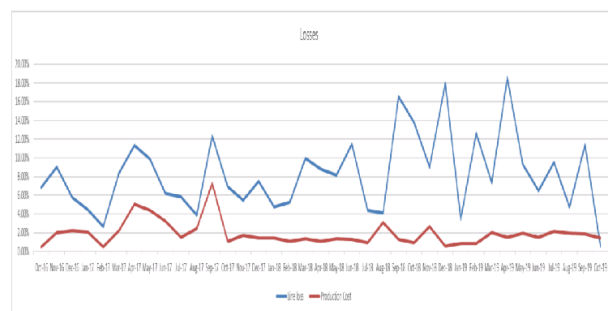
Summary Report – October 2019



PERFORMANCE

| | | | | |
|---------------|-------------------|--------------------------|--------------|---|
| EFFECTIVENESS | Outages | Generator Forced Outages | report cycle | 0 |
| | | Feeder Forced Outages | report cycle | 0 |
| | | Consumer Outages | report cycle | 0 |
| | | Planned Outages | report cycle | 0 |
| | | Station Outages | report cycle | 1 |
| | Connections | New Connections | report cycle | 0 |
| | | Reconnections | report cycle | 1 |
| | | Disconnections | report cycle | 0 |
| Complaints | Quality of Supply | Quality of Supply | report cycle | 0 |
| | | Performance Related | report cycle | 0 |

| | | | | |
|------------------|-------------|--------------------------------|--------------|--------|
| PEOPLE / CULTURE | Team Safety | Medical Treatment Intervention | report cycle | 0 |
| | | Lost Time Injury | report cycle | 0 |
| | | Near Miss | report cycle | 0 |
| | Team Health | Days Off (sick day) | report cycle | 2 days |
| | | Annual Leave | report cycle | 3 days |
| | Training | Safety training | report cycle | 0 |
| | | Health Checks | report cycle | 0 |



The electrical distribution and retail service for SIESA was generally good during October. The sold units were up on the September sales figures. Line loss is shown as down on the previous month's figures.

This report covers the calendar month of October. Meter reading was undertaken on the 21st and 22nd of the month and all statistical information and graphs are for the period 21st of September through to 20th October.

As part of a 400 hour service on Unit 4 the sump drain and drain valve were replaced as the existing setup had excessive vibration. The drain connections are now the same as Unit 5.

The connections for Wilson at Leask Bay and Grey at Excelsior Road were completed by the electrician on the 14th of October.

On the 1st of October there was a report of low power to a three phase consumer in Whipp Place, the ICP fuse was replaced.

The cable fault at Bailey Place is still awaiting repair.

On the 27th of October there was a full outage which was caused by an engine electronics fault with Unit 5 and this is still being resolved.

On the 19th four streetlights were changed to LED on the wharf access road. Two of the fluorescent lights which were replaced had failed in the previous week.

Underground cabling work at Deep bay road has been completed and rearrangement of the consumers onto a different transformer and dismantling the overhead circuit from Ringaringa will be undertaken during November

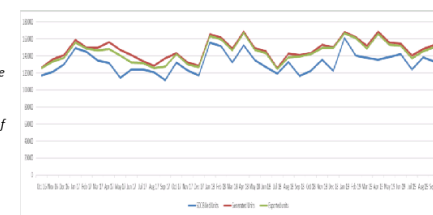
Cable is onsite for a job at Lee Bay road to allow removal of low LV conductors it is expected to lay the cable during the first week in November.

There are five uncompleted new connections

- 1/ J Hayden-Clarke, Wholer's Road, planned
- 2/ K Hicks, Elgin Terrace materials on site.
- 3/ Scofield, Ringaringa, Consumer is installing cable and will advise
- 4/ Dawson / Lewis Hicks road not planned as yet.
- 5/ Morris Street Not planned as yet

PROJECTS

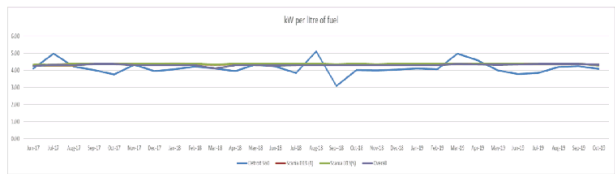
| Item | % Complete | Comments |
|---|------------|---|
| P/O 123647 Meter Replacement | 12% | 2 meters were replaced during October |
| P/O 146865 Management Fee Operations | 17% | Monthly charge |
| P/O 146864 Distribution Maintenance | Ongoing | Replacements of strain insulators will be continued |
| P/O 146265 Generation Maintenance | Ongoing | |



ENGINE MAINTENANCE REPORT

RISK AND STRATEGY UPDATES

| | Make / Model | Hours | Hours this Month | Fuel this Month | Kilowatt hours | Last services | Oil Test results |
|--------|--------------|-------|------------------|-----------------|----------------|---------------|------------------|
| Unit 1 | CAT 3406 | 17776 | 0 | 0 | 0 | 15/3/19 | No Sample |
| Unit 2 | CAT 3408 | 45648 | 0 | 0 | 0 | 13/01/17 | No Sample |
| Unit 3 | Detroit 60 | 20657 | 14 | 501 | 2048 | 10/8/18 | "A" |
| Unit 4 | Scania D13 | 8191 | 516 | 24789 | 108596 | 15/09/19 | "A" |
| Unit 5 | Scania D13 | 9840 | 209 | 27345 | 48438 | 27/4/19 | "A" |



| | | Update |
|-------------------------|-------------------------------------|---|
| Maintenance Risks | Structures / Poles | The Hicks Rd pole at the Davis property is still under investigation. |
| | Transformers | Station Transformers are were tested on the 25 th of August |
| | Pillar boxes / Link Boxes / Cabling | |
| | Lines / Insulators | Strain insulator replacements continuing |
| Generation Equipment | Generation Plant | Unit 4 was serviced on the 10 th of Sept |
| | Control Systems | SCADA and controls are fully operational |
| | Fuel systems / Plant | ECL representatives have visited and are planning the replacement of the main tanks |
| | Buildings | The building is in good condition with some internal painting planned. |



Trenching at Deep Bay Road

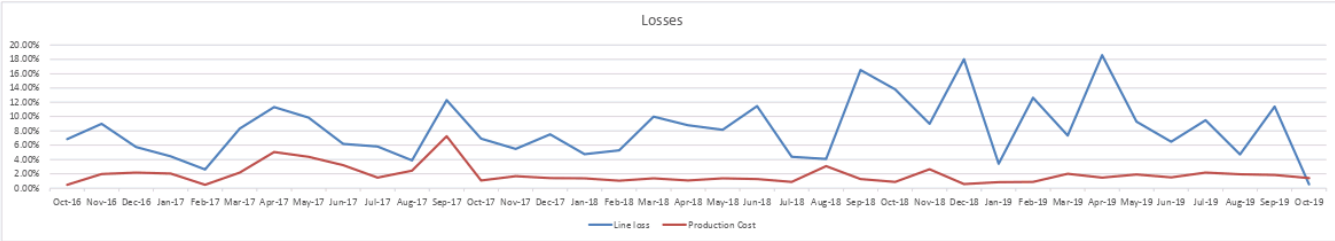
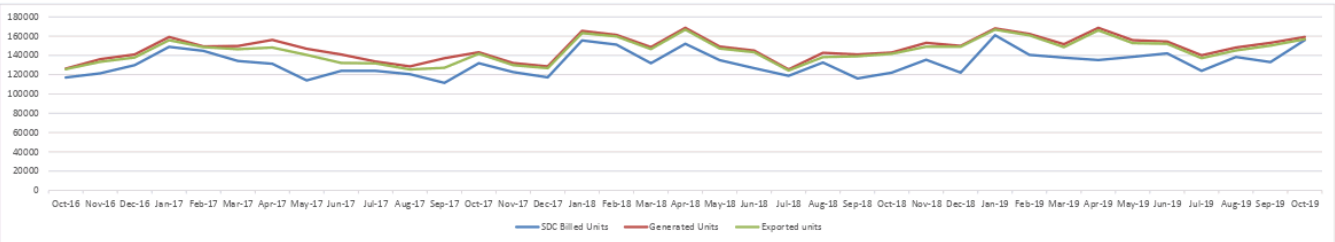


Under veranda Lights on
wharf access road



| | Oct-16 | Nov-16 | Dec-16 | Jan-17 | Feb-17 | Mar-17 | Apr-17 | May-17 | Jun-17 | Jul-17 | Aug-17 | Sep-17 | Oct-17 | Nov-17 | Dec-17 | Jan-18 | Feb-18 | Mar-18 | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Oct-18 | Nov-18 | Dec-18 | Jan-19 | Feb-19 | Mar-19 | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 |
|------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| SDC Billed Units | 117201 | 121480 | 129865 | 140904 | 144771 | 134271 | 131434 | 114195 | 124059 | 124104 | 120567 | 111547 | 131944 | 122740 | 117221 | 135492 | 131231 | 131099 | 132166 | 133122 | 126827 | 119030 | 132963 | 116598 | 122202 | 133616 | 122262 | 160999 | 140389 | 137757 | 135239 | 138634 | 142146 | 124075 | 138379 | 133162 | 135962 |
| Generated Units | 126421 | 136349 | 140994 | 159983 | 149372 | 149782 | 156109 | 146986 | 140981 | 133739 | 128466 | 137212 | 143329 | 132111 | 128666 | 163534 | 161368 | 148631 | 168991 | 149210 | 145113 | 123503 | 142732 | 141025 | 141036 | 133070 | 149912 | 168134 | 162341 | 151726 | 168601 | 135837 | 134378 | 140145 | 148140 | 133072 | 135082 |
| Exported units | 123815 | 133401 | 137802 | 153832 | 148673 | 146486 | 148222 | 140358 | 132285 | 131790 | 125439 | 127235 | 141784 | 129887 | 126763 | 163234 | 159967 | 146653 | 166843 | 147153 | 143259 | 124386 | 138336 | 139191 | 141763 | 149028 | 149028 | 166727 | 140915 | 148684 | 166121 | 152844 | 152848 | 137884 | 145245 | 150244 | 156803 |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|-------|-------|-------|-------|-------|-------|--------|-------|-------|-------|-------|--------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-------|--------|--------|-------|--------|-------|--------|-------|--------|-------|-------|-------|-------|--------|-------|
| Line loss | 6.85% | 9.01% | 5.79% | 4.45% | 2.62% | 8.34% | 11.37% | 9.36% | 6.20% | 5.81% | 3.88% | 12.31% | 6.94% | 5.40% | 7.53% | 4.74% | 5.28% | 9.98% | 8.80% | 8.18% | 11.47% | 4.39% | 4.10% | 16.52% | 13.80% | 9.00% | 18.00% | 3.44% | 12.63% | 7.33% | 18.38% | 9.28% | 6.50% | 9.50% | 4.73% | 11.41% | 0.54% |
| Production Cost | 6.48% | 2.09% | 2.20% | 2.04% | 0.47% | 2.20% | 5.03% | 4.37% | 3.22% | 1.48% | 2.40% | 7.27% | 1.09% | 1.68% | 1.47% | 1.40% | 1.03% | 1.38% | 1.10% | 1.38% | 1.24% | 0.89% | 3.08% | 1.30% | 0.89% | 2.64% | 0.99% | 0.84% | 0.88% | 2.08% | 1.47% | 1.92% | 1.51% | 2.18% | 1.96% | 1.83% | 1.41% |



SIESA Monthly Report from PowerNet - September 2019

Record No: R/19/10/24014

Author: Matt Russell, Group Manager Services and Assets

Approved by: Matt Russell, Group Manager Services and Assets

☐ Decision

☐ Recommendation

☒ Information

Purpose

- 1 The purpose of this report is to provide for your information, PowerNet's monthly report for SIESA for the month of September 2019.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled "SIESA Monthly Report from PowerNet - September 2019" dated 29 October 2019.**

Attachments

- A SIESA Monthly Report - September 2019 [↓](#)

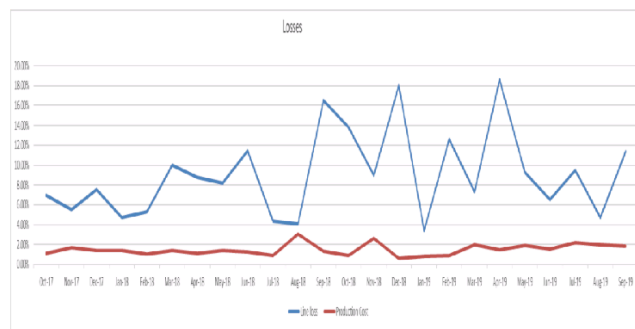
Summary Report – September 2019



PERFORMANCE

| | | | | |
|---------------|-------------|--------------------------|--------------|---|
| EFFECTIVENESS | Outages | Generator Forced Outages | report cycle | 0 |
| | | Feeder Forced Outages | report cycle | 0 |
| | | Consumer Outages | report cycle | 0 |
| | | Planned Outages | report cycle | 0 |
| | | Station Outages | report cycle | 0 |
| | Connections | New Connections | report cycle | 0 |
| | | Reconnections | report cycle | 1 |
| | | Disconnections | report cycle | 0 |
| | Complaints | Quality of Supply | report cycle | 0 |
| | | Performance Related | report cycle | 0 |

| | | | | |
|------------------|-------------|--------------------------------|--------------|--------|
| PEOPLE / CULTURE | Team Safety | Medical Treatment Intervention | report cycle | 0 |
| | | Last Time Injury | report cycle | 0 |
| | | Near Miss | report cycle | 0 |
| | Team Health | Days Off (sick day) | report cycle | 3 days |
| | | Annual Leave | report cycle | 7 days |
| | Training | Safety training | report cycle | 0 |
| | | Health Checks | report cycle | 0 |



The electrical distribution and retail service for SIESA was generally good during September. The sold units were up on the August sales figures. Line loss is shown as up on the previous month's figures.

This report covers the calendar month of September. Meter reading was undertaken on the 20th and 21st of the month and all statistical information and graphs are for the period 21st of August through to 20th September.

Results have been received for the transformer tests which were taken on the 25th of August.

A 6000 hour service was performed on Unit 4 on the 10th of September with injectors, turbo charger and water pump being replaced.

On the 16th of September there was an overnight fault at Horseshoe Bay although this wasn't reported until the morning. Two transformer fuses were replaced.

On the 20th of September at 7:30 pm there was a cable fault at Bailey Place. This is an underground area and the fault is between pillar boxes.

On the 28th of September there was a single consumer fault at golden Bay and a transformer fuse was replaced.

At 11:00pm on the 29 September, there was a streetlight failure which was likely to have been caused by a conductor clash during high winds. This was reported the following morning and a service fuse was replaced.

On the 30th of September we had a call from the fire service regarding a service cable which had been burnt during a vegetation fire. The cable was customer owned and serviced a sleep out. We disconnected the cable, replaced the ICP fuse and referred the consumer to an electrician.

Roadside cabling has been completed for new connections at excelsior road and Leask Bay we are waiting for the electrician to provide a ROI before connection is made.

There are six uncompleted new connections

- 1/1 Wilson, Leask Bay, Cable laid awaiting electrician
- 2/1 Hayden-Clarke, Wholer's Road, planned
- 3/K Hicks, Elgin Terrace materials on site.
- 4/ Gray excelsior Road, cable laid awaiting electrician
- 5/ Scofield, Ringaringa, Consumer is installing cable and will advise
- 6/ Dawson / Lewis Hicks road not planned as yet.

Additionally there is a roading project at Deep Bay / Ringaringa which requires underground cabling work and another at Lee Bay road to allow removal of low overhead conductors

As part of the planning for new fuel tanks the condition of the day tank was assessed and there is considerable rust showing on the base and support legs of the tank.

PROJECTS

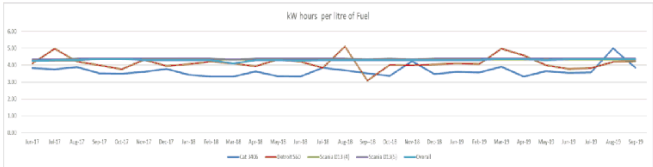
| Item | % Complete | Comments |
|---|------------|---|
| P/O 123647 Meter Replacement | 12% | 2 meters were replaced during September |
| P/O 146865 Management Fee Operations | 17% | Monthly charge |
| P/O 146864 Distribution Maintenance | Ongoing | Replacements of strain insulators will be continued |
| P/O 146265 Generation Maintenance | Ongoing | |



ENGINE MAINTENANCE REPORT

RISK AND STRATEGY UPDATES

| | Make / Model | Hours | Hours this Month | Fuel this Month | Kilowatt hours | Last services | Oil Test results |
|--------|--------------|-------|------------------|-----------------|----------------|-------------------|------------------|
| Unit 1 | CAT 3406 | 17776 | 1 | 26 | 100 | 15/3/19 | No Sample |
| Unit 2 | CAT 3408 | 45648 | 22 | 73 | 20 | 13/01/17 | No Sample |
| Unit 3 | Detroit 60 | 20643 | 8 | 402 | 1703 | 10/8/18 | "A" |
| Unit 4 | Scania D13 | 7675 | 696 | 32657 | 142442 | 2/9/19 20/9/19 | "A" "A" |
| Unit 5 | Scania D13 | 9631 | 46 | 2011 | 8807 | 27/4/19 | "A" |



| | | Update |
|----------------------|-------------------------------------|---|
| Identified Risks | Structures / Poles | The Hicks Rd pole at the Davis property is still under investigation. |
| | Transformers | Station Transformers were tested on the 25 th of August |
| | Pillar boxes / Link Boxes / Cabling | |
| | Lines / Insulators | Strain insulator replacements continuing |
| Generation Equipment | Generation Plant | Unit 4 was serviced on the 10 th of Sept |
| | Control Systems | SCADA and controls are fully operational |
| | Fuel systems / Plant | ECL representatives have visited and are planning the replacement of the main tanks |
| | Buildings | The building is in good condition with some internal painting planned. |



Rust on base of day fuel tank



Earthworks at Jensen Bay,
New connection for Wilson

Work to investigate a new user pays charging regime for non-recreational jetty usage

Record No: R/19/10/23947

Author: Robyn Rout, Policy Analyst

Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision

☒ Recommendation

☐ Information

Purpose

- 1 The purpose of this report is to inform the Stewart Island/Rakiura Community Board about work that has been undertaken investigating an appropriate way to charge commercial users of Stewart Island/Rakiura jetties. This report also seeks a recommendation from the board on its preferred charging option.

Executive Summary

- 2 Council currently issues licences to non-recreational users of Stewart Island/Rakiura jetties, which allows the licensees to use the jetties for commercial purposes. In 2017, the Jetties Subcommittee raised that a new charging regime based on patronage might be more appropriate.
- 3 Council staff have been working to identify how this fee could be charged. At this stage staff have not been investigating how much the fee should be, as this will be discussed at a later stage. Council recognises that jetties have both public and private use and this is taken into account when Council determines appropriate funding sources.
- 4 After considering legal requirements on how jetties are funded, staff have identified five potential charging options. The options identified are:
 - option 1 - an annual fee based on vessel tonnage
 - option 2 - an annual fee based on passenger numbers
 - option 3 - a fee based on the number of visits to Council administered jetties (or particular jetties)
 - option 4 - a fee based on both vessel tonnage and the number of visits to Council administered jetties (or particular jetties)
 - option 5 - the status quo (a licence fee charged annually for each vessel).
- 5 On 30 September 2019, the Stewart Island Jetties Subcommittee (for the 2016-2019 triennium) recommended a different charging option - that commercial users pay a base fee with an additional fee component based on passenger numbers. In this report, this option is referred to as 'option 6'.
- 6 It is important that any charging method implemented is highly practical. It needs to be administratively simple, easy to enforce, cost effective, and Council needs to be able to charge the fee without relying on an agreement or information from commercial operators. Council also needs to be able to prove any fee it charges is accurate.
- 7 Following on from this meeting, staff will undertake informal consultation with key stakeholders. All of the feedback received will be incorporated into a report presented to a committee of Council. It is anticipated that any new charging regime and fee would be proposed in the 2021-

2031 Long Term Plan that will be consulted on in February/March 2021. This plan will come into effect on 1 July 2021.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Work to investigate a new user pays charging regime for non-recreational jetty usage” dated 6 November 2019.**
- 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) **Notes that the Stewart Island Jetties Subcommittee for the 2016-2019 triennium, has recommended to a committee of Council that the Subcommittee’s preferred charging regime for commercial operators is to have a base fee with an additional fee component based on passenger numbers.**
- e) **Provides feedback on the charging options identified, both by staff and by the Stewart Island Jetties Subcommittee.**
- f) **Recommends to a committee of Council, that the charging regime for commercial jetty usage should be one of the following options:**
 - **option 1 - an annual fee based on vessel tonnage**
 - **option 2 - an annual fee based on passenger numbers**
 - **option 3 - a fee based on the number times a commercial user visits Council administered jetties (or particular jetties)**
 - **option 4 - a fee based on both vessel tonnage and the number of visits to Council jetties**
 - **option 5 - the status quo (a licence fee charged annually for each vessel)**
 - **option 6 – the charging regime recommended by the Stewart Island Jetties Subcommittee for the 2016 to 2019 triennium, which involves having a base fee with an additional fee component based on passenger numbers.**
- g) **Provides feedback on what a fair and reasonable fee would be, in relation to its preferred option.**
- h) **Notes that if a new charging regime and fee are implemented, this would not come into effect until 1 July 2021.**

Background

- 8 On Stewart Island/Rakiura, Council administers Fred's Camp Jetty, Little Glory Jetty, Millers Beach Jetty, Port William Jetty and Ulva Island Jetty. It is anticipated that Golden Bay Wharf will also be transferred into Council ownership in the near future. In this report, these facilities are collectively referred to as the jetties.
- 9 Council currently issues licences to non-recreational users of Stewart Island/Rakiura jetties, allowing licensees the non-exclusive use of the jetties for embarkation and disembarkation of passengers and for the loading and unloading of goods. The licence fee is currently \$1,350 (GST inclusive), and this is charged annually for each vessel used by the licensee, in accordance with their licence. The licences currently held were issued in 2014 and the term of the licences is ten years. The licence agreements can be terminated upon notice. When notice is given, the agreement will expire on 31 October following the giving of notice.
- 10 In 2017, the Stewart Island/Rakiura Jetties Subcommittee outlined that they wanted to change this approach to be more in line with a user-pays regime based on patronage.
- 11 Staff presented a report to the board and to the Jetties Subcommittee on 10 December 2018. The outcome of the meetings were that the board and the Jetties Subcommittee endorsed staff undertaking work with the Jetties Subcommittee to investigate, identify and implement a practical and fair user pays regime for non-recreational jetty usage. They also requested that Council approve unbudgeted expenditure of \$20,000, to be funded from reserves or from a loan, from the Jetties Subcommittee.
- 12 On 6 March 2019, Council endorsed proceeding with the work, and approved \$20,000 of unbudgeted expenditure to be funded from the Jetties Subcommittee general reserves.
- 13 Staff presented options, on how commercial users of the jetties could be charged, to the Jetties Subcommittee on 30 September 2019 and requested that the Subcommittee identify a preferred option. The Subcommittee came up with a new option to have a base fee with an additional fee component based on passenger numbers. The Jetties Subcommittee recommended this option to a committee of Council.
- 14 The Jetties Subcommittee also requested that a recommendation be made to a committee of Council that jetties be considered a district (rather than local) activity, and that appropriate funding be made available. This feedback will be considered as part of the Revenue and Financing Policy review undertaken for the 2021-2031 Long Term Plan.

Issues

- 15 This report seeks to identify an appropriate charging method to set a fee for commercial users of Council administered jetties on Stewart Island/Rakiura.
- 16 At this stage, more information is required before Council can analyse what an appropriate fee for commercial jetty usage should be. A number of pieces of work are currently being undertaken or are anticipated, that relate to the jetties. These include:
 - the Stewart Island/Rakiura sustainability review
 - the review of the Stewart Island/Rakiura visitor levy
 - clarity on any redevelopment of the Ulva and Golden Bay jetties, including the level of service that will be provided and any associated costs
 - the review of the Revenue and Financing Policy (this involves applying legislation and considering appropriate funding sources for the jetties activity, for example considering whether district or local funding, fees and charges, grants etc are appropriate)

- determining jetty maintenance costs (including on any jetties that are redeveloped).

- 17 Council will be in a position to determine an appropriate fee for commercial jetty use when these work streams are complete. If a new charging regime and fee are proposed, these will be consulted on as part of the 2021-2031 Long Term Plan, and this plan will come into effect on 1 July 2021.

Options identified

- 18 Staff have identified a number of options on how Council could charge commercial users of jetties. These options have been developed taking into consideration section 101 of the Local Government Act 2002, which outlines what Council must consider when it is determining how to meet its funding needs. The Jetties Subcommittee have also identified a possible charging option. The identified options are:
- option 1 - an annual fee based on vessel tonnage
 - option 2 - an annual fee based on passenger numbers
 - option 3 - a fee based on the number times a commercial user visits Council administered jetties (or particular jetties)
 - option 4 - a fee based on both vessel tonnage and the number of visits to Council jetties
 - option 5 - the status quo (a licence fee charged annually for each vessel)
 - option 6 – the option identified by the Jetties Subcommittee, of having a base fee amount and then charging an additional fee based on the number of passenger carried.
- 19 Any charging method selected will have to be administratively simple, cost effective, easy to enforce and Council needs to be able to charge the fee without relying on an agreement or information from commercial operators. Council also needs to be able to prove that any fee it charges is accurate/valid.
- 20 Under the current jetty licencing contracts, agreement has been reached between the licensee and Council on a number of factors, such as how the jetties can be used, provisions to look after the environment, and provisions on damage and liability. Under the first four charging options outlined above, Council would not be entering into a contract with the commercial users, so other informal or formal rules would have to be established regarding jetty usage.

Option 1 - An annual fee based on tonnage

- 21 For this option, each commercial vessel that uses Council jetties would pay an annual fee based on the tonnage of the vessel. There would be different tiers of boat weight, and vessels in each tier would be charged a specific annual fee. For example:

| TABLE 1 – ANNUAL FEE BASED ON TONNAGE | |
|--|-------------------|
| VESSEL WEIGHT (TONNES) | Annual fee |
| <10 | \$X |
| 10-20 | \$X |
| >20 | \$X |

- 22 The boats using Council jetties and their tonnage, could be identified through discussions with commercial operators. If necessary, Council would estimate a fee.

Option 2 - An annual fee based on passenger numbers

- 23 For this option, commercial users would pay an annual fee based on the number of passengers (per round trip, or a one way trip if the passengers were just being dropped off and not picked up again) they carry annually to Council jetties, on any of their vessels. This could also be done by having a range of passenger numbers, and commercial operators would be charged an annual fee based on the range their passenger numbers fall in. For example:

| TABLE 2 – ANNUAL FEE BASED ON PASSENGER NUMBERS | |
|--|-------------------|
| ANNUAL PASSENGER NUMBERS | Annual fee |
| <1000 | \$X |
| 1001-2000 | \$X |
| 2001-3000 | \$X |
| 3001-4000 | \$X |
| >4001 | \$X |

- 24 The passenger numbers carried by each user would be ascertained through discussions with commercial operators. If necessary, Council would estimate a fee.

Option 3 – A fee based on the number of times a commercial user visits Council administered jetties (or particular jetties)

- 25 For this option, commercial users could pay a fee for the number of visits they make to Council administered jetties. If a vessels berths at (parks alongside/ties up to) a Council administered jetty, it would be measured as one count. There are two ways this fee could be structured.

AN ANNUAL FEE

- 26 Firstly, there could be an annual fee to a commercial user, based on the number of visits the commercial user is making to Council jetties. A range of visits could be provided, such as those shown below.

| TABLE 3 - AN ANNUAL FEE BASED ON VISITS TO COUNCIL JETTIES | |
|---|-------------------|
| NUMBER OF VISITS TO COUNCIL JETTIES | Annual fee |
| <1000 | \$X |
| 1001-2000 | \$X |
| 2001-3000 | \$X |

TABLE 3 - AN ANNUAL FEE BASED ON VISITS TO COUNCIL JETTIES

| | |
|-------|-----|
| >3001 | \$X |
|-------|-----|

- 27 An estimate of the number of times a commercial user visits a Council administered jetty could be ascertained through discussions with commercial operators. If necessary, Council would estimate the fee.

PERIODIC FEE BASED ON ACTUAL VISITS

- 28 As an alternative to charging an annual fee, a sensor system could be used and commercial users could pay a periodic fee based on their actual jetty visits. For example, a commercial user might be charged \$1.00 for each jetty they visit.
- 29 Council is aware of sensor technology that could electronically monitor if a vessel has berthed at a Council jetty. This sensor system would work by there being a sensor on the jetty, and also a small sensor on the commercial user's boat. The sensor on the jetty would register a count if the sensor on the boat came within a close proximity. This sensor system could be placed at all jetties, or at particular jetties. This type of sensor system requires internet coverage. Commercial users would have to agree to have sensors on their boats.

Option 4 - A fee based on vessel tonnage and visits to Council jetties

- 30 Under this option, commercial users would pay a fee for visits to Council jetties, and the fee would relate to the weight of their vessels. This option could be structured as an annual fee or a periodic fee based on actual visits, as is shown below.

ANNUAL FEE

TABLE 4 – AN ANNUAL FEE BASED ON TONNAGE AND ESTIMATED VISITS

| | | Number of visits | | | |
|------------------------|-------|------------------|-----------|-----------|-------|
| | | <1000 | 1001-2000 | 2001-3000 | >3001 |
| VESSEL WEIGHT (TONNES) | <10 | \$X | \$X | \$X | \$X |
| | 10-20 | \$X | \$X | \$X | \$X |
| | >20 | \$X | \$X | \$X | \$X |

PERIODIC FEE

TABLE 5 – A PERIODIC FEE BASED ON ACTUAL VISITS

| VESSEL WEIGHT (TONNES) | Charge per visit |
|------------------------|------------------|
| <10 | \$X |

TABLE 5 – A PERIODIC FEE BASED ON ACTUAL VISITS

| | |
|-------|-----|
| 10-20 | \$X |
| >20 | \$X |

Option 5 - The status quo – a licence fee charged annually for each vessel

- 31 As is outlined above, Council currently issues licences to non-recreational users of the jetties, allowing licensees the non-exclusive use of Council administered jetties. The licence fee is currently \$1,350 (including GST), and this is charged annually for each vessel used by the licensee, in accordance with their licence. Council does have the option of continuing this charging approach.

Option 6 - A fee that has a base amount and a passenger related component (suggested by the Jetties Subcommittee)

- 32 Under this option, commercial users would be charged a base fee amount, and also an amount for each passenger carried. Members of the Subcommittee stated that this charging approach was appropriate because:
- everyone who was benefitting from the jetties would pay a fee
 - commercial users who carry a lot of passengers (so may be benefitting more) would pay more
 - commercial users who carry a lot of passengers (so may be contributing more damage to the jetties) would pay more.
- 33 General feedback was that the current fee might need to be increased (to generate sufficient funding to manage the jetties activity strategically) and the changing method proposed was a way the Subcommittee thought the fee could be increased in a fair way.
- 34 The Jetties Subcommittee said that commercial users could provide information on the number of passengers carried to Council jetties from their manifests/logbooks, and this information could then be used by Council to charge a fee. For this option, the Subcommittee did not believe formal monitoring, such as by a webcam, was necessary.
- 35 Council staff are aware this option may be difficult for Council to administer and enforce. Council's legal advisor was not aware of any way to require a commercial operator to provide information on their passenger numbers to Council, if the commercial operator did not wish to do so. Initial investigations suggest this charging method would have to rely on an honesty system to obtain information on the number of passengers carried. This may be problematic in regard to setting, validating, collecting, and enforcing a fee.

Factors to Consider

Legal and Statutory Requirements

- 36 Under section 101(3) of the Local Government Act 2002, Council must meet its funding needs for each activity following consideration of factors including who is benefitting, the period over which any benefit will occur, and whether the actions of a particular group contribute towards to need to undertake the activity. Council is also required to consider the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental, and cultural well-being of the community.

- 37 Legal advice has been obtained on how to create the legal mechanism for collection and enforcement, if Council was to introduce one of the new charging regimes outlined above. The advice received has outlined that the most practical way to set a fee for commercial jetty usage is through the fees/charges section in its annual plan. In setting a fee in the annual plan, Council would have to ensure:
- the charge is fair and reasonable based on the use of the jetties
 - jetty resource consent conditions allow for a charge to commercial users
 - the charge does not 'double dip' (commercial users are not charged for amounts that will also be funded from other sources).
- 38 Structuring the charge through fees/charges is the most practical way to set the fee as Council could recover charges as a debt in the District Court. If a fee was set in a bylaw and a commercial operator did not pay the required fee, it would be a criminal offence requiring prosecution.
- 39 Legal advice suggested that the charging approach should be based on jetty usage, but that the charge could be further categorised based on the predicted costs to Council from users.
- 40 Other than ensuring that Council doesn't 'double dip', no 'red flags' have been identified in regards to the interaction between the Stewart Island/Rakiura Visitor Levy Bylaw and a new charging regime for commercial jetty use.

Community Views

- 41 Community views on this matter will be sought in an informal consultation process, after a preferred option or options are identified. People will also have the opportunity to give their views by making a formal submission if a new fee is proposed in a draft annual plan or long term plan.
- 42 Council is aware of some community views on this matter. Research completed on the Stewart Island Wharfing Provision, by consultant Sandra James in 2017, investigated community views on jetties on Stewart Island/Rakiura and identified:
- that local users understood the need to pay for their use of the jetties
 - that there was a need for long term strategic planning rather than a reactionary approach to jetties
 - that there was unanimous agreement that the jetties should be self-funding and not a burden on rate payers alone
 - a new funding strategy should be investigated, with funding from multiple sources, that is fair and equitable.
- 43 It can be anticipated that if a new charging regime requires the current licensees to pay more to use jetties, then they would expect that there will be a commensurate improvement in the service that they are receiving. This would include, for example, an improved maintenance and renewals regime.
- 44 It can also be expected that if the amount paid to use Council administered jetties increases, whether or not the level of service has improved, this will not be well received well by some people, and it may be seen as not facilitating local businesses.

Costs and Funding

- 45 A copy of the long term plan budget for the jetties activity on Stewart Island/Rakiura is included with this report as Attachment A. Income for the jetties activity is budgeted to come from licencing fees and interest on reserves. Other possible income sources may be grants, such as

from the visitor levy or central government grants. The jetties activity is locally funded but in this financial year there is no local rating for the renewal and maintenance of the jetties. Expenses for the activity include insurance, maintenance, depreciation and internal interest.

- 46 If Golden Bay jetty is transferred to Council ownership, and both Golden Bay and Ulva Island jetties are replaced, it is likely a loan will be required to partially fund these renewals. Servicing this loan would substantially increase the annual expenditure for the jetties activity.
- 47 Council recognises that jetties have both public and private use. This is taken into account when Council determines appropriate funding sources.

Policy Implications

- 48 It is important that the jetties on Stewart Island/Rakiura are managed strategically. Council has been undertaking work to review the strategic challenges associated with delivering Council services on Stewart Island/Rakiura.
- 49 Council supports the Southland Regional Development Strategy that has an objective of removing obstacles to doing business in Southland. Measures can be taken to facilitate an ease of doing business in regards to a developing a changing regime, such as making the regime administratively simple for commercial operators, and ensuring any fee is fair and reasonable.
- 50 People operating commercial vessels on Stewart Island/Rakiura may also pay other fees or levies. These include:
- a marine levy to Environment Southland
 - collecting \$1.00 from each passenger who travels to Ulva Island (this is then passed on to the Ulva Island Charitable Trust)
 - a fee to Southport for using the main wharf
 - a concession fee to the Department of Conservation (for operators who take visitors on guided trips).

Analysis

Options Considered

- 51 The following reasonably practicable options have been identified by staff for charging commercial users of Council administered jetties.

Option 1 – An annual fee based on vessel tonnage of each commercial boat that will use the jetties

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• takes into account the distribution of benefit received from the wharf as heavier vessels are able to carry more passengers/goods, so may benefit more• takes into account that heavier vessels may contribute more to the need to undertake the activity as heavier vessels may cause more damage to the jetties than light vessels• an annual fee would be administratively easy for Council. Council would be able to collect | <ul style="list-style-type: none">• heavier vessels may not always benefit more from having access to the jetties than lighter vessels – for example a heavy vessel may not use the jetties very often• heavier vessels may not always cause more damage to the jetties than lighter vessels – damage can also relate to how vessels are berthed and the frequency of use• Council would need monitoring in place to be able to validate that vessels were using |

| | |
|--|---|
| charges cost effectively and encourage payment and compliance. | <p>Council jetties – there would be costs associated with setting up this monitoring</p> <ul style="list-style-type: none"> the exact cost of implementing this option is not known Council may have to estimate tonnage if a commercial operator did not provide it, which would take up staff time and may not be accurate may not be supported by some people affected by or interested in this matter this charging mechanism would not put in place any rules about how the jetties could be used. |
|--|---|

Option 2 – An annual fee based on passenger numbers

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none"> takes into account benefit as vessels that carry more passengers are likely to have more commercial benefit from the jetties takes into account that vessels that carry more passengers may contribute more to the need to provide/maintain jetties – may be associated with heavier vessels that may do more damage when berthing, more foot traffic/wear and tear etc. an annual fee would be administratively easy for Council. Council would be able to collect charges cost effectively and encourage payment and compliance. | <ul style="list-style-type: none"> may not properly take into account benefit – for example other goods might be carried, or there may be more benefit received by carrying staff to work (to marine farms etc) than carrying tourists passenger numbers may not be directly related to the need to provide/maintain jetties – eg damage may be more closely linked to boat weight and jetty use Council would need monitoring in place to be able to validate that vessels were using Council jetties, and that Council was charging an accurate fee (such as a webcam, which would be an onerous way to validate passenger numbers). There would also be a costs associated with setting up the monitoring the exact cost of implementing this option is not known Council may have to estimate passenger numbers if a commercial operator didn't provide them, which would take up staff time and may not be accurate may be over-complicating - the weight of a vessel may serve as a rough proxy for the number of passengers carried |

| | |
|--|---|
| | <ul style="list-style-type: none"> • may not be supported by some people affected by or interested in this matter • this charging mechanism would not put in place any rules about how the jetties could be used. |
|--|---|

Option 3 - A fee based on the number of visits to Council administered jetties (or particular jetties)

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none"> • may take into account benefit as vessels that visit the jetties frequently may receive a lot of benefit • vessels that frequently visit the jetties may contribute more to the need to provide/maintain jetties than vessels who visit less often • this is a user pays approach, which is generally supported by residents/ratepayers • if this option is structured as an annual fee, it would be administratively easy for Council. Council would be able to collect charges cost effectively and encourage payment and compliance • a sensor system would enable Council to clearly ascertain when Council jetties are being used, and Council would be able to charge an accurate fee, and validate a fee that has been issued. | <ul style="list-style-type: none"> • the frequency of berthing may not be closely related to the damage caused – the weight of the vessel and how it is berthed may be more closely related • vessels that berth more frequently may not benefit more than those who berth less frequently (a commercial user with a large boat who berths once may benefit more than a small vessel berthing frequently) • Council would need monitoring in place to be able to validate that vessels were using Council jetties, and that it was charging an accurate fee (such as a webcam or sensor). There would be costs associated with setting up this monitoring • the exact cost of implementing this option is not known • Council would have to estimate annual visit numbers if a commercial operator didn't provide them, which would take up staff time and may not be accurate • if this option is structured as a periodic fee it would be more of an administrative burden on Council, and may not be as effective as an annual fee at encouraging payment and compliance • if this option is structured as a periodic fee, the funding generated may not be known in advance, which may make long term planning more difficult • may not be supported by some people affected by or interested in this matter |

| | |
|--|---|
| | <ul style="list-style-type: none"> this charging mechanism would not put in place any rules about how the jetties could be used. |
|--|---|

Option 4 – A fee based on both vessel tonnage and the number of visits to Council jetties

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|--|
| <ul style="list-style-type: none"> may take into account benefit as heavy vessels and vessels that visit jetties often are likely to benefit more from the jetties than other vessels takes into account that vessels that are heavier and visit the jetties often may contribute more to the need to provide/maintain jetties if this option is structured as an annual fee, it would be easier to administer than a periodic fee. Council would be able to collect charges cost effectively and encourage payment and compliance a sensor system would enable Council to clearly ascertain when Council jetties are being used, and Council would be able to charge an accurate fee, and validate a fee that has been issued. | <ul style="list-style-type: none"> may not be closely related to the damage caused – how a vessel is berthed may be more closely related may not accurately take into account the benefit received by accessing the jetties this option requires two inputs, which makes it slightly harder to administer Council would need monitoring in place to be able to validate that vessels were using Council jetties, and that it was charging an accurate fee (such as a webcam or sensor). There would be costs associated with setting up this monitoring the exact cost of implementing this option is not known Council would have to estimate annual visit numbers and tonnage if a commercial operator didn't provide them, which would take up staff time and may not be accurate if this option is structured as a periodic fee, the funding generated would not be known in advance, which may make long term planning more difficult may not be supported by some people affected by or interested in this matter this charging mechanism would not put in place any rules about how the jetties could be used. |

Option 5 - The status quo (a licence fee charged annually for each vessel)

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none"> known by the commercial operators there are contractual terms about how the jetties can be used, and about who will pay for damage etc | <ul style="list-style-type: none"> may not properly take into account benefit – for example the owners of vessels that carry a large number of passengers may be receiving more benefit from the jetties than owners with smaller vessels (who pay the same amount). |

| | |
|--|---|
| <ul style="list-style-type: none"> • to an extent takes into account the benefit received and damage being undertaken by commercial jetty users (by charging them a specific fee that isn't charged to other ratepayers) • does take into account that some commercial users may be benefitting more and contributing more to the need to undertake the activity, by charging for each boat operating (rather than for each operator) • easy to administer – no inputs. Council can collect charges cost effectively and encourage payment and compliance • there would be no cost to set up monitoring etc. | <ul style="list-style-type: none"> • does not take into account that heavier vessels or vessels using the jetties more frequently may contribute more to the need to undertake the jetty activity • may not be supported by some people affected by or interested in this matter • all commercial users may not be paying the fee. |
|--|---|

Option 6 - A fee that has a base amount and a passenger related component

| | |
|-------------------|----------------------|
| <i>Advantages</i> | <i>Disadvantages</i> |
|-------------------|----------------------|

| | |
|---|--|
| <ul style="list-style-type: none"> • takes into account that all commercial users benefit and contribute to the need to provide/maintain jetties • takes into account that some users benefit more from using the jetties (vessels that carry more passengers are likely to have more benefit) • takes into account that vessels that carry more passengers may contribute more to the need to provide/maintain jetties – more passengers may be associated with heavier vessels that may do more damage when berthing, more foot traffic/wear and tear etc • the annual fee part of the option would be relatively easy for Council to administer. | <ul style="list-style-type: none"> • passenger numbers may not be directly related to the need to provide/maintain jetties – eg damage may be more closely linked to boat weight and jetty use • may not properly take into account benefit – for example other goods might be carried, or there may be more benefit received by carrying staff to work (to marine farms etc) than carrying tourists • Council may be relying on the co-operation and honesty of commercial operators, to obtain passenger number information • there could be problems with charging and enforcing the passenger-based part of the fee (if there wasn't co-operation from the users) – Council may not be able to validate the fee charged • the exact cost of implementing this option is not known • the charging method may be more complicated and more of an administrative burden than is necessary. For example two different types of fee would need to be administered, and staff would have to manually process passenger number information • may not be supported by some people affected by or interested in this matter • the charging method would not put in place any rules about how the jetties could be used. |
|---|--|

Assessment of Significance

- 52 The matters discussed and recommendation sought in this report, have not been assessed as being significant in relation to the Local Government Act 2002 and Council's Significance and Engagement Policy.

Recommended Option

- 53 Staff believe that the board should recommend option four, an annual fee based on tonnage and visit numbers, to a committee of Council. Staff recommend this option as it seems the fairest way to charge commercial users of the jetties. This option is likely to charge a higher fee to commercial users who are receiving a lot of benefit from, and contributing the most to the need to provide, Council administered jetties. Staff are aware that this option is not the easiest option

to administer, and that it would also require there to be monitoring in place to validate any fee charged.

Next Steps

- 54 The proposed next steps for this work are as follows:

| DATE | TASK |
|----------------|--|
| 2020 | Staff will discuss with key stakeholders, the possibility of a new charging regime |
| 2020 | A report will be presented to a committee of Council outlining the feedback received from the Jetties Subcommittee, the board and key stakeholders. The committee will make recommendations to Council |
| 2020 | Council will consider a new charging method and fee, and may endorse them to be included in the draft Long Term Plan |
| FEB/MARCH 2021 | Staff will consult on any proposed charging mechanism and fee, in the draft Long Term Plan 2021-2031 |

Attachments

- A Long Term Plan 2018-28, budget for Stewart Island/Rakiura jetties [↓](#)

Budget Estimate Report for 26700 Stewart Island Jetties

Start Year: 2020/2021

Stewart Island Jetties 26700 Stewart Island Jetties

| Object | Description | Actuals 2018/2019 | Current Budget | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|----------------------------|--|----------------------|-------------------|---------------|---------------|--------------|---------------|--------------|---------------|--------------|---------------|-----------------|-----------------|
| Income | | | | | | | | | | | | | |
| 11162 | Grants General (Capital) | - | (433,812) | - | - | (22,968) | - | (24,108) | - | (27,623) | - | - | - |
| 11316 | Licence Fee | (17,809) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) | (37,500) |
| 19114 | Contribution - Township | - | - | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) | (30,000) |
| 19151 | Internal - Interest on Reserve | (7,538) | (2,046) | (2,187) | (3,020) | (3,869) | (4,723) | (5,591) | (6,462) | (7,345) | (8,230) | - | - |
| | | (25,144) | (473,358) | (69,687) | (70,520) | (94,337) | (72,223) | (97,199) | (73,962) | (102,468) | (75,730) | (67,500) | (67,500) |
| Expenditure | | | | | | | | | | | | | |
| 19186 | Internal - Grant Income | (100,000) | - | - | - | - | - | - | - | - | - | - | - |
| 21311 | Material Damage Insurance | 1,856 | 1,499 | 1,532 | 1,566 | 1,602 | 1,640 | 1,681 | 1,725 | 1,770 | 1,817 | 1,817 | 1,817 |
| 31523 | Legal Costs | 11,817 | - | - | - | - | - | - | - | - | - | - | - |
| 31542 | General Projects | 27,430 | - | - | - | - | - | - | - | - | - | - | - |
| 35214 | Maint - General | 5,419 | 25,550 | 15,667 | 26,686 | 16,380 | 27,955 | 17,192 | 29,399 | 18,068 | 30,978 | 30,978 | 30,978 |
| 35229 | Maint - Project | 71,869 | - | - | - | 22,969 | - | 24,108 | - | 27,624 | - | - | - |
| 41113 | Depn - Marine As | 9,666 | 31,092 | 49,292 | 49,292 | 49,292 | 49,292 | 49,292 | 49,292 | 49,292 | 49,292 | - | - |
| 43317 | Internal - Interest on Loans | 1,934 | 1,805 | 13,201 | 12,803 | 12,386 | 11,949 | 11,492 | 11,013 | 10,511 | 9,986 | - | - |
| | | 29,792 | 59,946 | 79,692 | 90,347 | 102,629 | 90,836 | 103,765 | 91,429 | 107,295 | 92,073 | 32,795 | 32,795 |
| | Net Operating (Surplus)/Deficit | 4,647 | (413,412) | 10,005 | 19,827 | 8,292 | 18,613 | 6,566 | 17,467 | 4,827 | 16,343 | (34,705) | (34,705) |
| Capital Expenditure | | | | | | | | | | | | | |
| 67313 | Marine Assets - Renewal | 75,750 | 493,812 | - | - | - | - | - | - | - | - | - | - |
| | | 75,750 | 493,812 | - | - | - | - | - | - | - | - | - | - |
| Capital Movements | | | | | | | | | | | | | |
| 87892 | To -STEW JETTIES General | (52,137) | (32,046) | 30,871 | 20,651 | 31,769 | 21,011 | 32,601 | 21,221 | 33,359 | 21,317 | 34,705 | 34,705 |
| 87893 | Ex -STEW JETTIES General | (171,452) | (108) | - | - | - | - | - | - | - | - | - | - |
| 87894 | To Wharf replacmnt Golden | 57,960 | - | - | - | - | - | - | - | - | - | - | - |
| 87895 | Ex - Wharf Replacmnt Golden | 56,272 | - | - | - | - | - | - | - | - | - | - | - |
| 87896 | To Wharf replacmnt Ulva | 115,908 | - | - | - | - | - | - | - | - | - | - | - |

26700 Stewart Island Jetties

| Object | Description | Actuals 2018/2019 | Current Budget | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|------------------------------|--------------------------|----------------------|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Capital Movements | | | | | | | | | | | | | |
| 89165 | Ex - District Operations | (80,000) | - | - | - | - | - | - | - | - | - | - | - |
| | | (73,449) | (32,154) | 30,871 | 20,651 | 31,769 | 21,011 | 32,601 | 21,221 | 33,359 | 21,317 | 34,705 | 34,705 |
| Loans | | | | | | | | | | | | | |
| 71532 | Internal Loans - Princ | - | (20,000) | - | - | - | - | - | - | - | - | - | - |
| 71533 | Internal Loans - Repaid | 2,718 | 2,846 | 8,416 | 8,814 | 9,231 | 9,668 | 10,125 | 10,604 | 11,106 | 11,632 | - | - |
| | | 2,718 | (17,154) | 8,416 | 8,814 | 9,231 | 9,668 | 10,125 | 10,604 | 11,106 | 11,632 | - | - |
| Non Cash Depreciation | | | | | | | | | | | | | |
| 99511 | Add Back Non Cash Depn | (9,666) | (31,092) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | - | - |
| | | (9,666) | (31,092) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | (49,292) | - | - |
| | | - | - | - | - | - | - | - | - | - | - | - | - |

Unbudgeted Expenditure approval for Stewart Island Visitor Levy Funded Projects outside the Annual Plan

Record No: R/19/10/23910

Author: Jacqui Lighthart, Community Facilities Contract Manager (Community Facilities Team)

Approved by: Matt Russell, Group Manager Services and Assets

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 The Stewart Island/Rakiura Community Board applied, and was successful in obtaining Stewart Island Visitor Levy (SIVL) funding to complete five projects on Stewart Island. Of the five projects, three are outside the annual plan. To progress these projects, the Board must approve the unbudgeted expenditure for these projects.

Executive Summary

- 2 This report will outline the projects that were applied for from the SIVL that were outside the annual plan works programme, and further seeks approval from the Board to approve the unbudgeted expenditure so these projects can progress.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled "Unbudgeted Expenditure approval for Stewart Island Visitor Levy Funded Projects outside the Annual Plan" dated 5 November 2019.**
- 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 up to \$10,000 to complete the street lighting upgrade to bollard style, dark sky compliant lights on Elgin Terrace.**
- e) **Approves the unbudgeted expenditure of up to \$5,000 to install a power point on the foreshore adjacent to the monument on Elgin Terrace.**
- f) **Approves the unbudgeted expenditure of up to \$7,500 to upgrade tracks and facilities at Moturau Moana gardens.**

Background

- 3 The Stewart Island/Rakiura Community Board made five applications to the SIVL for funding towards projects on Stewart Island.

Issues

- 4 Three of the projects were outside the annual plan and require approval from the Board to progress with the unbudgeted expenditure.
- 5 The first project was the streetlight upgrade to replace three current overhead lights on Elgin Terrace which is bollard style lighting.
- 6 Due to the timing of the dark skies sanctuary status this project was not previously identified but is important to enhance the experience of the dark sky on Stewart Island.
- 7 Separate to these streetlight replacements, the community board wants to illuminate a current poorly lit section of steep footpath beside the red shed where a handrail is soon to be installed.
- 8 This portion of the project was raised by the Board as a health and safety issue after a recent fall in the area and this was the reasoning behind the additional two bollards on Elgin Terrace.
- 9 The second project was for work at Motorau Moana gardens. This work is undertaken by volunteers who come from throughout New Zealand on an annual basis for a week long period. They will undertake track maintenance, install retaining walls to stabilise some areas for safety reasons and upgrade the signage and interpretation panels. The unbudgeted expenditure is a grant to the local community group who organise the volunteer week.
- 10 The third project was to install a power supply beside the current war memorial on Elgin Terrace. This power point would be used to supply electricity to enable a PA system (and other electrical appliances) to be utilised during events such as Anzac Day, cruise ship days and the Rakiura challenge. This was seen as an important project for effective communication on busy days or for large crowds of people.
- 11 The relevant Activity Managers have been consulted and have determined that resource is available to deliver these projects without impacting on other project commitments.

Factors to Consider

Legal and Statutory Requirements

- 12 None.

Community Views

- 13 These applications were made by the Board and are generally supported by the Stewart Island community. The projects to be completed support the dark skies sanctuary status, Anzac Day and community celebrations and the visitor experience on Stewart Island.

Costs and Funding

- 14 The successful funding is coming from the SIVL. Ongoing maintenance costs are considered to be minimal and can be covered within existing budgets.

Policy Implications

- 15 None.

Analysis

Options Considered

- 16 There are two options which can be considered in this instance. To approve the unbudgeted expenditure to complete the projects or, not approve the unbudgeted expenditure and delete the projects.

Analysis of Options

Option 1 – Approve the unbudgeted expenditure for the projects as outlined above

| <i>Advantages</i> | <i>Disadvantages</i> |
|---|---|
| <ul style="list-style-type: none">• funding is approved already• projects have community support• projects have been scoped and priced• enhances visitor experience by making it safe and enjoyable. | <ul style="list-style-type: none">• None. |

Option 2 – Do not approve the unbudgeted expenditure and delete the projects

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|---|
| <ul style="list-style-type: none">• funding can be returned to the SIVL and used for other projects. | <ul style="list-style-type: none">• the community will be disappointed. |

Assessment of Significance

- 17 This decision has been determined as not significant.

Recommended Option

- 18 The recommendation is to proceed with option 1, approve the unbudgeted expenditure and continue with the projects.

Next Steps

- 19 The projects will be entered into CAMMS and the finance spreadsheet. The projects will be prioritised and completed by the project delivery and the community facilities teams.

Attachments

There are no attachments for this report.

Playground Update

Record No: R/19/10/24155

Author: Angie Hopkinson, Community Facilities Contract Manager

Approved by: Matt Russell, Group Manager Services and Assets

☐ Decision

☐ Recommendation

☒ Information

Purpose

- 1 The purpose of this report is to share information in regards to our management of the playgrounds throughout the district as well as the recent playground audit. It will outline the issues, immediate actions and the actions into the future. This report is a generic overview for all nine community board areas with specific attachments to the Board area in which this report is addressed.

Executive Summary

- 2 An assessment of 40 playground sites across the Southland District was recently undertaken by a suitably qualified company after staff identified some concerns.
- 3 The level of compliance across the playgrounds throughout the district is 36%. Playground design, age and compliance elements which include soft fall/loose fill, entrapments and material condition all contribute to this figure.
- 4 The assessment has identified areas for improvement in our processes and systems. This includes:
 - identifying immediate issues and to act appropriately as per our responsibilities under the Health and Safety (H&S) Act
 - to identify and correct holes or inconsistencies in our processes
 - work alongside our contractors to ensure a clear level of expectations are set as well as then ensuring expected outcomes are delivered on
 - work closely with communities and elected members to ensure good information is shared to assist with the long term plan (LTP) and future vision of a communities playgrounds.

Recommendation

That the Stewart Island/Rakiura Community Board:

- a) Receives the report titled “Playground Update” dated 31 October 2019.**
- 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.**

Background

- 5 Playgrounds around the district vary in age and condition. They have been managed individually with a focus on local considerations ahead of district or future compliance.
- 6 In line with the recent restructure within community facilities, it was identified by staff there were some concerns regarding the district portfolio of playgrounds and the understanding of an equipment's lifespan and condition. It was also noted that there were inherent risks in this area that we needed to manage. Our playgrounds although maintained; have not kept up with best practice or national standards and we need a plan to align these in both contracts and standards. Council is obligated to adhere to the Health and Safety Act in terms of the provision of this activity.
- 7 A certified annual compliance check was deemed the first step to both understand condition, maintenance requirements, lifespans and future replacement schedules. Three quotes and plans were sought as per Council's procurement policy. Playing Safe Limited (Trish Wrigley) was the successful tenderer and was subsequently awarded this work. The site inspection work has recently been completed and staff provided with a detailed report.
- 8 A memo was sent to seven community boards in regards to the most urgent items within their Board area that were deemed "poor condition or high risk non-compliance". A variety of actions from removal, to further checks and immediate maintenance actions were taken, as well as communication to elected members and the affected communities.

Issues

- 9 A number of issues were identified by staff and they have been confirmed with the annual compliance report. They are:
 - age of playground equipment and a lack of acknowledgement that age in playgrounds will always increase maintenance costs and risk.
 - maintenance standards and what is deemed appropriate are inconsistent as there is no clear bar that has been identified throughout the district. This has generally been done by geographic area and not often documented.
 - qualifications of those undertaking inspections are mainly at level 1, 'routine visual inspection' only. The person undertaking the inspection may not be the person who has the relevant qualification or expertise. Many of our issues can be connected to the lack of level 2, 'operational inspections' and level 3, 'annual inspections'.
 - playground standards have been a background consideration rather than a driver and that does not appropriately meet our Council's requirements and responsibilities under the H&S Act.

Factors to Consider

Legal and Statutory Requirements

- 10 Health and Safety at Work Act 2015. We meet our duty of care when we focus on the risks and management of these risks.

- 11 NZS5828:2015 Playground Equipment and Surfacing - this standard applies to all playgrounds and playground equipment (excluding equipment for domestic purposes) including nature play or natural playgrounds that have been artificially created or enhanced.
- 12 Local Government Act 2002 clearly provides that local government exists to benefit, and promote the wellbeing of their communities. Unsafe playground equipment in public playgrounds that may cause serious injuries to children is inconsistent with that overarching objective and therefore using the above playground standard would be showing appropriate duty of care.

Community Views

- 13 Communities are invested in playgrounds within their towns and the opportunities they represent for both their families, visitors and community. There is a strong historical, memory based and sentimental attachment associated to these spaces. As a space that is appropriate and it forms part of a town's history. However we need to be honest about a playground's purpose and the purpose of equipment in the playground is for active play. Actively encouraging play will always have risks that need to be managed. In playgrounds, telling our history should be in a different form such as plaques, art installations, statues, signage etc.
- 14 There has been clear disappointment from our communities in regards to some decisions regarding removal of pieces of equipment. Once good information and honest answers were shared; the community involved in our communications either supported these decisions or showed an understanding of why the decision was made. Some members of our communities have a view that these decisions are wrapping children up in cotton wool. It is our responsibility to ensure we share the purpose of this work and dispute this theory, however it is acknowledged this is a personal view that some will always hold and are entitled to hold.
- 15 Another community view we need to acknowledge is disappointment or confusion in relation to past management and decision-making. Council acknowledges these frustrations and is focussed on ensuring this does not continue into the future.
- 16 Other key views to acknowledge are the concerns that playground sites are being systematically closed. We are committed to providing appropriate and fit for purpose levels of service for recreational facilities to our communities and visitors. Any decisions on renewals, replacements, and future management / maintenance of these assets will be made alongside our communities and elected members. Our focus is to work with elected members and communities to create safe places for people to be active in.
- 17 These reports are being written to ensure both operational staff and elected members can be seen to be sharing the correct, consistent and appropriate messages to our communities.

Costs and Funding

- 18 Specific costs are not being listed here as this is a generic, information only report to meet the deadlines associated with the upcoming meetings. Cost breakdowns will be completed and shared with each community board as part of the longer-term Activity Management Planning processes in conjunction with the LTP 2021-2031 processes early in 2020. Through the presentation of this information there are some key cost and funding implications that must be made clear. replacement (chains, seats etc.) per annum. Where urgent work is required it is assumed at this stage that maintenance budgets will be stretched.

- 19 From the first look across some budget codes, it is evident that budget shortfalls exist where costs are expected based on the condition assessment process but not currently budgeted for. Where urgent work is required it is assumed at this stage that unbudgeted expenditure will be required. The best example of this is the correct level of surfacing appropriate to meet the standard.
- 20 At first glance, the LTP shows a limited number of projects to do with playgrounds and this highlights that most Board areas will need to consider additional projects through the upcoming LTP planning processes assisted by condition information, context and information provided by Council staff.

Next Steps

- 21 To discuss and design an internal playground policy that outlines the purpose, the standards we align to and the way they must be managed to ensure we have a clear future plan.
- 22 We are systematically going to analyse the report (see attachments) regarding individual pieces of equipment. We will start by prioritising equipment that received a condition of 5 (Poor) that was not also deemed high safety risk (already dealt with in priority one actions). Then to condition 4, 3 and so on. To analyse this we will do this against the standard and do further operational checks using qualified staff.
- 23 This process may result in urgent maintenance, removal, replacement or isolation. It may alternatively involve staged maintenance or replacement on a non-urgent basis and identified through either the Annual Planning or LTP processes.
- 24 In relation to the attachments, it is important to note that where equipment was found not to be labelled, age information has been estimated.

Attachments

- A Equipment Condition Assessment for Stewart Island Rakiura Community Board - Butterfields Playground [↗](#)
- B Equipment Condition Assessment for Stewart Island Rakiura Community Board - Oban Foreshore Playground [↗](#)
- C Southland District Council Playground Audit September 2019 [↗](#)

BUTTERFIELDS PLAYGROUND – STEWART ISLAND

| Equipment | Manufacturer ref | Install Year | Expected replacement date | Survey Date | Age | Condition 1 excellent 5 poor | Safety Standard | Non Compliance | Standards Requirement | Risk | Safety Issues | Safety Surface Type | Safe Surf Size m2 | Depth | Safety Surface Condition | Safety Surface Standard | Standards Requirement | Maintenance Issue | Maint. Priority 1 high 3 low | Maintenance recommendation | Maint. Repair Value | Capital Recommendation | End of life renewal Priority 1 high 5 low | End of Lifespan Capital Value | Surfacing replacement value |
|----------------------------------|------------------|--------------|---------------------------|-------------|-----|------------------------------------|---------------------|--|-----------------------|------|---------------|---------------------|-------------------|-------|--------------------------|-------------------------|-----------------------|--|---------------------------------|--|---------------------|---|--|----------------------------------|-----------------------------|
| Stewart Island Butterfield Beach | | | | | | | | | | | | | | | | | | | | | | | | | |
| Swing - 1 Senior & 1 Infant | AJ Grant | 2006 | 2021 | 25/09/2019 | 13 | 3 | Standard of the day | Had 3.4m free space in front of swings - needs 3.5m. The difference was in the wooden edge. I assume this was an error by surface layer. I haven't failed this, and it was very low risk | | VL | | RUBBER TILES | 21 | | 3 | NZS5828:2004 | | Swing plates lifting and sharp. Rust in connectors | 2 | Tamp down swing plates, treat and monitor rust at every visit. | \$ - | Programme to replace at end of lifespan | 3 | \$ 3,500.00 | \$ 2,520.00 |

**BUTTERFIELDS COMPLIANCE AND MAINTENANCE ISSUES**

Rust



Rust, burred swing plate.



Not quite enough surfacing (100mm short)



Tiles full of weeds.



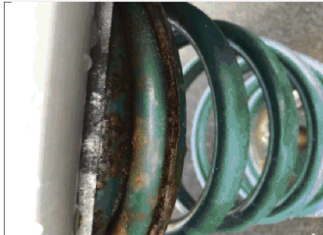









Swing plate lifting.

OBAN FORESHORE – STEWART ISLAND

| Equipment | Manufacturer | Install Year | Expected replacement date | Survey Date | Age | Condition 1 excellent 5 poor | Safety Standard | Non Compliance | Standards Requirement | Risk | Safety Issues | Safety Surface Type | Safe Surf Size m2 | Depth | Safety Surface Condition | Safety Surface Standard | Standards Requirement | Maintenance Issue | Maint. Priority 1 High 3 low | Maintenance recommendation | Maint. Repair Value | Capital Recommendation | End of life renewal Priority 1 high 5 low | End of Lifespan Capital Value | Surfacing replacement value |
|--------------------------------------|-------------------|--------------|---------------------------|-------------|-----|------------------------------------|-----------------|---|---|------|---------------|---------------------|-------------------|-------|--------------------------|-------------------------|---|--|---------------------------------|---|---------------------|---|---|-------------------------------|-----------------------------|
| Oban Playground | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medium module with slide and tunnel | Playground Centre | 1999 | 2014 | 25/06/2019 | 20 | 3 | No | Head entrapment in barrier, toggle entrapment at top of slide. Slide has no run out and inadequate surfacing. | No entrapments. Run out required in slide design to slow user at the end of slide, and then 2m fall space needed at the end of the slide. (I came off the end of this slide, and bounced on the wooden edge on my back - very painful). | L | | RUBBER TILES | 108 | | 1 | NZS5828:2004 | 2m fall space required at the end of the slide. | Grass in tiles needs to be hand weeded. Rotting posts - Rust. Lichen, slippery decks | 2 | Hand weed at every visit. Inspect posts for depth of rot every visit. Treat rust, water blast every year. | | Module is due replacement. Could prolong life with metal parts. But rot in posts is of concern and difficult to now if rotten in the ground with the synthetic surface around them. | 1 | \$30,000.00 | \$ 12,000.00 |
| Swings - 2 + 1 - Senior 2 + Infant 1 | Playground Centre | 2009 | 2024 | 25/06/2019 | 10 | 2 | No | Finger entrapment in chains. Measured 3.3 fall space in front and back of swing axis. | 3.6m fall space required to the front and back of swing axis. No entrapments | L | | | | | | | | Swing plates rusted and lifting - sharp. | 1 | Tamp down swing plate, or replace swing seats. | \$ 270.00 | Replace at end of lifespan | 4 | \$ 4,500.00 | |
| Bouncy Dolphin Seat | Playground Centre | 2009 | 2024 | 25/06/2019 | 10 | 2 | NZS5828:2004 | | | | | | | | | | | Rust | 3 | Monitor rust every visit. | | Replace at end of lifespan | 4 | \$ 2,500.00 | |



OBAN FORESHORE COMPLIANCE AND MAINTENANCE ISSUES

| | | | | |
|--|--|---|--|--|
|  |  |  |  |  |
| Spring rusting | 100mm too short on surfacing | Finger entrapment in chain | Swing plate burred | Swing plate burred |
|  |  |  |  |  |
| Weeds | Rust | Rust | School playground just across the road | Timber rotten |

| | | | | |
|---|---|--|---|---|
|  |  |  |  |  |
| Slide start too short | Toggle entrapment at top of slide | Timber rotten | Lichen | Rust |
|  |  | | | |
| Insufficient surface at run out | Head entrapment in barrier | | | |

SOUTHLAND DISTRICT DISTRICT COUNCIL

PLAYGROUND AUDIT SEPTEMBER 2019

COMPLIANCE AND MAINTENANCE



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During September 2019, 40 playgrounds were audited on behalf of Southland District Council.

SUMMARY OF FINDINGS

The majority of playgrounds were in a **good to average** condition.

The level of compliance to the playground safety standards was at **36%**. This is mainly related to playground design and can be remedied by playground renewal.

The most common non-compliance issues were:

- head and finger entrapments
- Safety surfaces didn't comply due to bark depth and inadequate fall zones.
- Slides with no runout, runout too high and of poor condition (fibre glass slides).

Lion Park in Te Anau stood out for the number of maintenance issues and should be focused on, by the maintenance team, due to the nature of its high use & profile.

Common maintenance issues throughout the district were:

- Graffiti
- Low and compacted loosefill
- Broken equipment, e.g. decks, tyre buffers
- Hose not covering chains or split
- Swing plates burring
- Weeds

The following changes to the maintenance regime could improve compliance:

- Regular topping up of loose fill with certified cushionfall (not mulch).
- Regular aeration and topping up of pea gravel.
- Closure of toggle entrapments at the top of slides (with silicon or barrier placement)
- Cover non complying chains (entire length) or swapping for a gauge that complies will reduce finger entrapment hazards
- Regular checking for exposed nails, and reduction of protruding bolts when on site.

I recommend urgent action is taken at the following sites. These items have poor condition, or high-risk non-compliance.

| Park | Item | Failure | Condition | Recommendation |
|---------------------|--------|---|---|--------------------|
| Holt Park, Otautatu | Swing | Hard suspension and finger entrapments. Solid footings exposed. | Very poor condition. Very old. Surface is non-existent – has rotted away. | Remove playground. |
| | Seesaw | Sideways | Very poor | |

| | | | | |
|----------------------|--|---|--|--|
| | | deviation | condition. Very old. | |
| Riversdale - Otautau | Wire walk | Wire walk attached to rotten tree. | Tree rotten, other trees growing over connections | Remove from trees. |
| Taramea Soundshell | Flying fox and Rocking horse | Cable frayed, and does not run. Rocking horse badly corroded beyond repair. | Rocking horse is very old, very poor condition. | Replace rocking horse. Repair cable on flying fox, and install impact attenuating surface – smooth out the runway. |
| Taramea Adventure | Slide & Tunnels | Various compliance issues. | Very old, very poor condition | Remove equipment. |
| Halfmile – Tuatapere | Maypole & slide | Various compliance issues, inadequate surface | Very old and run down. | Replace equipment and surfacing. |
| Monowai | Old tractor, swings, maypole & jigger. | Various compliance issues, inadequate surface | Old equipment, various conditions. | Replace with new equipment and surfacing. |
| Dipton | Module & Swings | No surface, roots in fall space and posts rotting at footings | Not a particularly old playground, but appears unmaintained. | Investigate replacing the posts – if this is cost effective. Install compliant surface. |
| Lion Park | Steering wheel | Fails grip, free space and fall space requirements. | This item has been removed around the country due to injuries. It is non-compliant and high risk | Remove. |
| Lumsden | Module | Head entrapments | Entrapments at such a high module are dangerous, and difficult for parents to assist. | Cover all entrapments |

Note: See photo report attached for further information on the compliance and maintenance issues.

In addition to the list above - The fibreglass slides around the district need to be phased out. They break down in the UV, and the tiny fibres become abrasive and get stuck in children's skin.

Many of the Councils play facilities are relatively old, have been well used and are nearing the end of their useful life. Existing playgrounds are largely from the same manufacturer and offer the same playing experiences.

The renewal plan for the area should consider the shift in the community's expectation of playgrounds. Public demand is now for innovative spaces, requiring a move away from modular equipment, to one that encompasses a broad range of creative, dynamic and sensory experiences. At the same time playgrounds need to address the issue of childhood obesity by providing facilities for structured physical activity and skill development.

Playgrounds in the same district should offer different experiences.

Playground renewals should include:

- A quality landscaped setting with natural features,
- Artistic expressions, sensory stimulus and age-appropriate, challenging and fun playground equipment.
- Opportunities for creative play. E.g. equipment that encourages children to manipulate the loosefill surface – perhaps a tube to roll pea gravel down, or sand and water.
- Wherever possible playgrounds should cater for all abilities, i.e. have surface that allows wheeled access, and has items of equipment that are wheel chair accessible.

BRIEF

Playgrounds were inspected under the Playground Standard NZS5828:2004 and 2015. Level 3 Outdoor Inspector, Trish Wrigley, undertook an annual inspection. The overall level of safety of equipment and surfaces was evaluated.

The brief was to make an assessment of maintenance standard and provide recommendations for bringing equipment up to meet Safety Standard requirements. The brief did not include the auditing of structural integrity of equipment.

METHODOLOGY

Each site was visited and the following inspection was undertaken.

- To inspect 40 playground sites
- Evaluate all equipment to NZ Standards 5828:2004 and 2015; and list areas of non-compliance
- Evaluate the condition of play equipment, specifically:
 - All moving parts
 - Bolts and fasteners
 - Chains and ropes
 - Surfaces underneath equipment
 - Missing components
 - Footings/equipment stability
- Rate the playground condition on a scale of 1-5, with 1 being Excellent and 5 being Very Poor.
- Flag issues of metal/structural fatigue for further investigation
- Evaluate safety surfacing, specifically:
 - Depth (if in bark)
 - Fall Zones meet the NZ standards
 - Areas of wear
 - Effectiveness of synthetic surfacing
- Evaluate standard of maintenance

The sites inspected were:

| | | |
|-----|----------------------------------|-----------------------------------|
| 1 | Garston | Village Green Playground |
| 2 | Athol | Athol Playground |
| 3 | Mossburn | Mossburn Adventure Park |
| 4 | Te Anau | Lion Park Playground |
| 5 | Te Anau | Boat Harbour Playground |
| 6 | Te Anau | Henry Street Playground |
| 7 | Manapouri | Village Green Playground |
| 8 | Monowai | Monowai Playground |
| 9 | Tuatapere | Main Street Playground |
| 10 | Tuatapere | Half Mile Playground |
| 11 | Orepuki | Orepuki Playground |
| 12 | Ohai | Ohai Playground |
| 13 | Nightcaps | Dr Woods Memorial Park Playground |
| 14 | Nightcaps | McGregor Park |
| 15 | Otautau | Centennial Park Playground |
| 16 | Otautau | Holt Park Playground |
| 17 | Thornbury | Thornbury Playground |
| 18 | Riverton | Palmerston Street Playground |
| 19 | Riverton | Taramea Bay Soundshell Playground |
| 20 | Riverton | Henderson Park Playground |
| 21 | Riverton | Taramea Bay Adventure Playground |
| 22 | Riverton | Koi Koi Park Skatepark |
| 23 | Colac Bay | Colac Bay Foreshore Playground |
| 24 | Colac Bay | Manuka Street Playground |
| 25 | Wallacetown | Gwen Baker Park Playground |
| 26 | Stewart Island Oban Foreshore | Oban Playground |
| 27 | Stewart Island Butterfield Beach | Oban Foreshore |
| 28A | Winton | Centennial Park |
| 28B | Winton Skate Park | Centennial Park |
| 29 | Winton | McKenzie Street Playground |
| 30 | Edendale | Seaward Road Playground |
| 31 | Edendale | Edendale Domain Playground |
| 32 | Wyndham | Wyndham Playground |
| 33 | Tokanui | Tokanui Playground |
| 34 | Tokanui Skate Park | |
| 35 | Fortrose | Fortrose Foreshore Reserve |
| 36 | Riversdale | Riversdale Playground |
| 37 | Waikaia | Dicksons Park Playground |
| 38 | Balfour | Balfour Playground |
| 39 | Dipton | Dipton Playground |
| 40 | Lumsden | Lumsden Playground |

RESULTS

Compliance rating

All equipment was measured against NZS5828:2004 or 2015.

Each individual item of equipment and safety surfacing was measured. Of the 213 items of equipment and 78 safety surfacing areas at the 40 playground sites see the following compliance figures:

Equipment

84 Items of equipment complied with the standard of the day it was installed or NZS 5828:2004 or 2015.

135 Items of equipment did not comply with either standard.

6 Items of equipment were not applicable to standards.

Safety Surface

Areas of safety surfacing complied with NZS 5828:2004 or 2015.

65 Safety surface areas did not comply with either standard.

A compliance rate of 36% in 2019.

Southland District Council could aim to increase the compliance rate over time through annual renewal of equipment.

Condition rating

Equipment

- 11 Items of equipment had a rating of 1 (excellent)
- 102 items of equipment had a rating of 2 (good)
- 72 items of equipment had a rating of 3 (average)
- 20 items of equipment had a rating of 4 (poor)
- 10 items of equipment had a rating of 5 (very poor).

Surface

- 7 safety surfaces had a rating of 1 (excellent)
- 13 safety surfaces had a rating of 2 (good)
- 32 safety surfaces had a rating of 3 (average)
- 14 safety surfaces had a rating of 4 (poor)
- 8 safety surfaces had a rating of 5 (very poor).

VALUE OF PRIORITIES

The capital renewal values in this report have been estimated for each item based on a replace 'like for like' basis, officers may wish to address sites in a different way to improve the play value of each site. The figures are to be used as a guide for the District's Asset Renewal Program.

Note: Values below include surfacing renewal costs – be aware dimensions and therefore estimates will alter according to the replacement equipment chosen.

Estimates for renewal of equipment that have a 1-3 priority have been programmed into a ten-year plan (see audit data sheet). The following total budgets are suggested to address items with poor to average condition.

- 2019/2020 renewals have a value of \$255,489.
- 2020/2021 renewals have a value of \$209,214
- 2021/2022 renewals have a value of \$197,728
- 2022/2023 renewals have a value of \$82,688
- 2023/2024 renewals have a value of \$162,928
- 2024/2025 renewals have a value of \$117,354
- 2025/2026 renewals have a value of \$115,852
- 2026/2027 renewals have a value of \$160,035
- 2027/2028 renewals have a value of \$167,818
- 2028/2029 renewals have a value of \$148,370

NON-COMPLIANCE EXPLANATION

The following is an explanation of common issues of non-compliance across the district. These are generally manufacturer design failures.

Those issues of non-compliance due to manufacturer design installed after 2004 should be taken up with the manufacturers and corrected.

a) Handle Projection on Seesaws

Finding: Handles and footrests on seesaws failed the ring gauge test for projections.



Standard: Ring gauge must not pass over the handle or foot rest. **NOTE:** The intention of this requirement is to reduce the hazard of eye injury from the ends of projecting hand supports, by maintaining a cross sectional area of at least 15 cm².

Risk: Low

Action: No action required. Monitor for injury.

b) Low Bark

Finding: Low bark depths and exposed footings.



Standard: the depth of loose fill required is 200mm for a corresponding critical fall height of 2m. 300mm is required for a fall height of 3m.

Risk: Low

Action: At bark areas - top up with wheelchair accessible Cushionfall (certified woodchip). Note – loosefill should be adequately maintained. Failure to maintain will result in the impact attenuation being significantly reduced.

Note Certified woodchip is now available from Christchurch (www.intelligro.co.nz/safe-fall-playground-bark).

a) Pea gravel

Finding: Pea Gravel - incorrect size and depth (and not wheel chair accessible)

Standard: EN 1176-1:1998 requires gravel 2 mm to 8 mm grain size and 200mm for 2m critical fall height and 300mm for 3m critical fall height.

Risk: Low

Action: No Action. At replacement of equipment, program replacement of pea gravel to complying surface.

b) Inadequate surface area

Finding: Safety Surface was inspected according to current standard, as it generally requires less surfacing area. At some sites I found the surfacing area to be inadequate, not extending as far as it should.

Standard: The requirements for the impact and falling space shall be in accordance with EN 1176-1:2008, 4.2.8.2.4. and 4.2.8.2.5.

Risk: Low

Action: Extend or replace surfaces when equipment is due for renewal – see individual reports for details of those sites and their priorities.

c) Corrosion

Finding: Corrosion of metal equipment across the district.



Standard: Metal parts should be protected against atmospheric conditions and cathodic corrosion.

Risk: Low to Medium

Action: Treat and paint immediately to reduce further corrosion. Cover /seal open pipes to stop water pooling in equipment. Corrosion to the extent of the photo above indicates equipment should be replaced.

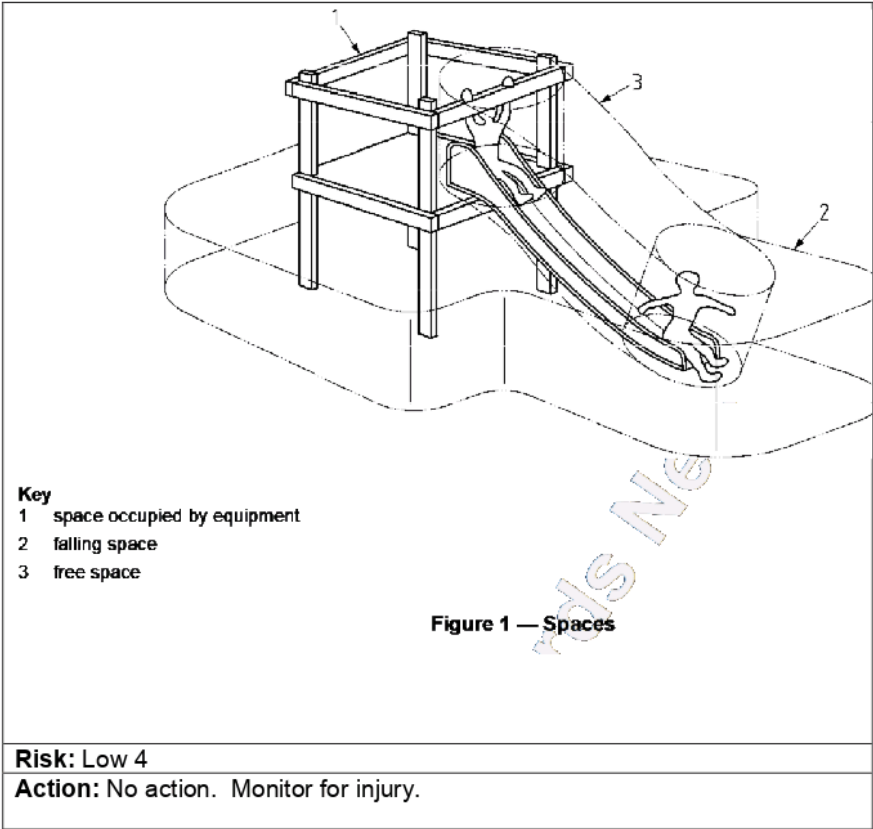
d) Objects in slide free space

Finding: Steps and climbers in freespace of slides




Standard: Free space in, on or around the equipment that can be occupied by a user undergoing a movement forced by the equipment (e.g. sliding, swinging, rocking). Climber fall space shall not overlap freespace.

Dimension of free space for a sitting child is 1000mm radius.



e) No Grip on fire pole, and slide handrails.

Finding: Fire pole did not have grip. Meaning a child can't grip with their hands around the pole.



Standard: Grip is measured between 16mm and 45mm. The cross section of any support designed to be grasped shall have a width not exceeding 60 mm.

| |
|------------------|
| Risk: Low |
|------------------|

Action: No action, monitor for injury.

f) Decks in overhead fall space

Finding: Decks in overhead fall space, meaning if a child misses the monkey bar rung and falls backwards, they are likely to hit their head on the deck.



Standard: Falls over 600mm require impact attenuation in the fall zone.

Risk: Low

Action: Cover decks with impact attenuating surface.

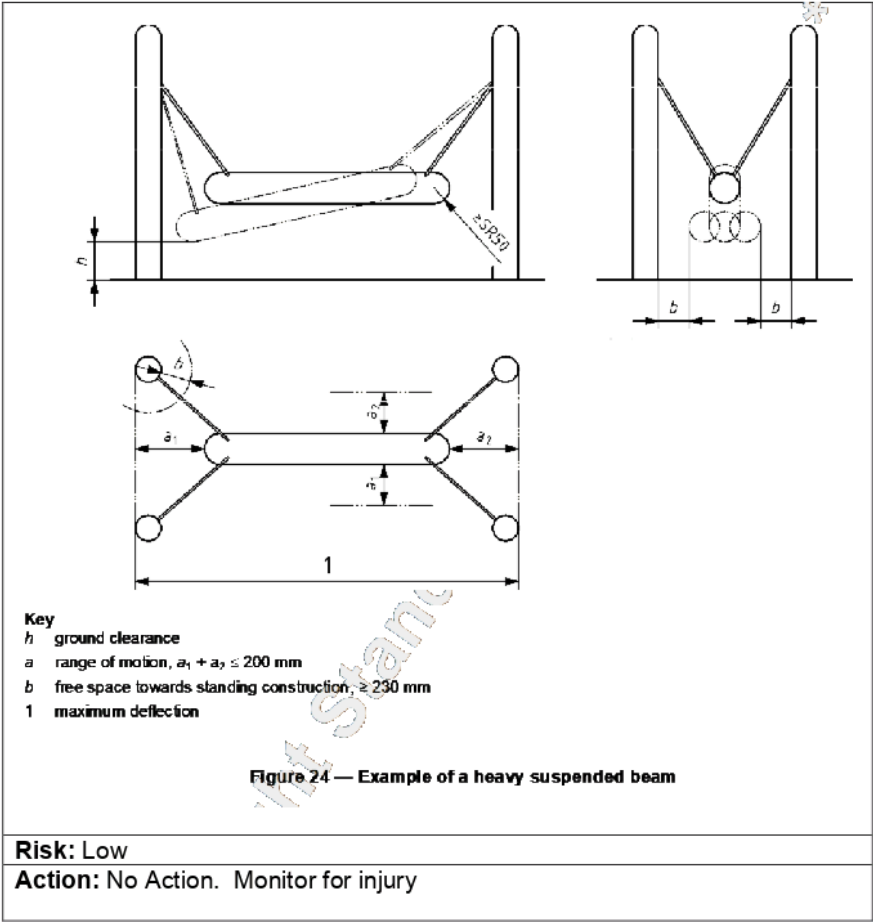
g) Suspended Heavy Beam

Finding: Suspended beam with inadequate ground clearance and excessive range of movement going past support posts.




Standard: There shall be a ground clearance of at least 400 mm underneath heavy suspended beams,

The range of movement shall not exceed 100 mm and shall not go beyond the support posts. The distance between the support posts and the heavy suspended beam shall not be less than 230 mm throughout its full range of movement.



h) Cargo Nets – Solid Object in Fall Space

Finding: Solid steel base of cargo net sticks up and is in the fall space of the net.



Standard: The falling space shall not contain any obstacles onto which a user could fall and cause injuries.

Risk: Low

Action: If equipment was installed after 2004 take issue up with manufacturer. Otherwise, no action - monitor for injury.

i) Toggle Entrapment

Finding: Toggle entrapment at the top of slides.



Standard: Slides shall be constructed so that openings located within the free space do not trap the toggle when tested.

The design of slides and accessible structures around them shall be such that no part of clothes can become trapped.

The entrapment of clothing toggles - and consequent strangulation has caused the highest rate of deaths on play equipment worldwide. This issue is not clearly identified in the previous NZ Playground standards. A gap or diminishing wedge at the top of a slide may allow clothing to catch before a child descends down the slide. The entrapments are a result of poor installation methods, deck to slide design and or the movement and shifting of plastics.

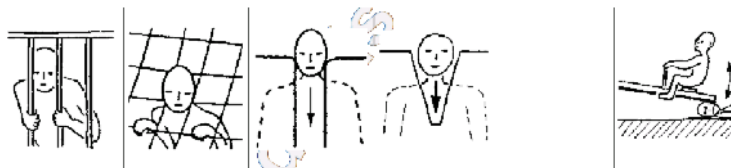
A toggle entrapment probe was used to measure for any entrapment gaps at the top of slides.

Risk: Low

Action: Eliminate toggle entrapment. A common way of doing this is with silicon filler or a wedge.

j) Head Entrapment

Finding: Entrapments in barriers, handrails, ladders of slides and modules.



Standard: Entrapment of the head and neck

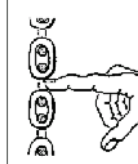
Equipment shall be constructed so that any openings do not create head and neck entrapment hazards either by headfirst or feet first passage.

Risk: Low - high

Action: Monitor use.

k) Chain gauge – risk of finger entrapment

Finding Chains with opening larger than 8.6mm allow finger entrapment. Hose cover reduces risk, but needs to go the full length of the chain.



Standard: Chains for playground equipment shall conform to ISO 1834 as a minimum and shall have a maximum opening of 8.6 mm in any one direction except where connections are made, where the maximum opening shall be greater than 12 mm or less than 8.6 mm.

Risk: Low

Action: The playground standard NZS5828:2004 identifies the size of finger entrapments in the swing suspension. There are many cases of old swing seats with non-compliant chain. The standards are not retrospective so there is no requirement for these to be upgraded until the unit is renewed.

At the time of renewal or for new swings it is essential to ensure that there are no finger entrapments in the swing suspension. There are 3 ways of addressing this:

- a) Purchase compliant chain. Chain size must have an internal diameter of less than 8.6mm in any one direction.
- b) Provide a swing suspension member not made of chain. (e.g. steel rope)
- c) Provide a cover over the chain. This method is problematic; if the chain cover splits or comes away then the chain exposes finger entrapments. Further to this, chain cover constantly gets cut, is broken and has sharp edges. The chain underneath the cover cannot

be inspected for wear. We are starting to see swing chain failure as a result of chain wearing and rusting under the chain cover.

l) Protruding Bolts, nails or fixtures

Finding: Protruding bolts, nails or fixtures, e.g. split pins, protruding nails on decks.

Standard: There shall be no protruding nails, projecting wire rope terminations or pointed or sharp-edged components. Rough surfaces should not present any risk of injury. Protruding bolt threads within any accessible part of the equipment shall be permanently covered, e.g. dome headed nuts. Nuts and bolt heads that project less than 8 mm shall be free from burrs. All welds shall be ground smooth

Risk: Low

Action: Cut down or cover protruding bolts, recess nails and replace sharp fixtures such as split chain links and split pins with an alternative.

m) Decks or ramps requiring barriers.

Finding: Decks or ramps over 600mm and easy accessible to toddlers do not have barriers.

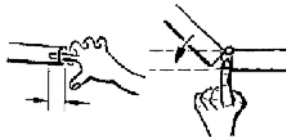
Standard: Easy access decks or ramps require barriers if over 600mm. Barriers must be at least 700mm high, There shall be no intermediate horizontal or near horizontal rails or bars that can be used as steps by children attempting to climb. The design of the top of the barriers should not encourage children to stand or sit on them, nor should any infilling encourage climbing.

Risk: Low

Action: No action - many of these decks were installed prior to 2004. Monitor for injury.

n) Finger entrapments

Finding: Finger entrapment in the end of pipes or in decks and climbing walls over 1m in height.



Standard Equipment should be constructed to avoid gaps in which fingers can be trapped whilst the remainder of the body is moving or continues in forced movement, for example sliding, swinging;

Also – Holes, which have a lower edge more than 1 000 mm above the potential impact area, shall be smaller than 8mm or larger than 25mm.

The ends of tubes and pipes shall be closed off to prevent the risk of finger entrapment. The closures shall not be removable without using tools.

Risk: Low 9

Action: Close any holes that allow finger entrapment. However, this is not achievable on the plastic climbing walls so no action required on these.

o) Slide Run Out

Finding: Slides without run out or run out too high.



Standard: All slides shall include a run-out section.

The declination of the run-out section shall be 10° maximum (for type 1) or 5° maximum (for type 2). The minimum length of the run-out section is relevant to the slide length.

The height of the end of the run-out section is relevant to the slide length. If the sliding length is less than 1.5m then the max height of run-out is 200mm. If slide length is more than 1.5m then max run out height shall be 350mm.

Risk: Low

Action: No action. Program replacement with complying slide when the asset is due for renewal.

p) Tunnels

Finding: Scalp risk of concrete tunnels.



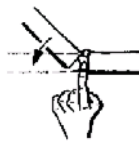
Standard: No sharp edges

Risk: Low

Action: Cover all sharp concrete edges on tunnels with rubber.

q) Lateral Deviation on Seesaws

Finding: Side ways movement on seesaws create an entrapment for fingers etc. Often children sit on the central axis and can get tender body parts caught.



Standard: When measured at a distance of 2 000 mm from the axis point, and tested in accordance with Annex D, the lateral deviation shall not be greater than 140 mm (see Figure 10).

Dimensions in millimetres

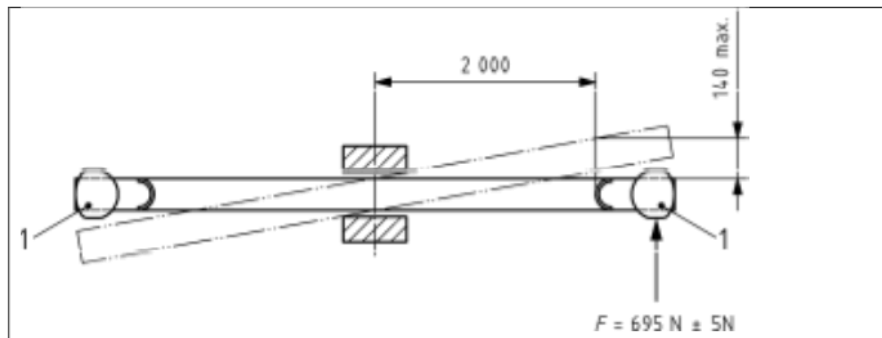


Figure 10 — Type 1 seesaw lateral deviation

Risk: Low 4

Action: Tighten/re-bush to reduce sideways movement.

MAINTENANCE

The level of maintenance varied between sites. Old equipment requires more maintenance and coastal sites struggle with rust.

Generally the maintenance issues observed in the SDC to be mindful of were:

a) Hose covers on swing chains

Finding: Hose chain covers must cover the whole chain, leaving upper chain length exposed pose a finger entrapment hazard. Also, split hoses that move on the chains expose the finger entrapment.



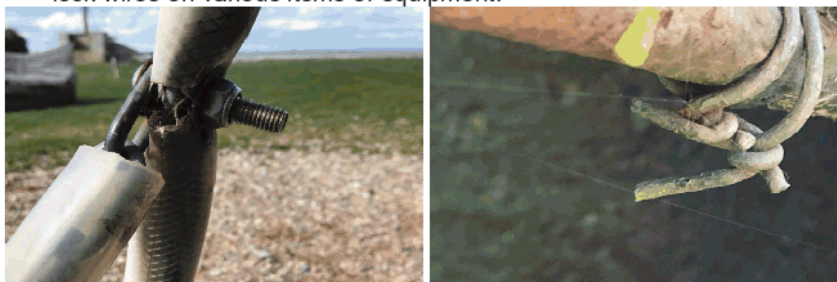
Standard: Chains for playground equipment shall conform to ISO 1834 as a minimum and shall have a maximum opening of 8.6 mm in any one direction except where connections are made, where the maximum opening shall be greater than 12 mm or less than 8.6 mm.

Risk: Low

Action: During regular chain cover replacements either cover entire chain or replace with chain that complies. Children often stand on the swing seats and there is still a risk of them catching their fingers under forced movement.

b) Protruding nails or sharp fixtures

Finding: Bolts protruding more than 8mm; nails exposed; and sharp split pins or lock wires on various items of equipment.



Standard: Finish of Equipment There should be no hard and sharp edged parts within any accessible part of equipment. The minimum radius for rounding of corners or edges is 3mm. Protruding bolt threads within any accessible part of the

equipment must be permanently covered. (E.g. with dome headed nuts). Nuts and Bolt heads that project less than 8mm must be free from burrs.

Risk: Low

Action: Cut down, or cover protruding bolts. Remove any sharp wires, nails, etc.

c) **Swing Plates Lifting and exposed internal steel in swing seats.**

Finding: Seat plates burring and sharp, rubber cut or perished, exposing internal steel plate.



Standard: 4.2.5 Finish of Equipment There shall be no protruding nails, projecting wire rope terminations or pointed or sharp-edged components.

Risk: Low

Action: Lifting swing plates become sharp and should be tamped down to prolong lifespan of swing. Swing rubber should be checked for any cuts and openings that expose the metal inside. I recommend replacing seats with those made by a company in Wellington called Industrial Conveyors Ltd, they make a seat called "Rubber Bits". Their contact details are 04 568 6983.

d) S hooks open on swings

Finding: S hooks were open on swings.



Risk: Low

Action: S hooks should be regularly closed so that the gap between the opening is no more than a business card thickness. They tend to spring open with use, so checking for s hooks should happen at every inspection.

e) Loosefill depth

Finding: Bark depth low, and footings or roots exposed.



Risk: Low-Medium

Action: Cover with 200 or 300mm certified loosefill depending on height of equipment (cushionfall is preferred). Rake regularly to ensure even depth.

f) Scuff Mats

Finding: Scuff mats were not pinned down.



Risk: Very Low

Action: Pin in place.

g) Weeds

Finding: Weeds in loosefill



Risk: Very Low

Action: Hand weed – use no poison around playgrounds.

h) Graffiti

Finding: Obscene graffiti often in tunnels or enclosed areas.



Risk: Very Low

Action: Remove immediately. Zero tolerance for graffiti.

i) Rust

Finding: Rust in old equipment



Risk: Low - High

Action: Treat, monitor for continued corrosion, and replace when necessary.

j) Broken equipment

Finding:



Risk: Low - High

Action: Replace immediately when found.

k) Perished equipment

Finding: Tyres, and swing seats perish over time, and their steel inners are exposed and sharp.



Risk: Low - Medium

Action: Replace before they get to this point.

RECOMMENDATIONS

1. That the items of repairs identified in the spreadsheet are undertaken on a priority basis
2. Items with a priority 1 that cannot be attended to in the short term, be secured off from use until they are repaired.
3. That a maintenance inspection is undertaken on a weekly basis.
4. If a weekly inspection cannot be undertaken on all playgrounds then those of higher use be identified and receive a higher level of maintenance.
5. That a detailed playground audit is done by a competent inspector on an annual basis.
6. That intensely used playgrounds receive a more frequent renewal program.
7. That capital funding is allocated on a priority basis - based on this audit. (Refer to XLS spreadsheet for 10 year renewal plan).
8. Signage - On the playground there should be a sign (pictogram) giving the following information:
 - a) general emergency telephone number;
 - b) telephone number to contact maintenance personnel;
 - c) name of the playground;
 - d) address of the playground; and
 - e) other relevant local information, if applicable.



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Albert Town
Wanaka 9305

APPENDIX 1: RISK ASSESSMENT MATRIX

| | | | | | | | |
|-------------|---|-----------|----------|-----|----------|------|-----------|
| Probability | 5 | Very High | VL | L | M | H | VH |
| | 4 | High | VL | L | M | H | H |
| | 3 | Moderate | VL | L | L | M | M |
| | 2 | Low | VL | L | L | L | M |
| | 1 | Very low | VL | VL | VL | VL | VL |
| | | | Very low | Low | Moderate | High | Very High |
| | | | 1 | 2 | 3 | 4 | 5 |

Severity >>

| Probability score | | Probability of Occurrence |
|-------------------|-----------|--|
| 1 | Very low | No significant probability |
| 2 | Low | Minimal probability of occurrence. |
| 3 | Moderate | Moderate probability. An added factor is needed to cause an accident. |
| 4 | High | High probability. Accident is probable without any added factor. |
| 5 | Very High | Very High probability. If situation is not addressed an accident will almost certainly occur |

| Severity Score | | Severity of Injury |
|----------------|-----------|---|
| 1 | Very Low | No injury likely e.g. damaged or soiled clothing, bruising. |
| 2 | Low | Minor injury laceration or bruising only first aid required |
| 3 | Moderate | Injury requiring medical intervention e.g. laceration requiring stitches, Sprain, fracture of small bones of hand or foot. |
| 4 | High | Serious injury including hospitalisation for observation, e.g. concussion, fracture of long bones of leg/arm, back/neck injury, fractured skull |
| 5 | Very High | Severe injury involving potential for permanent disability e.g. amputation, loss of sight, spinal injury, fatality |

**Matrix kindly borrowed from The Play Inspection Company*

APPENDIX 2: PRICING ASSUMPTION

Capital value items are priced as follows:

| | |
|------------------------------|------------------|
| synthetic grass | \$195 sqm |
| Vega | \$2,500.00 |
| Turnstyle | \$5,000.00 |
| Tumbar | \$5,000.00 |
| Treehut | \$5,000.00 |
| synthetic tile with shockpad | \$180 sq m |
| synthetic tile | \$120 sq m |
| Synthetic surface-wetpour | \$200 sq m3 |
| Swing 6 bay | \$14,000.00 |
| Swing 2 bay - 4 swings | \$6,500.00 |
| Swing 1.5 bay | \$4,000.00 |
| Swing 1 seat | \$1,500.00 |
| Swing 1 bay- 2 swing seats | \$3,500.00 |
| Swing 1 bay | \$2,500.00 |
| Supernova | \$11,000.00 |
| Stand up seesaw | \$3,000.00 |
| spinner | \$2,500.00 |
| Special needs swing | \$7,000.00 |
| Spacenet | \$45,000.00 |
| Slide (alone) | \$15,000.00 |
| Shell | \$85/m3 |
| senior swing seat | \$75.00 |
| Seesaw stand alone | \$3,000.00 |
| Seesaw seats | \$50.00 |
| seesaw buffers | \$50.00 |
| Seesaw 6 seater | \$7,000.00 |
| Seesaw 4 | \$5,000.00 |
| seesaw 2 seater springy | \$4,300.00 |
| seesaw 2 seater old style | \$2,900.00 |
| Scuff mat | \$100.00 |
| Scale Swing | \$10,000.00 |
| Sand | \$95/m2 |
| Roundabout | \$12,000.00 |
| Rope Swing | \$1,000.00 |
| Roctopus | \$10,000.00 |
| Rocker | \$3,500.00 |
| Puppet | \$8,000.00 |
| Playhouse | \$5,000.00 |
| peagravel | \$85 per cubic m |
| Panel | \$300.00 |
| Overhead | \$6,000.00 |

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|------------------------------|----------------------|
| Naughts & Crosses | \$1,000.00 |
| Module small | \$15,000.00 |
| Module Med | \$30,000 to \$35,000 |
| Module Large | \$40,000.00 |
| Maypole | \$13,000.00 |
| Log roll | \$1,000.00 |
| junior swing seat | \$170.00 |
| Hut | \$5,000.00 |
| Hoop | \$2,500.00 |
| Hammock | \$5,000.00 |
| Galaxy climber | \$30,000.00 |
| Fort | \$25,000.00 |
| Flying fox | \$20,000.00 |
| Firetruck | \$4,300.00 |
| Fire Truck | \$3,000.00 |
| Cushionfall | \$85/m3 |
| cushionfall | \$140 sq m |
| cover entrapment | \$25.00 |
| circular overhead track ride | \$13,000.00 |
| buffer | \$50.00 |
| Bolts | \$2.00 |
| Arch climber | \$3,000.00 |
| 5 bay swing | \$11,000.00 |

