

Waimakariri District Council

Agenda

Tuesday 7 March 2023

1.00pm

Council Chambers

215 High Street

Rangiora

Members:

Mayor Dan Gordon

Cr Neville Atkinson

Cr Al Blackie

Cr Robbie Brine

Cr Brent Cairns

Cr Tim Fulton

Cr Jason Goldsworthy

Cr Niki Mealings

Cr Philip Redmond

Cr Joan Ward

Cr Paul Williams

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The Mayor and Councillors

WAIMAKARIRI DISTRICT COUNCIL

A meeting of the **WAIMAKARIRI DISTRICT COUNCIL** will be held in THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, on **TUESDAY 7 MARCH 2023 commencing at 1pm.**

Sarah Nichols
GOVERNANCE MANAGER

Recommendations in reports are not to be construed as
Council policy until adopted by the Council

BUSINESS

Page No

1. **APOLOGIES**

2. **CONFLICTS OF INTEREST**

Conflicts of interest (if any) to be reported for minuting.

3. **ACKNOWLEDGEMENTS**

4. **CONFIRMATION OF MINUTES**

4.1 **Minutes of a meeting of the Waimakariri District Council held on Tuesday 7 February 2023**

RECOMMENDATION

12 - 24

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the meeting of the Waimakariri District Council meeting held on Tuesday 7 February 2023.

4.2 **Minutes of a meeting of the Waimakariri District Council held on Wednesday 8 February 2023**

RECOMMENDATION

THAT the Council:

- (b) **Confirms**, as a true and correct record, the circulated Minutes of the meeting of the Waimakariri District Council meeting held on Wednesday 8 February 2023.

TO BE CIRCULATED SEPARATELY

4.3 **Minutes of a meeting of the Waimakariri District Council held on Tuesday 28 February 2023**

RECOMMENDATION

25 - 28

THAT the Council:

- (c) **Confirms**, as a true and correct record, the circulated Minutes of meeting of the Waimakariri District Council meeting held on Tuesday, 28 February 2023.

MATTERS ARISING (FROM MINUTES)

5. **DEPUTATIONS AND PRESENTATIONS**

6. **ADJOURNED BUSINESS**

Nil.

7. **REPORTS**

7.1 **Response to draft Residual Disinfection Exemption Application Report** – C Roxburgh (Water Asset Manager)

29 - 69

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No. 230222023958.
- (b) **Approves** staff to submit the attached response to Taumata Arowai following the receipt of their draft Residual Disinfection Exemption Application Report.
- (c) **Circulates** this report to the Rangiora Ashley Community Board for their information.

7.2 **Drainage and Stockwater Alternative Rating Structure** - J Recker (Stormwater and Waterways Manager)

70 - 124

RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 230207015398.
- (b) **Approves** the establishment of a Drainage and Stockwater Rating Working Party to investigate the possible options including but not limited to:
- (i) Status Quo – Retaining targeted rates with minimal district rates
 - (ii) Modified Status Quo – Decreasing targeted rates, however with an off-set increase in a District-wide general rate, recognising the environmental benefits of drainage and stockwater to the public.
 - (iii) Universal Rate – Combining all the rural drainage schemes into one universal rate with a minimal or more substantial district wide rate.

- (c) **Appoints** the following Councillors and Staff to the Drainage and Stockwater Rating Working Party:

Members

Canterbury Water Management Strategy Portfolio Holder – Councillor Tim Fulton

- Drainage and Stockwater and 3 Waters Portfolio Holder – Councillor Paul Williams
- Climate Change and Sustainability Portfolio Holder - Councillor Niki Mealings
- General Manager Finance and Business Support – Jeff Millward
- General Manager Utilities & Roading – Gerard Cleary
- *Ex officio* – Mayor Dan Gordon
- *Ex officio* – Chief Executive - Jeff Millward (Acting)

Staff Support

- Finance Manager – Paul Christensen
- Rating Representative – Maree Harris
- 3 Waters Manager – Kalley Simpson
- Stormwater & Waterways Manager (Project Lead) – Jason Recker

- (d) **Adopts** the draft Terms of Reference shown in Attachment (i) as the Drainage and Stockwater Rating Working Party Terms of Reference.
- (e) **Requests** that the Working Party report back to Council in November 2023 recommending the proposed approach for Drainage and Stockwater rating to be included in the draft 2024/34 Long Term Plan.
- (f) **Notes** the following indicative programme of key dates:

Period	Action
March 2023	Report to new Council to confirm the establishment of the Working Party and Terms of Reference
April 2023	Initial meeting of the Working Party to confirm scope and rating options
May-July 2023	Assessment and financial modelling of rating options
August 2023	Refinement of preferred option. Final Working Group meeting.
October 2023	National Elections
November 2023	Report to Council from the Working Party recommending proposed rating structure for inclusion in the draft 2024/34 LTP
February 2024	Council adopts draft 2024/34 draft LTP budgets for consultation
March-May 2024	Consultation on proposed rating structure as part of the draft 2024/34 LTP
July 2024	Implementation with 2024/34 LTP

- (g) **Circulates** this report to the community boards for their information.

7.3 **Budget Adjustments for Bridge and Culvert Works** – J McBride (Roading and Transport Manager) and D Young (Principal Engineering Advisor)

125 - 129

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No. TRIM No. 230221023875.
- (b) **Approves** the reallocation of \$75,000 of budget from the Travel Demand Management budget (PJ101389.000.5135) which has unallocated budget to the Butchers Rd Culvert Replacement to the February 2022 Flood Event Budget (PJ 101969.000.5134).
- (c) **Approves** bringing forward a total budget of \$268,750 from the 2023/24 budget for Bridges and Structures Renewals (101772.000.5134) and Bridge Component Replacement (101771.000.5134) into the 2022/23 year, to allow the full programme of re-lining works to be completed (as per clause 6.8 of this report).
- (d) **Notes** that the opportunity to claim additional funding under the February 2022 flood event has been discussed with Waka Kotahi staff and has not been progressed as this was not supported.
- (e) **Notes** that construction has begun on the Pipe Arch Culvert Re-lining works and Butchers Rd Culvert Relining works following approval to award contracts from Management Team.

7.4 **Rangiora Promotions Association Funding Support** – M Maxwell (Strategy and Business Manager)

130 - 144

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No. 230223024622.
- (b) **Notes** the difficult operating conditions experienced by the Promotions Associations over the last few years due to various external and economic forces, impacting their activities and contributing to falling sponsorship/funding levels and increases in goods and supplier costs;
- (c) **Notes** that Council's annual funding grant to the Promotions Associations is adjusted for general inflation each year, but has not been reviewed since the inception of the Service Level Agreements in July 2018;
- (d) **Notes** the financial challenges currently being experienced by the Rangiora Promotions Association, putting the organisation and its operational activity at risk;
- (e) **Approves** an immediate support one off grant of \$20,000 to the Rangiora Promotions Association carrying them through to 30 June 2023, repurposed from the Waimakariri Event Fund provided by Council and administered by Enterprise North Canterbury
- (f) **Notes** that all three Promotions Associations provide an annual report to the Audit and Risk Committee highlighting the key activities delivered in that financial year, and their respective end of year financial results.
- (g) **Notes** that staff will work with the Promotions Associations, Enterprise North Canterbury, and other key stakeholders, as part of the Long-Term Plan programme of work, to develop options for longer-term arrangements and associated funding for the district's Promotions Associations.

7.5 **Submission on Proposals for the Smoked Tobacco Regulatory Regime** –
N Thenuwara (Policy Analyst)

145 - 191

RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 230221023073.
- (b) **Approves** the draft submission on proposals for the smoked tobacco regulatory regime (230220022315)
- (c) **Notes** that should the current implementation regime recommends a reduction and specific distribution of smoked tobacco retail premises, which would result in the number of retail stores across the district going from more around 30, to 7 across the urban areas of the District and the potential for a few more in certain rural areas.
- (d) **Approves** delegated authority to the Chief Executive and Mayor for any final amendments or adjustments to Councils submissions prior to the closing date of 15 March 2023.
- (e) **Circulates** this report and draft submission to the Community Boards for their information.

7.6 **Pecuniary Interests Register** – S Nichols (Governance Manager)

192 - 233

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No. 230228027715.
- (b) **Appoints** the Governance Manager as the Registrar of the Pecuniary Interests Register.
- (c) **Notes** members will supply information directly to the Governance Manager to enable Register compilation.
- (d) **Notes** a copy of this report will be circulated to the Community Boards, who will be subject to the Register.

7.7 **Amendments to Standing Orders for Council, Committee, Sub-Committees and Hearing Panels** – T Kunkel (Governance Team Leader)

234 - 322

RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 230215020549.
- (b) **Adopts** the updated Waimakariri District Council, Committees and Sub-Committees, Joint Committees and Hearing Panels Standing Orders 2023 (230216021029), effective from 8 March 2023.
- (c) **Notes** that the Mahi Tahī Joint Development Committee, which is a Joint Committee between the Waimakariri District Council and the Te Ngāi Tūāhuriri Rūnanga is also subject to the Standing Orders. A copy of this report and adopted Standing Orders will be advised to our Te Ngāi Tūāhuriri membership.

- (d) **Recommends** to all four Community Boards that any proposed Standing Orders for Community Boards should be consistent with the Council, Committees, Sub-Committees, Joint Committees and Hearing Panels Standing Orders except for those areas which relate specifically to Community Boards and to give consideration to updated Standing Orders being adopted at their April 2023 meetings.
- (e) **Notes** that the Community Board's current Standing Orders (Trim 201007134141) remain active until they consider and adopt the proposed amendments to the Council's current Standing Orders.
- (f) **Notes** that Community Boards will receive a workshop on matters on 9 March 2023 with an emphasis being on consistency between Council and Community Board Standing Orders.
- (g) **Circulates** this report to the Community Boards for information.

7.8 **Adoption of the 2022-25 Governance Statement** – S Nichols (Governance Manager)

323 - 373

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No. 230223025297
- (b) **Adopts** the Governance Statement document for the 2022-25 triennium (Trim 230202013767), which will be placed on the Council website.
- (c) **Approves** the Governance Manager to undertake any minor edits prior to finalisation.
- (d) **Circulates** a copy of the document to the Community Boards.

8. MATTERS REFERRED FROM COMMITTEES AND COMMUNITY BOARDS

Nil

9. HEALTH, SAFETY AND WELLBEING

9.1 **Health, Safety and Wellbeing Report February 2023** – J Millward (Acting Chief Executive)

374 - 383

RECOMMENDATION

THAT the Council:

- (a) **Receives** Report No 230119006355
- (b) **Notes** that there were no notifiable incidents this month. The organisation is, so far as is reasonably practicable, compliant with the duties of a person conducting a business or undertaking (PCBU) as required by the Health and Safety at work Act 2015.
- (c) **Circulates** this report to the Community Boards for their information.

10. **COMMITTEE MINUTES FOR INFORMATION**

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|------|---|-----------|
| 10.1 | <u>Minutes of a meeting of the Audit and Risk Committee meeting of 14 February 2023</u> | 384 - 389 |
| 10.2 | <u>Minutes of a meeting of the District Planning and Regulation Committee meeting of 21 February 2023</u> | 390 - 392 |
| 10.3 | <u>Minutes of a meeting of the Utilities and Roading Committee meeting of 21 February 2023</u> | 393 - 402 |

RECOMMENDATION

THAT Items 10.1 to 10.3 be received information.

11. **COMMUNITY BOARD MINUTES FOR INFORMATION**

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|------|---|-----------|
| 11.1 | <u>Minutes of the Woodend-Sefton Community Board meeting of 13 February 2023</u> | 403 - 409 |
| 11.2 | <u>Minutes of the Oxford-Ohoka Community Board meeting of 15 February 2023</u> | 410 - 419 |
| 11.3 | <u>Minutes of the Rangiora-Ashley Community Board meeting of 15 February 2023</u> | 420 - 429 |
| 11.4 | <u>Minutes of the Kaiapoi-Tuahiwi Community Board meeting of 20 February 2023</u> | 430 - 439 |

RECOMMENDATION

THAT Items 11.1 to 11.4 be received for information.

12. **MAYOR'S DIARY**

- | | | |
|------|---|-----------|
| 12.1 | <u>Mayor's Diary 1 February – 28 February 2023</u> | 440 - 442 |
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RECOMMENDATION

THAT the Council:

- (a) **Receives** report no. 230302029005

13. **COUNCIL PORTFOLIO UPDATES**

- 13.1 **Iwi Relationships** – Mayor Dan Gordon
- 13.2 **Greater Christchurch Partnership Update** – Mayor Dan Gordon
- 13.3 **Government Reforms** – Mayor Dan Gordon
- 13.4 **Canterbury Water Management Strategy** – Councillor Tim Fulton
- 13.5 **Climate Change and Sustainability** – Councillor Niki Mealings
- 13.6 **International Relationships** – Deputy Mayor Neville Atkinson

14. **QUESTIONS**

(under Standing Orders)

15. **URGENT GENERAL BUSINESS**

(under Standing Orders)

16. MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987.

RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Item No	Minutes/Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
16.1	Minutes of the public excluded portion of Council meeting of 7 February 2023	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.2	Minutes of the public excluded portion of Council meeting of 8 February 2023	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.3	Minutes of the public excluded portion of the Audit and Risk Committee meeting 14 February 2023	Minutes for Information	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.4	Minutes of the public excluded portion of the Utilities and Roading Committee meeting 21 February 2023	Minutes for Information	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.5	Report of R Hawthorne (Property Manager)	Sale of 257 Coldstream Road, Rangiora	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.6	Report of H Wilson (Graduate Engineer) and J Recker (Stormwater and Waterways Manager)	York Street Stormwater Extensions – Additional Budget Request and Tender Award	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.7	Report of R Hawthorne (Property Manager)	Land Acquisition – Lineside Road / Revels Road Drainage/Ecology /Flood/Stormwater	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.8	Report of R Hawthorne (Property Manager)	Rangiora BNZ Corner Site, 70 and 74 High Street – Concept Design and Staging Plan Approval	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.9	Report of R Hawthorne (Property Manager)	Waikuku Campground Lease and Concept Proposal Process	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.10	Report of J Millward (Acting Chief Executive)	Three Waters Reform – High Court Declaration	Good reason to withhold exists under Section 7	Section 48(1)(a)

17.1	Councillor Atkinson	Portfolio Update – Housing/Property	Good reason to withhold exists under Section 7	Section 48(1)(a)
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This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item N°	Reason for protection of interests	LGOIMA Part 1, Section 7
16.1 to 17.1	Protection of privacy of natural persons; To carry out commercial activities without prejudice; Maintain legal professional privilege; Enable Council to continue with (commercial) negotiation without prejudice or disadvantage Prevent the disclose of information for improper gain or advantage	Section 7 2(a) Section 7 2(b)ii Section 7 (g) Section 7 2(i) Section 7 (j)

CLOSED MEETING

Refer to Public Excluded Agenda.

OPEN MEETING

17. NEXT MEETING

The next meeting of the Council is an extraordinary meeting scheduled to commence at 11.45am on Tuesday 14 March 2023, to be held in the Council Chamber, 215 High Street, Rangiora.

MINUTES OF A MEETING OF THE WAIMAKARIRI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON TUESDAY, 7 FEBRUARY 2023, COMMENCING AT 1.00PM.

PRESENT

Mayor D Gordon (Chairperson), Deputy Mayor N Atkinson, Councillors A Blackie, R Brine (until 3.50pm), B Cairns (remotely via Zoom), T Fulton, J Goldsworthy, N Mealings, P Redmond, J Ward and P Williams.

IN ATTENDANCE

J Millward (Acting Chief Executive), C Brown (General Manager Community and Recreation), S Hart (General Manager Strategy, Engagement and Economic Development), R Hawthorne (Property Manager), T Allinson (Senior Policy Advisor), A Keiller (Chief Operating Officer), S Nichols (Governance Manager), M Bacon (Development Planning Manager), P Wilson (Senior Planner), A Childs (Property Acquisitions and Disposal Officer), C Johnson (Property Officer on secondment) and A Smith (Governance Coordinator).

1. APOLOGIES

Moved: Mayor Gordon

Seconded: Councillor Atkinson

THAT an apology be received and sustained from Councillor Brine for early departure from 3.50pm.

CARRIED

2. CONFLICTS OF INTEREST

Councillor Atkinson and Councillor Mealings recorded conflicts of interest relating to Item 7.2 *Ratification of the Council Submission to Variation 1 of the Proposed District Plan*, due to their appointments to the District Plan Review Hearing Panel.

Councillor Blackie recorded a conflict of interest relating to public excluded agenda Item 16.7, in relation to his role as Chairperson of the Te Kōhaka o Tūhaitara Trust and the Trust's interest in the Waikuku Beach Holiday Park.

3. ACKNOWLEDGEMENTS

New Year Honours

Mayor Gordon acknowledged the following members of the community who recently received New Year's Honours:

BJ (Barry) Clark QSM, JP – Officer of the New Zealand Order of Merit

B J Clark, who resides in Kaiapoi, was recognised for over 30 years of service to the Royal New Zealand Returned and Services Association, including holding the role of National President for several years. He had been a great friend to the local RSAs and to the Waimakariri district.

Hoana Burgman – Member of the New Zealand Order of Merit

Hoana Burgman, known to all as Aunty Joan, was recognised for services to Māori and environmental governance. She has been on the Ngāi Tahu Tu Ahuriri Rūnanga executive since 1990, having been Secretary for 12 years and had been Kaumātua Chair since 2016. Hoana has made a significant contribution to this council over many years, and to the Te Kōhaka o Tūhaitara Trust.

Lisa Tumahai – Companion of the New Zealand Order of Merit

Lisa Tumahai was recognised for services to Māori health and development and climate change efforts. Ms Tumahai had been the Chair of Te Rūnanga o Ngāi Tahu since 2016.

Mayor Gordon had written to each of the recipients extending congratulations and acknowledging the significant contributions each had made in the district.

4. CONFIRMATION OF MINUTES

4.1 Minutes of a meeting of the Waimakariri District Council held on Tuesday 6 December 2022

Moved: Councillor Atkinson

Seconded: Councillor Mealings

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the meeting of the Waimakariri District Council meeting held on Tuesday 6 December 2022.

CARRIED

4.2 Minutes of an extraordinary meeting of the Waimakariri District Council held on Tuesday 20 December 2022

Moved: Councillor Redmond

Seconded: Councillor Goldsworthy

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the extraordinary meeting of the Waimakariri District Council meeting held on Tuesday 20 December 2022.

CARRIED

MATTERS ARISING (FROM MINUTES)

There were no matters arising.

5. DEPUTATIONS AND PRESENTATIONS

There were no deputations or presentations.

6. ADJOURNED BUSINESS

There was no adjourned business.

7. REPORTS

7.1 Submission on the Review into the Future for Local Government – T Allinson (Senior Policy Advisor)

T Allinson and S Hart were present for consideration of this report, which sought approval on the draft submission to the Review into the Future for Local Government (FFLG) Panel's draft report. The submission was prepared following the FFLG Panels report discussed at two workshops with the Council. Public consultation closed on the 28 February 2023

The report was taken as read.

Councillor Redmond commented staff on the submission and noted that the only matter the submission had not address was whether the Council supported lowering the voting age to 16. Councillor Redmond asked if consideration had been given to including a comment on this matter in the submission. Mayor Gordon said this had been discussed at Council previously during a workshop session and was not something that the Council had a view on.

Moved: Councillor Atkinson

Seconded: Councillor Fulton

THAT the Council:

- (a) **Receives** report no 230124008746.
- (b) **Approves** the draft submission to the Future for Local Government (FFLG) Review Panel (TRIM 230124008459).
- (c) **Approves** delegated authority to the Chief Executive and Mayor for any final amendments or adjustments to the Councils submissions prior to the closing date of 28 February 2023.
- (d) **Provide** a copy of the submission to Local Government New Zealand.
- (e) **Circulates** this report and draft submission to the Community Boards for their information.

CARRIED

Councillor Atkinson acknowledged that the Council had discussed this previously and thanked staff for interpreting the Council's thoughts and including these in the draft submission.

Councillor Fulton believed the submission achieved the right balance for the Council and considered the needs and aspirations of our community.

Mayor Gordon supported the submission and suggested that a copy of it be sent to Local Government New Zealand (LGNZ), to share the Council's views. Mayor Gordon noted that currently members of local government were not entitled to join Kiwi Saver and believed that they should be able to benefit from this scheme, as any other career path allowed. There were people who had made a career in working in local government.

Councillor Atkinson suggested, and it was agreed, to include an additional recommendation that a copy of the submission be provided to LGNZ.

7.2 **Ratification of the Council submission to Variation 1 of the Proposed District Plan**
– P Wilson (Senior Planner), R McClung (Principal Policy Planner) and M Bacon
(Development Planning Manager)

Councillors Atkinson and Mealings left the meeting during consideration of this report.

P Wilson presented this report, which sought retrospective approval from the Council for a submission on Variation 1 to the Proposed District Plan. This would give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act). Mayor Gordon confirmed that he and the District Plan Portfolio Holder had previously viewed and confirmed this submission.

Councillor Redmond asked if the submission incorporated the medium density rule requirements and would this rule then be included in the District Plan. P Wilson advised that Variation 1 included the medium density rule, and the submission gave the Council scope in case there were any changes required during the submission process.

Moved: Councillor Redmond

Seconded: Councillor Blackie

THAT the Council:

- (a) **Receives** Report No. TRIM number (220912157808).
- (b) **Approves** the Waimakariri District Council submission on Variation 1.

- (c) **Notes** that the submission lodged by the Council was a technical submission to allow scope to integrate decision making on Variation 1 with the Proposed District Plan and was not a submission supporting the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
- (d) **Circulates** a copy of this report to the Community Boards.

CARRIED

Councillors Atkinson and Mealings returned to the meeting at this time.

WORKSHOP

Prior to consideration of Item 7.3, the meeting was adjourned, at 1.15pm to allow time for workshop discussion on the Council's submission on the Water Services Bill.

L Murchison spoke to the PowerPoint presentation, which had been circulated as part of the agenda papers. (*Presentation: Water Service Legislation Bill; and the Water Services Economic Efficiency and Consumer Protection Bill*) (Trim Number 230214019020).

The proposed key matters for the submission were listed as:

1. Re-emphasise first position to oppose 3 Waters Reform
2. Right to drinking water and sanitation services
3. Difference between Water Service Provider and other utility infrastructure providers
4. Guarantee of Service
5. Role of Treaty and Te Mana o Te Wai
6. Ownership of Water Infrastructure Assets
7. Level of process detailed in legislation
8. Stormwater split
9. Mixed-Use Rural Schemes
10. Liability to service new development
11. Multiple plans and overlap with freshwater plans under RMA
12. Independent dispute resolution service
13. Existing liabilities

Mayor Gordon thanked L Murchison for the presentation and provided opportunity for the Councillors to comment.

Councillor Ward suggested that the Councils opposition to the transfer of assets and interests, and liabilities should be included in the submission. Councillor Ward also had concerns with the involvement of the Commerce Commission and there was no indication that there would be audits undertaken by the Auditor General. Councillor Ward believed this was not transparent and posed a risk and this should be pointed out in the submission. With the additional layers of bureaucracy Councillor Ward questioned how costs could be lowered. Councillor Ward also did not support co-governance and believed the Water Services Entity was unbalanced and was not democratically managed for all New Zealand and expressed her concerns about this.

Councillor Goldsworthy expressed concern with the proposed powers of the Commerce Commission, suggesting that a monopoly of this nature should not fall under the Commerce Commissions range. There should be similar regulation to Local Government where there can only be rating for expected budget rather than having an allowance for profits.

Councillor Mealings expressed concern that there were no rights for individuals to drinking water included in this Bill. There was also the situation where people would be forced to pay for a service that they do not use, and this was not right.

Councillor Redmond noted that the Bills do not address the ownership of water and was this something that the Council should comment on, as there were conflicting views on ownership of water. Iwi have a view that they own the water and they have a view that they want a fiscal return for the ownership and neither of these matters are addressed in these Bills. The English view of water ownership is that no-one owns it. Councillor Redmond asked are these Bills opening the way for an alternative view.

Councillor Fulton noted concern with the mixed used schemes and the extent to which these entities would be able to service the outlying rural areas and their water supplies. Councillor Fulton questioned if mixed use rural water supplies were fully understood by the Water Services Entity. It was also important that people living in rural areas have continued access to water and services.

Councillor Atkinson reiterated comment from Councillor Goldsworthy on the Commerce Commission, noting that this would not be right unless there was the over-arching control of the Auditor General. Councillor Atkinson also had concerns regarding reference to charges, and it was important that the submission clarifies that this refers to infrastructure charges, not water charges. Once water starts being charged for, that means that someone owns it which was not the case, no matter which water it was. Councillor Atkinson commented that there was no indication of what the charging would be and asked should this be questioned in the Council submission.

Mayor Gordon commented that it was important to keep reiterating that there was a better way than the 3 Waters Reform and the model used here in Waimakariri can be held up as a benchmark in best practice.

At the conclusion of the workshop, the meeting resumed at 1.57pm.

7.3 **Submission on the Water Services Legislation Bill and Water Services Economic Efficiency and Consumer Protection Bill** – L Murchison, S Hart (General Manager Strategy, Engagement and Economic Development)

L Murchison and S Hart were present for the workshop and during consideration of this report.

As well as the presentation referred to above during the Workshop, attached to the report was a list of potential submission points on the Water Services Legislation Bill and Water Services Economic Efficiency and Consumer Protection Bill for Council consideration.

Following a query from Councillor Fulton, it was confirmed that the Treaty of Waitangi was not an Act of Parliament. The document called the Principles of the Treaty of Waitangi, was not legislated and had no status in law. Mayor Gordon noted however, that over the years, legislation had been required to include reference to relevant parts of the Treaty of Waitangi.

Councillor Goldsworthy asked if there had been any discussion on where any profits would go, and who would own the infrastructure. L Murchison responded that this Council had asked for clarification on the issue of ownership of assets but to date, this query had not been addressed and the matter of profit had also not been addressed.

Mayor Gordon sought confirmation of all the members agreement, that the Council submit on this matter. While the delegation allowed for the Acting Chief Executive and Mayor to sign off the submission, Mayor Gordon would prefer the submission to be circulated to all councillors as well. Acknowledgement of the tight timeframe for this process was highlighted, with Local Government submissions closing on 17 February 2023. In summary Mayor Gordon reinforced that the submission should indicate this Councils fundamental opposition to the reform.

Moved: Councillor Williams

Seconded: Councillor Ward

THAT the Council:

- (a) **Receives** Report No. 230126010523.
- (b) **Approves** staff to develop a final draft submission on the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill, covering the matters identified in the report, the reports attachments and other matters raised by the Council.
- (c) **Indicates** whether the Council representatives wished to appear before the Select Committee to present the Council's submission at the hearings.
- (d) **Delegates** authority to the Mayor and Acting Chief Executive to approve a final amendment to the Council's submission before being lodged with the Select Committee by 17 February 2023.
- (e) **Notes** that a copy of the final submissions would be provided to the Council for formal receipt at its meeting scheduled for Tuesday 7 March 2023.
- (f) **Circulates** the submission to community boards for their information.

CARRIED

Councillor Williams believed that the Council's argument was quite clear on this matter.

Councillor Ward believed that local knowledge was best, and the Council was in the best place to look after the residents, especially in times of flooding events in the district. The Three Waters Reform would greatly reduce the levels of service for water infrastructure and the current infrastructure here in Waimakariri was sound for the next 50 years. With the introduction of Three Waters Reforms, Waimakariri ratepayers would be paying double, for less than the current level of service.

Councillors Atkinson commented on the differing references in the two Bills. The Water Services Entities Legislation Bill, which gave effect to the principals of the Treaty of Waitangi, clarifying that this was reference to someone's opinion, whereas the Water Services Economic Efficiency and Consumer Protection Bill which took into account the Treaty of Waitangi.

Councillor Mealings suggested that the Water Reforms were not looking at the complete picture of water supplies. The Bill would allow for charging of services which were not delivered and supposedly do a better job than Local Government was currently delivering.

In closing, S Hart confirmed that a draft of the submission would be circulated to all members, as well as the Mayor and the Acting Chief Executive as soon as possible, and due to the tight timeframes, asked for a quick turnaround of any comments from members.

7.4 **Establishment of a Property Portfolio Working Group** – R Hawthorne (Property Unit Manager)

R Hawthorne presented this report which sought approval for the Council to establish a Property Portfolio Working Group. During the previous term of Council, the Property Acquisition and Disposals Working Group and the Housing Working Group were established and it was proposed that these two groups merge, as there was considerable overlap. This merge would benefit both staff and elected members with efficiencies.

The group would provide guidance and support for property negotiations, subject to formal Council decisions, and allowed for a more responsive negotiation with strategic purchases. The group would also provide governance and insight into the Council's provision of housing. The group would receive and review the draft Housing Policy Statement of Intent presented to the Council late last year and progress consultation and liaison with Ngāi Tūāhuriri as well as the Greater Christchurch Partnership.

The group would also support staff with the formal Section 17A review under the Local Government Act and work with the Greater Christchurch Partnership to develop the Greater Christchurch Kāinga Nohoanga Strategy.

Councillor Atkinson would Chair this Group as the Property Portfolio holder and the report sought the appointment of three further Councillors to the group.

Mayor Gordon advised that prior to the meeting, he had been approached by some Councillors who had expressed an interest in joining the group. Having previously been involved in the Property Acquisition and Disposal Working Party, Councillor Williams also expressed his interest to be on the group. It was pointed out that any Councillors were able to attend the meetings of this group.

Moved: Councillor Atkinson

Seconded: Councillor Redmond

THAT the Council:

- (a) **Receives** Report No. 230129011149.
- (b) **Notes** the Property Portfolio Working Group was an amalgamation of the Property Acquisition and Disposal Working Group and the Housing Working Group active in the previous term of Council.
- (c) **Approves** the establishment of a Property Portfolio Working Group with new Terms of Reference, reflecting the amalgamation of the Terms of References from the two working groups and updated to reflect the directions signalled in the report.
- (d) **Appoints** Deputy Mayor Atkinson, as Chair of the Working Group and Councillors Redmond, Mealings, and Williams to the Working Group.
- (e) **Requests** the Property Portfolio Working Group to provide an interim report within nine months and review its ongoing role beyond 2023.
- (f) **Circulates** this report and the revised Terms of Reference to the Community Boards for information.

CARRIED

Councillor Atkinson did not believe it would be good practice to have a large number of Councillors on this Working Group, as it could be interpreted that a decision had been made prior to the matter coming to the Council and believed a smaller membership for the group was appropriate. He stated that this was an extremely important working group, with a considerable number of properties owned by the Council. Housing was also part of this Council's business with its ownership and operation of pensioner housing.

Councillor Redmond, having been a member of both previous working groups supported the motion.

Mayor Gordon supported the motion, noting that any Councillors were welcome to attend meetings of working groups. In regard to social housing, Mayor Gordon would like the Council to be able to signal its intentions, during this term of Council. Mayor Gordon also thanked members who had indicated their interest in being on this Working Group.

Councillor Mealings supported the combining of these two working groups and that it was a good balance to have one Councillor from each ward appointed to the new group, along with the Mayor and Deputy Mayor. Councillor Mealings noted that this had portfolio implications with her portfolio for Climate Change and Sustainability, with carbon credit matters relating to rural blocks of land which the Council owned. In reference to property and housing matters, Councillor Mealings also noted her involvement with the Greater Christchurch Partnership, Mahi Tahī Joint Development Committee, and the Council appointee to Social Services Waimakariri and Community Wellbeing North Canterbury Trust.

7.5 **Review of Elected Member Conference and Training Policy** - S Nichols (Governance Manager)

S Nichols presented this report, which was taken as read, noting that there had not been any changes made to the Policy, subject to any feedback from members today. It was pointed out that the Local Government New Zealand (LGNZ) conference was scheduled to be held in Christchurch this year, and the policy allowed for more members to attend than normal, due to the local venue.

Councillor Redmond questioned why the Kaiapoi-Tuahivi Community Board conference and training budget was less than the other Community Boards. J Millward confirmed that this was the current budget figure, however that it would be adjusted for the Kaiapoi-Tuahivi Community Board. The 2023/24 budget was still to be considered.

Councillor Williams asked if LGNZ had considered offering the option of members attending meetings/conferences remotely via Zoom, to reduce costs to Councils on travel and accommodation. S Nichols said this had been the case during the Covid pandemic, however more meetings and conferences were now being held face to face again. Not all conferences or meetings were offering the option of attending virtually, which was up to the individual organiser for each meeting or conference. It was agreed that the Council would have further discussions on this matter to suggest ways to LGNZ to enable councils to reduce costs. Consideration also needed to be given to the benefits of members attending meetings or conferences, from a networking perspective.

J Millward advised that staff had discussed this matter for their training/education needs and often the reason for those invited to face to face forums being offered the option of attending remotely, was not only the cost, but the time involved in travelling to and from a meeting venue. It was noted that attending meetings remotely did not offer the same benefits as attending face to face and connecting with others present, both before and after the meetings. J Millward also advised that the staff training budgets were approximately half what had been pre-Covid.

Moved: Mayor Gordon

Seconded: Councillor Ward

THAT the Council:

- (a) **Receives** Report No. 230126009760.
- (b) **Adopts** the Elected Member Policy for Conference and Training Course Attendance S-CP 0905, March 2020 (Trim 230126009764).
- (c) **Circulates** a copy of this report and Policy to all the Community Boards for information.

CARRIED

As previously mentioned, Mayor Gordon noted that members be mindful of the budget for members attending training and conferences. It was also important for the Council to have representation at conferences and training and the benefits of networking. Staff work hard to find ways of making savings and using these virtual options where they can.

Councillor Redmond said it was important for the Council to have representation at face-to-face meetings and supported the motion. Councillor Redmond also supported the rotation system where all members were given the opportunity to attend the Rural and Provincial and Zone 5 and 6 meetings. Councillor Redmond believed this Council operated very conservatively with its training and conference budget and suggested that for Councillors to do their jobs properly they needed to attend conferences and that networking was very important. Councillor Redmond also asked if there was the option for any members to attend a conference or training if they wished to pay their own costs.

In reply, Mayor Gordon said it was up to a member if they wished to attend a conference and pay the costs themselves. With the LGNZ national conference to be held in Christchurch this year, all members were encouraged to attend, as there would be no travel or accommodation costs.

8. MATTERS REFERRED FROM COMMITTEES AND COMMUNITY BOARDS

There were no matters referred.

9. HEALTH, SAFETY AND WELLBEING

9.1 Health, Safety and Wellbeing Report January 2023 – J Millward (Acting Chief Executive)

J Millward presented the Health, Safety and Wellbeing Report to be received for information.

There were no questions.

Moved: Councillor Ward Seconded: Councillor Goldsworthy

THAT the Council:

- (a) **Receives** Report No 230119006355.
- (b) **Notes** that there were no notifiable incidents during January 2023. The organisation was, so far as was reasonably practicable, compliant with the duties of a person conducting a business or undertaking (PCBU) as required by the Health and Safety at work Act 2015.
- (c) **Notes** the appointment of the new Health, Safety and Wellbeing Manager, and the current recruitment for new team members.
- (d) **Circulates** this report to the Community Boards for their information.

CARRIED

10. COMMITTEE MINUTES FOR INFORMATION

10.1 Minutes of a meeting of the Community and Recreation Committee meeting of 29 November 2022

10.2 Minutes of a meeting of the District Planning and Regulation Committee meeting of 29 November 2022

10.3 Minutes of a meeting of the Utilities and Roading Committee meeting of 29 November 2022

Moved: Councillor Atkinson Seconded: Councillor Blackie

THAT Item 10.3 be received information.

CARRIED

11. COMMUNITY BOARD MINUTES FOR INFORMATION

11.1 Minutes of the Woodend-Sefton Community Board meeting of 14 November 2022

11.2 Minutes of the Kaiapoi-Tuahiwi Community Board meeting of 21 November 2022

11.3 Minutes of the Oxford-Ohoka Community Board meeting of 7 December 2022

11.4 Minutes of the Woodend-Sefton Community Board meeting of 12 December 2022

11.5 Minutes of the Kaiapoi-Tuahiwi Community Board meeting of 12 December 2022

11.6 Minutes of the Rangiora-Ashley Community Board meeting of 14 December 2022

Moved: Councillor Fulton Seconded: Councillor Brine

THAT Items 11.1 to 11.6 be received for information.

CARRIED

12. MAYOR'S DIARY

12.1 Mayor's Diary 30 November 2022 – 31 January 2023

Moved: Councillor Atkinson

Seconded: Councillor Mealings

THAT the Council:

- (a) **Receives** report no.230201013434.

CARRIED

13. COUNCIL PORTFOLIO UPDATES

13.1 Iwi Relationships – Mayor Dan Gordon

Mayor Gordon attended a recent meeting with other Councils involved with the Ngāi Tahu Takiwā at which there was good conversation though no agreement was reached. Mayor Gordon would be having a further meeting with Rūnanga representatives later in February.

Following a question from Councillor Blackie, Mayor Gordon said there was to be further discussion regarding relationships via the Mahi Tahi Joint Development Committee. It had been over 12 months since this committee had met and this matter would be discussed at the February meeting. It was hoped that normal relationships would resume shortly.

13.2 Greater Christchurch Partnership Update – Mayor Dan Gordon

At a recent meeting, a transport and social planning document was signed off to go out for public consultation. It had been raised that it would be important to acquire any strategic land relating to the Mass Rapid Transit Plan prior to any further significant price increases.

Mayor Gordon also extended congratulations to T Tierney (WDC General Manager Planning, Regulation and Environment) who had been appointed to a management role for the Greater Christchurch Partnership.

13.3 Government Reforms – Mayor Dan Gordon

Mayor Gordon said there may be some changes to the timeframes for the Reforms, particularly the Civil Defence reforms. Mayor Gordon was encouraged with the recent appointment of Kieran McNulty as Local Government Minister.

13.4 Canterbury Water Management Strategy – Councillor Tim Fulton

The Zone Committee met recently and noted that Chair Michael Blackwell had stood down as Chairperson and A Rueben had not sought reappointment as Deputy Chair, however both would be remaining on the Committee. The newly appointed Chair was Carolyne Lathan and Deputy Chair Erin Harvie. A report was presented to the Committee from the Chairperson of the Waimakariri Biodiversity Trust, Judith Roper-Lindsay, on the future work of the Biodiversity Trust. The Trust would be appointing a new Coordinator from 1 March 2023. The Trust had a several projects in mind and needed to consider how any of the projects would be funded.

There was a presentation by Michael Baker on the use of chemical sprays around waterways, which particularly related to an Environmental Protection Agency report from 2022. Councillor Fulton suggested this could be part of ongoing discussion with the committee.

Councillor Fulton acknowledged the workshop provided to the committee, by the Council's Governance staff, on the use of Standing Orders during the conduct of Zone Committee meetings was helpful to attendees.

Mayor Gordon suggested that a letter be written to Michael Blackwell thanking him for his work as Chairperson of the Committee and to congratulate the incoming Chairperson.

13.5 **Climate Change and Sustainability – Councillor Niki Mealings**

The agreement had been signed by the parties involved securing the Better off Funding for the Council. This related to \$5.5m in the first tranche to the Council.

Councillor Mealings noted that it was a step in the right direction that the Strategies which were being developed in the district, now included a Climate Change component. These strategies would all have an integrated framework, and it was encouraging that climate change resilience matters would be brought up as a matter of course.

13.6 **International Relationships – Deputy Mayor Neville Atkinson**

Nothing to report at this time.

14. **QUESTIONS**

There were no questions.

15. **URGENT GENERAL BUSINESS**

There was no urgent general business.

16. **MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED**

Section 48, Local Government Official Information and Meetings Act 1987.

Moved: Councillor Ward

Seconded: Councillor Fulton

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Item No	Minutes/Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
16.1	Minutes of the public excluded portion of Council meeting of 6 December 2022	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.2	Minutes of the public excluded portion of the extraordinary Council meeting of 20 December 2022	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.3	Report of S Nichols (Governance Manager) and K Blake (Health, Safety and Wellbeing Manager)	Ongoing Security Matters	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.4	Report of A Keiller (Chief Information Officer)	Council Enterprise System Replacement Project Interim Report	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.5	Report of R Hawthorne (Property Manager)	Pines Beach Red Zone Lease Freeholding	Good reason to withhold exists under Section 7	Section 48(1)(a)
16.6	Report of R Kerr (Delivery Manager, Shovel Ready Programme) and R Hawthorne (Property Manager)	Kaiapoi Stormwater and Flooding Improvements / Authority to dispose of residual properties	Good reason to withhold exists under Section 7	Section 48(1)(a)

16.7	Report of R Hawthorne (Property Manager)	Waikuku Beach Holiday Park Long Term Options	Good reason to withhold exists under Section 7	Section 48(1)(a)
17.1	Deputy Mayor Neville Atkinson	Property Portfolio Update	Good reason to withhold exists under Section 7	Section 48(1)(a)

CARRIED

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item N°	Reason for protection of interests	LGOIMA Part 1, Section 7
16.1 to 16.7 and 17.1	Protection of privacy of natural persons; To carry out commercial activities without prejudice; Maintain legal professional privilege; Enable Council to continue with (commercial) negotiation without prejudice or disadvantage Prevent the disclose of information for improper gain or advantage	Section 7 2(a) Section 7 2(b)ii Section 7 (g) Section 7 2(i) Section 7 (j)

CLOSED MEETING

Resolution to Resume Open Meeting

Moved: Mayor Gordon

Seconded: Councillor Atkinson

16.1 Minutes of the public excluded portion of a meeting of the Waimakariri District Council held on Tuesday 6 December 2022

Resolves that the minutes remain public excluded.

16.2 Minutes of the public excluded portion of the extraordinary meeting of the Waimakariri District Council held on Tuesday 20 December 2022

Resolves that the minutes remain public excluded.

16.3 Security at Rangiora Service Centre - S Nichols (Governance Manager) and K Blakely (Health, Safety and Wellbeing Manager)

Resolves that the report, discussion and minutes remain public excluded for the purposes of protecting private individuals under LGOIMA Section 7(a), protecting staff and public and avoiding prejudice to measures protecting the health or safety of members of the public under LGOIMA Section 7(d) to enable the local authority holding information to carry on, without prejudice or disadvantage negotiations (including commercial) under LGOIMA Section 7(i).

16.4 Council Enterprise System Replacement Project Interim Report – A Keiller (Chief Information Officer)

Resolves that the report, discussion and minutes remain public excluded for reasons of enabling the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities and negotiations (including commercial) and to prevent the disclosure or use of official information for improper gain or improper advantage under LGOIMA Section 7(2)(h),(i) and (j), noting that upon the Council Enterprise System contract being signed by both parties the name of the preferred/successful supplier will be publicly released

16.5 Pines Beach Red Zone Lease Freeholding – R Hawthorne (Property Manager)

Resolves that the report, attachments, discussion and minutes remain public excluded for reasons of protecting the privacy of natural persons and enabling the local authority to carry on without prejudice or disadvantage, negotiations (including commercial and industrial) negotiations and maintain legal professional privilege as per LGOIMA Section 7 (2)(a), (g) and (i)

16.6 Kaiapoi Stormwater and Flooding Improvements Authority to dispose of residual properties – R Kerr (Delivery Manager Shovel Ready Programme) and R Hawthorne (Property Manager)

Resolves that the report, attachments, discussion and minutes remain public excluded for reasons of protecting the privacy of natural persons and enabling the local authority to carry on without prejudice or disadvantage, negotiations (including commercial and industrial) negotiations and maintain legal professional privilege as per LGOIMA Section 7 (2)(a), (g) and (i).

16.7 Waikuku Beach Holiday Park Long Term Options - R Hawthorne (Property Manager)

Resolves that the report, attachments, discussion and minutes remain public excluded for reasons of enabling the local authority to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) and enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities and maintain legal professional privilege as per LGOIMA Section 7 (2)(g), (h) and (i).

The public excluded portion of the meeting commenced at 2.50pm and concluded at 4.57pm.

OPEN MEETING

17. NEXT MEETING

The next meeting of the Council is scheduled to commence at 9am on Wednesday 8 February 2023, to consider the draft Annual Plan 2023-24.

There will be a meeting of Council on Tuesday 28 February 2023 to consider consultation of the Draft Annual Plan.

There being no further business, the meeting closed at 4.58pm.

CONFIRMED

Chairperson
Mayor Dan Gordon

Date

MINUTES OF A MEETING OF THE WAIMAKARIRI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON TUESDAY, 28 FEBRUARY 2023, COMMENCING AT 4.30PM.

PRESENT

Mayor D Gordon (Chairperson), Councillors A Blackie, R Brine, B Cairns, T Fulton, J Goldsworthy, N Mealings, P Redmond, J Ward and P Williams.

IN ATTENDANCE

J Millward (Acting Chief Executive), H Street (Corporate Planner), T Tierney (General Manager Planning and Regulation), S Hart (General Manager Strategy, Engagement and Economic Development), M Maxwell (Strategy and Business Unit Manager) and A Smith (Governance Coordinator).

1. APOLOGIES

Moved: Councillor Ward

Seconded: Councillor Blackie

THAT an apology for absence be received and sustained from Councillor N Atkinson.

CARRIED

2. CONFLICTS OF INTEREST

There were no conflicts of interest recorded.

3. REPORT

3.1 Adoption of the Draft Annual Plan 2023/2024 and Consultation Documents – J Millward (Acting Chief Executive)

J Millward presented this report seeking adoption of the Draft Annual Plan 2023/2024 (the Plan) and Consultation Document. The consultation period would run from 17 March to 17 April 2023. The Plan recommended a 5.97% increase in rates from the current year. J Millward acknowledged that this had been a challenging year, with budgets initially indicating a 14% increase to the rates. Efforts to reduce the rating had included delay in depreciation charges to be spread over the coming five years and to delay increasing the earthquake loan rate for a year to progressively fund the loan.

Councillor Williams acknowledged the above actions which minimised effects on rate increases, however he noted that efficiencies had not been made in Council departments to reduce budget increases and asked for examples where these had been achieved. J Millward responded that the efficiencies made were shown with the overall effects of inflation since the Covid pandemic. With the cumulative increases in inflation over the past two to three years, the Council had made a savings in rates that would otherwise be charged. Savings had been made with staff training budgets (which included travel costs) and were now half the budget they were three years ago. The savings had made the rate increase equal to the lowest across the Canterbury councils over the past three years. Another initiative established during the past three years, was the Procurement and Contract Management Policy. By using the panel of approved contractors, the Policy had achieved the biggest area of savings as a large percentage of Council expenditure was for capital works.

Following a suggestion from Councillor Redmond, and with the agreement of all Councillors, recommendation (f) was amended, as per the listed recommendations below.

Councillor Fulton referred to the different economic climate that the Council was currently working under. J Millward noted that the Council was entering into a difficult phase during the 2023/24 financial year, however noted that the district was still a desirable area to live in, and with continued growth in house building, however this would not insulate the Council against the challenges affecting the country. The effects impacting the community currently were the restrictions in supply of resources, increases in staff resources costs and significant delays which affected costs across the board.

Following a question from Councillor Goldsworthy, J Millward noted that the Council funds depreciation made up the Council reserves, therefore instead of accessing external funding sources, the Council borrowed internally. This avoided any additional costs to the funding and with the Council hedging of loan funds, there had been some insulation.

Councillor Cairns commented that he had been impressed with the amount of detail and information included in the budget packs provided to Councillors and asked if it was known what the cost was for compiling the draft budget. J Millward provided an overview of the process undertaken by each department in submitting their budgets, which was a significant cost. It was noted that not all Council's consult with their community on their annual plans and only did so for their Long Term Plans. It was acknowledged that it was a significant cost, however it was also important to ensure that the Council heard from the community and aimed to achieve the most practical budget overall.

Councillor Mealings noted a correction required in page 35 of the draft Annual Plan document – correction to the spelling of Darnley Square. Councillor Cairns also noted page 5, correction to spelling of the word whether/weather.

Moved: Councillor Ward

Seconded: Councillor Cairns

THAT the Council:

- (a) **Receives** report No. 230217021500.
- (b) **Adopts** the Draft Annual Plan 2023/2024 (TRIM No. 221108195041) as the principal document relied on for the content of the Consultation Document;
- (c) **Adopts** the Consultation Document 2023/2024 (TRIM No. 230216021299) as the statement of proposal for public participation in decisions on the content of the draft Annual Plan;
- (d) **Notes** the Annual Plan Engagement Schedule (TRIM No. 230217021640) with the special consultative procedure was to open on 17 March 2023 and close on 17 April 2023;
- (e) **Notes** the Draft Annual Plan and Consultation Document referred to further information and reports and this information would be provided on the Council website during the special consultative procedure from 17 March 2023 to 17 April 2023;
- (f) **Notes** that given the 2021 – 2031 Long Term Plan was prepared on economic inflation forecasts of approximately 2% and the Local Government cost index had been as high as 7.6%, the draft 2023/24 Annual Plan average rates increase was proposed at 5.97%;
- (g) **Delegates** to the Mayor and Acting Chief Executive authority to amend the Consultation Document following Audit opinion and Council comments.

CARRIED

Councillor Williams opposed

As a member of the Long Term Plan Project Control Group, Councillor Ward congratulated staff on the draft annual plan that had been presented to the Council. Councillor Ward acknowledged the challenges that staff had in achieving a budget at the proposed rate increase of 5.97%. Challenges noted included inflation, the burden of uncertainty with Three Waters and RMA reform, managing a larger than normal staff turnover, which included key management staff, and supply issues had made this a particularly challenging task.

Councillor Cairns reiterated the comments of Councillor Ward and congratulated staff on keeping the rate increase down.

Mayor Gordon also acknowledged the work of staff at being able to keep the rate increase down, and the challenges of increased cost of living, staff wage costs, increased water testing costs to meet required standards and service levels expected by the community. Mayor Gordon acknowledged that staff did consider areas for efficiencies when budgets were considered, and there was opportunity for these to be scrutinised by the Council and any further savings that were offered at the time. This was a responsible budget for the ratepayers and Mayor Gordon supported this motion. Mayor Gordon also acknowledged that Waimakariri was a growing district and the Council needed to keep up with the development rather than fall behind.

Councillor Williams acknowledged the matters of increasing inflation, interest rate increases and staff wage increases however reiterated his previous comments that he had not seen any major efficiencies which would benefit the budget. Regarding procurement, Councillor Williams suggested that some local smaller contractors should be given an opportunity to tender for work and believed that the procurement process that the Council had introduced did not achieve the best results. Some of the smaller contractors were ratepayers in the area. Councillor Williams would not support this motion until he could see some efficiencies in place he stated.

In response to Councillor Williams comments, Councillor Blackie noted that with his portfolio, Greenspace, the biggest expenditure was for the contractor Delta, acknowledging that this was a three-year contract that the Council was locked into. Councillor Blackie was comfortable supporting the motion and did not believe any lower increase in rates would be feasible for the Council.

Councillor Redmond quoted that this was a "budget for our time". The 5.97% was the average increase, but it was important to remember that there were large variations in different areas of the district and could be misleading. Some residents would have lower increases, and some would have higher. Councillor Redmond expressed concern that the Council could not keep increasing rates every year and an alternative means of revenue needed to be considered by the Government. Recognition of those residents in the district who were on fixed incomes needed to be acknowledged. Councillor Redmond also acknowledged the well-presented budget, noting that there may be further funding required for roading in the district. Levels of service needed to be maintained and Councillor Redmond was comfortable that the best result available had been achieved.

Councillor Fulton concurred with Councillor Redmond's comments, noting that over the years this Council had maintained good infrastructure throughout the district. Reference was made to other Councils in the country where there had been short cuts in provision and maintenance of infrastructure and failure to depreciate assets appropriately. This Council was in a strong financial position and Councillor Fulton commended the management team and staff.

In reply, Councillor Ward encouraged Councillors to support this motion and the staff. In conclusion, Councillor Ward expressed hope that the future would allow the Council to retain ownership of its infrastructure assets and retain staff to be able to provide the level of service expected in the district.

17. **NEXT MEETING**

The next meeting of the Council is scheduled to commence at 1pm on Tuesday 7 March 2023 in the Council Chamber, 215 High Street, Rangiora.

There being no further business, the meeting closed at 4.58pm.

CONFIRMED

Chairperson
Mayor Dan Gordon

Date

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** WAT-03 / 230222023958**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 March 2023**AUTHOR(S):** Colin Roxburgh, Water Asset Manager**SUBJECT:** Response to Draft Residual Disinfection Exemption Application Report**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)
General Manager
Acting Chief Executive**1. SUMMARY**

- 1.1. In July 2022 the Council submitted a Residual Disinfection (Chlorine) Exemption application for the Cust supply, and in December 2022 Taumata Arowai submitted a draft assessment report for Council to provide feedback on before the report is finalised.
- 1.2. Staff have since met with Taumata Arowai to discuss the report in February 2023, and have prepared the attached response to the draft report. The response includes a combination of points where Council staff felt there was either additional information that could be considered, corrections to be made, or points that could be challenged. The response technical in nature.

Attachments:

- i. Draft Residual Disinfection Exemption Decision Paper - Cust (221223222215)
- ii. Draft Response to Cust Chlorine Exemption Application Report (230223025164)

2. RECOMMENDATION**THAT** the Council:

- (a) **Receives** Report No. 230222023958.
- (b) **Approves** staff to submit the attached response to Taumata Arowai following the receipt of their draft Residual Disinfection Exemption Application Report.
- (c) **Circulates** this report to the Rangiora Ashley Community Board for their information.

3. BACKGROUND

- 3.1. In July 2022 the Council submitted a residual disinfection exemption application for the Cust water supply.
- 3.2. In December 2022 the Council received the draft assessment report on this application from Taumata Arowai. This draft report recommends that the application be declined.
- 3.3. In February 2023, staff met with Taumata Arowai to discuss the report and understand the reasons for the conclusions that were reached.
- 3.4. The Council has the opportunity to provide feedback on this draft report before it is finalised. The report has been reviewed in detail, and there are a number of points where feedback is proposed to be provided to Taumata Arowai. This is documented in the attached report.

4. **ISSUES AND OPTIONS**

- 4.1. It is important that Council staff thoroughly review the residual disinfection exemption application report and provide feedback to Taumata Arowai to ensure all relevant information is adequately considered before a decision is made. This is especially critical with this being the first application assessed for the Council and one of the first in the country, as there may be some precedents established through this process.
- 4.2. Key matters which the Taumata Arowai report highlights that staff have responded to include:
- The need for a better understanding of viruses in the source water and how to treat for these. Taumata Arowai have concluded that the UV treatment that is proposed is not a full treatment barrier for viruses. Staff have highlighted information that suggests UV can be appropriate in certain circumstances, and that as this is a new topic, further work is needed in this space.
 - Additional water quality data is provided by staff in response to suggestions that turbidity from the source water could impact on the performance of the treatment system.
 - Taumata Arowai have suggested that the bore head for the primary bore is inadequate. Staff have provided information to contextualise the issue by drawing attention to the high quality of water that is sourced from the bore, relative to other 'Class 2' sources for which the treatment system would be deemed appropriate.
 - Taumata Arowai have also indicated the backup bore is inadequate. Staff have acknowledged this point and clarified that the exemption could only apply to the primary bore. WDC would only use the backup bore with chlorine and had not intended to obtain an exemption using this bore.
 - Water loss is deemed to present unacceptable risks. Staff have drawn attention to some metrics provided within the application and Drinking Water Safety Plan to ensure the full body of evidence provided has been considered prior to the report being finalised.
 - Taumata Arowai have suggested there are risks in the distribution system from septic tank water seeping into the pipe network, based on a previous event at the headworks. Staff have highlighted the key differences in the scenarios, primarily that the reticulation is pressurised and the pipework at the headworks was not. It is also noted that the headworks issue has been resolved with an entirely new headworks.
 - Taumata Arowai have questioned whether the past coliforms in the scheme have been addressed. Staff have highlighted through statistical analysis of past data that these originated from the headworks, and that issues at the headworks have been resolved through a full upgrade and the installation of a treatment barrier.
 - There was a misunderstanding around statements made at the site visit regarding the types of residential connections and their backflow protection. Staff have corrected this.
 - Taumata Arowai have noted that the Drinking Water Safety Plan refers to rules and standards that have now been superseded. Staff have highlighted that these rules were current at the time the application was submitted (July 2022) but accepted that the plan requires an update in line with the new rules.

- Taumata Arowai have noted that the application doesn't include any engagement with mana whenua. Staff have provided information regarding this engagement.
- Taumata Arowai have suggested that a clear plan to trigger responsive chlorination with pre-agreed triggers needs to be prepared. Staff have acknowledged this point, and responded that this can be worked on for the next application, but noted that our track record is that we are very responsive to any events.
- Taumata Arowai have suggested that the Council's Hygiene Code of Practice is not suitable for chlorine free supplies. Staff have responded that it was prepared to be suitable for both chlorinated and chlorine free supplies, however are open to making improvements in this space. This will require further engagement with Taumata Arowai.
- Taumata Arowai have questioned the appropriateness of the Council's renewals programme. Staff have drawn attention to the large body of evidence was provided around pipe condition and replacements, to ensure this has been fully considered before conclusions are drawn.
- Taumata Arowai have queried certain aspects of some of the Council's incident response plans. Staff have highlighted that these are based on guidance documents available on Taumata Arowai's website (based on documentation previously published by the Ministry of Health), but have said we would be open to considering any more up to date guidance material.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report. The communities within the district are passionate about their water supplies, and do not want to have chlorine within the water if it is not needed. This impacts their overall satisfaction with their water supply and by extension their wellbeing.

- 4.3. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are likely to be affected by, or have an interest in the subject matter of this report. Feedback has been obtained from Te Ngāi Tūāhuriri hapū via Mahaanui Kurataio Limited who are supportive of the exemption applications.

5.2. Groups and Organisations

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. Wider Community

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. Communications will be sent out to the wider district to inform and update the community on the chlorine exemption process, and the new requirements more generally.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

There are financial implications of the decisions sought by this report. The draft report by Taumata Arowai implies a number of upgrades would be required to gain an exemption. Once the report is finalised, staff will begin costing out the necessary upgrades such that

the community can be consulted on whether or not to proceed with the work programme that will likely be required to gain an exemption.

This budget is partially included in the Annual Plan/Long Term Plan. Some upgrades are included and underway, however if the final version of the assessment report by Taumata Arowai triggers further upgrades still, additional budget would need to be sought.

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do not have direct sustainability and/or climate change impacts, however sustainability would be considered in the tendering of any future upgrades resulting from this process.

6.3 **Risk Management**

There are risks arising from the adoption/implementation of the recommendations in this report. There is the risk that if the assessment report from Taumata Arowai is not adequately reviewed and responded to, some key information may not be taken into account prior to the report being finalised. The thorough review and response as per the attached document aims to mitigate this risk.

6.3 **Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy. If the level of investment required to gain an exemption triggers this Policy (once it is quantified following the finalisation of the report), community engagement will be undertaken at that point.

7.2. **Authorising Legislation**

The Water Services Act is relevant in this matter.

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report. In particular:

- Cultural values relating to water are acknowledged and respected
- Council sewerage and water supply schemes, and drainage and waste collection services are provided to a high standard

7.4. **Authorising Delegations**

There is no formal delegation process documented for this particular process. The response is generally technical in nature and not something that would typically have input at a governance level, however it is being brought to the Council as a matter of significant interest and importance to the Council.

Exemption Decision Paper

Exemption Number	EXE-00001001
Exemption Type	Residual Disinfection Exemption
Supply Name	Cust
Supply ID	CUS001
Date	20 December 2022 / te 20 o Hakihea 2022
Applicant	Waimakariri District Council
Exemption Team	Jim Graham, Principal Advisor, Drinking Water Noah Hensley, Senior Technical Advisor
International panel member	Dr Charles Haas

Recommendation

For the reasons set out in this paper, the Exemption Team recommends that you **decline** the residual disinfection exemption application for the Cust drinking water supply.

There are a number of matters, some major and some of lesser significance, set out below that, if satisfactorily addressed and accompanied by appropriate conditions, might enable the Exemption Team to recommend the granting of a residual disinfection exemption for the supply.

Executive summary

1. On 27 July 2022, Waimakariri District Council (**WDC**) applied for a residual disinfection exemption in relation to the Cust drinking water supply (supply ID CUS001). The application was made under section 58 of the Water Services Act 2021 (**WSA**).
2. The Exemption Team considers that the supply cannot currently be operated without residual disinfection in a way that is consistent with the main purposes of the WSA: i.e. to ensure that drinking water suppliers provide safe drinking water to consumers.
3. The exemption team acknowledges that WDC proposes installing an ultra violet (**UV**) treatment system at the Cust supply in the near future. WDC's application has been assessed taking account of this proposal.
4. The key factors that underpin the Exemption Team's view are:
 - (a) The monitoring and modelling data provided by WDC is not sufficient to determine the degree of risk to the groundwater source from human enteric viruses from on-site wastewater systems near to the bores used to abstract water. Currently, chlorine treatment acts as a barrier to the risks posed by these viruses. In order to safely remove

this barrier, there would need to be evidence confirming the source water will not (or will be highly unlikely to) contain any human pathogenic enteric viruses.

- (b) Source water and abstraction risks are considered to be inadequately understood or managed. These include evidence of variable turbidity and the absence of satisfactory continuous monitoring of source water quality, bores that do not meet the sanitary bore head requirements of the Drinking Water Quality Assurance Rules (**DWQAR**), and risks associated with a backup bore that also provides water to other drinking water supplies.
 - (c) The current chlorine dosing system provides primary bacterial disinfection of the source water. If it is turned off the supply would be operating without a primary bacterial and protozoa barrier. Installation of UV disinfection has been proposed but is not yet installed. The UV barrier would need to be installed if an exemption was to be granted
 - (d) Water loss in the supply's distribution system is not sufficiently understood and is unacceptably high for the supply to safely operate without residual disinfection. Water loss is a particularly significant factor, as the supply's distribution system is located within a community that includes on-site domestic wastewater systems where it is reasonable to expect that groundwater could be affected by wastewater containing human pathogenic viruses, bacteria, and protozoa. The supply's compliance history indicates that this risk is material. A better understanding and reduction of water loss in a drinking water supply is also relevant to the concept of Te Mana o te Wai.
 - (e) Backflow prevention measures in the supply distribution system are inadequate for a supply to be operated without residual disinfection.
 - (f) Historical results showing contamination of the supply with total coliforms have not been adequately explained. These results indicate contamination pathways which need to be investigated and eliminated.
5. A number of other factors relevant to the Exemption Team's view which are material to whether an exemption could be granted or not are set out below.

Supply information

- 6. The Cust drinking water supply serves a registered population of 333 people, living in a rural community on the Canterbury Plains which sources drinking water from an aquifer of the Waimakariri-Ashley Basin. The main characteristics of the supply are briefly described below. More details about certain components are set out elsewhere in this paper, where relevant.
- 7. The source water is drawn from two wells: the primary well (Springbank Well No. 2, **Well 2**) and a backup well (Springbank Well No. 1, **Well 1**). These are recorded as being 79 and 73 metres deep respectively. The screening depth of Well 1 is recorded as unknown. The screening depth of Well 2 is recorded as 71 to 79 metres.
- 8. The wells are approximately 200 metres apart and are expected to draw water from the same aquifer.

9. Well 1 is used as a drinking water source for the nearby Springbank community and a private water bottling plant which treats all bottled water with UV disinfection.
10. Well 1 is also used as a backup well for the Cust supply.
11. Well 2 is used as a source for the Cust drinking water supply and as a backup well for the Springbank community and the water bottling plant.
12. The treatment plant (e.g. headworks) is located approximately 2.5km from the wells. Raw water is treated with chlorine (sodium hypochlorite) with conservatively calculated chlorine contact time (**C.t**) of 27.5 min.mg/L. The contact time is provided by a tank farm (6 x 30m³ storage tanks).
13. An upgrade to include UV treatment has been planned. The equipment will be installed as soon as the UV reactors are available from the manufacturer and it has been indicated by WDC staff that the UV reactors will be validated and operated to provide for the inactivation of both bacteria and protozoa.
14. In the event an exemption is granted, WDC has indicated that the chlorine dosing would continue to be used in response to incidents or events and moved to a location post-UV treatment.
15. Treated water is distributed to 137 on-demand connections and 3 restricted connections (although see below in relation to the uncertainty around these figures).
16. WDC has indicated that a very low percentage of residential connections have backflow prevention devices and that the actual number of residential connections is unknown. The exemption application indicates that WDC has assessed the Cust drinking water supply to have 4 'medium hazard' properties and 3 'high risk' properties, which each have backflow protection devices installed.
17. Treated water is protected in the network by maintaining positive pressure. The drinking water safety plan (**DWSP**) indicates that work is being undertaken to install continuous pressure monitoring in the distribution system.
18. The 2020-2021 Annual Drinking Water Report by the Ministry of Health states:

The water supply uses groundwater, without disinfection. A temporary boil-water notice was in place during the reporting period. Cust failed the bacteriological standards because E. coli was detected in 6.8 percent of monitoring samples and the infrastructure was inadequate.
19. The DWSP provides further detail of one "level 3 incident" which was likely caused by ingress of shallow groundwater contaminated by a nearby on-site wastewater system.
20. The DWSP indicates 54 records of total coliforms in the supply up to mid-2021, but this was not a compliance issue under the regime administered by the Ministry of Health through to November 2021. A satisfactory explanation for the recorded presence of total coliforms in the supply has not been provided.

21. Taumata Arowai has also not received any notifications of non-compliance or potentially unsafe drinking water in relation to the supply since it became the regulator in mid-November 2021.

Information provided by the applicant

22. WDC submitted the following documents in support of its application for a residual disinfection exemption for the Cust supply:
- Application for Residual Disinfection Exemption.¹
 - Cust Drinking Water Safety Plan (**Cust DWSP**).²
 - WDC's Source Water Risk Management Plan (**SWRMP**),³ which contains:
 - a Regional Overview, and
 - a Cust SWRMP (Appendix H).
 - Cust Water Model Memo.⁴
 - Four incident response plans.⁵
 - Headworks drawings.⁶
 - Backflow Prevention Policy.⁷
 - Memo to Taumata Arowai.⁸
23. Each document contains relevant information. This documentation has been considered by the Exemptions Team with a focus on material specifically referenced in the Application for Residual Disinfection Exemption.

Practical considerations

24. WDC's application states that the reasons for seeking a residual disinfection exemption for the Cust drinking water supply are:
- The views of the Waimakariri District community, including Cust residents, that they would prefer a chlorine-free supply.

¹ Residual disinfection Exemption Application – Cust Water supply 2022 – FINAL.pdf.

² Cust Drinking-Water Safety Plan – July 2022.pdf.

³ SWRMP – Cust.pdf.

⁴ Cust Water Model description and Verification Summary.pdf.

⁵ Covering the four topics of: microbiological contamination, non-microbiological contamination, loss of source/treated water quality, and insufficient supply of water (referred to in this paper by their respective response numbers, IRP001, IRP002, IRP003, and IRP004).

⁶ CON 2036 Drawing 4063 Sheets 1 to 16 Rev C Cust Headworks Upgrade – FOR CONSTRUCTION.pdf.

⁷ [QD-3W-Policy-001-Backflow-Prevention-Policy.pdf \(waimakariri.govt.nz\)](#)

⁸ Memo to Taumata Arowai – Response to Request for Information in Support of Cust Water Supply Residual Disinfection Applicationv2.pdf.

- The risk assessment of the Cust supply and steps put in place by WDC to manage these risks, including an upgrade of the headworks and proposed installation of UV disinfection.
25. The application states that the WDC has had a high level of engagement with the Cust community about their supply, including establishing a Cust Water Supply Advisory Group which worked alongside WDC staff and elected members on matters concerning the supply.
 26. The application states that there are limited alternative options available for the Cust supply given the community preference for water to be free of chlorine, as end-point treatment would not be a practical alternative.
 27. The time and cost associated with the design, installation and commissioning of residual disinfection systems can be relevant practical considerations for residual disinfection exemption applications. For the Cust supply, the infrastructure to dose chlorine is already present and so the time and cost associated with the equipment required for residual disinfection are not relevant in this case. Other practical considerations include operating costs and ongoing staff or contractor training requirements. However, as the supply is – at the time of this application – chlorinated, these practical considerations do not appear to involve any change to the status quo.

Available compliance pathways

28. The Cust supply does not meet all of the eligibility requirements for drinking water acceptable solutions made by Taumata Arowai as at the date of this paper, which can be adopted as an alternative to complying with the DWQAR and preparing and implementing a DWSP (including the provision of residual disinfection). While the Drinking Water Acceptable Solution for Spring and Bore Drinking Water Supplies could be met by the supply if suitable infrastructure changes were made, WDC has indicated this would not be a practical alternative.

Assessment process

29. Alongside the international panel member for this application, the Exemption Team assessed the documentation provided and met with WDC staff at the treatment plant and bores to discuss the Cust supply. The risk from human pathogenic enteric viruses, uncertainty in leakage rate of the supply, concerns about the 'semi-confined' nature of the source, the risk that the backup bore presents to the supply, the lack of backflow prevention devices on residential connections and associated risks, and several other issues were discussed.
30. Queries and requests for clarification have been raised with WDC staff and responses provided to the Exemptions Team. Of particular note is the Memo to Taumata Arowai (see footnote 8) which was provided as a response to several of the Exemption Team's queries.

Assessment factors

31. WDC's application has been assessed against the relevant factors arising under the WSA, Taumata Arowai policy and guidance material in relation to exemption applications, and other considerations relevant to decision-making by Taumata Arowai and its staff.
32. Those factors, which shape the structure of this paper, are:
 - (a) The scale, complexity and risk profile of the drinking water supply, which go both to the assessment of drinking water safety risks and also to the proportionality of regulation under the WSA.
 - (b) The Treaty of Waitangi / te Tiriti o Waitangi and its principles, which are relevant considerations under section 19(1)(b) of the Taumata Arowai—the Water Services Regulator Act 2020 (**TAWSRA**).
 - (c) Te Mana o te Wai, to the extent it applies to WDC's application and the associated decision-making of Taumata Arowai.
 - (d) Consistency with the main purpose of the WSA: i.e. to ensure that drinking water suppliers provide safe drinking water to consumers. In accordance with section 58(3)(a) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that the exemption is consistent with the main purpose of the WSA.
 - (e) Compliance with legislative requirements and the DWSP (including the SWRMP). In accordance with section 58(3)(b) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that drinking water supplied by the supplier will comply with all other legislative requirements and the drinking water safety plan on an ongoing basis.
 - (f) The Taumata Arowai Compliance, Monitoring and Enforcement Strategy 2022-2025 (**CME Strategy**). This is a matter that the Taumata Arowai Chief Executive, and any delegate of the Chief Executive, must have regard to when determining exemption applications.⁹

Scale, complexity and risk

33. The Cust supply is categorised under the DWQAR as a medium networked supply (101 - 500 people). As such, the supply must comply with the G, S2, T2 and D2 rules modules within the DWQAR.
34. Particular risks to the supply's groundwater source stem from land use activities in the groundwater recharge area of Wells 1 and 2. Notably, the risks of contamination from nearby stock grazing and domestic wastewater systems. The Cust DWSP outlines how efforts are made to manage these risks. There are other risks, unrelated to residual disinfection, where the SWRMP recommends improvements to better manage these risks, but the application does not

⁹ WSA, s136(7); TAWSRA, s11(2)(b).

clearly state whether these are to be adopted or, if so, when. These risks increase the complexity of the supply.

35. The relative scale, complexity and risk of the supply has been factored into the Exemption Team's assessment of WDC's application and the commentary and recommendations in this paper.

The Treaty of Waitangi / te Tiriti o Waitangi and its principles

36. Taumata Arowai and its staff are required to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles when carrying out their functions.¹⁰
37. What this means in practice varies from situation to situation, depending on the relevance of Treaty/Te Tiriti provisions and associated principles, including: partnership, self-determination, mutual benefit, honour, active protection, options, right of development, informed decisions, equity and equal treatment, and other principles that may be developed or identified as relevant from time to time. There is also some overlap between these principles and aspects of Te Mana o te Wai, which is discussed in the next section of this paper.
38. WDC's application does include information about the interests of mana whenua, however it is not clear how or whether this directly relates to the Cust supply. The SWRMP outlines the broad interests of mana whenua in the region the Cust supply lies within. The application does not indicate that any engagement with Māori has occurred in direct preparation of the exemption application. This has a bearing on the Treaty/Te Tiriti principle of informed decisions.¹¹ The absence of specific information means that consistency with this principle has not been able to be considered in anything other than a generalised way. This overlaps with the consideration of Te Mana o te Wai discussed below.

Te Mana o te Wai

39. For the purposes of the WSA, Te Mana o te Wai is defined in the National Policy Statement for Freshwater Management 2020. Everyone exercising or performing a function, power, or duty under the WSA must give effect to Te Mana o te Wai when doing so, to the extent it applies to the function, power, or duty.
40. Te Mana o te Wai is a water-centric concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

¹⁰ TAWSRA, s19(1)(b)(i).

¹¹ That is, the onus to make a decision that is sufficiently informed as to the relevant facts and law so as to have regard to the impact (if any) on Treaty/te Tiriti principles. As a local authority, WDC is also subject to principles and requirements that relate to the Treaty of Waitangi and the involvement of Māori in its decision-making processes (as set out, for example, in section 4 of the Local Government Act 2002). However, WDC's approach to those principles and requirements is not relevant to the assessment of its exemption application or a matter for the decision-maker to enquire into, to the extent these fall outside the scope of the concept of Te Mana o te Wai.

41. The framework for Te Mana o te Wai involves 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, coupled with a hierarchy of obligations that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems;
 - (b) second, the health needs of people (such as drinking water); and
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
42. Te Mana o te Wai is likely to have relatively limited application in the context of a residual disinfection exemption, which is largely focussed on the treatment processes and operations within a drinking water supply.¹² However, each situation must be assessed on its facts and the extent of application of Te Mana o te Wai determined.
43. In its application, WDC states that “Te Mana o te Wai has been given effect to in preparing this application”. The application also states that mauri of the water is given value above all else. WDC has also indicated in its application that it is putting in place an updated SWRMP with the philosophy that the source water must remain pure, rather than allowing it to degrade and then treating it to address the level of degradation that has been allowed to occur.
44. WDC also states in its application that the DWSP demonstrates the steps in place to ensure the high quality of the water is maintained not only within the aquifer, but throughout the rest of the system right through to each consumer. WDC also acknowledges that “Wai within the district it [sic] is treated as a precious taonga with a high amount of value” and that the WDC’s Water Conservation Strategy seeks to minimise the amount that is lost or wasted.
45. WDC acknowledges in its DWSP that it is in the “planning stage of how to best incorporate and implement the six Te Mana o te Wai principles and hierarchy of obligations into Council wide policies, plans, processes and procedures.” WDC also acknowledges that it is essential that local Iwi are involved throughout the planning process to ensure the principles are effectively implemented and given effect to.
46. In the Cust DWSP, WDC states it has an existing relationship with the local Rūnanga and has identified as the first improvement item in the DWSP to “Develop and implement a strategy for integrating Te Mana o te Wai into WDC procedures & policies.”
47. The Exemption Team acknowledges that WDC have taken important steps in an effort to give effect to Te Mana o te Wai. WDC has addressed in its application what the Exemption Team considers the most relevant matters to residual disinfection: water loss and the associated risk of contamination of the supply. However, the uncertainty in water loss figures and high likely water loss rate is arguably inconsistent with the concept of Te Mana o te Wai.

¹² Since 15 December 2022, changes made to s14 of the WSA by the Water Services Entities Act 2022 have clarified that Te Mana o te Wai applies, for the purposes of the WSA, to ‘water’ as that term is defined in the Resource Management Act 1991. It consequently includes fresh water, coastal water and geothermal water, but excludes water in any form while in any pipe, tank, or cistern.

Consistency with the main purpose of the Water Services Act 2021

48. The Exemption Team considers that the Cust drinking water supply appears to be run in a manner consistent with good practice. The care with which the WDC operates its supply is evident in its documentation, but also from discussions with WDC staff.
49. WDC has also demonstrated its approach to satisfying its duty of care, particularly by maintaining residual disinfection while waiting for the outcome of the exemption application for the Cust supply and also by arranging to upgrade the supply to include UV disinfection. This will provide a key barrier to bacteria and protozoa. Many risks in the supply are adequately managed.
50. However, there are several major and minor factors (numbered in this section for referencing purposes) which affect the provision of safe drinking water to consumers. Not all of these are adequately addressed in the supply set up, operation, or associated planning. In the Exemption Team's view, these matters prevent the supply from being able to operate without residual disinfection in a manner consistent with the main purpose of the WSA. The relevant matters are discussed below.

Source Water Factors

51. **Factor 1 – Risk of human enteric viruses (Major):** All risks presented in the SWRMP are marked by WDC as having low certainty (i.e. certainty scored as 'Estimate'). The Exemption Team considers that the source water monitoring and modelling results are insufficient to understand the risk that viruses pose to the supply. Without chlorination, no effective virus barrier exists for the Cust supply. UV does not provide a full barrier against viruses, particularly at doses typically used in New Zealand for bacterial disinfection. With a material risk that wastewater systems may affect the aquifer, a drinking water supplier must either:
 - (a) provide evidence that there is no or negligible risk of enteric viruses in the source water, or
 - (b) have a barrier in place for enteric viruses that may be present in the source water.
52. **Factor 2 – Source water monitoring inconsistency (Major):** Turbidity and age dating of the source water are two examples where monitoring data and analysis is inadequate to provide sufficient certainty about risks to source water. The historical records in Table 2.15 of the Cust DWSP show higher levels of turbidity than would be expected from a deep groundwater source and there is no discussion of these elevated turbidity events in the DWSP. Though age dating has indicated that the water is 175 years old, during the site visit WDC staff communicated that the age testing had been done every 5 years since it became an option in the *Drinking Water Standards for New Zealand 2015 (Revised 2018) (DWSNZ)*, so would have only been done a few times. The Exemption Team has also identified a discrepancy where the recorded level of nitrate may be inconsistent with the water being 175 years old. Again, this issue is not identified or discussed in WDC's application or the DWSP for the supply.

53. **Factor 3 – Continuous source water monitoring (Major):** Continuous monitoring is a key factor in the assessment of a residual exemption application. The source water monitoring results, which consist mostly of grab sample results, are not sufficient evidence that the water is always safe. Because of its intermittent nature, grab sampling is of limited value when attempting to prove that water is and has been safe continuously. Grab sampling may not detect rare contamination events that may occur from time to time; continuous monitoring is better suited to detecting rare contamination events. Continuous source water monitoring also allows for a better level of event-based monitoring and can provide assurance that weather and climate are not adversely impacting the supply in ways that affect treatment processes or water quality. The Exemption Team considers source water continuous monitoring would need to be implemented before a residual disinfection exemption could be granted.
54. **Factor 4 – UV Validation conditions (Major):** The turbidity levels recorded in source water may not always meet the manufacturer-specified UV validation conditions and/or requirements of any treatment processes downstream. Turbidity can shield pathogens from being disinfected by both UV and chlorine. The Exemption Team considers there is insufficient evidence presented in the application to determine whether the validation conditions of the UV treatment to be installed will be met, particularly with respect to turbidity.
55. **Factor 5 – Well construction and risks (Major):** Neither source well (Well 1 nor Well 2) would meet requirements of ‘sanitary bore’ as defined in the S3 Module of the DWQAR, which represents best practice for construction of bores and associated infrastructure. Additionally, back up sources are expected to be constructed to a high standard. Well 1, the backup source for the Cust supply, is a much greater risk of contamination than Well 2 as it is connected to two other supplies, and the Exemption Team does not consider that the risk of Well 1 being used, even if rarely, has been addressed adequately. In its application, WDC has not made it clear how the supply would be operated differently to address the change in risk profile when using Well 1 as a back-up source.
56. **Factor 6 – References to secure bore status (Minor):** WDC references “secure” and “confined” (see page 2-3 of the Cust DWSP) status of groundwater sources. This is inappropriate in the current regulatory framework which does not recognise bore water as being “secure” and has the potential for risks to have not been assessed effectively due to reliance on terms and ideas that are no longer applicable.
57. **Factor 7 – Source water risk management gaps (Major):** The SWRMP identifies several recommendations for potential additional solutions to manage risk and it is not clear if or when any of these will be adopted. It is noted that the SWRMP was prepared after the DWSP and some aspects of the two documents are inconsistent. In addition, there are several risks identified in the DWSP or SWRMP that the Exemption Team considers are not addressed adequately:
- (a) Risk of human viruses to the source water, particularly from the on-site wastewater systems which could impact the source water recharge zone.

- (b) Risk of Well 1 contaminating the aquifer, affecting the quality of water abstracted from Well 2 or affecting the operation of the supply when Well 1 is used as a back-up.
 - (c) Risk of unknown private wells contaminating the aquifer.
58. The onus is on the WDC to provide satisfactory evidence that the risks to source water are managed sufficiently to operate a supply safely without the continuous maintenance of a residual disinfectant. In order to exclude chlorination – which is ordinarily a critical barrier to bacteria and human viruses in reticulated supplies – the factors above must be addressed.
59. Some of the issues arising from source water risks could potentially be mitigated through appropriate treatment processes (even though that would be inconsistent with the philosophy that underpins WDC's SWRMP), this is discussed next.

Treatment Factors

60. Currently the supply is treated with chlorine which provides protection against bacteria and viruses. No additional treatment barriers are currently in place. The existing treatment plant has left room for UV treatment to be installed which may be effective against protozoa, bacteria, and some viruses.
61. **Factor 8 – Lack of multiple barriers:** If the chlorine barrier is removed and replaced by UV disinfection, the Exemption Team considers the treatment plant may not always produce demonstrably safe water as a barrier to enteric viruses would not be provided. Additionally, the high turbidity values documented in the DWSP are concerning for disinfection, whether by chlorine or UV disinfection.
62. **Factor 9 – Responsive chlorination:** A high standard of care must be adopted by all staff, contractors, and other agents involved in the operation of the Cust supply. For a supply to operate safely without chlorination, clear and conservative response plans are a key factor in ensuring public health is protected. Staff training is essential, particularly on rapid initiation of chlorine dosing and flushing to purge the entire distribution zone of water that may be or is unsafe (including health and safety at work considerations for staff and contractors when administering chlorine dosing processes). The Exemption Team considers that WDC has not provided sufficient information to demonstrate that it would reliably and rapidly respond with “responsive chlorination” to any indication of:
- a contamination event in the source
 - a treatment plant failure (including failure arising from excessive turbidity), or
 - distribution system contamination event.

Distribution Factors

63. **Factor 10 – Insufficient backflow prevention (Major):** The Exemption Team considers that the status of backflow prevention in the Cust distribution system does not align with best practice, nor does it appear that the Cust supply aligns with WDC's Backflow Policy of low hazard sites (residential) having a non-testable dual check backflow prevention device. At the site visit, WDC

estimated that only a small percentage of low-risk sites would likely have any backflow prevention, which is in direct contradiction to WDC's Backflow Policy. The Exemption Team considers that the WDC has not implemented backflow prevention programme suitable for operating a supply without residual disinfection.

64. **Factor 11 – Hygiene Practices (Major):** Hygienic practices when performing work on the Cust supply should be implemented with the highest standard of care when operating a supply, and even more so when the supply does not have residual disinfectant. This includes undertaking all work, where practicable, on the distribution system under positive pressure where ingress of contamination is a risk to the distribution system. The Exemption Team considers that a Hygiene Code of Practice for a supply that operates without a residual disinfectant should account for the change in risk profile associated with not having residual disinfection in the distribution system.
65. **Factor 12 – Maintenance of Distribution System (Minor):** The Exemption Team considers that flushing a distribution system every 5 years is too infrequent to ensure the quality of treated water in the distribution system is maintained when operating a supply without residual disinfectant, especially given the elevated turbidity levels that have been present in the Cust supply.
66. **Factor 13 – Monitoring of Distribution System Integrity (Minor):** WDC's application states that it will install pressure monitoring in the network in the current financial year. The Exemption Team considers continuous monitoring of the distribution system a key factor in deciding whether to grant an exemption
67. **Factor 14 - Water Loss Uncertainty (Major):** While residual disinfection provides some protection when pipes burst or drops in pressure allow ingress of contaminants, being able to measure the chlorine residual (and change to it) also allows for the detection of incidents and provides assurance that the integrity of the distribution system is maintained to a high standard.
68. Without a residual disinfectant, the Exemption Team considers that other measures, like ensuring low water loss, are needed to provide additional assurance as to the integrity of the distribution system and its operation. The water loss estimate given by WDC lacks quantitative certainty and may be too high to ensure the distribution system is not at risk of major ingress of contamination during low pressure events. The Exemption Team considers that WDC needs to be able to demonstrate greater understanding of where how and why water loss is occurring in a relatively small pipe network.
69. **Factor 15 – Network renewals and assessment (Major):** The pipe work has not been installed recently and may be nearing the end of its expected life. The Exemption Team considers that the current pipe replacement methodology does not provide sufficient assurance that pipes will be replaced proactively before they fail and that allowing for failures and pipe bursts to determine when pipes should be replaced is not best practice in any drinking water supply, particularly in a supply that does not maintain a residual disinfectant.

Drinking Water Safety Plan

70. The exemption team reviewed the DWSP, particularly sections referenced within WDC's residual disinfection application.
71. There are various inconsistencies and discrepancies between some parts of the DWSP. The Exemption Team considers that the DWSP may not be fully implemented and may already be out of date, referring to the recently revoked DWSNZ. The Exemption Team notes that the DWSP is a relatively large, complex document for a small supply and consider this may be a partial cause of the DWSP not being up to date.
72. In broad terms, it is not clear how WDC, through its DWSP, will manage the additional risks of not having a residual disinfectant. During the Exemption Team's site visit, a WDC staff member commented that WDC's focus was not on necessarily doing more, but rather doing things really well. The Exemption Team considers all supplies should do their duties well; however, in the case of a supply operating without residual disinfection, the supplier should also consider what additional measures and controls must be in place to manage the risks of not maintaining residual disinfectant in their supply (which effectively removes a contamination barrier that would otherwise be present).
73. The SWRMP for the Cust supply was also reviewed; while a separate document, this is technically part of the DWSP. The SWRMP is generally thorough in its assessment of the particular risks that it identifies. However, a key risk was not included – the risk of human enteric viruses entering the supply. This risk needs to also be addressed appropriately in the DWSP to ensure treatment is appropriately managing the risk of human viruses.
74. As pointed out in Factor 7, the SWRMP sets forth a number of potential solutions that could not be addressed in the DWSP, as the DWSP pre-dates the SWRMP. The Exemption Team considers that the DWSP should be updated to reflect the SWRMP, and also to ensure that the documentation is internally consistent and effectively integrated.

Incident Response Plans

75. Incident response plans were provided by WDC and the Exemption Team has assessed these for appropriateness. The findings are summarised below.
76. Broadly speaking, the content in the plans addresses the issues, and includes the kind of information, that the Exemption Team would expect to see.
77. However, the description of incident 'levels' does not necessarily align with the potential indicators. For example, breach of a critical control point (**CCP**) is a serious issue that may require more robust action than a 'level 2' response which is described in the incident response plans as:

Failure of infrastructure or source supply, where water quality or supply is unlikely to be compromised or an alternative process is available to provide safe drinking water.

78. Flushing to remove contamination from a supply without a residual disinfectant may result in further contamination of the supply. Flushing to bring in freshly chlorinated water is considered appropriate by the Exemption Team.
79. However, the Exemption Team considers that the structure of the response plans is not detailed, nor specific, enough to show how and when actions are to be undertaken.
80. The Exemption Team considers that the responses for some parameters are not conservative enough even for a supply with residual disinfection (e.g. the response for *E. coli* < 10 cfu per 100 mL being a level 3 as opposed to a level 4).
81. Finally, the Exemption Team considers that the responses are not appropriately conservative for “unchlorinated” supplies (e.g. triggers and water quality limits for enacting “responsive chlorination” – see Factor 9).
82. Until these broader issues are resolved, the Exemption Team considers the supply is unlikely to be able to be safely operated on a continuous basis without residual disinfection.

Monitoring Plans

83. The monitoring plans for the Cust supply are not based on the DWQAR, but rather the now revoked DWSNZ.¹³
84. Not only does the monitoring plan need to be updated to account for the DWQAR, but non-chlorinated supplies also require additional monitoring. For example, the Exemption Team considers that the DWSP should provide for heterotrophic plate counts to be carried out at appropriate locations within the supply. These should be provided for as part of regular monitoring and also in response to total coliform or *E. coli* detection or other incidents.
85. Maintaining staff capacity and competency is particularly important for unchlorinated supplies. WDC should be actively working to ensure staff do not become complacent about supply risks or operation. WDC can look to formalise a means to maintain organisational and technical capacity (staffing levels, training, competency, capacity, awareness) for both the WDC and principal contractors. This should include awareness-raising at senior executive and councillor level of need to maintain this capacity. This extends to frontline worker contractors who do the higher risk work, and how risks associated with staff and contractor turnover are mitigated. The matter of staff capacity and competency in relation to the operation of a water supply without a residual disinfectant was not outlined in the application.

Compliance with legislative requirements

86. A residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with all ‘other’ legislative requirements (i.e. other than the usual requirement to provide for residual disinfection) on an ongoing basis.

¹³ Revoked and replaced from 14 November 2022 by the Water Services (Drinking Water Standards for New Zealand) Regulations 2022, the DWQAR, and the Aesthetic Values for Drinking Water Notice 2022.

87. 'Legislative requirements' has a particular meaning¹⁴ that covers requirements imposed by the WSA, most secondary legislation made under the WSA (such as drinking water standards and the DWQAR), and some enforcement instruments (directions or compliance orders issued under the WSA).
88. The Cust supply's previous compliance history is noted under the 'Supply information' heading above.
89. This showed that issues with the headworks led to the contamination of the supply and that domestic wastewater systems in the area were contaminating shallow groundwater in the town of Cust.
90. It is apparent that WDC has put in place appropriate improvement actions to remedy the source of that contamination.
91. WDC is also putting in place measures to ensure that the supply is compliant with the WSA and the requirements of the DWQAR.
92. The Exemption Team also considers that the Cust supply may eventually comply with the legislative requirements in the WSA as long as the improvement items have been, or are being, actioned in a timely manner. However, at the moment the Cust supply is unlikely to fully comply with the DWQAR.
93. Having regard to the supply's previous compliance history and monitoring results, and the DWSP and the decisions it reflects, the Exemption Team considers that there are significant gaps that will need to be addressed before a decision-maker can reasonably be satisfied that the drinking water supplied will comply with all 'other' legislative requirements on an ongoing basis.

Compliance with drinking water safety plan

94. A residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with the relevant DWSP on an ongoing basis.
95. The Exemptions Team is not aware of any information or issues that suggest drinking water supplied by the Cust supply would not comply with the DWSP on an ongoing basis.
96. However, the DWSP in its current form is out of date and the Exemptions Team considers the DWSP is not suitable to enable the granting of a residual disinfection exemption.

Compliance, Monitoring and Enforcement Strategy

97. The CME Strategy outlines the approach Taumata Arowai will take to exemption applications. It provides part of the backdrop for the more detailed provisions in other Taumata Arowai policy and guidance material.

¹⁴ WSA, s5.

98. Amongst other things, the CME Strategy provides that Taumata Arowai will be guided by the following principles when determining exemption applications:
- consumption of safe drinking water by consumers is paramount; and
 - the scale, complexity and degree of risk associated with a drinking water supply will affect the assessment of whether an exemption would be consistent with the main purpose of the WSA, to ensure that drinking water suppliers provide safe drinking water to consumers.
99. The Exemption Team has had regard to the relevant parts of the CME Strategy when conducting its assessment and preparing this paper. The principles recorded in the CME Strategy are reflected in the discussion above.

Additional comments

100. The Exemption Team considers that the Cust supply cannot currently be operated without residual disinfection in a way that is consistent with the main purpose of the WSA.
101. There are a number of matters, some major and some of lesser significance, set out above that, if satisfactorily addressed and accompanied by appropriate conditions, might enable the Exemption Team to recommend the granting of a residual disinfection exemption for the supply
102. This would also be contingent on:
- (a) No new issues emerging that materially change the assessment of the supply; and
 - (b) Information or commentary from WDC being made available to enable further assessment of the operation of the supply without residual disinfection from the perspective of Te Mana o te Wai (and consequently the Treaty/Te Tiriti and its principles).

Approval

The Exemption Team recommends that you:

- (a) **note** the Exemptions Team's views that, having regard to the scale, complexity and risk profile of the Cust supply:
 - the supply cannot currently be operated without residual disinfection in a way that is consistent with the main purpose of the WSA;
 - aside from residual disinfection, there are grounds to be satisfied that the drinking water supplied by the supply may not comply with all other legislative requirements on an ongoing basis;
 - there are grounds to be satisfied drinking water supplied by the supply may not comply with the DWSP on an ongoing basis; and

- on the information available, granting a residual disinfection exemption would arguably be inconsistent with, and therefore not give effect to, Te Mana o te Wai.

(b) **agree** to decline the residual disinfection exemption application for the Cust drinking water supply. Yes / No

..... Date:

Ray McMillan
Head of Regulatory

DRAFT

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Private Bag 1005
Rangiora 7440, New Zealand**Phone** 0800 965 468

Our Reference: WAT-03 / 230223025164

Melinda Sando

Manager Regulatory Services

Taumata Arowai

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7 March 2023

Dear Melinda,

Thank you for providing the Draft Exemption Decision Paper, dated 20 December 2022, and for having representatives from Taumata Arowai attend a meeting with Council staff to discuss the draft paper on the 3rd of February 2023. We understand this is a new process, and through your report have gained a much clearer indication of the standard that is to be required, and where further improvements are needed, so we thank you for providing these insights.

Following our review of the paper, and consideration of the points discussed at the meeting, we have produced a response to a number of the points raised, which is attached to this letter.

It would be appreciated if the feedback provided can be taken into account prior to the finalisation of the report. We understand there may be some points where there are varying opinions with respect to some technical matters. Our key goal with this feedback is to ensure all available information and points of view are considered prior to your report being finalised. We would be happy to provide any further information in support of any of the points made within the attachment, or to discuss any of these points further.

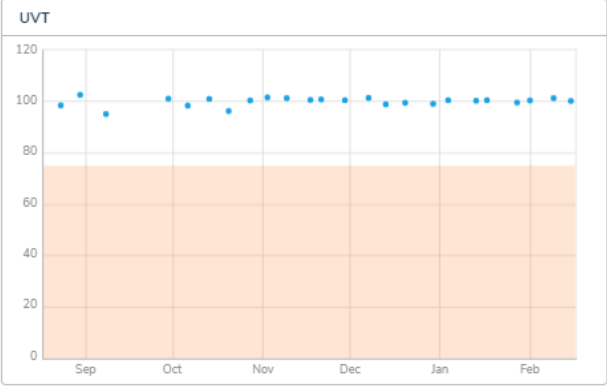
We look forward to receiving the final report and continuing to work with you through this process. We have appreciated the approach taken on this assessment process to date, and hope that the collaborative and constructive approach can continue as we work through these assessments.

Yours sincerely,

Gerard Cleary, General Manager Utilities and Roading

Waimakariri District Council Cust Water Supply Draft Exemption Decision Paper Response

Item	Taumata Arowai Assessment Report Content	WDC Notes								
4 b)	Source water and abstraction risks are considered to be inadequately understood or managed.	<p>With respect to viruses, modelling is underway, and further work will be completed to ensure and demonstration that combination of source risk and treatment system provides an acceptable residual risk.</p> <p>The assessment will compare possible virus levels in the source water, required level of treatment (i.e. what log level of treatment is appropriate, depending on source contamination risk), followed by analysis of ability of proposed treatment systems to achieve this target treatment level.</p>								
	These include evidence of variable turbidity	<p>We can provide continuous turbidity data from the headworks demonstrating that the water at the headworks is more than compatible with the proposed treatment system.</p> <p>An assessment of 1 minute data has been provided of turbidity data from 1 January 2022 to the present. This resulted in the following analysis, with results in NTU:</p> <table border="1" data-bbox="619 1081 916 1238"> <tbody> <tr> <td>Average</td> <td>0.025</td> </tr> <tr> <td>Median</td> <td>0.021</td> </tr> <tr> <td>Maximum</td> <td>0.595</td> </tr> <tr> <td>99th Percentile</td> <td>0.088</td> </tr> </tbody> </table> <p>The continuous turbidity data is taken at the headworks downstream of what will become the raw water reservoirs, and represents the turbidity at the point that UV treatment is provided, therefore this data is directly relevant to the ability of the proposed treatment system to treat the source water.</p> <p>This data demonstrates that turbidity is an order of magnitude lower than the thresholds required by the DWQAR for UV treatment to be effective.</p> <p>It is noted also that it is commonly accepted that UVT is a far more accurate indicator of the effectiveness of UV treatment than turbidity. We would be happy to provide data with respect to turbidity if this is of interest. To give an indication, a screenshot from the site dashboard is provided below.</p>	Average	0.025	Median	0.021	Maximum	0.595	99th Percentile	0.088
Average	0.025									
Median	0.021									
Maximum	0.595									
99th Percentile	0.088									

Item	Taumata Arowai Assessment Report Content	WDC Notes																																														
		 <p>The figure is a scatter plot titled "UVT" showing data points from September to February. The y-axis ranges from 0 to 120. The data points are clustered around 100, with a shaded orange area below 80.</p> <table border="1"> <caption>Approximate UVT Data Points</caption> <thead> <tr> <th>Month</th> <th>UVT Value</th> </tr> </thead> <tbody> <tr><td>Sep</td><td>98</td></tr> <tr><td>Sep</td><td>102</td></tr> <tr><td>Sep</td><td>95</td></tr> <tr><td>Oct</td><td>100</td></tr> <tr><td>Oct</td><td>98</td></tr> <tr><td>Oct</td><td>100</td></tr> <tr><td>Oct</td><td>95</td></tr> <tr><td>Nov</td><td>100</td></tr> <tr><td>Nov</td><td>102</td></tr> <tr><td>Nov</td><td>100</td></tr> <tr><td>Dec</td><td>100</td></tr> <tr><td>Dec</td><td>100</td></tr> <tr><td>Dec</td><td>100</td></tr> <tr><td>Dec</td><td>100</td></tr> <tr><td>Jan</td><td>100</td></tr> <tr><td>Jan</td><td>100</td></tr> <tr><td>Jan</td><td>100</td></tr> <tr><td>Jan</td><td>100</td></tr> <tr><td>Feb</td><td>100</td></tr> <tr><td>Feb</td><td>100</td></tr> <tr><td>Feb</td><td>100</td></tr> <tr><td>Feb</td><td>100</td></tr> </tbody> </table>	Month	UVT Value	Sep	98	Sep	102	Sep	95	Oct	100	Oct	98	Oct	100	Oct	95	Nov	100	Nov	102	Nov	100	Dec	100	Dec	100	Dec	100	Dec	100	Jan	100	Jan	100	Jan	100	Jan	100	Feb	100	Feb	100	Feb	100	Feb	100
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	<p>and the absence of satisfactory continuous monitoring of source water quality</p>	<p>It is acknowledged that the S2 rules are followed, and it is Taumata Arowai's understanding that the S3 Rules should be followed. It is questioned whether this is taking into account the need for the assessment to be proportionate to scale and complexity, although we understand Taumata Arowai's position that the level of source monitoring should go above and beyond the requirements of the Rules, despite the small scale of the supply. Regardless of the above, this can be addressed with S3 monitoring requirements able to be complied with once the UV upgrade is complete.</p> <p>There is continuous monitoring at the headworks of the combined source water just downstream of what will become the raw water tanks, after completion of the UV upgrade. i.e. the tanks are currently treated water tanks with the chlorine dosed upstream of tanks, and water quality monitoring downstream of the tanks. After the UV upgrade all treatment (UV and chlorine dosing) will be downstream of the tanks, making the tanks raw water tanks, and therefore the water quality monitoring point (which is also downstream of the tanks but upstream of treatment) compatible with Note 39 on Table 18 of the DWQAR, therefore meaning S3 Raw Water Monitoring Parameters will be met.</p>																																														
	<p>boreholes that do not meet the sanitary borehead requirements of the Drinking Water Quality Assurance Rules (DWQAR), and</p>	<p>The level of treatment proposed matches the source water class, being assessed as Class 2. Class 2 water can include any source from 10m deep, and considering the raw water quality data provided with the DWSP and application (244 samples with only a single instance of coliform detection), it is clear that the water extracted from the bore would far exceed that of the vast majority of other Class 2 sources where this treatment system would be accepted without question, outside of the residual disinfection exemption process.</p> <p>This means that the combination of source water category and treatment type will be well and truly compatible with the requirements of the DWQAR, and the residual risk resulting from</p>																																														

Item	Taumata Arowai Assessment Report Content	WDC Notes
		<p>this source and treatment combination will be substantially lower than many other supplies with a combination of Class 2 water and UV treatment.</p> <p>While it is understood that there are relevant arguments in some cases to go above and beyond minimum DWQAR requirements for a supply without a residual disinfectant, this is only relevant in the context of whether not having a <i>residual</i> disinfectant provides an additional risk not anticipated by the DWQAR. This logic of going above and beyond minimum requirements seems to have been extended by the assessment team to also cover the role that chlorine can potentially play as a primary treatment barrier, even though the DWQAR do not require that chlorine be used as a primary treatment barrier (although it is one of the options that can be selected for this purpose), while they do require that it be used to provide residual disinfection unless an exemption can be gained.</p> <p>Also of relevance is that a T3 treatment system is proposed in the application, when only a T2 system is required for the plant to be compliant under the DWQAR, therefore the proposal is already above and beyond minimum requirements for the combination of this source type and scheme size.</p>
	<p>risks associated with a backup bore that also provides water to other drinking water supplies</p>	<p>We note this point and suggest that the backup bore risks could be addressed via having the chlorine exemption not apply when the backup bore is in use, therefore the application could be updated to allow for chlorine to be used as a residual disinfectant whenever the backup bore is in use.</p> <p>We note that the backup well has a backflow preventer as part of the well head infrastructure, upstream of any other connections, thereby protecting the aquifer, as well as the other connections off the well head also protected by backflow prevention (either air-gap on the tank that it fills, or RPZ at the water bottling plant).</p> <p>The backup well is isolated from the supply main to Cust by multiple closed isolation valves, which are tagged out to make clear that they must remain closed.</p> <p>The Council would be open to putting further protections in, including installation of an air-gap constructed such that a section of pipe would have to be physically installed in order to make use of this well.</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
4 d)	Water loss in the supply's distribution system is not sufficiently understood and is unacceptably high for the supply to safely operate without residual disinfection.	<p>It is noted that leakage is considered to not be sufficiently understood, and it is also acknowledged that the night flow method does have a greater degree of uncertainty than a bulk flow assessment. However, the night flow method is very unlikely to be able to underestimate leakage, but could over-estimate leakage. Therefore the risk in the application only has the potential to be over-stated, but not underestimated. The night flow method could be thought of as a conservative method, rather than an uncertain method.</p> <p>In Table 2.16 of the DWSP Cust's water loss figures are compared to other internationally recognised chlorine free water suppliers in terms of percentage, ILI and m³/km/day, and it has shown to be within the range of these water suppliers, thereby demonstrating that Cust is not out of step with the range of other reputable water suppliers that operate without the use of residual disinfectant. It is not clear how these metrics and comparison with international examples have been considered within the application assessment, as there is no commentary or acknowledgement of this application, only the conclusion that the loss is unacceptably high.</p> <p>In addition, we have undertaken some analysis to identify and quantify the correlation between schemes with higher water loss and microbiological incidents based on data within the DANVA annual water report. In this case there was no correlation found between water loss and microbiological incidents. It is questioned whether there is a sound evidential base for the connection made between water loss figures and microbiological risk to a water supply. While this data may exist, it is not stated within the assessment report. It would be useful to be provided access to some of the background information that has helped inform the report.</p> <p>The need to continue to manage water loss is not questioned, however it is questioned whether the weighting given to water loss in this assessment is proportionate to the risk without information provided on the basis for identifying this risk and determining an acceptable / unacceptable threshold.</p> <p>Also of relevance is acoustic leak detection that has been undertaken across the entire Cust supply. Results of this assessment can be provided if the assessment team considers this relevant to their assessment.</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
	<p>Water loss is a particularly significant factor, as the supply's distribution system is located within a community that includes on-site domestic wastewater systems where it is reasonable to expect that groundwater could be affected by wastewater containing human pathogenic viruses, bacteria, and protozoa. The supply's compliance history indicates that this risk is material. A better understanding and reduction of water loss in a drinking water supply is also relevant to the concept of Te Mana o te Wai.</p>	<p>The situation at the now abandoned water headworks with respect to the nearby septic tank and its applicability to the reticulation system are not considered to be comparable.</p> <p>At the old headworks, this risk was heightened with the presence of buried <i>suction</i> pipework in close proximity to a septic tank within metres of the headworks building. In the case of the reticulation network, this consists of pressure pipework within the road reserve, while septic tanks are within private property. Based on the differences in the two situations, the situations are not considered to be comparable.</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
4 d)	as the supply's distribution system is located within a community that includes on-site domestic wastewater systems where it is reasonable to expect that groundwater could be affected by wastewater containing human pathogenic viruses, bacteria, and protozoa.	Groundwater levels on the scheme are greater than 3m deep. Further information on groundwater levels can be provided to alleviate this concern if required.
4 f)	Historical results showing contamination of the supply with total coliforms have not been adequately explained. These results indicate contamination pathways which need to be investigated and eliminated.	These coliforms have been traced back to the headworks, which has been entirely replaced, and is having UV installed at it prior to the proposal to remove chlorine, therefore we are confident these have been sufficiently explained, the root cause and identified and eliminated, plus a treatment barrier added. We can supply the incident report to help show how we came to this conclusion.
7	The screening depth of Well 1 is recorded as unknown.	It is acknowledged that the information in the DWSP did not include this data. It can be confirmed that Springbank Well 1 draws water from 70.3 to 73.0m bgl.
8	The wells are approximately 200 metres apart and are expected to draw water from the same aquifer.	The wells are approximately 130m apart.

Item	Taumata Arowai Assessment Report Content	WDC Notes
13	An upgrade to include UV treatment has been planned.	This upgrade is in the construction stage (not planning). It was in the planning stage at the time the assessment was made, however to make the report current, this wording could be updated.
15 / 16	WDC has indicated that a very low percentage of residential connections have backflow prevention devices and that the actual number of residential connections is unknown.	<p>This statement is not correct due to a misunderstanding during discussions on site. The staff member noted that they believed only a small percentage of low hazard water connections wouldn't have a backflow prevention device in place as part of their toby manifold, not that only a low percentage would.</p> <p>The report should also be clear that the uncertainty pertains not to the number of properties connected to the supply, but only the specific location and type of connection manifold on each low hazard property.</p> <p>We are currently collecting data on each water connection so our next application for this supply will include data collected from the field rather than relying on estimates from staff, to reduce the uncertainty in assessing this risk.</p>
18 / 19	The DWSP provides further detail of one "level 3 incident" which was likely caused by ingress of shallow groundwater contaminated by a nearby on-site wastewater system.	The assessment report reads as though the incident under point 18 is separate to the incident under point 19, when they are both points discussing the same event.
20	The DWSP indicates 54 records of total coliforms in the supply up to mid-2021, but this was not a compliance issue under the regime administered by the Ministry of Health through to November 2021. A satisfactory explanation for the recorded presence of total coliforms in the supply has not been provided.	<p>Table 2.15 in the DWSP shows an incidence rate of coliforms at the headworks of 10.2% of samples, while the distribution system shows an incidence rate of 10.6%. This compares with 0.4% from the source water.</p> <p>This data provides a clear statistical correlation that the source of the coliforms detected was the previous headworks, and once the coliforms entered the system at this location they were travelling downstream and being detected in the reticulation network. Had there been a source of repeated coliforms in the distribution system as well as at the headworks, a higher incidence rate would have been observed within the distribution system than the headworks.</p> <p>As noted, the source of these coliforms (the previous headworks) has been entirely replaced and a UV treatment barrier is being constructed prior to the proposed removal of the chlorine treatment system, therefore we are highly confident that the</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
		<p>source of coliforms has been eliminated with the full replacement of the previous headworks, as well as a treatment barrier added. Analysis consistent with the above explanation was included in the DWSP within Section 2.2.1. It is not clear how this information has been considered in the assessment report.</p> <p>With the UV system operational, there will be continuous data demonstrating sufficient treatment to eliminate the possibility of coliforms leaving the headworks, and with the previous incidence rate within the reticulation network matching that of the headworks, there has been no historical evidence of further coliforms entering the system downstream of the treatment plant.</p>
33	<p>The Cust supply is categorised under the DWQAR as a medium networked supply (101 - 500 people). As such, the supply must comply with the G, S2, T2 and D2 rules modules within the DWQAR.</p>	<p>These are the minimum requirements that must be complied with, however the DWQAR allow suppliers to comply with a higher level of rules if they wish. In the case of Cust, the T3 Rules are proposed to be used rather than the T2 Rules. Therefore the statement that the supply <i>must</i> comply with the T2 rules is incorrect, as complying with the T3 rules is an acceptable alternative. The wording within the report could be updated.</p>
34	<p>Particular risks to the supply's groundwater source stem from land use activities in the groundwater recharge area of Wells 1 and 2. Notably, the risks of contamination from nearby stock grazing and domestic wastewater systems. The Cust DWSP outlines how efforts are made to manage these risks. There are other risks, unrelated to residual disinfection, where the SWRMP recommends improvements to better manage these risks, but the application does not clearly state whether</p>	<p>This point is acknowledged. The sequencing meant the DWSP and residual disinfection application were completed as the SWRMP was still being finalised. Staff have since been through a process of reviewing all the potential extra monitoring steps identified in the SWRMP process to determine which of these to prioritise and adopt.</p> <p>The re-application for a residual disinfection application will clearly communicate which of the SWRMP improvements have been adopted, as this is currently being fed into the updated DWSP for the supply.</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
	these are to be adopted or, if so, when.	
38	The application does not indicate that any engagement with Māori has occurred in direct preparation of the exemption application.	<p>Attachment ii provides evidence of engagement that has taken place with Te Ngāi Tūāhuriri Rūnanga regarding Waimakariri District Council’s proposed application for residual disinfection exemptions, including that for Cust.</p> <p>You will note this memo received was dated August, so was not available at the time the application was made, however we ask that it be considered as part of finalising the report.</p>
51	UV does not provide a full barrier against viruses, particularly at doses typically used in New Zealand for bacterial disinfection	<p>UV disinfection can provide from 1 to 4 log treatment of viruses, which is dependant on the specific virus, and the dose rate applied. The statement that UV “does not provide a full barrier against viruses” appears to imply that there is not a pathway by which the Cust UV system could be considered to be an effective barrier.</p> <p>We believe the accuracy of this statement depends on a number of factors, some of which are still to be determined. This includes:</p> <ul style="list-style-type: none"> - The potential starting virus concentration - The types of virus that may exist within the catchment (as different viruses require different UV dose rates than others) - The dose rate achieved by the UV system (which gives a certain log reduction, which may vary by virus). <p>Only once the above steps are worked through will the residual post treatment viral risk be able to be quantified to establish whether UV can or cannot provide a satisfactory barrier in this case.</p> <p>It is acknowledged that there is not sufficient work presented in the application at this stage to provide an absolute answer on the above, however until this work is done, it is premature to conclude that UV is not a suitable barrier.</p> <p>Some preliminary research has been conducted into other jurisdictions to better understand how the viral risk is treated elsewhere. It is noted also that under Section 3.2 of the Canadian Drinking Water Guideline Technical Document¹ that a lower level of viral reduction can be accepted “if the assessment of the drinking water system has confirmed that the risk of enteric virus presence is minimal”. Also noted is that “the use of certified UV disinfection systems operated at a dose of 40mJ/cm² is effective for achieving 4-log inactivation for most enteric viruses, with the</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
		<p><i>exception of adenovirus. A dose of 186 mJ/cm² is not considered necessary, as drinking water is not a main source of exposure to this virus in Canada, nor has it been linked to any outbreak in Canada”¹. As Taumata Arowai will be aware, 40mJ/cm² is the dose rate required for bacterial disinfection in New Zealand, and thus the statements within the assessment report that the dose rate typically achieved by UV systems in New Zealand are not suitable for viral treatment is not consistent with this part of the Canadian Guideline document.</i></p> <p>The need for the above steps to better quantify and understand the viral risk and suitability of the proposed treatment system was discussed at the meeting between Taumata Arowai and Waimakariri District Council, and agreed as an appropriate pathway forward. We ask that further work on this topic be allowed to progress before any final positions with respect to UV treatment be reached. We hope that we can complete this work while maintaining dialogue with yourselves throughout this process.</p>
52	The historical records in Table 2.15 of the Cust DWSP show higher levels of turbidity than would be expected from a deep groundwater source and there is no discussion of these elevated turbidity events in the DWSP.	Refer relevant section of answer to 4, b). It is not unusual for the odd grab sample to have elevated turbidity either due to sediment dislodged during pump start up (with it being common for the pump to have started up just before a grab sample from a source is taken). To gain a better understanding of the representative water from the bore, the more relevant data in Table 15 is the median, 5 th and 95 th percentile values provided (in addition to the continuous headworks data provided in response to an earlier point).
52	The Exemption Team has also identified a discrepancy where the recorded level of nitrate may be inconsistent with the water being 175 years old.	The DWSP states that the nitrate levels in the source water are approximately 0.34 mg/L. This is within the expected background level for a deep groundwater source without influence from the surface, and is therefore consistent with the age dating data (refer text in DWSP immediately before Table 2.2 where the nitrate level is stated). It is noted that event based (post rainfall) sampling has also been undertaken, and nitrate levels remained consistent with the routine monitoring data provided in the DWSP, providing further reassurance that the source is not subject to surface influence.
54	The turbidity levels recorded in source water may not always meet the manufacturer-specified UV	Refer previous answer to 4 b). Continuous data is available at the point where UV treatment will be applied, which is the most applicable location with respect to the suitability of the water for UV treatment.

Item	Taumata Arowai Assessment Report Content	WDC Notes
	<p>validation conditions and/or requirements of any treatment processes downstream.</p> <p>Turbidity can shield pathogens from being disinfected by both UV and chlorine. The Exemption Team considers there is insufficient evidence presented in the application to determine whether the validation conditions of the UV treatment to be installed will be met, particularly with respect to turbidity.</p>	
55	<p>Neither source well (Well 1 nor Well 2) would meet requirements of 'sanitary bore' as defined in the S3 Module of the DWQAR, which represents best practice for construction of bores and associated infrastructure.</p>	<p>Refer to earlier response on this topic.</p>
56	<p>WDC references "secure" and "confined" (see page 2-3 of the Cust DWSP) status of groundwater sources.</p>	<p>While this was appropriate at the time the DWSP was prepared and submitted in July 2022 (with the 2018 DWSNZ operative until November 2022), the next revision of the DWSP will be updated to include reference to the DWQAR.</p>
57	<p>The SWRMP identifies several recommendations for potential additional solutions to manage risk and it is not clear</p>	<p>Refer to response to item 34.</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
	if or when any of these will be adopted.	
58	In order to exclude chlorination – which is ordinarily a critical barrier to bacteria and human viruses in reticulated supplies – the factors above must be addressed.	Refer to earlier response on this topic.
59	Some of the issues arising from source water risks could potentially be mitigated through appropriate treatment processes (even though that would be inconsistent with the philosophy that underpins WDC's SWRMP), this is discussed next.	We do not consider that the idea of using treatment to mitigate any low level of residual risk within the source water undermines our philosophy within our SWRMP of putting all practicable steps in place to protect the source water. While we take great pride in the high quality of the raw source water, having treatment barriers in place in addition to this is part of the multi-barrier approach taken as part of responsible management of water supply systems (as well as being a legislative requirement).
61	If the chlorine barrier is removed and replaced by UV disinfection, the Exemption Team considers the treatment plant may not always produce demonstrably safe water as a barrier to enteric viruses would not be provided.	<p>Refer to earlier comments with respect to the ability of UV treatment to address viral risk.</p> <p>While we acknowledge further work can be done, it is premature to conclude that UV is an ineffective barrier without first having this work undertaken, particularly when there appears to be cases in other reputable jurisdictions where they can accept UV treatment as a suitable barrier in certain cases.</p> <p>It is noted also that this factor is not assigned either a Major or Minor categorisation. It is recommended that this be updated in the final report.</p>
62	The Exemption Team considers that WDC has not provided sufficient information to demonstrate that it would reliably and rapidly respond with “responsive chlorination”	<p>We believe we have demonstrated a track record of putting in place responsive chlorination in an efficient manner. However, we acknowledge the point made and would be happy to update our IRP documentation to be more prescriptive in the triggers that would be used to initiate this responsive chlorination, and will ensure this is part of any future submission.</p> <p>It is noted also that this factor is not assigned either a Major or Minor categorisation. It is recommended that this be updated in</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
		the final report.
63	<p>The Exemption Team considers that the status of backflow prevention in the Cust distribution system does not align with best practice, nor does it appear that the Cust supply aligns with WDC's Backflow Policy of low hazard sites (residential) having a non-testable dual check backflow prevention device. At the site visit, WDC estimated that only a small percentage of low-risk sites would likely have any backflow prevention, which is in direct contradiction to WDC's Backflow Policy.</p>	Refer earlier comment in response to points 15 and 16.
64	<p>The Exemption Team considers that a Hygiene Code of Practice for a supply that operates without a residual disinfectant should account for the change in risk profile associated with not having residual disinfection in the distribution system.</p>	<p>The Waimakariri District Council Hygiene Code of Practice for Work on Public Water Supplies does acknowledge that the district has a combination of both chlorinated and unchlorinated water supplies. All steps taken to manage the risk of contamination of supplies are considered to be in accordance with industry good practice, including for chlorinated supplies.</p> <p>The suggestion that there be extra steps for supplies without chlorine, could be interpreted as an acceptance of less protections for a supply with chlorine. It was not considered appropriate to have less protections in place for schemes that do have chlorine, as chlorine is only considered to be a partial barrier in the distribution system. The reason being:</p> <ul style="list-style-type: none"> - Some of the contaminant types that are possible in the distribution system do not reduce with the addition of chlorine (i.e. chemical contaminants), and; - Of those where chlorine may provide some treatment (bacteria and viruses) a certain degree of contact time and monitoring is required to provide assurance of a complete barrier. At a treatment plant, significant storage and

Item	Taumata Arowai Assessment Report Content	WDC Notes
		<p>monitoring is required to prove such contact time to give assurance of the effectiveness of chlorine as a barrier to source water contamination. Within the distribution system, there are not the same assurances at all points.</p> <p>Without assurance that chlorine provides a complete barrier, the steps required are designed to protect the water supply as though chlorine is not effective or only partially effective, and thus are suitable for unchlorinated or chlorinated schemes alike.</p> <p>Despite the above, we would welcome the opportunity to make improvements where possible. We would be open to reviewing any other relevant hygiene codes that the assessment team believe warrant consideration, however upon preparing our code we endeavoured to set standards of hygiene suitable for both chlorinated and unchlorinated supplies.</p>
64	<p>The Exemption Team considers that flushing a distribution system every 5 years is too infrequent to ensure the quality of treated water in the distribution system is maintained when operating a supply without residual disinfectant,</p>	<p>Consideration can be given to increasing flushing frequencies on smaller supplies, even though on a larger supply flushing 20% of the supply each year is considered an appropriate level. This will be considered as part of a re-application.</p>
	<p>especially given the elevated turbidity levels that have been present in the Cust supply.</p>	<p>There is no evidence within the DWSP of elevated turbidity in the water leaving the headworks or in the distribution system. Further continuous monitoring data from the headworks (as noted earlier) provides further evidence of this.</p>
67 and 68	<p>Water Loss Uncertainty</p>	<p>Refer further points on this topic.</p>
69	<p>The Exemption Team considers that the current pipe replacement methodology does not provide sufficient assurance that pipes will be replaced proactively before they fail and that allowing for failures</p>	<p>The DWSP provides evidence of burst rates on the supply and compares to other internationally recognised chlorine free water suppliers, identifying that the rate of bursts on the Cust scheme is within this range. This is included within Table 2.16. Also of note is that the most recent analysis of data over the 2022 year (which has only recently been completed, and was not available when the submission was made) shows a Burst Frequency Index (BFI) of 0.0 for the scheme.</p> <p>It is unclear how the exemption team have given consideration to the evidence provided under Attribute 5 of Table 3 within the</p>

Item	Taumata Arowai Assessment Report Content	WDC Notes
	and pipe bursts to determine when pipes should be replaced is not best practice in any drinking water supply, particularly in a supply that does not maintain a residual disinfectant.	<p>Residual Disinfection Exemption Application document provided as part of the exemption application. Under this information provided, it is noted the vast majority of the assets which are in Good or Very Good condition. Pipe condition information is also included within the DWSP.</p> <p>We would be happy to provide any further information required to help give confidence in this system, however at this point it is not clear what type of information the exemption assessment team felt was unavailable, or how the information that was provided was considered.</p>
71	The Exemption Team considers that the DWSP may not be fully implemented and may already be out of date, referring to the recently revoked DWSNZ.	<p>While this statement is factually correct, when the exemption application was made in July 2022, the DWSP was consistent with the operative Drinking water standards. The statement within the draft report as it reads now infers that we prepared a DWSP and application in accordance with redundant standards which is not correct, given the standards were operative when the submission was made. Extra context could be added to the assessment report to acknowledge the above point.</p> <p>As noted earlier we are working through a process of updating all our DWSPs to maintain currency, given some were prepared prior to publication of the new DWQAR.</p>
77	For example, breach of a critical control point (CCP) is a serious issue that may require more robust action than a 'level 2' response which is described in the incident response plans as:	<p>We consider the level 2 response to be appropriately matched to an event in which the safety of the drinking water is not compromised, and consistent with guidance material available.</p> <p>The definition of a level 2 event as provided is consistent with the definition as provided in the Handbook for Preparing a Water Safety Plan which is on the Taumata Arowai website.</p> <p>The "potential indicators" in the IRP001 provided for microbial contamination refer to "action limits" within the CCPs, not critical limits. The breach of a critical limit would trigger a Level 3 response. It is possible the assessment team has misinterpreted the IRP in preparing the draft report.</p>
78	Flushing to remove contamination from a supply without a residual disinfectant may result in further contamination of the supply. Flushing to bring in freshly chlorinated water is considered appropriate by the Exemption Team.	<p>For a Level 2 event flushing is considered appropriate, and consistent with commonly used and accepted methods of water supply operations. Remembering that a Level 2 event the supply is still considered to be safe, the treatment plant operating within its critical limits and could include a possible aesthetic issue, flushing makes sense is a logical part of a response.</p> <p>It is suggested that this point be clarified, as possibly this comment has resulted from the misunderstanding above of the difference between Action Limits and Critical Limits.</p>

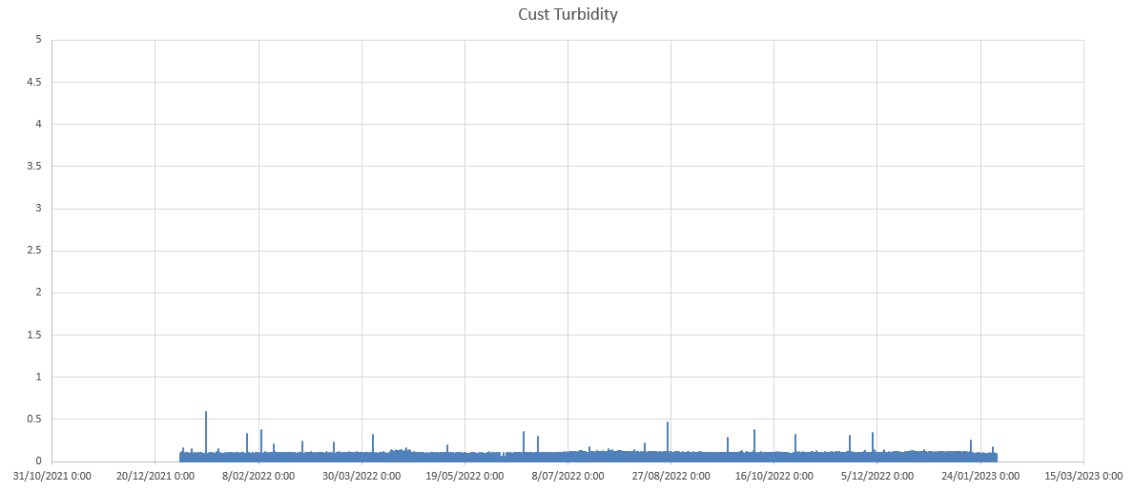
Item	Taumata Arowai Assessment Report Content	WDC Notes
80	The Exemption Team considers that the responses for some parameters are not conservative enough even for a supply with residual disinfection (e.g. the response for <i>E. coli</i> < 10 cfu per 100 mL being a level 3 as opposed to a level 4).	<p>A level 3 response following the detection of <i>E. coli</i> is consistent with the guidance material available on Taumata Arowai’s website (the Handbook for Preparing a Water Safety Plan). See excerpt below from the guidance document.</p> <hr/> <p>Level 4</p> <ul style="list-style-type: none"> • High level of <i>E. coli</i> or any pathogen detected in the reticulation. • Failure of infrastructure resulting in the need for severe restrictions on usage to maintain continuity of supply. • Alert from district health board that its intelligence strongly suggests cases of illness in the community are drinking-water related. <hr/> <p>Level 3</p> <ul style="list-style-type: none"> • Detection of <i>E. coli</i> in the reticulation. • Failure of infrastructure which compromises the ability to supply water, indicating that short-term water restrictions may be required. • Minor exceedances of one or more chemical MAVs (ie, measured concentration is close to the MAV). • Alert from district health board that its intelligence suggests that cases of illness in the community are possibly drinking-water related. <hr/> <p>We would however be open to referencing any more up to date or relevant guidance documents available, however have endeavoured to use the most relevant and recent documents available at the time of preparation of the plans.</p> <p>It is noted also that there is a typo in the assessment report, indicated to the left with red text (assume the intent was to use the word <i>without</i>).</p>
83	The monitoring plans for the Cust supply are not based on the DWQAR, but rather the now revoked DWSNZ. ¹³	<p>As noted earlier, the DWSP was consistent with the operative standards at the time it was submitted, and at the time in which it was initially expected to be assessed. Further context could be provided in the assessment report.</p> <p>We do accept the point however, and are ensuring our plans are updated to remain current.</p>
Approval (a) bullet point 3	There are grounds to be satisfied drinking water supplied by the supply may not comply with the DWSP on an ongoing basis;	This statement seems to be at odds with the statement in paragraph 95 which states that “The Exemptions Team is not aware of any information or issues that suggest drinking water supplied by the Cust supply would not comply with the DWSP on an ongoing basis.”
Approval (a) bullet point 4	On the information available, granting a residual disinfection exemption would arguably be inconsistent with, and therefore not give effect to, Te Mana o te Wai.	Te Mana o te Wai should only be considered for the residual disinfection application, with respect to matters that are affected by the removal of a residual disinfectant. It is understood that the comments made within the assessment report related to Te Mana o te Wai that led to this recommendation are largely around leakage levels. The level of leakage is not affected either way by the removal of residual disinfection, and therefore could be considered outside of the scope of the assessment with respect to Te Mana o te Wai.

Item	Taumata Arowai Assessment Report Content	WDC Notes
		Please note however, the above does not detract from the fact that we are committed to continuing to improve our performance with respect to leakage, in accordance with our Water Conservation Strategy.

References:

1. <https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-drinking-water-quality-guideline-technical-document-enteric-viruses.html#a3.2>

Attachment i – Cust Turbidity Analysis



Attachment ii – Mahaanui Kurataiao Memo



MEMO: Residual Disinfection Exemptions
 TO: Waimakariri District Council Attn: Colin Roxburgh
 FROM: MAHAANUI KURATAIAO
 DATE: 26/08/2022

Tēnā koe Colin,

Thank you for initiating engagement with Te Ngāi Tūāhuriri Rūnanga regarding Waimakariri District Council's proposed application for residual disinfection (chlorination) exemptions for drinking water in Rangiora, Kaiapoi, Woodend-Tuahiwi-Pegasus, Oxford Urban, and Cust. Mahaanui Kurataiao have reviewed the information provided on the proposal and assessed the relevant objectives and policies of the Mahaanui Iwi management Plan. The relevant policies are:

WM3.1 To advocate for the following order of priority for freshwater resource use, consistent with the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999)*:

- (1) That the mauri of fresh water resources (ground and surface) is protected and sustained in order to:
 - (b) Meet the basic health and safety needs of humans, specifically the provision of an untreated and reliable supply of drinking water

WM6.2 To require that water quality in the takiwā is of a standard that protects and provides for the relationship of Ngāi Tahu to freshwater. This means that:

- (b) Marae and communities have access to safe, reliable, and untreated drinking water.

Te Ngāi Tūāhuriri kaitiaki have been briefed on the proposal and are supportive of the application. Manawhenua hold water in the highest spiritual regard, and to protect its mauri it should be maintained to a standard that does not require treatment to be safe potable use. Extensive degradation of water quality in the takiwā means that this not currently achievable. Te Ngāi Tūāhuriri kaitiaki are of the view that treatment using UV disinfection is preferable to the addition of chlorine. The kaitiaki are therefore supportive of Waimakariri District Council's proposed application to exempt them from chlorination requirements. The kaitiaki have indicated that Te Ngāi Tūāhuriri may supply a letter to this effect to accompany the Council's application. Should this be requested by Waimakariri District Council, Mahaanui Kurataiao can facilitate obtaining this from the Rūnanga.

Mahaanui Kurataiao is available to assist if any further advice or engagement is required.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION**

FILE NO and TRIM NO: RAT-06 / 230207015398

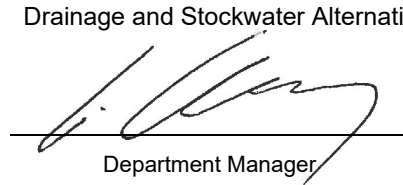
REPORT TO: Council

DATE OF MEETING: 7 March 2023

FROM: Jason Recker, Stormwater and Waterways Manager

SUBJECT: Drainage and Stockwater Alternative Rating Structure

SIGNED BY:
(for Reports to Council,
Committees or Boards)



Department Manager



Acting Chief Executive

1. SUMMARY

- 1.1 This report provides background on the previous work of the Three Waters Rating Working Party and seeks Council approval for establishment of a Drainage and Stockwater Rating Working Party to investigate an alternative rating for drainage and stockwater to be included in the draft 2024/34 LTP.
- 1.2 A Three Waters Rating Working Party was established following a 7 March 2017 report (refer TRIM 170223017410 – Attachment ii), that noted Council was facing challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure across the district.
- 1.3 The original August 2017 report from the Working Party to Council (refer TRIM 170721076345 – Attachment iii) recommended that consultation regarding district wide rating for Three Waters to commence in the first half of 2019. However, Council decided that since there were a number of other significant public consultations under way at that time, or would be by 2019, engagement with the community should be delayed by the period of one LTP cycle to commence in 2022. This decision was also influenced by the acknowledged complexity of the issue.
- 1.4 The 1 August 2017 resolution was that Council:
- a) **Approves** including in the draft 2021/31 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative 3 Waters rating structure that is based on:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas.

- 1.5 In 2020, an internal memo (refer TRIM 200415044821 - Attachment iv) proposed expanding the scope of the drainage and stockwater considerations as part of the next Three Waters Rating Review. This proposal was triggered by:
- a) The Stockwater Race Bylaw review regarding the issue of maintaining water races not for stockwater purposes (as they are currently rated for) but for groundwater recharge, amenity and/or biodiversity purposes.
 - b) Drainage needs outside of current drainage rated areas and environmental enhancement.
- 1.6 A 5 October 2021 report (refer TRIM 210517078096 – Attachment v) recommended that, except for stockwater and possibly rural land drainage, no decision be made regarding whether to proceed with further consideration of district wide rating until there is greater certainty about the outcome of the Three Water Reforms. The report noted there was an opportunity to proceed with consideration of rating structure changes for stockwater and or rural land drainage activities, whether or not the Three Water Reforms proceed in their current form.
- 1.7 At this point Three Waters Reforms is proceeding, therefore no further consideration of district wide rating is relevant except for rural drainage and stockwater. Rural drainage and stockwater assets are assumed to remain with the District Council.
- 1.8 There is some uncertainty that three waters reform will proceed depending on the outcome of the national elections. If three waters reforms did not proceed, it would be possible for Council to expand the scope of the review to include all of three waters at that time.
- 1.9 This report sets out options for progressing consideration of rating review for rural drainage and stockwater races.

Attachments:

- i. Draft Terms of Reference (TRIM 230213018315)
- ii. Council report, (TRIM 230227026729) – “Alternative 3 Waters Rating Structures”, which sought to approve the formation of the Working Party
- iii. Council report, (TRIM 210604090109) – “3 Waters Alternative Rating Structure”
- iv. Internal Memo, (TRIM 230213018280) - Review of drainage and stockwater rates for environmental benefits - 3 Waters Ratings Review
- v. Council report, (TRIM 230222023962) – “Reconsideration of the 3 Waters Rating Structure”, which provides background on previous work from the Working Party on the 3 Waters Rating Structure and provides options for Council to consider re-engaging the issue

2. RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 230207015398.
- (b) **Approves** the establishment of a Drainage and Stockwater Rating Working Party to investigate the possible options including but not limited to:
 - Status Quo – Retaining targeted rates with minimal district rates

- Modified Status Quo – Decreasing targeted rates, however with an off-set increase in a District-wide general rate, recognising the environmental benefits of drainage and stockwater to the public.
- Universal Rate – Combining all the rural drainage schemes into one universal rate with a minimal or more substantial district wide rate.

(c) **Appoints** the following Councillors and Staff to the Drainage and Stockwater Rating Working Party:

Members

- Canterbury Water Management Strategy Portfolio Holder – Councillor Tim Fulton
- Drainage and Stockwater and 3 Waters Portfolio Holder – Councillor Paul Williams
- Climate Change and Sustainability Portfolio Holder - Councillor Niki Mealings
- General Manager Finance and Business Support – Jeff Millward
- General Manager Utilities & Roading – Gerard Cleary
- *Ex officio* – Mayor Dan Gordon
- *Ex officio* – Chief Executive - Jeff Millward (Acting)

Staff Support

- Finance Manager – Paul Christensen
- Rating Representative – Maree Harris
- 3 Waters Manager – Kalley Simpson
- Stormwater & Waterways Manager (Project Lead) – Jason Recker

(d) **Adopts** the draft Terms of Reference shown in Attachment (i) as the Drainage and Stockwater Rating Working Party Terms of Reference.

(e) **Requests** that the Working Party report back to Council in November 2023 recommending the proposed approach for Drainage and Stockwater rating to be included in the draft 2024/34 Long Term Plan.

(f) **Notes** the following indicative programme of key dates:

Period	Action
March 2023	Report to new Council to confirm the establishment of the Working Party and Terms of Reference
April 2023	Initial meeting of the Working Party to confirm scope and rating options
May-July 2023	Assessment and financial modelling of rating options
August 2023	Refinement of preferred option. Final Working Group meeting.
October 2023	National Elections

November 2023	Report to Council from the Working Party recommending proposed rating structure for inclusion in the draft 2024/34 LTP
February 2024	Council adopts draft 2024/34 draft LTP budgets for consultation
March-May 2024	Consultation on proposed rating structure as part of the draft 2024/34 LTP
July 2024	Implementation with 2024/34 LTP

(g) **Circulates** this report to the community boards for their information.

3. **BACKGROUND**

- 3.1 A Three Waters Rating Working Party was previously established following a 7 March 2017 report (refer TRIM 170223017410 – Attachment ii) that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 3.2 Excluded from the Working Party scope were stockwater, unconnected properties, private water supply and sewer schemes, the Ashley Rural Water Scheme and water metering as a charging mechanism. These categories would either not be affected by any change in rating structure or were considered to be matters that may need to be addressed separately from the Three Waters rating structure review.
- 3.3 Three Waters rates are structured around the cost of running the service being shared amongst the users of each scheme. The alternative approach considered by the Working Party was for property owners to pay the same rate for the same level of service, regardless of the location of the property, or scheme they are connected to. This second principle is already in use to some degree, with the Eastern Districts Sewer Scheme, the district wide flooding rate, and the District Water UV rate for water supplies.
- 3.4 The Working Party concluded that while complex, consultation with the community on this issue should be undertaken. It was recommended to Council that consultation should be commenced in 2019. However, this recommendation was not upheld, and Council instead resolved that it:
- a) **Approves** including in the draft 2021/31 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative Three Waters rating structure, that is based on:
- i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas

- 3.5 In 2020, an internal memo was written (refer TRIM 200415044821 - Attachment iv), which identified a potential wider community benefit from naturalising drains to more sustainable forms. The memo was triggered by the Stockwater Race Bylaw review; a growing awareness of drainage needs outside of current drainage rated areas; and the preparation of the Drainage Management Review. The latter was a recommendation of the Zone Implementation Programme Addendum (ZIPA).
- 3.6 The memo recommended that the next Three Waters Rating Review consider recognition of wider environmental benefits of the stockwater and drainage networks, such as the possible options in this memo to find a preferred option, with the intention to consult with the public on a preferred option. No decision or action has been taken on this initiative at this point in time.
- 3.7 A 5 March 2021 report (refer TRIM 210517078096 – Attachment v) set out options for progressing consideration of Three Waters rating reform in light of the Government’s Three Waters Reform programme. The report states if decisions about the Three Waters Reform have not been made by March 2022, the opportunity to reconsider Three Waters rating structure in time for their implementation in the 2024 LTP is lost, as there is not time post the October 2022 Local Body elections to carry out the necessary actions. The possible exception to this is for stockwater and/or rural land drainage.
- 3.8 At this point Three Waters Reforms is proceeding, therefore no further consideration of district wide rating is relevant except for rural drainage and stockwater. Rural drainage and stockwater assets are assumed to remain with the District Council.
- 3.9 There is some uncertainty that three waters reform will proceed depending on the outcome of the national elections. If three waters reforms did not proceed, it would be possible for Council to expand the scope of the review to include all of three waters at that time.

4. **ISSUES AND OPTIONS**

Stockwater

- 4.1. Stockwater was not included in the original Three Waters rating review, but as provided in more detail in Attachment iii, there is a case to be made that the stockwater and rural land drainage networks provide environmental benefits to the wider community, such as amenity and ecological values, and recharge of aquifers. If this concept is accepted then the corollary is that there is also an argument for changing the stockwater rating structure so that the wider community is rated, at least in part, for stockwater and rural land drainage networks.
- 4.2. For the stockwater races, there is some support from Environment Canterbury and current ratepayers of the stockwater race network to recognise ecological values and aquifer recharge. Inclusion within the Three Waters Rating Review would be particular relevant if WDC decided to maintain races open for ecological or aquifer recharge values, against the request of users to close a section.
- 4.3. A 2012 Ashburton District Council Report entitled “Water Investigation Project”, states on the potential impacts of race closure: “*Seepage through races is known to help sustain groundwater levels, support flows in spring fed streams and provide localised benefits not only to those that access shallow groundwater, but also for biodiversity – fauna and flora that inhabit the races. The closure of races will reduce this recharge and the ecological environments they support.*”

Rural Drainage

- 4.4. There has also been a view raised by some of the Drainage Advisory Groups that there is a lack of equity with the current rating structure, as while they benefit from the rural land drainage schemes, they are effectively managing water generated from upstream properties who do not pay drainage rates. Additionally, some areas that are not rated for drainage have an expectation that Council should have a more proactive role in managing and maintaining drains and waterways in areas outside of the current Drainage Rating Areas (DRA's). While the District Drainage rate of \$26.80 per property, provides some ability for Council to do work in areas outside of current DRA's this is limited and does not address the equity issue that has been raised
- 4.5. There are several different drainage rating structures, ranging from a simple land value basis, through to fixed plus variable structures, based on either land value, or land area (see table below):

Drainage Scheme	Rating Structure
Coastal Rural	20% collected as a fixed rating unit and 80% by a rate per hectare of land
Cust	Rate per hectare of land
Clarkville	50% collected as a fixed amount per rating unit and 50% as a rate per hectare of land area
Oxford, Ohoka, Central Rural	20% collected as a fixed amount per rating unit and 80% as a rate in the dollar on the rateable land value
Loburn Lea	Rate in the dollar on rateable land value

Potential Rating Structure Options

- 4.6. Proposed for Council approval is the establishment of a Drainage and Stockwater Rating Working Party to investigate the possible options including but not limited to:
- a. **Status Quo** - Retaining existing rate structure for rural drainage schemes with a minimal district rate.
 - i. The inequity of rural drainage rates is not addressed.
 - ii. Stockwater race environmental benefits would not be funded through a district-wide rate.
 - b. **Modified Status Quo** - Decreasing targeted rates, however with an off-set increase in a District-wide general rate, recognising the environmental benefits of drainage and stockwater to the public.
 - i. Spreads cost over a greater number of ratepayers.
 - ii. Stockwater race environmental benefits would be funded through a district-wide rate.

- iii. Inequal targeted rates and inconsistent rating structures would remain for rural drainage schemes.
- iv. Rate increases and decreases could be phased in to reduce sharp rate increases on ratepayers.
- v. District wide ratepayers outside of drainage schemes would likely expect a higher level of service with increased rates.

c. Universal Rural Drainage Rate - Combining all the rural schemes into one universal rate with a minimal or more substantial district wide rate.

- i. Spreads cost over a greater number of ratepayers.
- ii. Stockwater race environmental benefits would be funded through a district-wide and targeted rates.
- iii. Rate increases and decreases could be phased in to reduce sharp rate increases on ratepayers.
- iv. District wide ratepayers outside of drainage schemes would likely expect a higher level of service with increased rates.

4.7. Implications for Community Wellbeing

There are no implications on community wellbeing from the issues and options that are the subject matter of this report. Should Council decide to change the rural drainage and stockwater rating structure in the future, community wellbeing will have to be considered.

4.8. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are not likely to be affected by the subject matter of this report, but should Council decide to change the rural drainage and stockwater rating structure in the future, the views of Te Ngāi Tūāhuriri hapū will need to be considered.

5.2. Groups and Organisations

There may be groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. No feedback has been specifically sought from affected groups on this issue. However, some Drainage Advisory Groups have expressed the unsolicited view that there is a lack of equity with the current Drainage Rating Areas (DRA's), and there may be some frustration at the delay in Council's ability to progress the issue.

5.3. Wider Community

The wider community is not likely to be affected by, or to have an interest in the resolutions of this report. The issue of rates review originated internally. No engagement with the wider community has taken place on this issue, and there has been no discernible view from the community that change is needed.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

There are no financial implications of the decisions sought by this report. The decisions push out any significant decision making, and the status quo will remain in place.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report do not have climate change impacts. Long term, if the Council does not address future sharply rising rates for small drainage schemes, sustainability concerns may arise.

6.3. Risk Management

There are no risks arising from the adoption/implementation of the recommendations in this report.

6.4. Health and Safety

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

Should a full review of Council's rural drainage and stockwater rating structure eventuate, it will be a matter of significance and a Special Consultative Procedure will be undertaken to seek community views.

7.2. Authorising Legislation

Any changes to the rating structure would need to comply with the Local Government (Rating) Act 2002. Consultation process would need to comply with the Local Government Act 2002

7.3. Consistency with Community Outcomes

The Council's community outcomes are not relevant to the actions arising from recommendations in this report.

7.4. Authorising Delegations

This is a Council decision, so delegations need not be considered.

TERMS OF REFERENCE

Drainage and Stockwater Working Party - Draft

1. Purpose

- The Working Party will investigate alternative rating structures for drainage and stockwater activities to resolve cost and equity issues arising from the current rating structures.

2. Membership

- Councillor Tim Fulton, Canterbury Water Management Strategy Portfolio Holder
- Councillor Paul Williams, Drainage and Stockwater and 3 Waters Portfolio Holder
- Councillor Niki Mealings, Climate Change and Sustainability Portfolio Holder
- Gerard Cleary, GM Utilities and Roading
- Jeff Millward, General Manager of Finance and Business Support
- Mayor Dan Gordon, Ex officio
- Chief Executive Jeff Millward (Acting), Ex officio

3. Staff Support

- Paul Christensen, Finance Manager
- Maree Harris, Rating Representative
- Kalley Simpson, 3 Waters Manager
- Jason Recker, Stormwater and Waterways Manager (Project Lead)

4. Quorum

4 members.

5. Objectives

- To consider and agree on the principles that would support any change to the rating structures for drainage and stockwater.
- To consider ways in which phasing in the changes to rating structures might make the changes more acceptable.

6. Outcomes

- The Working Party will report back to Council recommending:
 - a) the options for alternative rating structures that the Working Party considers best meets the objectives set out above,
 - b) whether Council should proceed to consultation on those options.

7. Delegation

TERMS OF REFERENCE

Drainage and Stockwater Working Party - Draft

- Only Council staff can authorise work to be undertaken and for the issuing of orders for services/supplies and the authorising of invoices for payment.

8. Decision Making

- Decisions will, in so far as it is possible, be reached by consensus. Where this is not achievable, decisions will be made by voting with a simple majority being required.
- The Working Group will have the option of referring any matter to the General Manager of Utilities and Rooding for a decision.

9. Financial Management

- The Council's financial year is from 1 July to 30 June.
- Accounts are closed off at the end of each year, and any under/over expenditure is absorbed into the Council's consolidated funds when it is targeted funds. This does not apply to group funds raised for developments either through Council development channels and/or community initiatives.
- Carrying forward of unspent funds is possible where they relate to capital or programme maintenance works which were not completed for a specific reason. These funds must be approved by the Council during the budget process.

10. Legal Responsibilities

In working together to achieve the objectives of the Drainage and Stockwater Alternative Rating Structure the Council and the Drainage and Stockwater Working Party are required to comply with all relevant legislation and regulations.

These include, but are not limited to:

- The Health and Safety at Work Act 2015
- Local Government Act 2002

11. Administration

The agenda and minutes for the Drainage and Stockwater Working Party meeting will be prepared by the Project Lead. The agenda and minutes will be filed in TRIM and distributed to all members.

The outline agenda for the meeting shall generally be as follows:

1. Apologies
2. Previous Minutes
3. Matters Arising
4. Staff Reports (milestones, programme, issues, budget, risk, health and safety)
5. Risks, Issues or Concerns
6. Community Engagement and Media



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Adopted:
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TERMS OF REFERENCE

Drainage and Stockwater Working Party - Draft

7. Reports to Council, Committee or Community Board
8. General Business

12. Meeting Frequency

The Drainage and Stockwater Working Party shall meet as required or when requested to do so for urgent matters, or matters relating to the purpose of the Drainage and Stockwater Working Party.

13. Duration

The Drainage and Stockwater Working Party will function until the completion of the project.

WAIMAKARIRI DISTRICT COUNCILREPORT

FILE NO and TRIM NO: IFR-01 / 170223017410
REPORT TO: Council
DATE OF MEETING: 7 March 2017
FROM: Simon Collin, Infrastructure Strategy Manager
SUBJECT: Alternative 3 Waters Rating Structures

SIGNED BY:
 (for Reports to Council or
 Committees)


 Department Manager


 Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to gain approval for the formation of a Council Working Party to consider potential options for alternative rating structures for water supply, wastewater and land drainage/stormwater, and to appoint Councillors to that Working Party.
- 1.2. Council faces some challenges with respect to forecast substantial increases in rates for some water and wastewater schemes, arising from the need to meet regulatory standards. For drainage, some public concern has been expressed about the equity of current rating structures
- 1.3. These challenges present an opportunity to consider alternative rating structures as a way of dealing with the issues.
- 1.4. The issues and potential options are complex, and establishing a working party is recommended as the most practical way to consider them.

Attachments:

- i. Draft Terms of Reference

2. RECOMMENDATION

THAT the Council

- (a) **Receives** report No. 170223017410.
- (b) **Approves** the formation of a 3 Waters Rating Working Party to consider the issues and options relating to the equity of current 3 waters rating structures and the challenge presented by forecast increasing rates for some schemes.
- (c) **Appoints** Cr Felstead, as the Portfolio holder for Finance and the LTP, to the chair of the 3 Waters Rating Working Party.

- (d) **Appoints** Cr Williams, as the Portfolio holder for Utilities as a member of the 3 Waters Rating Working Party
- (e) **Appoints** Cr Stewart, as the Portfolio holder for Drainage and Stockwater as a member of the 3 Waters Rating Working Party
- (f) **Notes** that the Mayor, is an ex officio member of the 3 Waters Rating Working Party
- (g) **Appoints** two further Councillors, as members of the 3 Waters Rating Working Party, to make up a total of 6 members.
- (h) **Adopts** the draft Terms of Reference shown in Attachment (i) as the 3 Waters Rating Working Party Terms of Reference.

3. ISSUES AND OPTIONS

3.1. Background

- 3.1.1. In both the water and wastewater activity areas Council faces an issue of significantly rising rate costs for some individual water and sewer schemes, that require substantial capital expenditure in order to meet regulatory standards. For water supplies, meeting the NZ Drinking Water Standards is the challenge, and for wastewater schemes, meeting consent conditions.
- 3.1.2. For land drainage, in the context of the expansion of the Ohoka and Kaiapoi drainage rated areas last year, concern has been expressed by ratepayers within drainage rated areas that it is inequitable for properties upstream of drainage rated areas to not be paying any drainage rates, when water draining off their land is contributing to the drainage problems lower in the catchment.
- 3.1.3. Following those concerns being raised, Council noted that *“Council staff will undertake a review of drainage rating throughout the rest of the district and report back to Council with options for consideration during the 2016/17 FY”*.
- 3.1.4. Generally the philosophy behind the 3 Waters current rating structures is that the individual community pays the full costs of running the infrastructure that supplies them with the service. This results in widely disparate costs for similar levels of service. For example Mandeville water supply costs \$379 for two units of water, while Garrymere costs \$1121 for two units of water. Furthermore, the Garrymere supply is not compliant with the drinking water standard, and if the Garrymere community is to shoulder the full costs of the necessary upgrade, their water rates will rise by approximately a further \$900 p.a.
- 3.1.5. If the Council is to consider moving to alternative 3 Waters rating structures, it needs to be in a position to advocate for the principles that will support any proposed changes during consultation.
- 3.1.6. Understanding the effects of different potential options can be quite complex as (i) there is a large number of current different rating structures (22 for water, 4 for sewer and 13 for land drainage), and (ii) the boundaries of the various different schemes rarely coincide.
- 3.1.7. It is therefore considered that establishing a working party to enable a subset of Councillors to work through the principles and options arising from the application of those principles is the most practical way for Councillors to be in a position to make an informed decision about whether to proceed to consultation with district wide rating options or not.

- 3.1.8. Because of the potential time commitment that the working party will entail, and the need for the Working Party to make its recommendations back to Council in early July it is recommended that the Working Party be made up of 6 members.
- 3.1.9. Draft Terms of Reference are included in Attachment (i). It is proposed that staff members from Finance, Rates and 3 Waters should provide support to the 3 Waters Rating Working Party.
- 3.1.10. It is estimated that a minimum of four two hour meetings will be needed between 7 March and early June, in order to properly consider the principles and options.
- 3.1.11. It is suggested that since Tuesday's are Council days, Tuesday's from 10.00 to 12.00 may be a suitable time for the meetings to be held. Possible alternatives are Wednesdays between 5 and 7, or Thursdays 5 to 6.30 (as Oxford Community Board starts at 7.00).
- 3.2. The Management Team/CEO has reviewed this report and supports the recommendations.

4. COMMUNITY VIEWS

- 4.1. Community views would be sought as part of a Special Consultative Process, after the Working Party has considered the issues and made its recommendations to Council

5. FINANCIAL IMPLICATIONS AND RISKS

- 5.1. There are no financial implications, or risks from setting up a Working Party to consider the issues and options

6. CONTEXT

6.1. Policy

While implementation of alternative 3 Waters rating structures would be a matter of significance in terms of the Council's Significance Policy, the formation of a Working Party to consider the options is not .

6.2. Legislation

N/A

6.3. Community Outcomes

This report relates to the following community outcomes:

- Core utility services are provided in a timely, sustainable and affordable manner.



**TERMS OF REFERENCE
COUNCIL AND COMMITTEES**

3 Waters Rating Working Party - Draft

1. Membership

The Working Party will comprise of total of 6:

Chair : Cr Felstead

ex officio: The Mayor

Members : Crs Williams, Stewart,,.....

2. Quorum

4 members.

3. Scope

3.1 The Working Party will investigate alternative rating structures for the 3 Waters activities to resolve cost and equity issues arising from the current rating structures.

3.2 The Working Party will report back to Council recommending:

- a) the options for alternative rating structures that the Working Party considers best meets the objectives set out below and,
- b) whether Council should proceed to consultation on those options.

3.3 The Working Party will lead the consultation and engagement process, in the event of Council deciding to progress the concept of alternative rating structures, and seek community views.

4. Objectives

4.1 To consider and agree on the principles that would support any change to the rating structures for 3 Waters

4.2 To consider and evaluate alternative rating structures that will:

- a) mitigate the potential effect on rates that meeting regulatory standards will impose on some small water/wastewater schemes
- b) be consistent with the principles from 4.1
- c) have the potential to be regarded as equitable by the wider community

4.3 To consider ways in which phasing in the changes to rating structures might make the changes more acceptable.



WAIMAKARIRI
DISTRICT COUNCIL

ATTACHMENT (i)

Issue:
Adopted:
Page: 2 of 2

**TERMS OF REFERENCE
COUNCIL AND COMMITTEES**

3 Waters Rating Working Party - Draft

5. Meeting Frequency

As required.

6. Staff Executive

Project Lead : Simon Collin
Finance : Jeff Millward
Rating : Maree Harris
Utilities & Roading : Gerard Cleary
3 Waters : Kalley Simpson

WAIMAKARIRI DISTRICT COUNCILREPORT

FILE NO and TRIM NO: RAT-06/ 170721076345

REPORT TO: Council

DATE OF MEETING: 1 August 2017

FROM: Simon Collin, Infrastructure Strategy Manager, on behalf of the 3 Waters Rating Working Party

SUBJECT: 3 Waters Alternative Rating Structure

SIGNED BY:
(for Reports to Council or Committees)


Department Manager


Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to provide Council with the outcomes from the 3 Waters Rating Working Party meetings, and to seek Council approval on the elements proposed to be included in the draft 2018 – 2028 Long Term Plan.
- 1.2. The 3 Waters Rating Working Party was established following a 7 March 2017 report (TRIM 170223017410 – Attachment i) that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 1.3. After considering a number of different options at a high level the working party examined in detail the effect on rates of:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
 - iv. Increasing the flood rate that is currently part of the general rate
- 1.4. The Working Party concluded that there would be some merit in publicly consulting on the options described by items i, ii, and iii above, but that consultation would be better delayed until after the next LTP has been finalised in 2018.
- 1.5. The Working Party felt that the proposal to increase the flood rate, by a suggested \$6 per property, would not need to be delayed, and could be included as a proposal in the draft 2018/2028 Long Term Plan.
- 1.6. Notwithstanding, those views, it is recommended that final consideration of the inclusion of a small increase in the flood rate, would best be made at the same time that the whole of the draft 2018/2028 is being finalised early in 2018.

Attachments:

- i. Council report, (TRIM No. 170223017410) – “Alternative 3 Waters Rating Structures”, which also contains the Working Party Terms of Reference
- ii. Graph illustrating the introduction of a new rating structure over a ten year period for urban water supplies (Trim No. 170717073924)
- iii. Graph illustrating the capped option for introducing a common rating structure. (Trim No. 170717074012)

2. RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 170721076345.
- (b) **Approves** including in the draft 2018/28 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative 3 Waters rating structure, that is based on:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
- (c) **Notes** that this engagement process is proposed to commence in the first half of 2019, and that Council staff will seek approval from Council before commencing consultation.
- (d) **Requires** that staff bring back a recommendation to Council in January 2018 for the inclusion of an additional \$6 per property to the flood rate in the draft 2018/2028 LTP.
- (e) **Thanks** the Working Party for the time and effort they have put into considering this issue.

3. THE ISSUE

- 3.1. A 3 Waters Rating Working Party was established following a 7 March 2017 report that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 3.2. That report, which includes the Terms of Reference of the Working Party, is included in this report as Attachment i.
- 3.3. In particular, Fernside sewer, and Garrymere, Poyntzs Road, Oxford Rural No1 and Ohoka water supply rates are facing increases of between \$250 and \$3,700 per property over the next few years.
- 3.4. Excluded from the Working Party scope were stock water, unconnected properties, private water supply and sewer schemes, the Ashley Rural Water Scheme and water metering as a charging mechanism. They would either not be affected by any change in rating structure, or were considered to be matters that may need to be addressed separately from the 3 Waters rating structure review.

- 3.5. It is expected that the sorts of funding challenges facing Garrymere, Fernside etc, will arise for other small schemes in the future, driven by:
- More stringent consent conditions upon renewal
 - Increasing public expectations about waterway health
 - Public health issues – e.g. Drinking Water Standards
 - Potential groundwater contamination leading to pressure to extend serviced areas
 - New legislation e.g. potential outcome from the Havelock North water supply contamination, or waterway standards

4. **OPTIONS**

- 4.1. The Working Party (WP) first considered the principle underlying the current rating structure, and the alternative principle that would need to be supported if any changes were to be made. Currently, 3 Waters rates are structured around the cost of running the service being shared amongst the users of each scheme. The alternative approach is for property owners to pay the same rate for the same level of service, regardless of the location of the property, or scheme they are connected to
- 4.2. A brief recap of the current rating system complexities was also undertaken. For example there are currently 5 different drainage rating structures, ranging from a simple land value basis, through to fixed plus variable structures, based on either land value, or land area.
- 4.3. The initial suite of options that the WP selected as having potential to mitigate the effect on rates that meeting regulatory standards would impose on small water/wastewater schemes were:
- a) Wastewater
 - A single sewer rate for all connected properties in the district.
 - A single sewer rate for all connected properties in the district with the exception of Oxford.
 - b) Water supply
 - A single water supply for all connected properties in the district.
 - Two separate rates. One common rate for all urban supplies and one common rate for the restricted water supplies.
 - c) Drainage
 - One common rate for all urban drainage areas and one common rate for all current rural drainage rated areas.
 - One common rate for all drainage areas in the district (urban and rural).
 - d) Flooding
 - As an optional additional proposal, separate from the other change of structure proposals, increase the existing district wide flood rate to deal with areas that are not currently in a drainage rated area that contribute to downstream issues in a flood event.
- 4.4. The flood rate proposal in (d) above was driven by two factors. Firstly public concern in some quarters that the current drainage rating structure is inequitable, because current drainage rated areas have to deal with water coming from non-drainage rated areas.

Secondly the lack of any current funding to deal with a low level but consistent demand for Council to address flooding issues within the wider district. A demand which is not being met.

A small rate applied to every property in the district and able to be applied anywhere in the district would enable to staff to respond to customer requests for Council action on flooding issues. It would also potentially help with the equity concern because the funds could also be used in those drainage rated areas where this concern exists.

- 4.5. Tables showing the average rate changes for options 4.3 (a)-(d) were examined, including tables that added together the effects of rates changes for all three waters. Where relevant the range of the rates changes were also considered, so that the WP members had an understanding of the largest rates reductions that would arise from the options under consideration, as well as the largest increases that would occur.
- 4.6. On the basis of this information the WP selected the option set out below for further examination.
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
 - iv. Increasing the district wide flood rate that is currently part of the general rate

In addition more detail was requested on the effect on Oxford sewer rates of moving to a pan based rate. The WP also wished to have an understanding of the current debt held by each scheme.

- 4.7. A key aspect of this rating structure is that it avoids the prospect of urban properties subsidising water and drainage services for those living on lifestyle block rural properties.
- 4.8. Drainage Advisory Groups and the public have expressed the view that the current drainage rates structure is inequitable. As noted in 4.4. inclusion of the proposal to increase the district wide flood rate has the potential to address this particular concern which the proposed common urban and rural drainage rate proposal does not.
- 4.9. Subsequent WP meetings considered not only the effect on rates of the chosen option, but also ways that any changes could be introduced. The WP felt that introduction in a single year was problematic and looked at "smoothing" the introduction over a ten year period. This is illustrated graphically for urban water supplies in Attachment ii.
- 4.10. There was also a view that the potential reduction in rates for some of the smaller rural schemes was unacceptable. Information was therefore requested on a sub option that fixed the rates of these schemes (capped) at the value that they are currently paying. The concept here being that as the rates of other non- capped schemes slowly rose over time they would "catch up" with the rates that the capped schemes were paying. At this point they would join together paying a single common rate. This is illustrated graphically in Attachment iii.

This methodology would eventually achieve the outcome of common rates, but the timeframe is very long, typically 50 to 90 years depending on the scheme.

- 4.11. Finally, a suite of graphs was prepared for study by the WP that showed for each scheme the effect on rates over a ten year time frame. The graphs also show the current projected rates over the same time period, and the difference between those projections and projections if a changed structure was introduced. These graphs were based on implementing the changes over a ten year period, and included adding the effect from each of the three waters. This was called the smoothed option.
- 4.12. The graphs have been summarised in Table 1 below which shows the average annual rate change (increase or decrease), by scheme, that would arise from introducing the alternative rates structure over either a ten year or twenty year period.
- 4.13. The figures are calculated from average land values (for the land drainage component) and include the use of two units of water for the rural restricted water supply schemes. The figures are therefore representative of the effect of the majority of ratepayers, but there will be considerable variation of these numbers for “non average” properties.

Table 1 – Summary of Average Annual Rate Change – Smoothed Option*

Urban	Water Supply Service	Wastewater Service	Drainage Service	Average annual rate increase/decrease due to new structure introduced over 10 years	Average annual rate increase/decrease due to new structure introduced over 20 years
Cust	✓			-\$69	-\$34
Kaiapoi	✓	✓	✓	-\$7	-\$4
Pines/Kairaki	✓	✓	✓	\$28	\$14
Kaiapoi restricted + Kaiapoi drainage extension	✓		✓	\$10	\$5
Kaiapoi restricted + Clarkville drainage	✓	✓	✓	\$3	\$2
Oxford Urban	✓	✓	✓	-\$49	-\$25
Rangiora	✓	✓	✓	\$14	\$7
Pegasus	✓	✓	✓	-\$4	-\$2
Waikuku Beach	✓	✓	✓	\$7	\$4
Woodend	✓	✓	✓	\$7	\$4
Rural (2 units of water)					
Woodend - Tuahiwi	✓		✓	\$4	\$2
Fernside	✓		✓	-\$152	-\$76

Garrymere	✓			-\$139	-\$69
Mandeville	✓	✓	✓	\$29	\$15
Ohoka	✓	✓	✓	-\$3	-\$2
Oxford Rural No.1	✓	✓		-\$24	-\$12
Oxford Rural No.2	✓	✓		-\$7	-\$4
Poyntzs Road	✓	✓		-\$36	-\$18
Summerhill	✓	✓		-\$70	-\$35
West Eyreton	✓	✓		-\$14	-\$7
Loburn Lea		✓	✓	-\$177	-\$89

* Excludes optional additional flood rate of \$6/property

4.14. It should be noted that the boundaries for water supply, wastewater schemes and drainage areas do not coincide. This factor, as well as variations caused by different water consumption by those connected to restricted schemes will also change the effect for individual households.

4.15. **Advantages of a change to the 3 Waters rating structure**

The preferred option of the WP is the smoothed introduction of the new rates structure over a 10 year or potentially a 20 year period. This option has the potential to be regarded as equitable by the wider community and has the following additional advantages:

- Resolves the current issues of Drinking Water Standards and consent affordability
- Provides flexibility for when funding/affordability issues arise again in the future
- Allows a focus on the technical solutions rather than the complex funding issues which can arise under the current structure
- Would be welcomed by the Drainage Advisory Groups who think the current system is inequitable
- Is administratively simpler

4.16. **Disadvantages of a change to the 3 waters rating structure**

The preferred option has the following disadvantages:

- The rating system would be less transparent. The true costs of providing services to small communities is masked (although still available to Council)
- The public have little knowledge about how rates are made up, and consequently public debate on the issue would be a challenge, particularly for the non-average properties such as high water users, or high land value properties
- The only public demand for a change at this point, is concern that the current drainage rating structure is inequitable

4.17. **Timeframe**

The timeframe leading into the LTP is now short, and gaining public understanding in the timeframe available would be difficult. The WP also had concerns that the other significant issues being consulted upon currently (solid waste services and the District Development Strategy), would add to the difficulties of engaging with the public on a rates restructure at this time.

- 4.18. While there is merit in seeking the communities' views on the matter, trying to carry out that engagement before the next LTP is not recommended.
- 4.19. The LTP process does, however, provide an opportunity to raise the issue, to gauge if there is sufficient interest from the public to warrant consulting in the early period of the 2018/2028 LTP. It is therefore recommended that
 - a) The issue is signalled in the LTP
 - b) The increase in the district wide flood rate is included in the LTP
- 4.20. The Management Team/CEO has reviewed this report and supports the recommendations.

5. COMMUNITY VIEWS

- 5.1. Community views would need to be sought before a proposal to change the 3 waters structure was included into a draft Council Long Term Plan.
- 5.2. Given the complexity of the issue, and the challenges that engaging with the community may present, it is proposed that the issue be raised in the draft 2018/2028 LTP as a topic that will be consulted upon early during the term of the 2018/2028 LTP.
- 5.3. Following feedback on this proposal, the Council would decide whether to include it in the final 2018/2028 LTP during its deliberations.
- 5.4. If the decision was to comprehensively consult on the topic in the term of the 2018/2028 LTP, it is suggested that the appropriate timing would be early in the 2019 calendar year.

6. FINANCIAL IMPLICATIONS AND RISKS

- 6.1. With the exception of the proposal to increase the flood rate by a modest \$6 per property, the changed rating structure option preferred by the WP does not propose to increase the overall rates take, but it would affect the rates of individual property owners, in some cases substantially.
- 6.2. There are no perceived risks from the proposed recommendations in this report, although the funding challenges facing Garrymere, Fernside etc and potentially other smaller communities will remain
- 6.3. However, should the concept of an alternative rating structure for 3 Waters eventually be implemented, there is a risk that should be noted at this time. The risk is that the comprehensive engagement process suggested for early in 2019, would fail to elicit an adequate response, or even awareness from potentially affected householders. If this occurred, and Council subsequently made a decision to proceed with the proposal, there is the potential for some push back from affected households when they receive their first rates demand under the new structure. This risk would be mitigated, if any changes were to be implemented over a long period of time (10 or even 20 years)

7. **CONTEXT**

7.1. **Policy**

This matter is a matter of significance in terms of the Council's Significance Policy.

7.2. **Legislation**

Any changes to the rating structure would need to comply with the Local Government (Rating) Act 2002. Consultation process would need to comply with the Local Government Act 2002

7.3. **Community Outcomes**

This report relates to the following community outcomes:

- Core utility services are provided in a timely, sustainable and affordable manner

WAIMAKARIRI DISTRICT COUNCILMEMO

FILE NO AND TRIM NO: DRA-02-04 / 200415044821

DATE: 15 April 2020 (updated 3 June 2020)

MEMO TO: Kalley Simpson – 3 Waters Manager
Gerard Cleary – Manager Utilities and Roading

FROM: Sophie Allen – Water Environment Advisor

SUBJECT: Review of drainage and stockwater rates for environmental benefits as part of the 3 Waters Ratings Review

1. Summary

- 1.1. This memo is a proposal for consideration of the wider environmental benefits provided by the drainage and stockwater network as part of the next 3 Waters Rating Review (with public consultation carried out in the 2021 Long Term Plan process). This proposal has been triggered by;
- 1.1.1. The Stockwater Race Bylaw review regarding the issue of maintaining water races open not for stockwater purposes (as they are currently rated for) but for groundwater recharge, amenity and/or biodiversity purposes.
- 1.1.2. Drainage needs outside of current drainage rated areas and also environmental enhancement, such as identified in the Drainage Review which potentially has a wider community benefit.
- 1.2. Environmental benefits that are a reason for review of rates for the stockwater network include;
- 1.2.1. aquifer recharge for both nutrient dilution and off-setting of water abstraction benefits
- 1.2.2. heritage and rural character values, and
- 1.2.3. ecological habitat that the race network provides.
- 1.3. The Drain Management Review vision has identified a wider community benefit to naturalise drains to more sustainable forms, however with higher capital 'intervention' costs. Environmental benefits that are a reason for review of rates for rural drainage include;
- 1.3.1. Enhancement of the drainage network provides wider community benefit such as amenity
- 1.3.2. Increased retention the drainage network benefits those downstream, not those in the rating district.
- 1.4. Some committees, such as the Drainage Advisory Groups, have shown support of a District-wide general rate to be charged for rural drainage, with the thought that this could increase funding for work undertaken in rural drainage areas. This is already some cross subsidy from urban to rural schemes. Some elected members have also shown support of a general rate, as this would allow more work to occur district-wide. The decision to

undertake work outside of current drainage schemes would require careful consideration of the purpose and need for this work.

- 1.5. A 3 Waters Rating Review Working Party was established in 2017, however with different drivers for a rates review – namely to spread high costs more widely, to smooth out cost per rateable property. Stockwater was excluded from this review, as rates are already District-wide (for users), however is recommended to be included in the next 3 Waters Rating Review.
- 1.6. A report from the working party (170721076345) to change the rating structure for all 3 Waters utilities, to introduce cross-subsidy possibilities was presented to Council for the 2018 LTP process, however was decided by Council to be postponed until the 2021 LTP process. A lack of community demand for a 3 Waters rates review was highlighted as a case for postponement. The proposed inclusion of environmental benefits in the 3 Waters Rating Review is currently driven by Councillor Sandra Stewart and 3 Waters staff, not from wide community feedback.
- 1.7. Possible options to be explored in the proposed 3 Water Rating Review for recognition of environment benefits are:
 - a) Status quo – retaining targeted rates, with minimal District-wide rates
 - b) Decreasing targeted rates, however with an off-set increase in a District-wide general rate, recognising the environmental benefits of drainage and stockwater to the general public.
 - c) Retaining targeted rates, however with an additional general rate supplement under the District Drainage account that creates additional budget e.g. for sustainable drain management interventions.
- 1.8. Any general rate would need to consider whether it would be a fixed rate, or variable rate i.e. with rateable value of a property, and for drainage whether it would apply to urban drainage areas as well as rural drainage. Currently there is a range of approaches between drainage schemes.

2. Recommendations

- 2.1. For the next 3 Waters Rating Review to consider recognition of wider environmental benefits of the stockwater and drainage networks, such as the possible options a) - e) in this memo to find a preferred option, with the intention to consult with the public on a preferred option.
- 2.2. To include discussion from this memo in a report to Council in mid-late 2020 about the next 3 Waters Rating Review, to assess whether there is an appetite to review drainage and stockwater rating so that it recognises wider environmental benefits.

3. Background

- 3.1. In 2017 a 3 Waters Rating Working Party was established by Council to review rating for all of the 3 Waters utilities, however with different drivers for a rates review – namely to spread high costs more widely, with some 'cross-subsidy', and to smooth out cost per rateable property, and to address community concerns about the inequity of drainage rates.

- 3.2. A 3 Waters rating option for amalgamating drainage rating districts and a general rate, was proposed by the Working Party, which was intended to be consulted on under the Long Term Plan consultation, however Councillors voted to postpone reviewing 3 Waters Rating until the next LTP process in 2021. Stockwater was excluded from the 3 Waters rating review in 2017, as there is currently a district-wide rate for users of this service.
- 3.3. The Council's stockwater network is managed as one rating area. Most stockwater races were created over 100 years ago, and therefore can potentially hold heritage values. Water from the Waimakariri River and Cust River has been predicted by Environment Canterbury modelling to provide both nitrate dilution and recharge to maintain aquifer levels in the groundwater of the District.
- 3.4. The Council's drainage activity provides for the management of stormwater within residential and designated rural areas in the District. Drainage rating is categorised into five urban drainage areas and seven rural drainage areas (listed below). In urban drainage areas Council owns, maintains and replaces the assets, provides a level of service for asset capacity and maintains certain waterways, while in rural areas Council maintains certain drains and waterways in a functional condition.

Urban Drainage Areas:

- Rangiora
- Coastal (Waikuku Beach, Woodend, Pines/Kairaki)
- Kaiapoi
- Oxford
- Pegasus

Rural Drainage Areas:

- Oxford
- Ohoka
- Cust
- Clarkville
- Coastal
- Central
- Loburn Lea

The activities undertaken to manage the Council's Drainage assets includes annual maintenance and enhancement of drains and waterways, new and renewal capital works programmes to provide required levels of service (five years in residential areas and ten years in the Rangiora and Kaiapoi Central Business Districts) and replying to drainage enquiries.

4. Issues and Options

- 4.1. This memo proposes the inclusion of wider environmental benefits when considering rating for drainage and stockwater, such as rural drainage values of amenity, retention and ecological values alongside water conveyance. For the stockwater races, there is some support from Environment Canterbury and current ratepayers of the stockwater race network to recognise ecological values and aquifer recharge. Inclusion within the 3 Waters Rating Review would be particularly relevant if WDC decided to maintain races open for ecological or aquifer recharge values, against the request of users to close a section.
- 4.2. Selwyn District Council has introduced a general rate as a partial subsidy for the stockwater race networks in their district, due to a decision to maintain some sections of their race network open due to ecological values, such as the presence of Canterbury

mudfish, rare invertebrates, freshwater mussels (kākahi), and freshwater crayfish (wai koura).

- 4.3. In order to propose any general rates, there would likely be a need to provide evidence of these wider benefits to the general public. The value of aquifer recharge has been analysed recently by Environment Canterbury groundwater modelling, and there have been surveys of WDC drains for the Maintenance and Minor Works consent, however it is thought that a survey of WDC stockwater races for ecological values has not been carried out before. Therefore it is proposed that Sophie Allen carry out this work in June July 2020.
- 4.4. It is recommended to include discussion of wider environment benefits of the drainage and stockwater networks in the report to Council in mid-late 2020, to assess whether there is an appetite to review drainage and stockwater rating in the 2021 LTP.
- 4.5. With the COVID-19 financial implications, it is possible that there will be a lack of Council support for any changes to rates, to avoid raising potential community concerns.
- 4.6. If a 3 Waters Ratings Review Working Party is created, it is recommended for that Working Party to consider proposed options for rating. In particular, the working party should decide whether amalgamation of drainage rating districts should also be within scope.
- 4.7. There are no considerations from the Department of Internal Affairs 3 Waters Review at this stage. Currently the proposal from Government excludes any changes to drainage and stockwater.

5. Proposed timeframes

- 5.1. Finalisation of memo to Kalley Simpson June 2020
- 5.2. Ecological survey of stockwater races by Sophie Allen to assess whether there are the assumed ecological values June-July 2020
- 5.3. Report to Council on the 3 Waters Rating Review Mid-Late 2020
- 5.4. LTP Consultation in March-April 2021.

Attachment v

WAIMAKARIRI DISTRICT COUNCILREPORT FOR DECISION

FILE NO and TRIM NO: RAT-06 / 210517078096

REPORT TO: Council

DATE OF MEETING: 5 October 2021

FROM: Simon Collin, Infrastructure Strategy Manager

SUBJECT: Reconsideration of the 3 Waters Rating Structure

SIGNED BY:
(for Reports to Council,
Committees or Boards)



Department Manager



Chief Executive

1. SUMMARY

- 1.1 This report provides the background to a review of 3 Waters rating structures that was previously carried out in 2017, and provides options for Council to consider in re-engaging with this issue, that are dependent on the timetabling and outcome of the Government's Three Waters Reform process.
- 1.2 A 3 Waters Rating Working Party was established following a 7 March 2017 report (refer TRIM 170223017410 – Attachment i), that noted Council was facing challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure across the District.
- 1.3 The original August 2017 report from the Working Party to Council (refer TRIM 170721076345 – Attachment ii) recommended that consultation regarding district wide rating for 3 Waters commence in the first half of 2019. However Council decided that since there were a number of other significant public consultations under way at that time, or would be by 2019, engagement with the community should be delayed by the period of one LTP cycle to commence in 2022. This decision was also influenced by the acknowledged complexity of the issue.
- 1.4 The 1 August 2017 resolution was that Council:
- a) **Approves** including in the draft 2021/31 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative 3 Waters rating structure that is based on:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas

- b) **Notes** that this engagement process is proposed to commence in 2022, and that Council staff will seek approval from Council before commencing consultation.
- 1.5 Many of the previously forecasted substantial rate rises on smaller schemes have been resolved through the Government's recent Shovel Ready and Stimulus funding packages. Nonetheless the underlying issue that small utility schemes struggle to pay for operational and upgrade costs to meet higher legislative standards, remains. This is illustrated by Attachments iii and iv which show current projections for water supply rates over the coming 10 years.
- 1.6 The Government's Three Waters Reform proposals have created timetabling issues with respect to the intended programme included in the previous Council resolutions on this matter. There is little point in carrying out the sort of comprehensive and complex community consultation that would be required for a rating review across the 3 Waters activities, while there is still so much uncertainty about the outcome of the Three Waters Reforms. It is therefore recommended that, with the exception of stockwater and possibly rural land drainage, no decision be made regarding whether to proceed with further consideration of district wide rating until there is greater certainty about the outcome of the reforms.
- 1.7 Stockwater was not included in the original study, but triggered by the Stockwater Race Bylaw review in 2019, and work by the Waimakariri Water Zone Committee, staff now recommend that this activity should be included in any rating structure review. A stockwater rates review could be programmed so that, subject to public consultation, changes would be implemented at the start of the next LTP period in 2024

Attachments:

- i. Council report, (Trim 210604090099) – "Alternative 3 Waters Rating Structures", which sought to approve the formation of the Working Party
- ii. Council report, (Trim 210604090109) – "3 Waters Alternative Rating Structure"
- iii. 2021 graph of projected rates for urban water supplies. (Trim 210604090093)
- iv. 2021 graph of projected rates for restricted water supplies. (Trim 210604090094)
- v. Review of drainage and stockwater rates for environmental benefits - 3 Waters Ratings Review (Trim 210604090111)

2. **RECOMMENDATION**

THAT the Council:

- (a) **Receives** report No. 210517078096.
- (b) **Notes** the difficulties that the Government's Three Waters Reform proposals have made to the originally intended programme for public consultation on the matter of 3 Waters district wide rating.
- (c) **Agrees** that any decision to commence reconsideration of 3 Waters rating structures should be postponed until after clarity about the outcome of the Three Waters Reforms has been reached.
- (d) **Requests** that staff will report back to Council on this matter after the outcome of the proposed Three Waters Reforms is known.
- (e) **Notes** that an opportunity exists to proceed with consideration of rating structure changes for stockwater and or rural land drainage activities, whether or not the Three Waters Reforms proceed in their current form.

- (f) **Notes** the following possible programme of key dates, based on the assumption that certainty regarding the Three Waters Reforms is achieved by March 2022, and which could apply to either a full 3 Waters activities rates review, or stockwater and rural land drainage only:

Period	Action
March 2022	Signal Council's intent to consider proposal for 3 Waters district wide rating review in the draft Annual Plan
April - July 2022	Establish a Working Party to review and update the proposals and effects on rates considered by the original Working Party, potentially extending the scope to include stockwater
August 2022	Report to Council seeking endorsement of the updated conclusions from the Working Party
October 2022	Local Body elections
February 2023	Report to new Council to confirm the August 2022 resolution
April - July 2023	Special Consultative Procedure to seek community views
August - December 2023	Prepare draft budgets based on the SCP outcome
July 2024	Implementation with 2024/34 LTP

- (g) **Notes** that if decisions about the Three Waters Reform have not been made by March 2022, there will not be adequate time to reconsider 3 Waters rating structure in time for their implementation in the 2024/34 LTP.

3. **BACKGROUND**

- 3.1 A 3 Waters Rating Working Party was established following a 7 March 2017 report (Attachment i) that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 3.2 At that time, Fernside and Loburn Lea sewer rates, and Garrymere, Poyntz Road, Oxford Rural No.1 and Ohoka water supply rates were facing increases of between \$250 and \$3,700 per property over the next few years. Water scheme costs increases were primarily driven by the need to meet NZ Drinking Water Standards, while for the sewer schemes meeting consent conditions was the issue.
- 3.3 Excluded from the Working Party scope were stockwater, unconnected properties, private water supply and sewer schemes, the Ashley Rural Water Scheme and water metering as a charging mechanism. These categories would either not be affected by any change in rating structure, or were considered to be matters that may need to be addressed separately from the 3 Waters rating structure review.
- 3.1. Currently, 3 Waters rates are structured around the cost of running the service being shared amongst the users of each scheme. The alternative approach considered by the Working Party was for property owners to pay the same rate for the same level of service, regardless of the location of the property, or scheme they are connected to. This second principle is already in use to some degree, with the Eastern Districts Sewer Scheme, the

district wide flooding rate, and the recently introduced District Water UV rate for water supplies.

- 3.4 Consideration of the effects on the rates for individual property owners is complex. The geographical boundaries for the water supply, wastewater, and drainage schemes do not coincide, so there are a range of different rating effects depending on which combination of schemes a particular property falls within. In addition there is currently a wide range of different rates structures for the same activity. Some examples are:
- a) 5 different drainage rating structures, ranging from a simple land value basis, through to fixed plus variable structures, based on either land value, or land area;
 - b) Eastern Districts sewer rates are based on the number of toilet pans or urinals, while for Oxford, Loburn Lea and Fernside, a connection based rate is used; (This will change shortly when Loburn Lea and Fernside are connected to the EDSS, courtesy of the Government's Stimulus funding)
 - c) Some restricted water supplies are charged per unit of water (1 unit = 1m³), while others are part fixed charge and part per unit of water.
- 3.5 The Working Party (WP) first considered two alternative rating structures for each of water supply, wastewater and drainage. Average potential rate changes were considered for both individual utilities, and for the effect of combining all three 3 Waters services. The Working Party were also presented with the maximum/minimum range of potential rates increases/decreases, which would arise from the options under examination.
- 3.6 On the basis of this information the WP selected an option for further examination, which subsequently became the option recommended to Council in 2017. This option is shown in 3.9 (a) below.
- 3.7 A further separate proposal considered by the WP was to increase the district wide flood rate already in existence, by the sum of \$6.00 per property. Council accepted this proposal at the time and it was brought into effect in 2018, so needs no further consideration.
- 3.8 In examining the final option the WP considered sub-options that assessed the effects on rates if the changes were made over either a 20 year or 10 year period. It also looked at how long the transition would take if current high rates (such as those paid for Cust urban water) were fixed at the current rate, until other rating schemes "caught up". This was typically in the 50 to 90 year range.
- 3.9 The WP concluded that while complex, consultation with the community on this issue should be undertaken. It was recommended to Council that consultation should be commenced in 2019. However this recommendation was not upheld and Council instead resolved that it:
- a) **Approves** including in the draft 2021/31 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative 3 Waters rating structure, that is based on:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and

iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas

b) **Notes** that this engagement process is proposed to commence in 2022, and that Council staff will seek approval from Council before commencing consultation.

- 3.10 In 2020, an internal memo was written (Attachment v), which identified a potential wider community benefit from naturalising drains to more sustainable forms. The memo was triggered by the Stockwater Race Bylaw review; a growing awareness of drainage needs outside of current drainage rated areas; and the preparation of the Drainage Management Review. The latter was a recommendation of the Zone Implementation Programme Addendum (ZIPA).
- 3.11 The memo recommended that *the next 3 Waters Rating Review consider recognition of wider environmental benefits of the stockwater and drainage networks, such as the possible options in this memo to find a preferred option, with the intention to consult with the public on a preferred option.* No decision or action has been taken on this initiative at this point in time.
- 3.12 This report sets out options for progressing consideration of 3 Waters rating reform in light of the Government's Three Waters Reform programme.

4. **ISSUES AND OPTIONS**

- 4.1. The underlying issue that prompted the formation of the WP remains. Small rural schemes face considerable financial hurdles if they are going to meet increasing legislative standards, such as the NZ Drinking Water Standards, or consent conditions.
- 4.2. However the immediate specific scheme problems that were of concern when the WP was formed have been resolved. Some were resolved through the use of a district wide rating mechanism such as the District Water UV rate, (e.g. Garrymere water supply), and more recently Shovel Ready and Stimulus funding has enabled some projects, for which funding would have been a stumbling block, to proceed (e.g. Fernside and Loburn Lea wastewater).
- 4.3. While that takes immediate pressure off these small rural schemes they continue to have very high rates relative to urban areas, which limits their capacity to properly maintain their assets, or to meet any requirements for improvements which may arise in the future. With the imminent handing over of regulatory responsibility from the Ministry of Health to Taumata Arowai, it is clear that new costs will be imposed through impending new drinking water standards – as explained in a briefing to the Utilities and Roading Committee on 18 May 2021 from the Water Asset Manager.
- 4.4. The issue is illustrated graphically on Attachments iii and iv which show the current projected rates for the next 10 years for urban and restricted water supplies respectively. The graphs do not include the potential additional costs mentioned in the previous paragraph. Poyntz Road water rates are projected to remain at about \$600 higher than the average of the other rural schemes, and the \$600 projected rise in water rates for Cust in 2029/30, to upgrade the network to meet firefighting standards, is of sufficient magnitude to mean that the project would be unlikely to proceed.

Three Waters Reform

- 4.5. The advent of the Government's Three Waters Reform programme in 2020 created significant timetabling issue with respect to the intended programme included in the original

Council resolutions on this matter. There is little point in carrying out the sort of comprehensive and complex community consultation that would be required for a rating review across the 3 Waters activities, while there is still so much uncertainty about the outcome of the proposed reforms. It is therefore proposed that no decision be made regarding whether to proceed with further consideration of district wide rating until it is clear whether Council will be part of the reforms or not. The possible exception to this is for stockwater and/or rural land drainage, which is considered further in clause 4.7

- 4.6. The August 2017 Council resolution stated that engagement with the community should commence in 2022. The intent was that engagement in 2022 would allow time to enable implementation at the start of the next LTP period on 1st July 2024. If it is clear by March 2022 that Council is not to become part of those reforms, then this implementation date would still be possible, as set out in the following draft programme. There would be some overlap between the necessary Special Consultative Procedure, and the 23/24 Annual Plan process which would need careful management.

Period	Action
March 2022	Signal Council's intent to consider 3 Waters district wide rating in the draft Annual Plan
April – July 2022	Establish a Working Party to review and update the proposals and effects on rates considered by the original Working Party, potentially extending the scope to include stockwater
August 2022	Report to Council seeking endorsement of the updated conclusions from the Working Party
Oct 2022	Local Body elections
Feb 2023	Report to new Council to confirm the August 2022 resolution
April -July 2023	Special Consultative Procedure to seek community views
Aug –Dec 2023	Prepare draft budgets based on the SCP outcome
July 2024	Implementation

- 4.7. If decisions about the Three Waters Reform have not been made by March 2022, the opportunity to reconsider 3 Waters rating structure in time for their implementation in the 2024 LTP is lost, as there is not time post the October 2022 Local Body elections to carry out the necessary actions from the above table.

Stormwater and Stockwater

- 4.8. Stockwater was not included in the original 3 Waters rating review, but, as provided in more detail in Attachment v, there is a case to be made that the stockwater and rural land drainage networks provide environmental benefits to the wider community, such as amenity and ecological values, and recharge of aquifers. If this concept is accepted then the corollary is that there is also an argument for changing the stockwater rating structure so that the wider community is rated, at least in part, for stockwater and rural land drainage networks
- 4.9. There has also been a view raised by some of the Drainage Advisory Groups that there is a lack of equity with the current rating structure, as while they benefit from the rural land drainage schemes they are effectively managing water generated from upstream properties who do not pay drainage rates. Additionally some areas that are not rated for drainage have

an expectation that Council should have a more proactive role in managing and maintaining drains and waterways in areas outside of the current Drainage Rating Areas (DRA's). While the District Drainage rate of \$6 per property. Provides some ability for Council to do work in areas outside of current DRA's this is limited and does not address the equity issue that has been raised.

- 4.10. Stormwater is proposed to be included in the Government's Three Waters Reform proposals but there is not yet complete clarity about the scope of the stormwater activities that would be transferred. The likely area to be excluded, if anything, would be rural land drainage, although the recent report released by DIA on the "*Proposed approach to the transfer of stormwater functions and delivery to new water service entities*" indicates that measures, such as interface agreements will be put in place to avoid stranded assets and functions.
- 4.11. Whether or not the reforms proceed, consideration could still be given to whether a rating review of the stockwater and rural land drainage should be carried out. However, clarity about what stormwater functions are to remain outside the scope of the Three Waters Reforms would need to be forthcoming by March 2022 for this to happen.
- 4.12. Should Council decide to pursue this reduced scope rating review covering stockwater and rural land drainage, the timetable would be the same as that shown in the table in 4.6 above.

4.13. **Implications for Community Wellbeing**

There are no implications on community wellbeing from the issues and options that are the subject matter of this report. Should Council decide to change the 3 Waters rating structure in the future, community wellbeing will have to be taken into account

- 4.14. The Management Team have reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by the subject matter of this report, but should Council decide to change the 3 Waters rating structure in the future, the views of Te Ngāi Tūāhuriri hapū will need to be considered.

5.2. **Groups and Organisations**

There may be groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. No feedback has been specifically sought from affected groups on this issue. However some Drainage Advisory Groups have expressed the unsolicited view that there is a lack of equity with the current Drainage Rating Areas (DRA's), and there may be some frustration at the delay in Council's ability to progress the issue.

5.3. **Wider Community**

The wider community is not likely to be affected by, or to have an interest in the resolutions of this report. The issue of 3 Waters rates review originated internally. No engagement with the wider community has taken place on this issue, and there has been no discernible view from the community that change is needed.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. **Financial Implications**

There are no financial implications of the decisions sought by this report. The decisions push out any significant decision making, and the status quo will remain in place.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report do not have climate change impacts. Long term, if the Council is not included in the Three Waters Reform process, and does not address future sharply rising rates for small utility schemes, sustainability concerns may arise.

6.3. Risk Management

There are no risks arising from the adoption/implementation of the recommendations in this report.

6.4. Health and Safety

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

Should a full review of Council's 3 Waters rating structure eventuate, it will be a matter of significance and a Special Consultative Procedure will be undertaken to seek community views.

7.2. Authorising Legislation

Any changes to the rating structure would need to comply with the Local Government (Rating) Act 2002. Consultation process would need to comply with the Local Government Act 2002

7.3. Consistency with Community Outcomes

The Council's community outcomes are not relevant to the actions arising from recommendations in this report.

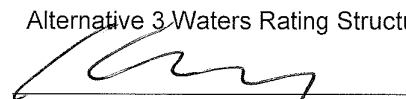
7.4. Authorising Delegations

This is a Council decision, so delegations need not be considered.

WAIMAKARIRI DISTRICT COUNCILREPORT

FILE NO and TRIM NO: IFR-01 / 170223017410
REPORT TO: Council
DATE OF MEETING: 7 March 2017
FROM: Simon Collin, Infrastructure Strategy Manager
SUBJECT: Alternative 3 Waters Rating Structures

SIGNED BY:
 (for Reports to Council or
 Committees)


 Department Manager


 Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to gain approval for the formation of a Council Working Party to consider potential options for alternative rating structures for water supply, wastewater and land drainage/stormwater, and to appoint Councillors to that Working Party.
- 1.2. Council faces some challenges with respect to forecast substantial increases in rates for some water and wastewater schemes, arising from the need to meet regulatory standards. For drainage, some public concern has been expressed about the equity of current rating structures
- 1.3. These challenges present an opportunity to consider alternative rating structures as a way of dealing with the issues.
- 1.4. The issues and potential options are complex, and establishing a working party is recommended as the most practical way to consider them.

Attachments:

- i. Draft Terms of Reference

2. RECOMMENDATION

THAT the Council

- (a) **Receives** report No. 170223017410.
- (b) **Approves** the formation of a 3 Waters Rating Working Party to consider the issues and options relating to the equity of current 3 waters rating structures and the challenge presented by forecast increasing rates for some schemes.
- (c) **Appoints** Cr Felstead, as the Portfolio holder for Finance and the LTP, to the chair of the 3 Waters Rating Working Party.

- (d) **Appoints** Cr Williams, as the Portfolio holder for Utilities as a member of the 3 Waters Rating Working Party
- (e) **Appoints** Cr Stewart, as the Portfolio holder for Drainage and Stockwater as a member of the 3 Waters Rating Working Party
- (f) **Notes** that the Mayor, is an ex officio member of the 3 Waters Rating Working Party
- (g) **Appoints** two further Councillors, as members of the 3 Waters Rating Working Party, to make up a total of 6 members.
- (h) **Adopts** the draft Terms of Reference shown in Attachment (i) as the 3 Waters Rating Working Party Terms of Reference.

3. ISSUES AND OPTIONS

3.1. Background

- 3.1.1. In both the water and wastewater activity areas Council faces an issue of significantly rising rate costs for some individual water and sewer schemes, that require substantial capital expenditure in order to meet regulatory standards. For water supplies, meeting the NZ Drinking Water Standards is the challenge, and for wastewater schemes, meeting consent conditions.
- 3.1.2. For land drainage, in the context of the expansion of the Ohoka and Kaiapoi drainage rated areas last year, concern has been expressed by ratepayers within drainage rated areas that it is inequitable for properties upstream of drainage rated areas to not be paying any drainage rates, when water draining off their land is contributing to the drainage problems lower in the catchment.
- 3.1.3. Following those concerns being raised, Council noted that *“Council staff will undertake a review of drainage rating throughout the rest of the district and report back to Council with options for consideration during the 2016/17 FY”*.
- 3.1.4. Generally the philosophy behind the 3 Waters current rating structures is that the individual community pays the full costs of running the infrastructure that supplies them with the service. This results in widely disparate costs for similar levels of service. For example Mandeville water supply costs \$379 for two units of water, while Garrymere costs \$1121 for two units of water. Furthermore, the Garrymere supply is not compliant with the drinking water standard, and if the Garrymere community is to shoulder the full costs of the necessary upgrade, their water rates will rise by approximately a further \$900 p.a.
- 3.1.5. If the Council is to consider moving to alternative 3 Waters rating structures, it needs to be in a position to advocate for the principles that will support any proposed changes during consultation.
- 3.1.6. Understanding the effects of different potential options can be quite complex as (i) there is a large number of current different rating structures (22 for water, 4 for sewer and 13 for land drainage), and (ii) the boundaries of the various different schemes rarely coincide.
- 3.1.7. It is therefore considered that establishing a working party to enable a subset of Councillors to work through the principles and options arising from the application of those principles is the most practical way for Councillors to be in a position to make an informed decision about whether to proceed to consultation with district wide rating options or not.

- 3.1.8. Because of the potential time commitment that the working party will entail, and the need for the Working Party to make its recommendations back to Council in early July it is recommended that the Working Party be made up of 6 members.
- 3.1.9. Draft Terms of Reference are included in Attachment (i). It is proposed that staff members from Finance, Rates and 3 Waters should provide support to the 3 Waters Rating Working Party.
- 3.1.10. It is estimated that a minimum of four two hour meetings will be needed between 7 March and early June, in order to properly consider the principles and options.
- 3.1.11. It is suggested that since Tuesday's are Council days, Tuesday's from 10.00 to 12.00 may be a suitable time for the meetings to be held. Possible alternatives are Wednesdays between 5 and 7, or Thursdays 5 to 6.30 (as Oxford Community Board starts at 7.00).
- 3.2. The Management Team/CEO has reviewed this report and supports the recommendations.

4. COMMUNITY VIEWS

- 4.1. Community views would be sought as part of a Special Consultative Process, after the Working Party has considered the issues and made its recommendations to Council

5. FINANCIAL IMPLICATIONS AND RISKS

- 5.1. There are no financial implications, or risks from setting up a Working Party to consider the issues and options

6. CONTEXT

6.1. Policy

While implementation of alternative 3 Waters rating structures would be a matter of significance in terms of the Council's Significance Policy, the formation of a Working Party to consider the options is not .

6.2. Legislation

N/A

6.3. Community Outcomes

This report relates to the following community outcomes:

- Core utility services are provided in a timely, sustainable and affordable manner.



**TERMS OF REFERENCE
COUNCIL AND COMMITTEES**

3 Waters Rating Working Party - Draft

1. Membership

The Working Party will comprise of total of 6:

Chair : Cr Felstead

ex officio: The Mayor

Members : Crs Williams, Stewart,,.....

2. Quorum

4 members.

3. Scope

- 3.1 The Working Party will investigate alternative rating structures for the 3 Waters activities to resolve cost and equity issues arising from the current rating structures.
- 3.2 The Working Party will report back to Council recommending:
- a) the options for alternative rating structures that the Working Party considers best meets the objectives set out below and,
 - b) whether Council should proceed to consultation on those options.
- 3.3 The Working Party will lead the consultation and engagement process, in the event of Council deciding to progress the concept of alternative rating structures, and seek community views.

4. Objectives

- 4.1 To consider and agree on the principles that would support any change to the rating structures for 3 Waters
- 4.2 To consider and evaluate alternative rating structures that will:
- a) mitigate the potential effect on rates that meeting regulatory standards will impose on some small water/wastewater schemes
 - b) be consistent with the principles from 4.1
 - c) have the potential to be regarded as equitable by the wider community
- 4.3 To consider ways in which phasing in the changes to rating structures might make the changes more acceptable.



WAIMAKARIRI
DISTRICT COUNCIL

ATTACHMENT (i)

Issue:

Adopted:

Page: 2 of 2

**TERMS OF REFERENCE
COUNCIL AND COMMITTEES**

3 Waters Rating Working Party - Draft

5. Meeting Frequency

As required.

6. Staff Executive

Project Lead : Simon Collin

Finance : Jeff Millward

Rating : Maree Harris

Utilities & Roading : Gerard Cleary

3 Waters : Kalley Simpson

WAIMAKARIRI DISTRICT COUNCILREPORT

FILE NO and TRIM NO: RAT-06/ 170721076345


REPORT TO: Council

DATE OF MEETING: 1 August 2017

FROM: Simon Collin, Infrastructure Strategy Manager, on behalf of the 3 Waters Rating Working Party

SUBJECT: 3 Waters Alternative Rating Structure

SIGNED BY:
(for Reports to Council or Committees)


Department Manager


Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to provide Council with the outcomes from the 3 Waters Rating Working Party meetings, and to seek Council approval on the elements proposed to be included in the draft 2018 – 2028 Long Term Plan.
- 1.2. The 3 Waters Rating Working Party was established following a 7 March 2017 report (TRIM 170223017410 – Attachment i) that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 1.3. After considering a number of different options at a high level the working party examined in detail the effect on rates of:
- i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
 - iv. Increasing the flood rate that is currently part of the general rate
- 1.4. The Working Party concluded that there would be some merit in publicly consulting on the options described by items i, ii, and iii above, but that consultation would be better delayed until after the next LTP has been finalised in 2018.
- 1.5. The Working Party felt that the proposal to increase the flood rate, by a suggested \$6 per property, would not need to be delayed, and could be included as a proposal in the draft 2018/2028 Long Term Plan.
- 1.6. Notwithstanding, those views, it is recommended that final consideration of the inclusion of a small increase in the flood rate, would best be made at the same time that the whole of the draft 2018/2028 is being finalised early in 2018.

Attachments:

- i. Council report, (TRIM No. 170223017410) – “Alternative 3 Waters Rating Structures”, which also contains the Working Party Terms of Reference
- ii. Graph illustrating the introduction of a new rating structure over a ten year period for urban water supplies (Trim No. 170717073924)
- iii. Graph illustrating the capped option for introducing a common rating structure. (Trim No. 170717074012)

2. RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 170721076345.
- (b) **Approves** including in the draft 2018/28 Long Term Plan a proposal to carry out a comprehensive public engagement process regarding an alternative 3 Waters rating structure, that is based on:
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply, and
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
- (c) **Notes** that this engagement process is proposed to commence in the first half of 2019, and that Council staff will seek approval from Council before commencing consultation.
- (d) **Requires** that staff bring back a recommendation to Council in January 2018 for the inclusion of an additional \$6 per property to the flood rate in the draft 2018/2028 LTP.
- (e) **Thanks** the Working Party for the time and effort they have put into considering this issue.

3. THE ISSUE

- 3.1. A 3 Waters Rating Working Party was established following a 7 March 2017 report that noted Council was facing some challenges from forecast substantial increases in rates for some water and wastewater schemes, and that there was some public concern about the equity of the drainage rating structure.
- 3.2. That report, which includes the Terms of Reference of the Working Party, is included in this report as Attachment i.
- 3.3. In particular, Fernside sewer, and Garrymere, Poyntzs Road, Oxford Rural No1 and Ohoka water supply rates are facing increases of between \$250 and \$3,700 per property over the next few years.
- 3.4. Excluded from the Working Party scope were stock water, unconnected properties, private water supply and sewer schemes, the Ashley Rural Water Scheme and water metering as a charging mechanism. They would either not be affected by any change in rating structure, or were considered to be matters that may need to be addressed separately from the 3 Waters rating structure review.

- 3.5. It is expected that the sorts of funding challenges facing Garrymere, Fernside etc, will arise for other small schemes in the future, driven by:
- More stringent consent conditions upon renewal
 - Increasing public expectations about waterway health
 - Public health issues – e.g. Drinking Water Standards
 - Potential groundwater contamination leading to pressure to extend serviced areas
 - New legislation e.g. potential outcome from the Havelock North water supply contamination, or waterway standards

4. **OPTIONS**

- 4.1. The Working Party (WP) first considered the principle underlying the current rating structure, and the alternative principle that would need to be supported if any changes were to be made. Currently, 3 Waters rates are structured around the cost of running the service being shared amongst the users of each scheme. The alternative approach is for property owners to pay the same rate for the same level of service, regardless of the location of the property, or scheme they are connected to
- 4.2. A brief recap of the current rating system complexities was also undertaken. For example there are currently 5 different drainage rating structures, ranging from a simple land value basis, through to fixed plus variable structures, based on either land value, or land area.
- 4.3. The initial suite of options that the WP selected as having potential to mitigate the effect on rates that meeting regulatory standards would impose on small water/wastewater schemes were:
- a) Wastewater
 - A single sewer rate for all connected properties in the district.
 - A single sewer rate for all connected properties in the district with the exception of Oxford.
 - b) Water supply
 - A single water supply for all connected properties in the district.
 - Two separate rates. One common rate for all urban supplies and one common rate for the restricted water supplies.
 - c) Drainage
 - One common rate for all urban drainage areas and one common rate for all current rural drainage rated areas.
 - One common rate for all drainage areas in the district (urban and rural).
 - d) Flooding
 - As an optional additional proposal, separate from the other change of structure proposals, increase the existing district wide flood rate to deal with areas that are not currently in a drainage rated area that contribute to downstream issues in a flood event.
- 4.4. The flood rate proposal in (d) above was driven by two factors. Firstly public concern in some quarters that the current drainage rating structure is inequitable, because current drainage rated areas have to deal with water coming from non-drainage rated areas.

Secondly the lack of any current funding to deal with a low level but consistent demand for Council to address flooding issues within the wider district. A demand which is not being met.

A small rate applied to every property in the district and able to be applied anywhere in the district would enable to staff to respond to customer requests for Council action on flooding issues. It would also potentially help with the equity concern because the funds could also be used in those drainage rated areas where this concern exists.

- 4.5. Tables showing the average rate changes for options 4.3 (a)-(d) were examined, including tables that added together the effects of rates changes for all three waters. Where relevant the range of the rates changes were also considered, so that the WP members had an understanding of the largest rates reductions that would arise from the options under consideration, as well as the largest increases that would occur.
- 4.6. On the basis of this information the WP selected the option set out below for further examination.
 - i. A common sewer rate for all connected properties in the district
 - ii. A common water supply rate for all properties connected to an urban supply, and a separate common rate for those connected to a restricted water supply
 - iii. A common drainage rate for all properties within existing urban drainage rating areas, and a separate common rate for those in rural drainage rating areas
 - iv. Increasing the district wide flood rate that is currently part of the general rate

In addition more detail was requested on the effect on Oxford sewer rates of moving to a pan based rate. The WP also wished to have an understanding of the current debt held by each scheme.

- 4.7. A key aspect of this rating structure is that it avoids the prospect of urban properties subsidising water and drainage services for those living on lifestyle block rural properties.
- 4.8. Drainage Advisory Groups and the public have expressed the view that the current drainage rates structure is inequitable. As noted in 4.4. inclusion of the proposal to increase the district wide flood rate has the potential to address this particular concern which the proposed common urban and rural drainage rate proposal does not.
- 4.9. Subsequent WP meetings considered not only the effect on rates of the chosen option, but also ways that any changes could be introduced. The WP felt that introduction in a single year was problematic and looked at "smoothing" the introduction over a ten year period. This is illustrated graphically for urban water supplies in Attachment ii.
- 4.10. There was also a view that the potential reduction in rates for some of the smaller rural schemes was unacceptable. Information was therefore requested on a sub option that fixed the rates of these schemes (capped) at the value that they are currently paying. The concept here being that as the rates of other non- capped schemes slowly rose over time they would "catch up" with the rates that the capped schemes were paying. At this point they would join together paying a single common rate. This is illustrated graphically in Attachment iii.

This methodology would eventually achieve the outcome of common rates, but the timeframe is very long, typically 50 to 90 years depending on the scheme.

- 4.11. Finally, a suite of graphs was prepared for study by the WP that showed for each scheme the effect on rates over a ten year time frame. The graphs also show the current projected rates over the same time period, and the difference between those projections and projections if a changed structure was introduced. These graphs were based on implementing the changes over a ten year period, and included adding the effect from each of the three waters. This was called the smoothed option.
- 4.12. The graphs have been summarised in Table 1 below which shows the average annual rate change (increase or decrease), by scheme, that would arise from introducing the alternative rates structure over either a ten year or twenty year period.
- 4.13. The figures are calculated from average land values (for the land drainage component) and include the use of two units of water for the rural restricted water supply schemes. The figures are therefore representative of the effect of the majority of ratepayers, but there will be considerable variation of these numbers for “non average” properties.

Table 1 – Summary of Average Annual Rate Change – Smoothed Option*

Urban	Water Supply Service	Wastewater Service	Drainage Service	Average annual rate increase/decrease due to new structure introduced over 10 years	Average annual rate increase/decrease due to new structure introduced over 20 years
Cust	✓			-\$69	-\$34
Kaiapoi	✓	✓	✓	-\$7	-\$4
Pines/Kairaki	✓	✓	✓	\$28	\$14
Kaiapoi restricted + Kaiapoi drainage extension	✓		✓	\$10	\$5
Kaiapoi restricted + Clarkville drainage	✓	✓	✓	\$3	\$2
Oxford Urban	✓	✓	✓	-\$49	-\$25
Rangiora	✓	✓	✓	\$14	\$7
Pegasus	✓	✓	✓	-\$4	-\$2
Waikuku Beach	✓	✓	✓	\$7	\$4
Woodend	✓	✓	✓	\$7	\$4
Rural (2 units of water)					
Woodend - Tuahiwi	✓		✓	\$4	\$2
Fernside	✓		✓	-\$152	-\$76

Garrymere	✓			-\$139	-\$69
Mandeville	✓	✓	✓	\$29	\$15
Ohoka	✓	✓	✓	-\$3	-\$2
Oxford Rural No.1	✓	✓		-\$24	-\$12
Oxford Rural No.2	✓	✓		-\$7	-\$4
Poyntzs Road	✓	✓		-\$36	-\$18
Summerhill	✓	✓		-\$70	-\$35
West Eyreton	✓	✓		-\$14	-\$7
Loburn Lea		✓	✓	-\$177	-\$89

* Excludes optional additional flood rate of \$6/property

4.14. It should be noted that the boundaries for water supply, wastewater schemes and drainage areas do not coincide. This factor, as well as variations caused by different water consumption by those connected to restricted schemes will also change the effect for individual households.

4.15. **Advantages of a change to the 3 Waters rating structure**

The preferred option of the WP is the smoothed introduction of the new rates structure over a 10 year or potentially a 20 year period. This option has the potential to be regarded as equitable by the wider community and has the following additional advantages:

- Resolves the current issues of Drinking Water Standards and consent affordability
- Provides flexibility for when funding/affordability issues arise again in the future
- Allows a focus on the technical solutions rather than the complex funding issues which can arise under the current structure
- Would be welcomed by the Drainage Advisory Groups who think the current system is inequitable
- Is administratively simpler

4.16. **Disadvantages of a change to the 3 waters rating structure**

The preferred option has the following disadvantages:

- The rating system would be less transparent. The true costs of providing services to small communities is masked (although still available to Council)
- The public have little knowledge about how rates are made up, and consequently public debate on the issue would be a challenge, particularly for the non-average properties such as high water users, or high land value properties
- The only public demand for a change at this point, is concern that the current drainage rating structure is inequitable

4.17. **Timeframe**

The timeframe leading into the LTP is now short, and gaining public understanding in the timeframe available would be difficult. The WP also had concerns that the other significant issues being consulted upon currently (solid waste services and the District Development Strategy), would add to the difficulties of engaging with the public on a rates restructure at this time.

- 4.18. While there is merit in seeking the communities' views on the matter, trying to carry out that engagement before the next LTP is not recommended.
- 4.19. The LTP process does, however, provide an opportunity to raise the issue, to gauge if there is sufficient interest from the public to warrant consulting in the early period of the 2018/2028 LTP. It is therefore recommended that
 - a) The issue is signalled in the LTP
 - b) The increase in the district wide flood rate is included in the LTP
- 4.20. The Management Team/CEO has reviewed this report and supports the recommendations.

5. COMMUNITY VIEWS

- 5.1. Community views would need to be sought before a proposal to change the 3 waters structure was included into a draft Council Long Term Plan.
- 5.2. Given the complexity of the issue, and the challenges that engaging with the community may present, it is proposed that the issue be raised in the draft 2018/2028 LTP as a topic that will be consulted upon early during the term of the 2018/2028 LTP.
- 5.3. Following feedback on this proposal, the Council would decide whether to include it in the final 2018/2028 LTP during its deliberations.
- 5.4. If the decision was to comprehensively consult on the topic in the term of the 2018/2028 LTP, it is suggested that the appropriate timing would be early in the 2019 calendar year.

6. FINANCIAL IMPLICATIONS AND RISKS

- 6.1. With the exception of the proposal to increase the flood rate by a modest \$6 per property, the changed rating structure option preferred by the WP does not propose to increase the overall rates take, but it would affect the rates of individual property owners, in some cases substantially.
- 6.2. There are no perceived risks from the proposed recommendations in this report, although the funding challenges facing Garrymere, Fernside etc and potentially other smaller communities will remain
- 6.3. However, should the concept of an alternative rating structure for 3 Waters eventually be implemented, there is a risk that should be noted at this time. The risk is that the comprehensive engagement process suggested for early in 2019, would fail to elicit an adequate response, or even awareness from potentially affected householders. If this occurred, and Council subsequently made a decision to proceed with the proposal, there is the potential for some push back from affected households when they receive their first rates demand under the new structure. This risk would be mitigated, if any changes were to be implemented over a long period of time (10 or even 20 years)

7. **CONTEXT**

7.1. **Policy**

This matter is a matter of significance in terms of the Council's Significance Policy.

7.2. **Legislation**

Any changes to the rating structure would need to comply with the Local Government (Rating) Act 2002. Consultation process would need to comply with the Local Government Act 2002

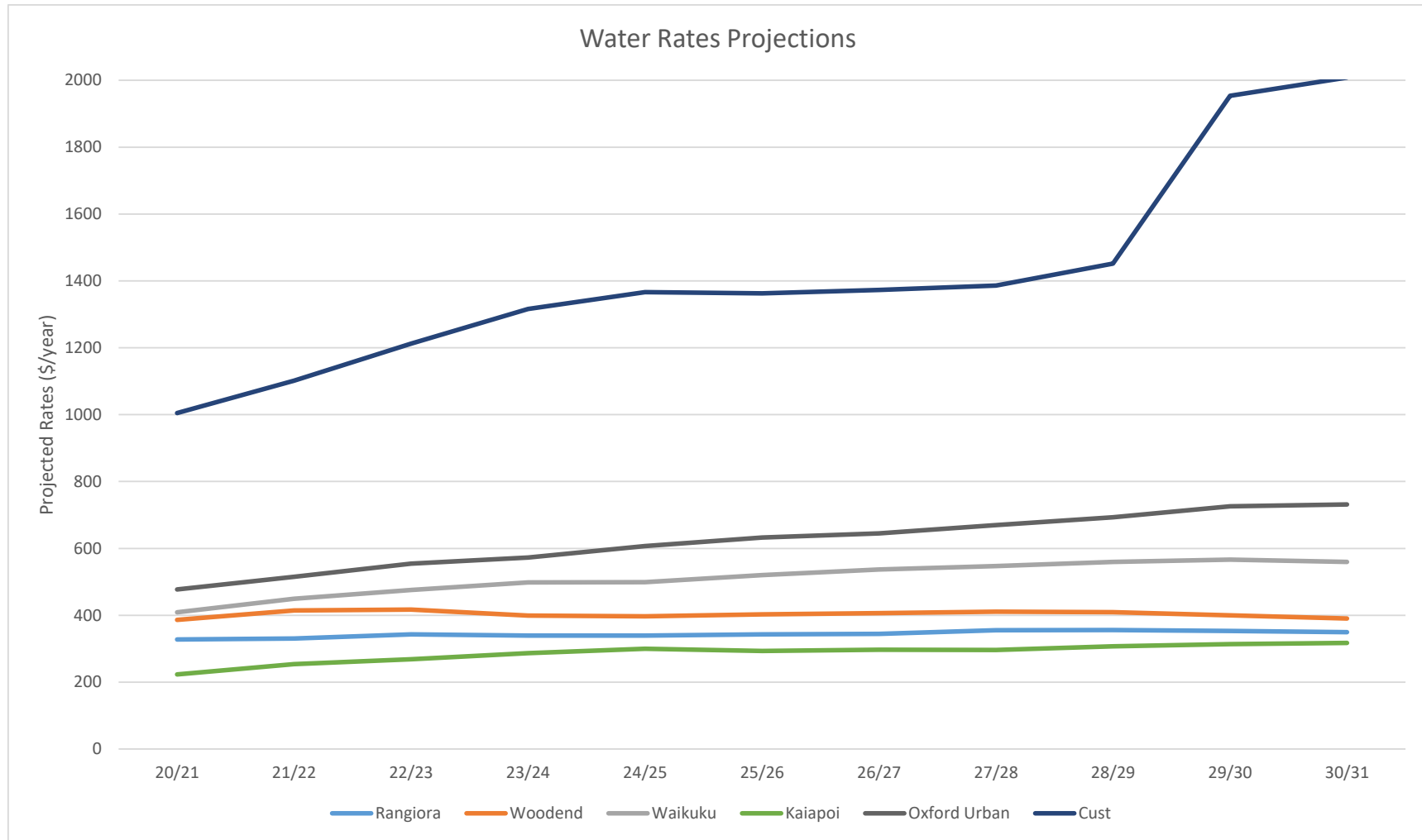
7.3. **Community Outcomes**

This report relates to the following community outcomes:

- Core utility services are provided in a timely, sustainable and affordable manner

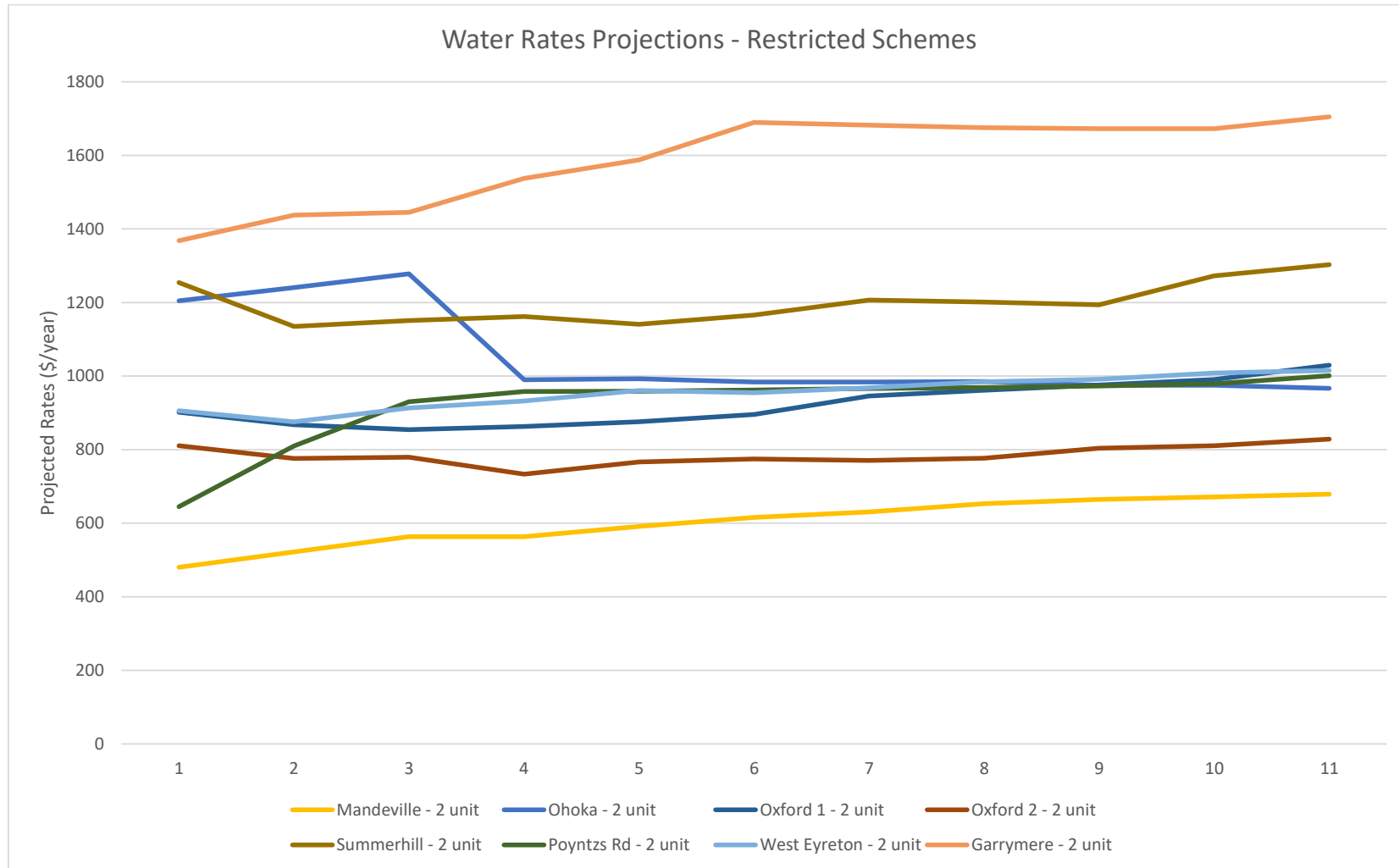
On Demand Water Supply

Attachment iii



Restricted Water Supply Rates Projections

Attachment iv



WAIMAKARIRI DISTRICT COUNCILMEMO

FILE NO AND TRIM NO: DRA-02-04 / 200415044821

DATE: 15 April 2020 (updated 3 June 2020)

MEMO TO: Kalley Simpson – 3 Waters Manager
Gerard Cleary – Manager Utilities and Roading

FROM: Sophie Allen – Water Environment Advisor

SUBJECT: Review of drainage and stockwater rates for environmental benefits as part of the 3 Waters Ratings Review

1. Summary

- 1.1. This memo is a proposal for consideration of the wider environmental benefits provided by the drainage and stockwater network as part of the next 3 Waters Rating Review (with public consultation carried out in the 2021 Long Term Plan process). This proposal has been triggered by;
- 1.1.1. The Stockwater Race Bylaw review regarding the issue of maintaining water races open not for stockwater purposes (as they are currently rated for) but for groundwater recharge, amenity and/or biodiversity purposes.
- 1.1.2. Drainage needs outside of current drainage rated areas and also environmental enhancement, such as identified in the Drainage Review which potentially has a wider community benefit.
- 1.2. Environmental benefits that are a reason for review of rates for the stockwater network include;
- 1.2.1. aquifer recharge for both nutrient dilution and off-setting of water abstraction benefits
- 1.2.2. heritage and rural character values, and
- 1.2.3. ecological habitat that the race network provides.
- 1.3. The Drain Management Review vision has identified a wider community benefit to naturalise drains to more sustainable forms, however with higher capital 'intervention' costs. Environmental benefits that are a reason for review of rates for rural drainage include;
- 1.3.1. Enhancement of the drainage network provides wider community benefit such as amenity
- 1.3.2. Increased retention the drainage network benefits those downstream, not those in the rating district.
- 1.4. Some committees, such as the Drainage Advisory Groups, have shown support of a District-wide general rate to be charged for rural drainage, with the thought that this could increase funding for work undertaken in rural drainage areas. This is already some cross subsidy from urban to rural schemes. Some elected members have also shown support of a general rate, as this would allow more work to occur district-wide. The decision to

undertake work outside of current drainage schemes would require careful consideration of the purpose and need for this work.

- 1.5. A 3 Waters Rating Review Working Party was established in 2017, however with different drivers for a rates review – namely to spread high costs more widely, to smooth out cost per rateable property. Stockwater was excluded from this review, as rates are already District-wide (for users), however is recommended to be included in the next 3 Waters Rating Review.
- 1.6. A report from the working party (170721076345) to change the rating structure for all 3 Waters utilities, to introduce cross-subsidy possibilities was presented to Council for the 2018 LTP process, however was decided by Council to be postponed until the 2021 LTP process. A lack of community demand for a 3 Waters rates review was highlighted as a case for postponement. The proposed inclusion of environmental benefits in the 3 Waters Rating Review is currently driven by Councillor Sandra Stewart and 3 Waters staff, not from wide community feedback.
- 1.7. Possible options to be explored in the proposed 3 Water Rating Review for recognition of environment benefits are:
 - a) Status quo – retaining targeted rates, with minimal District-wide rates
 - b) Decreasing targeted rates, however with an off-set increase in a District-wide general rate, recognising the environmental benefits of drainage and stockwater to the general public.
 - c) Retaining targeted rates, however with an additional general rate supplement under the District Drainage account that creates additional budget e.g. for sustainable drain management interventions.
- 1.8. Any general rate would need to consider whether it would be a fixed rate, or variable rate i.e. with rateable value of a property, and for drainage whether it would apply to urban drainage areas as well as rural drainage. Currently there is a range of approaches between drainage schemes.

2. Recommendations

- 2.1. For the next 3 Waters Rating Review to consider recognition of wider environmental benefits of the stockwater and drainage networks, such as the possible options a) - e) in this memo to find a preferred option, with the intention to consult with the public on a preferred option.
- 2.2. To include discussion from this memo in a report to Council in mid-late 2020 about the next 3 Waters Rating Review, to assess whether there is an appetite to review drainage and stockwater rating so that it recognises wider environmental benefits.

3. Background

- 3.1. In 2017 a 3 Waters Rating Working Party was established by Council to review rating for all of the 3 Waters utilities, however with different drivers for a rates review – namely to spread high costs more widely, with some 'cross-subsidy', and to smooth out cost per rateable property, and to address community concerns about the inequity of drainage rates.

- 3.2. A 3 Waters rating option for amalgamating drainage rating districts and a general rate, was proposed by the Working Party, which was intended to be consulted on under the Long Term Plan consultation, however Councillors voted to postpone reviewing 3 Waters Rating until the next LTP process in 2021. Stockwater was excluded from the 3 Waters rating review in 2017, as there is currently a district-wide rate for users of this service.
- 3.3. The Council's stockwater network is managed as one rating area. Most stockwater races were created over 100 years ago, and therefore can potentially hold heritage values. Water from the Waimakariri River and Cust River has been predicted by Environment Canterbury modelling to provide both nitrate dilution and recharge to maintain aquifer levels in the groundwater of the District.
- 3.4. The Council's drainage activity provides for the management of stormwater within residential and designated rural areas in the District. Drainage rating is categorised into five urban drainage areas and seven rural drainage areas (listed below). In urban drainage areas Council owns, maintains and replaces the assets, provides a level of service for asset capacity and maintains certain waterways, while in rural areas Council maintains certain drains and waterways in a functional condition.

Urban Drainage Areas:

- Rangiora
- Coastal (Waikuku Beach, Woodend, Pines/Kairaki)
- Kaiapoi
- Oxford
- Pegasus

Rural Drainage Areas:

- Oxford
- Ohoka
- Cust
- Clarkville
- Coastal
- Central
- Loburn Lea

The activities undertaken to manage the Council's Drainage assets includes annual maintenance and enhancement of drains and waterways, new and renewal capital works programmes to provide required levels of service (five years in residential areas and ten years in the Rangiora and Kaiapoi Central Business Districts) and replying to drainage enquiries.

4. Issues and Options

- 4.1. This memo proposes the inclusion of wider environmental benefits when considering rating for drainage and stockwater, such as rural drainage values of amenity, retention and ecological values alongside water conveyance. For the stockwater races, there is some support from Environment Canterbury and current ratepayers of the stockwater race network to recognise ecological values and aquifer recharge. Inclusion within the 3 Waters Rating Review would be particular relevant if WDC decided to maintain races open for ecological or aquifer recharge values, against the request of users to close a section.
- 4.2. Selwyn District Council has introduced a general rate as a partial subsidy for the stockwater race networks in their district, due to a decision to maintain some sections of their race network open due to ecological values, such as the presence of Canterbury

mudfish, rare invertebrates, freshwater mussels (kākahi), and freshwater crayfish (wai koura).

- 4.3. In order to propose any general rates, there would likely be a need to provide evidence of these wider benefits to the general public. The value of aquifer recharge has been analysed recently by Environment Canterbury groundwater modelling, and there have been surveys of WDC drains for the Maintenance and Minor Works consent, however it is thought that a survey of WDC stockwater races for ecological values has not been carried out before. Therefore it is proposed that Sophie Allen carry out this work in June July 2020.
- 4.4. It is recommended to include discussion of wider environment benefits of the drainage and stockwater networks in the report to Council in mid-late 2020, to assess whether there is an appetite to review drainage and stockwater rating in the 2021 LTP.
- 4.5. With the COVID-19 financial implications, it is possible that there will be a lack of Council support for any changes to rates, to avoid raising potential community concerns.
- 4.6. If a 3 Waters Ratings Review Working Party is created, it is recommended for that Working Party to consider proposed options for rating. In particular, the working party should decide whether amalgamation of drainage rating districts should also be within scope.
- 4.7. There are no considerations from the Department of Internal Affairs 3 Waters Review at this stage. Currently the proposal from Government excludes any changes to drainage and stockwater.

5. Proposed timeframes

- 5.1. Finalisation of memo to Kalley Simpson June 2020
- 5.2. Ecological survey of stockwater races by Sophie Allen to assess whether there are the assumed ecological values June-July 2020
- 5.3. Report to Council on the 3 Waters Rating Review Mid-Late 2020
- 5.4. LTP Consultation in March-April 2021.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION**

FILE NO and TRIM NO: CON202221-01, CON202261-01 / 230221023875

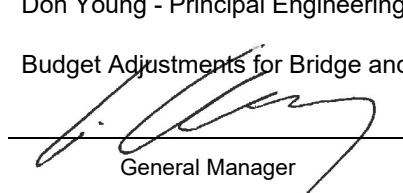
REPORT TO: COUNCIL

DATE OF MEETING: 7 March 2023

AUTHOR(S): Joanne McBride – Roading & Transport Manager
Don Young - Principal Engineering Advisor

SUBJECT: Budget Adjustments for Bridge and Culvert Works

ENDORSED BY:
(for Reports to Council,
Committees or Boards)


General Manager


Acting Chief Executive

1. **SUMMARY**

- 1.1. This report is to seek approval to adjust budgets for two projects which are currently underway as detailed below:
- To reallocate \$75,000 of budget from the Travel Demand Management budget (PJ101389.000.5135) to the Butchers Rd Culvert Replacement project;
 - To bringing forward budget of \$268,750 from the 2023/24 budget for Bridges and Structures Renewals (101772.000.5134) and Bridge Component Replacement (101771.000.5134) into the 2022/23 year, to allow the full programme of pipe arch culvert re-lining works which are underway to be completed.
- 1.2. Contract 22/61 – Relining of Armco Culverts, was awarded to Corde in December 2022 following Management Team approval. This contract is funded from Bridges and Structures Renewals (PJ 101772.000.5134) and Bridge Component Replacement (PJ 101771.000.5134).
- 1.3. These two accounts have a total budget of \$631,250. These budgets are intended to cover a range of projects this year, including the repair of Beach Rd culvert, investigations into a number of concrete bridge repair and timber bridge options, an options assessment into Southbrook Rd culvert, and the relining of 5 Armco culverts.
- 1.4. The total estimated cost to complete these works is now \$890,000, an increase of approx. \$270,000. This is largely due to a higher-than-expected tender price for the relining, as well as variations caused by additional works due to the pipe arch culverts being in poorer condition than anticipated.
- 1.5. While the tender price (along with other committed costs and allowing for contingency) exceeds the 2022/23 budget, Waka Kotahi consider funding as a three-year programme, and as such this can be balanced by reducing work in 2023/24.
- 1.6. Contract 22/21 – Butchers Road Culvert, was awarded to Fulton Hogan Limited in December 2022 following Management Team Approval. This contract is funded from the February 2022 Flood Event Budget (PJ 101969.000.5134).
- 1.7. The culvert renewal has a budget of \$435,000, while the total estimated cost to complete the works is \$510,000 excluding GST (including a 10% contingency for the construction works). This is a shortfall of \$75,000 which can be covered by uncommitted funds in the Travel Demand Management budget at minimal risk.

- 1.8. Both projects are time sensitive due to the consenting window for work within a waterway. As such construction has commenced to ensure timeframes for completion can be met, as was approved by Management Team in December 2022.

2. **RECOMMENDATION**

THAT the Council:

- (a) **Receives** Report No. TRIM No. 230221023875;
- (b) **Approves** the reallocation of \$75,000 of budget from the Travel Demand Management budget (PJ101389.000.5135) which has unallocated budget to the Butchers Rd Culvert Replacement to the February 2022 Flood Event Budget (PJ 101969.000.5134);
- (c) **Approves** bringing forward a total budget of \$268,750 from the 2023/24 budget for Bridges and Structures Renewals (101772.000.5134) and Bridge Component Replacement (101771.000.5134) into the 2022/23 year, to allow the full programme of re-lining works to be completed (as per clause 6.8 of this report);
- (d) **Notes** that the opportunity to claim additional funding under the February 2022 flood event has been discussed with Waka Kotahi staff and has not been progressed as this was not supported;
- (e) **Notes** that construction has begun on the Pipe Arch Culvert Re-lining works and Butchers Rd Culvert Relining works following approval to award contracts from Management Team.

3. **BACKGROUND**

- 3.1. Bridges and culverts are important Rooding assets which help with travel around the district. Severances in these linkages can have a large impact on the Community.
- 3.2. Butchers Road Culvert:
- 3.3. On 15th February 2022, a collapse of the road surface occurred directly above the Butchers Rd culvert. The road was closed to traffic as soon as the Council was notified. The failure in the road surface progressively worsened over the next two days.
- 3.4. An inspection of the failure was carried out, this inspection highlighted buckling of the Armco culvert at key stress points, an options assessment was completed and the replacement of the Armco Culvert with a box culvert was the recommended option.
- 3.5. Construction has begun on the culvert replacement following approval to award contracts from Management Team. This work is time sensitive due to conditions around working in waterways.
- 3.6. Pipe Arch Culverts:
- 3.7. There are several pipe arch culverts around the district, all of a similar era. Since the May 2021 flood event we have had two such pipe arch culverts fail (one on Taaffes Glenn Rd & the other on Butchers Rd).
- 3.8. Pipe arch culverts are susceptible to rust and corrosion, particularly below the waterline and in the base of the culvert. Due to concerns with corrosion and needing to understand the remaining life left in these culverts, a review of our pipe arch culvert stock was undertaken by WSP and this identified a number of culverts which required lining in the short term to protect the culvert lining and ensure the structural integrity of the culverts.
- 3.9. Construction has begun on the culvert re-lining following approval to award contracts from Management Team. This work is time sensitive due to conditions around working in waterways.

4. **ISSUES AND OPTIONS**

- 4.1. The following options are available to Council:
- 4.2. Option One - Accept the budget changes as recommended in this report. This is the recommended option.
- 4.3. Option Two – Allocate new budget to cover the shortfall. This is not considered to be necessary as uncommitted budget can be reallocated and/or budget brought forward to cover the shortfall.
- 4.4. Option Three – Do not reallocate / bring forward budget and cancel contracted works. This is not the recommended option as the works have been tendered on the open market, are well underway and would incur a high cost to stop. They are also critical works which have high community interest and are being carried out to ensure public access can be provided and asset lives fully realised. As such this is not the recommended option.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report. Severances in road linkages due to damaged structures can have a large impact on the Community.

- 4.5. The Management Team has reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report. They have provided a Cultural report on both of the above projects, and these recommendations have been incorporated into the contract works.

5.2. **Groups and Organisations**

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. Local residents have been kept up to date with the works as it has progressed.

5.3. **Wider Community**

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

There are financial implications of the decisions sought by this report.

6.2. **Butchers Rd Culvert**

- 6.3. There is a budget shortfall of \$75,000 (\$510,000 forecast - \$435,000 budget) for the replacement of the Butchers Rd culvert. As this work is time critical due to the consented construction window, the contract award has been approved by Management Team with a report to be taken to Council to reallocate budget.

- 6.3.1. Staff have discussed the additional cost with Waka Kotahi and there was not support for seeking additional funding due to the time since the event occurred. As such it is recommended that the shortfall be funded from the Travel Demand Management area which is unsubsidised and will otherwise be underspent.

Funding Source	Current Budget \$	Existing Commitments \$	Updated Budget \$	Comments
Feb 2022 Flood Event (PJ 101969.000.5134) - Butchers Rd Culvert Replacement	\$435,000	\$435,000	\$510,000	Reallocate \$75,000 from Travel Demand Management
Travel Demand Management (PJ101389.000.5135)	\$309,600	\$120,000	\$234,600	Reallocate budget uncommitted budget for culvert renewal
TOTAL	\$744,600	\$555,000	\$744,600	

6.4. Pipe Arch Culvert Relining

- 6.5. In a report to management Team in December 2022, it was noted that while the cost of the works in 2022/23 exceeded this year's budget by \$156,000, Waka Kotahi approval of funding is for a three-year funding cycle, with 2022/23 being Year 2 of the current cycle. As such it was noted there was sufficient budget in Year 3 to be able to allow this work to proceed.
- 6.6. The funding allowance across both 2022/23 and 2023/24 for these two budgets is \$1,008,763, therefore the expected total cost of \$974,861 (including other committed works) can be accommodated.
- 6.7. Since this time work has been underway on the repair of the culverts and due to unforeseen site conditions, the scope of the work have increased, and this has resulted in additional anticipated cost.
- 6.8. It is therefore recommended that budget of \$258,750 is brought forward from 2023/24 to 2022/23, to cover the anticipated cost to complete the works.

Funding Source	Current Budget \$	Updated Budget \$	Comments
Changes to 2022/23 Budget			
Bridges and Structures Renewals (101772.000.5134)	\$500,000	\$750,000	Bring forward budget of \$156,085 from 2023/24 into 2022/23
Bridge Component Replacement (101771.000.5134)	\$131,250	\$140,000	Budget remains unchanged
TOTAL	\$631,250	\$890,000	
Changes to 2023/24 Budget			
Bridges and Structures Renewals (101772.000.5134)	\$250,000	\$0	Move forward budget of \$250,000 from 2022/23 into 2023/24
Bridge Component Replacement (101771.000.5134)	\$127,513	\$118,763	Move forward budget of \$8,750 from 2022/23 into 2023/24
TOTAL	\$377,513	\$118,763	

This budget is included in the Annual Plan/Long Term Plan.

6.9. **Sustainability and Climate Change Impacts**

The recommendations in this report do have sustainability and/or climate change impacts. Road closures due to failed structures can result in additional vehicle travel via alternative routes.

6.3 **Risk Management**

There are risks arising from the adoption/implementation of the recommendations in this report.

There is a risk that additional work may need to be done on other structures around the district in 2023/24, with a reduced budget (having brought budget forward). In particular it is noted that at the time of writing a full understanding of the recent Bridge Inspection Report that covered the last third of the bridging asset has not been developed. The pipe arch culverts are higher risk structures and as such addressing these first reduces risk.

There is a risk that further additional works may be required on the three Armco culverts where the base is yet to be fully uncovered. A reduced contingency of \$25,000 has been retained in the above budgets but this may not be sufficient. Staff will work to try and manage within this if possible, however as conditions are often not clear until a structure has been dewatered and cleaned, then this risk will continue to be present.

There is a risk on both projects that further delays may mean that the works cannot be completed in the water ways before 30th March, which would have consenting impacts.

6.3 **Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

The Land Transport Management Act and Local Government Act are relevant in this matter.

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

There is a safe environment for all

- Harm to people from natural and man-made hazards is minimised.
- Crime, injury and harm from road crashes, gambling, and alcohol abuse are minimised.

Transport is accessible, convenient, reliable, and sustainable

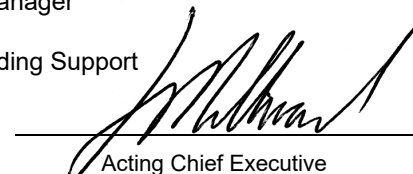
- The standard of our District's roads is keeping pace with increasing traffic numbers.

7.4. **Authorising Delegations**

Council has the authority to make budget changes as detailed in this report.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** BAC-02-12 / 230223024622**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 March 2023**AUTHOR(S):** Mark Maxwell, Strategy & Business Manager**SUBJECT:** Rangiora Promotions Association Funding Support**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)


General Manager



Acting Chief Executive
1. SUMMARY

- 1.1. This report seeks approval from Council to provide funding to the Rangiora Promotions Association to support the organisation through a period of financial difficulty, resulting from a more difficult sponsorship and funding environment.
- 1.2. Two funding options are available for consideration by Council:
- (i) **Recommended Option:** A grant of \$20,000 reallocated from the Waimakariri Event Fund, as administered by Enterprise North Canterbury;
- OR
- (ii) An early payment of the annual funding grant from Council, usually distributed after 1 July 2023.

Attachments:

- i. 180906102341 - Rangiora Promotions Association Service Level Agreement
- ii. 230227026812 - Letter Requesting Support from Rangiora Promotion Association

2. RECOMMENDATION**THAT** the Council

- (a) **Receives** Report No. 230223024622.
- (b) **Notes** the difficult operating conditions experienced by the Promotions Associations over the last few years due to various external and economic forces, impacting their activities and contributing to falling sponsorship/funding levels and increases in goods and supplier costs;
- (c) **Notes** that Council's annual funding grant to the Promotions Associations is adjusted for general inflation each year, but has not been reviewed since the inception of the Service Level Agreements in July 2018;
- (d) **Notes** the financial challenges currently being experienced by the Rangiora Promotions Association, putting the organisation and its operational activity at risk;
- (e) **Approves** an immediate support one off grant of \$20,000 to the Rangiora Promotions Association carrying them through to 30 June 2023, repurposed from the Waimakariri Event Fund provided by Council and administered by Enterprise North Canterbury

- (f) **Notes** that all three Promotions Associations provide an annual report to the Audit and Risk Committee highlighting the key activities delivered in that financial year, and their respective end of year financial results.
- (g) **Notes** that staff will work with the Promotions Associations, Enterprise North Canterbury, and other key stakeholders, as part of the Long-Term Plan programme of work, to develop options for longer-term arrangements and associated funding for the district's Promotions Associations.

3. **BACKGROUND**

- 3.1. The Rangiora, Kaiapoi and Oxford Promotions Associations are not-for-profit organisations that have an interest in the ongoing wellbeing and promotions of the Rangiora, Kaiapoi and Oxford town centres.
- 3.2. In July 2018 the Council formalised the role of the three Promotions Associations through Service Level Agreements, that set out the roles and responsibilities of both organisations in supporting promotional activities for Rangiora, Kaiapoi and Oxford.
- 3.3. The service level agreements make provision for annual funding from Council to be granted to the Promotions Associations to support them in their event and promotional activities.
- 3.4. Funding from the 2022/23 Annual Plan:

Promotions Association	2022/23 Funding
Oxford promotions- capacity	\$10,140
Oxford promotions- Christmas Event	\$6,070
Kaiapoi promotions- capacity	\$34,340
Kaiapoi promotions- Christmas Parade	\$12,400
Rangiora promotions- capacity	\$34,340
Rangiora promotions- Christmas Parade	\$12,400

- 3.5. The grants are adjusted for general inflation each year but have not been reviewed since the execution of the service level agreements in July 2018.
- 3.6. The Promotions Associations run a number of well attended events across the district each year, including the popular Santa parades, and also facilitate numerous business networking opportunities. Most years, the funding provided by Council is added to by donations and sponsorships generated through the activities of the Promotions Associations.

4. **ISSUES AND OPTIONS**

- 4.1. Various external pressures on business activity and finance across the last few years are affecting the Promotions Associations' activities, making it more difficult for them to attract and retain sponsorship. Other traditional events/arts funding pools are also reducing, meaning their ability to leverage existing funding off the back of Council's core grant, is

becoming more challenging. Feedback also points to rising goods and supplier costs across core services such as Traffic Management Plans, putting pressure on the financial viability of their key community events. Overall, the Promotions Associations' ability to deliver existing events at the current service levels is becoming much more difficult.

- 4.2. Rangiora Promotions Association (RPA) have recently approached Council to signal a period of financial difficulty due to the loss of significant sponsorship, that put at risk the survival of the organisation and its ability to continue to deliver events and promotional activities.
- 4.3. Given the static nature of the existing service level agreements, staff are recommending that the longer-term arrangements and associated funding allocation be reviewed as part of the 2024/25 Long Term Plan process, to more accurately reflect the externalities of the past few years and changing economic environment.
- 4.4. However, to support the health of the RPA in the short term, the following two options are available for Council consideration:
- 4.5. **Recommended Option: A one off grant of \$20,000 is reallocated from the Waimakariri Event Fund**

Enterprise North Canterbury advise that the Waimakariri Event Fund for the 2022/23 funding period has capacity to support a one off \$20,000 grant to the RPA. While they expect some funding applications for the March 2023 round, they anticipate approved applications can be funded through remaining 2022/23 funds, with top-up support provided from the 2023/24 funding allocation as needed.

This option provides support for the RPA's immediate financial challenges, meaning their 2023/24 events and promotional activities are less likely to be compromised through re-allocation of a portion of their 2023/24 grant to the March-June 2023 period.

- 4.6. **Not Recommended: Bring forward the payment of their annual funding grant from Council**

Council pays annual funding grants to the Promotions Associations from 1 July each year, covering a period to 30 June in the following year. Council could bring forward the payment of the 2023/24 grant (\$46,740 + general inflation adjustment) to support the RPA through this immediate period of difficulty.

This option is not recommended because it means their event and promotional activities across 2023/24 could be compromised as a result of a reduced grant for his period. A portion of this grant would be used between March and June 2023.

- 4.7. While the Oxford Promotions Action Committee (OPAC) and the Kaiapoi Promotions Association (KPA) have not yet formally requested additional funding, both have sited the additional costs of running events, and the increased difficulty in securing sponsorship and donations. Council staff will undertake 'check in' calls with both to ascertain whether any immediate support is required.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report. The RPA deliver a number of iconic community events per year in Rangiora, which are widely enjoyed by the community. The potential loss of the RPA and these key events would impact the community heavily, particularly as these events are well beloved and patronised by a large number of local residents.

Community events such as those run by the Promotions Association contribute significantly to the local economy and support local businesses.

- 4.8. The Management Team has reviewed this report and support the recommendations.

5. **COMMUNITY VIEWS**

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report.

5.2. **Groups and Organisations**

There are groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. While the three promotion associations operate their activities independently, they also share ideas and collaborate on district wide projects/initiatives that benefit the district. The Promotions Associations have a vested interest in the viability of each organisation as challenges at the micro (organisational level) can potentially signal wider sector issues that need to be addressed by all Associations.

5.3. **Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. The RPA deliver a number of iconic community events per year in Rangiora, which are widely enjoyed by the community. The potential loss of the RPA and these key events would impact the community heavily, particularly as these events are well beloved and patronised by a large number of local residents.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1. **Financial Implications**

There are financial implications of the decisions sought by this report. However, the following grants are already included in the Long-Term Plan. There is no additional impact on Council budgets as a result of the recommendations in this report, as the recommendations simply seek to reallocate, rather than increase, funding.

- Annual grants are paid to the Promotions Associations as per the Service Level Agreements. A total of \$46,740 + GST was paid to the RPA during the last round covering 1 July 2022 to 30 June 2023.
- An annual grant is paid to Enterprise North Canterbury for the provision of promotion and economic development services across the district (of which, \$50,470 + GST is allocated to events).

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

There are risks arising from the adoption/implementation of the recommendations in this report. If Council chooses to select option in 4.6, there is a risk that the RPA's event and promotional activities across 2023/24 might be weakened due to a reduced funding pool. As a result, the option described in 4.5 has been recommended by staff.

In response to any concerns about the impact on the March 2023 funding round (Waimakariri Events Fund) from the events community, Enterprise North Canterbury have advised that there will still be money available to support applications made during March. This will reduce the likelihood of complaints from private event organisers who were planning to apply to this fund for other event proposals.

6.3 **Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

7.3. Consistency with Community Outcomes

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

The community's cultures, arts and heritage are conserved, developed and celebrated

- There are wide-ranging opportunities to participate in arts and cultural activities

Businesses in the District are diverse, adaptable and growing

- There are growing numbers of businesses and employment opportunities in our District

The distinctive character of our takiwā - towns, villages and rural areas is maintained, developed and celebrated

- Public spaces reflect the distinct narratives, character and cultural identity of our takiwā.

7.4. Authorising Delegations

Council has the delegated authority to approve budgetary changes and reallocations.

July
2018

SERVICE LEVEL AGREEMENT

Between Waimakariri District Council
& Rangiora Promotions Association



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1. Purpose

The purpose of this Service Level Agreement (SLA) is to set out the roles and responsibilities of the Waimakariri District Council (WDC) and the Rangiora Promotions Association with regards to the agreed promotional activities that are to be undertaken by the RPA in Rangiora, towards which the WDC provides funding.

This agreement also describes how the relationship between the WDC and RPA will be managed, how the agreed work will be funded, and sets out appropriate terms and conditions for the management of this work.

This Agreement will take effect from 1 July 2018. The terms and conditions of this Agreement shall be reviewed annually and revised accordingly by mutual agreement.

2. Background

The WDC is the local authority responsible for the Waimakariri District, its communities and local public service. The WDC recognises the economic and social benefits derived from its town centres, and as such has an interest in contributing to the development and promotion of these central business areas.

The RPA is a not-for-profit membership based Incorporated Society with an Executive Committee derived from its membership. The RPA membership are stakeholders in the Rangiora community and have an interest in the ongoing wellbeing and promotion of the town.

Subject to Annual Planning requirements under the Local Government Act 2002, the WDC provide annual capacity and Christmas Carnival funding to RPA, and the RPA has organised and delivered the Christmas Carnival and a number of other promotional activities for Rangiora.

Through this SLA, both parties are seeking to confirm this relationship clearly, and provide an appropriate level of clarity and transparency with regards to the roles, responsibilities of each organisation, funding allocation and use, and reporting against the agreed objectives.

The principle contacts for this agreement are:

Waimakariri District Council
 Business and Centres Advisor
 Ph. 03 31 8900 ext. 7007
 Ph. 027 216 6949 (mobile)


Rangiora Promotions Association
 Promotions Association Chairperson
 Ph. 027 482 2056

3. Principles of the Agreement

The Council brings to this agreement its intent to operate in accordance with the Council's Tā Mātou Mauri (Our principles) policy as illustrated below:

Tā mātou mauri
Our principles

Our purpose	<i>To make Waimakariri a great place to be, in partnership with our communities.</i>
Our vision	<i>We are a respectful, progressive team delivering value for our customers.</i>
Our values	<p style="text-align: center;"><i>We will...</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><i>Act with integrity, honesty and trust</i></p> <p><i>Do better every day</i></p> </div> <div style="width: 10%; text-align: center;"> <p><i>Take responsibility</i></p> </div> <div style="width: 45%;"> <p><i>Keep you informed</i></p> <p><i>Work with you and each other</i></p> </div> </div>
Our customer promise	<i>We will be professional, approachable and solutions-focused.</i>


waimakariri.govt.nz

4. Roles and Responsibilities

4.1 Relationship Management

It is understood by both parties that maintaining a collaborative and functional relationship is important for the successful delivery of any agreed outcomes to the Rangiora community. An important component of this is professional and timely communication between the parties.

RPA enquiries to the WDC are to be directed to the Council's Business and Centres Advisor in the first instance unless agreed otherwise. Where enquiries from RPA are made directly with other staff of the WDC, the Business and Centres Advisor should be included in, or made aware of those enquiries and or communications so that the Council's response is coordinated and appropriate.

Enquiries and communication from the WDC to RPA should be made through the RPA's Chairperson, or an agreed RPA representative with the Chairperson included into such enquiries and communications.

Both parties agree to respond to each other's enquiries within a timely manner, and within a period of no later than three working days. Where one of the parties' representatives is absent or away for a sustained period of time, another member of

that organisation will be appointed as the first point of contact for enquiries.

4.2 Funding

Grants from the WDC to the RPA are dependent on Council's approval of the appropriate budgets each year through the annual planning process. RPA will invoice the WDC for both the Capacity Grant, and the Christmas Carnival Grant in July of each year. Annual Grant payments will be made by the WDC to the RPA no later than August each year subject to the aforementioned budget approval.

The WDC encourages the RPA to seek additional funding to support its programme of promotional events and activities, either through its membership base, and/or through other fundraising initiatives and grant applications. The results of such fundraising activities should be identified in the annual RPA Report provided to Council within three months of the close of its financial year.

4.3 Provision and Coordination of Council Services

In addition to the above mentioned funding, Council undertakes to provide a coordinated and expeditious consenting and approvals service to the RPA during the planning of its events and activities. However, this is on the basis that consenting and approval processing timeframes are observed and factored into RPA event planning as appropriate, including the furnishing of complete application information.

To ensure effective delivery of coordinated Council consenting and approvals processes, the RPA will advise the WDC of proposed events and activities at least three months in advance, or otherwise at the earliest practical opportunity of the delivery of said events and activities, with the view to arranging coordination meetings as may be beneficial to both parties.

The discounting of any given consenting or approvals process, or the provision of any additional funding or support to any given RPA activity or event will be considered on a case by case basis, and/or may be subject to Council policy and/or approval processes, and their respective timeframes. Any requests from RPA for such discounting or support should be referred to the Council's Business and Centres Advisor in the first instance.

4.4 Provision of Agreed Events and Promotional Activities

In accepting the annual Capacity and Carnival grant funding from the WDC, the RPA will undertake the following actions:

- Develop an Annual Business Plan (or similar annual operational plan) which articulates RPA's core objectives, planned events and activities, delivery mechanisms for those activities, anticipated outcomes, associated funding, and related reporting functions.

- Planning, organising, and delivering the annual Rangiora Christmas Carnival and Parade.
- Ensuring a partnership approach to events and activities is achieved through appropriate community and key stakeholder consultation and engagement, during the planning, delivery and evaluation stages of RPA activities and events.
- Maintaining an appropriate membership database and function through which RPA demonstrates value to the membership.
- Maintenance of an appropriate RPA constitution, and the delivery of an Annual General Meeting which provides members with the opportunity to participate in the Associations business, and demonstrates an appropriate level of transparency.

4.5 Reporting and Accountability

RPA will prepare an audited set of accounts and provide this to the Business and Centres Advisor within three months of the close of the financial year. This will be accompanied by an annual report highlighting the activities undertaken by the RPA in that year, in particular the annual Christmas event to which a grant has been made.

Council staff will report on the activities of the Promotions Associations to the Audit and Risk Committee of Council annually, and include the information provided by RPA as part of this process.

5. Terms and Conditions of Agreement

5.1 Service Level Agreement Changes

Any changes to this Service Level Agreement will be made by way of negotiation and mutual agreement. Changes will be confirmed by way of an updated SLA document signed by both parties.

5.2 Termination or Disengagement

Either party may terminate this agreement at any time, by giving three months prior written notice.

5.3 Dispute Resolution

In the event of a dispute between the WDC and RPA:

- The WDC Business and Centres Advisor will attempt to resolve it.

- If not resolved at that level, the dispute will be escalated within seven days to the WDC Manager, Strategy and Engagement and the RPA Chair for resolution.
- If not resolved, the dispute will be resolved by mediation involving the WDC Chief Executive, and the RPA Committee/Board. This should occur within 21 days of the matter being considered by the Manager, Strategy and Engagement and RPA Chair.

5.4 Acceptance of Agreement

Signed on behalf of the Waimakariri District Council:

By... VANESSA THOMPSON.....

Signature... .....

Position... BUSINESS & CENTRES ADVISOR.....

In the presence of

Witness Name... Simon Hart.....

Address... 32 Park Tce, Waikuku Beach.....

Occupation... Business + Centres Manager.....

Signed on behalf of the Rangiora Promotions Association:

By... ROSS DITMER.....

Signature... .....

Position... Chairperson.....

In the presence of

Witness Name... Margo Hutcheon.....

Address... 37B George St, Rangiora.....

Occupation... Hutcheon.....



Attn: Dan Gordon - Mayor
 Jeff Milward – Acting Chief Executive
 Waimakariri District Council

Dear Dan and Jeff

On behalf of Rangiora Promotions Association, I would like to request the Council considers granting additional support to our Association, in the vicinity of \$20,000+GST, to assist our non-profit community organisation during a very difficult financial period.

The Association finds itself in very challenging territory at present, largely due to the dire funding landscape brought about by a difficult post pandemic economic environment. Much like us, many non-profits and community organisations nationally are struggling to stay afloat, and funding bodies are receiving an overwhelming number of applications that far exceed their available resources. Local businesses are also feeling the pinch, and there are far fewer resources available to us via sponsorship. 2022 saw a devastating reduction in our usual funding grant and sponsorship income of over \$55,450.00 despite the Association proactively engaging with more local businesses to seek sponsorship and submitting nearly double the amount of funding applications we have historically required in order to secure funding. While we did our best to “cut our cloth accordingly” this had an enormous impact on our events budgets and our Christmas Celebration Night and Santa Parade/Party in the Park both ultimately ran at a significant loss as a result, which the Association had no choice but to absorb.

2022 also saw us launch the ‘Do Good Rangiora’ initiative, which was rolled out in response to the dire need from our local business community to have more local support and spending post pandemic. The initiative most certainly fulfilled this brief – resulting in more than \$11 million of local spend measured within Rangiora. We have had incredible feedback from both participating businesses and the general public and from that perspective the project was an enormous success. However, it came at a cost- which, again, was worn by the Association. We had initially hoped to secure funding grants and additional sponsorship to offset the ongoing running costs, however as outlined above, the funding landscape is extremely bleak, and we were not able to secure enough funding to ensure this project was cost neutral.

The combination of the above, alongside the rising costs of doing business, inflation, and the general economic global climate, means that the Association has already used up any contingency funding we had in our coffers, and is now looking at a shortfall of around \$21,000 in the coming months, potentially more, should funding grants continue to be declined at the rate they currently are. The Association going into debt would be devastating for our operations, and potentially catastrophic for our annual events calendar and the essential positive impact they have on our community. A one-off funding grant would provide us with a cashflow “Insurance Policy”, which would buy us time over the coming months to put together fundraising initiatives, explore alternate funding opportunities and to review our events calendar and costings to see where funding grant applications could be shuffled around to ensure we can cover our in-house costs, while fulfilling our priorities to the community.

Whilst we have always had to run our Association very carefully, and have had historical periods where we were only just managing to be cost neutral, in previous years we have been able to mitigate this shortfall via funding grants, event profits, and other fundraising initiatives. However many of these avenues are no longer available to us and we are now at a point where it is difficult for the Association to remain equitable.



Rangiora

PROMOTIONS

promoting our town

We thank you for considering our proposal, and are happy to provide whatever financial details and documentation you require in support of it, at your request.

Kind Regards

A handwritten signature in blue ink, appearing to read 'R. Ditmer', is written over the typed name.

Ross Ditmer – Chairperson
Rangiora Promotions Association

WAIMAKARIRI DISTRICT COUNCIL

REPORT FOR DECISION

FILE NO and TRIM NO: EXT-30 /230221023073

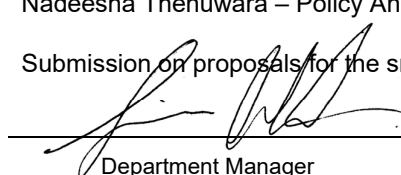
REPORT TO: Council

DATE OF MEETING: 7 March 2023

AUTHOR(S): Nadeesha Thenuwara – Policy Analyst

SUBJECT: Submission on proposals for the smoked tobacco regulatory regime

ENDORSED BY:
(for Reports to Council,
Committees or Boards)


Department Manager


Acting Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to obtain Council approval on the draft submission to the proposals for the smoked tobacco regulatory regime.
- 1.2. The government set a target to reduce the availability of smoked tobacco products across the country as part of its Smoked free Aotearoa 2025 initiative. To solicit public feedback, a consultation document outlining the intended implementation plan was released in January 2023.
- 1.3. In response to the consultation, staff have prepared a draft submission to convey Council's feedback to the government. The attached draft submission considers inputs from a range of appropriate internal staff.
- 1.4. It is proposed that any final amendments or adjustments to the draft submission, resulting from Council feedback, will be made by staff and approved by the Mayor and Chief Executive prior to submission on 15 March 2023.

Attachments:

- i. Draft submission on proposals for smoked tobacco regulatory regime (230220022315)
- ii. Proposals for smoked tobacco regulatory regime – Public consultation document (230220022882)

2. RECOMMENDATION

THAT the Council:

- (a) **Receives** report No. 230221023073.
- (b) **Approves** the draft submission on proposals for the smoked tobacco regulatory regime (230220022315)
- (c) **Notes** that should the current implementation regime recommends a reduction and specific distribution of smoked tobacco retail premises, which would result in the number

of retail stores across the district going from more around 30, to 7 across the urban areas of the District, and the potential for a few more in certain rural areas.

- (d) **Approves** delegated authority to the Chief Executive and Mayor for any final amendments or adjustments to Councils submissions prior to the closing date of 15 March 2023.
- (e) **Circulates** this report and draft submission to the Community Boards for their information.

3. **BACKGROUND**

- 3.1. The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act came into force on 1 January 2023. This Act alters the existing smoked tobacco landscape in three ways.
- 3.2. First, it restricts the sales of smoked tobacco products (STPs) to a limited number of retail stores. Second, it prohibits the sale and supply of STPs to individuals born on and after 1 January 2009 (Smokefree generation). Third, it expands the Act's regulatory power to change the composition of STPs to make these products less addictive and appealing.
- 3.3. The government intends to establish a regulatory regime to implement these changes. As such, the regime will oversee and monitor sale, supply, manufacture, and imports of STPs across the country.
- 3.4. Consultation document on smoked tobacco regulatory regime consists of five regulatory proposals. Of which the first four proposals delineate the operational details needed to establish the regulatory regime. The last proposal explains restrictions on vape product safety requirements and restrictions on locations of specialist vape retailers.

4. **ISSUES AND OPTIONS**

- 4.1 Councils believes strategies that limit the retail supply of STPs have the potential for reducing smoking prevalence and related health issues in the community.
- 4.2 The smoke tobacco retailer landscape and distribution of smokers in each area of the country differs. We agree with the government's arguments for treating urban and rural areas differently when allocating the number of retail premises. We also believe that store allocation in a specific area should be determined through a holistic approach, considering multitude of location-specific factors.
- 4.3 We support allocating the maximum number of retail premises for Waimakariri as it reduces the availability of STPs, limits purchases, and creates a conducive environment for people to quit smoking.
- 4.4 We believe that strict requirements should be in place to limit the number of applicants who wish to sell tobacco under the proposed retail scheme. Proximity and location should be prioritised and given more weight when evaluating retail applications because they have a direct impact on the specific location of retail stores and the density of stores within a particular area. WDC is concerned about the proximity of retail stores, particularly to schools and other youth-serving facilities
- 4.5 We suggest imposing restrictions to limit or prohibit the sale of STPs alongside everyday grocery items, as it provides easy access to tobacco products, normalising their use.
- 4.6 The consultation document does not specify what role local government/councils will perform in the implementation and monitoring of the smoked tobacco regulatory regime. If the government intends to delegate certain responsibilities to local authorities, the

submission recommends planning for appropriate funding and resources should also be clearly defined to avoid further 'unfunded mandates'.

- 4.7 There is a higher risk for youth to become victims of online STP sellers, as they are much more likely to shop online. We do not support online sales of STPs under any circumstances.
- 4.8 Marketing of flavoured products attracts young people to experiment with vapes and continue vaping. We agree that there is an urgent need to reduce youth appeal to vapes and believe the proposed changes to flavour names are acceptable. However, we wonder why this consultation has not considered to limit the number of flavours available on the market.
- 4.9 We support proximity restrictions on the location of Specialist Vape Retailers (SVRs). Proximity of SVRs to schools and other youth-serving facilities (e.g., parks, playgrounds) should be regulated across the country. Additionally, measures must be taken to limit the distance between SVRs. We propose that these proximity restrictions be applied to the location of general vape shops, despite the fact that they carry a limited product range.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report. Implementation of the smoked regulatory regime will have an impact on all aspects of people's well-being as smoking and vaping have a significant long-term implication on people's health.

- 4.10 The Management Team has reviewed this report and support the recommendations.

5 COMMUNITY VIEWS

5.7 Mana whenua

Te Ngāi Tūāhuriri hapū may have an interest in the subject matter of this report (and may have made their own submission on these documents).

5.8 Groups and Organisations

There are groups and organisations likely to have an interest in the subject matter of this report (and will likely have produced their own submission on these documents).

5.9 Wider Community

The wider community is likely to be affected by, or to have an interest in the subject matter of this report.

6 OTHER IMPLICATIONS AND RISK MANAGEMENT

6.7 Financial Implications

There are no financial implications of the decisions sought by this report.

6.8 Sustainability and Climate Change Impacts

The recommendations in this report do not have sustainability and/or climate change impacts

6.9 Risk Management

There are no risks arising from the adoption/implementation of the recommendations in this report.

6.10 Health and Safety

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

7 CONTEXT

7.7 Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.8 Authorising Legislation

Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 1990

7.9 Community Outcomes

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

People's needs for mental and physical health and social services are met.

7.10 Authorising Delegations

The Council has delegated authority to make submission of Central Government consultation process.

In the Matter of
Proposals for the Smoked Tobacco Regulatory
Regime

Submission by
Waimakariri District Council

15 March 2023



Contact: Nadeesha Thenuwara (Policy Analyst)
Nadeesha.thenuwaraacharige@wmk.govt.nz or 02102522652

1. Introduction

- 1.1 The Waimakariri District Council (WDC) welcomes the opportunity to submit feedback on the proposals for the smoked tobacco regulatory regime.
- 1.2 The implementation of the regulatory regime will be a key step towards achieving the goal of Smokefree Aotearoa 2025. We acknowledge and appreciate all strides made by the government so far, since it set the smokefree goal in 2011.
- 1.3 This submission provides background information about the Waimakariri District and provides comments around the proposed implementation including smoked tobacco regulatory regime and other regulations related to vaping product safety requirements and proximity restrictions for specialist vape retailers. Our feedback on the majority of regulatory proposals is provided separately for easy reference. Where we consider the topic is interlinked with another (regulatory proposal 3 and 4), we consider and respond to them jointly in the submission below.

2. Background

- 2.1 Waimakariri District is located in the Canterbury Region, north of the Waimakariri River. The District is approximately 225,000 hectares in area and extends from Pegasus Bay in the east to the Puketeraki Ranges in the west. It lies within the takiwā of Ngāi Tūāhuriri one of the primary hapu of Te Rūnanga o Ngāi Tahu. The District shares boundaries with Christchurch City to the south, Selwyn District to the south and west, and Hurunui District to the north.
- 2.2 Geographically, socio-culturally and economically Waimakariri District is primarily a rural district. People identify with and are attracted to a 'country lifestyle'. However, the district's proximity to Christchurch City means it has a significant and growing urban and 'peri-urban' population. Primary production and construction are the largest industry sectors.
- 2.3 The district is home to approximately 67 900 people, including nearly 5800 Māori. The majority of the residents (approximately 60 percent) live in the four main urban areas of Rangiora, Kaiapoi, Woodend/Pegasus and Oxford. The remainder live in smaller settlements or the District's rural areas, including approximately 6000 rural-residential or rural 'lifestyle' blocks.
- 2.4 Being a territorial authority, WDC bears the responsibility of a wide range of local services that have a directly impact on the livelihoods and well-being of its residents. Smoking and vaping have become a concern in the district, affecting all aspect of people's well-being; economic, social, cultural and environmental. Approximately 11% of its population smoke regularly, and regular vaping among adults and youth is on the rise.
- 2.5 Consequently, WDC is interested in proposed implementations related to the smoked tobacco regulatory regime given the fact that intended implications are likely to contribute to reduction in smoking and vaping prevalence in the district.

3. General comments on smoked tobacco regulatory regime

- 3.1 WDC supports the implementation of equity focused smoked tobacco regulatory regime as well as other regulatory restrictions on vape products. We agree that it is crucial to oversee and monitor imports, manufacture, sale and supply of smoked tobacco products (STPs) to ensure that the implementation process goes as planned.
- 3.2 WDC believes in a participatory approach in responding to Government's consultations. It has become pivotal for this submission as smoking remains a widespread social issue that affects people's lives regardless of their age, gender and ethnicity. We believe the timeframe given for this submission is not sufficient to engage with the community and partners to form an inclusive and representative. Therefore, we respectfully remind the government that when it chooses to consult, it has an obligation to provide sufficient time.
- 3.3 WDC understands that planning the proposed regulatory regime is a challenging and complex process that necessitates consideration of a myriad of factors. The detailed description of certain proposals (e.g. distribution of retail premises based on urban and rural basis) delineated in the consultation document lack clarity, and in our view, the government has a duty to ensure it provides sufficient information to understand the proposals in order to collect useful feedback.

4. Smoked tobacco retail scheme

Number of smoked tobacco retail premises and their distribution across Aotearoa

- 4.1 WDC supports the proposal to reduce smoked tobacco retail premises across the country from 6000 to 600, with a maximum number of retail premises allocated for each area. We believe the strategies that limit the retail supply of STPs have a promise for reducing smoking prevalence and related health issues.
- 4.2 The smoke tobacco retailer landscape and distribution of smokers in each area of the country differs. We agree with the government's arguments for treating urban and rural areas differently when allocating the number of retail premises. However, the actual allocation of retail premises should be supported by baseline data rather than assumptions on the status quo related to smoking and STP sales. We also agree with the method used to define urban and rural areas for purpose of retail premises allocation.
- 4.3 Oversupply of STPs is apparent in the Waimakariri district similar to many other areas in New Zealand. Unlimited availability of STPs normalises tobacco use, discouraging smoking cessation and attracting new smokers. At present, the district has approximately 33 tobacco retailers, the majority of which are concentrated in Rangiora and Kaiapoi. We support allocating the

maximum number of retail premises for Waimakariri as it reduces the availability of STPs, limits purchases, and creates a conducive environment for people to quit smoking.

- 4.4 WDC believes that store allocation in a specific area should be determined by a variety of location-specific factors (e.g. population size and the estimated number of smokers) rather than urban and rural basis, and we support such a holistic approach. However, the consultation document lacks clarity on the method used by the government to allocate the maximum number of retail premises in order to provide specific feedback.

Minimum requirements for approval as a smoked tobacco retailer

- 4.5 We believe that strict requirements should be in place to limit the number of applicants who wish to sell tobacco under the proposed retail scheme. We agree with the set of criteria proposed for applicants to be 'fit and proper'. Similarly, we have no concerns about the suggested requirements for security, training, sales, and other business systems.

Approval process and decision-making criteria

- 4.6 We agree with the application procedures described in the document. We are most interested in specific evaluation criteria proposed to rank and assess applications (e.g., proximity and location, nature of business). Proximity and location should be prioritised and given more weight when evaluating retail applications because they have a direct impact on the specific location of retail stores and the density of stores within a particular area. WDC is concerned about the proximity of retail stores, particularly to schools and other youth-serving facilities (e.g. libraries, parks and playgrounds). The proposed retail store implementation has not paid sufficient attention to limiting tobacco retail proximity to those locations. We suggest the government define national level proximity limit between retailers and schools or other sensitive locations.
- 4.7 The proximity limit between tobacco retailers should also be considered in order to avoid clustering and reduce store density. The consultation document contains no information on how to regulate the distance between retail stores.
- 4.8 We support the proposed ranking method related to 'nature of the business'. Restrictions should be imposed to limit or prohibit the sale of STPs alongside everyday grocery items, as it provides easy access to tobacco products, normalising their use. As such we support regulations that discourage the sales of STPs in dairies and supermarkets.
- 4.9 The consultation document does not specify what role local government/councils will perform in the implementation and monitoring of the smoked tobacco regulatory regime. If the government intends to delegate certain responsibilities to local authorities, appropriate planning and consideration should be given to the allocation of funding and other necessary resources.

5. Online sales

- 5.1 We do not support online sales of STPs under any circumstances. There is a higher risk for youth to become victims of online STP sellers, as they are much more likely to shop online. Online sellers do not implement necessary controls to prevent the illegal sale of tobacco products to minors. Age verification systems, in particular, are ineffective at preventing underage access to tobacco products via the internet.

6. Low nicotine requirements

- 6.1 We support the proposal on prohibiting STPs that do not meet product requirements specified in the Act. We agree that there is a need for reducing nicotine content in STPs to reduce the threat STPs cause for human health, and the appeal to STPs. We suggest selecting nicotine level testing methods based on the recommendations and guidance of subject matter specialists who have expert knowledge in this area.
- 6.2 Proposed tobacco composition changes in products should be made in line with raising public awareness, particularly among youth and people who are addicted to smoking. The focus of awareness could be on health issues associated with STPs, highlighted smoking as a life-threatening factor. We support the proposed changes to existing regulations that would allow "very low nicotine" to be printed on packaging. However, it is essential to warn users that even low-nicotine tobacco products are not safe.
- 6.3 We have no concerns about the application process for approval of a smoked tobacco products.

7. Regulation related fees and notification requirements

- 7.1 The Council supports the cost recovery procedure and proposed regulation specifying fees and registration requirements, which are presented in regulatory proposals 3 and 4, respectively. It is important to have nationally set fees to ensure consistency and administrative simplicity. Furthermore, we suggest having a system in place to renew registration and application fees on an annual basis as this could be a factor that discourages people to initiate & continue STPs selling.

8. Youth vaping

- 8.1 Scientific evidence suggests that youth vaping has become a social issue in New Zealand, as a significant proportion of youth who have never smoked now vape regularly. Marketing of flavoured products attracts young people to experiment with vapes and continue vaping. We agree that there is an urgent

need to reduce youth appeal to vapes and believe the proposed changes to flavour names are appropriate. However, we wonder why this consultation has not considered to limit the number of flavours available on the market. We do not see a need for a wide range of flavours as vaping is promoted as a smoking cessation tool.

- 8.2 Visibility of vaping products is another factor that influences youth attitudes and intentions to vape, and it has not been addressed in the consultation document. We are concerned about product display in general retail stores (e.g., dairies) as well as vape shop display windows because it may increase youth exposure to vape products and confirm the social acceptability of vaping. If the government aims to lower youth vaping rates, we suggest taking the visibility factor seriously.
- 8.3 We support proximity restrictions on the location of Specialist Vape Retailers (SVRs). As we mentioned in sections 4.6 and 4.7, the proximity of SVRs to schools and other youth-serving facilities (e.g., parks, playgrounds) should be regulated across the country. Additionally, measures must be taken to limit the distance between SVRs. We propose that these proximity restrictions be applied to the location of general vape shops, despite the fact that they carry a limited product range.

9. Conclusions

- 9.1 In conclusion, we thank the government for the opportunity to comment on the consultation document “smoked tobacco regulatory regime.” We understand the potential challenges that will have to encounter during the planning and implementation phases as it involves multiple parties and requires consideration of multiple factors.
- 9.2 We strongly recommend that the government consider diversity and location specific factors (e.g. the number of smokers, youth population etc.) holistically when allocating and distributing retail stores.

Our contact for service and questions is Nadeesha Thenuwara – Policy Analyst
(nadeesha.thenuwaraacharige@wmk.govt.nz or 02102522652)

Yours faithfully

Jeff Millward
Acting Chief Executive



Proposals for the Smoked Tobacco Regulatory Regime

Public consultation document

2023

Citation: Ministry of Health. 2023. *Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document*. Wellington: Ministry of Health.

Published in January 2023 by the Ministry of Health
PO Box 5013, Wellington 6140, New Zealand

ISBN 978-1-991075-05-5 (online)
HP 8661



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Introduction

Background

Aotearoa New Zealand is underway in making changes to the types of smoked tobacco products available, and where these can be sold across the country. This is being done through the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act, which came into force on 1 January 2023. This means that the Smokefree Environments and Regulated Products Act 1990 (the Act) now:

- restricts the sale of smoked tobacco products (such as cigarettes, cigars, roll your own tobacco and pipe tobacco) to a limited number of approved retail premises. The Director-General of Health will set, by written notice, the maximum number of such retail premises across the country. This is intended to significantly reduce retail availability of smoked tobacco products
- prohibits anyone from selling or supplying smoked tobacco products to people born on, or after, 1 January 2009. This is intended to create a 'Smokefree Generation' to prevent our tamariki, and the generations born after them, from ever taking up smoking
- extends the Act's regulatory powers over the composition of smoked tobacco products, such as nicotine levels, so that only products that meet requirements set out in the Act and in the Smokefree Environments and Regulated Products Regulations 2021 (the regulations) can be manufactured, imported, sold or supplied in New Zealand. This is intended to make smoked tobacco products less addictive and appealing.

To implement these changes a regulatory regime must be established to oversee and monitor the import, manufacture, sale and supply of smoked tobacco products in New Zealand. This consultation document sets out a number of regulatory and operational proposals to this end.

The document also sets out a small number of proposals intended to tighten current restrictions on vaping product safety requirements and packaging, and consider some restrictions on the location of Specialist Vape Retailers (SVR's). These proposals respond to concerns about the appeal and uptake by youth of vaping products, and to ensure that disposable vapes are safe to use. The proposals are not intended to restrict access or availability to vaping products to people who wish to stop smoking and switch to a less harmful product.

Purpose of this consultation document

The Ministry of Health is seeking your views on regulatory proposals that will provide the operational detail needed to establish the new regulatory regime, as well as changes to regulatory requirements for notifiable products¹ (vaping, heated tobacco and now herbal smoking products).

These proposals will inform the development of regulations, written notices and guidance to implement the new provisions of the Act. It is important that the regulatory regime is workable. Your feedback on the proposals is important and will help shape the detail of the new regulatory regime.

In addition, the Act requires us to consult with Māori regarding the process of appointing smoked tobacco retailers, including in determining the maximum number of retail premises and the area to which that number applies (Proposals 1a, b and c).

It is important that the changes we are making to the way tobacco and vaping products are made and sold reflect the aspirations of communities, with a focus on hāpori, iwi, hapū and whānau Māori. This is because of the marked inequities in health caused by greater smoking prevalence among Māori. The **Smokefree 2025 Action Plan** commits to ensuring Māori leadership and decision-making at all levels: this is essential if we are to achieve the equitable outcomes we seek.

Structure of this consultation document

This consultation document has 5 main sets of proposals:

1. Regulatory proposal 1: Smoked tobacco retail scheme (refer to new Part 1B of the Act)
2. Regulatory proposal 2: Low nicotine requirements (refer to new Part 3A of the Act)
3. Regulatory proposal 3: Fees (refer to Part 5 of the Act)
4. Regulatory proposal 4: Registration requirements for smoked tobacco distributors and notifiable product retailers (refer to new Part 1B Subpart 3 of the Act)
5. Regulatory proposal 5: Vaping (refer to new Part 1B Subpart 2 and Part 5 Subpart 1 of the Act).

Each section describes the regulatory proposals and asks a number of questions that will inform and shape the development of final regulations and other instruments. Appendices provide additional information on some of these topics.

¹ Notifiable products are a defined class of products regulated under the Smokefree Act, and include vaping products, heated Tobacco products and now herbal Tobacco products.

How to provide feedback

You can provide feedback in one of two ways:

1. Use our online tool at <https://consult.health.govt.nz/tobacco-control/proposals-for-the-smoked-tobacco-regulato>. This is our preferred way to receive feedback.

Note: With the online tool, you can complete your submission over multiple sessions and save it as you go. If you select 'Save and come back later', you will receive an email with a unique link that will let you return to edit and submit your response. You can share this link with your colleagues if you need them to contribute to or review the submission. Once you have completed your submission, you will be sent a pdf copy for your records

2. Send an electronic submission to smokefree@health.govt.nz using our downloadable Microsoft Word template from the Ministry of Health website at <https://www.health.govt.nz/publication/proposals-smoked-tobacco-products-regulatory-regime>. If you have any issues with the template, please email us at smokefree@health.govt.nz

The closing date for submissions is 15 March 2023 at 5.00pm.

Note that your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will normally release your submission to the person who asks for it. If you consider there are good reasons to withhold it, please clearly indicate these in your submission.

We appreciate you taking the time to make a submission.

Protection from commercial and other vested interests of the tobacco industry

New Zealand has an obligation under Article 5.3 of the Framework Convention on Tobacco Control (FCTC) when 'setting and implementing public health policies with respect to tobacco control... to protect these policies from the commercial and other vested interests of the tobacco industry'.

The internationally agreed **Guidelines for Implementation of Article 5.3** recommend that parties to the treaty 'should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.

We expect to receive feedback from companies in this industry. We will consider all feedback when analysing submissions.

To help us meet our obligations under the FCTC and ensure transparency, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

Regulatory proposal 1: Smoked tobacco retail application scheme

Description

There are currently no restrictions on where smoked tobacco products can be sold in New Zealand and who can sell them. There are approximately 6,000 tobacco retailers, and these are concentrated in low-income communities, where smoking rates are highest. High retail density has been associated with greater tobacco use, increased youth smoking rates and greater risk of relapse among people attempting to quit. Reducing the retail availability of smoked tobacco products is a focus area of the Government's Smokefree Aotearoa 2025 Action Plan and is key to achieving the Smokefree 2025 goal.

Under the amended Act, from 1 July 2024 smoked tobacco products will only be able to be sold in a limited number of retail premises approved by the Director-General of Health. The Director-General must set a maximum number of such retail premises across the country that is no more than 600. The Act also provides minimum requirements that smoked tobacco retailers must meet, and for criteria and conditions for becoming an approved smoked tobacco retailer to be made in regulations. The Director-General must also determine and publish an application process.

It is intended that retail premises appointed under this process will have a time limited term.

These new requirements are intended to significantly reduce the retail availability of smoked tobacco products in Aotearoa.

Proposals

We are seeking your feedback on the approach we take to inform the development of the smoked tobacco retail application scheme. This is discussed in 3 parts:

- **Proposal 1a** - the proposed distribution of smoked tobacco retail premises across Aotearoa. This relates to the written notice that must be made by the Director-General under section 20M of the Act to set maximum numbers of retail premises for areas of New Zealand.
- **Proposal 1b** - the criteria for the Director-General's decision-making, including minimum approval criteria. This relates to key criteria under 20I, and regulation making

powers under 82A of the Act to require the retailer to meet certain criteria before they can be approved.

- **Proposal 1c** - the approval processes, including a method of ranking applicants and criteria to do so. This relates to requirements under 20L of the Act, including the requirement for the Director-General to publish an application process, and for related requirements to be set via regulations.

The Act has specific requirements to consult with Māori on the maximum number of approved retail premises and the areas for these retail premises, and the application process. Additional information about these requirements can be found in new section 3AB Te Tiriti o Waitangi (the Treaty of Waitangi). Hui will be held to understand Māori views on the consultation, however we also welcome feedback through our online tool.

Proposal 1a – Number of smoked tobacco retail premises and their distribution across Aotearoa

Currently there are around 6,000 retailers of smoked tobacco products in New Zealand. The recent changes to the Act mean that no more than 600 approved retail premises will be permitted to sell smoked tobacco products across the country. In deciding how these stores will be distributed, we have made a number of proposals that we would like feedback on, as follows:

We propose setting a maximum number of retail premises for each area of New Zealand

The Director-General must make a written notice setting a maximum number of retail premises for all of New Zealand, or divide New Zealand into different areas and set a maximum number of retail premises for each area. The total number must be no more than 600.

The purpose of this section is to seek your views on how the Director-General should determine areas and the maximum number of approved smoked tobacco retail premises for each area.

We propose defining areas based on urban or rural settings

Areas could be defined in a number of ways, such as by region, by local council, by iwi boundaries or by small areas such as by postcode, town or suburb.

To achieve the overall purposes of the Act, and to reduce disparities in smoking rates and smoking-related illnesses between New Zealand population groups, and in particular between Māori and other groups, we propose:

- to divide New Zealand into areas based on whether the area is urban or rural, and
- set a maximum number for each rural or urban area.

We propose urban and rural areas are determined as follows:

- **Urban** areas are towns or cities, and their commuting zones. We defined urban areas using information from Stats NZ which includes both small towns and larger cities. We slightly expanded urban areas to include places within an easy driving distance of the boundary of an urban area (the 'urban halo').
- **Rural** areas are all areas outside of the defined urban areas.

We propose to do this because people living in urban and rural areas face different challenges. For example, smoking prevalence is higher in some rural areas and travel time is longer. On the other hand, we have heard concerns about the current clustering of stores in low socioeconomic urban areas. This is contrary to the purposes of the Act: to reduce disparities in smoking rates and smoking related illnesses between population groups.

We propose that there should be a separate maximum for each individual urban or rural area. For example, in Taranaki, there are several urban areas – one city (New

Plymouth), and then some smaller towns, such as Hāwera, and rural areas between these. Each of these would have a separate maximum number of retail premises. This would mean that it is easier to ensure that retailers are spread throughout a region and are not clustered, for example, in lower socio-economic areas.

The final number of areas and the number of retail premises for each area will be set by written notice following consultation. We are interested in hearing how you think areas should be defined.

We propose allocating maximum numbers differently for rural and urban areas

In setting the number of retail premises for an area, the Act requires the Director-General to consider the geographic nature of the area and the estimated average travel time to purchase smoked tobacco products as well as the population size in the area and estimated number of people who smoke.

We propose that in urban areas the key consideration is to reduce availability and avoid clustering of retail premises in lower socio-economic areas. For rural areas the key concern is ensuring that there is still a reasonable level of access, however there is no need to ensure access where none previously existed.

We therefore consider that the number of retail premises should not be determined by the Director-General based entirely on the number of people who smoke, as a strictly proportional model of allocation will result in most stores being located in larger urban centres. The majority of stores would be located in Auckland, and other major urban areas. Many smaller urban areas (such as Wellsford, Kaikōura, Te Anau, Bluff, Coromandel, Featherston, and Hokitika) would end up with no stores at all.

We propose a model in which the number of stores allocated in a particular area is determined, in part by whether an area is defined as urban or rural, as follows:

- **Urban:** The number of stores allocated in these areas will be based on estimated numbers of people who smoke in a particular area. We have adjusted the allocation, so that smaller urban areas (smaller towns) get allocated more stores on a population basis to improve coverage of smaller towns.
- **Rural:** The number of stores allocated in these areas will be based on a defined driving time along the state highway in that area.² Rural allocations will need further refinement based on feedback. In order to ensure accessibility for rural populations not served by a state highway, some adjustments will need to be made to reduce disparities between regions. There are some rural areas with no retail premises because there is no state highway (for example Great Barrier Island, Stewart Island) and a few which might have too many retail premises (for example along SH43 from Stratford to Taumarunui).

Our proposed model has been designed to align with the purposes of the Act but can be tailored to the needs of each rural and urban area, which is why we want to hear from communities about what is important in different areas.

² Other allocation methods for rural areas, such as those based on population or land area were also considered but found to give a less equitable distribution.

Because of the differences between the way we have proposed to allocate retail premises to urban areas (to reduce availability, and avoid clustering in poorer areas) and rural areas (to reduce availability, and ensure that there is still reasonable access, and in particular considering the geographic nature and driving time as required by the Act), it is likely that there will be more premises per person who smokes in rural areas than there are in urban areas.

Changes to the calculations in this model, such as the relationship between the number of people who smoke and the number of stores, the agreed acceptable drive time to an urban area or within rural areas, or any adjustments made to account for overlapping state highways or areas where few or no people live, will change the allocation figures.

Appendix 1 provides more information about how we have defined urban and rural areas.

Summary of proposed model for distribution

Taking these factors into account, Table 1 below provides an example scenario for smoked tobacco retail premises summarised by region. It is likely that the final distribution will need to be adjusted to take into account feedback from consultation, so this is a starting point for discussion only.

In this scenario, Auckland has fewer retailers than, for example, the Waikato, because it is one large urban area, while the Waikato has a number of cities, towns and rural areas each with a separate allocation. This also shows more rural retailers than urban. The number of retailers per person who smokes is higher in smaller urban areas than larger ones.

We have provided a series of maps of New Zealand to show how this scenario might look at a local level. These are provided as a separate document that can be downloaded from the Ministry [website](#).

Table 1: Summary of smoked tobacco product retailer allocation example

Region	Urban	Rural
Northland (Te Tai Tokerau)	14	28
Auckland (Tāmaki Makaurau)	28	5
Waikato	33	57
Bay of Plenty (Te Moana a Toi-te-Huatahi)	23	36
Tairāwhiti/Hawkes Bay (Te Matau-a-Māui)	16	28
Taranaki	9	16
Manawatū/Whanganui	20	21
Wairarapa/Wellington (Te Whanganui-a-Tara)	30	2
Nelson (Whakatū)/ Marlborough (Te Taihu-o-te-waka)	7	10
Tasman (Te Tai o Aorere)/West Coast (Te Tai Poutini)	9	41
Canterbury (Waitaha) /Chatham Islands (Wharekauri / Rēkohu)	34	43

Region	Urban	Rural
Otago (Ōtākou)/ Southland (Murihiku)	27	60
Total (New Zealand)	250	347
	597	

Overall access to smoked tobacco products should reflect geographic requirements and smoking rates.

The number of stores allocated in a particular area should reflect local requirements. For example, people in areas with high smoking prevalence and rural areas should continue to be able to reasonably access smoked tobacco products. Conversely, access to products in more densely populated urban areas should not be too high.

When determining the maximum number and the area to which that number applies, the Director-General must also take into account the views of those consulted.

We are interested in hearing from communities about the overall allocation for your region. This could be in relation to the example allocation in Table 1, and/or any specific feedback in relation to different towns and cities, given the need to significantly reduce the overall number of retailers.

Consultation questions

1. Do you agree with having a separate maximum number of smoked tobacco retail premises for each area of Aotearoa?

2. Do you agree with the concept that urban and rural areas should be treated differently? If so, do you agree with how we have defined rural and urban?

If not, how else could the geographic nature of the area be taken into account?

3. Do you agree with our suggested allocation scenario, as described in Table 1 and the supplementary maps we have produced?

If not, how else would you determine the maximum number of retail premises, bearing in mind the Act allows a maximum of 600 retail premises?

4. We are interested in understanding the needs of different areas of Aotearoa. If you have any comments on the number of retailers in your area, please tell us.

What is your area (town, city or rural location)?

Proposal 1b – Minimum requirements for approval as a smoked tobacco retailer

Minimum requirements that the Director-General must consider when deciding which retail premises can sell smoked tobacco products are set out in the Smokefree Act.

The Director-General must be satisfied:

- that the applicant is fit and proper and is a New Zealand resident, or for an entity, each responsible person is fit and proper, and the entity is carrying out business in New Zealand or incorporated or registered under New Zealand law
- that retail premises are a fixed permanent structure and appropriate to operate from
- that the applicant's security, training, sales, delivery and other business systems meet any requirements in regulations
- that other requirements in regulations are met.

Appendix 2 provides further information about the proposed requirements for a 'fit and proper person'. The Act requires that the Director-General must have regard to these criteria or requirements when making their consideration.

Further requirements can be set in regulations for the security, training, delivery, other business systems, and other relevant criteria. The requirements proposed are designed to ensure that the retail scheme works as intended. For example, ensuring that there is adequate security will prevent the scheme being undermined by theft or other crimes and protect the health and safety of both customers and staff. These are minimums that any applicant must meet before being approved. We propose the following:

Table 2: Proposed minimum requirements for approval as a smoked tobacco retail premise to be set out in regulations

Criteria	Minimum Requirement
Security systems ³	Applicant must have secure product storage, an operational fog cannon, a suitable alarm system and operational security cameras with recording facility.
Training	Applicant must make sure that all employees involved in sales of tobacco products have training in relation to responsibilities under the Act, including preventing sales to minors/the smokefree generation.
Sales systems	Applicant must keep appropriate records of sales. Applicant must have systems to prevent sales to minors.
Delivery systems	Where a sale involves any aspect of delivery, the applicant must have systems in place to ensure that the delivery is to the person purchasing, and not to a minor or member of the smokefree generation.
Other business systems	None considered at this time.

³ The Ministry is continuing to work with NZ Police to refine security requirements, including clarifying those that are minimum requirements and those that are decision making criteria (see proposal 1c and Appendix 3) and therefore optional but highly recommended.

Consultation questions

1. Do you agree with the proposed requirements for a 'fit and proper person' in Appendix 2?

If you have any comments on these requirements, please let us know.

2. Do you agree with the minimum requirements we have proposed for security systems, training, sales systems, delivery systems and other business systems?

Do you have any other suggestions?

Proposal 1c – Approval processes and decision-making criteria

The Act requires that the Director-General determine and publish a process for applications. In this regard, we are seeking feedback on 2 main parts: firstly, how the application process will be run, and secondly how we will compare applications against each other if there are too many applicants for an area.

Retail application process

The draft smoked tobacco retailer application process is proposed as follows:

1. Applications will be open for a set period of time.
2. The Director-General will review applications against the eligibility criteria discussed in proposal 1b. Applications that do not meet these minimum requirements, will not be considered further.
3. The Director-General will assess and rank all other applications based on the evaluation criteria described below and in Appendix 3.
4. The Director-General may check the information provided in the remaining applications for accuracy (for example, through a site visit).
5. The Director-General will decide on the ranking of the eligible applications taking into account any information identified through the checking process.
6. The Director-General will then approve a number of retailers that is no more than the defined maximum for that area.

Where there are more applicants for an area than the maximum number of retailers for that area, the Director-General will assess and rank applicants based on the evaluation criteria described below in order to determine which applicants will be granted approval. The Director-General does not have to approve the maximum number of retailers and may choose a lower number, or none, where there are not any applicants for a specified area that meet the minimum criteria discussed in proposal 1b.

The Act would not allow for the maximum number in an area to be exceeded, even if another area nearby does not use its full allocation of retailers. This means that if the Director-General approves less smoked tobacco retailers than the number allocated to that area, the remainder would not transfer to any other area.

If there is a tie in ranking between potential stores, the Director-General will approve both applications, unless this would mean that there are more than the maximum number of retail premises for that area, in which case, the Director-General will approve neither application.

Decision making and ranking process

If there are too many applicants in one area, the following criteria could be useful to distinguish between retail applications (Appendix 3 provides further detail). These criteria may be defined in Regulations.

- Business related criteria: criteria like security, sales systems and training, could be used to rank applicants. For example, in terms of sales systems, the business needs to have considered factors such as their supply chain – ensuring that they will have the right amount of stock to service demand. We propose that detailed proposals would be acceptable within an application, to avoid retailers’ incurring costs prior to approval of an application.
- Proximity and location: certain criteria may relate to the location of the retail premise or specific community needs. For example, distance from schools or sports grounds may be relevant. Communities may feel that there are areas where it is less appropriate for smoked tobacco retail premises to operate (such as near schools or marae). Additionally, ensuring that the premises are spread across each area may be important.
- A history of compliance with the Smokefree Environments and Regulated Products Act, by the applicant (the entity or individual) and any responsible people over the previous 5 years may be relevant.
- The nature of the business may be relevant – for example, retail premises selling alcohol, convenience goods and/or groceries might rank lower on this criterion while stores only selling smoked tobacco products may score higher, because we are of the view that selling tobacco products alongside everyday grocery items normalises these products.
- A ‘specialist outlet’ category could allow for a certain number of retail premises specialising in smoked tobacco products that are not cigarettes (eg, cigars) to score higher.

The Director-General may weight the criteria or give them an equal consideration. We are interested in feedback about what criteria is of most importance, or least importance.

Consultation questions

-
1. Do you agree with the proposed application process?

 2. Are there any aspects that need to be clearer?

 3. If you have any changes or additions to the criteria we have proposed, please let us know.

 4. What do you think are the most and least important things to take into account when assessing an application?

Online sales

The Act provides that there may be sales from specified internet sites operated together with a specified retail premises, however the Director General has discretion to consider whether allowing online sales would achieve the purposes of the Act in the particular context.

There may be instances where we need to grant approvals for online sales to ensure that there is adequate access to smoked tobacco products for specific parts of the population. The Act requires that there is a demonstrated need for an online service, for example no approved retail store reasonably available to a population (eg, people in particular remote areas) and it is expected that any approval granted would include conditions that reflect the particular circumstances.

We propose that retailers indicate whether they wish to be considered for selling online when they apply for approval to be a smoked tobacco retailer. If, after granting approval to retailers to be smoked tobacco retailers, the Director General decides that there is a need for online sales, then the Director-General will assess those retailers who have indicated that they wished to be considered for online selling in their application and determine who will be granted approval to sell smoked tobacco products online. As part of this process, the Director General would be able to seek additional information specific to online sales if such information needed to inform their decision.

- ? We propose that regulations are made that describe sales and delivery system
- requirements that a retailer will need to meet before being approved to provide online sales of smoked tobacco products. For example, to ensure that sales online are not to the smokefree generation (those born on or after 1 January 2009) and that the retailer can meet expected demand.

Retail support

Many current retailers will no longer be able to sell smoked tobacco products. We have heard that for some retailers, smoked tobacco is currently a significant part of their turnover, and they are concerned about the loss of this business. Other feedback we have heard has highlighted the low margin of smoked tobacco products.

While we are not considering direct compensation for loss of smoked tobacco product sales, there may be other support that we could offer. We are interested in understanding what would be useful.

Consultation questions

-
1. Do you have any feedback on additional decision-making criteria and processes for selling smoked tobacco products online?
-
2. Do you have any feedback on possible support for retailers who are no longer able to sell smoked tobacco products?
-

Regulatory proposal 2: Low nicotine requirements

Description

The product approval scheme comes into force on 1 April 2025. This means that from this time only low nicotine smoked tobacco products will be allowed in New Zealand.

The Act prohibits the sale, manufacture, import or supply of smoked tobacco products that have not been approved by the Director-General. The Director-General will only approve products that meet specified criteria, including that the product meets requirements set out in the Act and has been tested in accordance with regulations. This proposal seeks feedback on these proposed regulations.

To reduce the appeal and addictiveness of smoked tobacco products, the Act provides that nicotine levels in the tobacco in smoked tobacco products, must not exceed 0.8mg/g. This maximum applies to each individual product and includes all sources of variability. The Act also requires that regulations are made to determine whether the levels have been exceeded.

Additionally, nicotine must not be present in any other constituent of a smoked tobacco product. Constituents are everything that makes up, is present in, or is emitted from a regulated product. This includes for example the filter or any 'crush ball' within the filter of a smoked tobacco product.

The Act also provides for additional requirements to limit or prohibit other constituents, as well as the ability in certain circumstances to temporarily approve products that do not comply with one or more requirements.

These restrictions will come into force in April 2025.

Proposal

We propose that all smoked tobacco products must meet the product requirements set out below.

Testing method

There are a range of analytical testing methods available to determine the nicotine content in smoked tobacco products. Regulations will include detail about the methodological processes and general testing requirements that will apply. We propose that requirements include reference to analytical chemical methods to determine nicotine content, with a focus on chromatography-based technology, such as:

- a method based on the World Health Organisation (WHO)'s *SOP4 – Standard operating procedure for determination of nicotine in cigarette tobacco filler*,⁴ validated to account for the low nicotine levels prescribed
- or alternatively a Cooperation Centre for Scientific Research Relative to Tobacco (CORESTA) method, such as CORESTA no. 62 – Determination of Nicotine in Tobacco and Tobacco Products by Gas Chromatographic Analysis.⁵

Other suitable analytical methods, (eg, methods that test the nicotine content of the filler) may be possible. We are interested in feedback on any other suitable methods, and whether it is preferable to mandate the use of one preferred method such as one based on WHO SOP4, or to allow a variety of methods that meet requirements.

We are not considering methods that analyse the content of emissions (smoke) such as ISO 10315:2013, because ISO yield tests are based on the outputs of 'smoking machines' that simulate smoking. This type of test is open to manipulation; and it was used historically in the development of 'light' cigarettes, which communicated a false sense of harm reduction.

We also propose that the regulations make it clear that because the nicotine levels stipulated in the Act are inclusive of all sources of variability, results from testing nicotine levels in accordance with the method (for the purposes of product registration or compliance and monitoring) must never exceed 0.8mg/g for any individual tested product.

Existing reg 63 – Conduct of tests of manufactured cigarettes

We propose that the existing requirements listed in current reg 63 are no longer needed. These relate to certain constituents in cigarette smoke which will not be used in future to, for example, determine the nicotine content.

Current requirements are to test using the following methods:

- for tar, ISO 4387:2000 Cigarettes – Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine
- for nicotine, ISO 10315:2013 Cigarettes – Determination of nicotine in smoke condensates – Gas-chromatographic method

⁴ <https://fctc.who.int/publications/i/item/standard-operating-procedure-for-determination-of-nicotine-in-cigarette-tobacco-filler>

⁵ <https://www.coresta.org/determination-nicotine-tobacco-and-tobacco-products-gas-chromatographic-analysis-29185.html>

- for carbon monoxide, ISO 8454:2008 Cigarettes – Determination of carbon monoxide in the vapour phase of cigarette smoke – NDIR method.

We are interested in feedback as to whether there is any reason to keep these tests (eg, for research or comparative purposes). If so, they will be updated to the current, up-to-date versions.

Other product safety requirements for smoked tobacco products

Colour and smell of smoked tobacco products

We are not proposing changes to the requirements regarding the colour of tobacco.

We propose that current reg 32 (2) is revoked. This regulation allows that the smell of tobacco can include the smell of an additive or flavouring of a kind used before 31 May 2016. This is unclear and hard to interpret.

We propose that instead, smoked tobacco products should only smell of manufactured tobacco, or menthol.

Other constituents of a smoked tobacco product

We propose that the regulations preclude the use of synthetic or natural chemicals that are analogues of nicotine in tobacco filler. Such chemicals could act to undermine the policy by maintaining appeal and addictiveness in low nicotine products.

Similarly, we propose that all parts of a smoked tobacco product other than tobacco leaf or filler should not contain any nicotine-like substances, including any psychoactive substances that could maintain addictiveness.⁶

Parts of a smoked tobacco product include but are not limited to filters, filter papers, other plant material, 'crush balls' or similar inclusions within a cigarette or cigarette package, and attachments sold alongside a smoked tobacco product.

We do not propose introducing requirements for any other specific chemicals in tobacco products at this time, for example tobacco specific nitrosamines, or monoamine oxidase inhibitors. Should these change over time in a manner designed to promote addiction, we will consider regulating them then.

Good manufacturing practices

We are not proposing specific requirements for manufacturing practices; however, we are interested in understanding if there are any specific requirements that would be useful.

⁶ The Act already precludes the presence of nicotine in these constituents.

Product Safety

We propose that some existing regulations relating to product safety requirements for notifiable products are replicated for smoked tobacco products.

These require that systems are in place that enable:

- investigation and resolution of complaints about the products
- recall of a product from sale or supply
- notification to the Ministry of Health of any recall.

Reporting

We propose updating forms under schedule 9 and 10 of the regulations to align with the product information required.

Other product changes

Packaging and product warnings

We propose updating existing packaging requirements for low nicotine tobacco products, so that low nicotine tobacco can be distinguished from existing products.

We propose that the graphic warnings currently displayed on packs (described in Part 1 of the existing regulations) remain unchanged. We propose that the wording of text included as part of the warnings should remain similar in size and style, but we propose reviewing these to ensure that the wording is appropriate for low nicotine smoked tobacco products. Our overall approach to packaging reflects the fact that all smoked tobacco products are dangerous to health, whether or not the nicotine level is reduced.

Additionally, we propose updating Parts 1 and 2 of the regulations to allow for the words 'very low nicotine' to be included on the packaging.

For example, we would update Part 2, Sub part 2 – *Text and other markings that may appear on tobacco packaging*, so that it states that the area on the bottom front of the pack that displays the brand and variant, can include the phrase 'very low nicotine' if the product meets the low nicotine standards.

We are interested in feedback on this proposal, including any evidence regarding the potential behavioural effects of updating the warnings, or any alternative to our proposal, for example, not allowing any differentiation between high and low nicotine products.

Information inserts for products

We seek feedback on whether it would be useful, in accordance with section 52(2) of the Act to require an insert into all smoked tobacco product packs, informing people of upcoming changes to the availability and appeal of smoked tobacco products. The messages on such an insert could focus on encouraging quit attempts and align with quit smoking campaigns developed by Te Whatu Ora.

Application for approval of a Smoked Tobacco Product

Application for approval of a smoked tobacco product

Under the Act, approval of a smoked tobacco product is required before products can be imported, sold or supplied in New Zealand. We propose that regulations should set out additional detailed requirements, and forms for the purpose of applying to seek approval for products.

We propose that an application is required for each brand variant (model) of smoked tobacco products. We propose developing an application form as a schedule to the regulations, which would require the following:

- the applicants name and contact details
- if the applicant is an entity, such as a business, its name and company number or New Zealand Business Number
- the name and contact details of the manufacturer of the product, and the site of manufacture if this is different
- a declaration that the product meets the requirements of the Act and regulations.

In addition, we propose amending the regulations to require the following product specific information:

- a description of the product type, brand, variant and unique product code (eg EAN or UPC number)
- a summary of test results for nicotine and any other constituent required
- a full list of ingredients, including any additives
- an appendix containing a dossier including full test reports, product and packaging images and any other relevant documentation

We propose requiring applications to be accompanied by the relevant fee (see 'Regulatory Proposal 3: Fees' within this document)

Application for temporary approval

The Act allows for the Director-General of Health to temporarily approve the import, supply, manufacture or sale of tobacco that does not meet low nicotine tobacco criteria under some circumstances. These circumstances allow for research and testing, for some niche products.

Under the Act, cigarettes do not meet the requirements for a niche product and cannot therefore be granted temporary approval as a niche product. We propose that regulations should further clarify that products similar to cigarettes, such as mass-produced cigarillos do not meet the criteria for a niche product.

We propose that regulations should set out detailed requirements, and provide forms for the purpose of applying to seek temporary approval of products.

In all cases, applications for temporary approvals will need to describe the products intended to be imported (including volume, brand and variant), as well as the purpose for importing these products.

We propose requiring additional detail tailored to the different types of temporary approvals:

- imports for research and testing purposes – these will require a description and purpose for the proposed research or testing, including rationale for requiring import of non-compliant product
- import of a niche product - this will require evidence that this product is a niche product, not of mass appeal, and not a cigarette, and that no similar compliant product can be sourced.

Consultation questions

-
1. Do you agree that a suitable testing method may include a method based on WHO SOP4, validated to account for the low nicotine levels prescribed?
-
2. Do you have any other suggestions for suitable chemical analytical methods?
-
3. Do you agree with the proposal that the main packaging change should be to allow the words 'very low nicotine' on qualifying smoked tobacco products? If not, why not?
-
4. Do you agree with the proposal to require an insert in smoked tobacco product packs?
-
5. Do you agree with the product application requirements?
-
6. If you have further comments on product application requirements, please write them here.
-
7. Do you agree with the proposed requirements for temporary approvals? If not, why not.
-

Regulatory proposal 3:

Fees

Description

The Act provides for recovering the costs of establishing and operating the regulatory regime from the industry through fees or levies. It allows for regulations to specify these fees and levies.

Proposal

We propose that regulations specify fees for:

- smoked tobacco retail applications
- smoked tobacco product approvals and reassessments for significant product changes
- registrations (for smoked tobacco distributors, general vape retailers, and retailers of other notifiable products).

The following table sets out our proposed fees.

Type of fee	Amount (excl. GST)	What this fee covers
Assessment fee for applications to be an approved smoked tobacco retailer	\$500 - \$2,200	Receive and check application; assess and score against published criteria; undertake internal peer review and final review; calculate application ranking; send final assessment to applicant; publish on approved smoked tobacco retailer register. Note – final costs depend on level of automation, or inclusion of site visits. As a comparison, the fee for assessment as an SVR is \$1,600.
Assessment fee for smoked tobacco product applications	\$13,450	Receive and check application; review product testing results; seek clarifications (if any); review product constituents; undertake internal peer review; prepare product assessment report; undertake final review; send final assessment to applicant; publish on approved products register
Assessment fee for smoked tobacco product applications (temporary approvals for products that cannot meet product requirements)	\$2,650	Receive and check application; undertake market scan; review product test results; seek clarifications (if any); review any additional information provided; undertake peer review; prepare product assessment report; undertake final review; send final assessment to applicant; publish on approved products register

Type of fee	Amount (excl. GST)	What this fee covers
Registration fee (for smoked tobacco distributors, general vape retailers, and retailers of other notifiable products)	\$80	Receive and check annual registration; seek clarifications (if any); review any additional information provided; publish on participant register where relevant

Our proposed fees are based on assumptions around the average effort required to process each application or registration. Each proposed fee is set on a full cost-recovery basis.

Consultation questions

1. Do you agree the Ministry of Health should charge for these processes?
What processes do you suggest we charge for?

2. Do you agree with the level of each of the fees?
If not, how much do you suggest the Ministry of Health should charge?

3. Do you agree with our cost-recovery approach?
If not, what approach do you suggest we use?

Regulatory proposal 4: Notification requirements

Description

New notification requirements for distributors of smoked tobacco and notifiable product retailers commence on 1 October 2023. This means that by this date, distributors and general retailers will need to complete a form to tell the Ministry of Health about their business.

The Act requires that:

- **distributors of smoked tobacco products (distributors)** notify the Director-General of Health that they are distributing smoked tobacco products, and
- **general retailers that sell notifiable products (general retailers)** notify the Director-General of Health that they are selling notifiable products.

We need to ensure that regulations set out the detail of these new notification requirements for distributors and general retailers. These requirements will ensure that all participants in the market are regulated, providing a complete view of the sector for both smoked tobacco and notifiable products. They will also better support compliance and enforcement activities for all regulated products.

Proposal

We propose that regulations require distributors and general retailers to provide their contact details (including name, business name, company number/New Zealand business number, address, phone numbers and email addresses) when they register on the Ministry of Health's database.

For general retailers, this will mean providing separate applications for each premise (physical address) selling notifiable products.

We propose that regulations require distributors and general retailers to re-notify on an annual basis to ensure that market information is kept up to date, and we propose there will be a small administration fee to do so (see 'Regulatory proposal 3: Fees' above).

We propose that regulations require distributors and general retailers to provide annual returns on their distribution and retail activities in line with other parties and products regulated under this Act.

Consultation questions

1. Do you agree with the proposal that distributors and general retailers be required to re-register annually?

If you do not agree: how frequently should they be required to re-register?

Regulatory proposal 5: Youth Vaping

Description

While the Act now regulates vaping products, youth vaping rates remain high and are increasing.

The Act regulates vaping products so that people who smoke and wish to switch to vaping can access safe vape products with the support and information they need to do so. There are restrictions on how vaping products are advertised, displayed, and packaged and they are not able to be sold to those aged under 18.

The Smokefree Environments and Regulated Products Regulations 2021 set out requirements for how vaping products must look and the messages and information they contain. These requirements are intended in part to limit the appeal of these products, particularly for youth. The regulations also set out safety requirements that products must meet before they are able to be sold on the New Zealand market.

As youth vaping rates continue to rise, we have an opportunity to check whether the current requirements are working to sufficiently reduce the appeal of vape products to our young people.

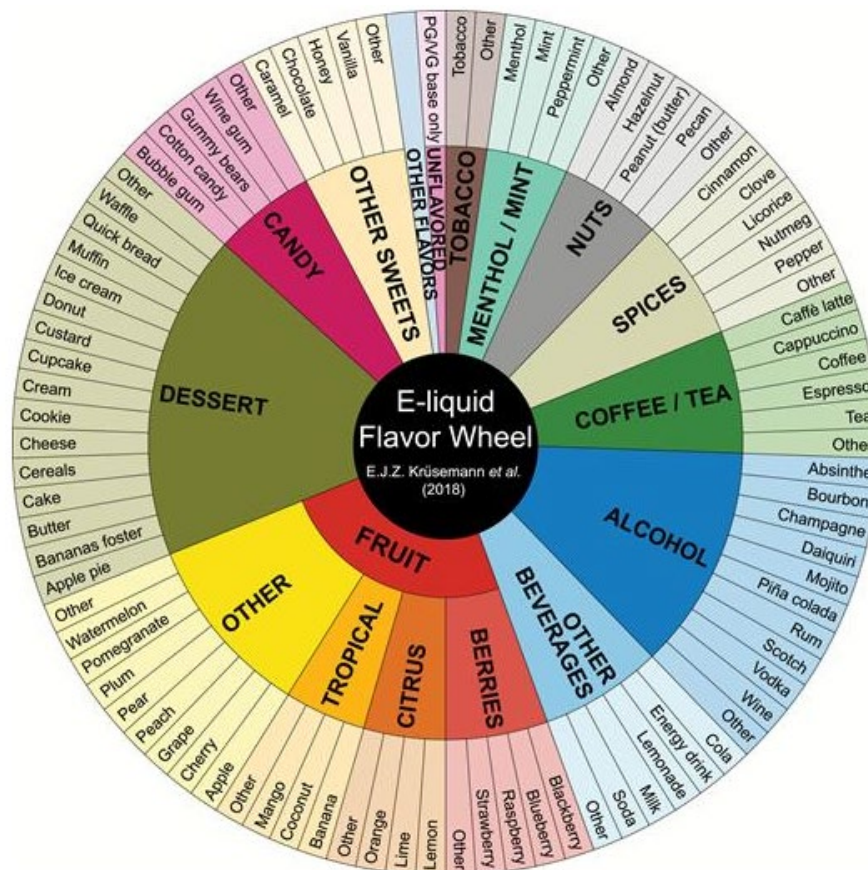
Proposal

We propose extending vaping packaging and product restrictions to further improve product safety and reduce the appeal of these products to young people. Our proposals are as follows:

Restricting flavour names

While vape flavours are relatively generic, the naming of flavours in some products appear to be likely to appeal to young people, for example, 'Gummy Bear', 'Bubble Gum' and 'Unicorn Milk'.

We propose that the variant name on a vaping substance or its packaging must only be a description of the product's flavour, and that the flavour must be described using one or more flavours from permitted segments on a prescribed e-liquid flavour wheel, adapted for New Zealand from a published wheel, for example:



We propose that the prescribed flavour wheel exclude flavour descriptions that appear to target young people (such as those under the 'Candy' label in the example wheel above), and that the wheel exclude or replace flavour descriptions that are not common or relevant in New Zealand (such as 'quick bread' and 'bananas foster').

Extending product requirements for vaping products to address single-use safety concerns

Internationally, there has been a dramatic rise in the use of low-cost, single use vaping products (also referred to as 'disposable vapes'), and it is likely that New Zealand will follow this pattern.

These products have high levels of nicotine, and have a number of safety concerns associated with them, including a lack of child safety mechanisms, the inability to inspect for battery damage, nicotine concentration, substance labelling and trackable serial or batch numbers.

We propose the following additional product safety requirements to address concerns relating these single-use products:

- **User safety mechanisms.** We propose that all vaping devices must have a mechanism to prevent the device being activated or accidentally operated by a child.

- **Removeable/replaceable batteries:** We propose requiring all vaping devices to have a removable battery to enable the battery to be inspected (and therefore prevent risk of battery failure/explosion).
- **Substance container labelling:** We propose clarifying that all vaping products must have the prescribed labels on substance containers, including single-use devices, where the container may be the device itself.
- **Nicotine concentrations in non-refillable products:** We propose reducing the maximum concentration of nicotine salts allowed in single-use products from 50mg/mL to 35mg/mL (as people can choose to use a lower concentration of nicotine in re-useable devices, but single-use devices have a fixed nicotine concentration that is generally close to the maximum allowed).

We propose clarifying that the requirement for nicotine levels to be displayed on product labels in mg/mL includes single-use products (as they are a vaping substance container as well as a device), and that a percentage figure for nicotine/nicotine salt concentration is not sufficient.

- **Serial/batch numbers:** We propose requiring serial/batch numbers on the single-use devices to ensure they can be traced in the event of a reaction.

Considering proximity restrictions

We also propose setting out **proximity restrictions** relating to where a Specialist Vape Retailer⁷ (SVR) is located. This would mean that the Director-General would need to give consideration to where a business intends to operate when deciding to give a person approval to be an SVR. For example, the distance from schools and sports grounds or other considerations specific to certain communities.

These proximity restrictions would not apply to general vape retailers (eg, dairies, supermarkets, service stations). These stores can only sell three vape flavours and therefore carry a limited product range. In addition, restrictions for general vape retailers would require a legislative amendment as there is currently no existing regulation-making power to do so.

Consultation questions

-
1. Do you agree with the proposal to restrict the flavour names of vaping products to minimise their appeal to youth? If not, why not?

If so, which names do you think should be excluded or replaced on the example e-liquid flavour wheel set out above?

2. Do you agree with the proposal to extend product safety requirements for disposable vaping products? If not, why not?
-

3. Do you agree with the proposal to restrict where Specialist Vape Retailers can be located? If not, why not?

If so, what locations are important to you and why?

⁷ A Specialist Vape Retailer (SVR) is a specific class of R18 retailer that is exempt from some of the restrictions that apply to general vape retailers (for example, SVRs can sell a greater range of flavours).

Appendix 1: Additional information regarding rural and urban areas

Our planning assumption was that the country will be split into a number of geographic areas, with a maximum number of retail premises permitted in each area (up to the country-wide maximum). We also assumed that a different approach will be required for urban areas (towns and cities) compared to rural areas, and a greater proportion of approved retail premises may be needed in rural areas as smoking prevalence is higher in rural areas and travel times are longer.

This appendix further explains our proposal for numbers of retailers in urban and rural areas.

Urban areas

In towns and cities, the maximum number of stores will be based on the estimated number of people who smoke in those areas. Our assumptions are based on urban areas as defined by Stats NZ, and we have assumed that people just outside of these areas can easily travel to the urban area to purchase smoked tobacco products. Therefore, in our proposal 'urban' areas extend an agreed distance in drive time (eg, 10 minutes) along a state highway: the 'urban halo'. This means that we treated areas that are most easily accessed via roads connecting to an urban area as an extension of that urban area.

As towns are often clustered together, our proposal treats any areas that are less than twice the agreed urban halo (eg, 20 minutes) apart as a single urban area ('cluster'): the maximum number of retail premises permitted is based on the total estimated number of smokers in the cluster. Applicants in a cluster will be evaluated together as part of a single urban area: for example, Masterton and Carterton in the Wairarapa. This will not apply to cities, due to their high populations and unpredictable travel times.

Rural areas

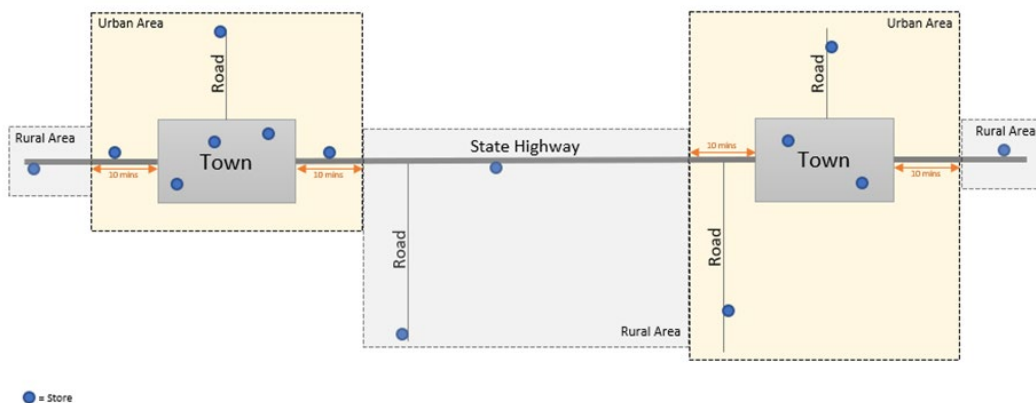
State highway corridors outside an urban area will be treated as rural areas: our proposed maximum number of retail premises in such areas is based on the usual driving time of the state highway in that area. The usual driving times we have assumed for state highways are the times given by Google Maps for a car driving at normal speed limits with uncongested roads. We treated areas most easily accessed via roads connecting to a rural area state highway as an extension of the state highway's rural area.

Some regions have a significantly higher number of state highways covering their rural populations (such as Waikato) than others (such as the greater Wellington region, including the Wairarapa). This skews the rural allocation in favour of those regions with more state highways. We will make some adjustments to ensure accessibility for rural populations not served by a state highway.

Where a state highway passes between regions, we will adjust allocation as appropriate: numbers may be split equally between the regions, or more may be allocated to one region if the majority of the highways and connecting rural roads are in that region.

To ensure accessibility for rural populations not served by a state highway, rural allocations will need further refinement based on feedback. There are some rural areas with no state highway (for example Great Barrier Island, Stewart Island) and a few which might have too many retail premises (for example along SH43 from Stratford to Taumarunui).

Example of Urban and Rural areas with 'urban halo' set at 10 minutes



Appendix 2: More information on minimum requirements

As discussed in Regulatory proposal 1, we are seeking feedback in relation to the minimum requirements that a retail premise would need to meet before the Director-General can appoint them as a smoked tobacco retailer. Some of these are defined in the Act and some can be set through regulations.

The requirements defined in section 20I of the Act include that the Director-General is satisfied that:

- the applicant is a fit and proper person, and that each responsible person is fit and proper
- the applicant is a New Zealand resident or is carrying on business in New Zealand or incorporated under New Zealand law
- the retail premises are a fixed permanent structure and appropriate premises.

Under section 82A of the Act, regulations may be made that include setting fit and proper person criteria for the purposes of section 20I.

We propose to set specific requirements in regulations to explain **what a person must demonstrate to be 'fit and proper'**. These requirements could include considering:

- any charge or conviction for any offence under the Act, as well as relevant offences under other statutes, such as in relation to the Customs and Excise Act 2018 or the Crimes Act.
- the outcome of any controlled purchase operations and/or other compliance activities by smokefree enforcement officers, if applicable (ie, history of compliance)
- any other court order made against the applicant that may be relevant to the application
- any information collected in the course of a Police investigation that relates to the person's conduct
- any matters disclosed to the Ministry of Health by the Police, New Zealand Customs or Te Whatu Ora in relation to the application, including any objection to the grant of a license; for example, the fact that the person is a member of, or has close affiliations with a gang or organised criminal group
- the person is over the age of 18
- any further matters the Director-General considers relevant.

Appendix 3: More information on ranking criteria for smoked tobacco retailers

Where there are more applicants that meet the minimum criteria than retailers that can be appointed in an area, we propose to assess and rank applicants using additional criteria.

We have divided these criteria into 3 broad categories - location, business and other systems, proximity and locations, and other factors. We are interested in hearing from stakeholders which of these criteria are most important and least important to them, and what, if any criteria, are missing.

We will use feedback from Māori, communities and other stakeholders to refine this ranking and scoring process.

Business and other systems

In terms of business and other systems, we propose the following additional criteria:

Security systems: The minimum we would look for in terms of security systems is secure product storage, an operational fog canon, a suitable alarm system and operational security cameras with recording facilities. In addition, an applicant should demonstrate a comprehensive security system to minimise risks, either in place or proposed in a detailed plan (final approval will depend on this being in place). For example:

- a security system that is regularly maintained, and addresses both stock loss prevention and the safety of staff and customers
- that they have other specific features, such as:
 - an appropriate store layout, ensuring the ability see inside and outside of the store through the front glass windows, and an open store layout with no blind spots and low shelf heights inside
 - for stores with immediate street access, bollards or other external protection to reduce the risk of ram raids,
 - closed circuit television, secure staff areas, controlled entry and panic buttons.
 - additional security features, for example, a solid external roller door, which is secured to the ground when closed, glass security film, interior roller grate/grill,

counter shield either metal or plastic, high quality tobacco safe that is securely bolted to the ground and has increased strengthening against blunt object and power tool attacks

Training: The minimum we would look for in terms of training is evidence that all employees involved in sales of smoked tobacco products have training on premises procedures and processes. In addition, an applicant might demonstrate:

- a good understanding of the types of training required – for example, in relation to responsibilities under the Act and preventing sales to minors/the smokefree generation, security training for all personnel in relation to de-escalation and robbery management.
- detailed information about the programme of training to be provided
- that the training plan is comprehensive and accurate
- that all staff receive initial and regular refresher training
- appropriate records of training are kept and signed by those attending.

Sales systems: The minimum we would look for in terms of sales systems is that there are records and systems in place to prevent sales to minors. In addition, an applicant might demonstrate a supply chain for both current products and low-nicotine products, and a plan for managing fluctuations in demand over time.

Delivery systems: The minimum we would look for in terms of delivery systems is that applicants do not allow any form of delivery, or have systems in place to ensure delivery is only made to the person purchasing, and not to a minor. We have no additional criteria for delivery systems.

Proximity and location

Consultation on the Action Plan and the Bill showed that there was interest in the location of smoked tobacco retailers.

The Act does not include a blanket ban on smoked tobacco retailers in particular locations. However, we are aware that people may consider it inappropriate for smoked tobacco premises to operate at or near certain locations; for example:

- recreational facilities like sports fields, parks or playgrounds
- educational facilities like schools or early childhood centres
- marae
- other areas identified by communities and iwi through this process.

Additionally, within each area, the number of retail premises has been estimated by considering each town and city and rural area. Ensuring that the retail premises are spread across the whole area will be important.

We propose that, in allocating retail premises within given areas, we rank applications based on their proximity to sensitive areas. The definition of 'sensitive' could apply nationally, or there may be some variation based on regional feedback.

Other factors

Finally, we are interested in what other factors would be important to consider in terms of ranking criteria and how we should take this information into account. Other factors might include:

- information about applicant's history of compliance with the Act and the history of any responsible people, over the previous 5 years
- the nature of the business – for example, stores selling alcohol and/or groceries might rank lower on this criterion while specialist tobacconists may score higher. This is because selling tobacco products alongside everyday grocery items normalises these products.
- opening hours. Stakeholders have suggested that opening hours might be a useful factor, however we are interested in feedback on how this could be incorporated and what would be most desirable.
- whether an applicant's premise is a specialist outlet; that is, the applicant sells smoked tobacco products that are not cigarettes (eg, cigars). We propose that, to be considered a specialist store, at least 70% of the turnover from the premise should be from specialist products.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR INFORMATION****FILE NO and TRIM NO:** Gov-32 / 230228027715**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 MARCH 2023**AUTHOR(S):** Sarah Nichols, Governance Manager**SUBJECT:** Pecuniary Interests Register**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)
General Manager
Acting Chief Executive**1. SUMMARY**

- 1.1. The purpose of this report is to appoint a person as the Registrar for the Pecuniary Interests Register and to activate the new Register recording elected members pecuniary (financial) interests.

Attachments:

- i. Taituara – Guidance for councils on registers of members’ pecuniary interests prepared by Simpson Grierson for Taituara.
- ii. Local Government (Pecuniary Interests Register) Amendment Act 2021

2. RECOMMENDATION**THAT** the Council

- (a) **Receives** Report No. 230228027715.
- (b) **Appoints** the Governance Manager as the Registrar of the Pecuniary Interests Register.
- (c) **Notes** members will supply information directly to the Governance Manager to enable Register compilation.
- (d) **Notes** a copy of this report will be circulated to the Community Boards, who will be subject to the Register.

3. BACKGROUND

- 3.1. In November 2022 an amendment was made to the Local Government Act being the Local Government (Pecuniary Interests Register) Amendment Act 2022. (copy attached). It inserts a new set of requirements and obligations into the LGA, all of which relate to members’ pecuniary interests.
- 3.2. The purpose of the new provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members’ pecuniary interests. It is largely modelled on the regime that applies to members of Parliament, but has been tailored to reflect particular aspects of local government.

4. ISSUES AND OPTIONS

- 4.1. Members are obliged to provide annual returns, which are to be included on the registers, and to subsequently advise of any errors or omissions in those returns. Failure to comply with the new obligations amounts to an offence.

- 4.2. Law firm Simpson Grierson has provided an advice document (attached) on behalf of Taituara. This document sets out the Council and Registrar's obligations, Members obligations and relationship with other legislation.
- 4.3. The Council must appoint an administrator within Council (the Registrar) to keep the register regularly updated.
- 4.4. A summary register will be listed on the Council website which contains enough information about a pecuniary interest so that they can understand how it could impact any Council process or decision-making, and why it ought to have been disclosed, but no more than that. If a member of the public seeks further information about a particular interest, that would be considered as an official information request under the Local Government Official Information and Meetings Act (LGOIMA). Should such a request be received, the member to whom the interest relates will be advised accordingly.
- 4.5. The return of information from elected members will be reviewed and updated by end of February every year going forward. When a member becomes aware of a change of circumstance in their interest they must notify the Registrar accordingly.
- 4.6. It is only the members' interests that are required to be disclosed for the Pecuniary Interests Register. Interests of spouses, partners and other close family members do not need to be discussed under the LGA 2002 legislation.
- 4.7. The Council received a workshop on pecuniary interest matters on 28 February and the Community Boards will receive a workshop on 9 March.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report.

- 4.8. The Chief Executive has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

5.2. Groups and Organisations

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. Wider Community

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report, however the information demonstrates transparency of elected members.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

There are no financial implications of the decisions sought by this report. There are no budget implications from the recommendations in this report.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 Risk Management

There are risks arising from the adoption/implementation of the recommendations in this report. A penalty of up to \$5,000 can be imposed by the Secretary of Local Government.

6.3 **Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

Local Government (Pecuniary Interests Register) Amendment Act 2022

Local Government Act 2002

Note the relationship with the Local Authorities (Members' Interests) Act 1968 (LAMIA), Privacy Act 2020 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report as the outcomes enable transparency of elected member information to the public .

7.4. **Authorising Delegations**

Local Government Act 2002 legislation requires compliance.

Guidance for councils on registers of members' pecuniary interests

Prepared by Simpson Grierson for Taituarā

July 2022



Foreword

The Local Government (Pecuniary Interests Register) Amendment Act 2022 passed on 20 May 2022, and will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 (LGA 02), all of which relate to members' pecuniary interests.

The purpose of the new provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members' pecuniary interests. It is largely modelled on the regime that applies to members of Parliament, but has been tailored to reflect particular aspects of local government.

Moving forward, every council (including all territorial authorities, unitary authorities, and regional councils) will be required to keep a register of its members' pecuniary interests, and to make a summary of it publicly available. Each council must appoint a Registrar to maintain the register, and provide advice and guidance to members.

Members are obliged to provide annual returns, which are to be included on the registers, and to subsequently advise of any errors or omissions in those returns. Any failure to comply with the new obligations amounts to an offence, and so it is important that members understand and comply with these new provisions, and that they are provided with necessary guidance (including from council staff).

The purpose of this guidance is to help councils understand the new requirements and obligations. Given the Registrar's role of providing advice and guidance to members, this guidance also discusses members' obligations. The guidance also discusses the relationship between the new provisions and other legislation, including the Local Authorities (Members' Interests) Act 1968, the Privacy Act 2020, and the Local Government Official Information and Meetings Act 1987. Finally, this guidance provides a checklist designed to help councils identify and satisfy the new requirements and obligations.

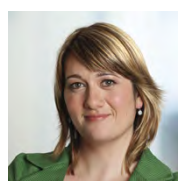
This guidance is not intended as legal advice. If and when particular issues arise, councils should consider obtaining specific legal advice that addresses their particular circumstances.



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Part A: Councils and Registrars' Obligations

A1 Summary of councils' obligations

1. There are four main obligations for Councils. They must:
 - (a) keep a register of members' pecuniary interests (the Register);¹
 - (b) appoint a Registrar, who will compile and maintain the Register for the council² – the appointment is discussed at A2, and the Registrar's role is discussed at A3 and A4;
 - (c) make a summary of the information contained in the Register publicly available³ – discussed at A5; and
 - (d) ensure that information contained in the Register is:
 - (i) only used or disclosed in accordance with the purpose of the Register,⁴ and
 - (ii) retained for 7 years after the date on which a member provides the information, and is then removed from the Register.⁵
2. The obligations in paragraph (1)(d) will help guide councils' compliance with the Privacy Act 2020 in terms of handling personal information contained on the Register. They will also be relevant to councils' handling of requests for information included on any Register, which could be made under section 10 of the Local Government Official Information and Meetings Act 1987. The relationship between the new pecuniary interests provisions and these other Acts is discussed at C2 (Privacy Act) and C3 (LGOIMA).

A2 Appointment of Registrar

3. Each council must appoint a Registrar. The person appointed will need to be suited to engaging directly with members, and be well placed to make judgements about the advice to be given to members.
4. The power to appoint the Registrar sits with the full council, but is capable of being delegated.⁶ Councils should check if existing delegations to chief executives are sufficient to capture this power, or if a specific delegation might be required from the full Council (assuming that the chief executive is to make the appointment).
5. The LGA 02 makes clear that the council's chief executive may be appointed as the Registrar.⁷ This is not a requirement – some councils might consider it more appropriate for the Registrar to be a general manager or senior governance advisor.
6. Given the Registrar may need be involved in potential offending by members (due to any failure to comply with the new obligations), it may be considered preferable for the members themselves not to be closely involved in that decision, so as to avoid any potential suggestion of the Registrar being seen as favourable to members.

1 Section 54A(1) of the LGA 02.

2 Section 54G(1) of the LGA 02.

3 Section 54A(3)(a) of the LGA 02.

4 Section 54A(3)(b)(i) of the LGA 02.

5 Section 54A(3)(b)(ii) of the LGA 02.

6 Under clause 32(1), Schedule 7 of the LGA 02.

7 Section 54G(2) of the LGA 02.

Part A: Councils and Registrars' Obligations

A3 Registrars' obligation to compile and maintain the Register

7. Registrars are tasked with the compilation and maintenance of the Register.⁸ In practice, Registrars will look after the Register on a day-to-day basis, thereby helping to ensure the council satisfies its obligation to keep a register.
8. The Registrar will need to ensure that a Register is complete. Under the LGA 02, the Register is to comprise all pecuniary interest returns filed by members **and** any corrections made by members.⁹ "Corrections" are the notifications given to the Registrar advising of an error or omission in a return.¹⁰
9. Registrars are specifically obliged to "correct" the Register when advised of an error or omission.¹¹ This suggests that any correction received must be somehow linked to the original return in question, so that anyone accessing the original return will be made aware of the correction.
10. In compiling and maintaining the Register, Registrars will need to ensure there is compliance with the Privacy Act 2020 – which is discussed at C2.
11. The LGA 02 provides some boundaries for Registrars when compiling and maintaining the Register. It states that a Registrar is **not** required to:¹²
 - (a) obtain a return from a member;
 - (b) notify a member if they fail to make a return by the due date; or
 - (c) notify a member if there is any error or omission in their return.
12. The lack of any proactive role for the Registrar makes it clear that the intention of these new provisions is that members must take personal responsibility for ensuring that they satisfy their obligations. It is not for the Registrars to make sure they do so.
13. Despite this, it would be good practice for Registrars to remind members, and provide appropriate guidance, about the need to provide a return, the due dates for returns, and the ongoing obligation to notify the Registrar of any error or omission with their returns. Assisting members to understand how to fulfil their obligations will ultimately make Registrars' jobs easier.

A4 Registrars' obligation to provide guidance and advice

14. Registrars are also tasked with providing advice and guidance to members in connection with their obligations.¹³
15. While Registrars should endeavour to help members who seek advice, but there may be some practical limits to how much a Registrar can help. A Registrar cannot be expected to provide definitive advice on the application of the new provisions for every situation. There will be some areas of uncertainty, although this should lessen over time (likely through auditing processes, and potentially case law).
16. If Registrars are unsure about any compliance related or interpretation issues, legal advice can be sought. If that is not feasible for whatever reason, the Registrar could recommend to the member that they obtain their own legal advice.

8 Section 54G(1)(a) of the LGA 02.

9 Section 54A(2) of the LGA 02.

10 Made under section 54D of the LGA 02.

11 Section 54D.

12 Section 54H(2).

13 Section 54G(1)(b) of the LGA 02.

Part A: Councils and Registrars' Obligations

17. Practically, when in doubt, a Registrar would be sensible to always advise a member to err on the side of disclosure – an over-disclosure of interests will not trigger any of the new offences, but an under-disclosure might.

A5 How to make a summary of the Register publicly available

18. Each council must make “a summary of the information contained in the Register publicly available”.¹⁴
19. The term “publicly available” is defined in the LGA 02.¹⁵ It requires a council to take reasonable steps to:
- (a) ensure that the summary is accessible to the general public in a manner appropriate to its purpose, including, where practicable, on the council’s Internet site; and
 - (b) publicise, in a manner appropriate to the purpose and significance of the summary, both the fact that the summary is available and the manner in which it may be accessed.
20. Good practice would be for councils to put a copy of the summary on their website (eg on the same page as where elected members bios are available), and to also have a copy (electronic or hard-copy) available at the front counter in appropriate council offices.
21. The LGA 02 does not provide any detail about what should be included in a “summary” of the register. As a result, councils will need to make a judgement call about how much to include. In doing so, they should look to strike an appropriate balance between members’ privacy and the purpose of the Register. The purpose of the Register is described as:¹⁶
- to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
22. This statutory purpose suggests that the public should be given enough information about a pecuniary interest so that they can understand how it could impact any Council process or decision-making, and why it ought to have been disclosed, but no more than that.
23. For example, a summary should reference the name of a relevant entity and the general nature of the member’s interest in that entity, such as “XYZ Trust (beneficial interest)”. This should provide sufficient information for people to identify relevant interests, but without providing excessive details about a member’s personal affairs.
24. The pecuniary interests’ regime for members of Parliament (on which the new LGA 02 provisions are largely based) provides a helpful example. That regime also requires that a summary of the MPs’ register be published (both online and in a hardcopy booklet form).¹⁷ While the interests required for disclosure vary somewhat between MPs and council members, the online version of the MPs’ register provides a useful indication of the level of information that should be included in a summary. The current Parliamentary register is available at: <https://www.parliament.nz/en/mps-and-electoralates/members-financial-interests/mps-financial-interests/2022-current-register-of-members-pecuniary-and-other-specified-interests/>
25. In the event of uncertainty as to how much should be disclosed in a summary, it would be good practice for the Registrar to consult the member concerned, but it will ultimately need to be the Registrar (for the Council) that decides how it will satisfy the requirement to publish a summary. Councils could seek legal advice in problematic situations.
26. If a member of the public is unhappy with the level of disclosure in any summary, it will be open to them to request the additional information held on the Register under the Local Government Official Information and Meetings Act 1987. The relationship with that Act is discussed further at C3.

14 Section 54A(3)(a) of the LGA 02.

15 See section 5(3) of the LGA 02.

16 Section 54B.

17 Parliamentary Standing Orders, Appendix B, clauses 18 and 19.

Part B: Members' Obligations

B1 New regime applies to elected, not appointed, members

27. The new requirements and obligations will apply to the following members:¹⁸
- (a) members of the council;
 - (b) members who have been elected under the Local Electoral Act 2011 to a community board that is part of the council; and
 - (c) members who have been elected under the Local Electoral Act 2011 to a local board that is part of the council.
28. Appointed members will **not** be subject to these requirements and obligations. For example, individuals who have been appointed as a member of a council committee due to their skills, attributes, or knowledge will not need to provide annual returns to the Registrar.

B2 Summary of members' obligations

29. The key obligations for members are to:
- (a) make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;¹⁹
 - (b) ensure that the information contained in their returns is accurate;²⁰ and
 - (c) in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.²¹
30. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000. Offences and prosecutions are discussed at B7.

B3 Members are responsible for fulfilling their obligations, but can seek advice

31. The LGA 02 explicitly states that it is the responsibility of each member to ensure that they fulfil their obligations.²²
32. It also makes clear that the Registrar is not required to obtain returns from members, or to notify members about any failure to make a return by the due date or of any error or omission in a return.²³ So while a Registrar might choose to provide helpful notification to members, they are not obliged to do so.
33. It is implicit that members are expected to take personal responsibility for making sure that they satisfy their own obligations.
34. Where members have any questions about making returns, or their obligations more generally, they can seek advice from the Registrar. It will also be open to members to obtain their own legal advice, if they consider that would be helpful.

18 Section 54A(1) of the LGA 02.

19 Section 54C of the LGA 02.

20 Section 54D(1) of the LGA 02.

21 Section 54D(2) of the LGA 02.

22 Section 54H(1) of the LGA 02.

23 Section 54H(2) of the LGA 02.

Part B: Members' Obligations

B4 Due dates for returns

35. In each triennium, the due dates for a return are:²⁴
- (a) **Year 1:** the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
 - (b) **Year 2:** the last day of February in the second year of the triennium; and
 - (c) **Year 3:** the last day of February in the third year of the triennium.
36. Calculating the due date for Years 2 and 3 should be straight-forward – it will typically be 28 February of the relevant year. However, in any leap year, the due date will typically be 29 February.
37. If 28 February (or 29 February in a leap year) falls on a weekend, then the due date will be the next working day.²⁵ For example, if 28 February (in a non-leap year) is a Saturday, then the due date will be Monday, 2 March.
38. Calculating the Year 1 due date is more complicated. Under section 115 of the LEA, a member comes into office the day after public notice of the final election result is given under section 86 of the LEA. So the 120 day period should be calculated from the date that is one day after the public notice.
39. Note that the date that is one day after the public notice should not be counted in calculating the 120 day period – rather the day that is two days after the public notice is 'day 1' of the 120 days.²⁶ The date that is 'day 120' should be the due date for members' returns.
40. Weekends and public holidays should be included in the 120 days – but if the 120th day falls on a weekend (or public holiday), then the due date will be the next working day.²⁷
41. The following example may assist:

Date	Event
8 October 2022	Polling day
15 October 2022	Public notice of the final election result is given, under section 86 of the LEA (note that this date can vary ²⁸)
16 October 2022	Members come into office
17 October 2022	'Day 1' of the 120 day period
13 February 2023²⁹	Due date for members' returns ('day 120')

42. Due dates will likely vary between councils, as final election results may be publicly notified on different days. Due dates could even vary between members on the same council in some situations. For instance, a member whose election was dependent on a recount, or who is elected in a by-election within the first year of the triennium, could have a significantly later due date for their Year 1 return.

24 Section 54C(2) of the LGA 02.

25 See section 55 of the Legislation Act 2019, and the definition of "working day" in section 13 of that Act.

26 Section 54 of the Legislation Act 2019, see Item 2 in that section.

27 Section 55 of the Legislation Act 2019.

28 Typically, public notice of the final result for the 2022 election will be given perhaps a week or so after polling day. With the change to the "public notice" definition applying to the 2022 triennial elections, it is possible that the public notice might be given even sooner, perhaps just a matter of days after polling day. The change to the "public notice" definition results from the Local Electoral Act 2002 not including any definition for "public notice". As a result, councils have previously relied on the definition of "public notice" that was in the Interpretation Act 1999 (which required publication of notices in local newspapers). However, the Interpretation Act was repealed in late 2021, and replaced by the Legislation Act 2019. The definition of "public notice" in that Act provides for either publication in local newspapers, or simply through a council's website. Obviously, publication through a website can be achieved more quickly than publication through newspapers, meaning that section 86 public notices may potentially be made sooner than the usual one week or so.

29 13 February 2023 happens to be a Monday, thus a working day.

Part B: Members' Obligations

43. The due date will end at midnight on the relevant day (ie members will have the entire day in which to provide their returns). So, assuming Registrars allow for return via email, members will be able to send in a return after business hours on the due date, but before midnight, and still satisfy the statutory deadline. Returns emailed after midnight on the due date will fall outside the deadline.
44. Although the return obligations are a member's responsibility, it would be good practice for a Registrar to advise members well in advance of the due date for a return (and specify the final return date), and to send a reminder a few weeks beforehand. This will be especially important for Year 1 returns, given the calculation of the due dates in Year 1 is more complicated.

B5 The time period that a return must cover

45. Returns are made in respect of a 12 month period.³⁰ This means that any relevant pecuniary interests that existed at any point during this 12 month period must be disclosed in the member's return. It is not necessary for an interest to have existed for the full 12 month period.
46. The exact dates of the 12 month period will depend on the due date for the particular return. Specifically, the period will be the 12 months that ended on the day that is one month before the due date.³¹
47. So the practical steps involved in identifying the 12 month period are:
- What is the due date for the return? This is your starting point for calculating the 12 month period.
 - What is the date that is one calendar month before that due date? That date is the final day in the relevant 12 month period.
 - What is the date that is one calendar year before that 'final day'? The day after that date is the first date in the relevant 12 month period.
48. Taking the upcoming triennium as an example (building on the example given for calculating a Year 1 due date in the section above), the dates are:

Year of triennium	Due date for return	12 month time period covered by return
Year 1 – 2023	13 February 2023 ³²	14 January 2022 to 13 January 2023
Year 2 – 2024 (leap year)	29 February 2024 ³³	30 January 2023 to 29 January 2024
Year 3 – 2025	28 February 2025 ³⁴	29 January 2024 to 28 January 2025

49. This example illustrates that the 12 month periods for returns will not always align. There is the potential for reporting on some of the same days in two returns, eg both the Year 2 and 3 returns will need to report on 29 January 2024.
50. There is also the potential for some short periods not to be covered by any return, eg no return will report on the period from 14 January 2023 to 29 January 2023. Gifts or payments received during such windows of time will not need to be disclosed in any return made under the LGA 02. Councils may, however, choose to address such potential 'loopholes' through non-statutory reporting. This is further discussed at C1.

30 Section 54C(1) of the LGA 02.

31 Section 54C(1) of the LGA 02.

32 This date is based on the example set out in the due date section of this guidance. It assumes the public notice of the final election result (given under section 86 of the Local Electoral Act 2001) was given on 15 October 2023.

33 29 February 2024 will be a Thursday, thus a working day.

34 28 February 2025 will be a Friday, thus a working day.

Part B: Members' Obligations

51. Reporting on the right 12 month period is a member's responsibility. However, as with the due date, it would be good practice for a Registrar to advise members of the 12 month period that a return must cover (specifying the relevant dates).

B6 Information to be disclosed in members' returns

52. There are two broad categories of information that members need to disclose in their returns:
- (a) information relating to the member's position (covered in section 54E of the LGA 02); and
 - (b) information relating to the members' activities (covered in section 54F of the LGA 02).
53. Within these two broad categories are numerous specific types of interests that need to be disclosed.
54. Appendix A sets out each of the specific types of interests that need to be disclosed, and includes a brief explanation of, and examples for, each type.
55. Appendix B sets out a series of flow charts, which members can work through when completing their returns to ensure they have addressed all relevant interests.
56. Note that it is only the members' interests that need be disclosed – interests of spouses, partners, and other close family members do not need to be disclosed under the LGA 02.³⁵

B7 Prosecutions against members and councils' potential role

57. New offences have been created that will apply where members fail to comply with their obligations. Specifically, a member will commit an offence if they:³⁶
- (a) fail to file a return that includes all relevant information by the due date;
 - (b) file an inaccurate return; or
 - (c) do not advise the Registrar of any error or omission in a return as soon as practicable after they become aware of it.
58. Each offence is punishable by a fine of up to \$5,000.³⁷
59. Prosecution for these offences will follow the procedure for existing offences under section 235 of the LGA 02, which relate to a member acting while disqualified or unqualified.³⁸ It will typically be up to the Secretary for Local Government to file a charging document and prosecute members who have committed an offence.³⁹ The Secretary for Local Government is the Chief Executive of the Department of Internal Affairs. (Note that parties other than the Secretary are not prevented from bringing a private prosecution.⁴⁰)
60. For offences where members have acted while disqualified or unqualified, the Secretary is obliged to bring proceedings.⁴¹ However, no equivalent obligation exists for the offences relating to the members' returns, which

35 The fact that the LGA 02 provisions do not capture any interests of a member's whanau creates issues with using the register for helping to ensure compliance with the Local Authorities (Members' Interests) Act 1968. The potential to supplement the register with additional disclosure requirements is discussed at C1.

36 See sections 54C and 54D(1) and (2), and section 235, of the LGA 02.

37 Section 242(2) of the LGA 02.

38 See section 235 of the LGA 02, which has previously provided for offences for acting while disqualified or unqualified, and now also applies to breaches of sections 54C and 54D(1) and (2).

39 It is evident that this is the role of the Secretary from section 235(2) and also from clause 3(1), Schedule 7 of the LGA 02.

40 Clause 3(2), Schedule 7 of the LGA 02.

41 Clause 3(1), Schedule 7 of the LGA 02.

Part B: Members' Obligations

suggests the Secretary for Local Government should have some discretion in deciding whether or not to bring proceedings against members for these offences.

61. The LGA 02 is silent on whether councils are required to report possible offences to the Secretary for Local Government, although it is difficult to see how else the Secretary would identify potential offences. There is the potential for the Secretary to issue guidance or an indication about when and how they would expect to be notified of any potential offences by councils.
62. In the absence of such guidance, it would be good practice for councils to develop their own policies about when they will refer potential offences to the Secretary for Local Government. If a strict approach were adopted, councils may decide to refer every potential offence identified to the Secretary, with members notified of the referral as soon as possible afterwards.
63. Alternatively, councils may decide that discretion is appropriate, eg providing that potential offences will be referred to the Secretary unless there is good reason not to do so. Council policies could provide a disputes process first, and if no resolution is reached, a member will then be notified of an intention to make a referral to the Secretary, and be given a reasonable opportunity to put forward information that would be relevant to there being 'a good reason' not to make the referral.
64. It would be unlawful to adopt a policy that precludes referral of any potential offences to the Secretary.
65. The most likely officers to make referrals would be the Chief Executive and/or the Registrar. The council should ensure that appropriate delegations are in place for any officers who may need to make referrals to the Secretary.
66. It would be good practice for elected members to have some involvement in the development of any internal policy, and for them to formally adopt it via resolution. Copies of the policy should be given to members in advance of returns being due (or form part of a fuller set of guidance material), so that they understand the consequences of failing to meet their obligations.

Part C: Relationship with Other Legislation

C1 Relationship with LAMIA and supplementing the new statutory framework

67. The Local Authorities (Members' Interests) Act 1968 (**LAMIA**) governs some conflict of interest issues for members, notably those involving pecuniary interests. In particular:
- (a) the **contracting rule** prohibits members from being interested in any contracts (eg being a director of a company who is party to the contract, being a sub-contractor of an entity who is party to the contract) with the council that have a combined value of more than \$25,000 in a financial year – unless the Auditor-General approves the arrangement; and⁴²
 - (b) the **participation rule** prohibits members from participating in any council decision-making in which the member has a pecuniary interest that is not one held in common with the public – unless the Auditor-General has pre-approved such participation.⁴³
68. The LGA 02 sets out two specific clarifications about the relationship with LAMIA.⁴⁴ It provides:
- (a) a member's obligations under the LGA 02 in relation to the Register are in addition to any obligations under LAMIA, and do not affect the application of LAMIA; and
 - (b) a pecuniary interest that a member has declared under the LGA 02 regime is not necessarily an interest for the purposes of LAMIA.
69. These clarifications suggest that LAMIA and the new LGA 02 provisions will, in practice, need to operate separately from one another.
70. Despite this, there is some potential for overlap between the relevant requirements – in that the Register may help to identify interests that might be relevant to triggering either of the contracting or participation rules under LAMIA. For example, before entering into a contract with a party, it would be sensible for the council to check that that party is not mentioned on the Register.
71. That said, the Register will not provide a comprehensive approach to identifying interests relevant to LAMIA compliance. There are two main reasons for this.
72. First, the pecuniary interests reported under the LGA 02 are unlikely to capture the full range of interests that can sometimes create problems under LAMIA. For instance, LGA 02 returns do not need to cover:
- (a) a member's spouse's or dependents' pecuniary interests;
 - (b) details of a member's debtors and creditors;
 - (c) any contracts with the council in which the member is interested; or
 - (d) any non-financial interests that the member may have.
73. Second, the LGA 02 does not require any ongoing reporting of new interests as they arise between annual returns.
74. The practical result of these differences is that the Register will be of some, but limited, use to councils in managing conflicts of interest under LAMIA.
75. As a result, councils may want to consider if and how they might supplement the LGA 02 in a manner that assists with on-going compliance with LAMIA. For instance, councils could choose to request additional disclosures by

42 See section 3 of LAMIA.

43 See section 6 of LAMIA.

44 Section 54H(3) of the LGA 02.

Part C: Relationship with Other Legislation

members, capturing the types of interests listed above. They might also want to impose an ongoing obligation on members to notify interests as they arise (eg 4 or 6 monthly updates to returns), and perhaps extend some or all of this system to their appointed members. Such a supplementary regime could address any periods of time that are not already covered by returns under the LGA 02 (see the 'loophole' issue discussed at B5).

76. Councils who are minded to supplement the statutory regime will need to carefully consider the best way for them to do this (eg will they add questions to the statutory return form, or adopt a separate process). They will also need to consider what, if anything, about these additional interests they will proactively make publicly available.
77. Any supplementary disclosure regime should be incorporated into a council's code of conduct for its elected members. This will allow the regime to be enforced through code of conduct complaints.
78. Many councils already have existing disclosure regimes. These councils will need to consider whether to retain these regimes once the new LGA 02 provisions are engaged and, if so, how they might need to be modified to accommodate the LGA 02 requirements.

C2 Privacy compliance needed

79. The Register will contain members' personal information.⁴⁵ As a result, the information privacy principles (IPPs) in the Privacy Act 2020 will apply to this information.⁴⁶
80. To help ensure compliance with the Privacy Act, a council should consider how it will comply with each of the IPPs in relation to the Register. This could be done by way of a privacy impact assessment.⁴⁷
81. In carrying out a privacy impact assessment, there are some matters the council should bear in mind:
 - (a) IPP 3 requires members to be informed of certain matters at the time of collection of their personal information. For this purpose, a draft privacy statement is included in the template return form set out in Appendix C.
 - (b) The LGA 02 states that council must ensure information contained in the Register is retained for 7 years from when the member provides the information, after which it is to be removed from the Register.⁴⁸ This will be relevant to IPP 9, which addresses how long a council may keep personal information for.
 - (c) The LGA 02 also requires councils to ensure that the information in the Register is only used or disclosed in accordance with the purpose of the Register.⁴⁹ This will be relevant to compliance with IPPs 10, 11 and 12.

C3 LGOIMA requests can still be made

82. The Register will constitute "official information" in terms of the Local Government Official Information and Meetings Act 1987 (LGOIMA).⁵⁰ As a result, members of the public will be able to request information held on the Register. Practically, the publication of the summary of the Register should significantly reduce the likelihood of such LGOIMA requests being made, but they remain a possibility if someone considers that the summary does not provide sufficient detail.

45 See the definition of "personal information" in section 7 of the Privacy Act 2020.

46 The information privacy principles are set out in section 22 of the Privacy Act 2020.

47 Information about privacy impact assessments is available on the Privacy Commissioner's website, here: <https://www.privacy.org.nz/publications/guidance-resources/privacy-impact-assessment/>

48 Section 54A(3)(b)(ii) of the LGA 02.

49 Section 54A(3)(b)(i) of the LGA 02.

50 "Official information" is defined in section 2 of LGOIMA as meaning "any information held by a local authority", which would clearly capture the Register.

Part C: Relationship with Other Legislation

83. Any LGOIMA requests for information relating to the Register (which is not already available in the summary of the Register) will need to be considered on a case-by-case basis.
84. The LGA 02 states that councils are required to ensure the information in the Register is only disclosed in accordance with the purpose of the Register.⁵¹ The purpose of the Register is described in the LGA 02 as:⁵²
- to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
85. Accordingly, if a LGOIMA request were to be made that was not in accordance with the purpose of the Register, it would be open to the council to refuse the request on the basis that making the information available would be contrary to the LGA 02.⁵³ It seems very unlikely, however, that this will occur in practice, given the very wide scope of the purpose of the Register.
86. Another possible withholding ground that a council would need to consider is protection of privacy.⁵⁴ Almost all the information in the Register will be personal information, so this ground is likely to be relevant.
87. Members' privacy will, however, need to be balanced against public interest considerations favouring disclosure.⁵⁵ Whether such public interest considerations exist, and the weight that should be afforded to them, is likely to depend on the circumstances of the particular LGOIMA request (eg who has made the request? Why do they want the information? What is the information in question? Is there a particular council process or decision that the information requested is relevant to?).
88. Depending on the particular request, there might possibly be other potential withholding grounds to consider. For example, a possible ground is where withholding the information is necessary to protect people (including members) from improper pressure or harassment, so that the effective conduct of public affairs can be maintained.⁵⁶

51 Section 54A(3)(b)(i) of the LGA 02.

52 Section 54B of the LGA 02.

53 See section 17(c)(i) of LGOIMA.

54 See section 7(2)(a) of LGOIMA.

55 See section 7(1) of LGOIMA.

56 Section 7(2)(f)(ii) of LGOIMA.

Part D: Pecuniary Interests Checklist for Councils

Being ready for the new LGA 02 provisions will require:

- ✓ Officers to prepare advisory materials to be given to members following the 2022 elections, which provide practical guidance on how to file a return, the due dates for the triennium and the applicable 12 month periods for the returns
- ✓ Officers to prepare a return form (hard-copy and/or electronic), which members can use to complete their annual returns (a template form is included in Appendix C)
- ✓ Officers to undertake some form of privacy impact assessment in relation to the personal information to be held on the Register, to ensure compliance with the information privacy principles in the Privacy Act 2020
- ✓ Council (or anyone with the requisite delegated authority) must appoint a Registrar (this can be done before 20 November 2022 if necessary, due to section 43(1)(c) of the Legislation Act 2019)
- ✓ Council to consider whether to adopt policies that address and clarify when referrals of potential prosecutions should be made to the Secretary for Local Government
- ✓ Council to determine whether to supplement the LGA 02 with additional disclosure requirements and, if so, what that supplementary regime will involve, plus ensure the code of conduct provides for this regime

It would be good practice to inform members before the 2022 elections about these new requirements and obligations, and the preparatory work that is being undertaken.

It is up to councils to determine how to package these matters. But one approach could be to develop a 'one-stop-shop' guidance document for members, which captures their obligations under the LGA 02, information about due dates and 12 month periods, and also the council's approach to dealing with the referral of potential offences to the Secretary for Local Government or any potential disagreements between members and the council or Registrar.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(a)	<p>Members must disclose the name of any company in which they are a director, or in which they hold or control more than 10% of the voting rights.</p> <p>Members are required to provide a description of the main business activities of the company. This could be relatively brief, but must accurately represent what activities or services the company undertakes or provides.</p>	<p>Matthew is a director of his family business, being a company that owns and leases commercial property. He is also elected to the local council. Matthew will need to declare his directorship, by providing both the name of the company and a description of its main business activities in his return. He describes the business activities as “developer and landlord of commercial properties”.</p> <p>Caitlin is a shareholder in her sister’s ice cream company. She holds 10 voting shares out of the total 80 voting shares the company has issued. As a result she owns 12.5% of the voting shares in the company and will need to declare her shareholding by providing both the name of the company and its main business activities in her return. She describes the business activities as “sells ice-cream through retail shops in Auckland and Wellington”.</p>
Section 54E(1)(b)	<p>Members must disclose the name, and describe the main business activities, of any other company or business entity in which they hold a pecuniary interest.</p> <p>‘Business entities’ mean any separate body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacturing, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust. Such entities can include joint ventures, partnerships, sole proprietors or other arrangements that are not companies.</p> <p>There is a clear exception for any managed investment scheme, such as Kiwisaver or an index fund, which do not need to be disclosed. A</p>	<p>Emiria is a partner at a law firm. She must disclose the name of the law firm and give a description of its main activities (eg “provider of legal services”).</p>

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>“managed investment scheme” has the same meaning as in section 9(1), (2) and (4) of the Financial Markets Conduct Act 2013.</p> <p>A member will not have a pecuniary interest in a company merely because they have an interest in that company's ‘parent’ company or its subsidiary.</p>	
Section 54E(1)(c)	<p>Members must disclose the name of any employer, and describe the main business activities of that employer(s). This could include permanent, fixed term or casual employment under an employment agreement (or contract of service).</p> <p>It will not include services provided as a freelancer or contractor under a contract for service (which is likely to be captured by section 54E(1)(ca) or (b) if the member is acting through some form of business entity, or perhaps through section 54F(1)(c) if acting personally). It will also not include holding the position of elected member of a council, local board, or community board, or any other position for which the member concerned would not be qualified unless he or she held their role as an elected member.</p>	Meilin has a part time job as a lecturer in environmental studies at City University. She must disclose that she is employed at City University and that their main activities are providing higher education and research.
Section 54E(1)(d)	Members must disclose any beneficial interest they have in a trust and the name of the trust. Having a beneficial interest means that they are a “beneficiary” of the trust (and are typically listed as such in the trust deed). There is no cap or requirement on the amount or type of beneficial interest, so members will need to disclose any beneficiary interest that they have in a trust.	Melanie is a beneficiary of her parents’ family trust: the Jack and Jill trust. She is also aware that she is an uri (descendant) of a local iwi. The iwi’s settlement assets are held in a trust and the trust’s beneficiaries are all uri (descendants) of the iwi’s tupuna (ancestors). Melanie will need to disclose the name of both trusts.
Section 54E(1)(e)	Members must disclose if:	Frank is on the board of a charitable cycling organisation Bikes4U. Bikes4U applied for a council grant to run cycle repair workshops, as

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>(a) they are a member of an organisation, or a member of the governing body of an organisation, or a trustee of a trust; and</p> <p>(b) that organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected.⁵⁷</p> <p>For this interest, the member must disclose the organisation or trust's name and a description of its main activities.</p> <p>If the organisation concerned is a council-controlled organisation (CCO), then the member does not need to provide a description of the CCO's main activities. The member could instead simply give the CCO's name and note it is a CCO.</p>	<p>part of encouraging active transport. Frank will therefore need to disclose that he is on the board of Bikes4U and provide a description of Bikes4U's main activities.</p>
Section 54E(1)(f)	<p>Members must disclose the title and description of any organisation to which they are appointed by virtue of being an elected member.</p> <p>The statutory language used is somewhat confusing. All other interests in section 54E require disclosure of the "name" of a company/entity/employer etc. It is arguable that the reference to "title" is meant to require a member to disclose the title of the role they hold.</p>	<p>Emily is the mayor of a large city council, and as part of that role serves as the chair of a network of Mayors that is called the Council Employment Advocacy Group (CEAD). Emily should disclose that she is the chair of CEAD, and that CEAD aims to encourage youth employment in council jobs.</p>

⁵⁷ If a member has an interest to disclose under section 54E(1)(e), this is an interest that is likely to constitute a pecuniary interest under section 6 of the Local Authorities (Members' Interests) Act 1968, and possibly prevent them participating in any decision-making relevant to the organisation concerned.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>Given this uncertainty (and in light of the purpose of the new provisions), it will be prudent to disclose the title of the role that the member has been appointed to and the name of the organisation concerned, as well as providing a description of that organisation's activities.</p>	
Section 54E(1)(g)	<p>Members must disclose the location of any real property that they have any legal interest in, outside of an interest as a trustee. "Real property" is property that consists of land and/or buildings.</p> <p>A member will have a legal interest in land if they own or lease it.</p> <p>A licence to occupy, or having a caveat or encumbrance, will not constitute having a legal interest in property. Also, being a director or shareholder in a company that owns land will not constitute having a legal interest in that land.</p> <p>Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address.</p> <p>Members must also provide a description of the nature of the property. For instance, it might be "family home", "holiday home", "investment property", or "commercial property".</p>	<p>Mariama leases her family home, jointly with her husband, at 123 Main Road in a small town called Fairtown. Her disclosure is: "Family home – Fairtown (leasehold interest)". Miriama is not obliged to disclose that her interest in the property is a leasehold one, but chooses to provide this for clarity.</p>

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(h)	<p>If a member is a beneficiary of a trust (and they ought reasonably to know that they are a beneficiary), they must disclose the location and description of any real property held by the trust. "Real property" is property that consists of land and/or buildings.</p> <p>There are two exceptions. A member does not need to make any disclosure if the trust is:</p> <ul style="list-style-type: none"> • a unit trust for which the member has already made a disclosure under section 54E(1)(d); or • a retirement scheme whose membership is open to the public. <p>Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address.</p> <p>Members must also provide a description of the nature of the property. For instance, it might be "residential property", "investment property", or "commercial property".</p>	<p>James is a beneficiary of a trust established by his aunt and uncle. The home James lives in, which is in Karori in Wellington, is owned by the trust. James leases the house from the trust. James' disclosure in relation to this trust will be "Residential property – Karori, Wellington". (James will already have disclosed the name of the trust under section 54E(1)(d) of the LGA 02, and disclosed his leasehold interest in the property as a "family home" under section 54E(1)(g) of the LGA 02.)</p> <p>Evan is a longstanding member of his local Church in Small Town. The Church runs a charitable trust to provide financial support to Church members for living costs or education costs. All members of the Church are beneficiaries. The Church building is held by the trust. Evan will need to disclose in relation to the trust: "Church property and building – Small Town". (Evan will have already disclosed the name of the trust under section 54E(1)(d) of the LGA 02.)</p>

Interests relating to the Member's activities		
Section Reference	Explanation of interest and required disclosure	Example

APPENDIX A: Table of Interests and Examples

<p>Section 54F(1)(a) and section 54F(2)</p>	<p>Members must disclose if:</p> <ul style="list-style-type: none"> (a) they have travelled to a country other than New Zealand; and (b) their travel costs and/or accommodation costs were not paid in full by the member and/or a member of their family. <p>“Member of their family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau.</p> <p>In particular, the member must disclose:</p> <ul style="list-style-type: none"> (a) the name of the country; (b) the purpose of travelling to the country; and (c) the name of each person who contributed fully or partially to travel costs to/from the country; and (d) the name of each person who contributed fully or partially to the member’s accommodation costs while in the country. 	<p>Hemi was sponsored by the Rotary Club to go on a trip to Japan to promote New Zealand as a great place to study and work. The Rotary Club paid for his flights and half of his accommodation. Hemi will therefore need to disclose that he went to Japan, that the purpose of the trip was to promote New Zealand as a location for business and study, and that the Rotary Club contributed to both his travel and accommodation costs.</p>
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APPENDIX A: Table of Interests and Examples

<p>Section 54F(1)(b) and section 54F(3)</p>	<p>Members must disclose gifts received if a gift is worth more than \$500, or if all gifts from one donor have a combined value of more than \$500.</p> <p>The value of gifts is the “estimated market value in New Zealand”.</p> <p>Gifts will include hospitality and donations of cash or in kind.</p> <p>There are two exceptions. No disclosure is needed if:</p> <ul style="list-style-type: none"> • the gift is a donation made to cover expenses in an electoral campaign;⁵⁸ or • the gift was from a member of the member’s family and the member does not consider that information about the gift should be included in the return taking the purpose of the register into account. <p>In terms of the second exception, “family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau.</p> <p>Also, according to section 54B of the LGA 02, the purpose of the register “is to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making”.</p> <p>Where disclosure is required, the member must provide:</p>	<p>Claire’s cousin Alfred is a hairdresser. He gifts her a \$600 voucher to his salon to celebrate her being elected to the council. Claire must disclose the gift, and includes the following in her return: “Hair salon voucher – Alfred Smith”.</p> <p>Claire also receives a congratulatory gift from her brother Antoni. Antoni is a wine-seller and gives Claire seven boxes of wine. The wine would be worth \$800 if bought from a retail shop. Antoni lives in the council’s district, and is likely to be significantly impacted by some proposed changes to the council’s district plan. While Antoni is her brother (and so comes within the definition of “family”), Claire decides that it is prudent to disclose the gift and Antoni’s identity, taking the purpose of the register into account.</p>
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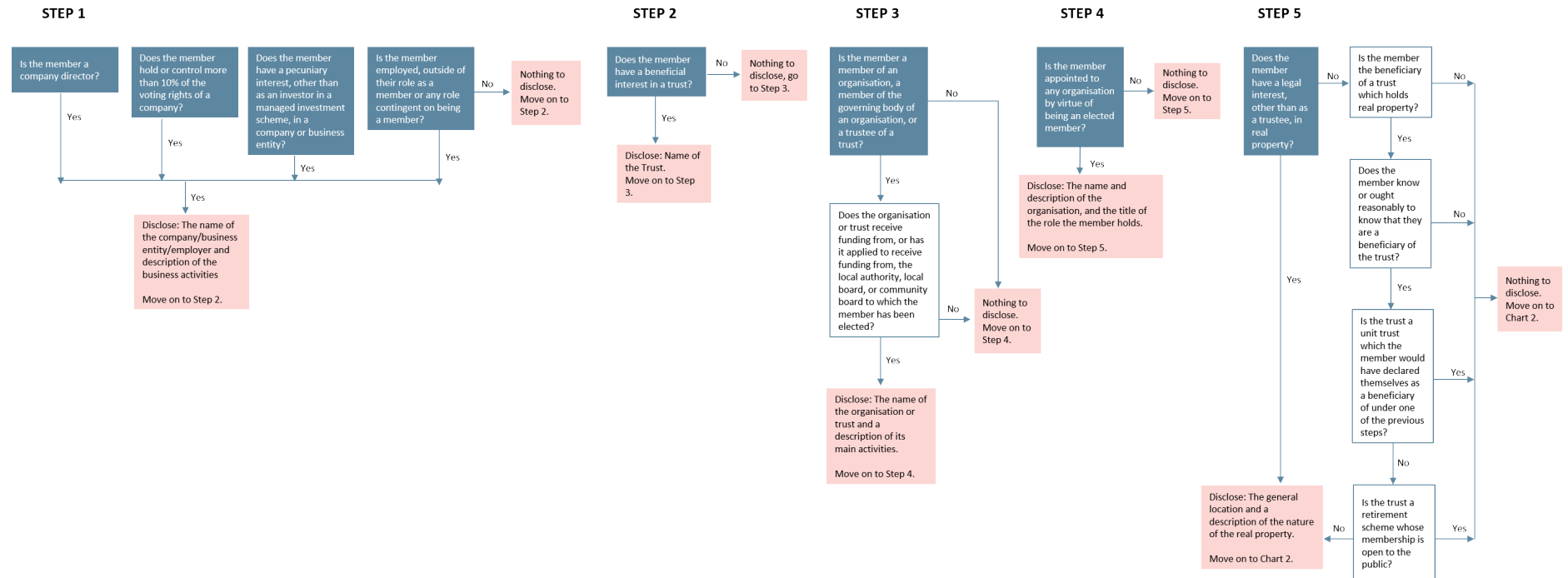
58 Members will of course need to make appropriate disclosures about their election donations as part of returns that they submit under the Local Electoral Act 2001.

APPENDIX A: Table of Interests and Examples

	<ul style="list-style-type: none"> • a description of each gift; and • the name of the donor of each gift, if known or reasonably ascertainable by the member. 	
<p>Section 54F(1)(c)</p>	<p>Members must describe each payment they have received for activities in which the member is involved.</p> <p>There are several important exceptions to this. No disclosure is needed for:</p> <ul style="list-style-type: none"> • salary or allowances paid to the member under the Remuneration Authority Act 1977 or the LGA 02; • payment received from an interest already required to be disclosed under section 54E of the LGA 02; or • payment in respect of any activity that the member ceased to be involved in before becoming a member. 	<p>Chantelle occasionally gives speeches at conferences about her life experiences, and usually receives a speaker's fee for doing so. Her speaking roles are on a freelance one-off basis. Chantelle does this in her own name, without using any business entity or company. Chantelle will need to disclose the payment, and includes the following in her return: "\$300 fee for speaking at <i>Life 2022 Conference</i>."</p> <p>Amy is a member of the city council and also a novelist. She recently wrote a popular book. Amy receives annual royalties under her contract with the book's publisher, which she entered into in her own name, without using any business entity or company. Amy will need to include the following in her return: "\$1,234 annual royalties for novel <i>Flying to the Moon</i>".</p>

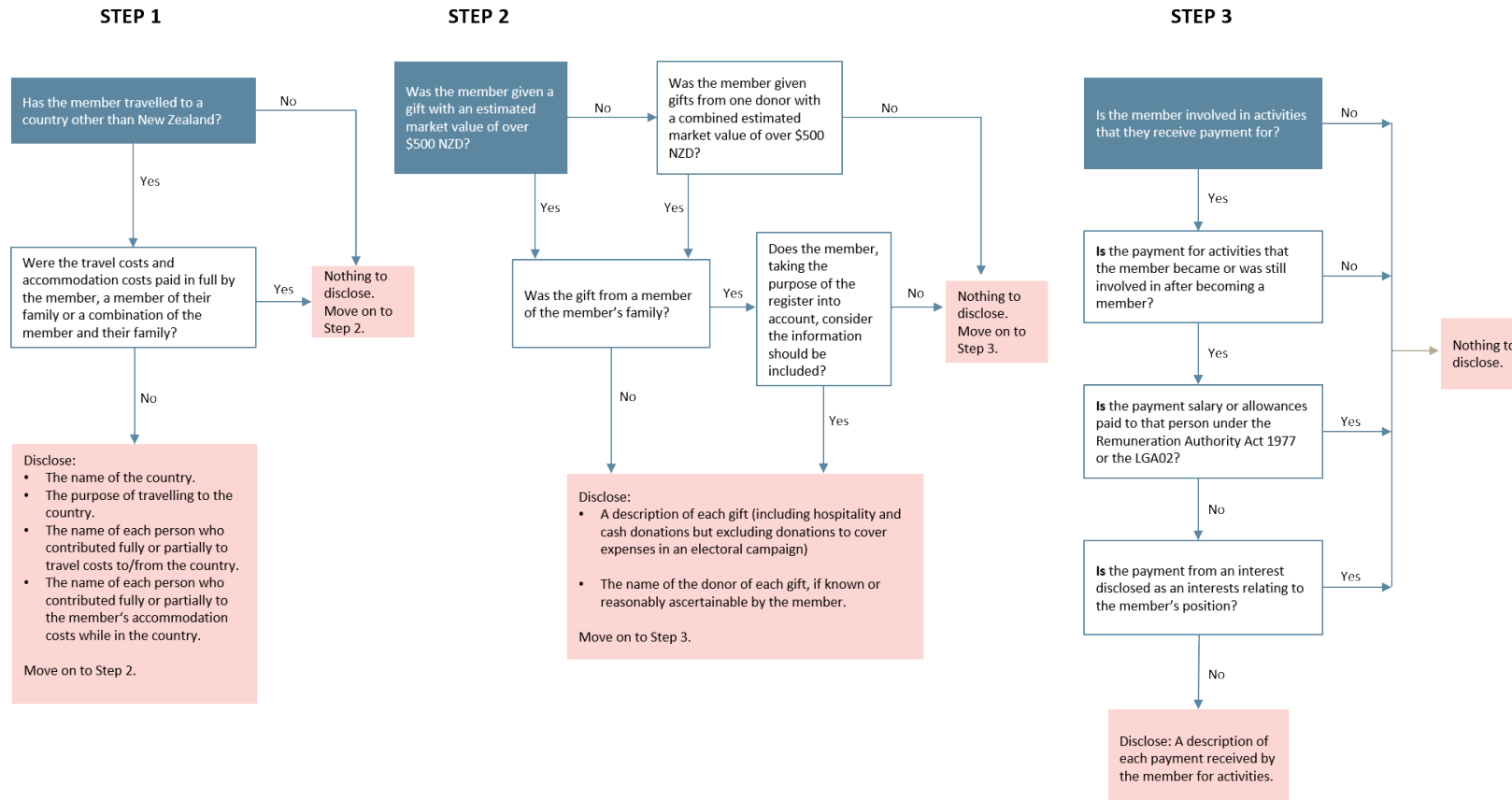
APPENDIX B: Flowcharts of Members' Interests

Chart 1: Information relating to a member's position



APPENDIX B: Flowcharts of Members' Interests

Chart 2: Information relating to a members' activities



APPENDIX C: Template Pecuniary Interest Return Form

Pecuniary Interests Return Form

Information for members:

Sections 54A to 54I of the Local Government Act 2002 (**LGA**) requires members to provide annual returns of certain pecuniary interests. You can use this form to provide your return.

You are responsible for complying with your obligations under the LGA relating to this return.

You can, however, seek advice and guidance from the Registrar of the members' pecuniary interests register on how to complete your return.

How to file this return:

You can file your completed return form with the Registrar by *[insert details of possible means for filing that are available, eg give email address, online portal information, postal, or information about how to file in person]*.

The due date for the return is *[insert date]*.

Privacy statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it, and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting *[insert contact details]*.

APPENDIX C: Template Pecuniary Interest Return Form

Return:

This return is made under section 54C of the Local Government Act 2002, providing information required under sections 54E and 54F of that Act.

Member's name:

12 month period covered by this return:

- | | | |
|---|------------|-----------|
| | Yes | No |
| 1. Are you the director of a company?
<i>(section 54E(1)(a))</i> | | |

If yes, please provide the name of the company (or companies) and a description of their main business activities:

- | | | |
|--|------------|-----------|
| | Yes | No |
| 2. Do you hold or control more than 10% of the voting rights in a company?
<i>(section 54E(1)(a))</i> | | |

If yes, please provide the name of the company (or companies) and a description of their main business activities:

APPENDIX C: Template Pecuniary Interest Return Form

3. Do you have a pecuniary interest in any other company or business entity (except as an investor in a managed investment scheme)? *(section 54E(1)(b))*
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of the company (or companies) or business entity (or entities) and a description of their main business activities:

4. Are you employed? *(section 54E(1)(c))*
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of your employer(s) and a description of their main business activities:

5. Do you have a beneficial interest in a trust? *(section 54E(1)(d))*
- | Yes | No |
|-----|----|
| | |

If yes, please provide the name of the trust(s):

APPENDIX C: Template Pecuniary Interest Return Form

- | | | |
|--|------------|-----------|
| | Yes | No |
|--|------------|-----------|
6. Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of the trust **and** that organisation or trust receives, or has applied to receive, funding from the Council, local board or community board to which you are elected?
(section 54E(1)(e))

--	--

If yes, please provide the name of the organisation(s) or trust(s) and a description of their main business activities:

- | | | |
|--|------------|-----------|
| | Yes | No |
|--|------------|-----------|
7. Are you appointed to any organisation by virtue of being an elected member?
(section 54E(1)(f))

--	--

If yes, please provide the title for your appointed role(s), the name of the organisation(s), and a description of them:

- | | | |
|--|------------|-----------|
| | Yes | No |
|--|------------|-----------|
8. Do you have a legal interest, other than as a trustee, in any real property?
(section 54E(1)(g))

--	--

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

APPENDIX C: Template Pecuniary Interest Return Form

9. Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed under question 5 or a trust that is a retirement scheme whose membership is open to the public)?
(section 54E(1)(h))
- | Yes | No |
|-----|----|
| | |

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

10. Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family?
(section 54F(1)(a))
- | Yes | No |
|-----|----|
| | |

(In this question, "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

If yes, please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

APPENDIX C: Template Pecuniary Interest Return Form

	Yes	No	
<p>11. Have you received any gift (other than a gift from a family member, unless you consider that gift should be disclosed taking into account the purpose of the members' pecuniary interests register) that:</p> <ul style="list-style-type: none"> • has an estimated market value in New Zealand of over \$500; or • when combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500? <p><i>(section 54F(1)(b))</i></p> <p><i>(In this question: "gift" includes hospitality and donations in cash or kind, but excludes electoral expenses, and "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)</i></p> <p>If yes, please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>		

	Yes	No	
<p>12. Have you received any payment for an activity in which you are involved, excluding:</p> <ul style="list-style-type: none"> • any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002 • any payment received from an interest that has already been disclosed in this return; or • any payment made in respect of an activity that you ceased to be involved in before becoming a member? <p><i>(section 54F(1)(c))</i></p> <p>If yes, please provide a description of the payment(s) received by you:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>		

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Local Government (Pecuniary Interests Register) Amendment Act 2022

Public Act 2022 No 24
Date of assent 20 May 2022
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Pecuniary Interests Register) Amendment Act 2022.

2 Commencement

This Act comes into force on the day that is 6 months after the date on which it receives Royal assent.

3 Principal Act

This Act amends the Local Government Act 2002.

Part 1

Register of members' pecuniary interests

4 New subpart 3 of Part 4 inserted

After section 54, insert:

Subpart 3—Register of members' pecuniary interests

54A Register of members' pecuniary interests

- (1) A local authority must keep a register of the pecuniary interests of—
- (a) members of the local authority; and
 - (b) members who have been elected under the Local Electoral Act 2001 to a community board that is part of the local authority; and
 - (c) members who have been elected under the Local Electoral Act 2001 to a local board that is part of the local authority.
- (2) The register must comprise the pecuniary interest returns that—
- (a) are made by members under section 54C; and
 - (b) contain all information in any pecuniary interest return that is required to be disclosed under sections 54E and 54F, and include any notifications made under section 54D of errors or omissions in those returns.
- (3) The local authority must—
- (a) make a summary of the information contained in the register publicly available; and
 - (b) ensure that information contained in the register—

- (i) is only used or disclosed in accordance with the purpose of the register; and
- (ii) is retained for 7 years after the date on which a member provides the information, and is then removed from the register.

54B Purpose of register

The purpose of the register of members' pecuniary interests is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.

54C Members to make pecuniary interest returns

- (1) A member described in section 54A(1)(a), (b), or (c) must make a pecuniary interest return containing the information specified in sections 54E and 54F in respect of the 12-month period that ended on the day that is 1 month before each date specified for the return in subsection (2).
- (2) The member must make the pecuniary interest return by the following dates:
 - (a) the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001:
 - (b) the last day of February in each subsequent year.
- (3) The member must make the return by providing it to the Registrar.

54D Accuracy of information included in pecuniary interest return

- (1) When making a pecuniary interest return under section 54C, a member must ensure that the information contained in the return is accurate.
- (2) However, if a member becomes aware of an error or omission in any return that the member has made, the member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.
- (3) When advised of an error or omission in a pecuniary interest return, the Registrar must correct the register of members' pecuniary interests accordingly.

54E Contents of pecuniary interest return relating to member's position

- (1) Every pecuniary interest return must contain the following information:
 - (a) the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies:
 - (b) the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities:
 - (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers:

**Local Government (Pecuniary Interests Register)
Amendment Act 2022**

Part 1 s 4

2022 No 24

- (d) the name of each trust in which the member has a beneficial interest:
 - (e) the name of any organisation or trust and a description of the main activities of that organisation or trust if—
 - (i) the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and
 - (ii) the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected:
 - (f) the title and description of any organisation in which the member holds an appointment by virtue of being an elected member:
 - (g) the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property:
 - (h) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:
 - (i) the member is a beneficiary of the trust; and
 - (ii) the member knows or ought reasonably to know that the member is a beneficiary of the trust; and
 - (iii) it is not a unit trust whose name is disclosed under subclause (1)(d); and
 - (iv) it is not a retirement scheme whose membership is open to the public.
- (2) For the purposes of subsection (1)(b), a member does not have a pecuniary interest in a company or business entity (**entity A**) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.
- (3) For the purposes of subsection (1)(e), a member is not required to disclose the name and a description of the main activities of an organisation that is a council-controlled organisation.
- (4) For the purposes of subsection (1)(g) and (h), a member is not required to disclose the street address of the real property, but must provide the general location (for example, the suburb and city in which it is located).
- (5) For the purposes of this section,—
- business entity** means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust

company has the same meaning as in section 2(1) of the Companies Act 1993, and includes—

- (a) a body corporate that is incorporated outside of New Zealand;
- (b) a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act

employed—

- (a) means employed under a contract of service; but
- (b) does not include holding—
 - (i) the position of an elected member of a local authority, local board, or community board (as applicable); or
 - (ii) any other position for which the person in question would not be qualified unless he or she had been elected a member of a local authority, local board, or community board (as applicable)

managed investment scheme has the same meaning as in section 9(1), (2), and (4) of the Financial Markets Conduct Act 2013.

54F Contents of pecuniary interest return relating to member's activities

- (1) Every pecuniary interest return must also contain the following information:
 - (a) for each country (other than New Zealand) that the member travelled to,—
 - (i) the name of the country; and
 - (ii) the purpose of travelling to the country; and
 - (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country; and
 - (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country;
 - (b) a description of each gift (including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign) received by the member and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member) if—
 - (i) the gift has an estimated market value in New Zealand of more than \$500; or
 - (ii) the combined estimated market value in New Zealand of all gifts from the donor is more than \$500;
 - (c) a description of each payment received by the member for activities in which the member is involved other than—
 - (i) the salary or allowances paid to that person under the Remuneration Authority Act 1977 or this Act; and

- (ii) any payment the member received from an interest required to be disclosed under section 54E; and
 - (iii) any payment made in respect of any activity the member ceased to be involved in before becoming a member.
- (2) The information referred to in subsection (1)(a) does not have to be included in the pecuniary interest return if the travel costs and accommodation costs were paid in full by the following or any combination of the following:
- (a) the member;
 - (b) a member of the member's family.
- (3) The information referred to in subsection (1)(b) does not have to be included in the pecuniary interest return if the gift was from a member of the member's family unless the member, taking the purpose of the register into account (*see* section 54B), considers the information should be included.
- (4) For the purposes of this section, **member of the member's family** means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.

54G Registrar

- (1) A local authority must appoint a Registrar to—
- (a) compile and maintain the register of members' pecuniary interests; and
 - (b) provide advice and guidance to members in connection with their obligations under this subpart.
- (2) The chief executive of a local authority may be the Registrar under subsection (1).

54H Responsibility of members

- (1) It is the responsibility of each member to ensure that they fulfil the obligations imposed on them under this subpart.
- (2) A Registrar is not required to—
- (a) notify any member of—
 - (i) that member's failure to make a pecuniary interest return by the due date; or
 - (ii) any error or omission in that member's pecuniary interest return; or
 - (b) obtain any pecuniary interest return for a member.
- (3) To avoid doubt,—
- (a) a member's obligations under this subpart are in addition to any obligations under, and do not affect the application of, the Local Authorities (Members' Interests) Act 1968; and

- (b) a pecuniary interest that a member has declared under this subpart is not necessarily an interest for the purposes of the Local Authorities (Members' Interests) Act 1968.

54I Definition of Registrar

In this subpart, **Registrar** means the Registrar appointed under section 54G.

Part 2 Other amendments

5 Section 5 amended (Interpretation)

In section 5(1), in their appropriate alphabetical order, insert:

pecuniary interest, in relation to a member, means a matter or activity of financial benefit to the member

pecuniary interest return means the return required to be made under section 54C

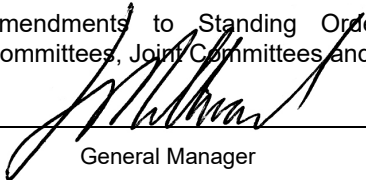
6 Section 235 amended (Offences by members of local authorities and local boards)

- (1) In section 235(1), after “contravenes”, insert “section 54C or 54D(1) or (2) or”.
- (2) In section 235(2), after “instituted under”, insert “section 54C or 54D(1) or (2) or”.

Legislative history

1 July 2021	Introduction (Bill 51–1)
22 September 2021	First reading and referral to Governance and Administration Committee
22 March 2022	Reported from Governance and Administration Committee (Bill 51–2)
6 April 2022	Second reading
13 April 2022	Committee of the whole House (Bill 51–3)
18 May 2022	Third reading
20 May 2022	Royal assent

This Act is administered by the Department of Internal Affairs.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-01-11 / 230215020549**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 March 2023**AUTHOR(S):** Thea Kunkel, Governance Team Leader**SUBJECT:** Amendments to Standing Orders for Council Committees, Sub-Committees, Joint Committees and Hearing Panels.**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)
General Manager
Acting Chief Executive**1 SUMMARY**

1.1 The purpose of this report is to request the Council adopt updated Standing Orders for Council, Committees, Sub-Committees, Joint Committees and Hearing Panels.

Attachments:

- i. Proposed Updated Waimakariri District Council's Standing Orders for Council, Committees, Sub-Committees, Joint Committees and Hearing Panels - March 2023 (Trim 230216021029).

2 RECOMMENDATION**THAT** the Council:

- (a) **Receives** report No. 230215020549.
- (b) **Adopts** the updated Waimakariri District Council, Committees and Sub-Committees, Joint Committees and Hearing Panels Standing Orders 2023 (230216021029), effective from 8 March 2023.
- (c) **Notes** that the Mahi Tahī Joint Development Committee, which is a Joint Committee between the Waimakariri District Council and the Te Ngāi Tūāhuriri Rūnanga is also subject to the Standing Orders. A copy of this report and adopted Standing Orders will be advised to our Te Ngāi Tūāhuriri membership.
- (d) **Recommends** to all four Community Boards that any proposed Standing Orders for Community Boards should be consistent with the Council, Committees, Sub-Committees, Joint Committees and Hearing Panels Standing Orders except for those areas which relate specifically to Community Boards and to give consideration to updated Standing Orders being adopted at their April 2023 meetings.
- (e) **Notes** that the Community Board's current Standing Orders (Trim 201007134141) remain active until they consider and adopt the proposed amendments to the Council's current Standing Orders.
- (f) **Notes** that Community Boards will receive a workshop on matters on 9 March 2023 with an emphasis being on consistency between Council and Community Board Standing Orders.
- (g) **Circulates** this report to the Community Boards for information.

3 **BACKGROUND**

- 3.1 A Council is required to operate with Standing Orders for conducting its meetings and the meetings of its Committees, Sub-Committees, Joint Committees and Hearing Panels. Community Boards must also adopt Standing Orders and the Standing Orders must not contravene any Act.
- 3.2 Although it is mandatory that local authorities adopt Standing Orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, it is recommended that every Council, Committee, and Community Board review their Standing Orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings.
- 3.3 The current (2020) Standing Orders were adopted by the Council at its Inaugural meeting on 27 October 2022, noting that the Standing Orders would be reviewed in early 2023, with a report presented to Council for consideration.
- 3.4 LGNZ produces a template and guide to Standing Orders just prior to each new term. It is a guide based on industry practice and legislation, however, the Council can and do make adaptations where it deems appropriate. Just before the 2022 Local Government elections, LGNZ reviewed its September 2020 template for both Councils and Community Boards. An assessment has been undertaken of the amendments proposed by LGNZ to ensure consistency and relevance as well as to identify any areas of significant difference.

4 **ISSUES AND OPTIONS**

- 4.1 The existing Standing Orders were based on LGNZ's September 2020 template, which clarified that the Waimakariri Water Zone Committee (a joint committee with Environment Canterbury) is subject to the Waimakariri District Council's Standing Orders and acknowledges changes proposed to the Waimakariri Water Zone Committee's Terms of Reference relating to Members Interests. The existing version of Standing Orders also acknowledges the Covid-19 legislative change in relation to the Local Government Act, 2002 and the Local Government Official Information and Meetings Act, 1987 (LGOIMA).
- 4.2 A workshop session was held with the Council on 28 February 2023, where the proposed amendments to the Standing Orders were discussed. Overall, there were no substantive changes, and the amendments or addition were primarily administrative for clarity and legislation alignment. All proposed changes are printed in red of the attached proposed document. Feedback from the workshop has been incorporated into the proposed March 2023 Standing Orders document. There were no deletions except for the detail captured for reasons for Public Excluded matters that appears in the agendas. These are highlighted on pages 64 to 68 of the attachment.
- 4.3 Although the proposed changes and/or additions to the Council's current Standing Orders are highlighted in **Attachment 1**, we wish to emphasize the following:
 - 4.3.1 **Definitions** – a number of these were enhanced (Pages 10 to 12 of Attachment 1)
 - 4.3.2 **Definition of Pecuniary Interest** - The Local Government (Pecuniary Interests Register) Amendment Act 2022 came into effect on 20 November 2022. It inserted new requirements and obligations into the LGA, all of which relate to members' pecuniary interests, hence the need for the proposed amendment. A separate workshop and report will be coming to the Council for adoption. (Page 12 of Attachment 1)

- 4.3.3 **Ex Officio Member** – It is recommended that the Standing Orders be amended to make provision for portfolio holders to attend any workshop and/or briefing relating to their portfolio. (Page 23 of Attachment 1)
- 4.3.4 **Members attend meetings by Electronic link** – Now that the Endemic Order has been cancelled by legislation, the current Standing Orders do not clearly outline the rules regarding conducting a meeting with a member attending virtually, as a meeting quorum is determined by the number of members physically present. However, it is suggested that provisions be made for meetings to be held virtually, with the consent of the Chairperson, in case of emergencies. Also, currently, the Standing Orders do not allow for a Chairperson attending via audio or audio-visual link to chair a meeting. It is suggested that this be left to the discretion of the Chairperson. (Pages 35 to 37 of Attachment 1)
- 4.3.5 **Financial conflicts of interest** – Currently elected members with a financial interest in a public excluded item are required to leave the meeting room. The Council must consider if they would be comfortable with the members physically withdrawing themselves from the table but remaining in the meeting room. (Page 45 of Attachment 1)
- 4.3.6 **Right of reply** – Currently, the mover of an original motion has a right of reply, however, a mover of an amendment to the original motion does not. It may not be clear that the mover's right can be exercised either at the end of the debate on the original, substantive, or substituted motion or at the end of the debate on a proposed amendment. It is therefore suggested that the following be included for clarity - *"the mover of a motion the right of reply to an amendment rather than the original motion, should the mover so desire"*. It should be noted that no new information may be introduced during the right of replay and seconder does not have a right of reply. (Page 49 of Attachment 1).
- 4.3.7 **Options for speaking and moving** – Only elected members who have not spoken to a motion may move or second an amendment. Also, members can only speak to an amendment, provided they have not spoken to the motion or a previous amendment. These provisions may be onerous on smaller Committees and may also not allow for free and robust debate. Thus, the Council should decide if they wish to retain these provisions. (Pages 50 and 51 of Attachment 1).
- 4.3.8 **Where a motion is lost** – It is suggested that the Standing Orders be amended to reflect the current practice that the status quo is retained when a motion is lost. (Page 52 of Attachment 1).
- 4.3.9 **A motion to suspend Standing Orders** – It should be noted that a motion to suspend the Standing Orders does not allow for the suspension of the Standing Orders as a whole. The elected members bringing the motion must identify the specific section of the Standing Orders to be suspended. Also, in the event of a suspension, those sections prescribed in statute will continue to apply. (Page 15 of Attachment 1).
- 4.3.10 **Chairperson's Recommendation** – It is recommended that the Chairperson's right to include a recommendation prior to the start of a meeting be removed, as it may be considered predetermination, because the matter is yet to be discussed and debated. (Page 29 of Attachment 1)
- 4.4 Adoption or amendment of the Council's Standing Orders requires a resolution supported by 75% or more of the members present.
- 4.5 It is anticipated that the Community Boards will consider the amended Standing Orders during April/May 2023.

4.6 **Implications for Community Wellbeing**

There are no implications on community wellbeing by the issues and options that are the subject matter of this report.

4.8 The Management Team has reviewed this report and supports the recommendations.

5. **COMMUNITY VIEWS**

5.1 **Mana whenua**

Taking into consideration the provisions of the Memorandum of Understanding between Te Ngāi Tūāhuriri Rūnanga and the Council, Te Ngāi Tūāhuriri hapū may be affected by or have an interest in the subject matter of this report. The Mahi Tahī Joint Development Committee, which is a Joint Committee between the Waimakariri District Council and the Te Ngāi Tūāhuriri Rūnanga is also subject to the Standing Orders. A copy of this report and adopted Standing Orders will be advised to our Te Ngāi Tūāhuriri membership.

5.2 **Groups and Organisations**

No groups or organisations are likely to be affected by or have an interest in the subject matter of this report.

5.3 **Wider Community**

The wider community is not likely to be affected by or to have an interest in the subject matter of this report. However, having Standing Orders enhances the credibility and accountability of the Council to its community.

6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1 **Financial Implications**

There are no financial implications of the decisions sought by this report.

6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

The Council is required by legislation to have Standing Orders.

6.4 **Health and Safety**

The Standing Orders aid the responsibilities of the Council being a good employer, raising awareness of unacceptable behaviour. Standing Orders develops a culture of mutual trust, respect and tolerance between the members of the Council.

7. **CONTEXT**

7.1 **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2 **Authorising Legislation**

- Local Government Act 2002 clause 15 – Code of Conduct.
- Local Government Act 2002 clause 27 – Standing Orders.

7.3 Community Outcomes

There are wide ranging opportunities for people to contribute to the decision-making by public organisations that affect our District.

7.4 Authorising Delegations

Not applicable as the Council is required, by legislation, to always have Standing Orders operable.



Proposed Standing Orders

For Meetings of the Council, Committees, Subcommittees
and Hearing Panels

As at 7 March 2023



PREFACE

Standing Orders contain rules for the conduct of the proceedings of local authorities, Committees, Subcommittees, subordinate decision-making bodies, and Community Boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive, and lawful manner.

In doing so, the application of Standing Orders contributes to greater public confidence in the quality of local governance and democracy in general.

These Standing Orders have been designed by LGNZ specifically for local authorities, their Committees, Subcommittees, subordinate decision-making bodies, and Community Boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Please note Standing Orders do not apply to advisory, steering or working groups, briefings and workshops unless incorporated in their specific terms of reference.

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

All members of a local authority must abide by Standing Orders.

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1. Introduction

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

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

- Part 1 deals with General Matters.
- Part 2 deals with Pre-meeting Procedures.
- Part 3 deals with Meeting Procedures.

The Appendix, which follows Part three, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendix is an attachment to the Standing Orders and not part of the Standing Orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present.

1.1. Principles

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

- Conduct its business in an open, transparent, and democratically accountable manner.
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- Make itself aware of, and have regard to, the views of all its communities.
- Take account, when making decisions, of the diversity of the community, its interests, and the interests of future communities as well.
- Ensure that any decisions made under these Standing Orders comply with the decision-making provisions of Part 6 of the LGA 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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

1.2. Statutory References

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

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3. Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968
EPA 2006	Epidemic Preparedness Act 2006

1.4. Application

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

2. Definitions

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

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

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

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

Appointed member means a member of a Committee, or subsidiary organisation of a Council, who is not elected. [ADDED]

Commented [TK1]: Definition Added

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

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

Briefing (this has a specific meaning and is NOT the same as a Workshop) it is any non-decision making, information sharing session, update for elected members by staff or other individuals and which is specifically Public Excluded.

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

Chief Executive means the Chief Executive of a territorial authority or regional council appointed under s 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorized by the Chief Executive.

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

Committee includes, in relation to a local authority:

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

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

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

Commented [TK2]: Definition Added

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

Covid refers to the Novel Coronavirus, formally known as 2019-nCoV

Council means, in the context of these Standing Orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved / seconded. [ADDED]

Commented [TK3]: Definition Added

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

Division means a formal vote at a Council, Committee or Subcommittee meeting whereby the names of those members present, including the Mayor / Chairperson, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically. [ADDED]

Commented [TK4]: Definition Added

Electronic link means both an audio and audiovisual link.

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

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

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

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

Item means a substantive matter for discussion at a meeting. [ADDED]

Commented [TK5]: Definition Added

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

Commented [TK6]: Definition Added

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

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

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

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

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

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

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

Commented [TK7]: Definition Added

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

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

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

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

Commented [TK8]: Definition Added

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

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

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

Pecuniary Interest includes any matter or activity of financial benefit to the member as set out in the provisions of the Local Authorities (Members Interests) Act 1968 and the Local Government (Pecuniary Interests Register) Amendment Act 2022. [ADDED]

Commented [TK9]: The Local Government (Pecuniary Interests Register) Amendment Act 2022 came into effect on 20 November 2022. It inserted new requirements and obligations into the LGA, all of which relate to members' pecuniary interests, hence the need for the proposed amendment.

Petition means a request to a local authority, which contains at least 5 20 signatures.
[AMENDED]

Commented [TK10]: Definition Amended to increase signatures to 20.

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

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

Presiding member means the Chairperson.

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

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

Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and

Any other information, which has not been released by the local authority as publicly available information.

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

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

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

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

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

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

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

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

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion.

Secunder means the member who seconds a motion or amendment.

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

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

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

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

Subcommittee means a subordinate decision-making body established by a Council, or a Committee of a Council, or Community Board. See definition of "Committee".

Working day means a day of the week other than:

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

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

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

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

GENERAL MATTERS

3. Standing Orders

3.1. Obligation to adopt Standing Orders

The Council is required to operate in accordance with Standing Orders for the conduct of its meetings and the meetings of its Committees and Subcommittees. Community Boards must also adopt Standing Orders. Standing Orders must not contravene any Act.

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

3.2. Process for adoption and alteration of Standing Orders

The adoption of Standing Orders and any amendment to Standing Orders must be made by the Council and by a vote of not less than 75% of the members present. (Similarly, in the case of a Community Board the adoption of Standing Orders and any amendments also requires a vote of not less than 75% of the members of the specific Board).

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

3.3. Members must obey Standing Orders

All members of the Council, including members of Committees and Subcommittees, Joint Committees and Hearing Panels, must obey these Standing Orders.

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

3.4. Application of Standing Orders

These Standing Orders apply to all meetings of the Council, its Committees, Subcommittees and subordinate decision-making bodies. They will also apply to any Community Boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5. Temporary suspension of Standing Orders

Any member of the Council, Committee, Subcommittee and subordinate body, and Community Board, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 % of the members present and voting must support the motion for it to be carried.

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

A motion to suspend Standing Orders may be taken before or during a debate. [ADDED]

The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. In the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

Commented [TK11]: A motion to suspend Standing Orders may be taken before or during a debate ADDED

3.6. Exclusions for meetings at which no Resolutions or Decisions are made

For the avoidance of doubt, any provision of these Standing Orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the Council or of any Committee or Subcommittee or other subordinate decision-making body of the Council which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

3.7. Quasi-judicial Proceedings

For quasi-judicial proceedings, the Council or a Community Board may amend meeting procedures. For example, Committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.8. Physical address of members

Every member of the Council and Community Board must give to the Chief Executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within five working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act.

4. Meetings

4.1. Legal requirement to hold meetings

The local authority must hold meetings for the good government of its district. The same requirement applies to Community Boards in respect of their communities. Meetings must be called and conducted in accordance with:

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

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

4.2. Meeting Duration

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

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

4.3. Language

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

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

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

4.4. Webcasting Meetings

Webcast meetings can be provided in accordance with the protocols contained in [Appendix 5](#).

4.5. First Meeting (Inaugural)

The first meeting of the Council, following a local authority triennial general election, must be called by the Chief Executive as soon as practicable after the results of the election are known. The Chief Executive must give elected members not less than seven days' notice of the meeting. However, in the event of an emergency the Chief Executive may give notice of the meeting as soon as practicable.

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

4.6. Requirements for the first meeting

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

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

- (a) The making and attesting of the declarations required of the Mayor (if any) and members under LGA 2002, sch 7, cl14;
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.

- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the Deputy Mayor or Deputy Chairperson in accordance with the LGA 2002, sch7, cl 17.

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

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

Note, that the election of a Deputy Mayor is not required if the Mayor has already made the appointment under s 41A(3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a Deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

5. Appointments and elections

5.1. Mayoral appointment of the Deputy Mayor, Committee Chairpersons and Members

A Mayor may appoint the Deputy Mayor, the Chairperson, and the members of each Committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the Council after the appointments are made. The Mayor may also appoint themselves.

LGA 2002, s 41A(3).

5.2. Council discharge of a Mayoral appointment

Nothing, however, limits or prevents the Council from discharging a Deputy Mayor, a Chairperson or a member of a Committee appointed by the Mayor. Any decision by the Council to discharge a Deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a Deputy Mayor or Committee Chairpersons in accordance with LGA 2002, s 41A, the Council (or a Committee, if directed by the Council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3. Establishment of Committees by the Mayor

The Mayor may establish Committees of the Council. Where a Mayor exercises this right, a list of the Committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish Committees under s 41A, then any decision to establish Committees must follow the processes set out in these Standing Orders.

Nothing, however, limits or prevents the Council from discharging or reconstituting, in accordance with cl 30 of sch 7, LGA 2002, a Committee established by the Mayor, or appointing more Committees in addition to any established by the Mayor.

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

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

5.4. Elections Deputy Mayors and Deputy Chairpersons

The Council (or a Committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.6) when electing people to the following positions:

- the Deputy Mayor.
- the Chairperson and Deputy Chairperson of a Committee; and
- a representative of Council.

Note, this provision does not apply in situations where a Mayor has used their powers under LGA 2002, s 41A to appoint a Deputy Mayor, or Committee chairs. See [Appendix 7](#).

LGA 2002, sch 7, cl 25.

5.5. Removal of a Deputy Mayor

A Deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the Council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See [Appendix 7](#).

LGA 2002, sch 7, cl 18.

5.6. Voting system for Deputy Mayors and Committee Chairpersons

When electing a Deputy Mayor or a Committee Chairperson the local authority must resolve to use one of the following two voting systems.

System A

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

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

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

System B

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

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

LGA 2002, sch 7, cl 25.

6. Delegations

6.1. Limits on Delegations

Unless clearly stated in the LGA 2002 or any other Act, the Council may, for the purposes of efficiency and effectiveness, delegate to a Committee, Subcommittee, subordinate decision-making body, Community Board, board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

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

6.2. Committees may delegate

A Committee, Subcommittee, subordinate decision-making body, Community Board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a Subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

6.3. Use of Delegated Powers

The Committee, Subcommittee, other subordinate decision-making body, Community Board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the Council, Committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them. *LGA 2002, sch 7, cl 32(2),(3), and (4).*

6.4. Decisions made under Delegated Authority cannot be rescinded or amended

Nothing in these Standing Orders allows the Council, Committee, and Subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a Community Board in relation to any committees or subcommittees with delegated authority.

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

6.5. Committees and Subcommittees subject to the direction of the local authority

A Committee, Subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given to them.

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

6.6. Duty to consider Delegations to Community Boards

The Council of a territorial authority must consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role.

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

6.7. Delegations related to Bylaws and other Regulatory Matters

The Council may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.

LGA 2022, sch 7, cl. 32(5).

Note: A Council is advised to delegate a range of decision-making responsibilities to its Chief Executive to cover the period from the day following the Electoral Office's declaration until the new Council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1. Appointment of Committees and Subcommittees

The Council may appoint the Committees, Subcommittees, and other subordinate decision-making bodies that it considers appropriate. A Committee may appoint the Subcommittees that it considers appropriate unless it is prohibited from doing so by the Council.

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

7.2. Discharge or reconstitution of Committees and Subcommittees

Unless expressly provided otherwise in legislation or regulation:

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

A Committee, Subcommittee, or other subordinate decision-making body is, unless the Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

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

Note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. This also applies to the District Licensing Committee, subject to Council resolution, Section 193 of LGA and the Sale and Supply of Alcohol Act 2012.

7.3. Appointment or discharge of Committee members and Subcommittee members

The Council may appoint or discharge any member of a Committee and, if established by the Council, a Subcommittee. A Committee may appoint or discharge any member of a Subcommittee appointed by the Committee unless directed otherwise by the Council.

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

7.4. Committees and subordinate decision-making bodies subject to direction of local authority

A Committee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given in relation to the Committee or other body or the affairs of the Committee or other body. A Subcommittee is subject in all things to the control of the Committee that appointed it and must carry out all general and special directions of the Committee given in relation to the Subcommittee or its affairs. Nothing in this (standing order) entitles a local authority or Committee to rescind or amend a decision made under a delegation authorising the making of a decision by a Committee, a Subcommittee, or another subordinate decision-making body.

LGA 2002, sch 7, cl. 30(3), (4) & (6).

7.5. Elected members on Committees and Subcommittees

The members of a Committee or Subcommittee may be, but are not required to be, elected members of a local authority. The Council or a Committee may appoint a person who is not a member of the local authority to a Committee or Subcommittee if, in the opinion of the Council or Committee, the person has the skills, attributes or knowledge to assist the Committee or Subcommittee.

At least one member of a Committee must be an elected member of the Council. In the case of a Committee established by a Community Board, at least one member must be a member of that Board. A staff member of the local authority, in the course of their employment, can be a member of a Subcommittee but not a Committee.

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

7.6. Local authority may replace members if Committee not discharged

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

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

7.7. Minimum numbers on Committees and Subcommittees

The minimum number of members is three for both Committees and Subcommittees.

LGA 2002 sch 7, cl. 31(6)

7.8. Membership of Mayor

The Mayor is a member of every Committee of the local authority unless specific legislation provides otherwise, such as a Committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A(5).

7.9. Ex Officio Member

The portfolio holder or any member of the Council may be appointed an ex-officio member of any Committee other than a Community Board or a Quasi-judicial Committee. **Note the portfolio holder can attend any workshop and/or briefing relating to their portfolio. [ADDED]**

Commented [TK12]: Added that the portfolio holder can attend any workshop and/or briefing relating to their portfolio

7.10. Decision not invalid despite irregularity in membership

For the purpose of these Standing Orders, a decision of the Council, Committee, and Community Board is not invalidated if:

- (a) There is a vacancy in the membership of the Council, Committee, or Community Board at the time of the decision; or
- (b) Following the decision, some defect in the election or appointment process is discovered and / or that the membership of a person on the Committee at the time is found to have been ineligible.

LGA 2002, sch 7, cl 29.

7.11. Appointment of Joint Committees

The Council may appoint a Joint Committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

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

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

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

7.12. Status of Joint Committees

A Joint Committee is deemed both a Committee of the Council and a Committee of each other participating local authority or public body.

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

7.13. Power to appoint or discharge individual members of a Joint Committee

The power to discharge any individual member of a Joint Committee and appoint another member in their stead must be exercised by the Council or public body that made the appointment and;

- (a) The meeting quorum is as outlined in 10.3 and
- (b) The Committee may appoint and remove its own Chairperson or Deputy Chairperson.

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

PRE-MEETING

8. Giving notice

8.1. Public notice – Ordinary Meetings

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

LGOIMA 1987, s 46.

8.2. Notice to members - Ordinary Meetings

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

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

8.3. Extraordinary meeting may be called

An extraordinary Council meeting may be called by:

- (a) Resolution of the Council, or
- (b) A requisition in writing delivered to the Chief Executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the Council (including vacancies).

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

8.4. Notice to members - Extraordinary Meetings

Notice in writing of the time and place of an extraordinary meeting called under Standing Order 8.3 and of the general nature of business to be considered must be given by the Chief Executive to each member of the Council at least three working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

8.5. Emergency meetings may be called

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

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

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

8.6. Process for calling an Emergency Meeting

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

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

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

8.7. Public notice – Emergency and Extraordinary meeting

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

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

LGOIMA 1987, s 46(3).

8.8. Chief Executive may make other arrangements

The Chief Executive is to make any other arrangement for the notification of meetings, including extraordinary and emergency meetings, as the local authority may, from time to time, determine.

LGOIMA 1987, s. 46(5).

8.9. Meetings not invalid

The failure to notify a public meeting under these Standing Orders does not, in itself, make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- (a) That the meeting occurred without proper notification.
- (b) The general nature of the business transacted; and
- (c) The reasons why the meeting was not properly notified.

LGOIMA 1987, s 46(6).

8.10. Resolutions passed at an Extraordinary or Emergency Meeting

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

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

LGOIMA 1987, s 51A.

8.11. Meeting schedules

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

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

8.12. Non-receipt of notice to members

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

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

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

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

8.13. Meeting cancellations

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

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

9. Meeting Agenda

9.1. Preparation of the Agenda

It is the Chief Executive's responsibility (or his / her delegate) to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the Chief Executive (or his / her delegate) should consult, unless impracticable, such as in the case of the inaugural meeting, the Chairperson, or the person acting as Chairperson for the coming meeting.

9.2. Process for raising matters for a decision

Requests for reports may be made by a resolution of the Council, Committee, Subcommittee, subordinate decision-making body, or Community Board and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations.

9.3. Chief Executive may delay or refuse request

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

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

9.4. Order of Business

At the meeting, the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in [Appendix 9](#).

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

9.5. Chairperson's Recommendation

A Chairperson, ~~either prior to the start of the meeting and / or~~ **[AMENDED]** at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. **A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002. [ADDED]**

Commented [TK13]: It is recommended that the Chairperson's right to include a recommendation prior to the start of a meeting be removed, as it may be considered predetermination, because the matter is yet to be discussed and debated

Commented [TK14]: ADDED: A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002

9.6. Chairperson's Report

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

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

Commented [TK15]: ADDED: For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002

9.7. Public availability of the Agenda

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

LGOIMA 1987, ss 5 & 46A.

9.8. Public inspection of Agenda

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

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

LGOIMA 1987, s 46A(1).

9.9. Agenda to be made available to public who are at meetings

Additional copies of the summary agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them free of charge.

LGOIMA 1987, s. 49

9.10. List of Committee members publicly available

The members of each Committee are to be named on the relevant agenda.

9.11. Withdrawal of Agenda items

If justified by circumstances, an agenda item may be withdrawn by the Chief Executive, or his / her delegate. In the event of an item being withdrawn, the Chief Executive should inform the Chairperson.

9.12. Distribution of the Agenda

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

The Chief Executive may send the agenda, and other materials relating to the meeting or other Council business, to members by electronic means.

9.13. Status of Agenda

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

9.14. Items of business not on the Agenda which cannot be delayed

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

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

LGOIMA 1987, s 46A(7).

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

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

9.15. Discussion of minor matters not on the Agenda

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

LGOIMA 1987, s 46A(7A).

9.16. Public excluded business on the Agenda

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including the general subject of the item. The Chief Executive, however, may exclude public access to any reports, or parts of reports, attachments of minutes which are reasonably expected to be discussed with the public excluded bases on reasons or grounds outlined in LGOIMA sections 5, 6, 7 8 and 17. [ADDED]

LGOIMA 1987, s 46A(9).

Commented [TK16]: ADDED FOR CLARITY : public excluded bases on reasons or grounds outlined in LGOIMA sections 5, 6, 7 8 and 17

9.17. Qualified privilege relating to Agenda and Minutes

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

LGOIMA 1987, s 52.

MEETING PROCEDURES

10. Opening and Closing

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

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

11. Quorum

11.1. Council meetings

The quorum for a meeting of the Council is:

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

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

11.2. Committees and Subcommittee meetings

A Council sets the quorum for its Committees and Subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their Subcommittees by resolution if it is not less than two members.

In the case of Subcommittees, the quorum will be two members unless otherwise stated. In the case of Committees, at least one member of the quorum must be a member of the Council, or if established by a Community Board, the relevant board.

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

11.3. Joint Committees

The quorum at a meeting of a Joint Committee must be consistent with Standing Order 11.1. Local authorities participating in the Joint Committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

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

11.4. Requirement for a quorum

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

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

11.5. Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 15 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

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

11.6. Business from lapsed meetings

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

11.7. Exclusions for meetings at which no resolutions or decisions are made

For the avoidance of doubt, these Standing Orders only apply to decision-making meetings and do not apply to any non-decision-making meeting of the local authority, which has been properly constituted as a meeting under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

12. Public access and recording

12.1. Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its Committees, Subcommittees, and Community Boards, must be open to the public.

LGOIMA 1987, s 47 & 49(a).

12.2. Grounds for removing the public

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

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

LGOIMA 1987, s 50(1).

12.3. Local authority may record meetings

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

12.4. Public may record meetings

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

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

13. Attendance

13.1. Members right to attend meetings

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

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

If a member of the Council is not an appointed member of the meeting, which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the Chairperson, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

Note: this section does not confer any rights to non-elected members appointed to Committees of a local authority.

13.2. Attendance when a Committee is performing Judicial or Quasi-judicial functions

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

13.3. Leave of Absence

A Council may grant a member leave of absence following an application from that member. The Council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the Council whenever a member has been granted leave of absence under delegated authority. Meeting Minutes will record that a member has leave of absence as an apology for that meeting.

13.4. Apologies

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

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

13.5. Recording Apologies

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

13.6. Absent without leave

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

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

13.7. Right to attend by Audio or Audiovisual link

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

13.8. Member attend meetings by Electronic link's status: Quorum

Members who attend meetings by electronic link **will be counted as present for the purposes of a quorum, with the consent of the Chairperson. Subject to the activations of the Endemic Preparation Order or local state of emergency. [ADDED]**

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

13.9. Member attend meetings by Electronic link's status: Voting

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

13.10. Chairperson's duties regarding attendance by Electronic link

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

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

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

Commented [TK17]: ADDED TO DEAL WITH COVID: Subject to the activations of the Endemic Preparation Order or local state of emergency.

Commented [TK18]: Now that the Endemic Order has been cancelled by legislation, the current Standing Orders do not clearly outline the rules regarding conducting a meeting with a member attending virtually, as a meeting quorum is determined by the number of members **physically present**. However, it is suggested that provisions be made for meetings to be held virtually, with the consent of the Chairperson, in case of emergencies. Also, currently, the Standing Orders do not allow for a Chairperson attending via audio or audio-visual link to chair a meeting. It is suggested that this be left to the discretion of the Chairperson

~~If the Chairperson is attending by audio or audiovisual link, then chairing duties will be undertaken by the Deputy Chairperson, or a member who is physically present.~~
[AMENDED]

Commented [TK19]: It is suggested that the option of chairing via Audiovisual link should be left to the discretion of the Chair

13.11. Conditions for attending by audio or audiovisual link

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

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

13.12. Request to attend by audio or audiovisual link

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

Where such a request is made and the technology is available, the Chief Executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the Council has no obligation to make the technology for an audio or audiovisual link available.

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

13.13. Chairperson may terminate link

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting.
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members.
- (c) It is distracting to the members who are physically present at the meeting.
- (d) The quality of the link is no longer suitable.
- (e) ~~Information classified as confidential may be compromised (see also SO 13.16).~~ **[ADDED]**

Commented [TK20]: ADDED: Information classified as confidential may be compromised.

13.14. Giving or showing a document

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

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

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

13.15. Link failure

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

13.16. Confidentiality

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

Commented [TK21]: ADDED: If the Chairperson is not satisfied by the explanation, they may terminate the link

14. Chairperson's role in meetings

14.1. Council meetings

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

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

14.2. Other meetings

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

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

14.3. Addressing the Chairperson

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

14.4. Chairperson's Rulings

The Chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appoint of order questions the Chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5. Chairperson standing

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

14.6. Member's right to speak

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

14.7. Chairperson may prioritise speakers

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

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

15. Public Forums

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

In the case of a Committee, Subcommittee, or Community Board, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body. **Any matter raised in a public forum requiring a decision must be considered at a meeting with an occupying report. [ADDED]**

Commented [TK22]: ADDED: Any matter raised in a public forum requiring a decision must be considered at a meeting with an occupying report.

15.1. Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting.

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

15.2. Restrictions

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

- (a) A speaker is repeating views presented by an earlier speaker at the same public forum.
- (b) The speaker is criticising elected members and / or staff.
- (c) The speaker is being repetitious, disrespectful, or offensive.
- (d) The speaker has previously spoken on the same issue.
- (e) The matter is subject to legal proceedings; and

The matter is subject to a hearing, including the hearing of submissions where the local authority or Committee sits in a quasi-judicial capacity.

15.3. Questions at Public Forums

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

15.4. No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the public forum unless related to items already on the agenda.

16. Deputations

16.1. Receiving Deputations

Deputations may be received by the Council or any of its Committees provided an application for admission setting forth the subject has been lodged with the Chief Executive or Governance Staff at least two working days before the date of the meeting concerned and has been subsequently approved by the Chairperson. The Chairperson may refuse requests for deputations, which are repetitious or offensive.

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

at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.2. Urgency or major public interest

Notwithstanding Standing Order 15.1 where in the opinion of the Chairperson the matter, which is the subject of a deputation, is one of urgency or major public interest, the Chairperson may determine that the deputation be received.

16.3. Time limits

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

16.4. Restrictions

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

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

16.5. Questions of a Deputation

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

16.6. Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded. **Any matter raised in a deputation requiring a decision must be considered at a meeting with an occupying report. [ADDED]**

Commented [TK23]: ADDED: Any matter raised in a deputation requiring a decision must be considered at a meeting with an occupying report.

17. Petitions

17.1. Form of Petitions

Petitions may be presented to the Council or any of its Committees or Community Boards.

Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign

language should advise the relevant Chairperson at least two working days before the meeting to enable the petition to be translated and reprinted, if necessary.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories) and be of serious intent. [ADDED]

Commented [TK24]: Number of signatures and words increased.

17.2. Petition presented by petitioner

A petitioner who presents a petition to the Council or any of its Committees and Subcommittees, or Community Boards, may speak for ten minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. They must be received by the Chief Executive at least five working days before the meeting at which they will be presented, however, this requirement may be waived by the Chairperson. [ADDED]

Commented [TK25]: ADDED: however, this requirement may be waived by the Chairperson

17.3. Petition presented by member

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

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

18. Exclusion of public

18.1. Motions and Resolutions to exclude the public

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

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see [Appendix 2](#)). The resolution must state:

- (a) The general subject of each matter to be excluded.
- (b) The reason for passing the resolution in relation to that matter.
- (c) The grounds on which the resolution is based.
- (d) The resolution will form part of the meeting's Minutes.

LGOIMA 1987, s 48.

18.2. Code of Conduct Committee

Should a Code of Conduct Committee be called, the Chairperson has the right to exclude elected members that are not directly involved in the Committee, based on LGOIMA reasons related to privacy of natural persons.

ie: The only persons recommended to be present at a Code of Conduct Committee is the Committee Panel (consisting of four elected members), the elected member whom any complaint has been laid against and the Chief Executive and minute taker. It is the discretion of the Committee Chairperson as to the presence of the Mayor or any other elected member for specific portions of the meeting that may directly relate to specific aspects of the hearing.

18.3. Specified people may remain

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

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

LGOIMA 1987, s 48(6).

18.4. Public Excluded items

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

LGOIMA 1987, s 46A(8).

18.5. Non-disclosure of information

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

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

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

18.6. Release of information from public excluded session

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

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

19. Voting

19.1. Decisions by Majority Vote

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

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

19.2. Open voting

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

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

19.3. Chairperson has a casting vote

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

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

19.4. Method of voting

The method of voting must be as follows:

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

19.5. Calling for a division

When a division is called, the Chief Executive, or delegate [ADDED], must record the names of the members voting for and against the motion, and abstentions, and provide the names to the Chairperson to declare the result. The result of the division must be entered into the Minutes and include members' names and the way in which they voted.

Commented [TK26]: ADDED: or delegate

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

19.6. Restating the motion

The Chairperson may, immediately prior to any vote being taken, request the Chief Executive or the minute taker to restate the motion upon which the vote is to be taken.

19.7. Request to have votes recorded

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

19.8. Members may abstain

Any member may abstain from voting.

20. Conduct

20.1. Calling to order

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

20.2. Behaviour consistent with Code of Conduct (Disrespect)

At a meeting no member may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff, or the public.

20.3. Retractions and apologies

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

20.4. Disorderly Conduct

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

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

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency or **security risk**. [ADDED]

Commented [TK27]: ADDED: or security risk

20.5. Contempt

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

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

Commented [TK28]: ADDED: A member, who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6

20.6. Removal from meeting

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

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

20.7. Financial conflicts of interests

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s 6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s 6. (noting such exemption or declaration is valid for a period no longer than 12-months at a time).

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

Commented [TK29]: Currently elected members with a financial interest in a public excluded item are required to leave the meeting room. The Council must consider if they would be comfortable with the members physically withdrawing themselves from the table but remaining in the meeting room.

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

LAMIA 1968, ss 6 & 7.

20.8. Non-financial conflicts of interests

Non-financial interests involve questions about whether the judgement of a member of a local authority (or Community Board) could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter, or any subsequent vote.

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

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

Notes a Register of Interests (covering both financial and non-financial aspects) will be kept by the Chief Executive (or delegate) and reviewed at least six monthly for the Council, the Waimakariri Water Zone Committee, and all Community Boards.

20.9. Qualified privilege for meeting proceedings

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

LGOIMA 1987, s 53.

20.10. Qualified privilege additional to any other provisions

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

LGOIMA 1987, s 53.

20.11. Electronic devices at meetings

Electronic devices and phones should only be used to support the business of the meeting. Where personal use is unforeseen prior to the meeting, members should seek permission from the Chairperson to leave the meeting to deal with such matters. It is not deemed good practice or indeed appropriate to convey any aspect of meeting content or decision via personal electronic devices prior to the conclusion of the meeting.

A Chairperson may require that an electronic device is switched off if:

- (a) its use is likely to distract a meeting from achieving its business, or,
- (b) a member is found to be receiving information or advice from sources do not present at the meeting that may affect the integrity of the proceedings. **[ADDED]**

Commented [TK30]: Extra conditions added.

21. General Rules of Debate

21.1. Chairperson may exercise discretion

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

21.2. Time limits on speakers

The following time limits apply to members speaking at meetings:

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

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

21.3. Questions to staff

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

21.4. Questions of clarification

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

21.5. Questions to be concise

Questions and answers shall be submitted as briefly and concisely as possible. No discussion shall be allowed upon any question or upon the answer.

21.6. Questions to be in writing

Questions that are not directly related to a specific matter (report) on the agenda shall be in writing and handed to the Chairperson prior to the commencement of the meeting at which they are to be asked and in time for an appropriate answer to be prepared.

21.7. Questions may be deferred

If an answer to the question cannot be given at that meeting it shall, at the discretion of the Chairperson, be placed on the agenda for the next local authority meeting.

21.8. Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority, except with permission of the Chairperson. **[ADDED]** ~~This order does not apply to meetings of committees or subcommittees where a member may be permitted to speak twice.~~ **[AMENDED]**. Movers of the original motion may speak once to each amendment. Members can speak more than once to a motion at a Committee or Subcommittee meeting with the Chairperson's permission. **[ADDED]**

Commented [TK31]: Only elected members who have not spoken to a motion may move or second an amendment. Also, members can only speak to an amendment, provided they have not spoken to the motion or a previous amendment. These provisions may be onerous on smaller Committees and may also not allow for free and robust debate. Thus, the Council should decide if they wish to retain these provisions.

21.9. Limits on number of speakers

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

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

21.10. Secunder may reserve speech

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

21.11. Speaking only to relevant matters

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

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

21.12. Reading of speeches

Members shall not read their speeches, except with the permission of the Chairperson, but may refresh their memory by reference to notes.

21.13. Personal explanation

Notwithstanding Standing Order 20.5, members may make a personal explanation with the permission of the Chairperson, provided that the matter is personal to the member, deals with fact and not derogatory in nature. Such matters may not be debated.

21.14. Explanation of previous speech

With the permission of the Chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.

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

21.15. Restating motions

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

21.16. Criticism of Resolutions

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

21.17. Objecting to Words

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

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

Commented [TK32]: ADDED: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language

21.18. Right of reply

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

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive, or substituted motion or at the end of the debate on a proposed amendment. **The mover's right of reply to may be exercised to an amendment rather than the motion, should the mover so desire.** [ADDED]

Commented [TK33]: Currently, the mover of an original motion has a right of reply, however, a mover of an amendment to the original motion does not. The Council needs to consider if it wishes to also grant a mover of an amendment the right of reply. It has been suggested that the definition be expanded to all "*the mover of a motion the right of reply to an amendment rather than the original motion, should the mover so desire*".

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

21.19. No other member may speak

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

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

21.20. Adjournment motions

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

21.21. Chairperson's acceptance of closure motions

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

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

22. General procedures for speaking and moving motions

22.1. Options for speaking and moving

- (a) The mover and seconder of a motion cannot move or second an amendment.
- (b) An amendment may only be moved and seconded by a member who has not spoken to the motion and is not a mover or seconder of the motion.
- (c) Any further amendment may only be moved and seconded by a member who has not spoken to the motion or the previous amendment and is not a mover or seconder of the motion or the previous amendment.
- (d) Members can speak to any amendment and, provided they have not spoken to the main motion or moved or seconded an amendment, they can move or second further amendments.
- (e) The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.
- (f) **The mover and seconder of a motion cannot move or second an amendment. [ADDED]**
- (g) **Only members who have not spoken to the original, or substituted, motion may move or second an amendment to it. [ADDED]**
- (h) **The mover or seconder of an amendment, whether it is carried (in which case it becomes the substantive motion) or lost, cannot move or second a subsequent amendment. [ADDED]**
- (i) **Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments. [ADDED]**

Commented [TK34]: Conditions (f) to (j) added

- (j) The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder. [ADDED]

22.2. Procedure if no resolution reached

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

23. Motions and Amendments

23.1. Proposing and seconding motions

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

Amendments and motions that are not seconded are recorded in the Minutes as lapsed.

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

23.2. Motions in writing

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

23.3. Motions expressed in parts

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

23.4. Substituted motion

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

23.5. Amendments to be relevant and not direct negatives

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

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

Commented [TK35]: Conditions (a) to (f) added

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

23.6. Foreshadowed Amendments

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

23.7. Lost amendments

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

23.8. Carried amendments

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

23.9. Where a motion is lost

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment, provided that they have not moved or seconded the original motion or a previous amendment. **If a motion is lost the status quo will remain. [ADDED]**

Commented [TK36]: ADDED: If a motion is lost the status quo will remain.

23.10. Withdrawal of motions and amendments

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

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

23.11. No speakers after reply or motion has been put

A member may not speak to any motion once:

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

23.12. Amendment once moved

When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion, provided that they have not moved or seconded the original motion or a previous amendment. The mover or seconder of a motion for the adoption of the report of a Committee, who desires to amend any item in the report, may also propose or second an amendment.

23.13. Procedure until resolution

The procedures in Standing Orders 22.12 and 22.6 must be repeated until a resolution is adopted.

24. Revocation or Alteration of Resolutions

24.1. Member may move revocation of a decision

A member may give the Chief Executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council, Subordinate body, or Community Board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter.
- (b) The meeting date when the resolution was passed.
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

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

A member must give notice to the Chief Executive at least five (5) working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members.

The Chief Executive must then give members at least two clear working days' notice in writing of the intended motion and of the meeting at which it is proposed to move such motion. **If the notice of motion is lost, no similar notice of motion, which is substantially the same in purpose and effect, may be accepted within the next twelve months.** [ADDED]

Commented [TK37]: ADDED: If the notice of motion is lost, no similar notice of motion, which is substantially the same in purpose and effect, may be accepted within the next twelve months

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

If a resolution is made under delegated authority by a Committee, Subcommittee or subordinate decision-making body, or Community Board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or Community Board.

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

24.3. Restrictions on actions under the affected resolution

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

Exceptions apply where, in the opinion of the Chairperson:

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

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

24.4. Revocation or alteration by resolution at same meeting

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

24.5. Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, Chief Executive, or any Committee or Subcommittee, or Community Board, may revoke or alter all or part of a resolution passed by a previous meeting. The Chief Executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

25. Procedural motions

25.1. Procedural motions must be taken immediately

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

25.2. Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place).
- (b) that the motion under debate should now be put (a closure motion).
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting.
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant Committee or Community Board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3. Closure motion on amendment

When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

25.4. Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.5. Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.6. Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.7. Other business not superseded

The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.

Business referred to the Council, Committee or Community Board / Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

Where an item of business is referred (or referred back) to a Committee or Community Board, the Committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

25.8. Other types of procedural motions

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

26. Points of order

26.1. Members may raise points of order

Any member may raise a point of order when they believe these Standing Orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2. Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the Chairperson that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the Chairperson of a misrepresentation in a statement made by a member, an officer or a Council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the Minutes record any words that have been the subject of an objection.

26.3. Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4. Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5. Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

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

27. Notices of motion

27.1. Notice of intended motion to be in writing

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

Once the motion is received, the Chief Executive must give members notice in writing of the intended motion at least two clear working days' notice of the date of the meeting at which it will be considered.

27.2. Refusal of notice of motion

The Chairperson may direct the Chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a Committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chief Executive for consideration and report; or

- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or or Community Board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate Committee or Board.

27.3. Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4. Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5. When notices of motion lapse

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

27.6. Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a Committee of the local authority or Community Board must be referred to that Committee or Board by the Chief Executive.

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

27.7. Repeat notices of motion

When a motion has been considered and rejected by the local authority or a Committee, no similar notice of motion, which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands

When a motion has been considered and rejected by the local authority or a Committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27.8. Second repeat where notice of motion rejected

If such a repeat notice of motion as provided for in Standing Order 26.7 is also rejected by the local authority, any further notice prior to the expiration of the original period of six months must be signed by a majority of all members, including vacancies.

28. Minutes

28.1. Minutes to be evidence of proceedings

The local authority, its committees, subcommittees, and any Community Boards must keep Minutes of their proceedings. These Minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Note that the Waimakariri District Council decided that Minutes will be kept electronically rather than hard copy from October 2019, onwards.

LGA 2002, sch 7, cl. 28.

28.2. Matters recorded in Minutes

The Chief Executive must keep the Minutes of meetings. The Minutes must record:

- (a) The date, time and venue of the meeting.
- (b) The names of the members present.
- (c) The Chairperson.
- (d) Any apologies or leaves of absences.
- (e) Members absent without apology or leave of absence. [ADDED]
- (f) Members absent on Council business. [ADDED]
- (g) The arrival and departure times of members.
- (h) Any failure of a quorum.
- (i) A list of any external speakers and the topics they addressed.
- (j) A list of the items considered.
- (k) Items tabled at the meeting. [ADDED]
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders.
- (m) The names of all movers, and seconders.
- (n) Any objections made to words used.
- (o) All divisions taken and, if taken, a record of each member's vote.
- (p) the names of any members requesting that their vote or abstention be recorded.
- (q) Any declarations of financial or non-financial conflicts of interest.

Commented [TK38]: Conditions (e), (f) and (k) added

- (r) The contempt, censure, and removal of any members.
- (s) Any resolutions to exclude members of the public.
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for Minute taking.

28.3. No discussion on Minutes

The only topic that may be discussed at a subsequent meeting, with respect to the Minutes, is their correctness.

28.4. Minutes of last meeting before election

The Chief Executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the Minutes of the last meeting of the local authority and Community Boards before the next election of members.

29. Keeping a record

29.1. Maintaining accurate records [ADDED]

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, to be able to be used for subsequent reference.

Public Records Act 2002, s 17.

Commented [TK39]: ADDED: Maintaining accurate records

29.2. Method for maintaining records [ADDED]

Records of Minutes may be kept in hard copy (Minute Books) and / or in electronic form. If Minutes are stored electronically, the repository in which they are kept must meet the following requirements:

The provision of a reliable means of assuring the integrity of the information is maintained; and

- (a) The information is readily accessible to be usable for subsequent reference.
- (b) Contract and Commercial Law Act 2017, s 229(1).

Commented [TK40]: ADDED: Method for maintaining records

29.3. Inspection

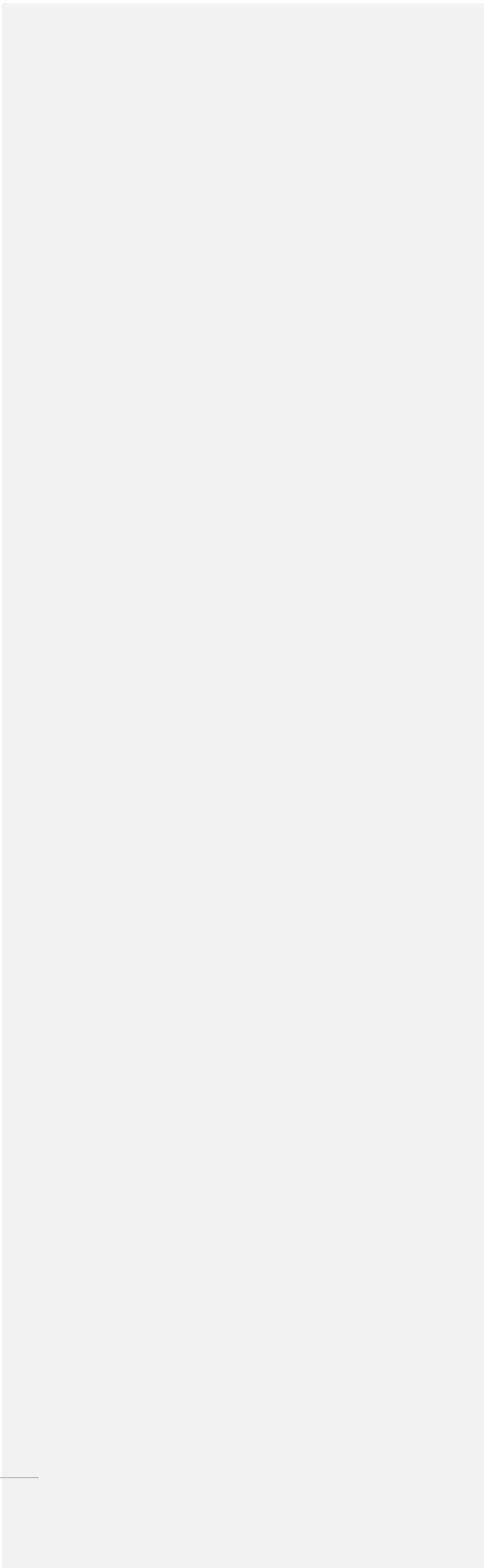
Whether held in hard copy or in electronic form Minutes must be available for inspection by the public.

LGOIMA 1989, s 51.

29.4. Inspection of public excluded matters

The Chief Executive must consider any request for the Minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

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REFERENCED DOCUMENTS

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

LGOIMA 1989, s 7.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

LGOIMA 1989, s 48.

Appendix 2: Sample resolution to exclude the public

Commented [TK41]: AMENDED EXTESIVLY: Sample resolution to exclude the public

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

1 that the public is excluded from:

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

~~THAT the public be excluded from the following parts of the proceedings of this meeting, namely:~~

- ~~Name of report(s)~~
[AMENDED]

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

General subject of each matter to be considered Meeting Item No. and subject	Reason for passing this resolution in relation to each matter Reason for excluding the public	Ground(s) under section 48(1) for the passing of this resolution Grounds for excluding the public.
Put in name of report [DELETED]	Good reason to withhold exists under Section 7. [DELETED]	To prevent the disclosure of information which would— i. be contrary to the provisions of a specified enactment; or ii. Constitute contempt of court or of the House of Representatives (s.48(1)(b)). [ADDED] That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) [AMENDED]
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)). [ADDED] That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) [AMENDED]

General subject of each matter to be considered Meeting Item No. and subject	Reason for passing this resolution in relation to each matter Reason for excluding the public	Ground(s) under section 48(1) for the passing of this resolution Grounds for excluding the public:
Hearings Committee [DELETED]	To enable the Committee to consider the application and submissions. OR To enable the Committee to consider the objection to fees and charges. OR To enable the Committee to. [DELETED]	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in [AMENDED] any proceedings where: i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act. [AMENDED] s. 48(1)(d).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)). [ADDED]
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)). [ADDED]
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)). [ADDED]
		To maintain legal professional privilege (s 7(2)(g)). [ADDED]
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)). [ADDED]

General subject of each matter to be considered Meeting Item No. and subject	Reason for passing this resolution in relation to each matter Reason for excluding the public	Ground(s) under section 48(1) for the passing of this resolution Grounds for excluding the public:
		To protect information which if public would: i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)). [ADDED]
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none">• a resource consent, or• a water conservation order, or• a requirement for a designation or• an heritage order, (s 7(2)(ba)). [ADDED]
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)). [ADDED]
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)). [ADDED]
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)). [ADDED]
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)). [ADDED]
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)). [ADDED]

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

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows: [DELETED]

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i)) [DELETED]
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a)) [DELETED]
	Maintain legal professional privilege (Schedule 7(2)(g)) [DELETED]
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j)) [DELETED]
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)) [DELETED]
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba)) [DELETED]
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(e)) [DELETED]
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d)) [DELETED]

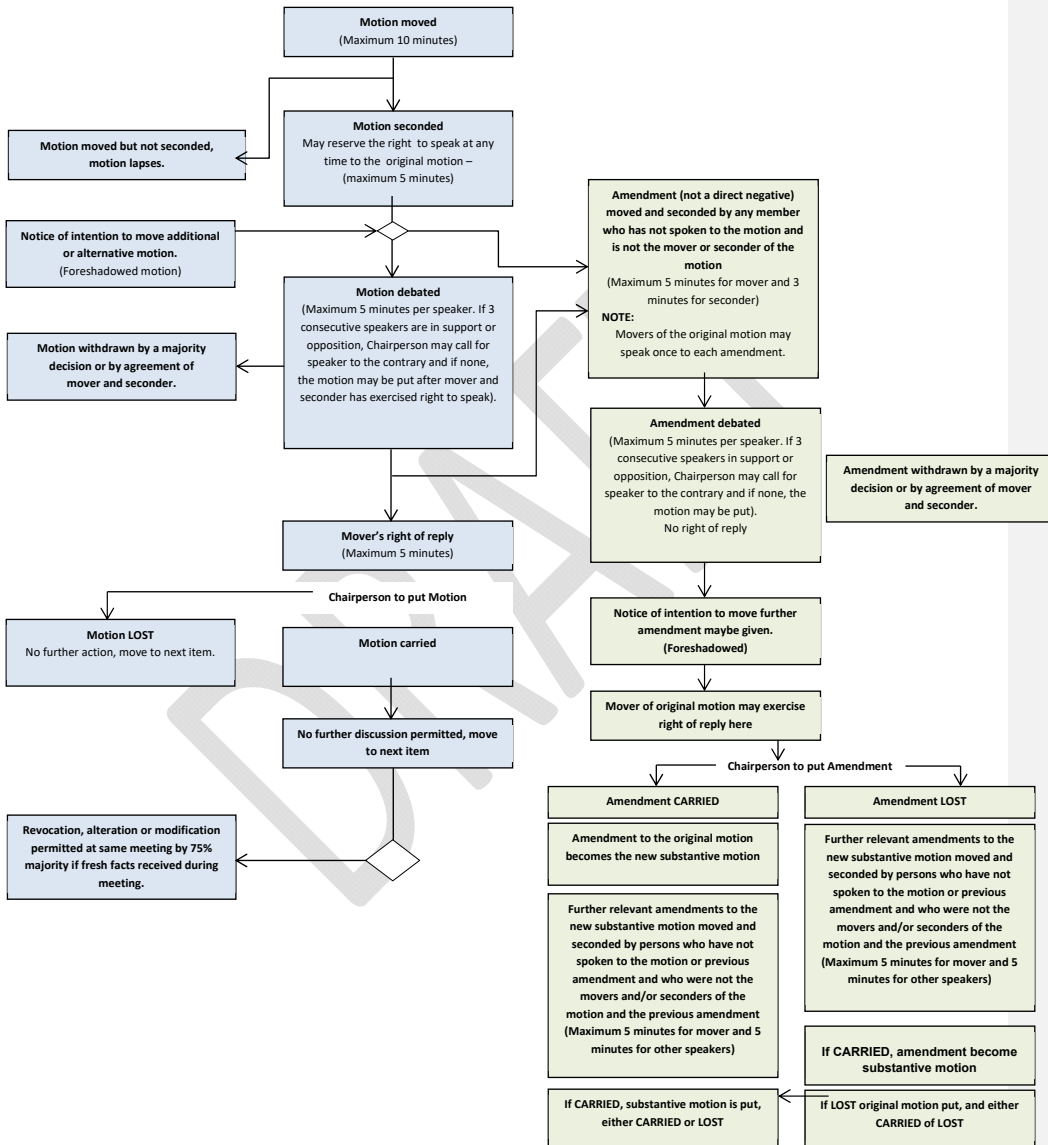
Item No	Interest
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e)) [DELETED]
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(iii)). [DELETED]
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h)) [DELETED]

~~THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX. [DELETED]~~

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Appendix 3: Motions and amendments (WDC)

Motions without amendments Motions with amendments



Appendix 4: Table of Procedural Motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 5: Webcasting Protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the Agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has NO casting vote.

Motion in writing

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

Motion in parts

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

Notice of motion

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

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

Priority of speakers

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

Minutes

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

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

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

Audio- or audio-visual attendance

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

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

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the Deputy Chairperson or a member who is physically present. **[ADDED]**

Commented [TK42]: ADDED: Audio- or audio-visual attendance

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Deputy Mayor from office

1. At a meeting that is in accordance with this clause, a local authority may remove its Deputy Mayor from office.
2. If a Deputy Mayor is removed from office at that meeting, the territorial authority may elect a new deputy mayor at that meeting.
3. A meeting to remove a Deputy Mayor may be called by:
 - (a) a resolution of the territorial authority; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Deputy Mayor is removed from office, a new Deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The Chief Executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Deputy Mayor carries if a majority of the total membership of the territorial authority (excluding vacancies) votes in favour of the resolution.

LGA 2002cl, sch 7, 18.

Appendix 9: Workshops/Briefings

Definition of Briefing Session

Briefing sessions provide a valuable opportunity to enhance the understanding of matters and to sound out potential options that will assist with informing future staff reports that the Council will consider in their future decision-making process. The briefing sessions are a forum for the Chief Executive and Council staff to address any elected member questions and provide additional background on matters of interest to the Council. **No decision making or voting takes place at briefing meetings. Briefing sessions are public excluded meetings**, whereby the discussion is restricted to the parties in the Chamber/room. Briefing sessions occur with consideration given to LGOIMA and reasons for excluding the public.

Definition of Workshop Session

Workshop sessions are a process for elected members, staff and where required, external parties to collaborate and develop or advance proposals such as masterplans with the organisation on topics of strategic importance and collectively develop proposals prior to the formal decision-making process commencing. **Workshop sessions are open to the public.**

Application of standing orders to workshops and briefings

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

Calling a workshop/briefing

Workshops, briefings (PX) and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the Chief Executive
- (e) by member or staff request.

Process for calling workshops/briefings

Regular Council briefings and workshops shall be held in accordance with the Waimakariri District Council Meeting Schedule monthly with the Council. Community Board briefings and workshops shall be held on 'an as need' basis and included on formal agendas. Notification and diary commitments will be provided to Councillors with the agenda.

The Mayor or Chief Executive may call additional briefing and workshop sessions for the Council as deemed necessary for the discussion of emerging matters, in consultation with the General Manager of the department with expertise. The Chairperson or Senior Manager may call for additional briefing or workshop sessions if required. Scheduling of such additional meetings will be undertaken by the Governance team.

The Chief Executive or Governance staff will give at least 24 hours' notice of the time and place of the workshop/briefing and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop or briefing (Public Excluded)
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Advertising workshops/briefings

Briefing sessions are not advertised in newspapers.

Workshops will be advised via an agenda of a formal meeting (when time permits) and listed on the Council website under the meeting schedules, however, will not be advertised in newspapers. Notification of a workshop may occur in an agenda if the workshop immediately follows the conclusion of a formal meeting.

Record of workshop

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

- (a) the name of each elected member who attended the meeting.
- (b) other persons (e.g. members of the public, Council staff) who attended the meeting,
- (c) other than elected members.
- (d) the matters discussed at the meeting.
- (e) any conflicts of interest declared.
- (f) a copy of presentation material provided during the briefing (including slide decks,
- (g) handouts etc. but not confidential documents); and
- (h) any matters arising as a result of the discussion.

Appendix 10: Sample order of business

Council: Open section

- (a) Apologies
- (b) Declarations/conflicts of interest
- (c) Acknowledgements and tributes [ADDED]
- (d) Confirmation of Minutes
- (e) Matters Arising
- (f) Public Forum [ADDED]
- (g) Deputations and Presentations
- (h) Petitions [ADDED]
- (i) Adjourned Business
- (j) Reports
- (k) Matters referred from Committees
- (l) Matters referred from Community Boards
- (m) Health & Safety (CE Report every month)
- (n) Committee Minutes for Information
- (o) Community Board Minutes for Information
- (p) Correspondence
- (q) Mayor's Diary
- (r) Council Portfolio Updates
- (s) Questions Under Standing Orders
- (t) Urgent General Business Under Standing Orders
- (u) Matters to be considered with the public excluded
- (v) Date and Venue for next meeting

Commented [TK43]: Headings (c), (f) and (h) to be added to Agendas is required.

Public excluded section

- (a) Apologies
- (b) Declarations/conflicts of interest
- (c) Confirmation of Minutes
- (d) Matters Arising [ADDED]
- (e) Reports [ADDED]
- (f) Reports referred from Committees and/or Community Boards
- (g) Resolutions of matters considered in public excluded

Commented [TK44]: Headings: (d) and (e) added

Standing Committees

Same order as above

Appendix 11: Process for raising matters for a decision

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

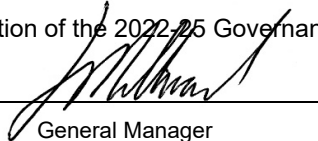
- (a) Report of the Chief Executive;
- (b) Report of the Chairperson;
- (c) Report of a Committee;
- (d) Report of a Community Board; or
- (e) Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- (a) Report of the chief executive; or
- (b) Report of the Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the Chairperson.

DRAFT

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-32 / 230223025297**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 March 2023**AUTHOR(S):** Sarah Nichols, Governance Manager**SUBJECT:** Adoption of the 2022-25 Governance Statement**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)


General Manager



Acting Chief Executive
1. SUMMARY

The purpose of this report is to adopt a revised copy of the Governance Statement. The statement is a collection of information about how the Council works and is a requirement of the Local Government Act 2002.

Attachments:

- i. Draft Governance Statement, March 2023 (Trim 230202013767)

2. RECOMMENDATION**THAT** the Council

- (a) **Receives** Report No. 230223025297
- (b) **Adopts** the Governance Statement document for the 2022-25 triennium (Trim 230202013767), which will be placed on the Council website.
- (c) **Approves** the Governance Manager to undertake any minor edits prior to finalisation.
- (d) **Circulates** a copy of the document to the Community Boards.

3. BACKGROUND

- 3.1. The Governance Statement is a disclosure document which records the roles of the Council, its elected members and staff. The Local Government Act outlines the information which is required to be included in the statement and this is shown in section 7 of the report.

4. ISSUES AND OPTIONS

- 4.1. The statement is required to be adopted by the Council within six months after the triennial local body election of members, therefore before 9 April 2023.
- 4.2. The statement clarifies the governance and the management responsibilities, the governance role and expected conduct of elected members, and describes the division of responsibility between the Council and management.

- 4.3. There is a difference between the Council (ie the Mayor and Councillors) as a governing body and the Council as an organisation. The former has overall and ultimate responsibility and accountability for the proper direction and control of the Council's activities. The organisation is there to implement decisions on behalf of the Mayor and Councillors and provide them with advice; to do this the Council must appoint a Chief Executive who in turn employs all other staff.
- 4.4. The Council is also looking at implementing a Charter which is a simplified, non-legislative document outlining the Council scope and responsibilities to the community. This document will be brought before the Council for consideration and adoption in the near future. The Charter is an outcome from the CouncilMARK programme assessment.

Implications for Community Wellbeing

There are not implications on community wellbeing by the issues and options that are the subject matter of this report.

- 4.5. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

5.2. Groups and Organisations

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. Wider Community

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report. The report is available to the public, including on the website.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

There are not financial implications of the decisions sought by this report.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 Risk Management

- 6.3. There are not risks arising from the adoption/implementation of the recommendations in this report. The legislation requires the Council to adopt a statement within six months of the Local Body election held on 8 October 2022.

6.3 Health and Safety

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

Extract from Local Government Act 2002

40 Local governance statements

(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—

- *(a) the functions, responsibilities, and activities of the local authority; and*
- *(b) any local legislation that confers powers on the local authority; and*
- *(ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under [section 158](#) or [159](#); and*
- *(c) the electoral system and the opportunity to change it; and*
- *(d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and*
- *(e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and*
- *(f) governance structures and processes, membership, and delegations; and*
- *(g) meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and*
- *(h) consultation policies; and*
- *(i) policies for liaising with, and memoranda or agreements with, Māori; and*
- *(j) the management structure and the relationship between management and elected members; and*
- *(ja) the remuneration and employment policy, if adopted; and*
- *(k) equal employment opportunities policy; and*
- *(l) key approved planning and policy documents and the process for their development and review; and*
- *(m) systems for public access to it and its elected members; and*
- *(n) processes for requests for official information.*

(2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.

(3) A local authority must update its governance statement as it considers appropriate.

7.3. Consistency with Community Outcomes

The Council's community outcomes are relevant to the actions arising from recommendations in this report. Public organisations make information about their plans and activities readily available.

7.4. Authorising Delegations

Legislative requirement.



Governance Statement

Prepared in terms of Sections 40 and 274 of the Local Government Act 2002

Adopted by Council: 7 March 2023

Governance | 2023



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1. What is a Governance Statement

Waimakariri District Council's Governance Statement is a collection of information about how the Council works.

It outlines how the Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

The Governance Statement describes the effective, open and transparent processes used by Council, ensures separation of regulatory and non-regulatory responsibilities, and explains the good employer requirements.

The Council's Governance Statement is a requirement of Section 40 of the Local Government Act 2002.

The Council is required to produce a new Governance Statement within six months after each triennial election.

2. Functions, Responsibilities and Activities

The purpose of the Waimakariri District Council is to enable democratic local decision-making and action by, and on behalf of, communities, and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. The Council also has a responsibility to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

Under legislation the Council, as a territorial authority, has a responsibility to conduct its business in an open, transparent and democratically accountable manner and give effect to its identified priorities and desired outcomes in an efficient and effective manner. A local authority should make itself aware of, and should have regard to, the views of all its communities, and when making a decision should take account of the diversity of the community and the community interests, within its district or region.

Waimakariri District Council has a current population of 69,200 with anticipated growth between 95,500 and 100,000 by 2050 and is governed by a Mayor and ten elected Councillors. The Council provides services for residents and ratepayers, businesses, organisations and visitors to the Waimakariri District. Total operating expenditure on these services is approximately \$115million (2022-2023). The community assets needed to provide these services have an estimated net value of \$2.2billion (2022-2023).

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. This responsibility includes:

- Formulating the District's strategic direction and priorities in conjunction with the community via the the Long Term Plan (LTP) and Annual Plan
- Determining the services and activities to be undertaken; including the level of service for each activity
- Managing principal risks
- Administering various regulations and upholding the law
- Monitoring the delivery of the LTP and Annual Plan
- Ensuring the integrity of management control systems
- Safeguarding the public interest
- Reporting to ratepayers.

3. Statutes Pertaining to Local Government

The nature of the Local Government Act 2002 means that the Council must work with neighbouring local authorities (ie Christchurch, Selwyn and Hurunui), the regional council (Environment Canterbury) and other bodies engaged in community services (eg Police and Fire).

In fulfilling its purpose, the Waimakariri District Council exercises powers and fulfils responsibilities conferred on it by various Statutes.

Chief among these are: the Local Government Acts of 1974 and 2002; Local Government Act 2002 Amendment Bill (no.2); the Local Electoral Act 2001; Local Government Borrowing Act 2011; the Local Government (Rating) Act 2002; the Local Government Official Information and Meetings Act 1987, and the Resource Management Act 1991. Following earthquakes in 2010 and 2011, the Canterbury Earthquake Recovery Act 2011 was a significant piece of legislation that the Council must take account of, however this has been superseded by the Greater Christchurch Regeneration Act 2016.

Other general Acts of Parliament that confer powers on the Waimakariri District Council and regulate its functions are listed in Appendix 1.

4. Local Legislation

The Waimakariri District Council is bound by the following local legislation that applies specifically to it:

- Waimakariri Harbour Act 1946,
- Kaiapoi (Maori) Reserves Act 1905
- Ngāi Tahu (Tutaepatu Lagoon Vesting) Act 1998
- Canterbury Museum Trust Board Act 1993
- Waimakariri River Improvement Act 1922
- Ngai Tahu Claims Settlement Act 1998
- Borough of Rangiora Water-supply Act 1900
- Local Legislation Act
- Oxford Road District Act 1905
- Ashley River Improvement Act 1925

5. Bylaws

Bylaws are generally reviewed five years after adoption and implementation of the bylaw, and then reviewed on a ten-yearly basis thereafter. The Council has the discretion, by resolution, to bring forward a review if deemed necessary.

	Title	Description	When Adopted	Next Review
1	Fire Control Bylaw 2014	To cover gaps in existing legislation in relation to fire safety that regulates activities for the light of open-air fires during open, restricted, and prohibited fires seasons in the district.	November 2014	Subject to FENZ regulations

	Title	Description	When Adopted	Next Review
2	Wastewater Bylaw 2015	Relates to discharge of domestic wastewater and trade waste into the wastewater reticulation system of the district.	August 2015	10 years
3	Northern Pegasus Bay Bylaw 2016	To control activities and the use of land, including camping, the use of horses and the use of vehicles, on the foreshore, beaches, and adjacent areas of Northern Pegasus Bay.	July 2016	5 years
4	Solid Waste and Waste Handling Licensing Bylaw 2016	To prevent the contamination of recoverable resources and maximise the recovery of recyclable resources. It is also to ensure that waste is collected in a safe and efficient manner, and that waste does not cause a nuisance.	September 2016	10 years
5	Commercial Charity Bylaw 2017	To regulate and licence commercial charity collectors operating in business zones.	March 2017	10 years
6	Stormwater Drainage and Watercourse Protection Bylaw 2018	To provide a mechanism to control the discharge of contaminants into public drains.	May 2018	10 years
7	Alcohol Control Bylaw 2018	To stop people taking liquor into public places.	October 2018	5 years
8	Water Supply Bylaw 2018	To protect, promote and maintain public health and safety through the provision of water services in the Waimakariri District.	November 2018	10 years
9	Vehicle Crossing Bylaw 2019	To ensure that vehicle crossings (entranceways) provide safe and convenient access to property, allowing for other traffic and pedestrians, allowing for good drainage without damaging the roading asset, and are constructed and maintained to Councils specifications.	June 2019	10 years
10	Dog Control Bylaw 2019	To encourage the responsible ownership of dogs and to promote the control of dogs in public places.	December 2019	10 years
11	Parking Bylaw 2019	To ensure compliance with parking conditions.	December 2019	10 years

	Title	Description	When Adopted	Next Review
12	Signage Bylaw 2019	To enhance road safety in the Waimakariri District by avoiding dangerous placement of signs that could impair visibility or access for road users or pedestrians and to seek to avoid public nuisance by ensuring advertising displays and signage on footpaths does not obstruct the passage of pedestrians and/or disabled people.	December 2019	5 years
13	Stock Movement Bylaw 2020	To control the movement of stock along and across roads.	May 2020	10 years
14	Property Maintenance Bylaw 2020	To encourage appropriate maintenance of undeveloped residential zone sections, and to generally protect the public from dangers to public health and safety.	November 2020	5 years
15	Stock Water Race Bylaw 2021	Sets the conditions and defines responsibilities in the supply of water for stock consumption from the water race system.	February 2022	10 years
16	Speed Limits Bylaw 2022	To contribute to a safe and efficient road network by imposing reasonable, appropriate, and enforceable speeds limits. - REVOKED	July 2022	10 years

6. The Electoral System and the opportunity to change it

The Waimakariri District Council currently conducts its elections under the “First Past the Post” electoral system as determined following its review in 2015. By this method electors vote for their preferred candidates and those with the most votes are elected.

Under the Local Electoral Act 2001 there are three ways a District Council’s voting system can be changed: by Council resolution, by a binding poll, or by the electors petitioning for a poll. Once changed, that system is to be used for the next two elections.

The next electoral representation review for the District will take place in 2023.

7. Representation Arrangements

Every six years the Council is required to review its representation arrangements which includes consulting the public on the number of elected members and wards the Council has, along with names, boundaries and number of community boards it may choose to have. Representation considers areas of community and uses population statistics to ensure fair representation is in proportion with each ward or elected member numbers.

The next electoral representation review for the District will take place in 2023 and be in place for the October 2025 local body elections. The outcome of decisions authorised by the Local Government Commission will be binding on the Council for the next two triennium elections, although if there was a major change in district circumstances such as unprecedented growth, a review can occur three years following the previous review.

The Council consists of the Mayor and ten district councillors responsible for decisions on behalf of the whole district. The district is divided into three wards of which four councillors represent the Kaiapoi-Woodend Ward, four councillors represent the Rangiora-Ashley Ward and two councillors represent the Oxford-Ohoka Ward.

The Council also has four Community Boards, which are a separate entity to the Council. The three wards are further divided based on proportional population for fair Community Board representation. The Oxford-Ohoka and Rangiora-Ashley Wards are divided into two subdivisions whilst the Kaiapoi-Woodend Ward is divided into two communities, each represented by a separate Community Board.

Community Board members are democratically elected by the community within their subdivision. At the first meeting of the Council following the triennium election (27 October 2022), the Council appoints Ward councillors to each Community Board, in addition to the elected Community Board members.

Rangiora-Ashley Community Board consists of:

- Two Community Board members from the Ashley subdivision
- Six Community Board members from the Rangiora subdivision
- Four appointed Councillors from the Rangiora-Ashley Ward

Oxford-Ohoka Community Board consists of:

- Three Community Board members from the Swannanoa-Ohoka subdivision
- Three Community Board members from the Oxford subdivision
- Two Oxford-Ohoka Ward Councillors

Woodend-Sefton Community Board consists of:

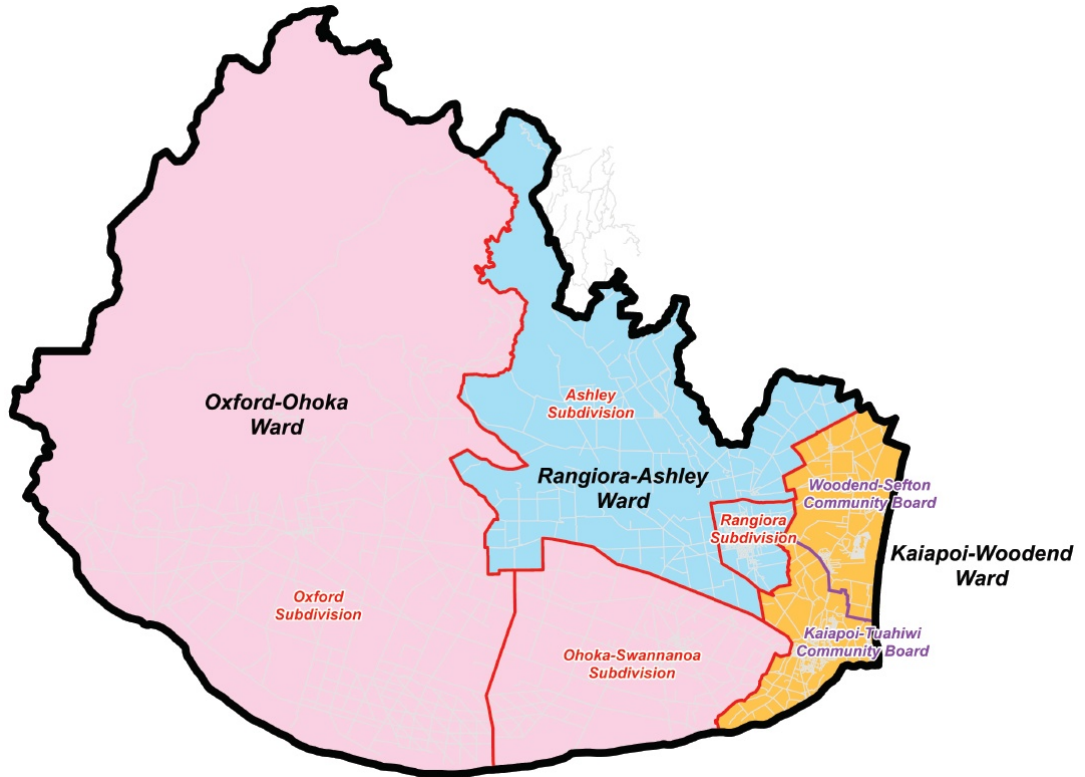
- Five Community Board members from the Woodend-Sefton community area
- Two Kaiapoi-Woodend Ward Councillors

Kaiapoi-Tuahiwi Community Board consists of:

- Five Community Board members from the Kaiapoi-Tuahiwi community area
- Two Kaiapoi-Woodend Ward Councillors.

7.1 Wards

Waimakariri District is divided into three wards and their locations are as shown on the map below. The district is supported by four community areas, represented through the four Community Boards.



POPULATION (approximate)

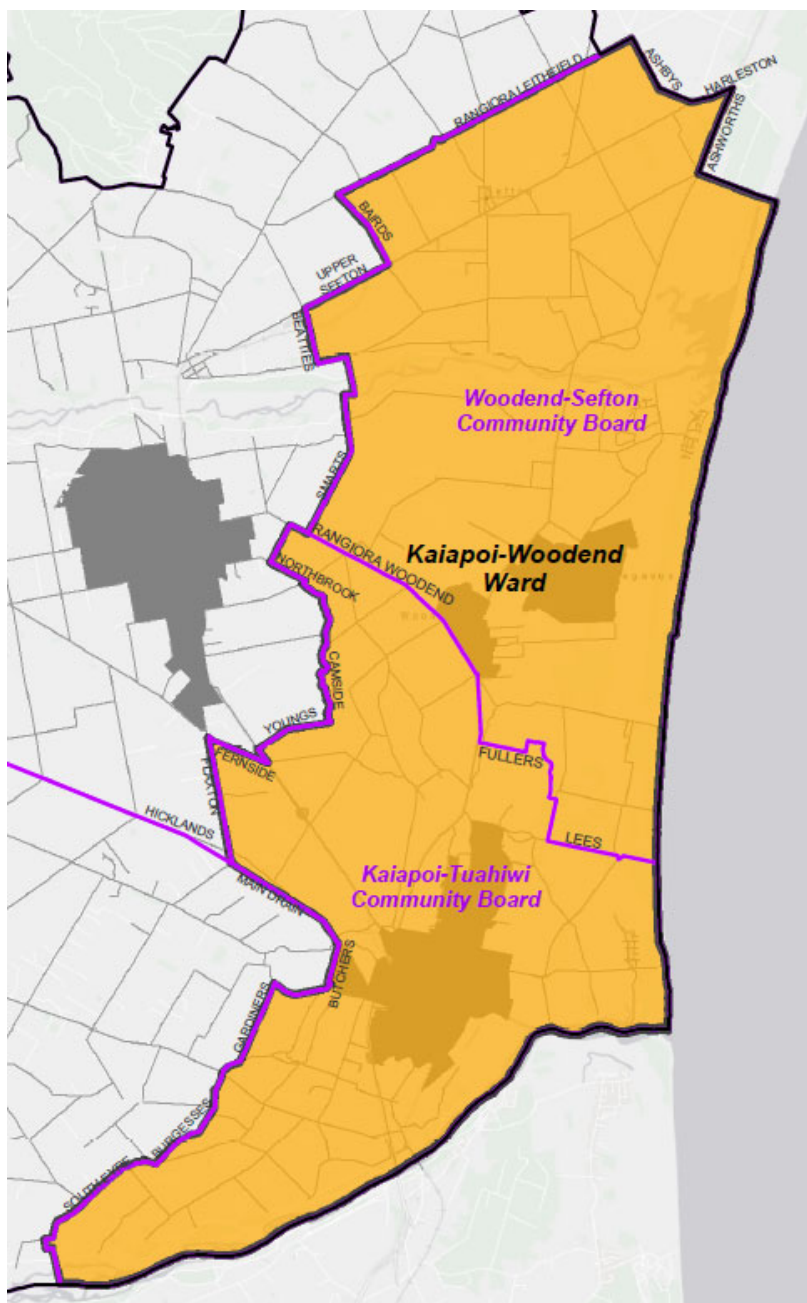
Oxford-Ohoka Ward	(population 13,200)
Kaipoi-Woodend Ward	(population 26,100)
Rangiora-Ashley Ward	(population 26,900)
District Total	66,200

(Source (January 2022): Statistics NZ population estimates as at 30 June 2021)

7.2 Ward Boundaries

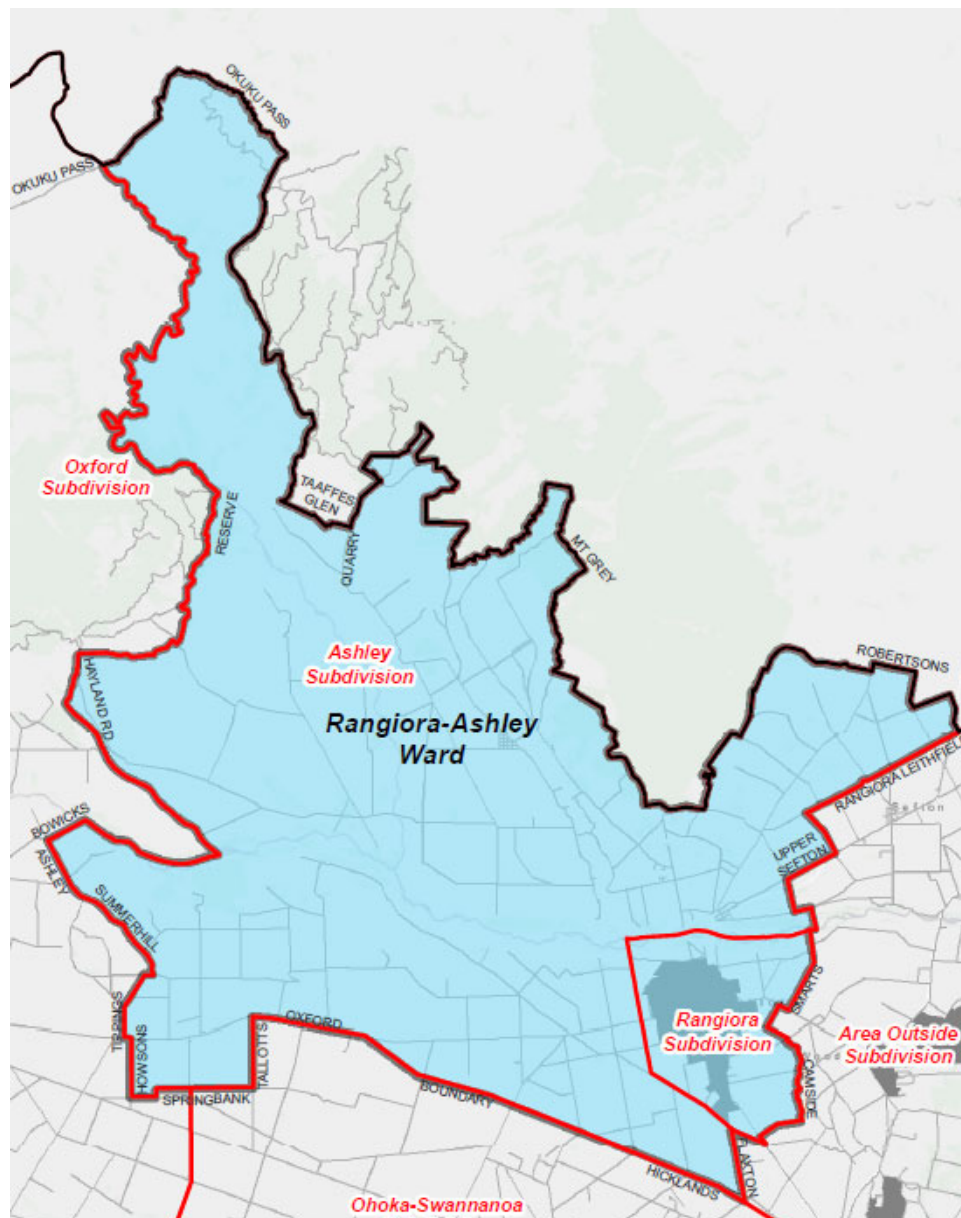
Kaiapoi-Woodend Ward

To the district's northern boundary the Kaiapoi-Woodend Ward follows the Rangiora Leithfield Road, to Bairds Road, Upper Sefton Road, Beatties Road, Lower Sefton Road and between MB 2440301 and 2440302 to the Ashley River/Rakahuri. To the south of the Ashley River/Rakahuri the Kaiapoi-Woodend Ward follows Smarts Road, Rangiora Woodend Road, the boundary between Lot 2 DP80275 and Lot 2 DP306045 to Northbrook Road, Boys Road to the Cam River. It then follows the Cam River to Youngs Road, Lineside Road to Fernside Road, and along Flaxton Road, Skewbridge Road, Island Road, (incorporating MB2454800), Butchers Road, part MB2456302 along the Kaiapoi River and Gardiners Road (part MB2456302) to Burgess Road, South Eyre Road and Harpers Road to the Waimakariri River.



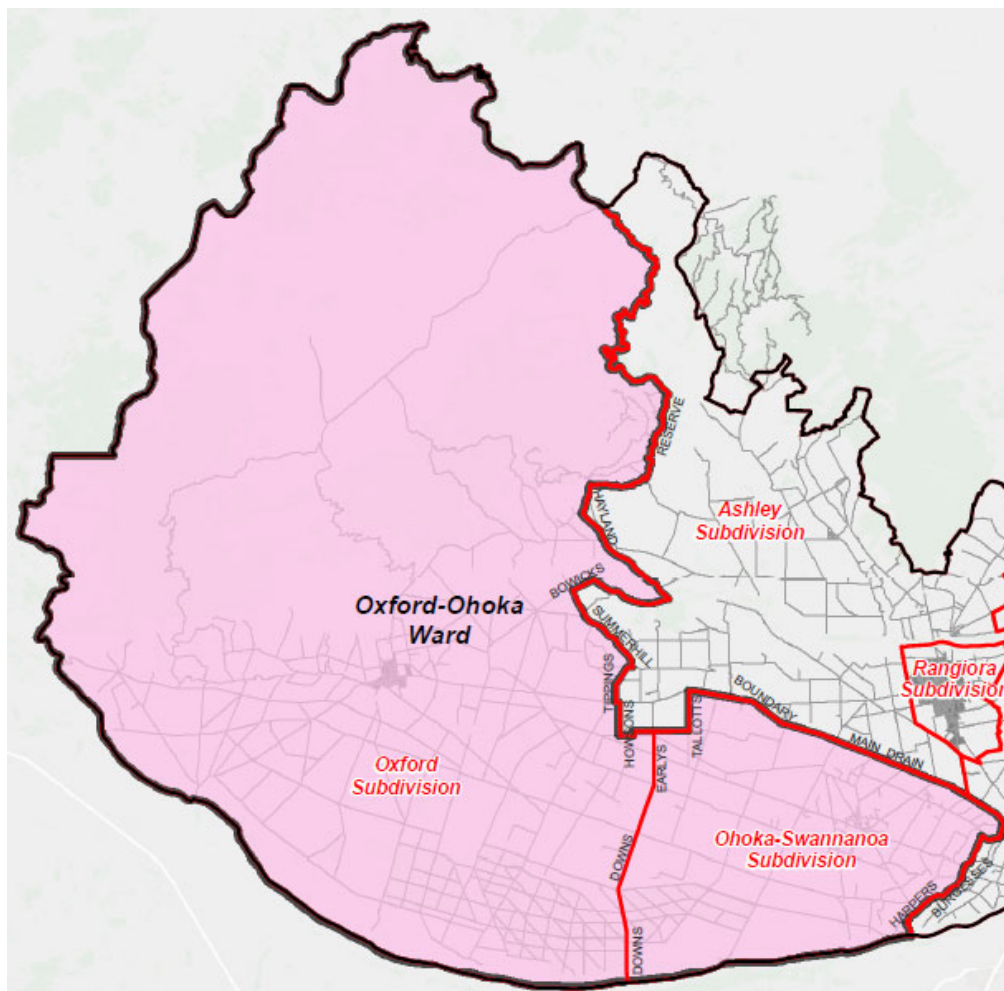
Rangiora-Ashley Ward

From the south of the Ashley River/Rakahuri in the west along Bowicks Road, Ashley Road, Summerhill Road, Reids Road, Tippings Road, Howsons Road, Springbank Road, Tallotts Road, Oxford Road, Boundary Road, the Main Drain, Flaxton Road, Fernside Road, Lineside Road and Youngs Road. Follow the Cam River to Boys Road then Northbrook Road and along the boundary between Lot 2 DP80275 and Lot 2 DP306045 to Rangiora Woodend Road, and along Rangiora Woodend Road to Smarts Road to the Ashley River/Rakahuri. North of the Ashley River/Rakahuri in the west the Rangiora-Ashley Ward commences on the northern boundary at the Okuku River; thence across Mt Thomas to the Garry River at the boundary of mesh block 2438500 and to the confluence of the Ashley River/Rakahuri and the Garry River. The eastern boundary to the north of the Ashley River/Rakahuri follows between MB 2440301 and 2440302 to the Lower Sefton Road, Beatties Road, Upper Sefton Road, Bairds Road and Rangiora Leithfield Road to the district boundary.



Oxford-Ohoka Ward

North of the Ashley River/Rakahuri in the east the Oxford-Eyre Ward commences on the northern boundary at the Okuku River; thence across Mt Thomas to the Garry River at the boundary of mesh block 2438500 and to the confluence of the Ashley River/Rakahuri and the Garry River. In the south-east from the Waimakariri River the Oxford-Eyre Ward follows Harpers Road, Burgess Road to Gardiners Road, part MB2456302 along the Kaiapoi River, Butchers Road, Island Road, Skewbridge Road, the Main Drain, Boundary Road, Oxford Road, Tallotts Road, Springbank Road, Howsons Road, Tippings Road, Reids Road, Summerhill Road, Ashley Road and Bowicks Road to the Ashley River/Rakahuri. From this point to the confluence with the Garry River the Ashley River/Rakahuri forms the boundary between the Oxford-Eyre Ward and the Rangiora-Ashley Ward. The Waimakariri River provides the southern boundary for the Oxford-Eyre Ward and the District Boundary the western and north-western boundary of this ward.



Subdivision Boundaries

Kaiapoi-Woodend Ward subdivision boundary being east to west; Rangiora-Woodend Road, Main North Road (SH1), Fullers Road, Jeffs Road, Lees Road to the coast.

Rangiora-Ashley Ward subdivision boundary being the north side of the Ashley River to the ward boundaries then south on Lehmans Road, Fernside Road to the junction of Flaxton Road with Rangiora being the urban development strategy boundary.

Oxford Subdivision to the West of the subdivision line and Ohoka-Swannanoa Subdivision to the East of the subdivision line in Oxford-Ohoka Ward north to south from the Rangiora-Ashley ward boundary; Earlys Road and Downs Road to the Waimakariri River.

NOTE – Detailed maps are available at any of the Council's service centres and on the website (waimakariri.govt.nz).

7.3 Elected Members

For the purposes of the election (voting), only those eligible residents in that particular subdivision will be able to vote for candidates (Board members) standing in that particular subdivision. Once elected they will be working for the whole Community Board area, ie. Rangiora-Ashley Community Board – six member vacancies for the Rangiora urban boundary and two member vacancies for the rural areas (Fernside, Cust, Okuku, Loburn).

Councillors are elected by all eligible residents of the whole ward.

The Mayor is elected 'at large' across the district.

Waimakariri District has a total of 35 elected members consisting of one Mayor, ten Councillors, and 24 Community Board members.

7.4 Community Boards

The Local Electoral Act 2001 requires the Council to review the Community Board structures. This review was carried out during 2021 and will next take place in 2023 due to further Census data becoming available which will better reflect the growth patterns in the district particularly in the east and north of the district.

The review in 2015 resulted in the establishment of four new community boards, as follows:

Kaiapoi-Woodend Ward comprises two Community Boards in two community areas; the Kaiapoi-Tuahiwi Community Board and Woodend-Sefton Community Board, each with five members elected to the Board and two appointed Councillors.

Rangiora-Ashley Ward has one Community Board, comprising of a Rangiora Subdivision (six board members) and Ashley Subdivision (two board members) plus four appointed Councillors.

Oxford-Ohoka Ward has one Community Board, comprising of Oxford Subdivision (three board members) and Ohoka-Swannanoa Subdivision (three board members) represented on the Oxford-Ohoka Community Board plus two appointed Councillors.

The Council appoints Councillors to each Community Board at their first meeting and the Community Boards elect their own chairperson at their first meeting after election.

Elected members are paid in accordance with the Remuneration Authority determination set in July 2022. For areas where there are no community boards, electors can demand the formation of a new Community Board. This is done by a process, similar to the reorganisation process, described in Section 7.

7.5 Māori Wards

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for Māori electors. The Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. A petition of five percent (or more) of electors can require the Council to conduct a poll.

The Council considered and consulted on the introduction of separate Māori wards for the 2016 elections in 2015 and did not establish a Māori ward at that time. The formula for calculating Māori membership is contained in the Local Electoral Act, clause 4 of Schedule 1A. The January 2020 current calculation has insufficient Māori registered on the Māori electoral roll to establish a separate Māori seat.

7.6 Review Of Representation Arrangements

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- The number of Elected Members (between six and 30 including the Mayor);
- Whether the Elected Members (other than the Mayor) shall be elected by the entire District, or continue to be elected by their Ward, or a mix of both systems;
- The boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred);
- Whether or not to have separate Māori wards;
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Act gives residents the right to make a written submission to the Council, and the right to be heard if they wish.

Submitters have the right to appeal any decisions on the above to the Local Government Commission, which will make a binding decision on the appeal. Where the Council amends the original proposal, there is a further objection process available for all persons, to the Local Government Commission. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

The Council last conducted a review in 2021 for the elections held in October 2022. The Council will review representation in 2023 for the October 2025 elections.

8. The Reorganisation Process

The Local Government Act 2002 sets out the procedures, which must be followed during proposals to:

- Make changes to the boundaries of the District;
- Create one or more new Local Authorities (City or District Councils);
- Create a Unitary Authority, (i.e. incorporate the functions of the Canterbury Regional Council (Environment Canterbury) in the Waimakariri District Council);
- Transfer a particular function or functions to another council.

The procedures for resolving each type of proposal are slightly different. In general, they begin with a proposal from the local authority, the Minister of Local Government, or by a petition signed by 10 percent of electors.

Proposals for a boundary alteration or the transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission. The Commission will deal with proposals for the establishment of a new District or for the creation of a Unitary Authority. These proposals cannot be implemented without a poll of electors.

Further information on these requirements can be found in the Local Government Act 2002. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

9. Members' Roles and Conduct

9.1 Division of Responsibility Between the Council and Management

Key to the effective running of any council is that there is clarity over the role of Elected Members and that of management. This Governance Statement clarifies the governance and the management responsibilities, the governance role and expected conduct of Elected Members, and describes the division of responsibility between the Council and Management. Simply put staff advise, elected members decide and staff implement those decisions.

There is an important difference between the Council (ie the Mayor and Councillors) as a governing body and the Council as an organisation. The former has overall and ultimate responsibility and accountability for the proper direction and control of the Council's activities. The organisation is there to implement decisions on behalf of the Mayor and Councillors and provide them with advice. To do this the Council must appoint a Chief Executive who in turn employs all other staff. Section 14 outlines the current management structure.

9.2 Role of the Council

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities. This responsibility includes, but is not limited to:

- Formulating the District's strategic direction in conjunction with the community - the Long Term Plan (LTP) and Annual Plan;
- Determining the services and activities to be undertaken and the levels of service for those activities and how service performance will be measured;

- Managing principal risks;
- Administering various regulations and up-holding the law;
- Monitoring the delivery of the LTP and Annual Plan;
- Ensuring the integrity of management control systems;
- Safeguarding the public interest;
- Reporting to ratepayers;
- Appointing the Chief Executive;
- Acting as a good employer.

9.3 Role of the Community Boards

Community Boards are constituted under section 52 of the Local Government Act 2002 to:

- Represent and act as an advocate for the interests of its community;
- Consider and report on all matters referred to it by the Council and any issues of interest or concern to the Community Board;
- Prepare an annual submission to the Council for expenditure within the community;
- Maintain an overview of services provided by the Council within the community;
- Communicate with community organisations and special interest groups within the community; and
- Undertake any other responsibilities delegated by the Council.

The Community Boards shall be responsible for:

1. Maintaining an overview of road works, water supply, sewerage, stormwater drainage, parks, recreational facilities, community activities, and traffic management projects within the community.
2. After consultation with the community preparation of an annual submission to the budgetary process of the Council for expenditure within the community.
3. Communication with community organisations and special interest groups within the community.
4. Performing such other functions as the Waimakariri District Council may delegate to the Board.

The Waimakariri District Council has made the following delegations to the four Community Boards:

Specific Jurisdiction

- (a) To prepare and adopt an Annual Community Board Plan that highlights the key issues, priorities and actions that the Board proposes to advance during the year.
- (b) To advise the Council and Standing Committees on local implications of such policies, projects and plans, which have district-wide impacts and are referred to the Board for comment.
- (c) To make a submission, prior to the Council adopting a draft Long Term Plan or Annual Plan, on the proposed Plan, as it relates to the Community area.

- (d) To make recommendations on policy matters to the Chief Executive and Management Team in respect of matters which affect the Community area.
- (e) To lead public meetings/discussion, as part of consultation on projects within the Board area and where delegated make budgetary decisions.
- (f) To determine matters relative to the discretionary sum approved by the Council for the community area. The discretionary sum is limited to projects within the Board area. The apportioned rate to be at least \$0.50 per person and to be reviewed three yearly.
- (g) To receive a copy of the notification of notified applications for Resource Consents within the Board area and submit where appropriate.
- (h) To recommend to the Council:
 - Purchase of land within approved budgets for parks, reserves, waterways or other local purposes
 - Sale of land where appropriate
- (i) Delegated authority on matters in the Community area in accordance with Council policies and guidelines in respect of the following matters:
 - Granting of leases or licences on reserves, excluding the airfield;
 - Approving, on behalf of the Council as landowner, proposed developments or activities on parks, reserves and waterways and within existing budgets. Approving consultation plans for new developments on parks, reserves or waterways which may include planting plans and play equipment.
 - To consider a submission to an application for a liquor licence in the Board Community area;
 - To consider a submission on any Gambling Venue Licence application in the Board Community area;
 - Where referred to the Community Board granting of rights of way and other easements (over Council owned property);
 - Where specifically delegated by the Council or a standing committee, assuming responsibility for implementing a project(s), within the approved Council budget and Council's policies and purchasing procedures;
 - Allocating discretionary and unspecified funding that the Council has budgeted for the Community area relating to the improvement, enhancement or replacement of amenity, recreation and roading assets;
 - Making, within approved budget limits, operational and funding decisions relating to Community Facility Groups, Reserve and Domain Advisory Groups in the Community area where the Group has made a recommendation to the Community Board;
 - Authorising, within approved budgets, Board member attendance at relevant conferences and/or training courses;
 - Approving traffic control signs on streets (eg, stop, give way, etc);
 - Approving traffic control and constraint measures on streets, and recommending to Resource Management & Regulations Committee; matters relating to Council parking by-laws;
 - Approving design and location of neighbourhood improvements;
 - Approving design and location of neighbourhood improvements;
 - Naming and re-naming of roads, streets and parks;
 - Where referred to the Board, the authority to approve the removal of street and recreation reserve trees;

- (j) Appointment of member(s), after appropriate training, to the Council's Hearings Committee. Where a resource consent application relates to the Community Board Ward and the Council decides to have Council/Community Board membership of the hearing Panel, an RMA accredited Community Board member will be invited to participate in the hearing and deliberation process.

Additional Community Board Specific Delegations

Kaiapoi-Tuahiwi Community Board

1. Responsibility for all residual matters relating to the Waimakariri Harbour within the authority of the Waimakariri Harbour Act 1946 and in consultation with Environment Canterbury as the Regional Authority and Harbourmaster.

9.4 Code of Conduct

Schedule 7 clause 15 of the Local Government Act 2002 requires every council to adopt a Code of Conduct for the Elected Members of the Council (the Mayor and Councillors). The current code was adopted by the new Council on 27 October 2022, following a review during the previous term in May 2019. The Code will be further reviewed in 2023. This code also applies to all people appointed to Committees or Sub-Committees of the Council.

The Kaiapoi-Tuahiwi Community Board, Woodend-Sefton Community Board, Rangiora-Ashley Community Board and the Oxford-Ohoka Community Board adopted the Code on 27 October 2022.

Waimakariri District Council's Code of Conduct provides guidance on the standards of behaviour expected from Elected Members in their dealings with:

- each other
- the Chief Executive
- staff
- the media
- the general public.

The objectives of the code are to enhance:

- the effectiveness of the Council;
- the credibility of the Council;
- mutual trust, respect and tolerance among members as a group and between members and those people they deal with in the course of their duties.

The code of conduct is based on the following principles:

- **Public interest:** Members should serve only the interests of the District as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity:** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behavior.
- **Objectivity:** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their

primary duty is to the interests of the entire district, not the ward that elected them.

- **Accountability:** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness:** Members should be as open as possible about their actions and those of the council and should be prepared to justify their actions.
- **Personal judgment:** Members can and will take account of the views of others, however should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- **Respect for others:** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the council staff.
- **Duty to uphold the law:** Members should uphold the law and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship:** Members must ensure that the council uses resources prudently and for lawful purposes and that the council maintains sufficient resources to meet its statutory obligations.
- **Leadership:** Members should promote and support these proposals by example and should always endeavour to act in the best interests of the community.

The code provides a mechanism for dealing with alleged breaches.

9.5 Applicable Statutory Requirements

The following are applicable statutory requirements relating to members.

Under **Section 46(1) Local Government Act 2002**, Councillors can be held liable for losses reported by the Auditor-General under section 44 of the same Act, resulting from negligence or unlawful action by the elected Council.

Under **Schedule 7 clause 1 Local Government Act 2002**, any Elected Member (the Mayor, a Councillor or a Community Board Member) will be disqualified if they cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993 or are convicted of an offence punishable by a term of imprisonment of two years or more.

The **Local Authority (Members' Interests) Act 1968** regulates the circumstances under which a member has a pecuniary interest in a matter before the Council. Without prior approval of the Controller and Auditor-General, nobody may be elected to a Council, or once elected, remain a member, if the value of contracts between the Council and that member exceed \$25,000 in any financial year. Nor may a member participate in the discussion or voting on a matter in which the member has a direct or indirect pecuniary interest, except an interest in common with the public. If members are convicted of a breach of this requirement they will be automatically disqualified from office. They may also be fined up to \$100. A disqualified member may, however, stand for election at a by-election.

The **Local Government Official Information And Meetings Act 1987 (“LGOIMA”)** The obligations of LGOIMA are binding on members and apply to the disclosure of information by a member in respect of any information held by that member (in his or her capacity as member) to a member of the public. The underlying principle is that unless there is good reason to withhold it, information should be made available. Section 7 of the Act gives a number of grounds for withholding disclosure.

The LGOIMA also sets out the procedural requirements for meetings of local authorities, the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings.

Local Government (Pecuniary Interests Register) Amendment Act 2022

The Act will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act. The Council will be required to keep a register of elected members' pecuniary interests and make a summary of it publicly available. Members are obliged to provide annual returns, which are to be included on the registers. Any failure to comply with the new obligations amounts to an offence. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000 and prosecutions.

The **Secret Commissions Act 1910** makes it unlawful for a Member (or officer) to advise anyone in respect of entering or not entering into a contract with a third person in relation to the business of the Council and/or receive a gift or reward from anyone outside the Council in return for advice or services in relation to the business of the Council, or to present false receipts to the Council.

The **Crimes Act 1961** makes it unlawful for Members to accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council, or use information gained in the course of the member's duties for monetary gain or advantage by the Member, or anyone else.

The **Securities Act 1978**, places Members in the same position as company directors whenever the Council offers shares in a company to the public. Members may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The **Health and Safety at Work Act 2015** requires Officers (Councillors and the Chief Executive) to undertake due diligence activities to discharge their responsibilities under the Act and to ensure the Council has effective health and safety processes, procedures and culture in place.

The **Local Government Act 2002 Amendment Act 2014**, (Certain Members Indemnified) provides for members being indemnified as outlined in section 48 (F). This will include members who have been appointed to a committee, community board (Councillors appointed to the Community Boards), or other subordinate decision-making body of the Waimakariri District Council. This gives the effect that members will not be responsible for costs, providing they act in good faith and come within the provisions of the section outlined and it will be the responsibility of the Council to meet the costs, or to claim from the appropriate parties.

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

10. Governance, Membership and Delegations

Please refer to Committee Structure (pg 23).

10.1 Council Meetings

The Council holds monthly meetings (normally the first Tuesday of each month except January) to make decisions and set policies relating to the business of the Council, monitor service delivery, and ensure that the affairs of the Council are being conducted lawfully and according to Council objectives. The Council also monitors the performance of Council Organisations and Council Controlled Organisations (including Council Controlled Trading Organisations) – see section 11 for details.

10.2 Council Committees

The Council has set up several Standing Committees made up of Elected Members to recommend actions to the Council, and to make delegated decisions, to effectively discharge specific responsibilities, and monitor the performance of activities delegated to that Committee. Each Committee meets every two months, with additional meetings held as required.

These Standing Committees are:

- Audit and Risk
- District Planning and Regulation
- Utilities and Roading
- Community and Recreation

10.3 Other Committees

The Council has appointed other Committees which meet as required to deal with specific issues including:

- Mahi Tahī Joint Development Committee

Hearings Committee: to hear applications and make decisions on matters referred by staff relating to resource consents, district plan, gambling venues, bylaws, dog control and fencing of swimming pools.

District Licensing Committee – to consider liquor licencing applications, breaches and related matters.

CE Review Committee – to review the contract and performance reviews for the Chief Executive.

Code of Conduct Committee: - to consider any alleged breach of the Code of Conduct by an elected member referred by the Mayor or Chief Executive.

10.4 Joint Standing Committees

The Council has several Committees established with other Canterbury Councils:

Several transport focused groups include the Canterbury Regional Council – Regional Land Transport Committee and the Greater Christchurch Public Transport Joint Committee.

Canterbury Civil Defence Emergency Management Group – to establish a regional plan for civil defence.

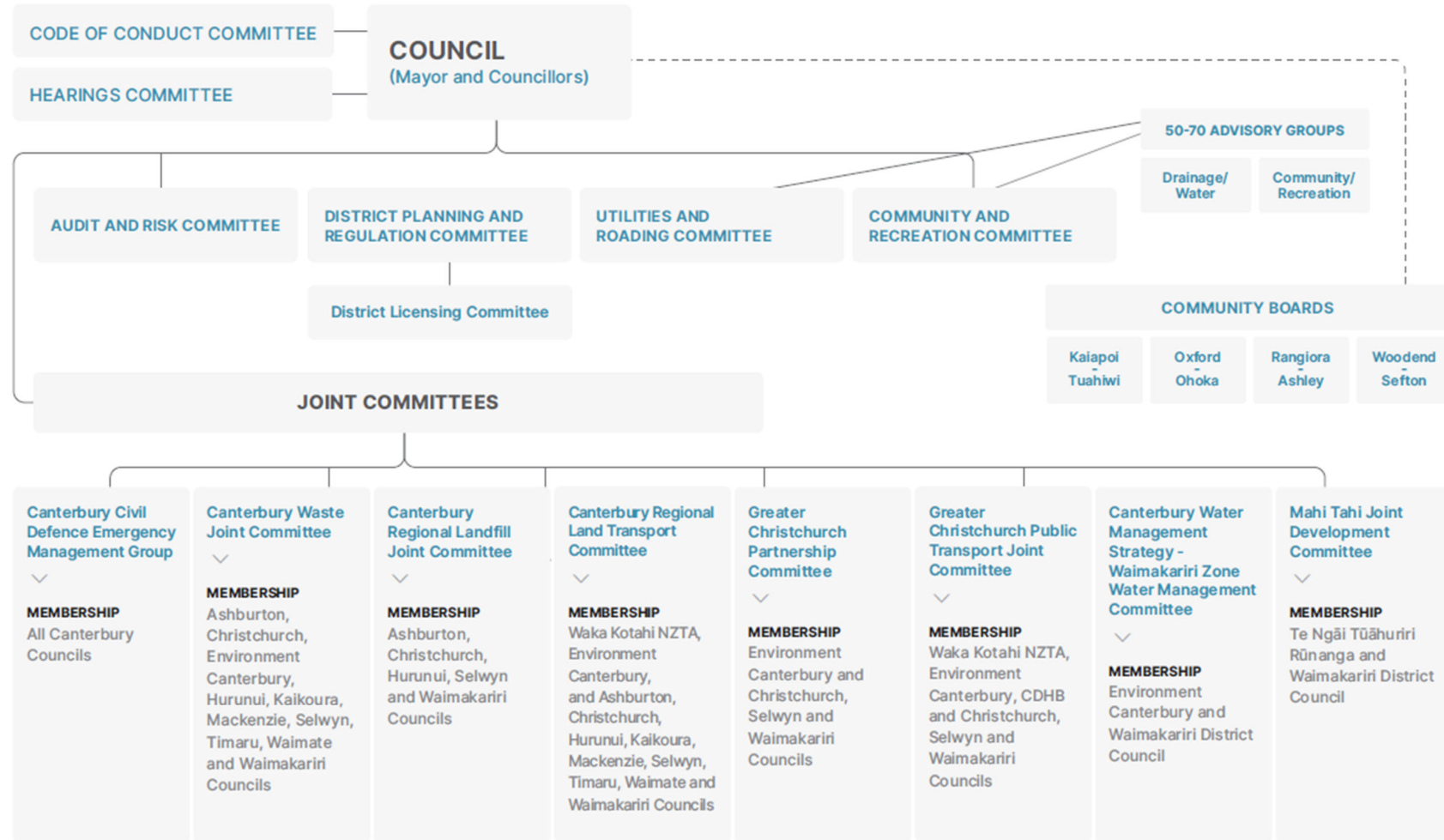
Canterbury Water Management Strategy Waimakariri Zone Committee has an action plan which outlines how they will work with the community to deliver their aspirations for freshwater as outlined in the Canterbury Water Management Strategy.

Canterbury Waste Joint Committee –dealing with regional waste minimisation initiatives.

Canterbury Regional Landfill Joint Committee – matters relating to the ownership and operation of the Canterbury Regional Landfill at Kate Valley.

Greater Christchurch Partnership – to oversee implementation of the “Greater Christchurch Urban Development Strategy.

Council and Committees Structure



10.5 Committee Membership as at December 2022

Audit and Risk Committee

- Cr Neville Atkinson (First Chairperson – to 30 April 2024)
- Cr Jason Goldsworthy (Second Chairperson – from 1 May 2024 to end of term)
- Cr Tim Fulton
- Cr Joan Ward
- Cr P Williams
- Mayor Dan Gordon (*ex officio*)

Community and Recreation Committee

- Cr Phillip Redmond (First Chairperson – to 31 October 2023)
- Cr Robbie Brine (Second Chairperson from 1 November 2020 to 31 October 2024)
- Cr Brent Cairns (Third Chairperson from 1 November 2024 to end of term)
- Cr Al Blackie
- Cr Niki Mealings
- Mayor Dan Gordon (*ex officio*)

District Planning and Regulation Committee

- Cr Al Blackie (First Chairperson – to 30 April 2024)
- Cr Tim Fulton (Second Chairperson from 1 May 2021 to end of term)
- Cr Neville Atkinson
- Cr Brent Cairns
- Cr Jason Goldsworthy
- Mayor Dan Gordon (*ex officio*)

Utilities and Roading Committee

- Cr Niki Mealings (First Chairperson – to 31 October 2023)
- Cr Paul Williams (Second Chairperson 1 November 2023 to 31 October 2024)
- Cr Joan Ward (Third Chairperson from 1 November 2024 to end of term)
- Cr Robbie Brine
- Cr Phillip Redmond
- Mayor Dan Gordon (*ex officio*)

Mahi Tahī Joint Development Committee

- Mayor Dan Gordon (Chair), Councillors Neville Atkinson and Niki Mealings.
- Te Maire Tau and Tania Wati.

District Licencing Committee

- Commissioner Neville Atkinson (Chair), Wendy Doody, Jim Gerard, Philip Redmond and Paul Williams.

Greater Christchurch Partnership

- Mayor Dan Gordon, Councillors Neville Atkinson and Niki Mealings.

The Mayor is *ex officio* to all Council committees and working groups.

10.6 Portfolio Listing

PORTFOLIO	PORTFOLIO HOLDER (FROM OCTOBER 2019)
COUNCIL	
Iwi Relationships	Mayor Dan Gordon
Greater Christchurch Partnership	Mayor Dan Gordon
International Relationships	Councillor Neville Atkinson Supported by Councillors Redmond and Ward
Property and Housing	Deputy Mayor Neville Atkinson
Climate Change and Sustainability	Councillor Niki Mealings
Government Reform (3 Waters, LG Futures, RMA etc)	Mayor Dan Gordon
AUDIT AND RISK COMMITTEE	
Audit, Risk, Long Term Plan and the Excellence Programme	Councillor Joan Ward
Communications and Customer Services	Councillor Joan Ward
COMMUNITY AND RECREATION COMMITTEE	
Greenspace (Parks, Reserves and Sports Grounds)	Councillor Al Blackie
Community Facilities (including Aquatic Centres, Multi-use Sports Stadium, Libraries/Service Centres, Town Halls, Museums and Community Housing)	Councillor Robbie Brine
Community Development and Wellbeing	Councillor Brent Cairns
Waimakariri Arts and Culture	Councillor Al Blackie
DISTRICT PLANNING AND REGULATION COMMITTEE	
District Planning Development	Councillor Tim Fulton
Regulation and Civil Defence	Councillor Jason Goldsworthy
Business, Promotion and Town Centres	Councillor Brent Cairns
UTILITIES AND ROADING COMMITTEE	
Drainage, Stockwater and Three Waters	Councillor Paul Williams
Roading	Councillor Phillip Redmond
Transport	Mayor Dan Gordon
Solid Waste	Councillor Robbie Brine

Portfolios and holders will be reviewed in November 2020 by the Mayor and Council

10.7 Subcommittees

Committees have the power to set up subcommittees including the Prosecutions Subcommittee (District Plan and Regulation Committee).

The Community Boards can establish committees if the need arises. In previous terms the Community Boards have established a Road and Reserve Naming Committee however for the 2022-25 term the Boards have currently chosen to consider applications as a Board during the normal course of business.

10.8 Kaiapoi-Tuahiwi, Woodend-Sefton, Rangiora-Ashley and Oxford-Ohoka Community Boards

The Community Boards focus on local matters within the relevant Community area and are responsible for assessing the priorities of the Community area. The Boards exercise decision-making power on issues specifically delegated by Council (*see also Clause 9.3*).

These are not constrained to services delivered or responsibility of the Council as the Board is able to advocate to other agencies on behalf of its residents (ie to Environment Canterbury).

10.9 Strategic Partnerships

An essential element of Waimakariri District Council's operations is input, collaboration and consultation from the community. By establishing close working relationships with various sectors within the community, the Council is in a better position to consider and reflect community needs in its decisions.

Partnerships are built into Council activities as follows:

1. Tangata Whenua

The Council has a Memorandum of Understanding with Ngāi Tūāhuriri Rūnanga:

- (a) Base the relationship on good fit, co-operation and understanding of agreed Principals and Core Values.
- (b) Work towards deliberate solutions in a reasonable manner and with honesty of purpose;
- (c) Respect and seek to accommodate different cultural values and ways of working;
- (d) Take into account, and incorporate in decision-making where appropriate, planning documents recognised by the Iwi authority and other statutory and non-statutory plans or documents.

2. Community Partnerships

The Council maintains a variety of partnering relationships with various community organisations to ensure that issues, views, proposals and values are built into Council decision making. These include Wellbeing North Canterbury, North Canterbury Sport and Recreation Trust, Enterprise North Canterbury, Waimakariri Irrigation Limited and a range of central government partnerships.

10.10 Legislative Compliance

The Council is a regulatory body administering various regulations and laws. It

must also comply with all relevant legislation. To help it comply with applicable legislation the Council seeks professional and legal advice externally when required.

11. Council Controlled Organisations

The Council has direct and indirect shareholdings in, or control over, a variety of Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations (CCTOs). This control is either through ownership greater than 50%, or the ability to appoint more than half of the board. These Organisations all operate on a commercial basis at arm's length from the Council:

(a) **Enterprise North Canterbury**

Enterprise North Canterbury (ENC) was established by the Waimakariri and Hurunui District Councils in 2002 to promote economic development in North Canterbury and work alongside businesses to develop an innovative and prosperous region. The Council appoints the Trustees to Enterprise North Canterbury in conjunction with Hurunui District Council.

(b) **Te Kōhaka o Tūhaitara Trust**

The Trust (TKoT) was formed in 1998 following the outcome of a Waitangi Tribunal settlement between the Crown and Te Runanga o Ngai Tahu. TKoT is responsible for the restoration and ongoing management of approximately seven hundred hectares of native coastal wetland. This land, otherwise known as Tūhaitara Coastal Park, runs from the mouth of the Waimakariri River to the settlement of Waikuku Beach, and includes the culturally significant Tūtaepatu Lagoon. TKoT aims to retain and enhance indigenous biodiversity, and to preserve the values of Ngāi Tahu. The Council appoints 50% of the trustees with the balance appointed by Ngāi Tahu. The Trust administers and manages reserves in coastal areas of the District. The Council vested 593 hectares of reserves in the Trust.

(c) **Transwaste Canterbury Limited**

The Waimakariri District Council is one of six councils in the Canterbury region which between them own 50% of the shares in Transwaste Canterbury Limited. The organisation operates a regional landfill at Kate Valley and associated transport services in a joint venture with Canterbury Waste Services.

(e) **Waimakariri Public Arts Trust**

The Trust was formed in 2019 to ensure that the Art in Public Places Policy was adhered to and to provide the ability to resource funding for the purchase and installation of public art from other sources.

The Council also has non-controlling interests in numerous Council Organisations, by virtue of appointing one or more board members or trustees such as Canterbury Museum. These are generally “not for profit” bodies and are listed in Appendix 2.

12. Meeting Procedures / Standing Orders

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council, Committee and Community Board meetings must be open to the public unless there is reason to consider some item ‘In Committee’. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with the Council.

The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information and the maintenance of public health, safety and order).

The agenda for all formal meetings are public documents, although parts may be withheld if the above circumstances apply.

Copies of the agenda for every meeting will be available for inspection by any member of the public not less than two clear working days before the meeting at any of the offices of the Council or public libraries, whenever those offices are open to the public. Copies of the agenda and any report are available free of charge. Copies are also available on the Council website.

Any person or group may request to speak, make a deputation or present to the Council, any of its Committees or Community Boards providing written application has been made at least two working days before the meeting and the subject matter approved by the Chairperson of the relevant meeting.

The Mayor or meeting chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any elected member who does not comply with Standing Orders (a set of procedures for conducting meetings).

Minutes of meetings must be kept and made publicly available, subject to the provisions of the LGOIMA. Copies of meeting minutes are available on the Council website.

During meetings of the Council, Committees or Community Boards, all Council participants (the Mayor or Chair, Councillors or Members) must follow Standing Orders unless one or more reasons are given to suspend them. Standing Orders are suspended by a vote of 75 per cent (or more) of the members present. Copies of the Code of Conduct and of Standing Orders can be obtained from the Governance Manager or listed under public documents on the Council website (www.waimakariri.govt.nz).

13. Consultation Policy

13.1 The Special Consultative Procedure

The Council must follow the Special Consultative Procedure before it:

- Adopts a Long Term Plan (LTP) or Annual Plan
- Amends an LTP
- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery for a significant activity that is not provided for in an LTP, (for example, changes from Council delivery to delivery by a Council Controlled Organisation, from a Council Controlled Organisation to another organisation or person).

The Council may be required to use the Special Consultative Procedure under other legislation and it may use this procedure in other circumstances if it wishes to do so.

The Special Consultative Procedure consists of the following steps:

- **Step One: *Preparation of a statement of proposal and a summary***
The Council must prepare a description of the proposed decision or course of action. The statement must be included on an agenda for a Council meeting. The statement must be available for access and inspection by the community at Council offices and may be made available elsewhere. The Council must also prepare a summary of the proposal which must be a fair representation of the major matters in the statement of proposal. This must be distributed as widely as the Council considers to be reasonably practicable.
- **Step Two *Public Notice***
The Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.
- **Step Three: *Receive submissions***
The Council must acknowledge the receipt of all written submissions and offer submitters a reasonable opportunity to present their submissions in person to the Council. At least one month (from the date of the notice) must be allowed for submissions.
- **Step Four: *Deliberate in public***
All meetings where the Council deliberates on the proposal or hears submissions, must be open to the public (unless there is a reason to exclude the public under the LGOIMA). All submissions must be made publicly available unless there is reason to withhold them under LGOIMA.
- **Step Five: *Decisions***
Persons who present views to the Council should be given a copy of relevant decisions and the reasons for those decisions.

This procedure is regarded as a minimum and the Waimakariri District Council typically conducts consultation in excess of what is required by the procedure. When it is preparing its Long Term Plan, Annual Plan or other plans or strategies, the Council will use a range of consultation and communication techniques to engage with community groups, the public and other interested parties. These techniques will be used by the Council to invite views and the identification of issues that are of concern to the community.

13.2 Significance and Engagement Policy

The Local Government Act 2002 sets the Purpose of the Significance and Engagement Policy (SEP) to:

- enable the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities; and
- provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters; and
- Inform the Council from the beginning of a decision-making process about:
 - the extent of any public engagement that is expected before a particular decision is made; and
 - the form or type of engagement required.

The SEP must list the assets considered by the Council to be strategic assets. Decisions regarding the transfer to or from the Council of strategic assets cannot be made unless provided for in its Long Term Plan.

13.3 Customer Satisfaction Survey

The Council carries out a three yearly customer satisfaction survey so residents can give their views on the performance of the Council on service delivery and other issues.

14. Policies For Liaising With, And Memoranda Or Agreements With, Māori

The Council acknowledges the hapu and whanau of Ngāi Tūāhuriri as tangata whenua for the Waimakariri District. Their collective concerns are facilitated by the Rūnanga structure and through the Rūnanga, links are made back to Te Rūnanga o Ngāi Tahu. The Council signed a Memorandum of Understanding with Ngāi Tūāhuriri Rūnanga in December 2003. (*Refer 10.7 above.*) and this was renewed in 2012. It responds to the spirit and intent of the provisions of the Local Government Act 2002.

The purpose of the MOU is to develop a mutually beneficial relationship between the Waimakariri District Council and Te Ngāi Tūāhuriri Rūnanga based upon the core values of the parties.

The MOU seeks to establish and provide for a clear understanding of the basis and on-going conduct of the partnership relationship between the Waimakariri District Council and Te Ngāi Tūāhuriri Rūnanga.

The District Plan, in Chapter 2, contains a number of policies relating to Māori relationships with ancestral lands, water, sites, waahi tapu and other taonga.

15. Management Structures and Relationships

Chief Executive

The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ all other staff on behalf of Council, implement Council decisions and provide advice to the Council. Under the Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should, therefore, be directed to the Chief Executive, rather than the Mayor or Councillors.

Currently the Council is organised into six departments. In broad terms, three of these deliver services externally (Community and Recreation, District Plan and Regulation, and Utilities and Roading) and three provide (internal) support; Finance and Business Support; Strategy and Engagement, and Organisational Development and Human Resources. Each of the four standing committees has a manager working with it. From time to time the structure may change, depending on business needs.

Please see attached Organisational Structure Chart. (page 33)

16. Equal Employment Opportunities Policy

The Council affirms its commitment to the leading principles contained in Schedule 7, sections 33(g) and 36 of the Local Government Act 2002. Particularly, where an appointment to any position is made, preference will be given to the person who is best suited to the position.

The Council recognises its responsibility under the Local Government Act to be a "good employer" publish an equal employment opportunities programme as part of the Council's Annual Plan.

STAFF STRUCTURE TO LEVEL THREE



17. Key Approved Planning and Policy Documents

17.1 Community Outcomes

Community Outcome statements describe what district community wants the district to be like in the future. They form a key reference point for and are included in the 2021-2031 LTP. They were previously prepared through extensive engagement with the community and will be reviewed and consulted on during 2022-23. The Council's role was to facilitate the preparation of the statements. They must be updated every six years.

17.2 Long Term Plan (LTP) and Infrastructure Strategy

The LTP is required by the Local Government Act 2002 to set out the scope, nature, cost and funding for Council activities for the next ten years. These priorities are the Council's contributions to community well-being as set out in statements of community outcomes. The LTP is more than a financial and funding statement. It represents a community expression of long term aspirations and the respective roles of key agencies, including the Council, in pursuit of sustainable development.

17.3 Annual Plan

The Annual Plan sets out the Council's planned expenditure and programme of works for areas of significant activity for each upcoming year. It contains objectives and performance measures for the budget year. The Annual Plan contains a funding impact statement which sets out the proposed rates. It is developed through annual Council workshops, and is available for public comment, submission and hearings.

17.4 Waimakariri District Plan

The District Plan is required by the Resource Management Act 1991 to promote the sustainable management of natural and physical resources. It is prepared under the First Schedule of the Act and involved extensive research, survey, public submissions and hearings. The operative District Plan was adopted in November 2005, and became operative from that date. The District Plan is under review with the proposed District Plan having been notified on 18 September 2021. Hearings on submissions and further submissions to the proposed District Plan will begin in 2023. The Plan can only be amended by the Council, or by Court decision, for a period extending out two years from the date it is made operative.

17.5 Waimakariri Residential Red Zone Recovery Plan

Approximately 100 hectares of mainly residential land in Kaiapoi, The Pines Beach and Kairaki sustained severe land damage in the 2010 and 2011 earthquakes. The Crown subsequently bought almost 1,000 properties in the district to allow people to move on with their lives.

After taking into account the public feedback received on the draft version– developed by the Waimakariri District Council – the then Minister for Earthquake Recovery, Mr Brownlee, finalised and approved the plan in December 2016.

The final Recovery Plan provides certainty about the proposed land uses of former red-zone land allows those land uses and activities to be implemented by Council. The majority of this land was divested back to the Council and some to Te Kōhaka o Tūhaitara Trust in mid-2018, with some conditions in place. These include ensuring land uses in the Recovery Plan are implemented and that any financial return is maximised wherever possible, with the Crown to receive a share of any future net financial returns.

Much work has occurred with road upgrades completed, sports fields, BMX track, dog park, food forest and recreation and ecological linkages established. Work is underway on heritage and mahinga kai reserve and the Kaiapoi Community Hub projects.

17.6 Key Policies

Other key policies include:

Revenue and Financing Policy

This policy defines funding mechanisms (eg. rates, fees and charges, subsidised development contributions) that will be used to recover the costs of Council activities.

Rating Policy

The policy defines the rating mechanisms the Council adopts to collect rates that partly fund Council activities.

Infrastructural Activity Management Plans

The Council has prepared and consulted with the community on a number of plans (including water and sanitary assessments required under the Local Government Act 2002) which set out agreed levels of service and management requirements in relation to the community's investment in infrastructure. These include activity management plans for roading, water, waste water, land drainage and solid waste.

Parks and Recreation Activity Management Plan (PRAMP)

The PRAMP, which was adopted in 2007, sets out agreed levels of service and management requirements for the physical recreation assets maintained by the Council including parks, reserves, playgrounds and community buildings. This has since been reviewed.

Solid and Hazardous Waste Management Plan

The plan covers both solid and hazardous waste, however, does not presently deal with liquid waste. The plan provides a framework for ensuring a consistent pathway to maximizing diversion from disposal that has been agreed by our community and committed to by the Council.

Greater Christchurch Urban Development Strategy (UDS)

The Greater Christchurch UDS is a growth management strategy adopted jointly by the Waimakariri and Selwyn District Councils, Christchurch City Council, Environment Canterbury and Transit New Zealand in 2007. It outlines a preferred settlement pattern for greater Christchurch for the 35 year period to 2041.

Bylaws

A number of bylaws exist which protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places. These include dog control, fire prevention, parking, stock movement, speed limits and liquor bans.

Dog Policy

The policy is implemented through the Dog Control Act 1996, the Dog Control Bylaw 2004 and the Council's internal operating procedures and outlines the following matters:

- Encouraging responsible dog ownership
- Providing for dog access to public areas
- Enforcing dog owner obligations
- Community awareness about dogs
- Funding for dog control

Gambling and Board (TAB) Venue Policy

These policies outline the requirements to be met in applications for gambling or board (TAB) venues in the district. The gambling policy relates to gambling machines (pokie machines) and controls the growth of gambling machines in the district.

Liquor Licensing Policy

The policy establishes criteria for the hours of operation and conditions of licenced premises; those holding off licences for the sale of liquor; club licence holders and special licences.

A full list of the Council's policies can be found on:

<https://www.waimakariri.govt.nz/your-council/council-documents/policy-manual>

17.7 Triennial Agreement

The Council has entered into an agreement with each of the local authorities in the Canterbury region. This contains protocols for communication and co-ordination with each other. The Waimakariri District Council adopted the Triennial Agreement for the 2022-25 term on 20 December 2022.

18. Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. You do not have to say you are making a request under LGOIMA. Any request for information is an request automatically made under LGOIMA.

Once a request is made the Council must supply the information unless reason exists for withholding the required information. The LGOIMA says that information may be withheld if release of the information would:

- endanger the safety of any person;
- prejudice maintenance of the law;
- compromise the privacy of any person;
- reveal confidential or commercially sensitive information;
- cause offence to tikanga Maori or would disclose the location of waahi tapu;
- prejudice public health or safety;
- compromise legal professional privilege;
- disadvantage the local authority while carrying out negotiations or commercial activities;
- allow information to be used for improper gain or advantage.

The Council must answer requests within 20 working days (although there are certain circumstances where this timeframe may be extended). The Council may charge for official information under guidelines set down by the Ministry of Justice.

19. Council and its Elected Members

19.1 Your Mayor and Councillors (11)

Mayor



Mayor Dan Gordon
Phone 021 906 437
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Deputy Mayor



Cr Neville Atkinson
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Councillor



Cr Al Blackie
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Councillor



Cr Robbie Brine
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Councillor



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Councillor



Cr Tim Fulton
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Councillor



Cr Jason Goldsworthy
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Councillor



Cr Niki Mealings
Oxford-Ohoka Ward
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Councillor



Cr Philip Redmond
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Councillor



Cr Joan Ward
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Councillor



Cr Paul Williams
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DRAFT

19.2 Kaiapoi-Tuahiwi Community Board

The Kaiapoi-Tuahiwi Community Board covers the township and surrounding areas of Kaiapoi, Tuahiwi, Clarkville, The Pines and Kairaki Beach. The area has a population of 15,650.

The Kaiapoi-Tuahiwi ward has a great mix of properties and people, ranging from urban settlements to beaches in the east and lifestyle blocks. The focus of economic activities within Kaiapoi are: residential accommodation, commercial businesses, light industry and tourism.

The Kaiapoi-Tuahiwi Community Board is not the Council nor is it a committee of the Council. The Board works collectively with the Council to achieve community goals. The Board is also responsible for any areas delegated to it by the Council.

If you are a resident or part of a local community group who wishes to raise any concerns or issues, please do not hesitate to contact a member of the Board for advice and help.

Kaiapoi-Tuahiwi Community Board

Chairperson



Jackie Watson

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Kaiapoi-Tuahiwi Community Board

Deputy Chairperson



Sandra Stewart

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Tracey Blair

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Russell Keetley

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19.3 Rangiora-Ashley Community Board

The Rangiora-Ashley Ward covers the township of Rangiora and surrounding rural areas, including Fernside, Cust, and Loburn. The area has a current population of approximately 26,700.

The Rangiora-Ashley Community Board was created in October 2016 with eight elected Board members. The four Rangiora-Ashley councillors are also appointed to the Board by the Council giving the Board a total membership of twelve. The purpose of a community board is to represent, and act as an advocate for the interests of its community on a local level.

The Rangiora-Ashley Community Board is not the Council nor is it a committee of the Council. The Board works collectively with the Council to achieve community goals. The Board is also responsible for any areas delegated to it by the Council.

Chairperson



Jim Gerard QSO

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Deputy Chairperson



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19.4 Woodend-Sefton Community Board

The Woodend-Sefton Community Board covers the towns of Pegasus, Ravenswood, Sefton, Waikuku, Waikuku Beach, Woodend, and Woodend Beach. Population is 9,240 residents.

The Woodend-Sefton Community Board was formed in October 2016 with five elected Board Members. Two Woodend-Sefton ward councillors are also appointed to the Board by the Council giving a total of seven members.

The purpose of a community board is to represent and act as an advocate for the interests of its community on a local level.

The Board works closely with local community groups and residents to understand their priorities and concerns. The Board advocates for your interests through submissions, feedback and discussion with the Council and other decision making authorities.

Chairperson

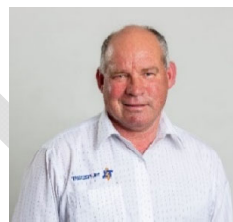


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Deputy Chairperson



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Philip Redmond

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19.5 Oxford-Ohoka Community Board

The Oxford-Ohoka Community Board covers the township of Oxford and the surrounding areas of Ohoka, West Eyreton, Mandeville and Swannanoa. The area has a population of 13,050.

The Oxford-Ohoka Community Board was formed in October 2016 with six elected Board Members. Two Oxford-Ohoka ward councillors are also appointed to the Board by the Council giving a total of eight members.

The purpose of a community board is to represent and act as an advocate for the interests of its community on a local level.

The Board works closely with local community groups and residents to understand their priorities and concerns. The Board advocates for your interests through submissions, feedback and discussion with the Council and other decision making authorities.

Chairperson



Thomas Robson

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Deputy Chairperson



Sarah Barkle

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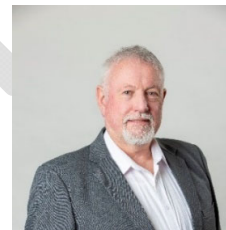
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20. Appendix 1

Primary Legislation

- Airport Authorities Act 1966
- Animal Welfare Act 1999
- Animals Law Reform Act 1989
- Arts Council of New Zealand Toi Aotearoa Act 1994
- Auctioneers Act 1913
- Biosecurity Act 1993
- Building Act 1991 and 2004
- Building Regulations 1992
- Building (Earthquake-prone Buildings) Amendment Act 2016
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Burial and Cremation Amendment Act 2016
- Bylaws Act 1910
- Cadastral Survey Act 2002
- Camping Ground Regulations 1985
- Canterbury Earthquake Recovery Act 2011
- Canterbury Earthquake (Earthquake Commission Act) Order 2012
- Canterbury Earthquake (Historic Places Act) Order 2011
- Canterbury Museum Trust Board Act 1993
- Canterbury Property Boundaries and Related Matters Act 2016
- Citizenship Act 1977
- Citizenship Amendment Act 2005
- Civil Aviation Act 1990
- Civil Defence Emergency Management Act 2002
- Civil Defence Emergency Management Amendment Acts 2012-2017
- Climate Change Response Act 2002
- Climate Change Response Amendment Acts 2006-2001
- Climate Change Response (Zero Carbon) Amendment Act 2019
- Commerce Act 1986
- Commence Amendment Acts 2001-2018
- Companies Act 1993
- Companies Amendment Acts 1998-2016
- Conservation Act 1987
- Conservation Amendment Acts including Conservation (Indigenous Freshwater Fish) Amendment Act 2019
- Consumer Guarantees Act 1993
- Consumer Guarantees Amendment Act 1999-2013
- Contract and Commercial Law Act 2017
- Copyright Act 1994 and subsequent Amendment Acts 1997-2016
- Crimes Act 1961 and subsequent amendments
- Dairy Industry Restructuring Act 2001
- Local Authorities (Members' Interests) Act 1968
- Local Elections and Polls Amendment Act 1946
- Local Electoral Act 2001 and subsequent amendment Acts
- Local Electoral Matters Act 2019
- Local Government Act 1974
- Local Government Act 2002 and subsequent amendment Acts
- Local Government (Alcohol Reform) Amendment Act 2012
- Local Government Borrowing Act 2011
- Local Government (Community Well-being) Amendment Act 2019
- Local Government Official Information and Meetings Act 1987 and subsequent amendment Acts
- Local Government (Rating) Act 2002 and subsequent amendment Acts
- Local Government Regulatory Systems Amendment Act 2019
- Local Government Elected Members (2019/20) (Certain Local Authorities) Determination 2019 and subsequent yearly Acts
- Local Government (Canterbury Museum Trust Board) Exemption Order 2006
- Local Legislation Act 1979 & 1980
- Maori Land Act 1993
- Maori Reserved Land Act 1955 and subsequent amendment Acts
- Marine and Coastal Area (Takutai Moana) Act 2011
- Marine Farming Act 1971
- Marine Mammals Protection Act 1978 and subsequent amendment Act 2015
- Marine Reserves Act 1971
- Maritime Transport Act 1994 and subsequent amendment Acts
- Minimum Wage Act 1983 and subsequent amendment Acts
- Museum of New Zealand Te Papa Tongarewa Act 1992
- National Parks Act 1980 and subsequent amendment Acts
- National Provident Fund Restructuring Act 1990
- New Zealand Bill of Rights Act 1990
- New Zealand Geographic Board Act (Nga Pou Taunaha o Aotearoa) Act 2008 and subsequent amendment Acts
- New Zealand Library Association Act 1939
- New Zealand Maori Arts and Crafts Institute Act 1963
- New Zealand Public Health and Disability Act 2000 and subsequent amendment Acts

- Decimal Currency Act 1964
- Disabled Persons Community Welfare Act 1975 and subsequent amendment Acts
- District Court Act 2016
- Dog Control Act 1996 and subsequent amendment Acts
- Earthquake Commission Act 1993 and subsequent amendment Acts
- Electricity Act 1992 and subsequent amendment Acts
- Electoral Act 1993 and subsequent amendment Acts
- Employment Relations Act 2000 and subsequent amendment Acts
- Energy Companies Act 1992 and subsequent amendment Acts
- Engineering Associates Act 1961
- Environment Act 1986
- Estate and Gift Duties Act 1968 and subsequent amendment Acts
- Fees and Traveling Allowances Act 1951
- Fencing Act 1978
- Financial Reporting Act 1993 and subsequent amendment Acts
- Fire and Emergency New Zealand Act 2017
- Fisheries Act 1996
- Food Act 2014 and Food Regulations 2015
- Freedom Camping Act 2011
- Gambling Act 2003 and subsequent amendment Acts
- Gas Act 1992 and subsequent amendment Acts
- Goods and Services Tax Act 1985 and subsequent amendment Acts
- Greater Christchurch Regeneration Act 2016
- Harmful Digital Communications Act 2015
- Hazardous Substances and New Organisms Act 1996 and subsequent amendment Acts
- Health Act 1956 and subsequent amendment Acts
- Health and Safety at Work Act 2015
- Health (Drinking Water Amendment Act 2019
- Healthy Homes Guarantee Act 2017
- Heritage New Zealand Pouhere Taonga Act 2014
- Higher Salaries Commission Act 1977
- Historic Places Act 1993
- Holidays Act 2003
- Housing Act 1955 and subsequent amendment Acts
- Housing Assets Transfer Act 1993
- Human Rights Act 1993 and subsequent amendments Acts
- Impounding Act 1955
- Income Tax Act 2007 and subsequent amendment Acts
- Incorporated Societies Amendment Act 2010
- New Zealand Railways Corporation Act 1981 and subsequent amendment Acts
- New Zealand Walkways Act 1990
- Ngāi Tahu Claims Settlement Act 1998 and 2005
- Ngāi Tahu Claims Settlement Act (Tutaepatu Lagoon Vesting)1998
- Oaths and Declarations Act 1957 and subsequent amendment Acts
- Ombudsmen Act 1975 and subsequent amendment Acts
- Parental Leave and Employment Protection Act 1987 and subsequent amendment Acts
- Personal Property Securities Act 1999
- Plumbers and Gasfitters and Drainlayers Act 2006
- Port Companies Act 1988
- Privacy Act 1993 and subsequent amendment Acts
- Property Law Act 2007
- Prostitution Reform Act 2003
- Protected Disclosures Act 2009
- Projected Objects Act 1975
- Public Audit Act 2001
- Public Bodies Contracts Act 1959
- Public Bodies Leases Act 1969
- Public Finance Act 1989 and subsequent amendment Acts
- Public Records Act 2005 and 2010
- Public Trust Act 2001
- Public Works Act 1981 and subsequent amendment Acts
- Queen Elizabeth the Second National Trust Act 1977 and subsequent amendment Acts
- Railway Act 2005
- Rates Rebate Act 1973 and subsequent amendment Acts
- Rating Valuations Act 1998
- Receiverships Act 1993
- Remuneration Authority Act 1977 and subsequent amendment Acts
- Reserves Act 1977 and subsequent amendment Acts
- Reserves and other Lands Disposal Acts 2015
- Residential Tenancies Act 1986 and subsequent Amendment Acts
- Resource Management Act 1991 and subsequent amendment Acts
- River Boards Act 1908
- Sale & Supply of Alcohol Act 2012 and subsequent amendment Acts
- Sale & Supply of Alcohol Regulations 2013
- Sale & Supply of Alcohol (fees) Regulations 2013
- Secret Commissions Act 1910
- Secret Commissions Amendment Act 2015
- Securities Act 1978
- Securities Transfer Act 1991
- Securities Trustees and Statutory Supervisors Act 2011
- Senior Courts Act 2016

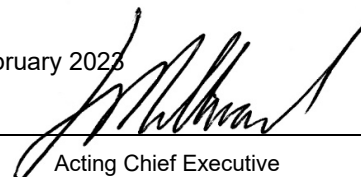
- Infrastructure Acts 2010
- Infrastructure Funding and Financing Bill (2019)
- Injury Prevention, Rehabilitation and Compensation Act 2001 and subsequent amendment Acts
- Innkeepers Act 1962
- Insolvency Act 2006 and subsequent amendment Acts
- Intelligence and Security Act 2017
- Interpretation Act 1999
- Irrigation Schemes Act 1990
- Joint Family Homes Act 1964 and Joint Family Homes Amendment Act 1974
- Judicial Review Procedure Act 2016
- Justices of the Peace Act 1957 and subsequent amendment Acts
- Kaiapoi Maori Reserve Act 1905
- Land Act 1948 and subsequent amendment Acts
- Land Drainage Act 1908 and subsequent amendment Acts
- Land Transfer Act 2017
- Land Transport Act 1998 and subsequent amendment Acts
- Land Transport Management Act 2003 and subsequent amendment Acts
- Land Transport (Wheel Clamping) Amendment Act 2019
- Legislation Act 2012 and 2019
- Libraries and Mechanics' Institute Act 1908
- Limitations Act 2010
- Litter Act 1979 and subsequent amendment Acts
- Shop Trading Hours Act 1990 and Shop Trading Hours Amendment Act 2016
- Smoke-free Environments Act 1990 and subsequent amendment Acts
- Soil Conservation and Rivers Control Act 1941
- Sovereign's Birthday Observance Act 1952
- Stamp and Cheque Duties Act 1971 and subsequent amendment Acts
- Standards Act 1988
- State Owned Enterprises Act 1986 and subsequent amendment Acts
- Statistics Act 1975 and subsequent amendment Acts
- Statutes Amendment Acts 1936-20191
- Statutory Land Charges Registration Act 1928
- Summary Offences Act 1981 and subsequent amendment Acts
- Te Runanga o Ngai Tahu Act 1996
- Te Ture Whenua Maori Act 1993 (Maori Land Act 1993) and subsequent amendment Acts
- Telecommunications Act 1987 and subsequent amendment Acts
- Transit New Zealand Act 1989 and subsequent amendment Acts
- Transport Act 1962
- Transport Services Licensing Act 1989
- Treaty of Waitangi Act 1975 and subsequent amendment Acts
- Trespass Act 1980
- Trustee Act 1956 and subsequent amendment Acts
- Unit Titles Act 2010 and subsequent amendment Acts
- Unsolicited Electronic Messages Act 2007 and Amendment Act of 2013
- Utilities Access Act 2010
- Wages Protection Act 1983 and Amendment Act 2016
- Waimakariri Harbour Act 1946
- Waimakariri River Improvement Act 1922
- Walking Access Act 2008
- Waste Minimisation Act 2008
- Weathertight Homes Resolution Services Act 2006 and subsequent amendment Acts
- Wild Animal Control Act 1977 and subsequent amendment Acts
- Wildlife Act 1953 and subsequent amendment Acts
- WorkSafe New Zealand Act 2013
- Winston Churchill Memorial Trust Act 1965.

21. Appendix 2

Organisations with Council and Community Board appointed representation

- Ashley Gorge Advisory Group
- Ashley River Rating Committee
- Biodiversity Champions Group
- Canterbury Museum Trust Board
- Central Rural Drainage Advisory Group
- Clarkville Rural Drainage Advisory Group
- Climate Change Action Planning Committee
- Coastal Rural Drainage Advisory Group
- Community Wellbeing North Canterbury Trust
- Creative Communities NZ Assessment Committee
- Cust and District Historical Records Society Inc.
- Cust Community Centre Advisory Group
- Cust Domain Advisory Group
- Darnley Club
- Eyre District Environmental Association Incorporated
- Facilities and Consents Fee Waiver Sub-committee
- Fernside Hall Advisory Group
- Friends of Rangiora Town Hall
- Gladestone Park Advisory Group
- Grey Power North Canterbury
- Heritage and Mahinga Kai Joint Working Group
- Hurunui District Council – Ashley Rural Water Scheme Management Committee
- Kaiapoi and Districts Historical Society
- Kaiapoi Landmarks Team
- Kaiapoi Marine Precinct Bookings Advisory Group
- Kaiapoi Promotions Association
- Keep Rangiora Beautiful
- Loburn Domain Advisory Group
- Mandeville Sports Club Committee
- North Canterbury Museums' Group
- North Canterbury Neighbourhood Support
- North Canterbury Sport and Recreation Trust
- Northern Bulldogs Rugby League Club
- Northern Pegasus Bay Advisory Group
- Ohoka Domain Advisory Group
- Ohoka Residents Association
- Ohoka-Mandeville Rural Drainage Advisory Group
- Ohoka Rural Drainage Advisory Group
- Oxford Historical Records Society Inc. Committee
- Oxford Promotions Action Committee
- Oxford Rural Drainage Advisory Group
- Pearson Park Advisory Group
- Pegasus Residents Group
- Pines-Kairaki Beach Association
- Rangiora Airfield Advisory Group

- Rangiora and Districts Early Records Society
- Rangiora Promotions Management Board
- Sefton/Ashley River Rating District Committee
- Sefton Domain Advisory Group
- Sefton Public Hall Society
- Sefton Township River and Drainage Ratepayer District
- Silverstream Advisory Group
- Social Services Waimakariri
- Southbrook Road Improvements Working Group
- Southbrook Road Reference Group
- Southbrook School Travel Plan Working Group
- Southbrook Sports Club
- Te Kōhaka o Tūhaitara Trust
- Waimakariri Access Group
- Waimakariri Age Friendly Advisory Group
- Waimakariri Art Collection Trust
- Waimakariri Arts Trust
- Waimakariri Community Arts Council
- Waimakariri Eyre/Cust River Rating Committee
- Waimakariri Health Advisory Group
- Waimakariri Youth Council
- Waimakariri Passchendaele Advisory Group
- Waimakariri Public Arts Trust
- Waimakariri Walking and Cycling Reference Group
- Waimakariri Water Race Advisory Group
- Waiteha Primary Health Care
- West Eyreton, Summerhill and Poyntzs Rural Water Supply Advisory Group
- Whakawhanake Kainga Committee – Urban Growth Partnership for Greater Christchurch
- Woodend Community Association
- Woodend Community Centre Advisory Group

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR INFORMATION****FILE NO and TRIM NO:** EXC-57 / 230223025105**REPORT TO:** COUNCIL**DATE OF MEETING:** 7 March 2023**AUTHOR(S):** Jeff Millward – Acting Chief Executive**SUBJECT:** Health, Safety and Wellbeing Report – February 2023**ENDORSED BY:**
(for Reports to Council,
Committees or Boards)_____
Department Manager

Acting Chief Executive**1. SUMMARY**

- 1.1. This report provides an update to the Council on Health, Safety and Wellbeing matters between mid-January 2022 and mid-February 2023. The dashboard reporting in the appendices cover trends between mid-January 2022 and mid-February 2023.
- 1.2. There were six incidents which occurred in the last reporting period which resulted in no lost time to the organisation. Ongoing lost time from historic incidents is reported in Appendix A.
- 1.3. First Aid training will be delivered onsite for staff at Council facilities from March.
- 1.4. A proposal for a Healthy Lifestyle Support Service to be delivered by the Health, Safety & Wellbeing Team is being developed.
- 1.5. Annual Health Checks coordination is scheduled to get underway for March 2023.
- 1.6. Wellbeing training and initiatives for staff and leadership is being reviewed and sourced.
- 1.7. Health, Safety & Wellbeing staff attended the quarterly Canterbury Health and Safety Advisors Group (CHSAG) Forum.

Attachments:

- i. Appendix A: Incidents, Accidents, Near-misses reporting
- ii. Appendix B: Contractor Health and Safety Capability Pre-qualification Assessment (drawn from the Site Wise database)
- iii. Appendix C: Health, Safety and Wellbeing Dashboard Reports

2. RECOMMENDATION**THAT** the Council:

- (a) **Receives** Report No 230119006355
- (b) **Notes** that there were no notifiable incidents this month. The organisation is, so far as is reasonably practicable, compliant with the duties of a person conducting a business or undertaking (PCBU) as required by the Health and Safety at work Act 2015.
- (c) **Circulates** this report to the Community Boards for their information.

3. **BACKGROUND**

- 3.1. The Health and Safety at Work Act 2015 requires that Officers must exercise due diligence to make sure that the organisation complies with its health and safety duties.
- 3.2. An officer under the Health and Safety at Work Act 2015 is a person who occupies a specified position or who occupies a position that allows them to exercise a significant influence over the management of the business or undertaking. Councillors and the Chief Executive are considered to be the Officers of the Waimakariri District Council.

4. **ISSUES AND OPTIONS**

4.1. Incidents and accidents

- 4.1.1. Mid-January 2022 and mid-February 2023 has seen further Adverse Interactions and slip, trip falls. Investigations are underway to ensure hazards and competencies are compliant and current.

4.2. Training

- 4.2.1. First Aid training will be delivered onsite for staff at Council facilities from March due to the high volume of staff needing refreshers and new training. Most of the training has been conducted in Christchurch, therefore taking staff away for longer periods of time and incurring travel time/costs. The Health Safety & Wellbeing team have engaged FACTCO to provide onsite First Aid Training quarterly and at a competitive rate.

4.3. Healthy Lifestyle Support

- 4.3.1. The proposed Healthy Lifestyle Support Service is designed to support, guide and motivate staff at the Waimakariri District Council to improve their wellbeing (physical, social, spiritual, and family) and increase self-efficacy through lifestyle changes.
- 4.3.2. The purpose of the Healthy Lifestyle project is to provide another layer of support for employees at the Waimakariri District Council as part of improving overall staff wellness. The Health, Safety & Wellbeing Coordinator has developed this proposal based on her previous experience and role within the community. The proposal will be shared with the General Manager, Organisational Development & Human Resources in the first instance for further guidance and consultation.

4.4. Annual Health Checks

- 4.4.1. Staff Annual Health Checks are due for coordination. Durham Health has been approached for vaccine timeframes and availability. This financial year will see the full-service return after a hybrid annual check was developed during the pandemic. These checks will include, blood sugar, blood pressure, eyesight and flu vaccine.

4.5. Wellbeing initiatives and training

- 4.5.1. The Health Safety and Wellbeing Team are sourcing practical wellbeing initiatives for staff such as Chiropractic Assessments. There are further investigations into wellbeing training for staff and the leadership team to ensure they have skills in place to deal with challenges both personally and professionally.

4.6. Canterbury Health and Safety Advisors Group (CHSAG)

4.6.1. Items discussed at the CHSAG forum were critical risks, risk management framework, approach to determining, assessing, and mitigating risks and how you gain assurance around the effectiveness of risk controls.

4.6.2. Training, events and opportunities, Lone/remote work, stress management and the use of a stress management guide. (Under development)

Implications for Community Wellbeing

There are implications for community wellbeing by the issues and options that are the subject matter of this report.

4.7. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

5.2. **Groups and Organisations**

There are no external groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. **Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. **Financial Implications**

There are no financial implications of the decisions sought by this report.

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

The organisation has reviewed its health and safety risk and developed an action plan. Failure to address these risks could result in incidents, accidents or other physical or psychological harm to staff or the public.

The regular review of risks is an essential part of good safety leadership.

6.4 **Health and Safety**

There are health and safety risks arising from the adoption/implementation of the recommendations in this report. Continuous improvement, monitoring, and reporting of Health and Safety activities are a key focus of the health and safety management system.

7. CONTEXT

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

The key legislation is the Health and Safety at Work Act 2015.

The Council has a number of Human Resources policies, including those related to Health and Safety at Work.

The Council has an obligation under the Local Government Act to be a good employer.

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

- There is a safe environment for all.
- Harm to people from natural and man-made hazards is minimised.
- Our District has the capacity and resilience to quickly recover from natural disasters and adapt to the effects of climate change.

The Health, Safety and Wellbeing of the organisation, its employees and volunteers ensures that Community Outcomes are delivered in a manner which is legislatively compliant and culturally aligned to our organisational principles.

7.4. **Authorising Delegations**

An officer under the Health and Safety at Work Act 2015 is a person who occupies a specified position or who occupies a position that allows them to exercise a significant influence over the management of the business or undertaking. Councillors and Chief Executive are considered to be the Officers of WDC.

Appendix A

Date	Person type	Occurrence	Event description	Response
24/01/2023	Employee/Volunteer	Injury	Staff member rolled their ankle.	Awaiting response
27/01/2023	Employee/Volunteer	Injury	Staff member cut their left knuckle.	Staff member reminded of the importance of wearing gloves. Reminder to all teams.
31/01/2023	Employee/Volunteer	Property Vehicle Damage	A staff member was walking back to the office after a meeting and smelt smoke. They noticed that a dumpster behind a shop had significant smoke coming out of it and a small flame underneath it. Two staff members got a fire extinguisher from the Council Building, moved the dumpster away from the buildings into the driveway, lifted the lid and doused it with the extinguisher. The dumpster is not the Councils, so this was then handed over to the shop owner to progress.	Staff have followed up with property and confirmed they have spoken with the shop assistant and attempted to pass on concerns to the landlord. The used Fire Extinguisher has been replaced in WDC Community/Greenspace building.
31/01/2023	Contractor	Nearmiss	While performing an inspection for a service request a staff member had a verbal altercation with a bus driver. The bus driver proceeded to back the bus close to the staff member, The side mirror connected with the staff member's head.	Staff member has informed ECAN as the authority that looks after Public Transport. They have taken the information and will be in touch with the contracted bus company as part of their investigation. WMK Staff generally will continue to monitor their own environments when conducting their duties to mitigate incidents such as this.
9/02/2023	Employee/Volunteer	Adverse Interaction	The Audit Team rejected a recycling bin outside a property for being contaminated. They were moving away when an agitated member of the public became abusive. The police were notified.	Staff to avoid this property. This was a third contamination; bin will be removed to prevent the contents impacting on truckload of recycling. The contractors called 111, were

				advised to attend the police station and make a report.
14/02/2023	Contractor	Injury	Accident on the Rangiora Sewer Upgrade Stage 7	Awaiting response.

Lost Time Injuries - Aquatics:	2019 to current	<p>Injury One: Currently fully unfit Date of injury 28 June 2019 Weekly contracted hours = 30 4,536 hrs lost to date</p> <p>Injury Two: Currently fully unfit Date of injury 14 Dec 2022 Weekly contracted hours = 20.5 205 hrs lost to date</p>
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Lead Indicators

Appendix B

Safety Inspections Completed (Workplace Walkarounds)	2023	Workplace Walkarounds:
Training Delivered	2021/2022	Due for distribution in March

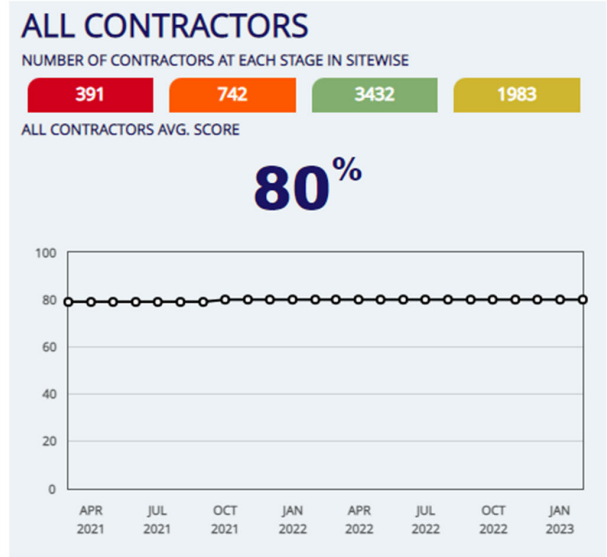
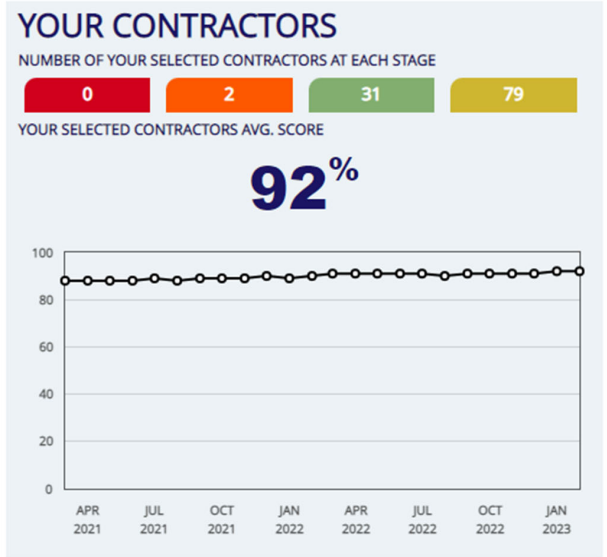
CONTRACTOR PIPELINE

Health and Safety ▾

ALERTS

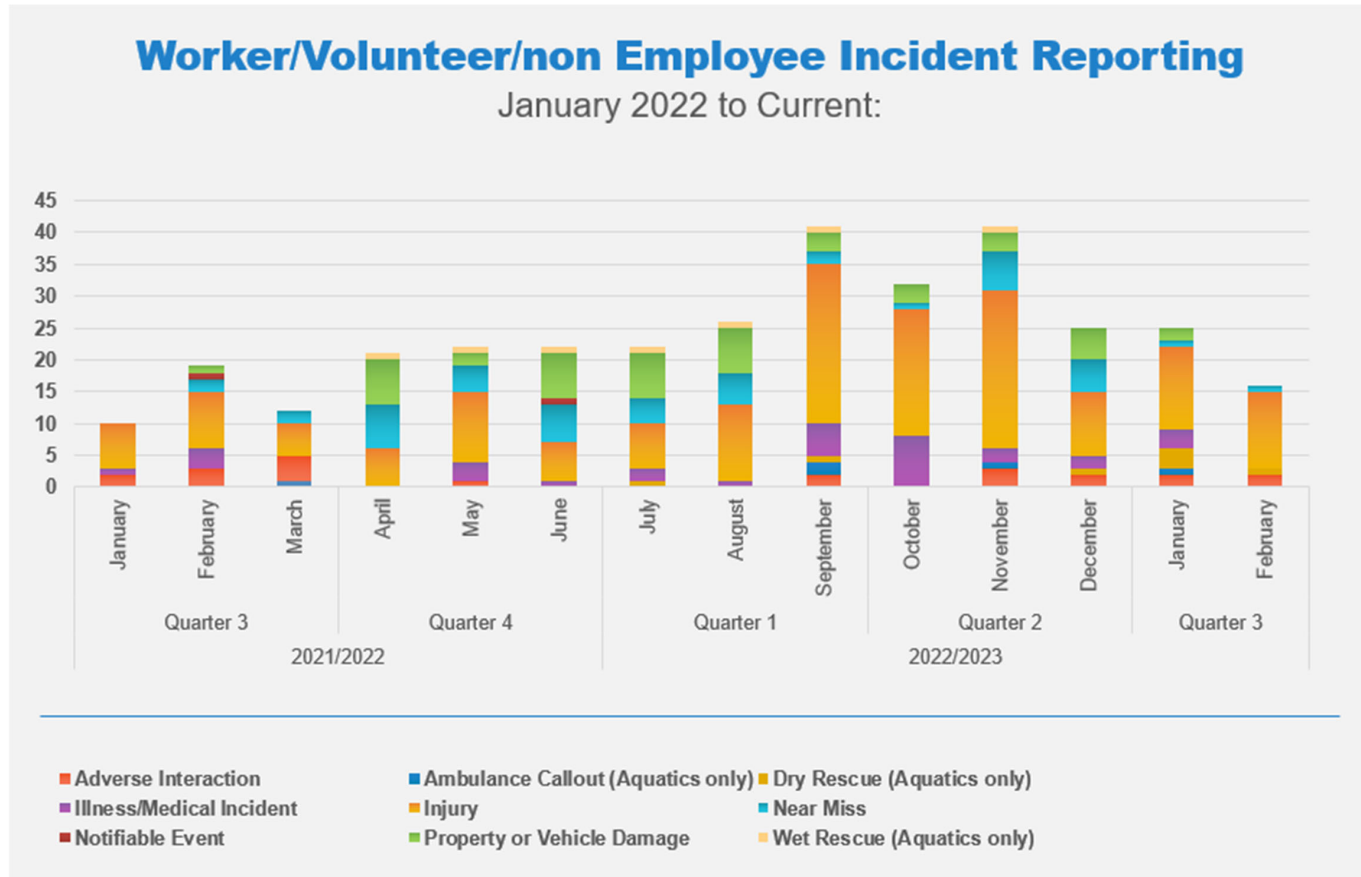


CONTRACTOR ASSESSMENT SCORES



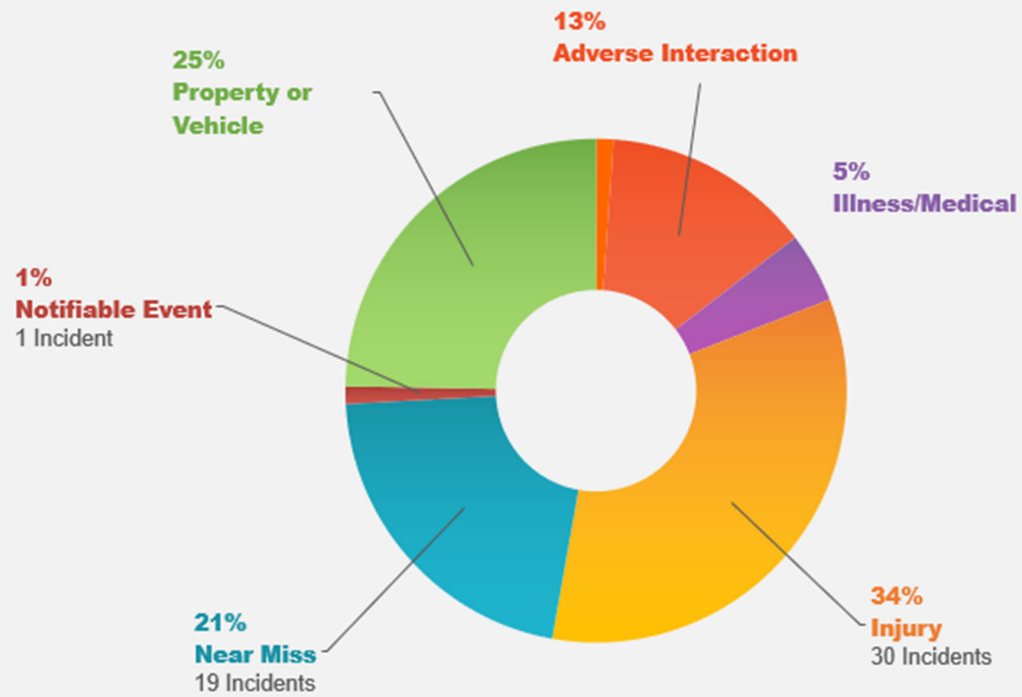
- VIEW ALL CONTRACTORS
- INVITE NEW CONTRACTORS
- VIEW STATUS OF INVITED CONTRACTORS

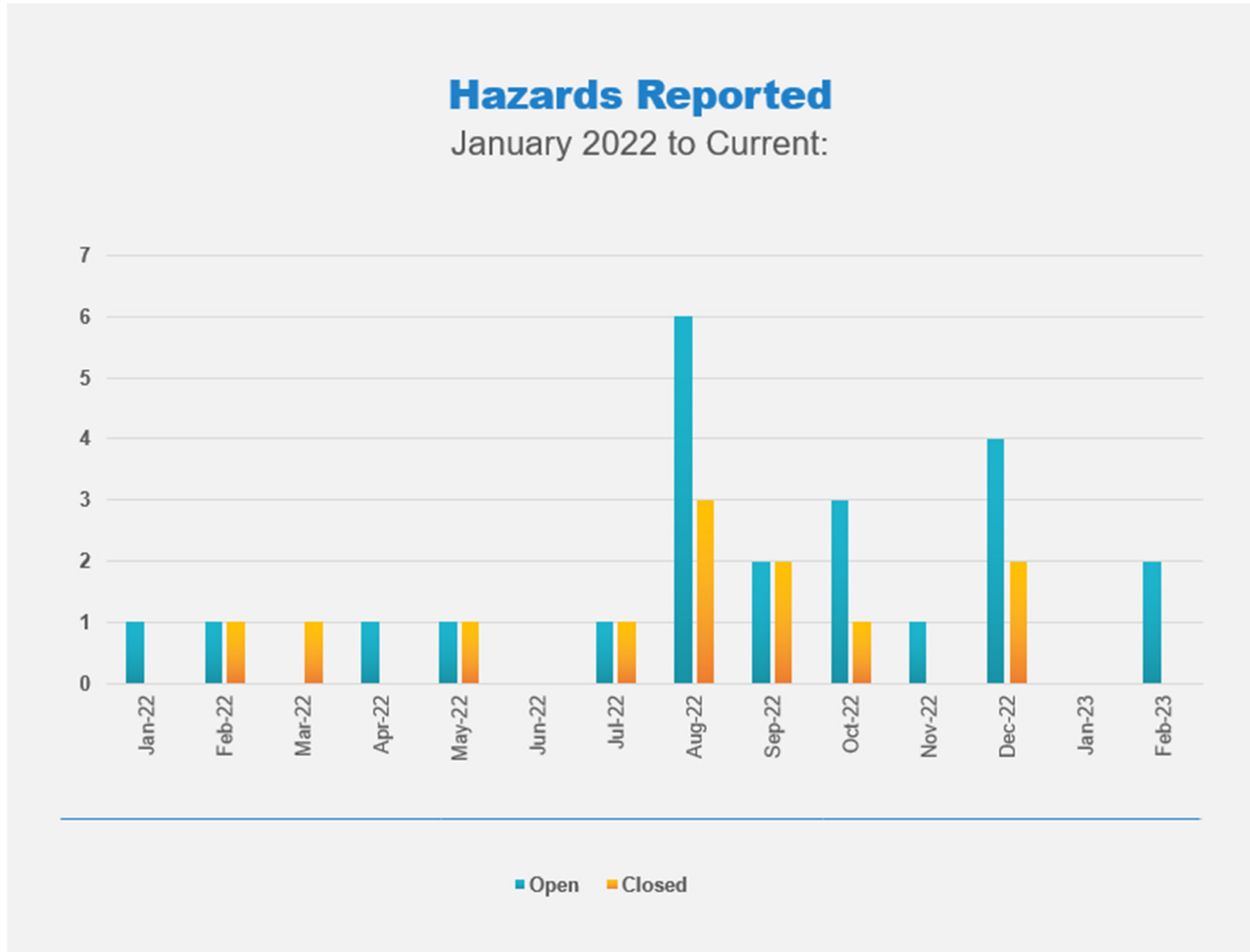
Appendix C



Worker/Volunteer Incident Reporting

January 2022 to Current:





WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF A MEETING OF THE AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, CIVIC BUILDINGS, HIGH STREET, RANGIORA ON TUESDAY, 14 FEBRUARY 2023, AT 9AM.

PRESENT

Deputy Mayor N Atkinson (Chairperson), Councillors J Goldsworthy, T Fulton, J Ward and P Williams.

IN ATTENDANCE

Councillors P Redmond (via Teams) and B Cairns.

J Millward (Acting Chief Executive), G Cleary (General Manager Utilities and Roading), C Brown (General Manager Community and Recreation), H Street (Corporate Planner) and K Rabe (Governance Adviser).

1 APOLOGIES

Moved: Councillor Atkinson

Seconded: Councillor Goldsworthy

An apology was received and sustained from Mayor Gordon.

CARRIED

2 CONFLICTS OF INTEREST

No conflicts of interest were declared.

3 RECEIPT OF MINUTES

3.1 Minutes of a meeting of the Audit and Risk Committee held on Tuesday 22 November 2022

Moved: Councillor Ward

Seconded: Councillor Goldsworthy

THAT the Audit and Risk Committee:

- (a) **Receives** for information the circulated Minutes of a meeting of the Audit and Risk Committee, held on 22 November 2022.

CARRIED

3.2 Matters Arising

Councillor Redmond queried if the Official Information Requests had been uploaded to the Council's website as requested at the last meeting. J Millward agreed to check on the progress with the request and to report back to the Committee.

4 PRESENTATION/DEPUTATION

Nil.

5 REPORTS

5.1 2022/23 Capital Works December Quarterly Report – G Cleary (General Manager Utilities and Roading), C Brown (General Manager Community and Recreation) and D Young (Senior Engineering Advisor)

G Cleary spoke to the report, noting that in large the Council was on track to deliver the Capital Works Programme for the 2022/23 financial year, and where projects were not delivered it would be mostly be due to development timing. All the Shovel Ready Projects were also on track and he was confident that deadlines would be met.

Councillor Fulton enquired what damage the willow walls in Lees Valley had sustained. G Cleary did not have that information at hand, however, agreed to forward the information to the Committee after the meeting.

Moved: Councillor Atkinson

Seconded: Councillor Fulton

THAT the Audit and Risk Committee:

- (a) **Receives** Report No. 230202013800.
- (b) **Notes** the actual and predicted achievement across all tracked capital expenditure.
- (c) **Notes** that of the \$74.80 million total capital spent, \$36.76 million (49%) was completed and \$69.38 million (93%) was predicted to be completed.
- (d) **Notes** that progress towards achieving the 2022/23 Capital Works Programme was well advanced across most areas. However, there were a number of projects either delayed or at risk, as reported elsewhere in the report.

CARRIED

Councillor Atkinson thanked staff for the informative report which gave a clear indication of where the Council was in relation to achieving its Capital Works Programme.

5.2 Financial Report for the period ended 31 December 2022– P Christensen (Finance Manager)

M Millward spoke to this report, advising that operating costs were over budget, and the two main factors contributing to this were costs from the July 2022 flooding event and depreciation being over budget as a result of increases in revaluations at 30 June 2022.

Councillor Fulton questioned the possibility of annually budgeting for mitigating the costs from flooding, J Millward stated that to date the Council had not budgeted for unseen natural disasters and post funded, however, agreed that this may need to be reviewed during the strategic planning to be held in the near future.

Councillor Williams drew the Committee's attention to paragraph 4.3, bullet point four which gave the figure of \$0.7 million for recreation, however there was no breakdown as shown for the other bullet points. J Millward agreed to look into this and report back to Councillor Williams with the figures after the meeting.

Moved: Councillor Fulton

Seconded: Councillor Goldsworthy

THAT the Audit and Risk Committee:

- (a) **Receives** Report No. 230131012193.
- (b) **Notes** the surplus for the period ended 30 December 2022 was \$4.5 million. This was \$7.9 million under budget and reflected both lower operating revenue and operating expenditure over budget from the July 2022 flooding event and depreciation.

CARRIED

5.3 **Non-Financial Performance Measures for the year ended 31 December 2022 – H Street (Corporate Planner)**

H Street took the report as read.

Councillor Atkinson confirmed that the method of measuring non-financial performance would be reviewed for the next Long Term Plan (LTP). As background, he explained that other councils used a scale method which tends to be more flexible than a flat figure. A scale tends to measure the level of performance achieved, i.e. 98% to 100% could still be considered attainment. However, with a set figure you could have achieved 99.8% of the key performance indicator and would still measure as unachieved, which impacted when audited on performance achievements.

Councillor Williams raised noted a concern raised by members of the public about the lack of communication from the Council's Human Resources Unit when applying for a position. J Millward explained that some delays may be caused by the requirement for credit and or police checks on applicants, however, he undertook to follow up to ensure that applicants were kept informed on the status of their applications.

Moved: Councillor Ward

Seconded: Councillor Goldsworthy

THAT the Audit and Risk Committee:

- (a) **Receives** Report No. 230201013036.
- (b) **Notes** that 64% of the Non-financial Performance Measures for the second quarter of the 2022/23 financial year were achieved, and 34% were not achieved.
- (c) **Notes** that 18 of the 38 Non-financial Performance Measures which did not meet the targets were within 5% of being achieved.
- (d) **Notes** two Non-financial Performance Measures were not due for completion until later in the financial year.
- (e) **Notes** all measures had been reviewed and incorporated in the 2021-2031 Long Term Plan.
- (f) **Notes** the enhancements made to the Opal3 report in this quarter.

CARRIED

6 PORTFOLIO UPDATES

6.1 Audit, Risk, Annual / Long Term Plans – Councillor Joan Ward

- Commended J Millward and staff for the great effort on the Annual Plan presentation and the initial draft budgets which show a 5.97% average rate increase for the 2023/24 financial year. The budgets were exemplary in the presentation and the fact that the Council was able to sign off on this work in one day was a testament to the organisation of staff.
- The LTP Planning Group had two meetings to work on the schedule and workplan for the 2024-2034 LTP, and a strategy day was planned for 17 February 2023 to form a number of high-level priorities to be considered for the LTP.
- Uncertainty of Three Waters reform and other Government reviews would result in the budgets being included in the LTP but with the option that if Three Waters proceeded in its current form these activities would be able to be removed with an alternative structure and a ten year budget plan.
- She commended the Council on obtaining, for the third time, a Double AA rating with Standard and Poors.
- LTP audit and timetable was at risk due to a number of uncertainties one of them being the continued backlog of work and lack of resources in the Auditor-General's Office.

6.2 Communications and Customer Services – Councillor Joan Ward

- The Association of Local Government Information Management (ALGIM) national benchmarking survey on Council Customer Service for 2022 saw the Waimakariri District Council achieve an “excellent customer service experience” rating and a ranking of fourth out of 80 with a score of 89.7%.
- She noted the recruiting for a new frontline staff member due to an internal move by current staff.
- Land Information Memorandum (LIM) numbers were down for January 2023 with only 105 issued which is the lowest since 2011. It was confirmed by other property professionals that conveyancing had been slow. Therefore, one of the team were currently assisting the Utilities and Roading Unit with administration.
- Rates recovery had reached the formal mortgage demand stage and 127 demands were made on mortgages, however, this was significantly reduced from the number of advisory notices that were delivered to the banks three months ago.
- As of 13 February 2023 the Council had granted 2,539 rates rebates for the 2022/23 financial year. This compared with 2,526 for the whole of the previous financial year. The Council would be advertising during March 2023 to educate those people who may not realise they qualified for a rates rebate.
- Engagement topics from this period includes:
 - Location for Pegasus facilities
 - Further submissions for the Ohoka Plan Change
 - Greater Christchurch Urban Growth Work Programme
 - Urban forest
 - Local Government Official Information and Meetings Act (LGOIMA) Amendment Bill
 - Three Waters second bill select Committee process
 - Pegasus Bay Bylaw review.

7 QUESTIONS

Nil.

8 URGENT GENERAL BUSINESS

Nil.

9 MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987.

Moved: Councillor Atkinson

Seconded: Councillor Goldsworthy

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Item No	Minutes/Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
2.1	Safety items from monthly Airfield Advisory Group Meeting	Correspondence	Good reason to withhold exists under Section 7	Section 48(1)(a)

This resolution was made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public were as follows:

Item N°	Reason for protection of interests	LGOIMA Part 1, Section 7
2.1	Protection of privacy of natural persons; Expression of free and frank opinions.	Section 7 2(a) Section 7 2(f)i

CARRIED

CLOSED MEETING

The public excluded portion of the meeting commenced at 9.27am and concluded at 9.50am.

9.1 Safety Items from monthly Airfield Advisory Group meeting

Moved: Councillor Atkinson

Seconded: Councillor Goldsworthy

THAT the open meeting resumes and that the resolutions made within the public excluded be remains public excluded until determinations by the Civil Aviation Authority have been made.

CARRIED

NEXT MEETING

The next meeting of the Audit and Risk Committee will be held on Tuesday 14 March 2023 at 9am.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 9.56am.

CONFIRMED

Chairperson

Date

Unconfirmed

WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE DISTRICT PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON TUESDAY, 21 FEBRUARY 2023, AT 1PM.

PRESENT:

Councillors A Blackie (Chairperson), N Atkinson, B Cairns, T Fulton and J Goldsworthy.

IN ATTENDANCE

Councillors N Mealings, P Redmond and P Williams.

S Hart (General Manager Strategy, Engagement and Economic Development), M Bacon (Development Planning Manager), W Taylor (Manager Building Unit), W Harris (Planning Manager), B Charlton (Environmental Services Manager), G Maxwell (Policy Technician) and E Stubbs (Governance Support Officer).

1 APOLOGIES

Moved: Councillor Blackie Seconded: Councillor Atkinson

THAT an apology for absence be received and sustained from Mayor Gordon.

CARRIED

2 CONFLICTS OF INTEREST

There were no conflicts of interest declared.

3 CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the District Planning and Regulation Committee held on Tuesday, 29 November 2022

Moved: Councillor Atkinson Seconded: Councillor Cairns

THAT the District Planning and Regulation Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the District Planning and Regulation Committee, held on 29 November 2022, as a true and accurate record.

CARRIED

4 DEPUTATIONS

Nil.

5 REPORTS

5.1 Reallocation of Funding for 1164 Oxford Road - Recommendations of Staff – G Maxwell (Policy Technician) and I Carstens (Team Leader Resource Consents)

G Maxwell introduced the report and highlighted that the applicant was not seeking additional funding, rather, the application requested the reallocation of the \$13,550.08 granted in 2021. The reallocation would result in \$7604.75 being assigned to the repairs and \$5945.33 towards the painting. She noted that Heritage Consultancy Services had advised that if the colour remained the same and volunteers from the community did the painting, they were not concerned and believed there was no merit in providing a further report for this project.

There were no questions from Committee members.

Moved: Councillor Fulton

Seconded: Councillor Cairns

THAT the District Planning and Regulation Committee:

- (a) **Receives** Report No. 230202013982.
- (b) **Notes** the accumulated amount available in The Heritage Fund was currently \$13,434.59.
- (c) **Approves** the reallocation of how the approved funds provided to 1164 Oxford Road (H100) were applied to the restoration of the heritage building on this site.

CARRIED

Councillor Fulton commented that this was a valuable project on a well-known distinctive landmark.

Councillor Cairns concurred, and he believed reallocating the funds was a pragmatic approach and thanked the team involved.

6 CORRESPONDENCE

Nil.

7 PORTFOLIO UPDATES

7.1 District Planning - Councillor Tim Fulton

- Issues with applicants caught between two District Plans were being worked through. It was not as fraught as expected.

7.2 Civil Defence and Regulation – Councillor Jason Goldworthy

- Muscle Car Madness and similar events had received fewer complaints than in previous years.
- The team was making headway in pool compliance.
- The Civil Defence Team had been busy assisting with Cyclone Gabrielle relief efforts.

7.3 **Business, Promotion and Town Centres – Councillor Brent Cairns**

- Work on Conway Lane and a pedestrian-friendly Rangiora High Street (including the Cenotaph corner) was progressing.
- He attended a crime prevention event at the RSA in January 2023, where the Police provided good resources and information.
- The Pegasus Residents' Group was investigating the possibility of establishing a youth organisation in the area and was recruiting from Pegasus Primary and Kaiapoi High Schools.
- Kaiapoi Promotions Association (KPA) were planning to host the Kaiapoi River Carnival on 1 April 2023. KPA proposed submitting on developing an event space at the Kaiapoi Community Hub on Courtenay Drive.
- Oxford Promotions Action Committee (OPAC) had beautified the toilets on Main Street in Oxford and was considering beautifying water tanks in the area. They would like to see an update on the Town Centre Plan.
The Council's representative on OPAC, Councillor Fulton, noted OPAC concern about the lack of progress in the Oxford Town Centre and questioned whether this was due to the lower business rates received from Oxford compared to other town centres. S Hart explained that the three main town centres had Town Centre Plans substantially funded from the Council's Long Term Plan. The 2014 Oxford Town Centre plan had primarily been delivered. However, staff could bring a review of the plan back to the Committee. In addition, staff would be happy to attend the Oxford-Ohoka Community Board meeting and discuss any specific desires for the Oxford town centre and how these may fit with other projects in the interim.
- Kaiapoi Motorhome Association Park had opened the previous week.
- Multiple markets were looking to establish in Kaiapoi.

8 **QUESTIONS UNDER STANDING ORDERS**

Nil.

9 **URGENT GENERAL BUSINESS**

Nil.

NEXT MEETING

The next meeting of the District Planning and Regulation Committee will be held on the 21 March 2023.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 1.11pm.

CONFIRMED

Councillors A Blackie

Date

WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE UTILITIES AND ROADING COMMITTEE HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON TUESDAY, 21 FEBRUARY 2023, AT 9.00AM.

PRESENT

Councillor N Mealings (Chairperson), Councillors R Brine, P Redmond, J Ward, P Williams and Mayor D Gordon (left the meeting at 10.10am).

IN ATTENDANCE

Councillors N Atkinson, B Cairns and T Fulton.

G Cleary (General Manager Utilities and Roading), J McBride (Roading and Transport Manager), K Simpson (Three Waters Manager), D Young (Senior Engineering Advisor), R Kerr (Flood Recovery Programme Manager), C Grabowski (Roading Operations Team Leader) and K Rabe (Governance Advisor).

1 APOLOGIES

There were no apologies.

2 CONFLICTS OF INTEREST

No conflicts of interest were declared.

3 CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Utilities and Roading Committee held on Tuesday, 29 November 2022

Moved: Councillor Williams

Seconded: Mayor Gordon

THAT the Utilities and Roading Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the Utilities and Roading Committee held on 29 November 2022 as a true and accurate record.

CARRIED

3.2 Matters arising (From minutes)

There were no matters arising from the Minutes.

PUBLIC EXCLUDED MINUTES

(These Minutes were considered in the public excluded portion of the meeting)

3.3 Minutes of the public excluded portion of the Utilities and Roading Committee Meeting Tuesday, 29 November 2022

4 DEPUTATION/PRESENTATIONS

4.1 Traffic on Taaffes Glens Road, Loburn – K Stewart and G Lancaster

K Stewart and G Lancaster were in attendance to request that the Council consider extending its metalled road maintenance programme on Taaffe Glen Road by 0.4 kilometres. K Stewart spoke to her previously circulated submission (Trim: 230221023476), which noted that prior to 2021, the Council had contracted CORDE to maintain Taaffe Glen Road up to Fox Creek, regularly graded to 289 Taaffe Glen Road. This request would take the maintenance a further 0.4 kilometres to the Roundhill Farm entrance and provide a well-maintained road to the access and parking area utilised by tamperers, cyclists, hunters, campers and those who regularly used the waterhole for swimming. This access was advertised on both the Council and the Department of Conservation's websites for these activities. In addition to recreational users, the road was also used by Environment Canterbury (ECan) officers, farm workers and neighbours to access their paddocks.

In addition to assisting with maintaining the road, Mr Lancaster had worked to control the gorse along the road edge.

Councillor Williams asked if this section of road was a paper road or on private property and was informed that it was on Crown land and was there when Ms Stewart and Mr Lancaster bought the property.

Mayor Gordon commended the work done by Ms Stewart and Mr Lancaster to maintain the road and requested that a report on the matter be brought to the Council with some urgency.

Councillor Ward also acknowledged the work done to control the gorse along the road and requested an investigation to establish whose responsibility it was to control it. J McBride confirmed that neither the Council nor ECan was responsible as it was the property owner's responsibility.

The Chairperson thanked K Stewart and G Lancaster for bringing this matter to the Committee's attention and for a clear and concise presentation.

5 REPORTS

5.1 July 2022 Flood Response Update – K Simpson (Three Waters Manager), J McBride (Roading and Transport Manager) and R Kerr (Flood Recovery Programme Manager)

K Simpson and R Kerr provided a short overview, including information on completed investigations and progress on physical and maintenance works.

Councillor Williams noted that of the 321 maintenance works identified, only 92 would be completed by the end of February 2023, and enquired what could be done differently to achieve a better completion rate. G Cleary replied that the figures were deceptive as this did not imply that no maintenance had been carried out, noting that the maintenance works resulted from the recent weather events.

Councillor Williams questioned that if all the maintenance had been completed, would it have impacted on the amount of additional work required after the flooding. K Simpson explained that 908 drain service requests were received after the weather event, which staff had assessed to ascertain if there was a history of issues with this area, and if so an investigation would be triggered. However, if there was no history of flooding or pipe failure, then staff would investigate the possibility of silt build-up, overgrown vegetation or other blockages which would be logged as a maintenance request. Once an investigation

had been completed, a further assessment was done to determine whether the work could be funded from existing budgets or if additional funding needed to be requested, which would result in a report to the Council.

Moved: Councillor Williams

Seconded: Councillor Redmond

THAT the Utilities and Roading Committee:

- (a) **Receives** Report No. 230207015365.
- (b) **Notes** that investigations, funded physical works and maintenance actions arising from the July 2022 floods were well advanced, with the majority expected to be completed prior to winter 2023.
- (c) **Notes** that the investigations were identifying a range of potential capital projects, of which some were included in the current draft Annual Plan, while others would be offered for consideration in the next Long Term Plan.
- (d) **Circulates** this report to all Community Boards for information.

CARRIED

6 CORRESPONDENCE

Nil.

7 PORTFOLIO UPDATES

7.1 Roading – Councillor Philip Redmond

- Southbrook Road / Torlesse Street / Coronation Street Intersection
Work was progressing well with the improvements around Southbrook and New Life Schools, having largely been completed. Installation of services was continuing and the intersection works were well underway on the eastern side of the road, including the installation of foundations for the traffic signal poles. The contractor was currently ahead of programme.
- Kerb and Channel Renewals
OnGrade had commenced with the kerb and channel contract, which included four kerb and channel sites. Ohoka Road (motorway end near the Dairy) had been completed and work was starting on Good Street. Work on Geddis and Keir Streets were to follow.
- Mulcocks Road Right Turn Bay
Work had begun on the installation of the Right-turn-bay on Skewbridge Road at Mulcocks Road. This would provide space for a dedicated right turn bay for traffic wanting to turn into Mulcocks Road.
- Pavement Rehabilitation
The pavement rehabilitation work on Oxford Road was progressing. Chip sealing of the final section was due to be completed next week, sweeping, road marking, shoulder works and driveway tie ins were also being carried out with the road likely to open between the 1st and 3rd of March 2023. If the work was completed earlier then the road would be reopened. South Eyre Road Pavement Rehabilitation was the next site to be undertaken (starting early to mid-March 2023) and pavement repairs were also required on Smarts Road.

- Resealing
The Resealing Programme had been continued with approximately 60% of the programme now complete. Pre-reseal repairs including stabilisation, edge break and minor levelling were continuing.
- Lees Valley
Vegetation trimming was being undertaken through the valley later this week.
- Stringers Road Seal Extension
This work was due to start this week and was being done under the Private Funding of Seal Extension Policy and was approved by the Utilities and Roothing Committee last year.
- Cyclic works
The work included pothole repairs, signage repairs and vegetation trimming was continuing.
- Ashley Gorge Road
There were a number of planned works which needed to be undertaken in the short term, including vegetation cutting, pavement repairs, drainage maintenance and resealing of two sections of road. Staff were working with the contractor to ascertain if the work could be combined and undertaken during one closure to minimise disruption.

7.2 **Drainage, Stockwater and Three Waters (Drinking Water, Sewer and Stormwater) – Councillor Paul Williams**

Water

- Temporary Chlorination Update
There was a Council briefing after the Utilities and Roothing Committee meeting regarding the temporary chlorination of the Woodend and Kaiapoi water supplies, as well as to give an update about the Cust exemption application.
- Mandeville New Tank
After a long wait construction was progressing for the stainless steel storage tank at the Mandeville water headworks. The foundation had been poured and the tank welding machinery was due on site soon to install the first steel tank for the Council.
- Reservoir Sealing
In March 2023 the contractor who won the reservoir sealing contract was going to begin work sealing reservoirs throughout the district, including in Oxford, Kaiapoi, Rangiora and Pegasus.
- Hot Weather Caused High Demand
The district had seen an increased demand on the water supplies with the hot weather in recent weeks, however, so far all supplies had coped well and there had not been any major operational issues.

Wastewater

- Treatment Plants
There had been no notable outbreak of avian botulism this year. However, there had been some issues with midges, but this had been less than other years due to the weather and also the proactive measures employed to manage midges.

- Kairaki Sewer
Works were still progressing to repair the manholes and laterals in Featherstone Avenue to reduce infiltration and inflow into the sewer system.

Stormwater

- Flood Response Work
The concerted effort was continuing to wrap up investigations and maintenance work by the end of June 2023.

7.3 **Solid Waste– Councillor Robbie Brine**

Canterbury Joint Committees:

The Chair for

- CRLJC was Christchurch City Councillor Mark Peters.
- CWJC was Christchurch City Councillor Kelly Barber
- Deputy chair for both joint committees was Councillor Robbie Brine

The Transwaste Directors were:

- Councillor James to represent CCC
- Councillor Grant Miller to represent the rural Councils

Southbrook RRP

- The rubbish pit floor was repaired overnight last Thursday, with a skim coating over the concrete floor and modifications to the steel plate at the compactor hopper – there was no impact on services.
- Asbestos-containing materials were removed from the cleanfill stockpile; concrete was washed cleaned and taken to the Council's cleanfill pit. The remaining soils had been tested for asbestos, metals etc., and owing to above, acceptable concentrations in arsenic, copper, lead and zinc, would be taken to a Frews' managed fill site, a lower-cost option than sending it to Kate Valley.

Kerbside Collections

- Bin Audits:
 - Three audit rounds had been completed in the targeted kerbside areas (six weeks of audits).
 - In the first three weeks of audits: 2,145 bins were audited; 1,477 properties received 'educations'; 548 were tagged contaminated and not collected; and 120 received gold stars.
 - 105 letters had been sent out regarding double-contaminations.
 - Twenty eight properties had been identified for bin removals as they had had three or more contaminations, (one in Pegasus, nine in Rangiora, eighteen in Kaiapoi and of the Kaiapoi ones, three have Health and Safety risks associated with them owing to adverse interactions at kerbside).
 - Rangiora High School had agreed with Council that their 30-odd 'free' recycling bins should be removed as they could not manage to keep these clean using their current systems.

Bin supply:

- 140 litre bins were now in stock (these were ordered in October 2023, and were received a month after their due delivery date). Waste Management had caught up with new bin deliveries and also bin swaps for 140L bins.

Cust Rural Recycling Facility

- The road crossing had been sealed, in compliance with the land use consent conditions.
- Staff and hotel proprietors had agreed for the Council to install a surveillance system in the back car-park, to ensure the Council could identify users that do not comply with the site usage requirements. The Council would be using their internet for this system.
- The Council had arranged for a pre-easter skip empty, and a second empty on Tuesday after Easter to ensure there was plenty of capacity for recycling over the holiday period.

Councillor Williams questioned the discrepancy between a recent report which stated that contamination had decreased significantly and the abovementioned feedback stating that the bin audits had revealed concerning contamination of bins. He also noted that he had received criticism regarding the behaviour of the auditors. Councillor Brine commended the staff on their professional behaviour when confronted by aggressive residents during bin audits.

Councillor Redmond queried if rates were adjusted due to the removal of recycling bins. G Cleary replied that no adjustments to rates were made, however, residents would have their bins returned after a stand down period.

Councillor Ward enquired if it would be possible to include the costs relating to contaminated bins in the education information circulated to the public, so people could understand the consequences of contaminating a load of recycled material.

Mayor Gordon requested that recycling information be circulated to ratepayers with their rates bill.

7.4 **Transport – Mayor Dan Gordon**

- Mass Rapid Transport – Interest from Government, which indicated how important it was to keep all parties briefed.
- Noted that Woodend Safety improvements drop in session run by Waka Kotahi. Unaware that this was the final plan and there were plenty of residents in attendance to provide feedback.
- Waka Kotahi was keen to implement safety barriers down Lineside Road which the Council was opposed to at this time.

Councillor Atkinson raised concern that little to no information had been shared with residents, business and the Council about the impact of the Woodend Safety Improvements, specifically the impact of work to be done at the Pineacres intersection.

Mayor Gordon assured members that he would be taking the matter up with Waka Kotahi's Director of Regional Relationships, J Caygill, and further conversations needed to be initiated.

Councillor Cairns noted he had attended the drop in session and asked if he could forward the feedback/queries he had taken at the session to Mayor Gordon to forward onto Waka Kotahi.

Councillor Atkinson requested clarification on Waka Kotahi's intentions with one lane approaches to the Pegasus roundabout.

Councillor Redmond queried the point of a drop in session if the decision on the improvements had already been made, and was advised that it was for information sharing.

Councillor Mealings acknowledged how important the information sharing during Portfolio Updates was to keep other Councillors informed.

8 MATTERS REFERRED FROM RANGIORA-ASHLEY COMMUNITY BOARD

8.1 Request approval of No-Stopping Restrictions – Durham Street and South Belt – Shane Binder (Transportation Engineer)

There were no questions to this report.

Moved: Councillor Ward

Seconded: Councillor Williams

THAT the Utilities and Roading Committee:

- (a) **Approves** installation of the following no-stopping restrictions:
- i. For 1.5meters on either side of the primary pedestrian access to 78 Durham Street, Rangiora .
 - ii. 5.0meter east of the driveway to 64 South Belt, Rangiora.

CARRIED

9 MATTERS FOR INFORMATION

9.1 Request approval for Stop Controls on Seddon Street at King Street; Station Road at Railway Road; and MacPhail Avenue / Spark Lane at Northbrook Road – Shane Binder (Senior Transport Engineer) (Report No. 221121201887 to the Rangiora-Ashley Community Board meeting of 15 February 2023)

9.2 Approval of MainPower quote to relocate power transformer – Joanne McBride (Roading and Transportation Manager) and Kieran Straw (Civil Projects team Leader) – (Report No. 221221220186 to the Management Team meeting of 16 January 2023)

9.3 Approval of Treotech Quote to Remove Hedge on Cones Road – Dominic Mansbridge (Project Engineer) and Kieran Straw (Civil Projects Team Leader) – (Report No. 221221220186 to the Management Team meeting of 16 January 2023)

9.4 Cenotaph Corner Improvement Project – Price Request Method – Heike Downie (Senior Advisor – Strategy and Programme) – (Report No. 230110001928 to the Management Team meeting of 16 January 2023)

9.5 July Flood Recovery programme – Direct appointment of consultants – Rob Kerr (Flood Recovery Programme Manager) and Kalley Simpson (Three Waters Manager) – (Report No. 221121201664 to the Management Team meeting of 21 November 2022)

9.6 Cycle Skills Education Programme “Cycle Sense” Update – Peter Daly (Road Safety Co-Ordinator/Journey Planner) and Joanne McBride (Roading and Transport Manager) - (Report No. 221118200998 to the Management Team meeting of 28 November 2022)

Councillor Ward queried if the work at Cones Road would include safety improvements as there had been several incidents at that intersection. D Young explained that this was primarily a drainage project and the hedge removal, while assisting with sight lines, would not ultimately achieve any further safety improvements at the intersection. J McBride further noted that there would be further investigation on what could be done to improve safety at the intersection.

Mayor Gordon left the meeting at 10.10am.

Councillor Williams commented that several of the reports indicated that only one quote had been considered and questioned why that was. G Cleary replied that there were thresholds within the Council’s Procurement Policy which allowed for the Management Team to opt for one quote, however, there were instances where only one vendor had tendered or there was only one vendor who offered that services.

Councillor Redmond noted that there had been a discussion regarding bringing the funding for the drainage project at Cones Road forward, and that a public meeting would be held to update residents on the status of this matter. D Young responded that he was in favour of a meeting with residents, however, it was unlikely that funding would be able to be brought forward.

In response to a query regarding whether residents had been informed of the possible stop controls at Seddon Street, King Street and Station Road at Railway Road D Young replied that further conversation would be required with Pak n Save representatives.

Moved: Councillor Ward

Seconded: Councillor Redmond

THAT the Utilities and Roading Committee:

(a) **Receives** the information in Items 9.1 to 9.6.

CARRIED

10 QUESTIONS UNDER STANDING ORDERS

Nil.

11 URGENT GENERAL BUSINESS

Nil.

12 MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987

Moved: Councillor Ward

Seconded: Councillor Brine

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

Item No	Report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
MINUTES				
12.1	Minutes of the Public Excluded portion of the Utilities and Roading Committee Meeting Tuesday 29 November 2022.	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)

REPORTS						
12.2	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.3	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.4	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.5	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.6	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.7	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.8	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.9	Report Management meeting	from Team	Report Information	for	Good reason to withhold exists under Section 7	Section 48(1)(a)

CARRIED**CLOSED MEETING**

The Public Excluded section of the meeting occurred from 10.24am to 10.38am.

OPEN MEETING

Moved: Councillor Williams

Seconded: Councillor Redmond

THAT open meeting resumes and that the business discussed with the public excluded remains public excluded.

CARRIED**NEXT MEETING**

The next meeting of the Utilities and Roading Committee will be held on Tuesday 21 March 2023 at 9am.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 10.38AM.

CONFIRMED

Chairperson

Date

UNCONFIRMED

MINUTES FOR THE MEETING OF THE WOODEND-SEFTON COMMUNITY BOARD HELD IN THE SEFTON PUBLIC HALL, UPPER SEFTON ROAD, SEFTON ON MONDAY 13 FEBRUARY 2023 AT 5.30PM.

PRESENT

S Powell (Chairperson), M Paterson (Deputy Chairperson), B Cairns, I Fong, R Mather, and A Thompson.

IN ATTENDANCE

T Tierney (General Manager Planning, Regulation and Environment), M McGregor (Senior Advisor Community and Recreation), S Binder (Senior Transportation Engineer), A Mace-Cochrane (Project Engineer), K Nutbrown (Communications and Engagement Advisor), K Rabe (Governance Advisor) and C Fowler-Jenkins (Governance Support Officer).

There were six members of the public present.

1 APOLOGIES

Moved: S Powell Seconded: M Paterson

THAT an apology for absence be received and sustained from P Redmond.

CARRIED

2 CONFLICTS OF INTEREST

There were no conflicts declared.

3 CONFIRMATION MINUTES

3.1 Minutes of the Woodend-Sefton Community Board – 12 December 2022

Moved: I Fong Seconded: M Paterson

THAT the Woodend-Sefton Community Board:

- (a) **Confirms**, as a true and accurate record, the circulated Minutes of the Woodend-Sefton Community Board meeting, held on 12 December 2022.

CARRIED

3.2 Matters Arising

There were no matters arising.

3.3 Notes of the Woodend-Sefton Community Board Workshop – 8 and 12 December 2022

Moved: B Cairns Seconded: I Fong

THAT the Woodend-Sefton Community Board:

- (a) **Receives** the notes of the Woodend-Sefton Community Board Workshops, held on 8 and 12 December 2022 (Trim Ref: 221209213272 and 230208016743 respectively).

CARRIED

4 DEPUTATIONS AND PRESENTATIONS FROM THE COMMUNITY

4.1 Petra Kneale, Woodend Resident

P Kneale spoke to the Board noting her concerns regarding State Highway One (SH1) between the Pegasus roundabout and Gressons Road. She explained that she lived on Wards Road, which was the first road on the left as you came through the roundabout going north. Waka Kotahi was proposing to single lane the roundabout and to install barriers from the Pegasus roundabout, north to just before Gressons Road. This would cause vehicles to bottle neck at the roundabout causing delays and increasing frustration. Also emergency services could be delayed by this blockage as well as having to travel out of their way to access homes on the opposite side of the barrier. In P Kneale's opinion the barrier was extremely dangerous, as the road was too narrow to accommodate a broken-down vehicle and safe traffic flow. P Kneale noted that her husband had a heart problem and the delays incurred by the barriers for emergency vehicles could be the difference between life and death. They had spoken to the New Zealand Transport Agency noting their concern.

Another factor was the numerous speed changes which were very confusing for drivers. P Kneale advised that she had sent 130 emails to various companies, including trucking companies and emergency services asking them to voice their concerns to Waka Kotahi, and asked for the Board's support.

The Chair thanked Ms Kneale for her presentation and agreed that the concerns were valid and that the Board had been in contact with Waka Kotahi on a regular basis with concerns regarding the proposed safety improvements and reminded Ms Kneale of the drop-in session being hosted by Waka Kotahi in Woodend later in the week.

4.2 Sefton Public Hall Committee

P Lochhead, President of the Sefton Hall Committee, was in attendance to provide an update on the status of the lease of domain land and other matters. The Committee had spent some time waiting for the lease deed to come through from the Council however once M McGregor took over the project the lease had come through within a couple of months. M McGregor presented him with the lease deed in December 2022 and over the Christmas period P Lochhead had circulated it to the rest of the Committee. At a subsequent meeting the Committee agreed that there were a few items that required change.

The Committee had decided not to inform the community on whether they were going to build a new hall on the current site, or repair the old building, or build a new facility at the domain as they did not want to fuel expectation. Once the lease was signed, they would inform the community and commence serious fundraising. Currently the Committee had some money in the bank and they hoped to sell the current site which should raise significant funds, as well as a small block of land on which the old Sefton library was located. The Council had also allocated some funds in its previous Long Term Plan.

M McGregor noted that he had met with P Lochhead in December 2022 to discuss the lease and attended the subsequent committee meeting. He was aware of points that they had raised which would need to be clarified with the Councils Property Team prior to the signing of the lease.

5 ADJOURNED BUSINESS

Nil.

6 REPORTS

6.1 WAIKUKU BEACH RESERVE SPATIAL ACTIVITY PLAN – M McGregor (Senior Advisor Community and Recreation)

M McGregor took the report as read highlighting the new area shown on the map in pink which introduced a beach activity infrastructure zone as a result of the feedback from the public consultation. A number of submissions raised the importance of car parking and the possible future needs of the surf club ensuring there was acknowledgment of these in the plan. The Board had prompted this plan as a result of several requests for land to be allocated to activities and / or projects presented to the Board or to staff. Staff had taken these requests into account whilst making sure that there were spaces that fit the differing criteria. M McGregor emphasised that there was no existing funding in the Council's Long-Term Plan to contribute to these community initiatives and the spatial plan was a tool to be used for future planning of the best utilisation of the reserve.

R Mather asked for clarification on the coastal access zone 1, noting there was no mention of parking however the area was currently mostly used for car parking. M McGregor noted the wording in the map mentioned access to coastal areas for recreational use via walking tracks but could refer to the ability to park a car and walk to the coastal areas. The current use was for car parking, and it was intended for car parking to allow access to that estuary space.

S Powell asked if the accessible viewing platform had been factored into the Plan. M McGregor noted that it had not been specifically included, however he was aware that M Kwant was involved in progressing this project.

Moved: A Thompson

Seconded: R Mather

THAT the Woodend-Sefton Community Board:

- (a) **Receives** Report No. 230202014132.
- (b) **Notes** that the Waikuku Reserve Spatial Activity Plan was informed by existing uses, proposals received from the community, the existing Waikuku Beach Reserve Management Plan and the recent engagement undertaken with the Waikuku community.
- (c) **Notes** that, based on feedback received from the community in the November 2022 consultation, there had been another zone added to the plan around the Waikuku Surf Club building and carparking areas.
- (d) **Notes** 'The Waikuku Beach Reserve Spatial Activity Plan' compliments and is intended to be used in conjunction with the existing Waikuku Beach Reserve Management Plan. Based on feedback from the November 2022 round of consultation and additional area had been added that encompasses the Surf Club and parking areas, this was outside the areas covered by the reserve management plan.
- (e) **Notes** that the purpose of the Spatial Activity Plan was to guide future decision making regarding the use of the reserve areas and there was no funding included in the current Long Term Plan for the delivery of any projects that may be identified in the plan.
- (f) **Approves** 'The Waikuku Beach Reserve Spatial Activity Plan' Trim Ref 230202014148.

CARRIED

A Thompson commented that the Plan had been a long process. He commended M McGregor for his work on the project as there had been some real traction since he had taken over, not just in achieving a good outcome but also very good involvement from several other parties.

R Mather commented that it was a good report and opened some fresh opportunities for other Board members to be aware of in the future.

S Powell thanked M McGregor for the work he had put into the plan and it was beneficial to be able to view everything in one place. She thought the plan would assist with planning as land was limited at Waikuku Beach, and the Board needed to ensure the best use of land for the community.

6.2 **NOMINATION OF THE ZONE 5 REPRESENTATIVE ON THE COMMUNITY BOARDS' EXECUTIVE COUNCIL – K Rabe (Governance Advisor)**

K Rabe took the report as read.

Moved: I Fong

Seconded: M Paterson

THAT the Woodend-Sefton Community Board:

- (a) **Receives** Report No. 230125009396.
- (b) **Nominates** Simon Britten as the Ko Tātou Zone 5 representative on the Community Boards' Executive Council.

CARRIED

7 **CORRESPONDENCE**

7.1 **Banning of Fireworks – Board's response to R Wakefield-Jones**

Trim Ref: 221221220272.

7.2 **Waka Kotahi – SH1 Safety improvements**

Trim Ref: 230127010530.

7.3 **Pegasus Residents Group – Board representation**

Trim Ref: 230203015052.

K Rabe took the email as read. I Fong said he was prepared to be the Board representative.

Moved: B Cairns

Seconded: M Paterson

THAT the Woodend-Sefton Community Board:

- (a) **Receives** the correspondence in response to R Wakefield-Jones (Trim Ref: 221221220272).
- (b) **Receives** the correspondence from Waka Kotahi on the proposed safety improvements in Woodend (Trim Ref: 230127010530).
- (c) **Receives** the correspondence from Pegasus Residents Group (Trim Ref: 230203015052) and appoints I Fong as the Board's representative to the Pegasus Residents' Group.

CARRIED

8 **CHAIRPERSON'S REPORT**

8.1 **Chairperson's Report for December 2022 and January 2023**

R Mather asked for further information on the Access Group training morning to be held on 9 March 2023. S Powell noted that it was held annually, for Council

staff and Elected Members to give people a taste of what it would be like to have a disability and to try and move around town centres in the district, including spaces like Victoria Park. They also had some of their members speaking about their experiences and the barriers that they faced with their disabilities.

S Powell noted that the Access Group had someone from Environment Canterbury (ECan) come to their December 2022 meeting to discuss public transport in Waimakariri. When asked about the possibility of diverting one of the buses into Ravenswood Commercial area to the first roundabout on Bob Robertson Drive they responded that it would cost a million dollars. The Group also asked about the 'My Way' bus service that ran in Timaru which was an on-demand transport service. As Access Group Chair she was also working with Pete Daley Journey Planner, to encourage Environment Canterbury to look at the feasibility of the My Way bus service in Waimakariri.

Moved: S Powell

Seconded: R Mather

THAT the Woodend-Sefton Community Board:

- (a) **Receives** the report from the Woodend-Sefton Community Board Chairperson (TRIM: 230207015585).

CARRIED

9 MATTERS FOR INFORMATION

- 9.1. Oxford-Ohoka Community Board Meeting Minutes 7 December 2022.
- 9.2. Kaiapoi-Tuahiwi Community Board Meeting Minutes 12 December 2022.
- 9.3. Rangiora-Ashley Community Board Meeting Minutes 14 December 2022.
- 9.4. Oxford-Ohoka Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.5. Woodend-Sefton Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.6. Rangiora-Ashley Community Board Chairpersons Report February to September 2022 - Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.7. Kaiapoi-Tuahiwi Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.8. Waka Kotahi Interim State Highway Speed Management Plan Consultation – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.9. Kerbside Recycling Bin Audits Methodology – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.10. Ohoka Mill Road Stormwater Management Area Resource Consent Issues – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.11. Submission on the Review into the Future of Local Government – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.12. Ratification of Council Submission Variation 1 Proposed District Plan – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.13. Submission on Water Services Legislation Bill – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.14. Review of Elected Member Conference and Training Policy – Report to Council meeting 7 February 2023 – Circulates to all Boards.

9.15. Health, Safety and Wellbeing Report January 2023 – Report to Council Meeting 7 February 2023 – Circulates to all Boards.

Moved: I Fong

Seconded: A Thompson

THAT the Woodend-Sefton Community Board:

- (a) **Receives** the information in Items 9.1 to 9.15.

CARRIED

10 MEMBERS' INFORMATION EXCHANGE

R Mather

- Update on the Woodend Community Centre flooring – there was a delay to the project, they had cancelled bookings in the sports hall through to the 26 February 2023. There had been a moisture sensitive reaction to the coating being applied. They had to send away for another type of coating.
- GreyPower Meeting – Dawn Sanders the pedestrian who tragically died in Woodend recently was a 25 year plus member of GreyPower.

I Fong

- Received more interest in the Waikuku Beach Residents Association.

A Thompson

- There had been a discussion about security cameras at Waikuku Beach.

M Paterson

- Gladstone Park – Suggested that the Board request a copy of the engineers report.

B Cairns

- Took up the offer of helping with the Auditing of recycling bins. In one subdivision only two bins were filled correctly. Around 50% were rejected, whilst the others had minor issues. To him it was clear there was a requirement for more education and from what he understand there was budget available.
- Retail crime meeting – was well attended and the Police provided good advice.
- Thanked M Paterson for the mulch for the food forest and the repaired watering system.
- Pegasus Residents Group working with North Canterbury Neighborhood Support to grow the number of members in Pegasus as a call to make the subdivision safer and connected. North Canterbury Neighborhood Support provided Good Home vouchers in every welcome pack, and they had already run out. Next stage was for Pegasus Residents Group to deliver youth events for Pegasus / Woodend / Ravenswood.
- Funding for events – mindful that there was no Promotions Association for Woodend / Pegasus / Ravenswood. Whilst he was aware of the discretionary grant which currently stood at \$5,200. He noted there was currently event funding for Oxford, Kaiapoi and Rangiora through their Promotions Associations/groups and after discussions with staff and for consistency he suggested the Board consider making a submission to the Councils Long Term Plan 2024-34 for a small amount of “event” funding, with interested parties applying to the Board. Submissions to the Long Term Plan would close in October 2023.

11 CONSULTATION PROJECTS

Nil.

12 BOARD FUNDING UPDATE**12.1 Board Discretionary Grant**

Balance as at 31 January 2023: \$5,210.

12.2 General Landscaping Fund

Balance as at 31 January 2023: \$13,090.

The Board noted the funding update.

13 MEDIA ITEMS

Nil.

14 QUESTIONS UNDER STANDING ORDERS

Nil.

15 URGENT GENERAL BUSINESS UNDER STANDING ORDERS

Nil.

NEXT MEETING

The next meeting of the Woodend-Sefton Community Board is scheduled for 5.30pm, Monday 13 March 2023 at the Woodend Community Centre, Schools Road, Woodend.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 6.34pm.

CONFIRMED

Chairperson

Date

Workshop

(6:34pm – 8:01pm)

- *Interim Speed Management Plan - A Mace-Cochrane (30 minutes)*
- *Community Engagement via Social Media – K Nutbrown (20 minutes)*
- *Members Query Spreadsheet – K Rabe (15 minutes)*
- *Members Forum*

MINUTES FOR THE MEETING OF THE OXFORD-OHOKA COMMUNITY BOARD HELD IN THE OHOKA HALL, MILL ROAD, OHOKA ON WEDNESDAY 15 FEBRUARY 2023 AT 7PM.

PRESENT

T Robson (Chairperson), S Barkle (Deputy Chairperson), M Brown, T Fulton, N Mealings, P Merrifield and M Wilson.

IN ATTENDANCE

G Cleary (General Manager Utilities and Roading), A Mace-Cochrane (Transportation Engineer), K Nutbrown (Communications and Engagement Advisor), K Rabe (Governance Advisor) and C Fowler-Jenkins (Governance Support Officer)

1. APOLOGIES

Moved: N Mealings Seconded: P Merrifield
THAT an apology for absence be received and sustained from R Harpur.

CARRIED

2. PUBLIC FORUM

J Ensor (Mandeville Residents Association Committee)

J Ensor noted that he was the independent chairperson of the Mandeville Residents Association Committee which was not the Mandeville Residents Association. They had six hundred people that lived in the area and a large ratepayer base. He explained that ratepayers believed the Mandeville Sports Club Board meetings should be open to the public, as the Council or Board meetings. They believed as ratepayers contribute \$100,000 via a grant made by the Council, to the Mandeville Sports Club operations, that they should have the opportunity to see and hear what happens. J Ensor stated that their Association believed that one Council representative was insufficient and requested that the Board lobby for the including of a Board member to attend the meetings.

T Fulton confirmed that Mandeville Sports Centre received a \$100,000 annual operating grant for its fields and grounds. The sports center was owned by the Mandeville Sports Club, which was completely independent both operationally and financially from Council. J Ensor stressed that the \$100,000 was ratepayer money and therefore believed that there should be better representation for the ratepayers.

S Barkle noted that N Mealings was both a Community Board member and a Councillor. She believed the Board did not have the ability to dictate to and independent sports club who and how many members should be on the Sports Club Board.

N Mealings asked what the expected difference would be by including a Board Member on the sports Board. The fact that the Mandeville Sports Club leased the grounds from the Council, had no bearing on the running and management of the Club. J Ensor replied that the residents believed that if there were two 'Council' representatives there it more opportunity for community engagement and for allowing the meetings to be open.

The Chairperson thanked J Ensor for his presentation even though the Board were unable to assist him in this instance, given the Board had no influence on an independent entity.

3. CONFLICTS OF INTEREST

Item 7.1(n) – M Brown declared a conflict of interest as he was the Chairperson of the West Eyreton, Summerhill Pontyz Road Advisory Group went representation for this Group was discussed.

4. CONFIRMATION OF MINUTES

4.1. Minutes of the Oxford-Ohoka Community Board – 7 December 2022

Moved: T Fulton Seconded: P Merrifield

THAT the Oxford-Ohoka Community Board:

- (a) **Confirms** the circulated Minutes of the Oxford-Ohoka Community Board meeting, held on 7 December 2022, as a true and accurate record.

CARRIED

4.2. Matters Arising

K Rabe reminded the Board that there was a query regarding the Application for funding from West Eyreton School at the previous meeting. She noted that she had contacted the Principal of West Eyreton School, who confirmed that the grant would be a retrospect payment. K Rabe explained that as the criteria for funding did not allow retrospective payments the Board was regretful that it would need to decline the grant.

4.3. Notes of the Oxford-Ohoka Community Board Workshop – 7 December 2022

Moved: N Mealings Seconded: M Wilson

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** the notes of the Oxford-Ohoka Community Board Workshop held on 7 December 2022.

CARRIED

5. DEPUTATIONS AND PRESENTATIONS

Nil.

6. ADJOURNED BUSINESS

Nil.

7. REPORTS

7.1. Appointments to Advisory Groups and Outside Organisations – Kay Rabe (Governance Advisor)

Moved: T Robson

Seconded: M Brown

THAT the Oxford-Ohoka Community Board:

- (a) **Decided** to adjourn the Board meeting at 7:19pm to go into a workshop to discuss representation on outside groups.

CARRIED

Moved: T Robson

Seconded: P Merrifield

The Chairperson acknowledged that two members were interested in being the Board's representative for the Waimakariri Health Advisory Group, therefore the Board would move recommendation (c) separately.

THAT the Oxford-Ohoka Community Board:

- (a) **Decided** that the meeting be reconvened at 7:33pm.

CARRIED

Moved: T Robson

Seconded: T Fulton

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** Report No. 221103191870.
- (b) **Approves** the appointment of Board Member T Fulton as a Board representative and liaison person, to the North Canterbury Neighbourhood Support.
- (d) **Approves** the appointment of Board Member R Harpur as a Board representative and liaison person, to Grey Power North Canterbury Group.
- (e) **Approves** the appointment of Board Member R Harpur as a Board representative and liaison person, to the Waimakariri Access Group.
- (f) **Approves** the appointment of Board Member P Merrifield as a Board representative and liaison person, to the Oxford Historical Records Society Inc. Committee.
- (g) **Approves** the appointment of Board Member M Brown as a Board representative and liaison person, to the Oxford Promotions Action Committee.
- (h) **Approves** the appointment of Board Member M Wilson as a Board representative and liaison person, to the Ohoka Residents' Association.
- (i) **Approves** the appointment of Board Member N Mealings as a Board representative and liaison person, to Ohoka Domain Advisory Group.
- (j) **Approves** the appointment of Board Member T Robson as Board representative and liaison person, to the Ashley Gorge Advisory Group.
- (k) **Approves** the appointment of Board Members T Robson and T Fulton as Board representatives and liaison persons, to the Pearson Park Advisory Group.
- (l) **Endorses** the appointment of Niki Mealings as the Council and Board representative and liaison person, to the Mandeville Sports Centre.
- (m) **Approves** the appointment of Board Member P Merrifield as Board

representative and liaison person, to the Ashley River Water Supply Scheme.

- (n) **Approves** the appointment of Board Member S Barkle as Board representative and liaison person to the Water Race Advisory Group.
- (o) **Approves** the appointment of Board Member P Merrifield as Board representative and liaison person, to the West Eyreton, Summerhill, Pontyz Road Advisory Group.
- (p) **Approves** the appointment of Board Member R Harpur and S Barkle as Board representatives and liaison persons, to the Ohoka Rural Drainage Advisory Group.
- (q) **Approves** the appointment of Board Member M Brown as a Board representative and liaison person, to the Oxford Rural Drainage Advisory Group.

CARRIED

T Robson requested each of the interested parties, S Barkle and M Wilson to state why they would like to be the Board representative prior to the Board voting on the matter.

S Barkle stated that she had been involved with the Group for three years and had been part of a working group within the Advisory Group working towards identifying gaps in the system and it had taken time to establish connections and relationships and how to positively move forward. The Group had many members with health backgrounds and believed she had a lot to offer due to her interest in the health sector. It was a passion of hers to see the area and community grow, and to achieve that the health options needed to be improved and this included the Oxford Hospital and the services provided. There was a big drive and focus with the Group having a vision of what was required to bring more GPs in to the district. She was excited about the strategic planning and was looking forward to getting what they had been working on into fruition.

M Wilson stated that strategic planning was one of her strengths. Her passion was improving the health system and coming from her experience with the health system as a patient and knowing where the gaps were. She had worked in a pastoral care role for three years working alongside families of critically ill people and was on the drug and Alcohol Harm Steering Group. Her connections through these and other groups she belonged to would be of benefit to the Advisory Group. She was aware of the needs that existed in rural communities and having little to no access to public health. She believed the community needed people at the table that were going to be strong and stand up for the needs of the area.

T Robson then called for nominations for a representative on the Waimakariri Health Advisory Group.

Moved: T Robson

Seconded: M Brown

Nominates S Barkle as the representative on the Waimakariri Health Advisory Group.

Moved: P Merrifield

Seconded: T Fulton

Nominates M Wilson as the representative on the Waimakariri Health Advisory Group.

The results of the votes were as follows:

S Barkle (3)

M Wilson (4)

Moved: M Brown

Seconded: P Merrifield

- (a) **Approves** the appointment of Board Member M Wilson as a Board representative and liaison person, to the Waimakariri Health Advisory Group.

CARRIED

7.2. **Application to the Board's Discretionary Grant Fund 2022/23– K Rabe (Governance Adviser)**

P Merrifield noted that the application criteria stated that the applicant needed to submit a balance sheet with their application, however only a proposed budget sheet for the event had been supplied. K Rabe noted that many of the smaller, informal groups did not run accounting systems and therefore did not have a formal balance sheet. T Robson suggested that the grant be made subject to the receipt of more formal financial information even if that was from the parent company.

Moved: N Mealings

Seconded: M Brown

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 230123008121.
- (b) **Approves** a grant of \$500 to the Tasman Young Farmers to host the Tasman Young Farmers Regional Tournament, pending the receipt of approved financial information.

CARRIED

N Mealings supported the motion, commenting that this tournament would be a local event with local participation. There were twelve clubs spread from the top of the South Island down to Rakaia including the West Coast who would be participating and visiting the district. She also acknowledged the Young Farmers had only requested \$500 and not the full cost for hosting the tournament.

T Robson asked why Clarkville Playcentre were only requesting \$387 when their project was going to cost more than that. K Rabe replied that the Playcentre had also applied to two other Community Boards for funding, therefore splitting the cost between the three applications.

S Barkle believed that this project would not only benefit those at the Playcentre but would benefit the whole community as the more people with first aid knowledge reduced the impact of injuries within the community and therefore requested that the Board consider a grant of \$500.

Moved: S Barkle

Seconded: P Merrifield

THAT the Oxford-Ohoka Community Board:

- (c) **Approves** a grant of \$500 to the Clarkville Playcentre towards the costs of first aid courses.

CARRIED

P Merrifield commented that this was a very worthwhile initiative and supported teaching parents of young children first aid.

N Mealings conferred with the comments noted above. She knew a many of the parents who sent their children to the Playcentre, as it was the only one in

the area. The Playcentre operated in a very different model to other childcare facilities.

Moved: M Brown Seconded: N Mealings

THAT the Oxford-Ohoka Community Board:

- (d) **Approves** a grant of \$500 to the Waimakariri Dog Training Club towards the purchase of two gazebos.

CARRIED

7.3. **Nomination of the Zone 5 Representative on the Community Boards' Executive Council – K Rabe (Governance Advisor)**

N Mealings stated that she had meet S Britten and had been impressed by his attitude to local government and believed he would be a worthy representative.

Moved: N Mealings Seconded: M Wilson

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** Report No. 230201013537.
 (b) **Nominates** Simon Britten as the Ko Tātou Zone 5 representative on the Community Boards' Executive Council.

CARRIED

8. **CORRESPONDENCE**

Nil.

9. **CHAIRPERSON'S REPORT**

9.1. **Chairperson's Report for February 2023**

Attended:

- Wings with Wheels event – which was well attended, funds raised to be split between the Lions and the Oxford Community Trust.
- Meeting with Grant McLeod and S Barkle to discuss greenspace issues and upcoming projects and information on the Warren pool.
- Ashely Gorge Advisory Group Meeting.
 - They were trying to organise a meeting with local police to try and work out processes to support the camp manager as there had been a few instances during the Christmas break with undesirable elements.
 - The main talking point was the track project and fundraising required. They had a Lions fundraiser on Waitangi Weekend to fundraise for the track and trapping programme. Money from a garden tour which was also put towards the track.
- West Eyreton. Cust Rifle Club – Met with Peter and James from the West Eyreton Cust Rifle Club at the new site behind the pavilion in the Oxford Oval. Council staff attended the meeting and discussed the program of work. The club seemed to be motivated and keen to get the facility up to standard so they could use it for the next rifle shooting season.
- Met with Ted Dring to discuss pedestrian crossings in Oxford – he brought up the lack of consultation around it. He also talked about the speed limit issue on the Main Street of Oxford which he told him the Board was still working on it.

N Mealings asked what it was about the lack of consultation that the community were talking about. T Robson noted that a letter had been sent to residents on Thursday 9 February 2023, that Council was going to start the pedestrian crossing upgrades and they were started on Monday 13 February 2023. G Cleary noted that Council was aware there could have been much better notice but a particular set of circumstances the contractor was able to be available earlier than anticipated so they accelerated with the best of intentions and unfortunately people did not get as much notice.

Moved: M Brown Seconded: P Merrifield.

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** the verbal report from the Oxford-Ohoka Community Board Chairperson.

CARRIED

10. MATTERS FOR INFORMATION

- 10.1. Woodend-Sefton Community Board Meeting Minutes 12 December 2022.
- 10.2. Kaiapoi-Tuahiwi Community Board Meeting Minutes 12 December 2022.
- 10.3. Rangiora-Ashley Community Board Meeting Minutes 14 December 2022.
- 10.4. Oxford-Ohoka Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.5. Woodend-Sefton Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.6. Rangiora-Ashley Community Board Chairpersons Report February to September 2022 - Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.7. Kaiapoi-Tuahiwi Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.8. Waka Kotahi Interim State Highway Speed Management Plan Consultation – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.9. Kerbside Recycling Bin Audits Methodology – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.10. Ohoka Mill Road Stormwater Management Area Resource Consent Issues – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 10.11. Submission on the Review into the Future of Local Government – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 10.12. Ratification of Council Submission Variation 1 Proposed District Plan – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 10.13. Submission on Water Services Legislation Bill – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 10.14. Review of Elected Member Conference and Training Policy – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 10.15. Health, Safety and Wellbeing Report January 2023 – Report to Council Meeting 7 February 2023 – Circulates to all Boards.

Moved: M Brown Seconded: T Fulton

THAT the Oxford-Ohoka Community Board:

- (a) **Receives** the information in Items.10.1 to 10.15.

CARRIED

11. MEMBERS' INFORMATION EXCHANGE

M Brown

- The Oxford Promotions Action Committee had a special meeting scheduled to work with a media company about developing its own jingle.

T Fulton

- Boy racers and the give way signs – complaint from a resident. He contacted Shane Binder (Senior Transportation Engineer) and Shane said this matter would be brought back to the Board in 2023. He noted that the resident had moved to Oxford, on what they believed was a quiet country road, however they had since discovered just how dangerous intersections were in the area. They brought their concerns to the attention of Waka Kotahi where they were referred to the Council.
- Signage on North Eyre Road where the asbestos dump was. Seven signs all saying, "Danger asbestos". He queried whether the signage was helping or hindering public perception about the risk and suggested a public information board advising the status of the situation.

M Wilson

- Attended the Women's Institute Meeting – talked about the flying fox and there were some very positive feedback regarding the flying fox.
- Completed some module training with the Local Government New Zealand Akona Training Hub – a great resource to have.
- Ohoka Residents Association Meeting – discussion regarding PC31.
- Attended the Drug and Alcohol Harm Prevention Steering Group Meeting.

P Merrifield

- Tabled correspondence (Trim. 230217021349). Had a meeting with Lindsay Edwards who asked him to meet with the Department of Conservation (DOC). He had contacted them to enquire why they had not object to the Woodstock Quarry application for resource consent. DOC explained there were no endangered species being threatened.

N Mealings

- Oxford Community Networking Forum – Met with local community service providers. Most reported steady demand for support. New service by Budgeting Services North Canterbury mentoring new small businesses launched.
- Arohata Te Awa Working Group Meeting – project progression.
- Greater Christchurch Partnership Briefing.
- Rangiora Christmas Parade.
- Social Services Waimakariri Hui – Providers spoke of holiday service provision. Steady need for increasingly complex issues.
- Oxford Area School Junior Prizegiving – Great celebration of Tamariki achievements.
- Mandeville Sports Club Meeting – Upgrade to women's toilets and painting planned.
- Waimakariri District Council Community Services Christmas Morning Tea.
- Public drop-in session regarding the Oxford Landfill / quarry application.
- Decorated Oxford Christmas Grotto tree.
- Oxford-Ohoka Community Board end of year function.

- Oxford Christmas Parade – Rain did not dampen the enthusiasm – great turnout.
- Oxford-Ohoka Community Board submission zoom.
- Extraordinary Council Meeting – to adopt Annual Report.
- Vaping discussion – Met with Waimakariri District Council Community Team staff member and representatives from Smokefree New Zealand to discuss vaping matters – consultation and support available.
- Community wellbeing North Canterbury Board Meeting.
- Waimakariri Destination Management Plan Forum - Waimakariri District Council was working with ChristchurchNZ to develop a Destination Management Plan Alongside community stakeholders.
- Natural Environment Strategy Project Control Group Meeting - Waimakariri District Council were currently developing a Natural Environment Strategy of Council owned land and the framework it would operate under.
- Meeting with Waimakariri District Council staff and a member of University of Canterbury's CURE network – to discuss how University of Canterbury Christchurch City work can be extended to benefit Waimakariri.
- District Planning and Regulation Commissioner panel meeting – Discussion of hearing streams and dates.
- Waimakariri Youth Council Meeting – first meeting with new co-chair, Dudley Park project progress – Activation Platform launch 24 February 2023, they were creating an op shop map. They were looking at recruiting more members.
- Portfolio catch up.
- Greater Christchurch Partnership meeting and briefing – Tracey Tierney's first meeting as co-ordinator, discussed engagement plan.
- Council Meeting –
 - Discussed submission to Water Services Bill and the Water Services Economic Efficiency and Consumer Protection Bill.
 - Establishment of a new Property Portfolio Working Group to replace to Social / Affordable Housing working Group and the Property Acquisitions and Disposals Working Group – Mayor Gordon, Deputy Mayor Atkinson, Crs Redmond, Williams and Meanings Appointed.
- Council Draft Annual Plan Budget Meeting – No other period comparable to now over the last thirty years, but good progress. Draft Annual Plan consultation will run from Friday 10 March 2023 to Monday 17 April 2023, with hearings held 3-4 May 2023, Deliberations 30-31 May 2023 for adoption at 20 June 2023 Council meeting.
- Ohoka Residents Association Meeting – New officers appointed.
- Smokefree / Vaping submission meeting with Council staff - The Ministry of Health was conducting a consultation seeking views on the proposed smoked tobacco and vaping regulatory regime. Council was looking to make a submission on this.
- Greater Christchurch Partnership Briefing.
- Council Briefing and Induction session.
- Alcohol and Drug Harm Prevention Steering Group Meeting – new faces around the table and review of 2023 priorities and pathways.
- Vaping submission chat with Social Services Waimakariri.

12. CONSULTATION PROJECTS

Nil.

13. BOARD FUNDING UPDATE

13.1. Board Discretionary Grant

Balance as at 31 January 2023: \$3,039.

13.2. General Landscaping Fund

Balance as at 31 January 2023: \$13,090.

The Board noted the funding update.

14. MEDIA ITEMS

Nil.

15. QUESTIONS UNDER STANDING ORDERS

Nil.

16. URGENT GENERAL BUSINESS UNDER STANDING ORDERS

Nil.

NEXT MEETING

The next meeting of the Oxford-Ohoka Community Board is scheduled for 7pm, Wednesday 7 March 2023 at the Mandeville Sports Centre, Mandeville.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 8.32pm.

CONFIRMED

Chairperson

Date

Workshop (8:32pm to 9:42pm)

- *Interim Speed Management Plan Review Ideas – Joanne McBride (Roading and Transport Manager), Shane Binder (Senior Transport Engineer), Allie Mace-Cochrane (Project Engineer), 30 Minutes*
- *Communications Facebook – Kim Nutbrown (Communications and Engagement Advisor) – 20 Minutes*
- *Members Forum*

MINUTES FOR THE MEETING OF THE RANGIORA-ASHLEY COMMUNITY BOARD HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON WEDNESDAY, 15 FEBRUARY 2023 AT 7PM.

PRESENT:

J Gerard (Chairperson) K Barnett (Deputy Chairperson), M Clarke, M Fleming, J Goldsworthy (Arrived at 7.03pm), L McClure, B McLaren, J Ward, S Wilkinson, and P Williams.

IN ATTENDANCE

S Hart (General Manager, Strategy, Engagement and Economic Development), S Binder (Senior Transportation Engineer), T Kunkel (Governance Team Leader) and A Connor (Governance Support Officer).

No members of the public were in attendance.

1. APOLOGIES

Moved: J Gerard

Seconded: P Williams

THAT apologies for absence be received and sustained from I Campbell and R Brine, and for lateness from J Goldsworthy.

CARRIED

2. CONFLICTS OF INTEREST

There were no conflicts of interest declared.

3. CONFIRMATION OF MINUTES

3.1. Minutes of the Rangiora-Ashley Community Board – 14 December 2022

Moved: S Wilkinson

Seconded: P Williams

THAT the Rangiora-Ashley Community Board:

- (a) **Confirms**, as a true and accurate record, the amended Minutes of the Rangiora-Ashley Community Board meeting, held on 14 December 2022.

CARRIED

3.2. Matters Arising

Nil

3.3. Notes of the Rangiora-Ashley Community Board Workshop – 14 December 2022

Moved: S Wilkinson

Seconded: J Goldsworthy

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** the amended notes of the Rangiora-Ashley Community Board Workshop held on 14 December 2022.

4. **DEPUTATIONS AND PRESENTATIONS**

Nil.

5. **ADJOURNED BUSINESS**

Nil.

6. **REPORTS**

At this time, Item 6.3 "Nomination of the Zone 5 Representative on the Community Boards' Executive Committee" was taken. The Minutes have been recorded in the order of the Agenda.

6.1. **Request for Approval of No-Stopping Restrictions – Durham Street and South Belt – Shane Binder (Senior Transportation Engineer)**

S Binder took the report as read, noting that the recommendation to establish no-stopping restrictions resulted from service requests that the Council received.

K Barnett questioned if staff requested input from residents near the proposed no-stopping restrictions locations. S Binder commented that no broader consultation was done. He noted that the area on South Belt was too small for vehicle parking, resulting in minimally affected parties.

K Barnett further asked if there were any other options for parking at Southbrook Park, as there could be a high demand for parking at times. S Binder replied that alternatives had not been investigated. However, the no-stopping restriction would not affect the increased parking demand as people should not be parking in this area.

P Williams stated there was already insufficient parking on Durham Street and questioned how they would remedy the loss of parking. S Binder noted that the proposed no-stopping restriction was the equivalent of one car park, and the Council was installing three new car parks on Durham Street. The original request came from the North Canterbury Minibus Trust, which used that area to load and unload passengers.

P Williams then enquired if the Council had investigated the possibility of installing time-restriction parking instead of a no-stopping restriction. S Binder clarified they had spoken with the Minibus Trust, and the Trust did not have a set schedule, and it would therefore be challenging to impose time restrictions. He also specified that time-restriction parking would require continued Council enforcement, compared to yellow lines that only occasionally need to be repainted.

S Wilkinson sought clarity on the process, and S Binder explained that the Council had a specific evaluation process before recommending the establishment of no-stopping restrictions. From a legislative perspective, the New Zealand Road Code stated that no parking was allowed within one metre of a driveway.

J Goldsworthy wondered if the Rangiora parking survey completed in the past included Durham Street. S Binder advised that, to his knowledge, the survey did not cover this part of Durham Street as the need for town centre parking did not extend that far.

Moved: K Barnett

Seconded: J Goldsworthy

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** Report No. 230109001511.

AND RECOMMENDS

THAT the Utilities and Roading Committee:

- (b) **Approves** the installation of the following no-stopping restrictions:
- i. For 1.5m on either side of the primary pedestrian access to 78 Durham Street.
 - ii. 5.0m east of the driveway to 64 South Belt.

CARRIED

K Barnett hoped the parking removal and reinstatement would happen quickly.

6.2. **Request approval for Stop Controls on Seddon Street at King Street; Station Road at Railway Road; and MacPhail Avenue / Spark Lane at North Brook Road – Shane Binder (Senior Transportation Engineer)**

S Binder took the report as read and highlighted that the proposed installation of the stop controls at the three intersections resulted from service requests. Typically, it was best practice to have stop controls on both sides of the intersection. However, the structure and flax plantings on the northwest corner of the Station and Marsh Roads intersection limited the visibility from the west approach to the north, making a stop control more appropriate for this intersection than a Give Way. That intersection was currently being looked at for reconfiguration to address safety concerns.

K Barnett asked if any work had been done to keep the vegetation at bay. S Binder advised that staff were in the process of working through policies regarding this matter. However, in most instances, vegetation was on private property, and all the Council could do was ask for it to be trimmed back to the property line.

K Barnett also sought clarity on what communications would go out to the public about these changes. S Binder confirmed that historically the public was not notified about the installation of stop controls, however, the matter could be investigated moving forward.

Moved: B McLaren Seconded: J Ward

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** Report No. 221121201887.
- (b) **Approves** the following intersection control changes pursuant to Section 2 of the Land Transport Rule: Traffic Control Devices 2004, with effect from the date of installation of the appropriate signage:

Item	Road to be Controlled	Road to Remain Uncontrolled	Type of Control to be Imposed	Type of Control to be Revoked
1	Seddon Street	King Street	Stop	Give Way
2	Station Road	Railway Road	Stop	Give Way
3	Spark Lane	Northbrook Road	Stop	Give Way
4	MacPhail Avenue	Northbrook Road	Stop	Give Way

- (c) **Circulates** this report to the Utilities and Roading Committee for information.

CARRIED

J Ward noted that the stop controls were necessary, as the roads carried much traffic. She would like to see the vegetation on Northbrook Road being managed.

K Barnett concurred that the stop controls were beneficial, however, she believed more needed to be done. For example, it would be ideal to encourage people to consider the type of vegetation they were planting if they live near an intersection.

6.3. **Nomination of the Zone 5 Representative on the Community Boards' Executive Committee – Thea Kunkel (Governance Team Leader)**

T Kunkel advised that all Community Boards were requested to consider nominating a representative to Ko Tātou Zone 5 Community Boards' Executive Council. Each Community Board has one vote for their zone representative.

K Barnett questioned how these candidates put their names forward. T Kunkel replied that any elected member could stand as a representative, however, two other councils within the Zone must support their nomination. If more than one candidate stood for the role, an election was held, hence the request for the Board to nominate a representative.

M Fleming believed that Simon Britten seemed to have extensive knowledge of Zone 5 and would therefore be a good candidate.

Moved: M Fleming

Seconded: B McLaren

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** Report No. 230201013551.
- (b) **Nominates** Simon Britten as the Ko Tātou Zone 5 representative on the Community Boards' Executive Council.

CARRIED

6.4. **Applications to the Rangiora-Ashley Community Board's 2022/23 Discretionary Grant Fund – Thea Kunkel (Governance Team Leader)**

T Kunkel noted that the Rangiora Community Patrol was requesting funding to purchase 20 wide-brim sunhats for the patrollers to wear at community events. The group helped to prevent crime and reduce harm through the active presence of trained patrollers.

Moved: J Ward

Seconded: P Williams

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** Report No. 230118005600.
- (b) **Approves** a grant of \$440 to the Rangiora Community Patrol to purchase wide-brim sunhats.

CARRIED

B McLaren abstained

J Ward and P Williams agreed that the Rangiora Community Patrol was a worthy volunteer organisation providing good service.

T Kunkel advised that this year's picnic was scheduled for Sunday, 12 March 2023 and was expected to attract approximately 40% of participants from the Rangiora-Ashley Ward

Moved: B McLaren

Seconded: M Fleming

THAT the Rangiora-Ashley Community Board:

- (c) **Approves** a grant of \$275 to the North Canterbury Pride towards hosting the Lesbian, Gay, Bisexual, Transgender, Questioning and Others (LGBTIQ+) picnic in Victoria Park, Rangiora.

CARRIED

Against: P Williams

B McLaren noted the significant symbolic value of supporting diversity and inclusivity in the district.

P Williams was concerned that North Canterbury Pride had also applied to other Community Boards, thereby receiving a large amount of funding from Community Boards.. J Gerard noted that the application fitted the Board's funding criteria as the event would be hosted in the Rangiora-Ashley Ward area.

K Barnett agreed with J Gerard, noting that Community Boards granted funding to district-wide events in the past, and funding was provided at the Board's s discretion.

T Kunkel noted that as part of the Ministry of Education's requirements, the caregivers attending the Clarkville Playcentre must hold first aid certificates, hence the application. However, she pointed out that the Clarkville Playcentre was outside the Rangiora-Ashley Ward, and according to the application, only 17% of the students resided in the Rangiora-Ashley Ward.

Moved: K Barnett

Seconded: L McClure

THAT the Rangiora-Ashley Community Board:

- (d) **Declines** the application from the Clarkville Playcentre.

CARRIED

K Barnett agreed that it was important for caregivers to hold first aid certificates, however, there were many playcentres in the Board's area that needed support.

L McClure concurred and noted that funding was available through the Ministry of Education for first aid courses.

T Kunkel reported that the Loburn Home and School Association sought funding to enable the year eight students to participate in the 2023 William Pike Challenge Programme.

Moved: J Ward

Seconded: K Barnett

THAT the Rangiora-Ashley Community Board:

- (e) **Approves** a grant of \$665 to the Loburn Home and School Association towards supporting the 2023 William Pike Challenge Programme.

CARRIED

J Ward felt the grant would encourage young people and improve their wellbeing.

K Barnett noted that the Board usually only granted \$500 per application, however, this application was for a specific number of students to participate in the programme, and she did not want to turn away students by not funding the total amount.

B McLaren supports the motion, noting that there would be more than 400 students taking part in the Rakahuri Rage, it would have been advantageous if the Board could have supported more students

7. **CORRESPONDENCE**

7.1. **Environment Canterbury's Draft Annual Plan 2023/24**

T Kunkel noted there would be no consultation on Environment Canterbury's Draft Annual Plan, however, they asked if the Board would like an Environment Canterbury Councillor to come and talk to the Board about the plan.

Moved: J Goldsworthy

Seconded: M Clarke

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** the correspondence from Environment Canterbury.
- (b) **Invites** a Council representative from Environment Canterbury to discuss their draft 2023/24 draft Annual Plan.

CARRIED

8. **CHAIRPERSON'S REPORT**

8.1. **Chair's Diary for December 2022 and January 2023**

Moved: J Gerard

Seconded: K Barnett

J Gerard noted that the Croquet Club to be relocated to the Millton Reserve wanted six fields instead of the approved four. He considered the request unreasonable as it would hamper the expansion of other activities, such as the dog agility park.

J Gerard commented that the Board had a deputation regarding the trees along Queen Street trees many years ago. Some residents were complaining about the density of the trees, and a decision was made to trim trees as much as possible. However, residents were now wanting the trees removed.

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** report No. 230203014904.

CARRIED

9. **MATTERS FOR INFORMATION**

- 9.1. Oxford-Ohoka Community Board Meeting Minutes 7 December 2022.
- 9.2. Woodend-Sefton Community Board Meeting Minutes 12 December 2022.
- 9.3. Kaiapoi-Tuahiwi Community Board Meeting Minutes 12 December 2022.
- 9.4. Oxford-Ohoka Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.5. Woodend-Sefton Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.6. Rangiora-Ashley Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.7. Kaiapoi-Tuahiwi Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.

- 9.8. Waka Kotahi Interim State Highway Speed Management Plan Consultation – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.9. Kerbside Recycling Bin Audits Methodology – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.10. Ohoka Mill Road Stormwater Management Area Resource Consent Issues – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.11. Submission on the Review into the Future of Local Government – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.12. Ratification of Council Submission Variation 1 Proposed District Plan – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.13. Submission on Water Services Legislation Bill – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.14. Review of Elected Member Conference and Training Policy – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.15. Health, Safety and Wellbeing Report January 2023 – Report to Council Meeting 7 February 2023 – Circulates to all Boards.

Moved: L McClure

Seconded: P Williams

THAT the Rangiora-Ashley Community Board:

- (a) **Receives** the information in Items 9.1 to 9.15.

CARRIED

10. MEMBERS' INFORMATION EXCHANGE

P Williams

- Attended several Rangiora Airfield meetings, there were many safety issues that needed to be resolved.
- He also attended many drainage meetings. Many people were concerned about what would happen if the Waimakariri District were caught in a cyclone similar to the North Island.
- Attended Audit and Risk Committee meeting.
- The Council's application for exemption from chlorinating the Cust Water Supply had been declined. It seems that the regulator's conditions for exemption would be very difficult to meet.
- He raised a concern about the lack of communication about the closure of Oxford Road. Lilly Road residents had noted lots of rat-running due to the closure of Oxford Road.
- Attend many tender openings with many prices being below the engineers' estimate.

S Wilkinson

- Dropped off flyers for the New Zealand Police Crime Seminar to Rangiora retailers. Received feedback regarding increasing concerns about crime and shoplifting, with more aggression from some perpetrators being shown.
- Attended New Zealand Police Crime Seminar, however, there was a disappointing turnout. The New Zealand Police seemed to be deferring issues back to retailers.

J Ward

- Commended J Millward and staff for the great effort on the Annual Plan and the initial draft budgets, which show a 5.97% average rate increase for the 2023/24 financial year. The budgets were exemplary in the presentation and the fact that the Council was able to sign off on this work in one day was a testament to the organisation of staff.

- Uncertainty of Three Waters reform and other Government reviews would result in the budgets being included in the Long-term Plan but with the option that if Three Waters proceeded in its current form these activities would be able to be removed with an alternative structure and a ten-year budget plan.
- She commended the Council on obtaining, for the third time, a Double AA rating with Standard and Poors.

J Goldsworthy

- The Dudley Park stage would be unveiled on Community Friday, 24 February 2023, which was one of the Youth Council's more significant projects..
- Attended a Visit Waimakariri Workshop
- Met with the Age Friendly Group.
- Met with Rangiora Promotions.
- Attended Waimakariri Access Group meeting.
- Attend Retailers Crime Prevention Workshop.
- Civil Defence was being deployed to assist during the disaster on the north island.
- The Council would be replaced the existing plastic dog tags with metal tags.

M Fleming

- Attended Rangiora Pottery Club Waitangi Day celebrations.
- She had been asked if a cycleway would be developed while the road works were being carried out on Oxford Road. She contacted the Council's Roding Unit, who explained that it would not, however, it may be more cost effected to do so in future.
- Weeding vegetable garden at Te Matauru Primary School. B Cairns would be helping them with the food forest.

B McLaren

- Attended Rangiora Players' performance of STiFF. It was great seeing the community support this historic institution.
- Attended the Retailers' Crime Prevention meeting, where there was a great turnout from the Community Board and the Council. Rangiora Community Patrol had a recruitment session after and recruited 30 new members.
- Attended Rangiora Community Patrol Safer Plates event. They were replacing number plate screws to make it harder for license plates to be stolen.
- Met with S Binder (Senior Transport Engineer) to better understand the district's traffic speed issues. Also, received a concern from a resident regarding traffic speeds in their area and passed them on to Council staff.

L McClure

- Attended Mike Pero Christmas Celebration Night and it was nice to see the community out talking and shopping locally.
- Attended Jenna McKenzie Neverland Dance Recital, and was amazed by the talent we have in our community
- Attended Rangiora High School Year 13 Graduation.
- Attended Rangiora Toyota Santa Parade.
- Attended Southbrook School Final Assembly and Prize Giving.
- Attended Retailer's Crime Prevention meeting.
- Attended the first meeting of the Health Advisory Group and it was very interesting.
- Enrolled in Local Government New Zealand's online learning about local government.

M Clarke

- Attended a Greypower meeting. They were having trouble producing their magazine.
- P Williams spoke very well at the Retailer's Crime Prevention meeting. Crime had changed over time. It seemed that retail workers had been told to let shoplifters go.
- Fernside residents were having issues with roading.

K Barnett

- Received numerous calls regarding road work on Oxford Road and noted that the lack of communication with the public had been an issue.
- North Loburn School enquired about the development of the cycleway from the Lee Camp corner to the school. Unfortunately, they had not been updated on the availability of funding.
- Need to encourage older residents to get involved in food forests to ensure sustainability.
- Cust Community Centre Advisory Group received a request from a church group wanting to put in a sign, and the group needed guidance regarding what was acceptable.

11. CONSULTATION PROJECTS

Nil.

12. BOARD FUNDING UPDATE**12.1. Board Discretionary Grant**

Balance as at 31 January 2023: \$17,569.

12.2. General Landscaping Fund

Balance as at 31 January 2023: \$26,495.

13. MEDIA ITEMS

Nil.

14. QUESTIONS UNDER STANDING ORDERS

Nil.

15. URGENT GENERAL BUSINESS UNDER STANDING ORDERS

Nil.

NEXT MEETING

The next meeting of the Rangiora-Ashley Community Board is scheduled for 7pm, Wednesday 8 March 2023.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 8.03PM.

CONFIRMED

Chairperson

Date

UNCONFIRMED

MINUTES FOR THE MEETING OF THE KAIAPOI-TUahiwi COMMUNITY BOARD HELD IN THE KAIKANUI ROOM, RUATANIWHA KAIAPOI CIVIC CENTRE, 176 WILLIAMS STREET, KAIAPOI ON MONDAY 20 FEBRUARY 2023 AT 4PM.

PRESENT

J Watson (Chairperson), S Stewart (Deputy Chairperson), A Blackie, N Atkinson, T Bartle, T Blair (Arrived at 4.42pm) and R Keetley.

IN ATTENDANCE

B Cairns (Kaiapoi-Woodend Ward Councillor).

C Brown (Community and Recreation Manager), S Morrow (Rates Officer – Property Specialist), G Stephens (Greenspace Design and Planning Team Leader), V Thompson (Senior Advisor Business and Centres), K Nutbrown (Communication and Engagement Advisor), A Mace-Cochrane (Project Engineer), K Rabe (Governance Advisor), and A Connor (Governance Support Officer).

There was one member of the public present.

1 APOLOGIES

Moved: J Watson

Seconded: A Blackie

THAT an apology for lateness be received and sustained from T Blair (Arrived at 4.42pm) and an apology for absence be received and sustained from P Redmond.

CARRIED

2 CONFLICTS OF INTEREST

There were no conflicts of interest declared.

3 CONFIRMATION OF MINUTES

3.1 Minutes of the Kaiapoi-Tuahiwi Community Board –12 December 2022

Moved: J Watson

Seconded: R Keetley

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Confirms** the circulated Minutes of the Kaiapoi-Tuahiwi Community Board meeting, held 12 December 2022, as a true and accurate record subject to the amendment to the Silverstream Advisory Group representative from T Bartle to S Stewart which was incorrectly captured in the minute.

CARRIED

3.2 Matters Arising

Nil.

3.3 Notes of the Kaiapoi-Tuahiwi Community Board Workshop – 12 December 2022

Moved: J Watson

Seconded: T Bartle

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** the notes of the Woodend-Sefton Community Board workshop, held on 12 December 2022.

CARRIED

4 DEPUTATIONS AND PRESENTATIONS

4.1 Beach Grove Development – C Scott

C Scott Development Manager with Momentum Projects introduced himself and noted the development was approximately a quarter of the way through to completion of the current phase. The proposed road names had had been chosen from the pre-approved list with input the Hancock Family who lived next to the development and were longstanding Kaiapoi residents. He drew attention to the road that ran alongside the reserve which would be a significant road in the development. Currently it was listed as Pohio Lane on the map, however there was a desire for this to be changed to Pohio Parade to acknowledge the roads significance in the development. The Board was supportive of this request.

J Watson questioned if Cordla Street should be Cordelia Street as after doing research on the name 'Cordla', Board members were unable to find any information linking the name to the area, however Cordelia was the name of one of the ships plying its trade along the Kaiapoi River. C Scott noted they were not opposed to changing any of the proposed names especially when there were stories behind the names.

5 ADJOURNED BUSINESS

Nil.

6 REPORTS

6.1 Road Naming – Beach Grove Estates – S Morrow (Rates Officer – Property Specialist)

S Morrow the report as read.

A Blackie noted the recommendation included a Merrin Street and queried if this would cause confusion with the street in Ilam, Christchurch. S Morrow confirmed there were already duplicate names in the Waimakariri and Christchurch and it would not be an issue. However he did agree that duplication of names within the district did cause issues and were not encouraged.

Moved: N Atkinson

Seconded: A Blackie

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** Report No. 230209017412.

- (b) **Approves** the following proposed road names for Roads 1 – 16 for future stages of Beach Grove as shown on the attached plan.

- 1 Tuuta Street
- 2 Merrin Street
- 3 Cordelia Street
- 4 Rice Street
- 5 McGarry Drive
- 6 Dempsey Street (on original plan)
- 7 Pender Street (on original plan)
- 8 Waitohi Road (Continuation)
- 9 Lintott Street
- 10 Croucher Street
- 11 Naish Street
- 12 Bristow Lane
- 13 Isa Lei Road (Continuation)
- 14 Rice Street (Continuation)
- 15 Ranginui Drive (Continuation)
- 16 Pohio Parade

- (c) **Notes:** That the Community Board may replace any proposed names with a name of its choice.

CARRIED

N Atkinson noted the name Cordelia fit well in the development as there were many other road names in the area that originated with boats that used the Kaiapoi port.

J Watson stated that the Merrin family were an important family in Kaiapoi and there were many duplicate names already in the district and Christchurch.

6.2 **Approval of Disc Golf for Kaiapoi Domain – G Stephens (Greenspace Design and Planning Team Leader)**

G Stephens took the report as read and highlighted the that ninety percent of respondents were supportive of having a disc golf course at Kaiapoi Domain. The consultation reached just over 34,000 people and received 148 submissions.

S Stewart enquired if the tee pads and cages were permanent fixtures. G Stephens replied that they would be semipermanent. The system worked much like a golf course where overtime the holes would change to keep the course interesting. The disc golf cages would slot into concrete and bolt on and would be able to be moved. Any changes to the course would be consulted with operations staff to ensure there were no vulnerable trees or other issues with the proposed changes.

S Stewart then questioned if the group would be responsible for taking care of any damages to the equipment. G Stephens replied that the group would own, maintain and shift all the equipment with the agreement of the operations team. If the cages were damaged in a way that posed a health and safety risk the Council would have

the matter dealt with immediately to make the equipment safe until the group could replace the damaged equipment.

S Stewart noted the initiative was dependent on the group finding funding and queried the status of this. G Stephens clarified the group had a very positive response to fund raising however as there had been no confirmation of whether the course would be approved, they could not start raising the money required. Now that the Board had approved the course the group could now begin to raise the funds required and intended to apply to the Board for some discretionary funding.

Moved: J Watson

Seconded: T Bartle

THAT the Kaiapoi-Tuahivi Community Board:

- (a) **Receives** Report No. TRIM 230209017481.
- (b) **Notes** that staff undertook consultation with the community regarding the Kaiapoi Domain Disc Golf proposal and 90% of respondents were in support of the proposal.
- (c) **Notes** following consultation, staff collated feedback and have included changes in the overall layout and discussed.
- (d) **Notes** that the group intended to fund this project using external fundraising.
- (e) **Approves** the provision of a nine-hole disc golf course in Kaiapoi Domain subject to external funding being received of approximately \$15-20,000.
- (f) **Notes** that from time to time the layout of the course may change. This would be done in consultation with the group and Greenspace Team and would stay within the confines of the Kaiapoi Domain. A memo would be brought to the Board informing them of these changes at that stage to keep the Board informed.
- (g) **Notes** the recommendations within this report support Greenspace to achieve community outcomes within the areas of social, economic, environmental, and cultural wellbeing.

CARRIED

J Watson believed that the addition of the disc golf course would be amazing for Kaiapoi. The group setting it up were very enthusiastic and this would be popular with a positive outcome for Kaiapoi and the district.

T Bartle noted he had not heard of disc golf before and it seemed like a brilliant idea.

B Cairns commented that this activity promised to be great for all ages.

6.3 **Kaiapoi Town Centre Market temporarily located at 131 Raven Quay – V Thompson (Senior Advisor Business and Centres)**

V Thompson spoke to the report which requested approval for a market to be set up in Raven Quay. At the end of 2022 the Council was approached by a member of the public wanting to start a new town centre market. Staff had recommended that the farmers market elements be removed from the proposed plan so as not to compete with the pre-existing market on Charles Street. Another condition would be that food trucks be limited in the early stages of the market due to the close proximity to vendors in Williams Street.

T Bartle questioned if there had been any consultation with the existing farmers market. V Thompson answered she had suggested the organiser talk to the existing

market holders to see if they would consolidate both markets into one offer however, the organiser preferred to keep the activities separate.

N Atkinson confirmed that the organiser was aware that exploratory work was scheduled for the suggested site on Ravens Quay in the future. V Thompson replied that the organiser was aware of future plans for the site therefore agreed to operate on a three month roll over lease.

S Stewart questioned where the Northern Community Market was located. V Thompson clarified it was in the Belfast area in Christchurch.

S Stewart then asked if the exclusion of farmers market type stalls had been agreed to with the person setting up the market. V Thompson stated it was discussed but not formalised. The organiser had been sent a copy of the report for feedback and asked if they would like to speak in support of the report at the meeting however V Thompson had not received a response.

Moved: N Atkinson

Seconded: S Stewart

THAT the Kaiapoi-Tuahwi Community Board:

- (a) **Receives** Report No. BAC-03-119-01 / 230209017184.
- (b) **Notes** the proposal for the town centre market to be temporarily located at 131 Raven Quay in Kaiapoi.
- (c) **Notes** that alternative locations are potentially available should the market be successful and need to be relocated to another site (at the Community Board and/or Council's discretionary approval) due to progression of commercial development at 131 Raven Quay or the market's growth.
- (d) **Notes** that the market must not compete directly in product with the existing farmers market located on Charles Street running on Saturdays.
- (e) **Approves** the presence of the market located temporarily at 131 Raven Quay under a recurring reserve booking for an initial term of three months, to be rolled over in three month booking blocks thereafter at the discretion of staff should the market continue to operate without incident.

LAPSED

N Atkinson noted he was not a fan of farmers market as he felt they worked in opposition to established businesses in the town, however he acknowledged that they brought visitors to the area.

S Stewart felt it would add to the vitality of the town however she had concerns about having anything in conflict with the existing market. She questioned if the people running the farmers market knew about this application. V Thompson stated she was unsure as it had been left with the applicant to engage directly.

B Cairns noted he had spoken to the person wanting to set up this market and they had previously tried starting a market elsewhere that was unsuccessful. The object of the market was that any profits would be used to support school children with books and uniforms.

A Blackie suggested that the matter lay on the table and request both groups to come to speak to the Board prior to any decision being made.

Moved: A Blackie

Seconded: J Watson

THAT the Kaiapoi-Tuahwi Community Board:

- (a) **Receives** Report No. BAC-03-119-01 / 230209017184.

- (b) **Leaves** the report to lay on the table and invite both groups to come to speak to the Board prior to a decision being made.

CARRIED

A Blackie moved that this lay on the table till the existing market had been approached for their input.

6.4 **Nomination of the Zone 5 Representative on the Community Boards' Executive Committee – K Rabe (Governance Advisor)**

N Atkinson suggested that the Board consider nominating someone from the district in the future.

Moved: J Watson

Seconded: R Keetley

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** Report No. 230201013666.
- (b) **Nominates** Simon Britten as the Ko Tātou Zone 5 representative on the Community Boards' Executive Committee.

CARRIED

6.5 **Application to the Kaiapoi-Tuahiwi Community Board's Discretionary Grant Fund 2022/23 – K Rabe (Governance Advisor)**

J Watson questioned why the North Canterbury Pride had only applied for \$270. K Rabe noted they had applied to the Rangiora-Ashley Community Board and perhaps they were unaware they could apply for \$500 from both Boards rather than \$500 between both. She stated they applied to both Boards as Canterbury Pride target the two High Schools to support this event.

A Blackie was told by a member of the Rangiora-Ashley Community Board that they were unaware North Canterbury Pride had applied to both boards and he believed it was meant to be part of the report if groups had applied to multiple boards. K Rabe noted that normally the Boards were notified however different staff wrote the reports and it must have been missed. She would investigate that for future applications and reports.

T Bartle noted in the North Canterbury Pride application the event would happen regardless of receiving funds as this would allow them to pay for services offered through goodwill. He questioned if that meant they already had sufficient funds for the project. J Watson clarified that doing it with goodwill meant people were offering services for free and this would enable them to pay for the services instead.

Moved: J Watson

Seconded: S Stewart

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** Report No. 230118005615.
- (b) **Approves** a grant of \$300 to the North Canterbury Pride towards hosting the Lesbian, Gay, Bisexual, Transgender, Questioning and Others (LGBTIQ+) picnic in Victoria Park, Rangiora.

CARRIED

K Rabe noted Clarkville Playcentre had applied to the Oxford-Ohoka Community Board and the Rangiora-Ashley Community Board as well as the Kaiapoi-Tuahiwi Community Board and that was the reasoning for not applying for the full \$500.

Moved: J Watson

Seconded: S Stewart

- (c) **Approves** a grant of \$387 to the Clarkville Playcentre towards the costs of first aid courses.

CARRIED

J Watson felt it was a good use of the Boards funds to support parents attending first aid courses.

7 **CORRESPONDENCE**

7.1 **Kaiapoi District Historical Society – Errors on signs**

K Rabe noted that Roading staff were comfortable changing the road name signage however there was concern regarding the inconvenience to the residents living on that street.

N Atkinson felt it should be changed as it was a historical name and it should be correct.

Moved: J Watson

Seconded: A Blackie

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** the correspondence from the Kaiapoi District Historical Society regarding errors on signs (TRIM: 230210017906).

CARRIED

8 **CHAIRPERSON'S REPORT**

8.1 **Chairperson's Report for December 2022 and January 2023**

Moved: J Watson

Seconded: N Atkinson

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** the report from the Kaiapoi-Tuahiwi Community Board Chairperson (TRIM: 230214019397).

CARRIED

9 **MATTERS REFERRED FOR INFORMATION**

9.1 Oxford-Ohoka Community Board Meeting Minutes 7 December 2022.

9.2 Woodend-Sefton Community Board Meeting Minutes 12 December 2022.

9.3 Rangiora-Ashley Community Board Meeting Minutes 14 December 2022.

9.4 Oxford-Ohoka Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.

9.5 Woodend-Sefton Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.

- 9.6 Rangiora-Ashley Community Board Chairpersons Report February to September 2022 - Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.7 Kaiapoi-Tuahiwi Community Board Chairpersons Report February to September 2022 – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.8 Waka Kotahi Interim State Highway Speed Management Plan Consultation – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.9 Kerbside Recycling Bin Audits Methodology – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.10 Ohoka Mill Road Stormwater Management Area Resource Consent Issues – Report to Council meeting 6 December 2022 – Circulates to all Boards.
- 9.11 Submission on the Review into the Future of Local Government – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.12 Ratification of Council Submission Variation 1 Proposed District Plan – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.13 Submission on Water Services Legislation Bill – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.14 Review of Elected Member Conference and Training Policy – Report to Council meeting 7 February 2023 – Circulates to all Boards.
- 9.15 Health, Safety and Wellbeing Report January 2023 – Report to Council Meeting 7 February 2023 – Circulates to all Boards.

Moved: J Watson

Seconded: T Bartle

THAT the Kaiapoi-Tuahiwi Community Board

- a) **Receives** the information in Items 9.1 to 9.15.

CARRIED

10 MEMBERS' INFORMATION EXCHANGE

Neville Atkinson

- Council had set up the Property Portfolio Working Group.
- Attended Council Annual Plan Budget Meeting. Would be going out to consultation with 5.97% rate increase.
- Future for Local Government Submissions were out as well as Submissions for Variation One to the District Plan and Water Services Legislation Bill.
- Attended Audit and Risk meeting. At the end of the second quarter were 93% on target for capital works.
- The first day of the Motorhome Park had 11 motorhomes, second day had 14, third had 33 and the fourth day had 47 motorhomes. Was very successful already and would add to the economics of the district. There would be 110 sites however they were not all operational yet.

Tim Bartle

- Attended Health Advisory Board meeting. Was a large shortage of doctors and were still dealing with effects of covid.
- Had a resident contact regarding damage to a small side road of Tram Road. Staff had gone out to meet him and look however they were told there would be nothing in the budget for the short term.

Al Blackie

- The River Carnival was scheduled for Saturday 1 April 2023.
- Had been a news article released talking about the land leases at Kairaki Beach. It was yet to be passed by Trustees.
- There was another boat berthed on the river and the vibrancy of the town was growing.
- Up to stage two of the Huria Reserve which involved more planting. Contracts were prepared and the lease was still to go to Te Kohaka o Tuhaitara Trust.
- Boulder Copper Sounds Family Music Event 5 March 2023.

Tracey Blair

Nothing to report.

Brent Cairns

- Kaiapoi Hub was fully Established and consultation events would be on 23 February 2023 and 4 March 2023.
- Attended Auditing of recycling bins in a Kaiapoi Subdivision. Only two bins were perfect. Education surrounding the issue was needed. The third time your bin got pulled up for having the wrong materials it would be take away.
- Attended Retail Crime Event. There were good resources shared and was well attended.
- NZ Motor Home Association had opened. They were establishing if there was going to be an official opening.
- Accessibility Training was happening on 9 March 2023 in the Council Chamber.
- River Carnival was on 1 April 2023.
- Waka Kotahi were funding Locky Docky Charging Stations and Council had applied for one to be installed in Patchina's walkway.
- The E-scooters arrangement was up for review.
- Public Arts Forum was scheduled for 16 March 2023.
- Volunteers Expos were looking at being hosted by libraries in late March 2023.
- Attended Destination Management Plan at Mainpower Stadium to look at the district strategy.
- Kaiapoi Promotions Association were setting up a Thursday night market in the New World car park.

Sandra Stewart

- Had calls from residents concerned about the runoff of the roadworks on the Smith Street roundabout however it was up to the developer.
- The Kaiapoi East Residents association were wanting to plant 1000 more plants. Suggested they talk to the Board as it would extend the approved area.
- Attended information evening with Waka Kotahi regarding Saltwater Creek to Cam River safety improvements. Had significant impact to Kaiapoi however were only consulting with Woodend.
- There was a property for sale on Lineside Road. It was an old wetland and acted as a retention basin.

Russel Keetley

- Was a successful Waitangi Day with a great turnout.
- Attended Annual General Meeting for the Northern Bull Dogs.

11 CONSULTATION PROJECTS

Nil.

12 REGENERATION PROJECTS**12.1 Town Centre, Kaiapoi**

Updates on the Kaiapoi Town Centre projects are emailed regularly to Board members. These updates can be accessed using the link below:

<http://www.waimakariri.govt.nz/your-council/district-development/kaiapoi-town-centre>.

13 BOARD FUNDING UPDATE**13.1 Board Discretionary Grant**

Balance as at 31 January 2023: \$5,559.

13.2 General Landscaping Budget

Balance as at 31 January 2023: \$49,490.

14 MEDIA ITEMS**15 QUESTIONS UNDER STANDING ORDERS****16 URGENT GENERAL BUSINESS UNDER STANDING ORDERS****NEXT MEETING**

The next meeting of the Kaiapoi-Tuahiwi Community Board will be held at the Ruataniwha Kaiapoi Civic Centre on Monday 20 March 2023 at 4pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 5.15PM.

CONFIRMED

Chairperson

Date

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR INFORMATION**

FILE NO: GOV-18 / 230302029005
REPORT TO: Council
DATE OF MEETING: 7 March 2023
FROM: Dan Gordon, Mayor
SUBJECT: Mayor's Diary
 Wednesday 1 February – Tuesday 28 February 2023

1. SUMMARY

Attend regular meetings with the Chief Executive, Management Team and staff.

Wednesday 1 February	Meetings: Business owner re upgrades to Good Street; Manager of Hope Community Trust; Waitaha Primary Health Board Visited Kaiapoi resident on the occasion of her 96 th birthday
Thursday 2 February	Meetings: Communities 4 Local Democracy Oversight Group; Local Government NZ National Council
Friday 3 February	Meeting: Greater Christchurch Partnership (GCP) Committee sub-group; GCP Committee; Dan Rosewarne, List MP; Local Government Resource Management Reform Steering Group
Monday 6 February	Attended: and spoke at the Kaiapoi Waitangi Day Family Celebration, and the celebration at Rangiora Borough School
Tuesday 7 February	Interview: Compass FM Meetings: Long Term Plan Project Steering Group; pre-brief for Initial Climate Action Planning Reference Group meeting (Canterbury Mayoral Forum); monthly meeting of Council
Wednesday 8 February	Meeting: Council's Draft Annual Plan Budget Attended: Recruitment event for NZRT12
Thursday 9 February	Meetings: Communities 4 Local Democracy Oversight Group; Agency recruiting for Council's Chief Executive Interview: NewsTalk ZB
Friday 10 February	Interview: NewsTalk ZB Opened: Inaugural Waimakariri Country Music Festival Meetings: Communities 4 Local Democracy Oversight Group; On-site with staff, residents and Environment Canterbury re Wrights Road intersection

Monday 13 February	Interview: David Hill, North Canterbury News Meetings: Matt Doocey MP; Greater Christchurch Transport Investment Programme
Tuesday 14 February	Meetings: Audit and Risk Committee; Briefings to Council
Wednesday 15 February	Meeting: Enterprise North Canterbury Board and farewell to departing Board member
Thursday 16 February	Meetings: Initial Climate Action Planning Reference Group (Canterbury Mayoral Forum); Briefing to Council; Business owner re start-up opportunity; Q&A with Rakahuri Rangers
Friday 17 February	Interview: Compass FM Meetings: Council and Management Team Strategy Day
Saturday 18 February	Attended: Rangiora Harness Racing 75 th Jubilee celebrations
Monday 20 February	Meetings: Communities 4 Local Democracy Oversight Group; Representatives of Rangiora Methodist Church
Tuesday 21 February	Interview: Compass FM Meetings: Utilities and Rooding Committee; District Planning and Regulation Committee; Workshop with Council; Community and Recreation Committee; Residents re possible subdivision opportunity, with staff
Wednesday 22 February	Meetings: Waitaha Primary Health Finance and Risk Committee; Regional Service Manager, Workbridge; Rangiora Promotions, with staff Attended: and laid a wreath at the Civic Memorial Service on the 12 th anniversary of the Canterbury Earthquake Officiated; at Citizenship Ceremony, welcoming 21 new citizens
Thursday 23 February	Meetings: Community 4 Local Democracy meeting in Wellington; Canterbury Regional Transport Committee Attended: Canterbury Mayoral Forum dinner meeting
Friday 24 February	Attended: Chamber of Commerce breakfast meeting with the Canterbury Mayoral Forum; Farewell to NZ Police District Commander John Price Meeting: Canterbury Mayoral Forum Presented prizes at Kaiapoi Garden Competition Awards Evening
Saturday 25 February	Meeting: Councils engaged in High Court proceedings re Three Waters Reform, with advisors Interviews: with various media on the National Party's announcement on Three Waters Reform
Sunday 26 February	Started: Ashley River Ramble Interview: TVNZ's Q&A on Three Waters Reform
Monday 27 February	Meetings: Communities 4 Local Democracy Plenary Group; Waitaha Primary Health Board; Sutherlands Timber; Residents and staff re boundary issue Recorded: Video for Council's Draft Annual Plan engagement

Tuesday 28 February	Interview: Compass FM Attended: and spoke at the Rangiora Business Hub Commencement of Earthworks event; Function hosted by the Christchurch Foundation Meetings: Council briefings, workshop and Extraordinary
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THAT the Council:

- a) **Receives** report N°. 230302029005



Dan Gordon
MAYOR