

Notice is hereby given that a Meeting of the Community and Policy Committee will be held on:

**Date:** Wednesday, 1 February 2017  
**Time:** 9am  
**Meeting Room:** Council Chambers  
**Venue:** 15 Forth Street, Invercargill

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## Community and Policy Committee Agenda

### OPEN

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#### MEMBERSHIP

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

#### IN ATTENDANCE

<b>Group Manager, Community and Futures</b>	Rex Capil
<b>Committee Advisor</b>	Alyson Hamilton

Contact Telephone: 0800 732 732  
Postal Address: PO Box 903, Invercargill 9840  
Email: [emailsdc@southlanddc.govt.nz](mailto:emailsdc@southlanddc.govt.nz)  
Website: [www.southlanddc.govt.nz](http://www.southlanddc.govt.nz)

**Full agendas are available on Council's Website**  
**[www.southlanddc.govt.nz](http://www.southlanddc.govt.nz)**



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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](http://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.”

## **6 Confirmation of Minutes**

6.1 Meeting minutes of Community and Policy Committee, 14 December 2016

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## Community and Policy Committee

### OPEN MINUTES

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Minutes of a meeting of Community and Policy Committee held in the Council Chamber, 15 Forth Street, Invercargill on Wednesday, 14 December 2016 at 9am.

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#### **PRESENT**

<b>Chairperson</b>	Julie Keast Mayor Gary Tong
<b>Councillors</b>	Brian Dillon John Douglas Bruce Ford Darren Frazer George Harpur Ebel Kremer Gavin Macpherson Neil Paterson Nick Perham

#### **IN ATTENDANCE**

Group Manager, Community and Futures - Rex Capil, Group Manager, Environmental Services - Bruce Halligan, Group Manager, Services and Assets – Ian Marshall, Communications Manager – Louise Pagan and Committee Advisor – Alyson Hamilton.

## 1 Apologies

Apologies for absence were received from Councillors Baird and Duffy.

### Resolution

Moved Cr Douglas, seconded Cr Paterson **and resolved:**

**That the Community and Policy Committee receive the apologies.**

## 2 Leave of absence

There were no requests for leave of absence.

## 3 Conflict of Interest

Cr Fraser declared an interest on item 7.1-Use of Unmanned Aerial Vehicles Policy.

Cr Harpur declared an interest on item 8.4 relating to the Otahu Flat School Restoration Committee.

## 4 Public Forum

### Caroline Loo

Caroline Loo addressed the meeting outlining her role within the Loss and Grief Centre advising that the centre provides a safe and trusted place for people to come share their struggles and grief.

Mrs Loo advised in the six months they have been open they have received 450 visits from individuals across all age groups and have provided in home support for several younger children and run teenagers support groups.

Mrs Loo advised funding is being sought to provide monies for operational costs including staff to be on site at the Loss and Grief Centre situated in Invercargill.

Members noted it is intended to have trained and experienced staff in the field to ensure that the public receive appropriate and professional support.

Mayor Tong commented this is a worthwhile organisation undertaking great work.

### Ali Meade

Ali Meade addressed the meeting advising she has recently commenced work at Environment Southland as the Biodiversity Programme Leader and part of that role is looking after the High Value Area programme.

Ms Meade proceeded to present the annual project report expressing appreciation to the Council for their continued monetary support.

Ms Meade informed the programme is reviewed and updated to meet the changing needs of landowners and the increased priority that Environment Southland is now placing on Biodiversity.

## 5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

## Reports – Strategy and Policy

### 7.1 Use of Unmanned Aerial Vehicles (UAV) Policy

**Record No: R/16/11/18552**

Robyn Rout (Policy Analyst), and Kevin McNaught (Strategic Manager, Property) were in attendance for this item.

Cr Fraser declared an interest and took no part in discussions or voting on this item.

Mr McNaught advised this report seeks approval from the Community and Policy Committee to release a draft 'Use of Unmanned Aerial Vehicles Policy' for public consultation.

Mr McNaught informed the draft "Unmanned Aerial Vehicles Policy" outlines Southland District Council's approach to the use of Unmanned Aerial Vehicles, such as drones, above Council owned or controlled land or property.

Mr McNaught explained the draft Policy was presented to the Policy Review Committee in March 2016, since that time, feedback has been sought from Community Boards and Community Development Area Subcommittees (CDAs) regarding any areas where flying should be prohibited.

Members noted no regions were identified, so no prohibited areas have been listed in the draft Policy.

Officers are seeking Committee endorsement that the Policy be released for public consultation, for a six week period from the 17<sup>th</sup> of December 2016 until 31 January 2017.

Members queried if there is to be a charge for applications received from the public requesting permission to fly UAV vehicles outside the permitted area.

Mr McNaught responded there is no charge and it is expected the application will be handled in a timely manner.

### Resolution

Moved Cr Ford, seconded Cr Douglas **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled "Use of Unmanned Aerial Vehicles Policy" dated 5 December 2016.**
- 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) **Endorses the “Use of Unmanned Aerial Vehicle Policy” to be released for public consultation for a six week period from the 17<sup>th</sup> of December 2016 until 31 January 2017.**

## **Reports – Community Assistance**

### **8.1 Return of Funds to the Financial and Reserve Contribution Fund**

**Record No: R/16/11/19382**

Susan McNamara (Management Accountant) was in attendance for this item.

Miss McNamara advised the purpose of the report is to advise of the return of grant funds received by the Edendale-Wyndham Community Board for the development of a community centre in Edendale.

Miss McNamara explained the Southland District Council Allocations Committee previously provided the Edendale-Wyndham Community Board with funds to enable the completion of a community centre based in Edendale.

Miss McNamara advised the funds were made available from the Financial and Reserve Allocation Contribution Fund.

Members noted two grants totalling \$105,000 have been paid to the Community Board and \$200,000 has been committed by the Allocations Committee towards this project but not paid.

The Committee was informed a decision to no longer proceed with the development of a community centre in Edendale was made by Edendale-Wyndham Community Board on 22 March 2016.

Miss McNamara advised the return of the \$105,000 to the Financial and Reserve Allocation Contribution Fund will be completed by journal in the accounting system.

### **Resolution**

Moved Cr Ford, seconded Cr Harpur **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled “Return of Funds to the Financial and Reserve Contribution Fund” dated 7 December 2016.**
- b) **Acknowledges the return of \$105,000 from the Edendale-Wyndham Community Board and the cancellation of the \$200,000 grant committed to the Community Centre in Edendale due to the decision by the board not to proceed with the project.**

## 8.2 District Heritage Fund Application Summary

**Record No:** R/16/11/19610

Bronwyn Affleck (Administration Manager) was in attendance for this item.

Mrs Affleck reported the purpose of the Southland District Heritage Fund is to support the conservation of heritage collections and encourage the development and application of professional museum standards to heritage collections held within the Southland District Council boundaries.

Mrs Affleck explained the fund is available to assist with the day to day running of the local museum, heritage centre or similar type organisation.

The committee noted \$60,000 is funded from rates and available for distribution per annum.

Mrs Affleck provided a summary of applicants and proposed recommendation for the committee to consider. These being;

Riverton Heritage and Tourist Centre Trust (Te Hikoi)	\$21,500
Thornbury Vintage Tractor Club	\$ 4,500
Waikaia Museum (Switzers)	\$ 5,750
Waikawa Museum	\$ 7,500
Wyndham & Districts Historical Society	\$ 3,000
Tuatapere Bushman's Museum	Defer

### Resolution

Moved Cr Harpur, seconded Cr Ford **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled "District Heritage Fund Application Summary" dated 6 December 2016.**
- b) **Approves the allocation of funds for the District Heritage Fund as follows;**

<b>Riverton Heritage and Tourist Centre Trust (Te Hikoi)</b>	<b>\$21,500</b>
<b>Thornbury Vintage Tractor Club</b>	<b>\$ 4,500</b>
<b>Waikaia Museum (Switzers)</b>	<b>\$ 5,750</b>
<b>Waikawa Museum</b>	<b>\$ 7,500</b>
<b>Wyndham &amp; Districts Historical Society</b>	<b>\$ 3,000</b>
<b>Tuatapere Bushman's Museum</b>	<b>Defer</b>

### 8.3 Northern Southland Development Fund Application Summary

**Record No:** R/16/11/19625

Bobbi Brown (Group Manager Tourism, Events And Community) spoke to this item.

Mrs Brown advised the purpose of the Northern Southland Development Fund is to reflect the substantial community support Meridian Energy has received for Project White Hill and to offset any perceived loss of amenity values resulting from the development of the White Hill Wind Farm.

Mrs Brown explained the fund is to provide for the creation, maintenance and enhancement of facilities, amenities and programmes for the long term betterment and advantage of the people of the Northern Southland community to enable them to provide for their social, economic environmental and cultural wellbeing.

Mrs Brown reported of a recent meeting of the Northern Southland Development Fund Working Group who considered six applications, assessing their merit in accessing a grant from this fund.

The Committee noted the balance of the fund as at 1 July 2016 was \$327,500 with the interest only (\$7,869) being available for distribution for the funding round closing 30 September 2016.

Mrs Brown proceeded to provide a summary of the applications received and recommended allocations as follows;

Dipton School	\$ 450
Lumsden Heritage Trust	\$1,000
Lumsden Playcentre	\$ 400
Northern Southland Community Resource Centre Charitable Trust	\$1,000
Parent to Parent Southland	Declined
St John Northern Southland	\$5,000

#### Resolution

Moved Cr Douglas, seconded Cr Kremer **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled “Northern Southland Development Fund Application Summary” dated 6 December 2016.**
- b) **Approves the allocation of funds for the Northern Southland Development Fund as follows;**

Dipton School	\$ 450
Lumsden Heritage Trust	\$1,000
Lumsden Playcentre	\$ 400
Northern Southland Community Resource Centre Charitable Trust	\$1,000
Parent to Parent Southland	Declined
St John Northern Southland	\$5,000

#### 8.4 Southland District Council Community Initiatives Fund Application Summary

**Record No:** R/16/11/19563

Bobbi Brown (Group Manager Tourism, Events And Community) and Bronwyn Affleck (Administration Manager) spoke to this item.

Cr Harpur declared an interest and took no part in discussions or voting on the item relating to the Otahu Flat School Restoration Committee.

Mrs Affleck advised the purpose of the Southland District Council Community Initiatives fund is to support the development of community facilities and amenities, sport and recreational activities and community programmes.

The Committee noted \$100,000 is available for distribution per annum.

Mrs Affleck proceeded to provide a list of applicants and proposed funding recommendations for consideration by the Committee as follows;

Balfour Home and School	\$1,000
Brydone Community Centre Inc	\$1,500
Central Southland Senior Citizens Centre	\$ 750
Central Southland Vintage Machinery Club	\$2,000
Edendale Plunket	\$ 500
Edendale Wyndham Community Board	\$ 750
Eventing Southland	\$1,000
Fiordland Rowing Club Inc	\$2,000
Gorge Road Community Development Area Subcommittee	Nil
Gorge Road Country Club	\$1,500
Heritage South	\$1,500
Kingswell High School Re-union	not eligible
Lions Club of Wyndham Charitable Trust	<del>\$1,500</del> Nil
Lumsden Heritage Trust	\$2,000
Lumsden Playcentre	\$1,000
Makarewa Playcentre	\$ 500
Menzies Netball Centre	\$ 800
Nightcaps CDA	\$ 750
Northern Southland Community Resource Centre Charitable Trust	\$1,000
Orawia Community Centre	\$2,000
Otahu Flat School Restoration Committee	\$1,000
Otahuti Tennis Club	\$ 750
Otautau Flowers, Quilts & Craft Days	\$ 500
Otautau Plunket	\$ 500
Otautau Promotions	\$ 750
Parent to Parent Southland	Nil
Project Litefoot Trust	Nil
Riversdale Golf Club	<del>\$2,000</del> \$3,000
Riversdale Playcentre	\$1,000
Riverton/Aparima Community Board	\$ 750
Riverton Heritage & Tourist Centre Trust (Te Hikoi)	\$1,000
South Catlins Charitable Trust	\$1,000

Southern Naturally Inc	\$ 400
Southland Life Education Community Trust	\$2,500
Southland Loss & Grief Interest Group	Nil
Stadium Southland	Nil
Stewart Island Community Centre Trust	\$2,000
Stewart Island/Rakiura Community Board	\$ 750
Takitimu District Pool	\$1,510
Te Anau Community Board	\$600 deferred
Te Anau Tennis Club	\$2,500 \$3,000
Te Anau Youth Worker Trust	\$1,000
Thornbury CDA	\$ 750
Thornbury Vintage Tractor and Implement Club	\$1,000
Venture Southland - Water Treatment Course (a)	\$ 680
Water Treatment Course (b)	\$3,000

Wallacetown Community Board	Nil
Welcome Rock Trails	Nil
Winton A&P Assn	\$1,000
Winton Central Bowling Club Inc	\$1,000
Winton Community Board	Nil
Winton Community Support	\$1,000 \$1,500
Winton Contract Bridge Club	\$1,000
Winton Football Club Inc	\$ 600
Winton Golf Club Inc	\$1,000
Winton Library	\$1,000
Woodlands Bowling Club Inc	withdrawn
Wyndham & Districts Historical Society	\$1,000
Wyndham Edendale Community Health Trust	\$1,000
Wyndham Rugby Club	\$1,500
Youthline Southland Inc	\$2,000

### Resolution

Moved Cr Ford, seconded Cr Kremer **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled “Southland District Council Community Initiatives Fund Application Summary” dated 6 December 2016.**
- b) **Approves the allocation of funds for the Community Initiatives Fund as follows including amendments made indicated by a strikethrough;**

Balfour Home and School	\$1,000
Brydone Community Centre Inc	\$1,500
Central Southland Senior Citizens Centre	\$ 750
Central Southland Vintage Machinery Club	\$2,000
Edendale Plunket	\$ 500
Edendale Wyndham Community Board	\$ 750
Eventing Southland	\$1,000

Fiordland Rowing Club Inc	\$2,000
Gorge Road Community Development Area Subcommittee	Nil
Gorge Road Country Club	\$1,500
Heritage South	\$1,500
Kingswell High School Re-union	not eligible
Lions Club of Wyndham Charitable Trust	\$1,500
	Nil
Lumsden Heritage Trust	\$2,000
Lumsden Playcentre	\$1,000
Makarewa Playcentre	\$ 500
Menzies Netball Centre	\$ 800
Nightcaps CDA	\$ 750
Northern Southland Community Resource Centre Charitable Trust	\$1,000
Orawia Community Centre	\$2,000
Otahu Flat School Restoration Committee	\$1,000
Otahuti Tennis Club	\$ 750
Otautau Flowers, Quilts & Craft Days	\$ 500
Otautau Plunket	\$ 500
Otautau Promotions	\$ 750
Parent to Parent Southland	Nil
Project Litefoot Trust	Nil
Riversdale Golf Club	\$2,000
	\$3,000
Riversdale Playcentre	\$1,000
Riverton/Aparima Community Board	\$ 750
Riverton Heritage & Tourist Centre Trust (Te Hikoi)	\$1,000
South Catlins Charitable Trust	\$1,000
Southern Naturally Inc	\$ 400
Southland Life Education Community Trust	\$2,500
Southland Loss & Grief Interest Group	Nil
Stadium Southland	Nil
Stewart Island Community Centre Trust	\$2,000
Stewart Island/Rakiura Community Board	\$ 750
Takitimu District Pool	\$1,510
Te Anau Community Board	\$600
	deferred
Te Anau Tennis Club	\$2,500
	\$3,000
Te Anau Youth Worker Trust	\$1,000
Thornbury CDA	\$ 750
Thornbury Vintage Tractor and Implement Club	\$1,000
Venture Southland - Water Treatment Course (a)	\$ 680
Water Treatment Course (b)	\$3,000
Wallacetown Community Board	Nil
Welcome Rock Trails	Nil
Winton A&P Assn	\$1,000
Winton Central Bowling Club Inc	\$1,000
Winton Community Board	Nil
Winton Community Support	\$1,000
	\$1,500
Winton Contract Bridge Club	\$1,000
Winton Football Club Inc	\$ 600
Winton Golf Club Inc	\$1,000
Winton Library	\$1,000
Woodlands Bowling Club Inc	withdrawn
Wyndham & Districts Historical Society	\$1,000
Wyndham Edendale Community Health Trust	\$1,000
Wyndham Rugby Club	\$1,500
Youthline Southland Inc	\$2,000

## 8.5 Southland District Council SportNZ Rural Travel Fund Application Summary

**Record No:** R/16/11/19417

Bobbi Brown (Group Manager Tourism, Events And Community) and Bronwyn Affleck (Administration Manager) spoke to this item.

Mrs Affleck reported the purpose of the SportNZ fund is to assist with transport expenses associated with participating in regular local competitions.

Mrs Affleck advised sports clubs and school based clubs for age groups between 5-19 years are eligible to apply.

Members noted that whilst \$13,000 is available for distribution per annum this amount has increased to \$15,353 due to two grants not being uplifted in the prior year.

Mrs Affleck provided a summary of applicants and proposed recommendation for the committee to consider. These being;

Balfour Hockey Club	\$ 500
Central Southland College	\$1,000
Fiordland Athletics Club	\$1,500
Netball Fiordland Club Inc	\$1,500
Northern Southland College – Equestrian, Tennis, Touch, Cricket	\$1,000
Waiau Area School - Football	\$ 250
Winton Cricket Club	\$1,200

### Resolution

Moved Cr Douglas, seconded Cr Harpur **and resolved:**

**That the Community and Policy Committee:**

- a) **Receives the report titled “Southland District Council SportNZ Rural Travel Fund Application Summary” dated 6 December 2016.**
- b) **Approves the allocation of funds for the SportNZ Rural Travel Fund as follows;**

<b>Balfour Hockey Club</b>	<b>\$ 500</b>
<b>Central Southland College</b>	<b>\$1,000</b>
<b>Fiordland Athletics Club</b>	<b>\$1,500</b>
<b>Netball Fiordland Club Inc</b>	<b>\$1,500</b>
<b>Northern Southland College</b>	<b>\$1,000</b>
<b>Waiau Area School - Football</b>	<b>\$ 250</b>
<b>Winton Cricket Club</b>	<b>\$1,200</b>

The meeting concluded at 10.35am

CONFIRMED AS A TRUE AND CORRECT  
RECORD AT A MEETING OF THE  
COMMUNITY AND POLICY COMMITTEE HELD  
ON WEDNESDAY, 14 DECEMBER 2016.

**DATE:**.....

**CHAIRPERSON:**.....



## Draft Remission and Postponement of Rates on Maori Freehold Land Policy

Record No: R/17/1/352  
Author: Robyn Rout, Policy Analyst  
Approved by: Anne Robson, Chief Financial Officer

☐ Decision ☒ Recommendation ☐ Information

### Purpose

- 1 This report recommends that the Community and Policy Committee (the Committee):
  - Endorse the draft Remission and Postponement of Rates on Maori Freehold Land Policy; and
  - Recommend Council adopt the Policy at their meeting on the 22<sup>nd</sup> of February 2017

### Executive Summary

- 2 The draft Remission and Postponement of Rates on Maori Freehold Land Policy was released for public consultation from the 1st of October 2016 to the 26<sup>th</sup> of November 2016. One submission was received and it has been included as an attachment to this report. It is proposed that no alterations are made to the draft Policy following feedback from the submission. Officers recommend that the Committee both endorse the draft Policy and recommend to Council that the Policy be adopted.

### Recommendation

That the Community and Policy Committee:

- a) Receives the report titled “Draft Remission and Postponement of Rates on Maori Freehold Land Policy” dated 18 January 2017.
- 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) Endorses the draft Remission of Rates on Maori Freehold Land Policy.
- e) Recommends that Council adopt the draft Remission of Rates on Maori Freehold Land Policy at their meeting on the 22<sup>nd</sup> of February 2017.

## **Content**

### **Background**

- 3 This policy is to recognise that some Māori Freehold Land may have particular conditions, ownership structures or other circumstances which make it appropriate to remit or postpone rates.
- 4 The last Remission and Postponement of Rates on Māori Freehold Land Policy was adopted by Council in May 2015. Prior to it being adopted, a thorough review and consultation process was undertaken. The Council is not aware of any major issues that have arisen with the policy since its adoption, and it seems to be operating effectively. Some minor changes have been made to the previous policy to reflect changes in roles within Council, and to improve clarity. The draft Policy has been put out for consultation, and officers are now recommending the Committee endorse the draft Policy (Attachment A), and recommend it is adopted.

### **Issues**

- 5 The draft Policy states that all Māori Freehold Land within the District that is not used for economic purposes or that does not have a dwelling, will be eligible for rates remission (not including rates associated with any services supplied). This criteria identifies that there is no burden on Council services from this type of land. This is consistent with one of the objectives of the Policy, recognising the level of community services provided to the land and its occupiers.
- 6 After the Policy Review Committee released the draft Policy for consultation last year, the public were invited, through newspaper advertisements and a notification in Ngāi Tahu's Te Pānua Rūnaka, to give their views. Te Ao Mārama was also notified and invited to give feedback.
- 7 One submission was received as a result of the consultation process (Attachment B). This submission suggested that the remission Policy should be extended to land that has no road access. The current policy includes consideration relating to the physical accessibility of the Maori Freehold Land. In most instances, Maori Freehold Land with restricted access that meets the conditions and criteria of the policy, will be eligible for rates remission under this policy.
- 8 The submission also suggested that land other than Maori Freehold Land should be eligible for rates remission. Council staff note schedule 11 of the Local Government Act 2002 (LGA) only requires Councils to consider rates relief on Maori Freehold Land. Land other than Maori Freehold Land is covered in a separate Remission and Postponement of Rates policy. This policy will be reviewed as part of the 2018-2028 Ten Year Plan.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 9 Council is required under Section 102 of the Local Government Act 2002 (the Act) to have a policy on the Remission and Postponement of Rates on Māori Freehold Land. Council can decide whether or not the policy gives rates relief. A policy must set out any objectives that are trying to be achieved, and any criteria and conditions that must be met to remit or postpone rates.

- 10 This policy has been reviewed to meet a requirement of the Local Government Act (2002) (Section 108) which states that the policy must be reviewed at least once every six years using a consultation process. The policy is being reviewed in the lead up to the 10 Year Plan.

### Community Views

- 11 Community views have been sought during the original development of this Policy in 2014 and 2015, and through the consultation process undertaken at the end of last year.

### Costs and Funding

- 12 There are no costs associated with implementing the draft policy. The financial value of remitted and postponed rates on Māori freehold land is low and the number of ratepayers granted remissions and postponements is small. The changes proposed to the policy will not change who and what rates are remitted and postponed.

### Policy Implications

- 13 This policy is being reviewed as part of the lead up to the 10 Year Plan 2018-2028. This Policy does not need to be included in the 10 Year Plan 2018-2028 and will not be included in the consultation document for the 10 Year Plan.

## Analysis

### Options Considered

- 14 Committee could choose to:
- *Endorse the draft Policy and recommend that Council adopt the Policy (Option 1); or*
  - *Offer an alternative or amendment to the draft policy (Option 2).*

### Analysis of Options

#### Option 1 – Endorse the draft policy and recommend it is adopted

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• The amendments to the policy will be in line with roles and responsibilities of Council.</li><li>• The current policy has been effective for a number of years and only minor amendments have been made, so it is likely to continue to be effective</li></ul>	<ul style="list-style-type: none"><li>• There are no disadvantages.</li></ul>

#### Option 2 – Offer an alternative or amendment

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• The Committee can update or change the draft policy.</li></ul>	<ul style="list-style-type: none"><li>• There are no disadvantages.</li></ul>

### Assessment of Significance

- 15 The review of the Remission and Postponement of Rates on Māori Freehold Land Policy has not been assessed as significant. The financial impacts of any of the options listed above

will be relatively minor and proposed changes are unlikely to have a substantial impact on communities or large numbers of ratepayers.

### **Recommended Option**

- 16 It is recommended that the Committee proceed with Option 1, and endorse the draft Policy and recommend to Council that the Policy be adopted.

### **Next Steps**

- 17 If the Committee proceed with the Option 1, the draft Policy will be presented to Council on the 22<sup>nd</sup> of February 2017 for adoption.
- 18 Staff will send a formal response to the submitter and highlight any areas of relevant Council policies that may be applicable to their properties.

### **Attachments**

- A DRAFT Remission and Postponement of Rates on Maori Freehold Land Policy [↓](#)
- B Submission recieved on draft Remission and Postponement of Rates on Maori Freehold Land Policy [↓](#)

# SOUTHLAND DISTRICT COUNCIL DRAFT REMISSION AND POSTPONEMENT OF RATES ON MĀORI FREEHOLD LAND

This policy applies to: Council and owners of Māori freehold land

## DOCUMENT CONTROL

<b>Policy owner:</b> Community and Futures	<b>TRIM reference number:</b> R/16/8/13717	<b>Effective date:</b> 1/07/2017
<b>Approved by:</b>	<b>Date approved:</b>	<b>Next review date:</b> 1/07/2020

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# REMISSION AND POSTPONEMENT OF RATES ON MĀORI FREEHOLD LAND

## 1. PURPOSE

Southland District Council has developed the Remission and Postponement of Rates on Māori Freehold Land Policy (the Policy) to ensure fair and equitable collection of rates from all sectors of the community. The Policy recognises that certain Māori-owned lands have particular features, ownership structures or other circumstances that make it appropriate to provide rates relief.

The Policy provides the framework for granting remissions and postponements for the payment of rates and penalties on Māori freehold land, as is adopted under Section 102(2)(e) and Section 108 of the Local Government Act (2002).

## 2. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
LGA	Local Government Act (2002)
LGRA	Local Government (Rating) Act (2002)
Maori freehold land	Land whose beneficial ownership has been determined by the Māori Land Court by freehold order.
Service Rates	Sewerage and water rates, recycling and rubbish bin collection rates
Waahi Tapu	Place sacred to Maori in the traditional, religious, ritual or mythological sense.

## 3. POLICY DETAILS

### 3.1 Background

The Southland District Council carries out its rating function in accordance with the requirements of the LGRA and the LGA.

All Māori freehold land in the Southland District is liable for rates in the same manner as if it were general land (as per section 91 LGRA).

Māori Freehold land is defined in the LGRA as land whose beneficial ownership has been determined by a freehold order issued by the Māori Land Court. Only land that is the subject of such an order may qualify for remission or postponement under this policy.

Whether rates are remitted in any individual case will depend on the individual circumstances of each application. Schedule 11 of the LGA identifies the matters which must be taken into account by Council when considering rates relief on Māori freehold land.

When considering the objectives listed below Council must take into account:

- the desirability and importance of the objectives (3.2) to the District; and
- whether remitting the rates would assist attainment of those objectives.

### 3.2 Objectives

The objectives of rates remission and postponement on Māori freehold land by Council are:

- (a) supporting the use of the land by the owners for traditional purposes;
- (b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands;
- (c) avoiding further alienation of Māori freehold land;
- (d) facilitating any wish of the owners to develop the land for economic use;
- (e) recognising and taking account of the presence of Waahi Tapu that may affect the use of the land for other purposes;
- (f) recognising and taking account the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere);
- (g) recognising and taking account of the importance of the land for community goals relating to:
  - i. the preservation of the natural character of the coastal environment,
  - ii. the protection of outstanding natural features,
  - iii. the protection of significant indigenous vegetation and significant habitats of indigenous fauna;
- (h) recognising the level of community services provided to the land and its occupiers;
- (i) recognising matters related to the physical accessibility of the land.

### 3.3 Conditions and Criteria for the Postponement and Remission of Rates on Maori Freehold Land

Conditions for the rates to receive rates remission include for defined Maori freehold land to be:

- Maori freehold land as set out in the definitions
- not occupied by a dwelling, out-building or commercial building; and
- not used for economic benefit.

Applications for remission of rates on Māori freehold land must be made in writing, and should include:

- a description of the size, position and current use of the land,
- an indication of the ownership and documentation that shows the land which is subject to the application for rates remission is Māori freehold land,
- outline future plans for the land (if any),
- sources and level of income generated by the land (if any),
- financial accounts if requested,
- outline the reason for the request,
- describe how the application meets any one or more of the objectives listed in 3.2.

Council may grant a remission of up to 100% of all rates, except Service Rates.

### 3.4 Postponement of Rates

Council does not postpone rates for Māori freehold land; however, it will remit 100% of rates (excluding Service Rates) on application, if the application meets the criteria set out in 3.3.

### 3.5 Remission of Penalties

Remission on rates penalties on Māori freehold land will be subject to application meeting the criteria set out in 3.3. Each application will be considered on its merits and remission will be granted where it is considered just and equitable to do so.

Where significant arrears exist, penalties may be remitted whilst regular payments are made to reduce the arrears balance.

Decisions on remission of penalties will be made on the same basis as remission of rates, with the delegated authority to remit penalties being given to the Chief Financial Officer, with recommendations from the Finance Manager.

### 3.6 Remission of Rates

An application for remission of rates must be considered by the Chief Financial Officer.

All rates on Māori freehold land whose owners name or names (or the name of the lessee) appears on the valuation roll (under Section 92 of the LGRA) will be collected in the usual manner of rate collection and follow up.

All rates, rates arrears and penalties on Māori freehold land vested in trustees will be collected from income derived from that land and held by the trustees for the beneficial owners, but limited to the extent of the money derived from the land and held by the trustees on behalf of the beneficial owner or owners (as per Section 93 LGRA).

For Māori freehold land, any person who actually uses the land whether for residing, farming, storage or any other use, whether they have a lease or not, is liable to pay the rates (as per Section 96 LGRA). The rates invoice will be delivered to that person and the rates will be collected in the usual manner. Section 97 of the LGRA provides for the person to be treated as having used the whole of the land for the whole financial year, unless they can establish otherwise.

Rates arrears on Māori freehold land shall be reviewed annually and amounts determined by Council as uncollectible shall be written off (for accounting purposes) on such land.

### 3.7 Existing decisions on Māori Freehold land

Any decisions made by Council regarding rates remissions on Māori freehold land before 1 July 2017 remain recognised by Council.

### 3.8 Length of decision

Decisions regarding rates remission on Māori freehold land remain in perpetuity, unless the land becomes occupied or used for economic benefit. In this case, it is expected that the landowners would advise Council of the change in land use. If there is evidence of the use of the land for occupation or economic benefit, Council may request financial statements regarding the property in order to review a decision. Reviews of decisions regarding rates remission for Māori freehold land will be made by the Chief Financial Officer.

## 4. ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Finance Manager	Receive applications and make recommendations to Chief Financial Officer for remission of rates on Māori freehold land.
	May request financial statements regarding the property if there is evidence that the land is occupied or being used for economic benefit.

	May write off rates if the application is accepted
Chief Financial Officer	Accept or decline applications for remission of rates on Māori freehold land.  Review applications, if applicable, for remission of rates on Māori freehold land.

## 5. ASSOCIATED DOCUMENTS

- Local Government Act (2002),
- Local Government (Rating) Act (2002)

## 6. REVISION RECORD

Date	Version	Revision Description
2016	Remission and Postponement of Rates on Māori Freehold Land	R/16/8/13717 – Long Term Plan 2018-2028
2015	Remission and Postponement of Rates on Māori Freehold Land	R/15/6/10846 – Long Term Plan 2015-2025
2012	Remission and Postponement of Rates on Māori Freehold Land	R/13/8/11136 - Long Term Plan 2012-2022
2007	Rates Remission Policy for Māori Freehold Land	2007/05/4523
26 June 2003	Remission and Postponement of Rates on Māori Freehold Land	
30 January 1997	Remission and Postponement of Rates on Māori Freehold Land	



**Submission on draft Remission and Postponement of Rates on Maori Freehold Land Policy****Item 7.1 Attachment B****Submitter  
Number:**

1

**Submitter:**

E &amp; D Stockwell

**Comments:** Southland District Council charge me rates for land that has no road access, or services yet I pay full charges, and do not get any thing in return, except for a very belittling response from the council team.

Your council continually reject any rebate or discussion on road access yet you charge me for it

Your council play a outright bias role, which is very condesending and belittling - your goal = money!!

Your councils aim is the taking of my land, by charging ridiculous rates on land that has no access. Because we are sole owners you target us as rate payers with no benefits from your council.

You are a greedy, money making and racist outfit.

Several times I have approached your council, and your staff have contradicted and belittle us.

I have also had lawyers contact you when you have used some unreasonable logic to justify rate's.

So lets see what you do for Remission and Postponement of Rates for Maori land.

Yea Right



## Draft Easter Sunday Shop Trading Policy

Record No: R/16/12/19987  
Author: Robyn Rout, Policy Analyst  
Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision ☒ Recommendation ☐ Information

### Purpose

- 1 This report recommends that the Community and Policy Committee (the Committee):
  - endorses the draft Easter Sunday Shop Trading Policy; and
  - recommends Council adopt the policy at its meeting on 22 February 2017.

### Executive Summary

- 2 The draft Southland District Council Easter Sunday Shop Trading Policy was released for public consultation in accordance with the Special Consultative Procedure from 21 November 2016 to 13 January 2017. Six submissions were received and five of them supported the draft policy. The submissions and a brief statistics report have been included as attachments to this report. A minor alteration has been made to the draft policy following the receipt of submissions. The revised draft policy is also attached to this report. It is suggested that the Committee both endorses the revised draft policy and recommends to Council that the policy be adopted.

### Recommendation

That the Committee:

- a) Receives the report titled “Draft Easter Sunday Shop Trading Policy” dated 17 January 2017.
- 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) Endorses the draft Easter Sunday Shop Trading Policy, including the minor amendment made as a result of the submission process.
- e) Recommends that Council adopts the Easter Sunday Shop Trading Policy at its meeting on 22 February 2017.

## **Content**

### **Background**

- 3 On 16 November 2016, Council resolved that a draft Easter Sunday Shop trading policy be released for public consultation. The draft policy was put out for public consultation for the period from 21 November 2016 to 13 January 2017 inclusive. If adopted, the policy would allow all shops in the whole of the Southland District to trade on Easter Sunday.

### ***Legislative Change***

- 4 Historically in New Zealand, most shops have not been allowed to trade on Easter Sunday. In 2016 the Shop Trading Hours Act 1990 (the Act) was amended giving councils across New Zealand the authority to make a policy allowing all shops to trade, or shops in identified parts of the council area to trade.

### ***A Contentious Issue***

- 5 Whether or not to allow shops to trade over the Easter period is a contentious issue, and the topic may generate a degree of public interest. Easter Sunday shop trading has been a contentious and polarising issue when it has been debated in Parliament, and it is likely that not everyone in the Southland District will necessarily agree with the policy. Advocates for workers' rights and family values, and religious groups, generally oppose Easter shop trading, while the retail and tourism sectors are generally in support.

### ***Preliminary Consultation***

- 6 Preliminary consultation with Councillors and regional promotional groups indicated there was support for adopting a policy in the Southland District. The preliminary consultation also suggested that in the Te Anau region, there might be a particular need and a stronger level of support for the policy.

### ***Tourism and Economic Benefit***

- 7 It has also been identified that allowing Easter Sunday shop trading would recognise the importance of the retail sector to both shop owners, and the public. Shop trading on Easter Sunday would also enable tourists to function in the District more effectively on that day.

### ***Other Southland territorial authorities***

- 8 In 2016, both the Invercargill City Council and the Gore District Council decided not to adopt a policy.

### **Issues**

- 9 Five out of six of the submissions received by Council were in support of the draft policy. Four of those in support thought it should be applied across the whole District, rather than to any part or parts of the District. Submitters stated that they support the policy as it treats all types of shops and all parts of the District equally, it supports the retail and tourism sectors, and it would help to make Southland towns more vibrant on Easter Sunday.

- 10 One submission suggested that a shop employee's right to refuse to work is already provided for in legislation, and that that part of the policy could be removed. Officers agree with the submission, and also believe removing that part of the policy would prevent the policy needing to be updated if there was a change to the relevant legislation. The draft policy has been amended, and now just refers to the requirement to comply with the Act and the Employment Relations Act 2000.
- 11 The submitter who opposed the draft policy thought that it should only be applied to Te Anau. The reasons the submitter opposed the draft policy was out of respect to others' religious beliefs, on the basis of workers' rights, on the basis of maintaining family values, and to prevent the trend towards allowing shops to open on other significant days.
- 12 Officers are recommending that the Committee endorses the revised draft policy on the basis that it best aligns with feedback from the District.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 13 If a policy is adopted, it can be applied to the whole District, or just a part or parts of the District. The Southland District policy is proposed to apply district-wide. There would be no requirement that an individual retailer opens on Easter Sunday. Each retailer could make their own decision.
- 14 The new legislation gives shop employees the right to refuse to work, and employers are not allowed to treat an employee adversely for exercising their right. There is also a requirement for employers to notify their employees about the right to refuse to work, and employees must notify their employer if they intend not to work.

#### **Community Views**

- 15 Both preliminary consultation and consultation under the Special Consultative Procedure have identified that there is support for allowing Easter Sunday shop trading in the Southland District.

#### **Costs and Funding**

- 16 Costs associated with adopting the policy would be limited to advertising costs to notify people in the District about the changes. There are no funding issues associated with implementation.

#### **Policy Implications**

- 17 The main implication of this policy is that all shops will be allowed to open in the District on Easter Sunday.

### **Analysis**

#### **Options Considered**

- 18 Under the Act, Council is not required to adopt a policy, which means that one of the Committee's options is to decide do nothing and retain the current Easter Sunday shop trading restrictions. This would mean that most shops are required to close on Easter Sunday. If this option is chosen, the Committee may resolve to review its position within a specific time period and to release a media statement to the District.

- 19 The Committee may also endorse the revised draft Easter Sunday Shop Trading Policy, and make a recommendation that Council adopt the policy at its next meeting.
- 20 Lastly, the Committee could decide to alter the draft policy to only allow Easter Sunday shop trading in Te Anau (or Te Anau and other tourist related towns such as Riverton), and recommend that Council adopt the revised policy at its next meeting.

### **Analysis of Options**

#### **Option 1 - Do nothing and retain the current Easter Sunday shop trading restrictions**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>Aligns with the views of workers' rights groups and Christian religious groups. It also aligns with traditional family values, and with the interest of some members of the general public.</li> <li>The current legislation has been in place a long time and most people are reasonably familiar with it.</li> <li>A Council resolution and media statement would give the District certainty on this issue and prevent staff and governance time being taken up responding to requests for policies.</li> </ul>	<ul style="list-style-type: none"> <li>This would not align with a majority of the feedback received from the District.</li> <li>This would not align with the views of the retail sector, the tourism industry and some members of the community (particularly in Te Anau).</li> <li>This would mean somewhat dated, complex and inconsistent trading restrictions would remain in place.</li> <li>This would not promote an ease of doing business on Easter Sunday.</li> <li>This does not place emphasis on the importance of the retail sector and the tourism industry.</li> <li>Does not meet the needs of tourists.</li> </ul>

#### **Option 2 - Endorse the draft Easter Sunday Shop Trading Policy, and recommend that Council adopt the policy at its next meeting.**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>Aligns with a majority of the feedback received from the District.</li> <li>Aligns with the views of the retail sector, the tourism industry and some members of the community (particularly in Te Anau).</li> <li>Would be easy to apply and consistent (no businesses would have an advantage).</li> <li>Promotes an ease of doing business on Easter Sunday.</li> <li>Recognises the importance of the retail sector and the tourism industry.</li> <li>Meets the needs of tourists.</li> </ul>	<ul style="list-style-type: none"> <li>Does not align with the views of workers' rights groups and Christian religious groups. It also does not align with traditional family values, and with the interest of some members of the general public.</li> <li>Workers may still be treated adversely for electing not to working on Easter Sunday, or they might be compelled to work - even though there is legislation preventing it.</li> </ul>

**Option 3 - Decide to revise the draft policy to only allow Easter Sunday Shop trading in Te Anau (or Te Anau and other tourist related towns such as Riverton), and recommend that Council adopt the revised policy at its next meeting.**

<i>Advantages</i>	<i>Disadvantages</i>
<p><b>In Te Anau (and in any other towns included in the policy)</b></p> <ul style="list-style-type: none"> <li>Aligns with a majority of the feedback received from the Te Anau region.</li> <li>Aligns with the views of the retail sector, the tourism industry and some members of the community.</li> <li>Meets the needs of tourists.</li> <li>The Easter Sunday trading restrictions would be easy to apply and consistent.</li> <li>Promotes an ease of doing business on Easter Sunday.</li> <li>Recognises the importance of the retail sector and the tourism industry.</li> </ul> <p><b>In the rest of the District</b></p> <ul style="list-style-type: none"> <li>This aligns with the views of workers' rights groups and Christian religious groups. It also aligns with traditional family values, and with the interest of some members of the general public.</li> <li>The current legislation has been in place a long time and most people are reasonably familiar with it.</li> </ul>	<ul style="list-style-type: none"> <li>This would not align with a majority of the feedback received from the District, as most people favoured a district-wide approach.</li> <li>Potential confusion from shop owners and MBIE regarding the area where the policy applies.</li> <li>Shops across the District would not be being treated consistently, generating an unfair advantage for the shops in Te Anau.</li> <li>With the small number of shops that would be required to close outside of Te Anau, it might be pernicky to exclude them.</li> </ul> <p><b>In Te Anau (and in any other towns included in the policy)</b></p> <ul style="list-style-type: none"> <li>This does not align with the views of workers' rights groups and Christian religious groups. It also does not align with traditional family values, and with the interest of some members of the general public.</li> <li>Workers may still be treated adversely for electing not to work on Easter Sunday, or they might be compelled to work - even though there is legislation preventing it.</li> </ul> <p><b>In the rest of the District</b></p> <ul style="list-style-type: none"> <li>This would not align with the views of the retail sector, the tourism industry and some members of the community.</li> <li>This would mean somewhat dated, complex and inconsistent trading restrictions would remain in place.</li> <li>This would not promote an ease of doing business on Easter Sunday.</li> <li>This does not place emphasis on the importance of the retail sector and the tourism industry.</li> <li>Does not meet the needs of tourists.</li> </ul>

## Assessment of Significance

- 21 The draft Easter Sunday Shop Trading Policy has been assessed as having a low level of significance. The policy is, however, likely to generate public interest, and there are likely to be views for and against the policy.

## Recommended Option

- 22 It is recommended that the Committee endorses the revised draft Easter Sunday Shop Trading Policy, and makes a recommendation that Council adopt the policy at its next meeting.

## Next Steps

- 23 If the Committee decides to proceed with either Option 2 or Option 3, the draft policy will be presented to Council to adopt at its next meeting on 22 February 2017. If the Committee decides not to proceed with a policy, the Committee may resolve to review its position within a specific time period and to release a media statement to the District.

## Attachments

- A Draft Easter Sunday Shop Trading Policy [↓](#)
- B Submissions on draft Easter Sunday Shop Trading Policy [↓](#)
- C Statistics from draft Easter Sunday Shop Trading Policy [↓](#)

## SOUTHLAND DISTRICT COUNCIL EASTER SUNDAY SHOP TRADING POLICY

This policy applies to: Southland District

### DOCUMENT CONTROL

Policy owner: Group Manager Environmental Services	TRIM reference number: R/2016/10/17248	Effective date:
Approved by: Council	Date approved:	Next review date: 2022

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## EASTER SUNDAY SHOP TRADING POLICY

### 1. PURPOSE

The purpose of this policy is to allow all shops in the Southland District to open on Easter Sunday. This policy will:

- promote ease of business;
- recognise the needs of the retail and tourism sectors;
- apply a consistent and simple approach to Easter Sunday shop trading.

### 2. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
<b>Shop</b>	is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include - (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.
<b>Employer</b>	has the same meaning as in s5 of the Employment Relations Act 2000
<b>Shop Employee</b>	means an employee within the meaning of s6 of the Employment Relations Act 2000 who works in or from a shop.
<b>Southland District</b>	is the area depicted in Appendix 1.

### 3 BACKGROUND

In 2016 the Shop Trading Hours Act 1990 (the Act) was amended, allowing Councils to introduce a policy letting shops trade on Easter Sunday.

Council can apply the policy to the whole District, or just to a particular region or regions. A policy cannot define specific opening hours, what types of shops may open, or for what purposes a shop may open.

## 4. POLICY DETAILS

### 4.1 Shop Trading Permitted

This policy allows all shops to trade on Easter Sunday.

### 4.2 Right to refuse to work

Employers must comply with the provisions relating to a Shop Employees right to refuse to work, as is set out in the Act and in the Employment Relations Act 2000.

Employers and Shop Employees must also give notice in accordance with the time provisions set out in the Act.

### 4.3 Scope

This Policy applies to the whole of the Southland District. A map outlining the boundaries of the Southland District is included as Appendix 1.

This Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

### 4.4 Review

This Policy will be reviewed within five years of adoption. The Act requires the use of the Special Consultative Procedure when adopting, reviewing and determining whether to amend, revoke, replace or continue the policy.

## 4. ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Environmental Services	Providing advice on the content and scope of the policy. Advising on adopting, reviewing, amending, revoking, replacing or continuing the policy.
Strategy and Policy	Adopting, reviewing, amending, revoking, replacing or continuing the policy. Undertaking consultation in accordance with the Special Consultative Procedure.
Communications	Developing a communications strategy and assisting with consultation.

## 5. ASSOCIATED DOCUMENTS

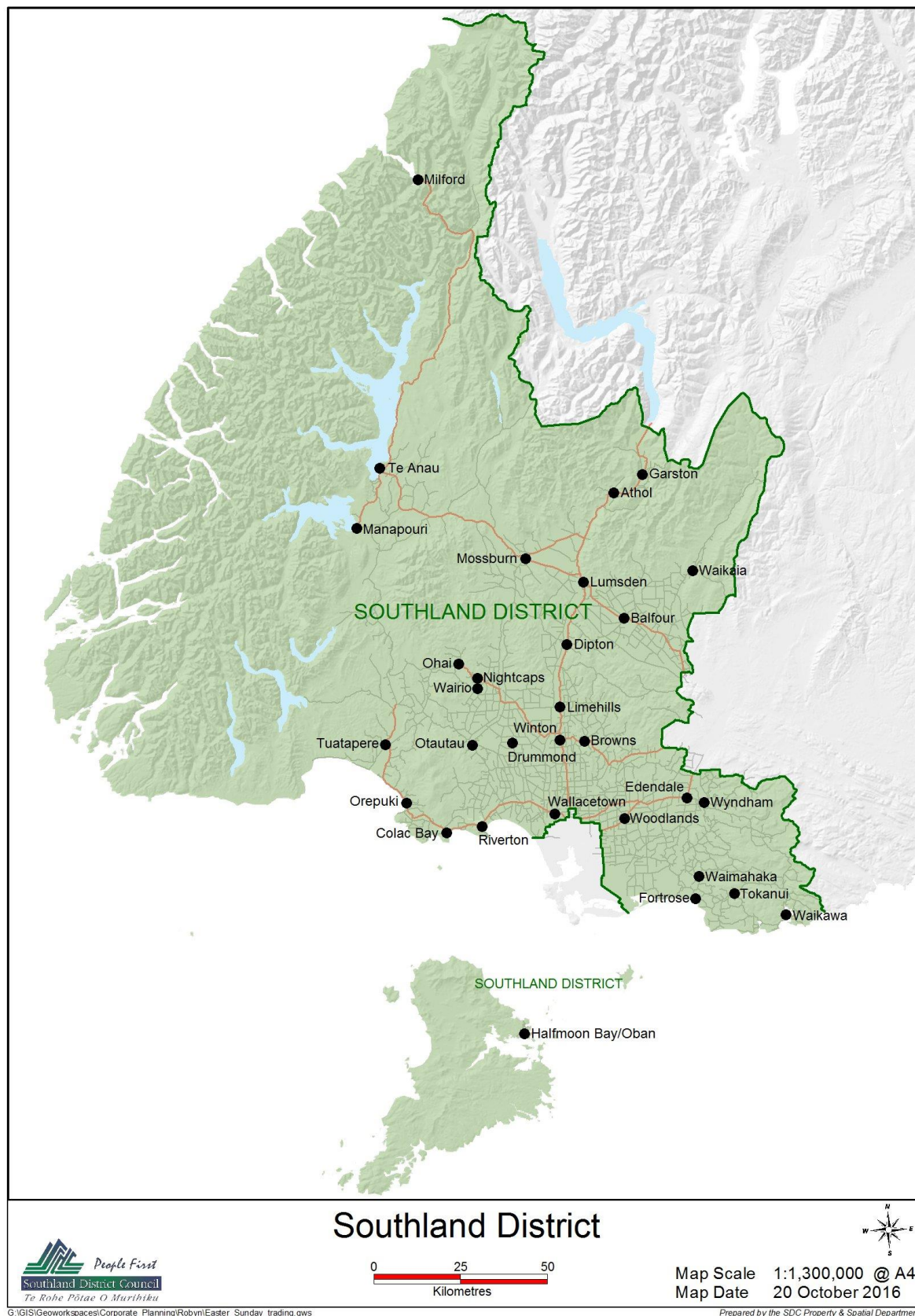
The sale and supply of alcohol on Easter Sunday aligns with the Act. The sale and supply of alcohol is restricted by the Sale and Supply of Alcohol Act 2012.

This policy aligns with the Southland Regional Development Strategy's objective of generating an ease of doing business in Southland.

## 6. REVISION RECORD

Date	Version	Revision Description

## APPENDIX 1. Map of the Southland District



Item 7.2 Attachment A

**Submitter Details**First Name: **Greg**Last Name: **De Laborde**



Resident or Ratepayer:

☐ Ratepayer☐ Resident☐ Non-resident ratepayer☒ Other

Which Community Board Area is your property in?

☐ Athol☐ Balfour☐ Browns☐ Colac Bay☐ Curio Bay☐ Dipton☒ Edendale☐ Fortrose☐ Garston☐ Limehills Centre Bush☐ Lumsden☐ Manapouri☐ Mararoa Waimea☐ Milford Sound☐ Mossburn☐ Nightcaps☐ Ohai☐ Orepuki☐ Otautau☐ Riversdale☐ Riverton☐ Stewart Island Rakiura☐ Te Anau☐ Thornbury☐ Tuatapere☐ Waiau Aparima☐ Waihopai Toetoes☐ Waikaia☐ Wallacetown☐ Winton☐ Winton Wallacetown

Wishes to be heard:

☐ Yes☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

☒ **Draft Easter Sunday Shop Trading Policy - Oral Submissions - Wednesday, 1 February 2017 Southland District Council Head Office, 15 Forth St, Invercargill, Council Chambers**

Hearing Needs:

Correspondence to:

☒ Submitter☐ Agent☐ Both**Submission**

Please indicate your view on the draft Easter Sunday Shop Trading Policy

☐ I support the draft Policy (allowing Easter Sunday shop trading)☒ I oppose the draft Policy☐ I neither support nor oppose the draft Policy

If you support adopting the draft Easter Sunday Shop Trading Policy, please indicate why

☐ Freedom of choice☐ Desire to access shops☐ Economic reasons☐ It treats all types of shops and all regions, equally☐ It is more consistent with your religious beliefs☐ It supports the retail sector☐ It supports the tourism sector by allowing tourists to function more easily on Easter Sunday

- ☐ It promotes an ease of doing business
- ☐ It would help Southland towns to be more vibrant on Easter Sunday

Please state any other reason/s why you support the draft Policy

If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why

- ☐ It is not consistent with your religious beliefs
- ☒ Out of respect for other peoples' Christian religious beliefs
- ☒ On the basis of workers' rights
- ☒ On the basis of maintaining family values and family time
- ☒ To prevent the trend towards allowing shops to open on other significant days (such as Christmas)

Please state any other reason/s why you oppose the draft Policy

If a policy is adopted, please indicate where you think the policy should be applied

- ☐ The whole District (as in the Draft Policy)
- ☐ Te Anau and Riverton
- ☒ Te Anau

Do you have any other comments on the draft Easter Sunday Shop Trading Policy?

Comments

Attached Documents

File
Draft Easter Sunday Shop Trading Policy

**Submitter Details**First Name: **Donna**Last Name: **North**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Resident or Ratepayer:

☐ Ratepayer☒ Resident☐ Non-resident ratepayer☐ Other

Which Community Board Area is your property in?

☐ Athol☐ Balfour☐ Browns☐ Colac Bay☐ Curio Bay☐ Dipton☐ Edendale☐ Fortrose☐ Garston☐ Limehills Centre Bush☐ Lumsden☐ Manapouri☐ Mararoa Waimea☐ Milford Sound☐ Mossburn☐ Nightcaps☐ Ohai☐ Orepuki☐ Otautau☐ Riversdale☒ Riverton☐ Stewart Island Rakiura☐ Te Anau☐ Thornbury☐ Tuatapere☐ Waiau Aparima☐ Waihopai Toetoes☐ Waikaia☐ Wallacetown☐ Winton☐ Winton Wallacetown

Wishes to be heard:

☐ Yes☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

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Hearing Needs:

Correspondence to:

☒ Submitter☐ Agent☐ Both**Submission**

Please indicate your view on the draft Easter Sunday Shop Trading Policy

☒ I support the draft Policy (allowing Easter Sunday shop trading)☐ I oppose the draft Policy☐ I neither support nor oppose the draft Policy

If you support adopting the draft Easter Sunday Shop Trading Policy, please indicate why

☒ Freedom of choice☐ Desire to access shops☐ Economic reasons☒ It treats all types of shops and all regions, equally

- ☐ It is more consistent with your religious beliefs
- ☒ It supports the retail sector
- ☒ It supports the tourism sector by allowing tourists to function more easily on Easter Sunday
- ☐ It promotes an ease of doing business
- ☒ It would help Southland towns to be more vibrant on Easter Sunday

Please state any other reason/s why you support the draft Policy

If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why

- ☐ It is not consistent with your religious beliefs
- ☐ Out of respect for other peoples' Christian religious beliefs
- ☐ On the basis of workers' rights
- ☐ On the basis of maintaining family values and family time
- ☐ To prevent the trend towards allowing shops to open on other significant days (such as Christmas)

Please state any other reason/s why you oppose the draft Policy

If a policy is adopted, please indicate where you think the policy should be applied

- ☒ The whole District (as in the Draft Policy)
- ☐ Te Anau and Riverton
- ☐ Te Anau

Do you have any other comments on the draft Easter Sunday Shop Trading Policy?

Comments

Attached Documents

File
Draft Easter Sunday Shop Trading Policy

**Submitter Details**First Name: **Justin**Last Name: **Lewis**Organisation: **Greenmachine**

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Resident or Ratepayer:

☒ Ratepayer☐ Resident☐ Non-resident ratepayer☐ Other

Which Community Board Area is your property in?

☐ Athol☐ Balfour☐ Browns☐ Colac Bay☐ Curio Bay☐ Dipton☐ Edendale☐ Fortrose☐ Garston☐ Limehills Centre Bush☐ Lumsden☐ Manapouri☐ Mararoa Waimea☐ Milford Sound☐ Mossburn☐ Nightcaps☐ Ohai☐ Orepuki☐ Otautau☐ Riversdale☐ Riverton☐ Stewart Island Rakiura☐ Te Anau☐ Thornbury☒ Tuatapere☐ Waiau Aparima☐ Waihopai Toetoes☐ Waikaia☐ Wallacetown☐ Winton☐ Winton Wallacetown

Wishes to be heard:

☐ Yes☒ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

☒ **Draft Easter Sunday Shop Trading Policy - Oral Submissions** - Wednesday, 1 February 2017 Southland District Council Head Office, 15 Forth St, Invercargill, Council Chambers

Hearing Needs:

Correspondence to:

☒ Submitter☐ Agent☐ Both**Submission**

Please indicate your view on the draft Easter Sunday Shop Trading Policy

☒ I support the draft Policy (allowing Easter Sunday shop trading)☐ I oppose the draft Policy☐ I neither support nor oppose the draft Policy

If you support adopting the draft Easter Sunday Shop Trading Policy, please indicate why

☐ Freedom of choice☐ Desire to access shops☒ Economic reasons

- ☒ It treats all types of shops and all regions, equally
- ☒ It is more consistent with your religious beliefs
- ☒ It supports the retail sector
- ☒ It supports the tourism sector by allowing tourists to function more easily on Easter Sunday
- ☒ It promotes an ease of doing business
- ☒ It would help Southland towns to be more vibrant on Easter Sunday

Please state any other reason/s why you support the draft Policy

The current legislation is nonsensical in a society that is not strongly religious. It is outdated and archaic and does not make sense to business people, shoppers and visitors. It is inconvenient to everyone, with no real benefit.

If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why

- ☐ It is not consistent with your religious beliefs
- ☐ Out of respect for other peoples' Christian religious beliefs
- ☐ On the basis of workers' rights
- ☐ On the basis of maintaining family values and family time
- ☐ To prevent the trend towards allowing shops to open on other significant days (such as Christmas)

Please state any other reason/s why you oppose the draft Policy

If a policy is adopted, please indicate where you think the policy should be applied

- ☒ The whole District (as in the Draft Policy)
- ☐ Te Anau and Riverton
- ☐ Te Anau

Do you have any other comments on the draft Easter Sunday Shop Trading Policy?

Comments

This is a great opportunity to bring the rules up to a modern, sensible standard.

Attached Documents

File
Draft Easter Sunday Shop Trading Policy

**Submitter Details**First Name: **Kathy**Last Name: **Singleton**On behalf of: **Myself**

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Resident or Ratepayer:

☒ Ratepayer☐ Resident☐ Non-resident ratepayer☐ Other

Which Community Board Area is your property in?

☐ Athol☐ Balfour☐ Browns☐ Colac Bay☐ Curio Bay☐ Dipton☐ Edendale☐ Fortrose☐ Garston☐ Limehills Centre Bush☐ Lumsden☐ Manapouri☐ Mararoa Waimea☐ Milford Sound☐ Mossburn☐ Nightcaps☐ Ohai☐ Orepuki☐ Otautau☐ Riversdale☐ Riverton☐ Stewart Island Rakiura☒ Te Anau☐ Thornbury☐ Tuatapere☐ Waiau Aparima☐ Waihopai Toetoes☐ Waikaia☐ Wallacetown☐ Winton☐ Winton Wallacetown

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Hearing Needs:

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☒ Submitter☐ Agent☐ Both**Submission**

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If you support adopting the draft Easter Sunday Shop Trading Policy, please indicate why

☒ Freedom of choice☒ Desire to access shops☒ Economic reasons

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- ☒ It promotes an ease of doing business
- ☒ It would help Southland towns to be more vibrant on Easter Sunday

Please state any other reason/s why you support the draft Policy

If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why

- ☐ It is not consistent with your religious beliefs
- ☐ Out of respect for other peoples' Christian religious beliefs
- ☐ On the basis of workers' rights
- ☐ On the basis of maintaining family values and family time
- ☐ To prevent the trend towards allowing shops to open on other significant days (such as Christmas)

Please state any other reason/s why you oppose the draft Policy

If a policy is adopted, please indicate where you think the policy should be applied

- ☒ The whole District (as in the Draft Policy)
- ☐ Te Anau and Riverton
- ☐ Te Anau

Do you have any other comments on the draft Easter Sunday Shop Trading Policy?

Comments

Attached Documents

File
Draft Easter Sunday Shop Trading Policy

**Submitter Details**First Name: **Keith**Last Name: **Cullen**Organisation: **FreshChoice Te Anau**

[Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]

Resident or Ratepayer:

☒ Ratepayer☐ Resident☐ Non-resident ratepayer☐ Other

Which Community Board Area is your property in?

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- ☒ It would help Southland towns to be more vibrant on Easter Sunday

Please state any other reason/s why you support the draft Policy

If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why

- ☐ It is not consistent with your religious beliefs
- ☐ Out of respect for other peoples' Christian religious beliefs
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Please state any other reason/s why you oppose the draft Policy

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- ☒ The whole District (as in the Draft Policy)
- ☐ Te Anau and Riverton
- ☐ Te Anau

Do you have any other comments on the draft Easter Sunday Shop Trading Policy?

#### Comments

Submission re Draft Easter Sunday Trading Policy Keith Cullen [REDACTED]

[REDACTED] on behalf of WK & MI Cullen Ltd T/A FreshChoice Te Anau There is no valid reason to force shops to close on this day. Only some retail shops are prohibited from trading. Are chocolate bars, chips and coke more important to be able to buy than meat, spuds and 3 veg? You can buy fuel but not food? There are already exemptions for 'tourist areas such as Queenstown and Taupo. Why Queenstown and Taupo. Why not Wanaka and Rotorua and Te Anau? No other industry or business is ever prohibited from operating or trading. No business will be forced to open because a prohibition is removed. Nobody will be forced to shop because a business is open. Nobody will be forced to work (in a Shop) if they choose not to. That is covered in legislation. You can go out to a restaurant or bar and eat and drink but if you want to stay home and do that you must purchase your goods the previous day, when you are probably at work. There is massive demand, in holiday destinations for shops to be open, from residents, domestic tourists and international tourists. The international tourists have no other option but to buy their food daily as it is not a practical option to do otherwise. Also, most are caught out by shops being closed and there is not enough capacity for them all to eat out. The existing legislation is mostly ignored in areas where there is a demand for shops to be open and will probably continue to be ignored. Shops that have a demand because of their location or the goods that they are selling will open and the status quo will continue for the remainder. Prohibition has never been a viable solution to any perceived problem. There will not be any downside to removing this ridiculous prohibition. Your sincerely Keith Cullen Owner/ Manager FreshChoice Te Anau

#### Attached Documents

File
eastertrading
Draft Easter Sunday Shop Trading Policy

## Submission re Draft Easter Sunday Trading Policy

Keith Cullen

[REDACTED]

[REDACTED]

on behalf of WK & MI Cullen Ltd T/A FreshChoice Te Anau

There is no valid reason to force shops to close on this day.

Only some retail shops are prohibited from trading.

Are chocolate bars, chips and coke more important to be able to buy than meat, spuds and 3 veg?

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You can go out to a restaurant or bar and eat and drink but if you want to stay home and do that you must purchase your goods the previous day, when you are probably at work.

There is massive demand, in holiday destinations for shops to be open, from residents, domestic tourists and international tourists. The international tourists have no other option but to buy their food daily as it is not a practical option to do otherwise.

Also, most are caught out by shops being closed and there is not enough capacity for them all to eat out.

The existing legislation is mostly ignored in areas where there is a demand for shops to be open and will probably continue to be ignored.

Shops that have a demand because of their location or the goods that they are selling will open and the status quo will continue for the remainder.

Prohibition has never been a viable solution to any perceived problem.

There will not be any downside to removing this ridiculous prohibition.

Your sincerely

Keith Cullen

Owner/ Manager

FreshChoice Te Anau



11 January 2017

Submissions on Proposed Easter Sunday Trading Policy  
Southland District Council  
PO Box 903  
INVERCARGILL  
By email

Dear Sir/ Madam

## SUBMISSION ON PROPOSED EASTER SUNDAY TRADING POLICY

### Introduction

1. Retail NZ is a trade association representing the interests of the retail sector. We have around 4,200 members nationwide (including many in Southland), and our members account for around two-thirds of total spending in New Zealand.

### Submission

2. We would like to express our support for the Council's proposed Local Easter Sunday Trading Policy, which would allow (but not require) retail businesses within the District to open on Easter Sunday.

### Comment

3. Permitting retailers to open their stores is a proactive policy that will support local businesses by allowing them to trade, if it makes sense for the individual businesses concerned. There is a significant amount of tourism in the Southland area, and it is right that businesses should be able to choose whether or not trade.

4. We note that the rights of shop employees to refuse to work on Easter Sunday are explicitly protected by the Shop Trading Hours Act 1990 (as amended). We support these protections - and clear rules are spelt out in the legislation around the various notifications that need to be provided by employers and employees. Given this, we are not sure it is necessary to reiterate these points in the proposed Southland District Council policy.

5. If you do wish to restate the requirements of the Act, then we suggest they are restated precisely - and the words "usually" and "typically" be deleted the second paragraph of section 4.2. These words are not contained in the primary legislation and it may cause confusion for the policy to suggest (incorrectly) that a more flexible approach is possible.

6. We also note that, under the proposed policy, individual businesses will be free to make their own decisions about whether or not to open. Some will choose not to do so, but we do not see any reason to deny them that choice.

#### RETAIL NZ // HQ

Level 6, 56 Victoria Street, Wellington 6011  
PO Box 12-086, Wellington 6144

P // 0800 472 472

E // [info@retail.kiwi](mailto:info@retail.kiwi)

W // [retail.kiwi](http://retail.kiwi)

Connect with us:



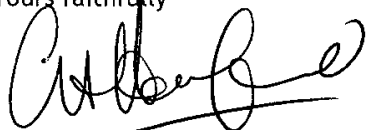
Supported by:



Retail<sup>NZ</sup>**Conclusion**

7. We would be happy to provide any additional information if required. We would be grateful if you could please let us know the outcomes of this process in due course so we can keep our members informed.

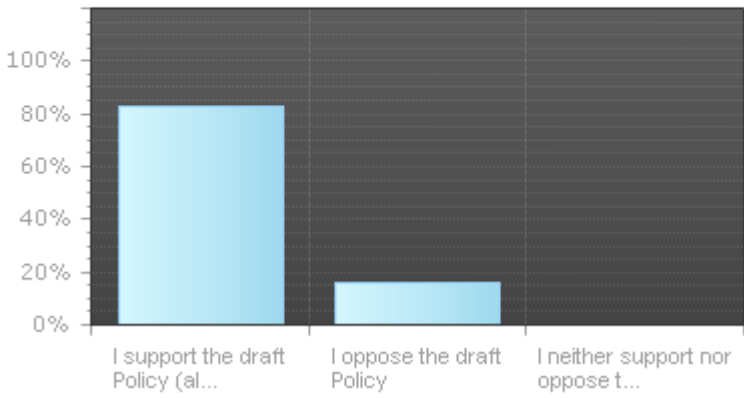
Yours faithfully



Greg Harford  
General Manager, Public Affairs  
Tel +64 27 243 2842  
Email: greg.harford@retail.kiwi

TAKING RETAIL FURTHER //

## Statistics on draft Easter Sunday Shop Trading Policy

<b>Question: 1</b> <b>Please indicate your view on the draft Easter Sunday Shop Trading Policy</b>														
<b>Total number of responses: 6</b>														
Decision Sought	Number of submitters who selected this option	%												
I support the draft Policy (allowing Easter Sunday shop trading)	5	83%												
I oppose the draft Policy	1	16%												
I neither support nor oppose the draft Policy	0	0%												
<div> <p><b>1-Please indicate your view on the draft Easter Sunday Shop Trading Policy</b></p>  <table border="1"> <caption>Survey Results Data</caption> <thead> <tr> <th>Decision Sought</th> <th>Number of submitters</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>I support the draft Policy (al...</td> <td>5</td> <td>83%</td> </tr> <tr> <td>I oppose the draft Policy</td> <td>1</td> <td>16%</td> </tr> <tr> <td>I neither support nor oppose t...</td> <td>0</td> <td>0%</td> </tr> </tbody> </table> </div>			Decision Sought	Number of submitters	Percentage	I support the draft Policy (al...	5	83%	I oppose the draft Policy	1	16%	I neither support nor oppose t...	0	0%
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## Item 7.2 Attachment C

<b>Question: 2</b> <b>If you support adopting the draft Easter Sunday Shop Trading Policy, please indicate why</b>	
<b>Total number of responses: 4</b>	
<b>Decision Sought</b>	<b>Number of submitters who selected this option</b>
Freedom of choice	3
Desire to access shops	2
Economic reasons	3
It treats all types of shops and all regions, equally	4
It is more consistent with your religious beliefs	2
It supports the retail sector	4
It supports the tourism sector by allowing tourists to function more easily on Easter Sunday	4
It promotes an ease of doing business	3
It would help Southland towns to be more vibrant on Easter Sunday	4

<b>Question: 3</b> <b>If you oppose the draft Easter Sunday Shop Trading Policy, please indicate why</b>	
<b>Total number of responses: 1</b>	
<b>Decision Sought</b>	<b>Number of submitters who selected this option</b>
It is not consistent with your religious beliefs	0
Out of respect for other peoples' Christian religious beliefs	1
On the basis of workers' rights	1
On the basis of maintaining family values and family time	1
To prevent the trend towards allowing shops to open on other significant days (such as Christmas)	1

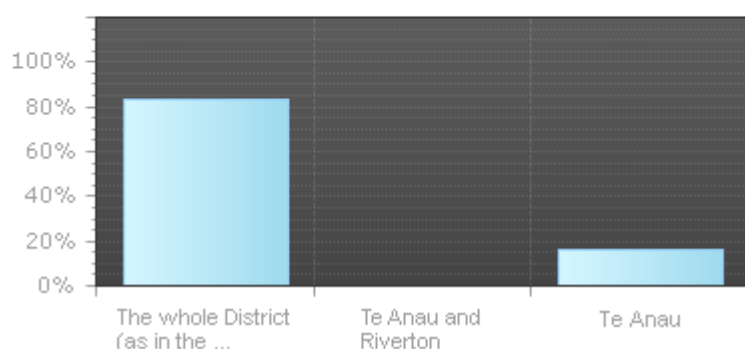
**Question: 4**

If a policy is adopted, please indicate where you think the policy should be applied

Total number of responses: 5

Decision Sought	Number of submitters who selected this option	%
The whole District (as in the Draft Policy)	5	83%
Te Anau and Riverton	0	0%
Te Anau	1	16%

4-If Council do introduce a policy allowing Easter Sunday shop trading, where should the Policy be applied to?



## Draft Stewart Island/Rakiura Visitor Levy Policy

Record No: R/17/1/1097  
Author: Robyn Rout, Policy Analyst  
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☒ Recommendation ☐ Information

### Purpose

- 1 This report presents a draft Stewart Island/Rakiura Visitor Levy Policy (the draft Policy) for the Community and Policy Committee's (the Committee) consideration. Officers are requesting that the Committee endorses the revised Policy and recommends to Council that the draft Policy be adopted at its meeting on the 22<sup>nd</sup> of February.

### Executive Summary

- 2 The Stewart Island/Rakiura Visitor Levy collects revenue from visitors to Stewart Island/Rakiura through approved operators, collection agents and a collection box. The amount of the levy is set out in the Stewart Island/Rakiura Visitor Levy Bylaw 2012 and is currently set at \$5.00.
- 3 The draft Policy provides guidance on governance and administration of the Stewart Island/Rakiura Visitor Levy. It also outlines who is liable to pay the levy as well as how the levy will be collected, administered, allocated and enforced.
- 4 Minor changes have been made to the draft Policy to align it with the Terms of Reference and Delegations that Council adopted in November 2016 (please see attached). The responsibility part of the Policy has also been updated to reflect changes in roles within the Council. Communications Manager, Louise Pagan has responsibility for the Community Assistance Activity and is now overseeing the Stewart/Rakiura Visitor Levy. Changes have also been made to improve readability and a new review time-period has been set. The changes to the Policy are shown in red. A more comprehensive review of the policy, including whether it is operating effectively, is scheduled to be completed next year.

### Recommendation

**That the Community and Policy Committee:**

- a) **Receives the report titled "Draft Stewart Island/Rakiura Visitor Levy Policy" dated 19 January 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Endorses the revised Policy and recommends that Council adopt the draft Policy at its meeting on the 22<sup>nd</sup> of February.**

### Attachments

- A Draft Stewart Island/Rakiura Visitor Levy Policy [↓](#)

**POLICY:** STEWART ISLAND/RAKIURA VISITOR LEVY

**ROLE RESPONSIBLE:** Activity Manager Community Assistance

**DATE APPROVED:** 29 January 2014

**DATE AMENDED:** 7 October 2015

**FILE NO:** 140/20/1/4

### 1.0 PURPOSE

This policy provides guidance on governance and administration of the Stewart Island/Rakiura Visitor Levy. The policy outlines who is liable to pay the levy as well as how the levy will be collected, administered, allocated and enforced.

### 2.0 BACKGROUND

Although Stewart Island/Rakiura has a small resident population, it is a destination for a large number of short-term visitors. This creates a unique funding challenge for Southland District Council.

The Southland District Council (Stewart Island/ Rakiura Visitor Levy) Empowering Act 2012 (the Act) was passed into law on 26 March 2012. The Act empowers Southland District Council set and collect levies and obtain revenue from visitors to Stewart Island/ Rakiura. Under the Act, funds must be used to better provide services, facilities, and amenities for Island visitors.

### 3.0 DEFINITIONS

**The Act** - the Southland District Council (Stewart Island/ Rakiura Visitor Levy) Empowering Act 2012.

**Council** - the Southland District Council.

**Island** - Stewart Island/Rakiura.

**Levy** - the sum of money (inclusive of GST) collected under Stewart Island/ Rakiura Visitor Levy Bylaw 2012.

**Revenue** - revenue (inclusive of GST) collected under Stewart Island/ Rakiura Visitor Levy Bylaw 2012, by an approved operator in accordance with contractual arrangements with the Council.

**Visitor** - any person who travels to the Island and is not exempt from payment of levy or revenue under the Act or the provisions of this policy.

**Approved Operator** - once an agreement is reached between Southland District Council and a transport vessel operator for the collection and payment of revenue, the operator becomes an Approved Operator. The Approved Operators are Real Journeys on behalf of Stewart Island Experience, Stewart Island Flights and ISS McKay on behalf of the cruise ships.

**Agent** - a business entity that enters into a contractual arrangement with Southland District Council to collect the Levy from its passengers on behalf of the Council.

**Resident** - a person recognised as living on the Island for electoral residency purposes under Section 23 of the Local Electoral Act 2001.

**Ratepayer** - a person who is named on a current rates notice of a rating unit on the Island. Only persons who are named on current rates notices are considered to be ratepayers, regardless of who funds rates payments.

**Tenant** - a person who has a tenancy agreement for a rating unit on the Island under the provisions of the Residential Tenancies Act 1986.

**Dependant** - a person primarily under the care and responsibility of another person, living with that person as a member of their family and substantially reliant on that person for financial support.

**Activity** - has the meaning given in [Section 5\(1\)](#) of the Local Government Act 2002. This includes:

- (a) the provision of facilities and amenities; and
- (b) the making of grants; and
- (c) the performance of regulatory and other governmental functions.

**Freedom traveller** - a visitor who travels to the Island by means other than as a passenger of an approved operator. This includes chartered vessels and independent travel. It does not include people who travel via the ferry (Stewart Island Experience) or scheduled flight (Stewart Island Flights) or cruise ships.

**Rakiura Māori Land Trust** - the Rakiura Māori Lands Trust is governed by six Trustees appointed by the Māori Land Court upon recommendation from the beneficial owners. The Rakiura Māori Land Trust holds lands and funds in trust for many Rakiura Māori descendants.

#### 4.0 COLLECTION

The Act provides for the collection of money from two sources:

1. **Revenue** collected on behalf of Southland District Council by Approved Operators; and
2. **Levy** income from visitors arriving as freedom travellers.

Through contractual arrangements, Southland District Council will collect *revenue* from Approved Operators. Approved Operators include Stewart Island Experience (the ferry), Stewart Island Flights (scheduled airline service) and cruise ships. Passengers will pay the Approved Operator in accordance with the terms of carriage ie, the levy will form part of their ticket price.

However, if the person travels via an Approved Operator and pays a local or child fare, the Approved Operator will not charge the levy.

Under the Stewart Island/Rakiura Visitor Levy Bylaw 2012, Southland District Council will collect the *levy*. The *levy* will be collected from freedom travellers, ie those who are visitors under the Act but do not travel as passengers of an Approved Operator. Where a person is a freedom traveller the categories of exemption in Clause 4.1 apply. This means that if a person is not exempt, he or she will have to pay the levy.

The Act exempts people visiting the Island for a continuous period of 21 days. If revenue is collected from such individuals, they can seek a refund from Southland District Council by providing proof they have been on the Island for at least 21 days.

#### 4.1 Who Pays

All individuals travelling to Stewart Island/Rakiura must pay the levy or pay revenue to an Approved Operator unless they are exempt under the Act or pay a local fare.

The Act provides several categories of exemption. These are:

1. Residents, ratepayers and tenants of Stewart Island/Rakiura and their spouses, civil union partners, de facto partners, or dependants;
2. Beneficiaries of the Rakiura Māori Land Trust or individuals who have an ownership interest in a Māori land block on the Island;
3. Visitors who remain on the Island for any continuous period of 21 days or more;
4. Owners of a transport vessel or individuals employed under contract to work on a transport vessel;
5. Individuals whose visit is entirely within the boundaries of the Rakiura National Park;
6. Persons under the age of 18 years on the date of arrival on the Island.

Where the resident or ratepayer exemption applies to a person, the exemption does not automatically apply to the whole family or group. The exemption applies to the ratepayer(s) set out on the rates notice and their spouse, civil union partner, de facto partner or dependant. This does not include visiting adult children or grandchildren (unless they are dependants). Holiday home owners are exempt if they are a ratepayer on the Council's rates notice. However, beneficiaries of family trusts are unlikely to be exempt if they are not designated by name as ratepayers on the Southland District Council rates notice.

The exemption does not apply to visiting trades-people unless the person stays for more than 21 days. Volunteer visitors are also required to pay the levy unless they fall within a category of exemption.

Visiting entirely within the boundaries of the Rakiura National Park means the person visiting does not arrive or leave through the township of Oban.

## 5.0 CALCULATION

The amount of the levy is set out in the Stewart Island/Rakiura Visitor Levy Bylaw 2012 and is currently set at \$5.00.

In the event an increase in the levy amount is considered, public consultation will occur via the Southland District Council Annual/ Long Term Plan process. If Council decides to increase the levy amount, the increase will not take effect until 1 October in the year following the decision ie, Approved Operators will receive 15 months lead in time before they start collecting the new amount.

### 5.1 Arrangements with Approved Operators

Approved Operators will collect revenue on behalf of Southland District Council in accordance with contractual arrangements. The contractual arrangements will be negotiated for each Approved Operator taking into account the individual circumstances of each transport business.

Apart from cruise ships, Approved Operators will charge the levy for both inbound and outbound journeys (\$2.50 each way). This allows for passengers who use different modes of transport to travel to and from the Island and allows the levy to be apportioned across the modes of transport on an equitable basis.

### 5.2 Collection of the Levy from Freedom Travellers

The Stewart Island/Rakiura Visitor Levy Bylaw 2012 outlines levy collection from visitors who travel to the Island via private or chartered transportation ie, freedom travellers. A levy of \$5.00 will be payable when the person arrives on the Island. Southland District Council has provided a collection box to receive payments, placed at the Southland District Council office at 9 Ayr Street, Oban. Freedom travellers can deposit levy payments at this location at any time. Southland District Council will also enter into agreements with an agent(s) operating chartered vessels to collect the levy from passengers on behalf of Southland District Council.

Only one payment is required per person for the duration of their stay on the Island. Travel to neighbouring Islands (excluding the mainland) will not constitute leaving the Island.

## 6.0 PROOF OF EXEMPTION

Persons exempt under the Act can apply for a Southland District Council photo identification card. Southland District Council photo identification cards will be accepted as proof of exemption by Approved Operators and agents. They will also be accepted by enforcement officers monitoring compliance with the Stewart Island/Rakiura Visitor Levy Bylaw 2012.

A Southland District Council photo identification card will be issued and renewed at no cost to exempt applicants. Renewing a Southland District Council photo identification card will require confirmation of entitlement using documentation as set out in Appendix A. Photographs will also be updated at the time of renewal. It is the responsibility of the card holder to advise the Council of any change in contact details or exemption status.

The card remains the property of Southland District Council. Cards are not transferable and cardholders retain sole responsibility for use of the card issued to them. A replacement fee will apply to lost or damaged cards. This fee will be set out in the Southland District Council Schedule of Fees and Charges.

Agreements between Southland District Council and Approved Operators are reached on an individual basis and may differ. A Southland District Council photo identification card may be required by the Approved Operator at the time of ticket purchase or boarding the vessel for an exemption to be granted.

Each Approved Operator may choose to compile a list of names eligible for local fares. Eligibility for a local fare is a commercial decision made at the discretion of Approved Operators and is not influenced or administered by Southland District Council. Individuals can contact Approved Operators to ascertain whether they maintain such a list and to determine their eligibility for inclusion. Eligibility for local fares may mean that there is no requirement to apply for and carry a photo identification card when travelling.

#### 6.1 Application for Exemption

An application to receive a Southland District Council photo identification card can be made by attending the Southland District Council office located at 15 Forth Street, Invercargill or by sending a completed application form to PO Box 903, Invercargill 9840 accompanied by a colour passport sized photo of each applicant.

Applicants are also required to provide documentation which proves their exemption. Examples of accepted documentation to prove exemption status are set out in Appendix A.

Two categories of card will exist, distinguished from one another by colouring. The first category will cover people with long term exemptions, including ratepayers, residents and beneficiaries of the Rakiura Māori Land Trust. Cards issued to individuals in this category will be valid for a period of up to five years.

A second category of card will be issued to people who have a temporary exemption due to circumstances such as seasonal work or extended temporary stay on the Island. These cards will be valid for a fixed period of time up to six months. To align with seasonal work trends, fixed periods for temporary cards will be from 1 October to 31 March and from 1 April to 30 September each year.

### 7.0 REFUNDS

People who have been charged the levy but believe that they are exempt under the Act can apply to Southland District Council to receive a refund. Refund applications should state the reason for the claim, along with a copy of supporting documentation as set out in Appendix A.

An application for a refund must be made within six months of the date of travel.

## 8.0 AUDIT

Southland District Council has the ability to audit the collection and payment of the levy by agents and revenue by Approved Transport Operators. Audit procedures may include a review of visitor numbers against funds received.

## 9.0 ENFORCEMENT

Part 2 of the Act outlines infringement offences. Any person considered a visitor that has evaded payment or falsely claims that they are not a visitor will be considered to have committed an infringement offence.

An infringement fee is set by way of regulation and will be displayed on signs erected on the Island. Infringement notices can be issued by Southland District Council Enforcement Officers. Enforcement Officers are authorised to request proof of payment or exemption from individuals.

Southland District Council photo identification cards are accepted as proof of exemption. A ticket issued by an approved transport operator, a cruise ship boarding pass or a receipt from the collection box or a levy collection agent will also be accepted as proof of payment.

## 10.0 ADMINISTRATION

The Stewart Island/Rakiura Visitor Levy Subcommittee (the Subcommittee) has delegated responsibility to make decisions regarding funding from the Stewart Island/Rakiura Visitor Levy Fund. Decisions will be based on the compatibility of applications with allocation criteria and alignment with strategic outcomes determined by the Subcommittee.

The Stewart Island/Rakiura Visitor Levy Subcommittee is a Subcommittee of the Community and Policy Committee and is subject to standard audit procedures. The Community and Policy Committee will be informed of funding decisions via memoranda. Southland District Council's Annual Report will contain an itemised statement of the Stewart Island/ Rakiura Visitor Levy Fund each year.

### 10.1 Stewart Island/ Rakiura Visitor Levy Subcommittee Membership

The Subcommittee will meet annually to review applications and allocate funding. The Subcommittee will consist of the following members appointed by Council:

- A representative recommended by each of the Approved Operators (three in total).
- One Community Board representative and the Councillor for Stewart Island.
- One independent Councillor who will act as a representative of Southland District Council and be appointed by the Council. The independent Councillor will act as Chair of the Subcommittee.

The Chair of the Subcommittee will have a casting vote, which can only be exercised to resolve an evenly split vote.

10.2 Technical Advisory Group

The Subcommittee will be supported by a Technical Advisory Group (TAG). The TAG will be appointed by Southland District Council to provide strategic insight and technical expertise regarding funding applications. The Technical Advisory Group will provide recommendations to the Subcommittee based on an assessment of the demand for projects, their viability, likely impact and alignment with strategic outcomes.

10.3 Allocation Criteria

Allocations will be made in May of each year. The application process will be administered by Venture Southland. Advertisements will be placed once the fund is open to receive applications and will include the deadline for receipt of applications. Late applications will not be considered.

Only funds that have been received by Southland District Council at the time of advertisement will be allocated.

To be considered for funding, applications must be consistent with Section 6(b) of the Act. Section 6(b) states that revenue and levies collected must be used to fund:

1. Activities used by visitors;
2. Activities on the Island for the benefit of visitors; or
3. To mitigate the adverse effects of visitors on the environment of the Island.

These criteria do not exclude applications for funding in relation to the development or maintenance of existing facilities, services and projects. However, no funds will be allocated retrospectively for projects that have already been completed.

In considering applications, the Subcommittee will give priority to applications for activities or projects that can demonstrate the widest public benefit. Applications that primarily benefit a single or limited number of persons or entities will be given a low priority.

Applications to the Stewart Island/Rakiura Visitor Levy Fund must be made using the appropriate documentation provided by Venture Southland. All applications must include:

- An outline of the project or work requiring funding, including a timeline.
- If the project involves physical works, scale conceptual plans including site plans.
- Any requirement for resource or building consent.
- A business plan for the project including costs and on-going funding requirements, if any.
- Evidence of legal status of the applicant (eg, charitable trust or body corporate).
- An assessment of how the project meets the purposes of the Act and responds to the set strategic outcomes.
- Declarations of interest.

If a Subcommittee member has any connection to an application greater than that of the general public that member should declare an interest in the relevant application, prior to it being considered. In such circumstances, the member affected shall still be entitled to speaking and voting rights, unless the member has a pecuniary interest in the application.

#### **11.0 REVIEW**

Southland District Council will review the Stewart Island Rakiura Bylaw and this Policy every 6 years.

## APPENDIX A: DOCUMENTS WHICH CAN BE USED TO CLAIM EXEMPTION OR REFUND

The table below contains a list of documents which will be accepted as proof of exemption from the need to pay the Stewart Island/Rakiura Levy.

These documents will be accepted in relation to 1) applying for a photo identification card and 2) applying for a refund.

Original documentation from both Category A and Category B must be presented concurrently. Southland District Council requires proof of both identity and levy exemption status. A current address will need to be provided to receive notice of renewals and other information.

This is not a comprehensive list and other equivalent documents may be accepted when applying for a Southland District Council photo identification card or applying for levy refund.

At least one photo ID must be produced from Category A	
The name on the document must be exactly the same as the applicant's name	
<ul style="list-style-type: none"> <li>• Passport (Passports can be accepted up to two years after the expiry date).</li> <li>• Proof of Age Card with photo.</li> <li>• Drivers Licence.</li> <li>• Public Service Employee ID Card bearing a photo.</li> <li>• Education ID Card with photo.</li> <li>• Firearms licence.</li> </ul>	
At least one form of identification from Category B	
Reason for exemption	Example of accepted proof of exemption
<ul style="list-style-type: none"> <li>• <i>Ratepayers.</i></li> <li>• <i>Tenants.</i></li> <li>• <i>Residents.</i></li> </ul>	<p>One or more of the following documents showing name and address on Stewart Island:</p> <ul style="list-style-type: none"> <li>• Notice of rates or VG number verified by Rates Department. Rates Notices must state that the applicant is the owner of the property to which the Rates Notice was sent and the document must be current at the time of the application.</li> <li>• Tenancy Agreement.</li> <li>• Utilities bill.</li> <li>• Insurance Renewal Advice.</li> <li>• Motor Vehicle Registration.</li> <li>• Electoral roll number.</li> <li>• Mortgage documents.</li> <li>• Current Land Titles Office records.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Spouses of a ratepayer or tenant.</i></li> <li>• <i>Civil union or de facto partner of a ratepayer or tenant.</i></li> <li>• <i>Dependants of a ratepayer or tenant.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Application to be made in conjunction with the respective person.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Rakiura Māori Land Trust beneficiaries.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Southland District Council may be able to check property rights via the <a href="http://www.Māorilandonline.govt.nz">www.Māorilandonline.govt.nz</a> website or work with the Rakiura Māori Land Trust to access its database of beneficiaries.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>People under the age of 18.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Passport.</li> <li>• School student concession card.</li> <li>• Birth Certificate.</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Owners or those working on transport vessels.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Employment documentation (eg, payslips, letter from employer).</li> </ul>
<ul style="list-style-type: none"> <li>• <i>Visitors whose visit is for 21 days or more.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Tickets or invoices showing names and dates of arrival and departure.</li> <li>• Receipts for accommodation covering the relevant time period.</li> </ul>

## Membership of Creative Communities Community Committee

Record No: R/17/1/821

Author: Louise Pagan, Communications Manager

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

### Purpose

- 1 To appoint seven members of the public to the Creative Communities Community Committee.

### Executive Summary

applications, all from Southland District.

### Recommendation

That the Community and Policy Committee:

- a) Receives the report titled “Membership of Creative Communities Community Committee” dated 16 January 2017.
- 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) Approves the appointment of Dawn Barry, Glenda Bell, Cheree Downes, Robina Johnston, Janice Broad, Christine O'Connor and Gwen Neave to the Creative Communities Community Committee from 1 February 2017 to 1 October 2019.

## **Content**

### **Background**

- 3 Southland District Council has had an agreement with Creative New Zealand for several years to provide funding for community arts in Southland. The Creative Communities Scheme's purpose is to "support and encourage communities to create and present diverse opportunities for accessing and participating in local arts activities."
- 4 This scheme has traditionally formed part of the Allocations Committee and has been administered by Venture Southland on behalf of Council.
- 5 The Allocations Committee has been disestablished and its responsibilities included in the new Community and Policy Committee.
- 6 However, under the requirements of the Creative NZ agreement, the committee deciding on Creative Communities Scheme grants needs to have community representatives and the new committee does not.
- 7 Council approved at its November 2016 meeting the establishment of the community committee to decide on these grants – a community committee is not a formal committee of Council, rather a committee made up of community representatives that can decide on the grants under the agreement.
- 8 Councillors wanted the committee to be made up of all Southland District residents and so applications were called for again in a series of advertisements in December.

### **Issues**

- 9 Council had received six applications, with some of those from the Invercargill and Gore areas. It received another three applications in the second round, bringing the total of Southland District applicants to seven. There is a good spread of applicants from across the district, including one from Te Anau, one from Riverton, one from Centre Bush, one from the Hokonui, one from Stewart Island, one from the Tokanui area and one from Riversdale.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 10 The process followed by Council meets the requirements of Creative New Zealand.

#### **Community Views**

- 11 Indications of interest have been sought from the public.

#### **Costs and Funding**

- 12 The committee will meet at least twice a year, with mileage paid to the members. The committee will be administered by Council and Venture staff.

#### **Policy Implications**

- 13 There are no policy implications.

## Analysis

### Options Considered

- 14 1. To appoint the seven applicants to the Creative Communities Community Committee.
- 15 2. To not appoint the seven applicants to the Creative Communities Community Committee.

### Analysis of Options

#### Option 1 – To appoint the seven applicants to the community committee

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• Meets the requirements of Creative NZ</li><li>• Allows members of the public to be involved and engaged with arts funding through Council</li><li>• Gives a wide representation of the district on the committee</li></ul>	<ul style="list-style-type: none"><li>• None</li></ul>

#### Option 2 – To not appoint the seven applicants to the community committee

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• None</li></ul>	<ul style="list-style-type: none"><li>• Does not meet the requirements of Creative NZ</li><li>• Does not give a wide representation of the district on the committee</li></ul>

### Assessment of Significance

- 16 This matter is not considered significant under Council's Engagement and Significance Policy as it is creating an informal community committee to decide on grants for an external funder.

### Recommended Option

- 17 Option 1 – Appoint the seven applicants to the community committee.

### Next Steps

- 18 Contact all applicants and arrange a meeting in the next week to approve grant applications from last year.

### Attachments

There are no attachments for this report.