



PALMERSTON NORTH CITY COUNCIL

AGENDA

COUNCIL

9AM, WEDNESDAY 15 FEBRUARY 2023

COUNCIL CHAMBER, FIRST FLOOR
CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

MEMBERS

Grant Smith (Mayor)	
Debi Marshall-Lobb (Deputy Mayor)	
Mark Arnott	Leonie Hapeta
Brent Barrett	Lorna Johnson
Rachel Bowen	Billy Meehan
Vaughan Dennison	Orphée Mickalad
Lew Findlay (QSM)	Karen Naylor
Roly Fitzgerald	William Wood
Patrick Handcock	Kaydee Zabelin
(ONZM)	

AGENDA ITEMS, IF NOT ATTACHED, CAN BE VIEWED AT

pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

Waid Crockett

Chief Executive | PALMERSTON NORTH CITY COUNCIL

COUNCIL MEETING

15 February 2023

ORDER OF BUSINESS

1. Apologies

2. Notification of Additional Items

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson's explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

3. Declarations of Interest (if any)

Members are reminded of their duty to give a general notice of any interest of items to be considered on this agenda and the need to declare these interests.

4. Confirmation of Minutes

"That the minutes of the ordinary meeting of 14 December 2022 Part I Public be confirmed as a true and correct record."

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REPORTS

5. **Presentation - NZ Rural Games Trust** Page 19

6. **Adoption of Triennial Agreement** Page 21
 Memorandum, presented by Hannah White, Democracy & Governance Manager.

7. **Council Response to the Draft Manawatū-Whanganui Climate Change Action Plan** Page 37
 Memorandum, presented by Adam Jarvis, Senior Climate Change Advisor and David Watson, Climate Change Analyst.

8. **Adoption of Standing Orders 2023** Page 67
 Memorandum, presented by Hannah White, Democracy & Governance Manager and Sarah Claridge, Democracy & Governance Advisor.

9. **Approval of International Travel for the Mayor, March 2023** Page 205
 Memorandum, presented by Gabrielle Nguyen, International Relations Manager.

10. **Approval of International Travel for Councillor Roly Fitzgerald as Rangitāne and Council representative** Page 247
 Memorandum, presented by Todd Taiepa, Principal Māori Advisor and Gabrielle Nguyen, International Relations Manager.

11. **Transport Choices - Cycling** Page 253
 Report, presented by Hamish Featonby, Group Manager - Transport & Development.

12. **Transport Choices - Public Transport** Page 263
 Report, presented by Hamish Featonby, Group Manager - Transport & Development.

13. Ferguson Street & Pitt Street Intersection Upgrade - Budget Adjustment Page 273

Report, presented by Hamish Featonby, Group Manager - Transport & Development.

14. Council Submission on the Natural and Built Environment Bill and Spatial Planning Bill Page 291

Memorandum, presented by Jono Ferguson Pye, City Planning Manager and Michael Duindam, Principal Planner.

15. Council Submission on the Future for Local Government Review Draft Report Page 311

Memorandum, presented by Hannah White, Democracy & Governance Manager.

16. Council Submission on the Water Services Legislation Bill Page 331

Memorandum, presented by Sarah Sinclair, Chief Infrastructure Officer.

17. Council Work Schedule Page 417

18. Exclusion of Public

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
19.	Minutes of the ordinary meeting - Part II Confidential - 14 December 2022	For the reasons set out in the ordinary minutes of 14 December 2022, held in public present.	

20.	Tender Award - Arena 3 Roof and Changing Room Upgrade	Negotiations	s7(2)(i)
21.	Tender Award - James Line Improvements (Schnell Dr. to Kelvin Grove Rd.)	Negotiations	s7(2)(i)

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 the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

[Add Third Parties], because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].

PALMERSTON NORTH CITY COUNCIL

Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 14 December 2022, commencing at 9.01am

Members Present: Grant Smith (The Mayor) (in the Chair) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Apologies: Councillor Roly Fitzgerald (early departure).

Councillor Rachel Bowen left the meeting at 10.56am and entered the meeting again at 11.04am, during consideration of clause 193. She was not present for the vote on the amendment in clause 193.

Councillor Billy Meehan left the meeting at 3.52pm during consideration of clause 199. He was not present for clauses 199 to 201 inclusive.

Councillor Roly Fitzgerald was not present when the meeting resumed at 2.35pm. He was not present for clauses 196 to 201 inclusive.

Acknowledgement of the passing of Lady Dawn Elwood

The Mayor acknowledged the passing of Lady Dawn Elwood, Mayoress of Palmerston North from 1971 to 1985.

Attendees stood for a moment of silence.

187-22 Suspension of Standing Orders

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. **Standing Order 2.7.1 Notice of Motion to be in writing** be suspended for the duration of this meeting.
2. **Standing Order 2.20.1 Presentations** be suspended for the duration of this meeting.

The above standing order suspensions were put to allow the Tekton Ltd presentation and the related Notice of Motion to be able to be considered by the meeting, despite notice lead time not having been met.

Clause 187-22 above was carried 15 votes to 0, with 1 abstention, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Abstained:

Councillor Lew Findlay.

188-22

Additional Items

Moved Grant Smith, seconded Karen Naylor.

RESOLVED

1. That the late item titled 'Presentation – Tekton Ltd' be received.

Reason for Lateness: Time needed for conversations and advice on process.

Reason for Urgency: Council meeting is not until 15 February 2023, the day of licence expiry.

2. That the late item titled 'Notice of Motion - Re-consideration of motion to Council meeting of 7 December 2022 - Public Notification of the intention to grant a licence at Railway Land Reserve to Tekton Limited for a high ropes course operated as a commercial activity' be received.

Reason for lateness: Time needed to communicate with operator following Council meeting of 7 December.

Reason for urgency: The current licence expires on 15 February 2023 and the next Council meeting is not until 15 February. Tekton have requested an extension of licence to give them confidence to invest in the safety audit required to re-open their operations.

Clause 188-22 above was carried 15 votes to 0, with 1 abstention, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Abstained:

Councillor Lew Findlay.

Declaration of Interests

The Mayor (Grant Smith) declared he had an interest in item 6 (clause 193-22) but no conflict.

189-22 Confirmation of Minutes

The word 'resolved' was removed from the final version of the minutes of the ordinary meeting of 7 December 2022 where motions were lost.

Councillor Mark Arnott stated that he intended to vote in favour in Item 6 'Exploration of alternative 'Three Waters' funding, financing and investment options' (clause 176-22) and Item 7 'PN City Council recognition of status quo funding challenges with 'Three Waters' and opposition to the proposed model'. The voting record remains unchanged.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That the minutes of the ordinary meeting of 7 December 2022 Part I Public, as amended, be confirmed as a true and correct record.

Clause 189-22 above was carried 16 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

190-22 Presentation - Disability Reference Group

Mr Nick Dow, new Chairperson of the Disability Reference Group, spoke on the Disability Reference Group's achievements and engagement with the Council during the past year, as well as the group's plans for 2023.

Mr Dow stated that:

- The group had increased its membership.
- The Companion Card scheme had been expanded to cover council-controlled and commercial organisations.
- Improvements had been made to mobility parking, such as the car park at He Ara Kotahi.
- Funding had been approved in the 22/23 financial year for continuation of the accessibility assessment of Council facilities.
- They were consulted by the Council in several matters such as, among others, e-scooters, Streets for People, improving outcomes for the entire disabled community.
- In relation to their plans for 2023, they were keen to further engage with the Council regarding the implementation of the Enabling Good Lives principles, improve engagement with the wider disabled community, and provide their views on the

Council's 10-Year Plan.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That the Council receive the presentation for information.

Clause 190-22 above was carried 16 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

191-22 Presentation – Tekton Ltd

Mr Todd Karipa, owner of Tekton Ltd, made a presentation to request an extension of the licence to operate the rope course on the Railway Land Reserve and to further inform Elected Members about the business' past and current situation and plans.

Mr Karipa explained that the course had been inactive due to the Covid-19 restrictions and more recently the need to obtain registration as an adventure operator with Worksafe New Zealand following an extensive auditing process.

Mr Karipa also stated that:

- The activity was beneficial to the community.
- Tekton Ltd had partnered with Sport Manawatū in 2020 on the Everyone Active Programme and intended to continue the partnership.
- The activity was aligned with the Council's Active Communities Plan.
- The business had a low profit margin. An increase of the licensing fee from \$2,000 to \$10,000 would be unreasonable.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That the Council receive the presentation for information.

Clause 191-22 above was carried 15 votes to 0, with 1 abstention, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Abstained:

Councillor Lew Findlay.

192-22

Notice of Motion: Re-consideration of motion to Council meeting of 7 December 2022- Public Notification of the intention to grant a licence at Railway Land Reserve to Tekton Limited for a high ropes course operated as a commercial activity.

Councillor Karen Naylor presented her notice of motion.

Moved Karen Naylor, seconded Grant Smith.

RESOLVED

1. That Council approve notifying the public of the intention to grant a licence at Railway Land Reserve to Tekton Limited for a high ropes course operated as a commercial activity, in accordance with Section 54 of the Reserves Act 1977.
2. That Council note that the land area affected by the Licence to Tekton Limited is described as part of Lot 1 DP 78518.
3. To approve a temporary extension to the licence to Tekton Limited for a further 6 months from the 15 February 2023 until the 15 August 2023, in order to give time for the public notification process and further council decision making.

Clause 192-22 above was carried 16 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

REPORTS

193-22

Approval of International Travel for the Mayor, June 2023

Memorandum, presented by Gabrielle Nguyen - International Relations Manager.

Councillor Rachel Bowen left the meeting at 10.56am.

Councillor Rachel Bowen entered the meeting again at 11.04am.

An amendment was passed to include the Mayoress' international travel costs in support of her contribution to this Council Business activity. Expenditure of up to \$5,000 was to be covered by the Council for the costs associated with her participation in the mission.

Moved Leonie Hapeta, seconded Debi Marshall-Lobb.

RESOLVED

1. That Council grant approval for the Mayor to travel overseas in June

2023 to lead a small delegation to visit our partners in the United States of America and the Netherlands.

Clause 193.1-22 above was carried 14 votes to 1, with 1 abstention, the voting being as follows:

For:

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, William Wood and Kaydee Zabelin.

Against:

Councillor Karen Naylor.

Abstained:

The Mayor (Grant Smith).

Moved Billy Meehan, seconded Mark Arnott.

2. That Council note that should the Mayoress accompany the Mayor, the expenses of the Mayoress for meals, accommodation, incidentals and travel up to \$5,000 will be covered by the Council according to the Council's Elected and Appointed Members' Expenses and Allowances Policy 2022.

Clause 193.2-22 above was carried 11 votes to 3, with 2 abstentions, the voting being as follows:

For:

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Billy Meehan, Orphée Mickalad and Kaydee Zabelin.

Against:

Councillors Lorna Johnson, Karen Naylor and William Wood.

Abstained:

The Mayor (Grant Smith) and Councillor Rachel Bowen.

Note:

The Mayor (Grant Smith) declared an interest in this item.

Moved Billy Meehan, seconded Mark Arnott

Note:

An amendment was made to recommendation 2 to add 'and travel up to \$5,000.00'. The motion was carried 11 votes to 3, with 1 abstention, the voting being as follows:

For:

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Billy Meehan, Orphée Mickalad and Kaydee Zabelin.

Against:

Councillors Lorna Johnson, Karen Naylor and William Wood.

Abstained:

The Mayor (Grant Smith).

The meeting adjourned at 11.27am.

The meeting resumed at 11.48am.

194-22 Wastewater Treatment Consent Project - Post Lodgement Requirements and Budget

Memorandum, presented by Mike Monaghan, Group Manager 3 Waters, and Anna Lewis, Project Manager - Wastewater Discharge Consent Programme.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That Council approves bringing forward \$2,744,500 excluding GST of existing budget from the 2023/24 Financial Year to the 2022/23 Financial Year for the post-lodgement phase of the Wastewater Discharge Consent Project (WDCP).

Clause 194-22 above was carried 16 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

195-22 Crematorium Seismic Strengthening Project - Budget Adjustment

Report, presented by Bryce Hosking, Group Manager - Property.

The maximum percentage of the contract sum that the Chief Executive can vary was determined to be 25%.

Moved William Wood, seconded Rachel Bowen.

RESOLVED

1. That Council increases the contract sum of Contract 3968 (Crematorium Seismic Strengthening) by \$1,068,824 + GST. This increases the contract sum from \$2,354,803 + GST to \$3,423,627 + GST.
2. That Council gives the Chief Executive the delegated authority to vary the revised contract sum of \$3,423,627 + GST by the maximum amount of 25% of the contract sum, within the Programme Budget, to be used as contingency should it be required for the successful delivery of Contract.

Clause 195-22 above was carried 12 votes to 4, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna

Johnson, Orphée Mickalad, William Wood and Kaydee Zabelin.

Against:

Councillors Vaughan Dennison, Leonie Hapeta, Billy Meehan and Karen Naylor.

Moved Karen Naylor, seconded Brent Barrett.

Note:

On a motion that the words: 'following design and scope being reviewed to seek a more cost-effective solution' be added to the motion 'That Council re-tender the Crematorium Seismic Strengthening Project,' the motion was tied 8 votes to 8. The chairperson declared the motion lost, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Vaughan Dennison, Leonie Hapeta, Billy Meehan, Karen Naylor and Kaydee Zabelin.

Against:

Councillors Debi Marshall-Lobb, Mark Arnott, Lew Findlay, Roly Fitzgerald, Patrick Handcock, Lorna Johnson, Orphée Mickalad and William Wood.

Moved Grant Smith, seconded Vaughan Dennison.

Note:

On a motion that: 'That Council re-tender the Crematorium Seismic Strengthening Project'. The motion was lost 6 votes to 10, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Vaughan Dennison, Roly Fitzgerald, Leonie Hapeta, Billy Meehan and Karen Naylor.

Against:

Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Lorna Johnson, Orphée Mickalad, William Wood and Kaydee Zabelin.

The meeting adjourned 1.24pm.

The meeting resumed 2.35pm.

Councillor Roly Fitzgerald was not present when the meeting resumed.

196-22

Adoption of Annual Report 2021/22

Memorandum, presented by Cameron McKay, Chief Financial Officer and Debbie Perera, Audit Director at Audit New Zealand.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That the Annual Report 2021/22 and Summary Annual Report 2021/22 be adopted.
2. That the Council note that, assuming Audit clearance is given, an Auditor's 'opinion' from Audit New Zealand would be expected to

be received following recommended adoption by Council on 14 December 2022 and Council signing of the reports.

3. That Council delegate authority to the Chief Executive to make minor edits to the Annual Report 2021/22 and Summary Annual Report 2021/22

Clause 196-22 above was carried 15 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

197-22 Results of the 2022 Residents' Survey

Memorandum, presented by Andrew Boyle, Head of Community Planning.

An additional motion was passed requesting a report back to Council on options to address the key challenges identified in the 2022 Residents' Survey, in order to consider appropriate responses.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That the Council note the results of the 2022 Residents' Survey.
2. That the Council use the results of the 2022 Residents' Survey in its decision making, particularly for the development of the 2024 Long-term Plan.

Moved Brent Barrett, seconded Karen Naylor.

3. That the Chief Executive report to Council in the first half of 2023 with options to address the key challenges identified in the 2022 Residents Survey.

Clause 197-22 above was carried 15 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

198-22 Lodgement of Consent Application for Wastewater Treatment Plant

Memorandum, presented by Mike Monaghan, Group Manager- 3 Waters and Anna Lewis, Project Manager - Wastewater Discharge Consent Programme.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That Council note the consent application for the Wastewater Treatment Plant Discharge Consent will be lodged with Horizons Regional Council under the Resource Management Act by 19 December 2022.

Clause 198-22 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Billy Meehan, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

Abstained:

Councillor Vaughan Dennison.

199-22

Summary report on the September 2022 Palmerston North Quarterly Economic Monitor

Memorandum, presented by Stacey Bell, City Economist.

Councillor Billy Meehan left the meeting at 3.52pm.

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That Council receive the report titled 'Summary report on the September 2022 Palmerston North Quarterly Economic Monitor' for information.

Clause 199-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

200-22

Council Work Schedule

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

1. That Council receive its Work Schedule dated 14 December 2022.

Clause 200-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood

and Kaydee Zabelin.

EXCLUSION OF PUBLIC

201-22 Recommendation to Exclude Public

Moved Grant Smith, seconded Debi Marshall-Lobb.

RESOLVED

"That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
15.	Minutes of the ordinary meeting - Part II Confidential - 7 December 2022	For the reasons set out in the ordinary minutes of 7 December 2022, held in public present.	
16.	Tender Report - Three Waters and Waste Mechanical and Electrical Maintenance and Minor Capital Works	Negotiations	s7(2)(i)

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 the relevant part of the proceedings of the meeting in public as stated in the above table.

Clause 201-22 above was carried 14 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Debi Marshall-Lobb, Mark Arnott, Brent Barrett, Rachel Bowen, Vaughan Dennison, Lew Findlay, Patrick Handcock, Leonie Hapeta, Lorna Johnson, Orphée Mickalad, Karen Naylor, William Wood and Kaydee Zabelin.

The public part of the meeting finished at 3.54pm

Confirmed 15 February 2023

Mayor

PRESENTATION

TO: Council

MEETING DATE: 15 February 2023

TITLE: Presentation - NZ Rural Games Trust

RECOMMENDATION(S) TO COUNCIL

1. That Council receive the presentation for information.
-

SUMMARY

Mr Steve Hollander, founder, and Mrs Margaret Kouvelis, Chair of the NZ Rural Games Trust, will make a presentation regarding the upcoming Ford Ranger NZ Rural Games 2023 and what the event means to the city economically and socially.

ATTACHMENTS

Nil

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Adoption of Triennial Agreement

PRESENTED BY: Hannah White, Democracy & Governance Manager

APPROVED BY: Donna Baker, Acting Chief Executive Unit Manager

RECOMMENDATION TO COUNCIL

1. That Council adopt the Triennial Agreement for the Manawatū-Whanganui Region.
-

1. ISSUE

All local authorities in each region are required to enter into a Triennial Agreement at the start of each council term. This memorandum recommends that the Council adopt the Draft Triennial Agreement attached.

The Triennial Agreement is administered by Horizons Regional Council. The attached draft Agreement has been prepared by Horizons for consideration and adoption by all local authorities in the Manawatū-Whanganui Region.

2. BACKGROUND

The Local Government Act 2002 requires local authorities in a region to enter into a Triennial Agreement that sets out:

- the protocols for communication and coordination among councils in a region
- a statement of the process for consultation on proposals for new regional council activities
- processes through which all councils can participate in identifying, delivering, and funding facilities and services of significance to more than one district
- any commitments to establish (or continue) joint committees or other joint governance arrangements; and the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.

The Agreement must be adopted no later than 1 March after each triennial local government elections and remains in place until the next elections. An Agreement can be amended at any point if all local authorities within a region agree.

If any decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the Agreement then the local authority must clearly identify the inconsistency and the reasons for it, and say that the local authority intends to seek an amendment to the Agreement.

All mayors and chief executives of the Manawatū-Whanganui Region were given the opportunity to provide feedback on the attached Agreement, at the Regional Chiefs meeting of 5 December 2022.

Changes from the 2019-22 Triennial Agreement

Treaty of Waitangi: Reference to the Treaty is specifically made in the "Working Together" text, in addition to the Terms of Reference of the Climate Action Joint Committee.

Governance Bodies: The agreement lists the governance bodies that support regional co-operation. The Mayoral Forum is the main mechanism used to oversee regional co-operation and advocate for the interests of the region. The Terms of Reference for the Mayoral Forum and the Climate Action Joint Committee are included as attachments to the Agreement.

Other joint groups include the Regional Transport Committee, the Manawatū-Whanganui Civil Defence and Emergency Management Group, Accelerate 25 Lead Team, and the Regional Leadership Group. Council has already made appointments as appropriate to these groups.

Secretariat service: Horizons is proposing to provide a permanent secretariat service for the Mayoral Forum. The cost of this service will be shared amongst the councils involved.

Consultation in relation to Resource Management Act policy and plans: This article has been extended to include co-operation in implementing national policy statements to ensure alignment of regional and district policies and plans. This acknowledges the preparatory and collaborative work needed for the Government's three new planning bills proposed to replace the Resource Management Act 1991.

3. NEXT STEPS

The Council's decision to adopt the Triennial Agreement will be communicated to Horizons Regional Council immediately following the Council meeting.

The Triennial Agreement will be signed by the Chairperson of Horizons Regional Council and the mayors of the territorial authorities that form the Manawatū-Whanganui region.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Ongoing review of governance systems and structures to support Council's effectiveness and reputation	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	A legal mechanism which sets out how the local authorities in a region will work together to promote wellbeing outcomes.

ATTACHMENTS

1. Triennial Agreement 2022-2025 [↓](#) 

Triennial Agreement for the Manawatū-Whanganui Region 2022-25

Purpose

The signatories are committed to working together to promote the social, economic, environmental, and cultural wellbeing of their communities—in accordance with principles of sustainable management for current and future generations, and of the Treaty of Waitangi.

The purpose of this Triennial Agreement (the Agreement) is to ensure appropriate communication, coordination and collaboration between local authorities within the Manawatū-Whanganui Region.

This Agreement is established under section 15 of the Local Government Act 2002 (LGA). It is effective until such time as it is either amended by the agreement of all parties or is renewed following the 2025 local authority elections (and no later than 1 March 2026).

Parties

The signatories to this agreement comprise principal signatories (those local authorities whose boundaries are completely or primarily encompassed within the Manawatū-Whanganui Region and who primarily identify with that region) and non-primary signatories (those local authorities whose boundaries bisect the Manawatū-Whanganui Region but whose principal identification is with another region).

Principal Signatories:

- Manawatū-Whanganui Regional Council (Horizons)
- Horowhenua District Council
- Manawatū District Council
- Palmerston North City Council
- Rangitīkei District Council
- Ruapehu District Council
- Tararua District Council
- Whanganui District Council

Non-primary Signatories:

- Taupō District Council
- Waitomo District Council
- Stratford District Council

This Agreement is binding on all local authorities of the Manawatū-Whanganui Region. It is recognised that non-primary signatories retain discretion over the extent of their involvement, in proportion to the extent to which issues and decisions under consideration affect them.

Working Together

This Agreement focuses on responding to issues and opportunities facing our communities and local environment. The parties agree to work together in good faith for the good governance and sustainable development of their local areas and the region as a whole.

Signatories to this Agreement recognise that obligations to the Treaty of Waitangi, and to provide opportunities for Māori to contribute to local decision-making, extend to regional cooperation and joint decision-making. Central Government, too, has overlapping but distinct priority areas. The parties will seek to collaborate on matters of shared interest.

The wellbeing of our communities and health of our environment are best served by local authorities working together. We face increasingly complex governance issues, many of which cannot be resolved by any one organisation acting alone. Cooperation is necessary to tackle challenges such as:

- Delivering better social outcomes for communities, through affordable housing, well-functioning urban environments, infrastructure, and transport links;
- Improving the resilience of our environment and communities to the effects of climate change;
- Improving the health of our ecosystems and waterways;
- Supporting the development of a vibrant, sustainable regional economy.

The parties value and will maintain open communication, collaboration and trust, applying a 'no surprises' policy by ensuring other parties receive early notification of significant proposals that may affect them and their communities, and of divergent views on proposed decisions before critical public announcements are made.

Collaboration and cooperation between local authorities can yield administrative efficiencies, allowing for better use of available resources and more effective community participation. The parties undertake to work together toward common priorities and community outcomes, and making efficient use of resources, in accordance with LGA s14(1)(e).

While collaboration and cooperation are desirable, the region's communities and landscapes are diverse, and each local authority has the legislative mandate to govern its own area as appropriate.

Governance

The primary mechanism to implement this Agreement is the Manawatū-Whanganui Mayoral Forum (the Mayoral Forum), comprised of the region's Mayors and the Chair of Horizons Regional Council. The Forum will meet quarterly and operate in accordance with its agreed terms of reference, which are attached at Appendix One.

The Manawatū-Whanganui Mayoral Forum will:

- Provide governance oversight of our response to regionally significant challenges;
- Promote understanding and alignment of effort across councils, with central government, and with tangata whenua;
- Advocate for the interests of the region, its councils and communities.

The Mayoral Forum will be supported by the Manawatū-Whanganui Chief Executives Forum. The Chief Executives Forum will:

- Identify and escalate to the Mayoral Forum strategic issues and opportunities for collaboration;
- Report to the Mayoral Forum on the delivery of its agreed actions, work programmes or collaborative projects.

Other groups will support regional coordination:

- The Climate Action Joint Committee is to continue. Terms of Reference are attached at Appendix Two.
- Regional Transport Committee is to continue, as required by s105(2) of the Land Transport Management Act 2003.
- For the avoidance of doubt, Manawatū-Whanganui Civil Defence and Emergency Management Group will continue, as required by s12 of the Civil Defence Emergency Management Act 2002.
- The Accelerate 25 Lead Team will continue to progress regional economic development.
- The Regional Leadership Group, convened by the Ministry for Social Development, will bring together senior officials from central and local government, tangata whenua, and other community groups with a focus on social wellbeing, health, and education.

These arrangements complement other mechanisms for inter-council collaboration, such as Local Government New Zealand, Taituarā, the Association of Local Government Information Management, the Institute of Public Works Engineering Australasia, the Local Authorities Public Relations Network, and the Manawatū-Whanganui Local Area Shared Services CCO (MWLASS).

Recognition of Resolutions by Joint Committees

Within the parameters set through legislation – and acknowledging each local authority’s mandate to govern in its own area – the parties agree to:

- Have particular regard to resolutions made by joint committees in developing policies, determining priorities, and allocating resource;
- Progress to the fullest possible extent actions identified through joint planning and decision-making arrangements.

Servicing and Support

Horizons will host a permanent secretariat to support the Manawatū-Whanganui Mayoral Forum. The secretariat will be funded jointly by participating councils.

Significant New Activities

When a party is considering a major policy initiative or proposal that may have implications for other parties, and unless such disclosure is inconsistent with the Local Government Official Information and Meetings Act 1987 or commercial confidences precludes such disclosure, they will give early notification to the affected parties and share the information with the Mayoral Forum and the Chief Executives Forum.

Horizons Regional Council will provide early advice to the Chief Executives Forum and the Mayoral Forum of any significant new regional council activity, in addition to other requirements specified in LGA s16.

Significant Facilities and Services

The Mayoral Forum and Chief Executives Forum may from time to time explore options for identifying, delivering and funding facilities and services of significance to more than one district. Any Party to this Agreement may raise these issues for consideration.

Consultation in Relation to Resource Management Act 1991 (RMA)

Policy and Plans

The following consultation process will apply to the preparation of a new, or change, variation, or review of an existing, regional policy statement, regional plan or district plan by a local authority in the Region:

- The Regional Council will seek the input of territorial authorities, and vice-versa, for the preparation or review of the regional policy statement, or regional or district plan.
- For the regional policy statement or a regional plan, the Regional Council will make the draft version available to all territorial authorities in the Region for discussion and development.
- The parties to this Agreement acknowledge their obligation to act in accordance with the principles of consultation set out in LGA s82.

In addition, the parties agree to cooperate in implementing national policy statements, to ensure alignment of regional and district policies and plans, as well as efficiency of process. The parties undertake to report, through Chief Executives, to the Mayoral Forum on opportunities to share information, jointly commission advice, or otherwise pool effort in order to give effect to national direction within appropriate timeframes and in a practicable way.

Other Agreements

This Agreement does not prevent the Parties from entering into other agreements among themselves or outside the Manawātū-Whanganui region. Any other such agreement should not, however, be contrary to this Agreement.

Resolving Disagreement

All parties to this Agreement are committed to working strenuously, in good faith, to resolve any disagreements that may arise in relation to its application. Where a party has a significant

disagreement with the position of the others, all parties will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.

In the event of a disagreement over the actions taken to give effect to this Agreement that cannot be successfully resolved by affected parties, the parties agree to refer the issue of disagreement to mediation. Should agreement on a mediator not be possible, a mediator will be appointed by the president of the Manawātū Branch of the Law Society. If mediation is unsuccessful, any of the local authorities affected may ask the Minister of Local Government to make a binding decision on the proposal. The cost of mediation will be met equally by the parties that have agreed to the mediation.

Agreement to Review

This Agreement remains in force until local authorities ratify a new agreement.

Any party may request an amendment to this Agreement by writing to the Chair of the Mayoral Forum at least two weeks before a regular quarterly meeting of the Forum. The Mayoral Forum will review the Agreement no later than the final meeting before triennial local body elections and recommend any changes to the incoming councils.

Any agreed amendment will be referred to each local authority for ratification. No amendment to this Agreement has effect until signed by all parties.

Statutory Requirements

This document is deemed to duly constitute fulfilment of section 14(1)(e), 15 and 16 of the LGA, and Schedule 1 Clause 3A(1) of the RMA.

Authority

This Agreement is signed by the following on behalf of their respective authorities.

Appendix One

Manawatū-Whanganui Mayoral Forum

Terms of Reference

Statement of Purpose

The purpose of the Manawatū-Whanganui Mayoral Forum is to support effective leadership on shared priorities and matters of importance to the region's communities.

Objectives

The Manawatū-Whanganui Mayoral Forum has the following objectives:

- To enable Manawatū-Whanganui councils to work more collaboratively in response to regionally significant challenges and opportunities;
- To provide a forum for engagement between councils, central government, tangata whenua, and other leaders in the region;
- To explore, with iwi and hapū, how governance relationships might be further progressed in future;
- To provide a collective voice to advocate for and raise the profile of these issues and opportunities;
- To increase the effectiveness of local government in meeting the needs of Manawatū-Whanganui communities;
- To develop and implement programmes (including joint plans where appropriate), which are responsive to the needs and expectations of the community; and
- To prepare for institutional changes, such as joint planning arrangements, and oversee preliminary work to inform joint strategies and plans.

Principles

In pursuit of these objectives the Manawatū-Whanganui Mayoral Forum will observe the following principles:

- Establish and maintain close liaison with other local government networks to ensure as far as possible the pursuit of common objectives and the minimisation of duplication;
- Establish and maintain close liaison with Ministers of the Crown and local Members of Parliament;
- Recognise that obligations to the Treaty of Waitangi, and opportunities for Māori to contribute to local decision-making, extend to regional cooperation and joint decision-making;
- Work towards shared positions on issues of mutual concern, formalising these through letters of support, submissions and/or public statements as appropriate;

- Exercise its functions with due regard to the tangata whenua and cultural diversity of the community;
- Establish processes for reporting back to its respective councils and communities.

Powers

The Manawatū-Whanganui Mayoral Forum shall have the power to:

- Make submissions and undertake advocacy to external organisations on matters germane to the Committee's objectives;
- Engage with key agencies and neighbouring regions on matters relating to the Committee's objectives;
- Recommend to the parties actions that materially contribute to attainment of the Committee's objectives;

Membership

Membership shall be open to the eight councils wholly or primarily within the Manawatū-Whanganui Region (Horowhenua District Council, Palmerston North City Council, Manawatū District Council, Rangitīkei District Council, Whanganui District Council, Ruapehu District Council, Tararua District Council, Manawatū-Whanganui Regional Council (Horizons)).

Each member council shall be represented by its Mayor (or Chair in the case of the Regional Council) and supported by its Chief Executive. On occasions where the Mayor or Chair cannot attend, a council may be represented by its Deputy Mayor or Chair.

The Mayoral Forum will have the power to co-opt other members on a permanent and/or issues basis.

Election of Chair

The Manawatū-Whanganui Mayoral Forum shall select a Chair and Deputy Chair at the first meeting immediately following the Triennial Elections. These appointments may be reviewed after a period of 18 months.

The Chair selected will preside at all meetings of the Mayoral Forum.

The Mayoral Forum may appoint spokespersons from its membership for issues being considered, in which case each member council agrees to refer all requests for information and documents to the duly appointed spokespersons.

Meetings

Meetings will be held quarterly at Regional House in Palmerston North, unless otherwise advised.

Special meetings may be called at the request of members.

The secretariat will prepare an agenda for Mayoral Forum meetings in consultation with the Chair and the Chief Executives Forum.

Agendas for meetings will be issued and minutes will be taken and circulated.

Quorum

The quorum will consist of four members (half the number of members including vacancies).

Meetings may be held in person or by other means (such as audiovisual link) as the Committee agrees and where permissible under New Zealand law and the standing orders of the parties.

Decision making

The practice of the Forum will be to determine issues before it by consensus.

If the consensus is to determine issues by voting, the determination shall be determined by a majority of votes of members attending the meeting.

Remuneration and expenses

Each party shall be responsible for remunerating its representative on the Committee.

Secretariat

The Manawatū-Whanganui Mayoral Forum will appoint Manawatū-Whanganui Regional Council to carry out the secretariat function on such terms and conditions as it shall decide for the discharge of duties, including the taking of minutes and the keeping of any books and accounts and attending to any other business of the forum.

Variations to this Agreement

Amendments to this agreement may be required from time to time. Changes will be approved by the parties, on the recommendation of the Mayoral Forum.

Appendix Two

Climate Action Joint Committee

Manawatū-Whanganui Region

Terms of Reference

Statement of Purpose

The purpose of the Climate Action Joint Committee is to support a coordinated response to climate change across the councils and communities of the Manawatū-Whanganui Region.

It is established in accordance with clauses 30 and 30A of Schedule 7 to the Local Government Act 2002.

Objectives

The Climate Action Joint Committee's operating objectives are to:

- Collaborate on action to build organisational, community, and regional resilience in the face of climate change;
- Make use of available environmental, social, cultural and economic research, skills and capabilities to leverage opportunities and mitigate the impacts of climate change;
- Develop a climate action plan, including recommended actions for councils to contribute to mitigation of greenhouse gas emissions and to support community resilience to the effects of climate change
- Work collectively as a region to engage with Central Government, including any actions to deliver on responsibilities under the National Adaptation Plan and Emissions Reduction Plan, and to support a Just Transition for our region;
- Promote consistent and effective leadership, advocacy, communication and engagement on climate change issues to enable individual and collaborative action;
- Champion the integration of partner strategies, programmes, and plans and encourage partnerships with iwi and others in central and local government, health, education, youth, NGOs and business;
- Oversee implementation of agreed joint projects;
- Share climate change evidence and guidance to inform council work programmes and support explicit consideration of climate change impacts in decisions; and
- Monitor and report annually on implementation of the joint action plan.

Powers

The Climate Action Joint Committee does not have the power to legally bind any council to any act or decision, unless that act or decision has been agreed to by decision of that council. Within that context, the parties agree to:

- Have particular regard to the recommendations of the Committee in developing policies, determining priorities, and allocating resource;
- Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

The Climate Action Joint Committee shall have the power to:

- Receive regular monitoring reports and presentations on the matters relevant to the Committee's objectives;
- Develop, adopt, and progress a joint climate action plan;
- Make of submissions and undertake advocacy to external organisations on matters germane to the Committee's objectives;
- Engage with key agencies and neighbouring regions on matters relating to the Committee's objectives;
- Recommend to the parties actions that materially contribute to attainment of the Committee's objectives;
- Receive any grant or subsidy;
- Receive financial contributions from member authorities, as may be mutually determined and acceptable to individual local authorities; and
- Determine and make payments from its funds for any or all of the purposes of its objects.

Council decisions on the Joint Committee's recommendations

Where a Council makes specific decisions on the Climate Action Joint Committee's recommendations, these will be reported to the Joint Committee by its delegate. Where the decision is materially different from the Joint Committee's recommendation the report will set out the reasons for that decision.

Committee Membership

The Committee consists of the following members:

- The Mayor/Chair or designated delegate of each local authority within the Manawatū-Whanganui Region (total 8 members); and
- Up to eight non-Councillor members, to represent the views of Tangata Whenua. These appointments will be made by Horizons on the recommendation of iwi leaders, taking into consideration their skills, attributes or knowledge that will assist the work of the Committee.

This Committee may invite advisers to attend relevant portions of the Committee's business.

Election of Co-Chairs

The committee will elect Co-Chairs by the system described in clause 25(4) Schedule 7 of the Local Government Act 2002.

The governance group will have two Co-Chairs:

- A Councillor member of the group, and
- A Tangata Whenua member of the group.

Each Co-Chair shall preside on an alternate basis. If a Co-Chair is absent from a meeting at which they are scheduled to be the presiding member, the other Co-Chair shall preside at the meeting.

Meetings

The Committee will sit at least twice each year.

Special meetings may be called at the request of members.

Agendas for meetings will be issued and minutes will be taken and circulated.

Approved minutes and approved final reports and papers will be made available via Horizons' website and a Microsoft Teams portal.

Quorum

The quorum will consist of:

- Half of the members if the number of members (including vacancies) is an even number; or
- A majority of members if the number of members (including vacancies) is an odd number.

Non-elected positions to which no appointment has been made are not considered to be vacancies for the purposes of forming a quorum.

Meetings may be held in person or by other means (such as audiovisual link) as the Committee agrees where permissible under New Zealand law and the standing orders of the parties.

Decision making

The practice of the Forum will be to determine issues before it by consensus.

If the consensus is to determine issues by voting, the determination shall be determined by a majority of votes of members attending the meeting.

Remuneration and Expenses

Each party shall be responsible for remunerating its representative on the Committee.

Tangata whenua members shall be eligible for compensation for Joint Committee activity including travel and attendance at meetings.

Standing Orders

The Committee shall apply the standing orders of Manawātū-Whanganui Regional Council.

Duration

In accordance with clause 30(7) of Schedule 8 of the Local Government Act 2002, the Climate Action Joint Committee is not to be discharged following each triennial local government election.

Variations to this Agreement

Amendments to this agreement may be required from time to time. Changes will be approved by the parties, on the recommendation of the Climate Action Joint Committee.

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Council Response to the Draft Manawatū-Whanganui Climate Change Action Plan

PRESENTED BY: Adam Jarvis, Senior Climate Change Advisor and David Watson, Climate Change Analyst

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the response to the Draft Manawatū-Whanganui Climate Change Action Plan as included in Attachment 2 'Palmerston North City Council Response to the Draft Manawatū-Whanganui Climate Change Action Plan'.
-

1. ISSUE

- 1.1 The Climate Action Joint Committee (the Joint Committee) is part of the Triennial Agreement for the Manawatū-Whanganui Region. The Joint Committee includes the seven mayors, the Horizons' chair, and eight tangata whenua members.
- 1.2 In response to the National Emissions Reduction Plan, National Adaptation Plan and the Manawatū-Whanganui Regional Climate Risk Assessment, published in 2021 and 2022, the Joint Committee collaborated with local iwi, local councils, community groups and others to produce the Draft Manawatū-Whanganui Climate Change Action Plan (the Action Plan). A copy of the Action Plan is included as Attachment 1.
- 1.3 The Action Plan covers most areas of Council operations and makes recommendations that could affect a wide range of existing targets, policy and programmes. The Action Plan also proposes joint initiatives that seek to improve information sharing and improve coordination with central Government.
- 1.4 The Action Plan has not been released by the Joint Committee as a draft for formal public consultation. It was shared with all councils in the region for feedback in late 2022 with responses sought in early 2023, prior to the first meeting of the Joint Committee on 6 March 2023. This timeframe meant that the Council's response was unable to be reported to the Sustainability Committee for consideration and approval. Given the significance of the Action Plan the proposed response is reported to Council for approval.

- 1.5 Given the nature of the document, the proposed response recommends that the Joint Committee consider releasing the Action Plan for public consultation, should time permit. Equally it is recognised there may be value in finalising the Action Plan as soon as possible to inform upcoming planning processes, such as the 2024 10 Year Plan.
- 1.6 The recommended response to the Action Plan is provided in Attachment 2 and outlines Council's view that the Action Plan is a positive step and provides a useful baseline for action on minimising and addressing the impacts of climate change across the region.
- 1.7 The Joint Committee can only recommend action to councils. It does not have the power to commit councils to specific courses of action, nor to commit resource on their behalf.
- 1.8 Within that context, actions detailed in the Action Plan specifically requesting the commitment of local councils (Attachment 1, page 12) can be summarised as follows:
 - Include climate change in policy, infrastructure and planning decisions
 - Collaboratively develop local climate action plans
 - Measure and reduce organisational carbon emissions
 - Work proactively with regional and central government agencies
- 1.9 Many of these actions are already in progress and will simply reinforce Council's existing commitments. Other actions will depend on the direction and response Council wishes to take in the impacted areas, particularly in relation to policy, infrastructure and spatial planning.
- 1.10 The co-development of additional plans, such as 'Local Adaptation Plans' and 'Community Climate Response Plans', can be incorporated into our Strategic Goals and Action Plans as part of the upcoming 2024 10 Year Plan process.
- 1.11 It is anticipated that further actions will be required as a result of the investigations and assessments outlined in the Action Plan as well as from future legislation, strategy documents and plans provided by central Government agencies.

2. BACKGROUND

- 2.1 In December 2020 Government declared a climate emergency and made a commitment to reduce the production of most greenhouse gasses to zero by 2050, minimise the harms caused by climate change and realise benefits and opportunities a changing climate could provide.

- 2.2 The first National Emissions Reduction Plan covering the period 2022-2037 and the National Adaptation Plan covering the period 2022-2028 provide more details on these headline targets including Emissions Budgets, a strategy to meet these budgets and a series of sector specific adaptation objectives. These plans also include actions around empowering Maori, ensuring an equitable transition to a low carbon economy and protecting biodiversity.
- 2.3 Funding for these programmes will be provided in part through the \$4.5 billion Climate Emergency Response Fund that is earmarked from the Emissions Trading Scheme. Other funding streams will be required to consider the impact of decisions on climate change targets as part of the application process.
- 2.4 Through the Eco City Strategy (2021), Palmerston North City Council has set itself the target of a citywide 30% reduction in carbon emissions by 2031 (compared to a 2015/16 baseline).

3. NEXT STEPS

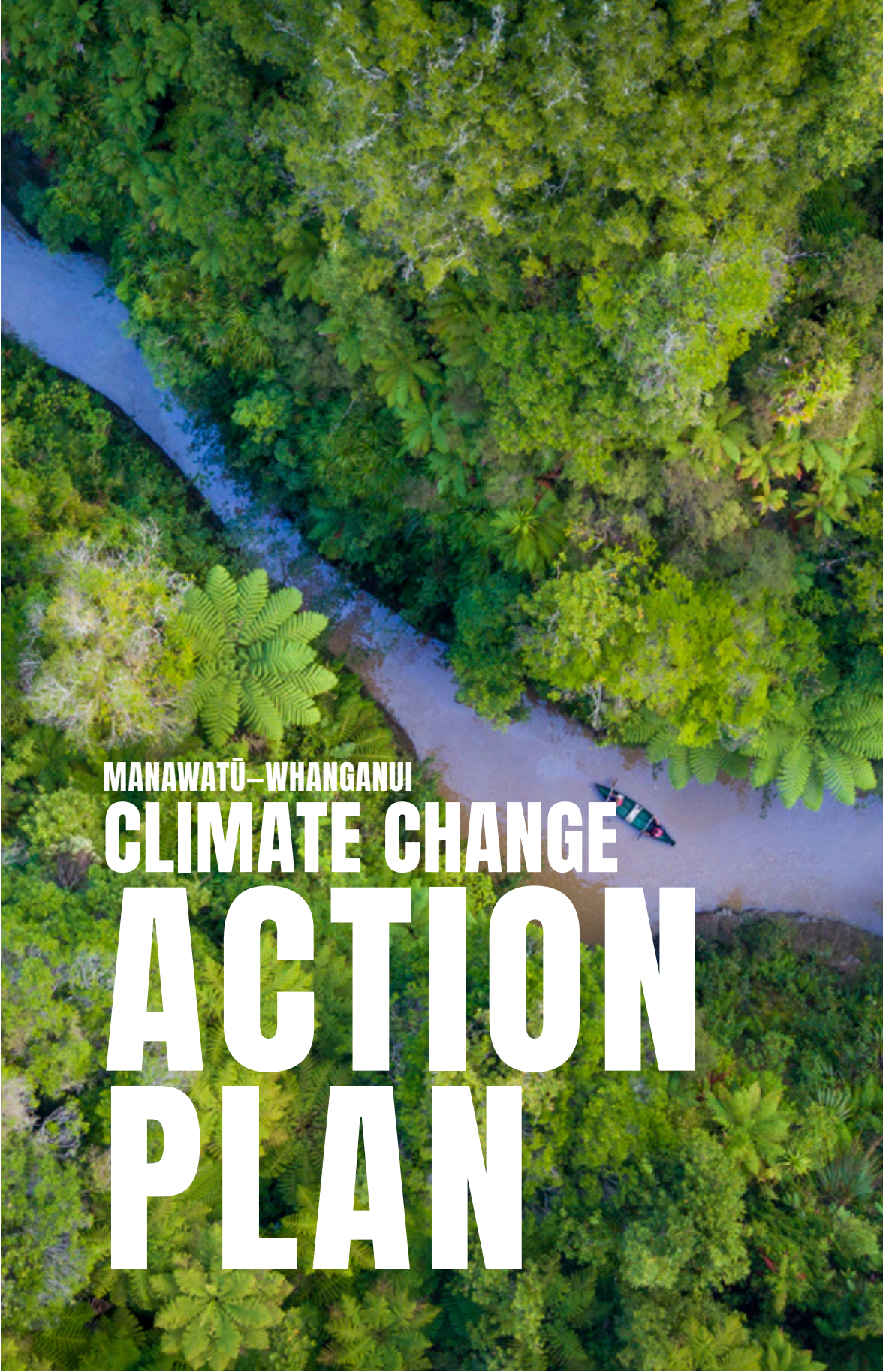
- 3.1 Should Council pass the recommendation to approve the proposed response, officers will provide the response to the Joint Committee for consideration prior to their next scheduled meeting on 6 March 2023.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 4: An Eco City	
The recommendations contribute to the achievement of action/actions in Climate Change Action Plan	
The action is:	
Collaborate with regional partners to better understand climate change vulnerability and develop a coordinated adaptation response.	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The Draft Manawātū-Whanganui Climate Change Action Plan will help to inform Local Climate Change Action Plans as part of the 10 Year Plan process and help coordinate actions across the region.

ATTACHMENTS

1. Draft Manawatū-Whanganui Climate Change Action Plan [↓](#) 
2. PNCC Response to the Draft Manawatū-Whanganui Climate Change Action Plan [↓](#) 



MANAWATŪ-WHANGANUI

CLIMATE CHANGE ACTION PLAN

2022

Te Ao Māori

Across the Manawatū-Whanganui rohe that encompasses the principle homes of many Iwi and Hapū, acknowledging a vast range of important maunga, awa, moana, ancestral sites / sacred areas and significant environmental entities in each of these different places, we acknowledge that the Māori worldview has foundations, ethics and understandings that differ from those that developed in Europe and its colonies.

These foundations include the notions that:

1. The universe is holistic and dynamic; there is within it an ongoing process of **continuous creation** and recreation.
2. Everything in the universe, inanimate and animate, has its own whakapapa, and all things are **ultimately linked** to the two primal beings of Ranginui and Papatūānuku.
3. There is no distinction or break in this cosmogony, nor in the whakapapa between supernatural and natural. Both are part of **a unified whole**.
4. The bond this creates between human beings and the rest of the physical world is both **indisputable and non-severable**.
5. Uri share this **descent from the elemental atua or vast range of environmental entities**, other supernatural guardians including taniwha and other spiritual beings¹.

This worldview has contributed to the development and practice of a unique environmental ethic, which holds Te Taiao as intensely central to human/environmental wellbeing. This ethic is sacred and remains in special places and spaces across the rohe. Tangata whenua relate to Te Taiao through genealogical connections from time immemorial. This is highlighted in meaningful ways because they live it as tangata whenua on their marae and remain embedded within nature.

Māori have traditionally ensured sustainability through the handing down of a sophisticated system of customary practices, developed over several generations. Connections to the land, sea, air, and water are recalled in layers of oral tradition; they are closely linked to customary rights and authority over an area defined by ahi kā. This is the continuous period of time the fires of an Iwi have burned within their domain, undisturbed by conquest and despite the impacts of colonisation and environmental decline. Such long associations establish an intimate relationship between tangata whenua and the local environment, centred on sustainable use and guardianship of all kin therein. Knowledge is passed on to the next generation through oral traditions and practical observations – practices that remain vital for Māori wellbeing and cultural survival.

Tikanga varies between tribal groups, according to their own traditions and kōrero tuku iho and as an ongoing expressions of self-determination.

Who We Are

In 2021, in recognition of the urgency of responding to climate change, our region's eight councils agreed to form the Manawatū-Whanganui Climate Action Joint Committee. Iwi across this wide region were invited to identify nominees to join the committee. The seven Iwi-nominated members each contribute unique skills and experience; collectively, they ensure that a Māori perspective is reflected in the committee's work.

This action plan draws on both Māori and Western worldviews to work together in response to climate change. It is an action plan that embraces Te Ao Māori and views the complex issues through the lens of our relationship with the environment. Te Taiao must be healthy for communities to thrive, therefore action to restore balance that traverses the environmental, cultural, social and economic realms, is urgent and critical.

The committee acknowledges the authority of individual Iwi and Hapū, and the importance of Treaty principles in relationships between councils and tangata whenua. These include partnership, reciprocity, autonomy, active protection, and equal treatment.

Committee members are:

Chris Shenton, Hannah Rainforth, Huhana Smith, James Kendrick, Jill Sheehy, Jonathan Proctor, Lorraine Stephenson, Andrew Tripe, Andy Watson, Bernie Wanden, Grant Smith, Helen Worboys, Rachel Keedwell, Tracey Collis, Weston Kirton

The committee acknowledges the contribution of Hamish McDouall and Don Cameron, members of the Climate Action Joint Committee until October 2022.

Supported by



1. Ko Tā Whanganui Titiro/Whanganui Hapū/Iwi World View: Outstanding Natural Landscapes Cultural Assessment Report Prepared by Te Rūnanga o Tamaupoko & Te Rūnanga o Tūpoho to inform the Whanganui District Plan Review – Proposed Plan Change 48.

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CLIMATE CHANGE

4

The climate in our Manawatū-Whanganui region is changing now.

Flooding and damage to homes and transport networks are increasing. Many of the things we value are vulnerable to climate change. Without action, existing social and environmental issues are likely to get worse.

This plan is about understanding how we will respond to climate change in the Manawatū-Whanganui region and working together to reduce potential harm.

The Māori worldview (Te Ao Māori) acknowledges that all living and non-living things are interconnected and the principles of kaitiakitanga (guardianship of the land) should guide us. This means caring for the land given to us by our ancestors, restoring mana to the land, and leaving it in a better state for future generations. It's about putting our local environment at the heart of our multi-faceted responses to climate change.

A healthy environment is critical for the social and economic wellbeing of everyone living in Manawatū-Whanganui. We need to look to the future of low-lying coastal communities, protect against flooding, preserve burial sites and other important cultural places and ensure the future of native species.

We also need a healthy environment to support a vibrant local economy – a changing climate will impact fisheries, farming and forestry, as well as transport networks and supply chains.

We must take action to adapt and reduce carbon emissions. The sooner we act, the more options we will have for building our community's resilience and preserving our environment.

It's about central Government, local authorities, tangata whenua, businesses, communities and individuals working together to get the best results for our region.

Many council and community projects are already underway, including flood protection, improved town water supplies and better public transport, cycleways and walkways.

The *Manawatū-Whanganui Climate Change Action Plan* builds on this work and makes recommendations to councils and communities on ways we can collaborate on issues we can't solve on our own. A well-designed plan means our efforts are aligned – locally and nationally.

This plan looks at changes we can make that will improve our lives, strengthen our economy and help reduce adverse impacts on the environment at the same time.

We have numerous opportunities to take a lead in developing and delivering new technologies that will change how we travel, eat and interact with each other in the future.

As one of our consultation participants noted 'We still have the luxury of choices in our part of the world'. Let's choose the sort of future we want and work together to achieve it – sharing lessons learnt and celebrating success along the way.

**Dr Huhana Smith
Dr Rachel Keedwell**

*Co-Chairs Climate
Action Joint Committee*

KEY POINTS



Rangitikei – GNS

1 The changing climate is happening now. Over time, it will affect our whānau, farms, businesses and communities in many different ways.

2 Climate change is one aspect of the relationship between people and the environment. Supporting a healthy environment by actively enhancing Te Taiao is at the heart of our response to climate change.

3 Councils will work with communities, tangata whenua and central Government to adapt to the changing climate, make our region more resilient and reduce emissions.

4 As we adapt to climate change, councils are committed to making changes in a fair and equitable way and upholding the principles of the Treaty of Waitangi.

5 This report makes recommendations to the eight councils in the region and includes proposals to reduce our contribution to climate change and adapt to its effects in Manawatū-Whanganui.

6 Councils also need central Government's support to adapt and transition.

7 There are things we can all do now, to make the things we care about more resilient to the impacts of a changing climate. Each of us doing what we can to reduce our carbon footprint will also reduce the severity of those impacts.

8 Taking action now to adapt and reduce carbon emissions will give us more options to respond as the climate changes.

5

OUR REGION

The Manawatū-Whanganui region extends from Ruapehu in the north and Horowhenua in the south, to Whanganui in the west and Tararua in the east.

6

We have

7 DISTRICTS

and approximately

89%

of our ratepayers live in urban centres

We have one of the largest areas of hill country in New Zealand and

HIGHEST PROPORTION OF HIGHLY ERODIBLE LAND OF ANY REGION

Around

250,000 PEOPLE

call it home

Almost a quarter of our region's

people identify as Māori. There are many Iwi and Hapū and more than

60 MARAE

206,000 HECTARES OR 18%

of the nation's versatile soils are in the region

We have

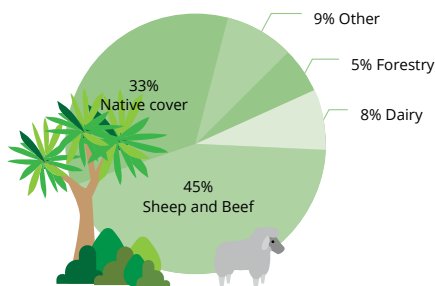
3

major river systems

2 COASTS

and the Central Plateau

LAND USE



The Horizons Region is made up of

2.2 MILLION HECTARES OF LAND

8% of New Zealand's total land area, plus 31,000 hectares of marine area

There are over

35,000KM

of waterways in the Horizons Region

Approximately

109,000

ratepayers contribute to our work programs

We have

230 LAKES

This includes 67 dune, 44 riverine, 24 landslide, 7 volcanic lakes and 88 artificial reservoirs

Mean annual rainfall in the region ranges from

900MM TO OVER 2,000MM

There are

40 ESTUARIES

in our region, including Manawatū Estuary, an internationally recognised RAMSAR site

HOW WE DEVELOPED THE PLAN

Over the course of 2022, the Climate Action Joint Committee developed the *Manawatū-Whanganui Climate Change Action Plan*.

We drew on the *Manawatū-Whanganui Regional Climate Change Risk Assessment* published in September 2021, information about the region's emissions profile and emerging central Government policy. We considered our key regional climate change challenges and how we can work together more effectively.

Tangata whenua told us about how they are responding to climate change through efforts to care for the environment and communities. We spoke with Palmerston North and Whanganui youth councils to better understand the perspectives of younger people.

Those conversations – like this action plan itself – are just the beginning of ongoing dialogue with our wider community about our changing climate.

A reo Māori version of the *Manawatū-Whanganui Climate Change Action Plan* has also been made available.

'Our plan focuses on how we can work together – councils, tangata whenua and communities – to collectively tackle the issues we can't resolve alone.'

Dr Huhana Smith

7

LOCAL IMPACTS

The impacts of climate change are wide-ranging, rippling out beyond weather patterns to affect people's assets and community infrastructure, biodiversity and human health.

The *Manawatu-Whanganui Regional Climate Change Risk Assessment* highlights specific risks for the districts of our diverse region.

8

IMPACTS

A Hill Country: Transport networks damaged by landslides and soil erosion. Extreme weather events cause crop damage and economic disruption. Increased fire risk.

B Plains: Damage to housing, public spaces and infrastructure from flooding. Crop damage caused by drought.

C Estuaries: Erosion and coastal inundation in some coastal areas – damage to commercial and residential buildings, and energy infrastructure.

D Social Impacts: Risk of inequitable outcomes as costs and impacts fall unevenly across the community.

E Tourism: Reduced snow and ice cause economic disruption. Extreme weather events impact tourism.

F Urban Areas: Landslides, soil erosion and inland flooding highest risk to urban areas like Palmerston North. Extreme weather events. Water supplies affected by reduced rainfall and drought.

IMPACTS

G Tohu* change and are less reliable, affecting planting, resource gathering and hunting.

H Damage to culturally significant **marae and urupā** from flooding and erosion.

I **Loss of taonga species** (in freshwater systems, on land, and along the coast) as the climate warms.

J **Manaakitanga** threatened if manuhiri cannot be offered local delicacies and marae are damaged.

K Loss of **tikanga and mātauranga** around resources, affecting future generations.

CASE STUDIES

1-5 See pages 16–23 for case studies of Climate Change actions already underway.

ADDITIONAL IMPACTS ON MĀORI

Climate change is likely to have a bigger impact on Māori because of their relationship to the environment, the things that are culturally significant to them, and the ongoing effects of our colonial past.

* **Tohu** are indicators (the blossoming of a flower, the departure of a migrating bird, the appearance of a star in the predawn sky) developed and used by Māori to track changes in the natural environment.

<https://environment.govt.nz/facts-and-science/climate-change/how-climate-change-affects-maori/>

https://www.horizons.govt.nz/HRC/media/Data/20210902_Horizons-CCRA_Report-signed_1.pdf



ALIGNING NATIONAL AND LOCAL ACTION

10

IN DEVELOPING OUR ACTION PLAN, WE HAVE DRAWN ON THE EVOLVING NATIONAL AND INTERNATIONAL CONTEXT.

Local leaders recognise the need to work constructively with central government to address climate change. There will be issues to work through as national policy develops, to ensure that it meets local needs.

The National Adaptation Plan (NAP) was released in August 2022. It aims to ensure communities have the information and support they need to prepare for the impacts of climate change.

The first plan focuses on setting out what the government will do to enable better risk-informed decisions, drive climate-resilient development in the right locations, help communities assess adaptation options (including managed retreat) and embed climate resilience into all of the Government's work.

Actions in the NAP focus on reforms already underway, including resource management reform to foster collaboration between local and central government, the local government review, three waters reform.

Central government has committed to explore co-investment with local government in flood protection.

The NAP identifies three main roles for local government:

PROVIDING LOCAL INFRASTRUCTURE, AND ENSURING IT IS RESILIENT TO CLIMATE CHANGE

PLANNING AND REGULATING LOCAL DEVELOPMENT

BEING THE AGENCIES CLOSEST TO EXPOSED COMMUNITIES

'We believe central government and local government need to work together to resolve funding questions and make processes more efficient – improved alignment will support local communities in their response to climate change.'

Dr Rachel Keedwell



Manawatū River

IN MAY 2022, THE GOVERNMENT RELEASED FINAL EMISSIONS BUDGETS FOR 2022-35 AND AN EMISSIONS REDUCTION PLAN (ERP).

The ERP implies several strengthened or new expectations of councils:

- Funding local infrastructure.
- Delivering Te Ao Māori-centred, nature-based solutions.
- Driving towards a circular economy, and preventing organic waste from entering landfills.
- Reducing vehicle kilometres travelled (including specific targets for Palmerston North).
- Providing walking and cycling infrastructure, including active transport plans around schools.
- Supporting community based transition plans.
- Supporting increased public transport use.
- Reducing high-emissions energy generation and support renewables.
- Supporting sustainable construction and renovation of existing buildings.
- Implementing national direction under the proposed Natural & Built Environments Act and National Planning Framework, including planning for compact, functional urban form.

11

THE ERP INCLUDES A FOCUS ON EMPOWERING MĀORI.

The Government undertakes to work with Māori to:

- Embed partnership and representation.
- Support Māori-led strategy and alignment, elevating Te Ao Māori within the climate response, in a way that is aligned with Māori customs and protocol (tikanga and kawa).
- Fund kaupapa Māori and tangata Māori actions and solutions.

Strategic planning legislation is also being developed and will potentially be a useful tool in our climate response. Regional spatial strategies will, however, only be as good as the data and discussions that inform them. The work we do now will help to ensure spatial planning is effective.

MANAWATŪ- WHANGANUI PRIORITIES

12

PUTTING THIS PLAN INTO ACTION WILL REQUIRE INVESTMENT TO IMPROVE TRANSPORT NETWORKS AND STORM-WATER MANAGEMENT, ADDRESS RISKS AND ENCOURAGE CLIMATE-RESILIENT DEVELOPMENT.

SOMETIMES, THIS WILL REQUIRE RETHINKING HOW WE HAVE DONE THINGS IN THE PAST. INVESTMENT WILL BE REQUIRED IN RELATIONSHIPS, TOO, AS LOCAL COUNCILS SUPPORT COMMUNITIES THROUGH THE TRANSITION AHEAD.

Groups across the region are already working to tackle climate change: some of these initiatives are illustrated in the case studies on the following pages. Local councils, iwi and communities are working with Massey University to develop climate response plans at Tangimoana and Pūtiki. A similar project has been completed with the community at Anzac Parade in Whanganui.

This action plan will inform councils' future decisions, in consultation with affected communities, about priorities, approaches, and funding. It provides a foundation for us to work together to respond to climate change and ensure our region remains a great place to live for future generations.

The Climate Action Joint Committee recommends that councils in the region commit to the following actions:

- Prioritise nature-based solutions in response to flooding, coastal issues, storm water, and erosion.
- Incorporate projected changes in rainfall patterns (drought, flood, and erosion risk), and impacts on biodiversity into integrated catchment management (Regional Council).
- Review planning provisions to encourage on-site storm-water management and (on-farm) water storage.
- Limit exposure to hazards by preventing development in areas at heightened risk of flooding or erosion as a result of climate change.
- Reduce the need for short car trips by developing compact, well-designed urban centres and prioritising active transport infrastructure (Territorial Authorities).
- Assess and manage climate related risks to local services and critical infrastructure.
- Redouble efforts to address existing issues that will be exacerbated by climate change such as freshwater health, biodiversity loss, flooding and erosion.

COUNCILS IN OUR REGION RECOGNISE THAT CLIMATE CHANGE REQUIRES URGENT AND COLLECTIVE ACTION. OUR ACTIONS FOCUS ON FOUR KEY AREAS:

Empowering communities

Working with nature

Addressing known issues

Supporting good decisions



Manawātū River, Palmerston North

- Work with at-risk communities to develop local adaptation plans (including community-led initiatives).
 - Measure and reduce emissions from council activities.
 - Incorporate carbon emissions and a preference for nature-based solutions into council procurement policies.
 - Work with Joint Committee members to engage with youth, community, and tangata whenua groups in support of local climate action.
 - Allocate resource to drive action forward, build relationships with tangata whenua, and engage with communities.
 - Respond proactively to Government direction that enables further local action on climate change.
 - Embed this joint response into each council's own plans at a local level.
- The Climate Action Joint Committee proposes to lead several joint initiatives:**
- Support sharing of mātauranga-based responses to climate change.
 - Make widely available information that supports individual and community action.
 - Identify and prioritise information we need to guide future decisions (such as adaptation planning, development strategies, and investment decisions).
 - Incorporate projected changes in rainfall intensity into storm-water, drainage and flood risk modelling for population centres and areas where growth is planned.
 - Identify communities with the greatest need for support in responding to a changing climate.
 - Work to better understand impacts on tangata whenua and how local government can best help.
 - Produce and implement a region-wide waste strategy.
 - Engage central government support for our region's transition, and align the region's response to government direction.
 - Monitor the effectiveness of this joint action plan and update it as new information comes to hand.
 - Investigate:
 - Ecological impacts of a changing climate in our region and how we can support healthy, connected ecosystems and indigenous biodiversity.
 - Ways to ensure food supply (including mahinga kai) is resilient to a changing climate.
 - Options to improve the energy efficiency and climate resilience of buildings.
 - Best use of forestry, including native reforestation, as part of the region's climate response (incorporating biodiversity, pest control, carbon sequestration, erosion, fire risk, and other outcomes).

The Climate Action Joint Committee acknowledges the leadership role of the Regional Transport Committee in reducing the region's transport emissions. Integrated transport planning can support wider climate action by:

- Increasing use of public transport.
- Reducing dependence on private motor vehicles for short trips.
- Helping to make active transport safe and convenient.
- Improving use of rail and port infrastructure.

13

ACTIONS WE CAN ALL TAKE

14

There are actions we can take to make our communities and households more resilient, reduce our carbon footprints, and improve our lives at the same time.

Building community and household resilience



Water

Store rainwater for emergencies and to ease shortages in summer.



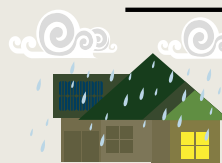
Plant trees

Many trees provide shade in hot summers.



Building or renovating

Expert advice and financial support is available to help make homes and other buildings warmer, drier and cheaper to run as well as reducing their emissions.



House and contents insurance

Provides peace of mind as we face more storms and flooding.



Well-installed insulation

Keeps your home warm in winter and cooler in summer. Government Warmer Kiwi Homes grants are available for insulation and/or an efficient heater for lower-income households.



Plan emergency housing

How might climate change affect your home? What would you do in an emergency? How would you keep your family safe?

Reducing our carbon footprint



Shopping

Planning meals for the week will help cut down on takeaways and the stress of deciding what to cook. Shopping 'retro' can save you money and help keep clothes and other items in circulation for longer.



Travel

Using public transport, walking or biking can reduce carbon footprint – and it might improve your health and wellbeing, too. 19% of New Zealand's emissions are from transport: changing how you get to work just one day a week would make a difference.



Encouraging others

Take the time to talk to friends and family members about our changing climate and actions we can take. If you've saved money by installing insulation or riding your bike to work, tell them about it!



Eating

Consider a meatless meal once a week. University of Otago research estimates emissions from the typical Kiwi diet could drop by 7% if we ate vegetables instead of meat for one meal a week.



Around home and on the marae

Plant trees, reduce water use, recycle and avoid wasting electricity. Switching your lightbulbs to LEDs will save energy and cut down your power bill.

15

'DOING WHAT WE CAN INDIVIDUALLY IS A STEP TOWARD SYSTEMIC CHANGE'

Dr Rachel Keedwell

EECA's Gen Less website has lots of ideas about how to reduce your carbon footprint. There is also advice and tools for businesses: genless.govt.nz

The Ministry for the Environment also has good tips for cutting emissions on the marae and at home: environment.govt.nz/what-you-can-do/

Visit the Horizon's Regional Council website for more ideas about things you can do – or to find out if funding is available for your project: horizons.govt.nz/climate

Clean Car Discount supports change to low or zero emission cars to reduce emissions

Future Fit provides a snapshot of your impact on the planet, and helps you make positive changes in the way you live to help reduce your personal carbon footprint.



Full tide by the Ōhau River where spawning of inanga/whitebait takes place and where enhanced constructed wetlands shall be expanded with extensive native planting.

16

CONSTRUCTING WETLANDS IS A RELATIVELY LOW-COST WAY TO PROTECT AGAINST FLOODING AND MAKE LOWER REACHES OF LAND TOWARDS SEA MORE CLIMATE RESILIENT.

An example of this type of restoration is Tahamata Incorporation's coastal farm, south of Levin, an Iwi/Hapū led enterprise which traverses both banks of the Ōhau River.

The Board decided it needed to act to protect the operation against the risk of flooding and the increase in frequency and intensity.

479-HECTARES

Dairy farm runs 520 cows.

ENVIRONMENTAL ISSUES STARTED IN 1972-1974

when the Ōhau River was diverted or cut for the development of coastal farmland.

Adjacent swamps and wet areas were drained and whilst intensive dairying was profitable, mana whenua became increasingly concerned about pollution in the Ōhau River remnant lagoon and its poor water quality. Kaumātua reported the loss of bountiful supplies of fish, and healers were reluctant to use the water because of pollution.

Iwi/hapū led research assessed a range of adaptation strategies for the farm and three surrounding land holdings in Māori tenure, with the changing climate making these issues increasingly urgent. For the Tahamata case study, researchers recommended re-creating wetland ponding systems, in areas where the pastures were marginal along the Ōhau River.



Kuku Ōhau Estuary with loop area marked in dark green, constructed wetlands marked in white within the wider area marked in light green requiring coastal protection and enhancement from climate change impacts, including protecting significant ancestral landscape features.

17

The Board is exploring innovative land uses, such as flax production for fibre, with additional projects that aim to use natural dyes.

Ponding systems

Ponding systems are successfully used in the Waikato and the board wanted to build on this work, while incorporating tried and proven Mātauranga Māori approaches that had been activated since 2002. The Kuku ponding systems were co-designed and co-developed with a freshwater engineer, a climate modeller, a Māori designer and Māori researchers, who were supported by the Māori Farm Board, food gatherers and Māori shareholders.

Wetland construction

Constructing wetland ponds is relatively simple and low-cost. Large, shallow planted ponds filter stormwater runoff, slow flows and help control flooding. These constructed environments provide home and shelter to wildlife, similar to a natural wetland. The wider area is renowned for its peat (due to being deep wetland regions before they were drained); enhanced peat formation in the constructed wetlands acts as a carbon sink.

The Kuku coastal land project aims to trial practical solutions to climate resilience, building upon a body of research about wetland ponding systems and their effectiveness.

Plantings of reeds, grasses and sedges will also support a habitat for whitebait spawning, with whitebait being restored to abundant levels again, reflecting its long-standing status as a taonga species and food source for mana whenua.

Looking forward

To restore the land to some of its former glory, whānau volunteers are also replanting many native species such as harakeke (flax) and manuka along the banks of the Ōhau River, leading to discussion about future use of the land. The board is exploring innovative land uses, such as flax production for fibre, with additional projects that aim to use natural dyes. Dairying will continue on the productive pastures.

Sharing of knowledge

An important aim of the constructed wetlands project is to build upon research knowledge about nature-based solutions to climate change. These solutions will support hapū agricultural landowners with low-lying coastal farms to transition to innovative land uses in the face of a changing climate. Results from the trial will be shared with other iwi and hapū, councils and interested stakeholders.



Castlecliff – Whanganui District Council

18

KEY CHALLENGES INCLUDE

Erosion

Significant natural sand movement

Ecological degradation of the beaches due to human land use

A community led coastal action plan is making the coast from Castlecliff to Kai Iwi more resilient in the face of climate change.

500+ PEOPLE

Recently responded to a Whanganui District Council survey about what they value about their coastline.

Responses came from

EVERY SUBURB

in Whanganui and comments reflected how important the coast is for the health and wellbeing of the entire community.



'Watching the sunsets, gathering resources such as driftwood and harakeke and shellfish, and building sandcastles.'



'The coast makes me feel renewed and alive.'



'For Māori, the connection to the elements is entrenched in whakapapa.'



Kai Iwi – Whanganui District Council

Different parts of the coastline have very specific issues and will need their own management approaches.

19

Castlecliff

Gradual build-up of windblown sand has created an extensive and unstable dune system. The community has also raised problems with rubbish, vehicles on the beach and dogs.

To develop a management plan, the Whanganui District Council is working alongside Te Mata Puau to make sure hapū are at the centre of all planning, through application of a framework, He Ara Tuku Rau, which ensures compliance with Te Awa Tupua. The plan will go beyond the protection of facilities and aim to improve social, cultural and environmental health.

Kai Iwi

Kai Iwi faces significant challenges from a rapidly retreating coastline and erosion, which is likely to accelerate with a changing climate. People responding to the survey also raised concerns about water quality in the stream. The council is working with the community, the Tamareheroto Hapū and specialists to consider proposals for Kai Iwi, using past reports and submissions by community members.

Proposals include managed advance (in the form of an offshore reef), managed retreat, installation of a breakwall, new and reinforced seawalls, or a combination of options. Survey responses highlight that the community wants an abundant coastline – healthy seafood, sustainable coastal management, healthy dune systems and coastal forest.

Next steps for the coastal plan include meetings between the council and key community groups, community-based resource mapping and engineering and ecological advice and costing for potential management options.

The plan will provide a pathway for the community to work together to increase the wellbeing and resilience of the people and environment 50 to 100 years into the future. It will be a 'living document', regularly reviewed and updated to reflect any changes in scientific data, community aspirations and access to funding. For example, South Beach is now being scoped for inclusion in the plan, following feedback from the community.



Tranzit Coachlines, Palmerston North

20 *Transport is responsible for 20% of New Zealand's total greenhouse gas emissions – fossil fuels, such as petrol and diesel, produce harmful emissions that contribute to climate change.*

Reducing car use

To encourage people to get out of their cars, Horizons Regional Council and Massey University offer free bus trips for students and staff on all services in Palmerston North through an Unlimited Access Scheme (UAS). This is funded by Waka Kotahi, Massey University and Horizons.

At their peak, free UAS trips have exceeded 600,000 annually, making up nearly half of all bus trips in the region.

The UAS started as a small scheme with UCOL in 2004. It was expanded in 2005 to solve parking congestion at Massey University, and to ease peak traffic congestion in the city. Councils and Waka Kotahi also wanted to minimise expansion of roading infrastructure by shifting more people onto public transport.

Initially, the free bus service was funded by Massey University, which introduced car parking charges on its campus to cover costs. The trial was successful and expanded to connect to Massey University from the CBD and suburbs of Palmerston North.

Scheme expansion plans

More recently, the scheme has further expanded to include two other tertiary education providers: English Teaching College and IPU New Zealand.

Horizons Regional Council is encouraging other organisations to offer free travel on council services. Horizons' Regional Public Transport Plan (2022-2032) promotes free transport schemes to support organisations working to encourage the use of more sustainable transport modes.

Horizons' plans target a 30% reduction in regional carbon emissions from land transport by 2030, including a lower-emissions public transport fleet.

Council policies support the Government's Emissions Reduction Plan which highlights the importance of reducing emissions from transport through better public transport, walking and cycling. As well as reducing emissions, 'mode shift' will support access to affordable housing and improve the liveability of our urban centres.

Find out more

[Horizons Regional Public Transport Plan](#)
[Information on mode shift](#)

THE UAS HAS, IN EFFECT, TAKEN 173 CARS OFF THE ROAD AND, DESPITE A FALL IN BUS USE DURING THE COVID PANDEMIC, SAVED AN AVERAGE OF NEARLY 70 TONNES OF CARBON EMISSIONS A YEAR.



Riparian planting – Stewart Dairylands

*'People come and go,
but the land remains
forever. We don't own
it, we just pay for the
privilege to look after
it. It is now our turn.'*

David A Stewart.

21

Going beyond compliance

The Stewart family has farmed for over 120 years in the Manawatū. Their mission is to produce high-quality dairy products from healthy, well-bred animals, by caring for their animals and the environment.

For the Stewart Dairylands team, it's about going beyond compliance and becoming a carbon neutral business. An environmental plan covers the entire farm, there are regular open days, and relationships with both environmental and iwi groups.

Reducing carbon emissions

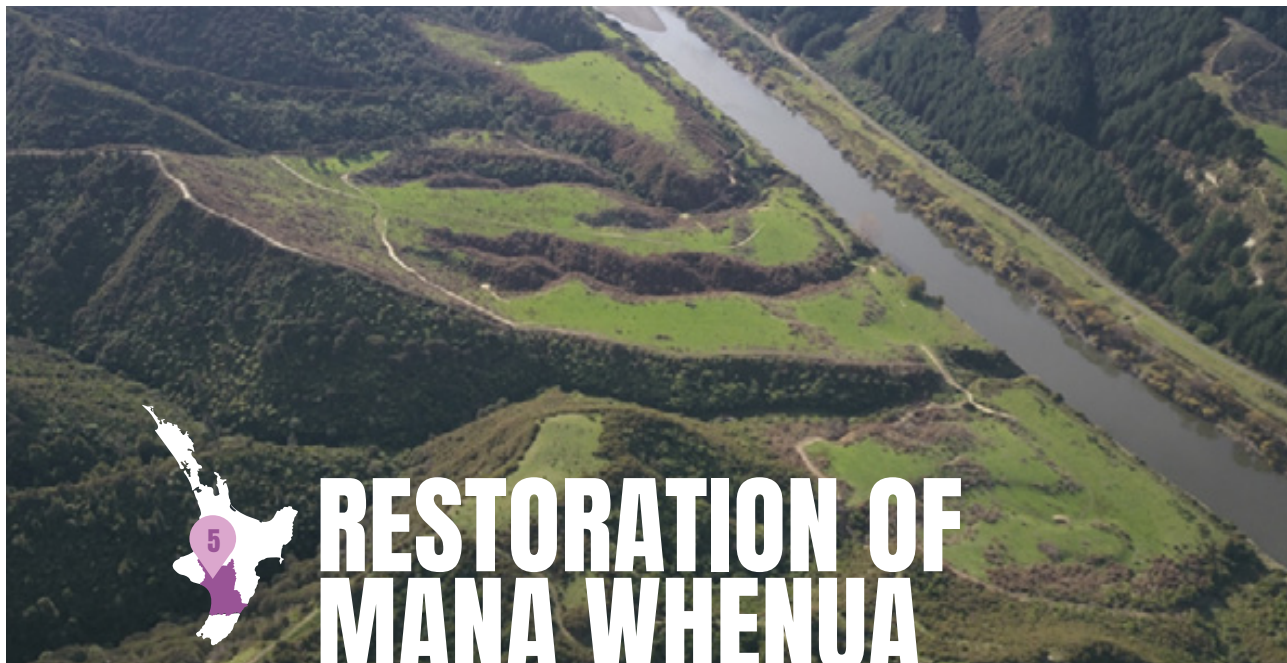
Stewart Dairylands has installed solar panels on the dairy shed roof to replace a gas-fired system that heated hot water in the dairy shed. Installing solar panels has reduced total energy use by 30%. Stewart Dairylands is close to the Bunnythorpe sub-station and there is potential for the property to become a solar farm and run sheep around the solar installations.

Building ecosystems

The team actively looks for opportunities for the least productive land, such as gullies. Over the past decade, 10,000 trees have been planted on the less viable parts of the property. The team is focusing on how to plant trees to reduce the farm's carbon footprint – rather than planting solely for water quality and shelter.

The goal is also to build and protect ecosystems – by planting contoured native woodlots, creating manmade wetlands, sediment traps, nutrient interceptor beds and innovative ecological engineering for water flow harvesting.

Field days are used to show these innovative approaches to neighbours and other farmers, who have now formed the Stoney Creek Catchment Collective, covering 2400 hectares. This dedicated catchment group works proactively on their land to help improve and further enhance the water quality of the Stoney Creek catchment.



RESTORATION OF MANA WHENUA

Paetawa Station

22

THE GOAL IS TO RESTORE THE LAND TO ESTABLISH A THRIVING MĀORI AGRIBUSINESS WITH A NET ZERO CARBON FOOTPRINT.

Te Urumingi Whanau Trust
Descendants of Te Ratana Te Urumingi and Heeni Piirato have big aspirations for their land.

Their 1214-hectare Paetawa Station is located in rugged Whanganui River hill country, with only about 80 hectares suitable for traditional farming. Te Urumingi Whanau Trust runs the station through its subsidiary company Heeni Investment.

Heeni Investment faced challenges, including previous over-spraying, limited grazing, weeds and poor pasture.

USING EXPERT ADVICE, HEENI INVESTMENT NOW HAS AN INTEGRATED FARM PLAN, BASED ON A MĀORI TAIAO PERSPECTIVE OF THE ENVIRONMENT.

Actions taken

The station team has designed a cost-effective biological approach to the remediation of the soil – by building up its microbial health and feeding the microbes with a mixture of seaweed and fish-based products.

This has led to increased production, and controlled weeds, without using synthetic fertiliser. Stock is in better condition, healthier and getting better prices – and there is less use of drenches.

THE BUSINESS IS RUN ON FOUR PRINCIPLES:

Taiao (Environment)

Improve our natural asset base (soil and water quality; erosion-prone land; waterway margins; biodiversity).

Mātauranga (Education)

Cultural: enhance our mahinga kai; kaitiakitanga, whakairo, maanakitanga, whakawhanaungatanga.

Create an opportunity through a kaupapa Māori nursery for our people to return to the Whanganui River to learn and to work.

Ōhanga (Economics)

Create diverse sustainable economic opportunities through the expansion, permanence, and diversification of forest on our whenua.

Kinakitanga (Enhancement)

Leadership: establish a thriving Māori agribusiness with a net zero carbon footprint that demonstrates minimal reliance on synthetic fertilisers to reduce on-farm biological emissions and nutrient run-off into waterways.

So far, Heeni Investment has

PLANTED 400 HECTARES IN NATIVES & MANUKA

20 HECTARES IN REDWOODS & EUCALYPTUS

River flats on the station are now ready to be fenced and planted in native species such as tōtara, rimu, and kahikatea.

INSTALLING SEDIMENT TRAPS

To capture runoff and protect waterways.

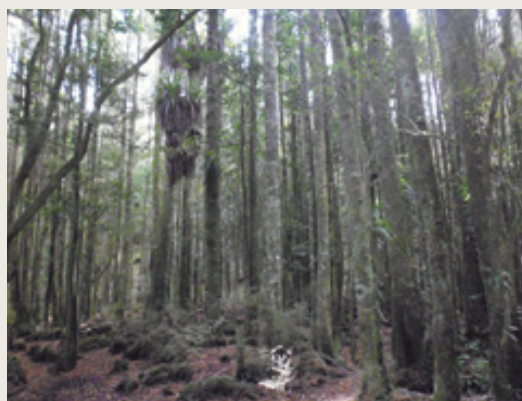
TO HELP REDUCE CARBON EMISSIONS

Heeni Investment is shifting from breeding cows to dry stock and is exploring carbon farming, potato milk and alternative proteins.

'We know what the land looked like 40 years ago and we want to bring it back to its full glory. We still have Kaumatua who know this stuff. We have got to set in place something for future generations and we are now on that journey.'

Ben Potaka, Heeni Investment Co Ltd.

23



Kahikatea swamps are favoured habitat for native fish, including tuna (eels) and provide the parū (mud) used to dye harakeke for pūipui, kete and whariki.



15/02/2023

Dr Rachel Keedwell,
Chairperson
Climate Action Joint Committee,
 11-15 Victoria Avenue,
 Palmerston North,
 Manawatū-Whanganui
 4410



pncc.govt.nz
 info@pncc.govt.nz

Te Marae o Hine
 The Square
 Private Bag 11034
 Palmerston North 4442
 New Zealand

Dear Dr Keedwell,

Draft Manawatū-Whanganui Climate Change Action Plan (2022)

Submission from Palmerston North City Council (PNCC)

PNCC endorse and support the intent and specific actions detailed in the Manawatū-Whanganui Climate Change Action Plan.

The Council acknowledge the severity and urgency of the challenge presented by climate change. The Council intend to take an active role in reducing carbon emissions to minimise the severity of climate change whilst simultaneously preparing for the predicted impacts of a warming planet on our communities.

It is recommended that the Joint Committee consider releasing the Action Plan for public consultation, should time permit. Equally it is recognised there may be value in finalising the Action Plan as soon as possible to inform upcoming planning processes, such as the 2024 Long-Term Plan.

PNCC look forward to working together with central Government, other local authorities, tangata whenua, businesses, communities, individuals and the Climate Action Joint Committee to get the best results for our city and region.

Yours sincerely

Grant Smith
 Mayor
 Palmerston North City Council

Waid Crockett
 Chief Executive
 Palmerston North City Council

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Adoption of Standing Orders 2023

PRESENTED BY: Hannah White, Democracy & Governance Manager and Sarah Claridge, Democracy & Governance Advisor

APPROVED BY: Donna Baker, Acting Chief Executive Unit Manager

RECOMMENDATIONS TO COUNCIL

1. That Council adopt the Standing Orders 2023 (Attachment 2) to replace Standing Orders 2020; subject to any amendments, including any of the following:
 - a. Remove different debating options and the ability to change debating options at a meeting, retaining the 2020 Standing Orders of Option A for all meetings.
 - b. Allow 'public comment' to be presented to Council.
2. That Council delegate authority to the Chief Executive to make minor edits to the Standing Orders 2023, including agreeing the te reo equivalents of Standing Order titles.

1. ISSUE AND BACKGROUND

- 1.1 Standing Orders are a set of procedures that outline how a Council's meetings are managed.
- 1.2 The Local Government Act 2002 ("the Act") requires all local authorities to adopt a set of standing orders and once adopted, these can only be amended, or a new set adopted with the support of 75% of elected members present. Councils are free to decide what their standing orders contain as long as they comply with, and do not contradict legislation.
- 1.3 Palmerston North City Council's current Standing Orders (SO) were last reviewed in 2020. The review was completed by a working group of councillors supported by staff. The group considered the Palmerston North procedures against the 2019 Local Government New Zealand (LGNZ) model. This report reviews the current Standing Orders and lists several changes for Council to consider.
- 1.4 As of February 2023, there are members who are both familiar and unfamiliar with current meeting procedures as set out in the Standing Orders. At the beginning of a triennium, it is good practice for a new Council to adopt its

own set of standing orders and in doing so allow the new Council an opportunity to adjust the meeting procedures to fit their needs.

2. OPTIONS FOR COUNCIL TO CONSIDER

- 2.1 The table below lists two options for Council to consider and outlines the advantages and disadvantages of each.
- 2.2 Whilst the decision to agree Standing Orders is a legal requirement, the format and content of standing orders primarily affects elected members. Officers have therefore not sought community views and there is no financial impact for any of these options.

Issue	To agree a set of meeting procedures (Standing Orders) as required by Schedule 7, clause 27 of the Local Government Act 2002.
OPTION 1:	Re-adopt the Palmerston North City Council Standing Orders 2020 (Attachment 1) for the 2022-25 term
Advantages	Council would continue to use meeting procedures that are familiar to the majority of members.
Disadvantages	If not revised regularly, Council's standing orders could become outdated. Officers would recommend incorporating legal changes.
Financial	None
OPTION 2:	Adopt the Palmerston North City Council Standing Orders 2023 (Attachment 2) with changes for the 2022-25 term (preferred option)
Advantages	Same advantages as Option 2 but suggested changes would remove some of the inefficiencies of the current standing orders and would improve readability for easier interpretation.
Disadvantages	Elected members would need to familiarise themselves with the changes to the Standing Orders.
Financial	None

3. REVIEW OF THE CURRENT PNCC STANDING ORDERS

- 3.1 Officers have conducted a desktop review which included the following:
- considered options allowed for in the Local Government Act.
 - compared the 2022 LGNZ Standing Order template with the current Palmerston North City Council Standing Orders for best practice and legal changes.

- suggested revisions to Standing Orders that have been difficult to implement since the 2020 review.
- suggested minor changes to improve readability or remove repetition by amalgamating sections.
- surveyed Elected Members.

Elected Members were surveyed on the suggested changes highlighted in the desktop review; 12 members responded. Analysis of the survey results are included in the commentary of the proposed changes (when relevant) in sections 4, 5 and 6 of this report.

4. OPTIONS ALLOWED FOR IN THE LOCAL GOVERNMENT ACT

- 4.1 The Act requires councils to develop a set of standing orders which members must abide by. There are also two clauses in the Act which offer councils a choice in procedure, with the proviso that the procedure is included in the council's Standing Orders. It is timely that Council reconsider these clauses when reviewing standing orders. The clauses are detailed below.

4.2 Enable members to join a meeting by audio visual link¹ (SO 4.6 and 4.7)

The Act allows members to participate in meetings online as long as it is confirmed in a council's Standing Orders. Palmerston North has allowed for online participation since 2020, giving elected members the opportunity to engage in meetings when unable to attend in person. Officers see no reason to change the current practice as the Chamber has the technology to allow members and the public to engage in council meetings online.

Note that since the Epidemic Preparedness Notice lifted on 20 October 2022, members participating online no longer form part of the quorum.

The current PNCC Standing Orders allows for online participation as long as approval from the Chairperson is granted. Survey results showed that members wished to retain the current procedure.

Survey Results – Online participation at meetings (total 12)

	Keep current SO	Change	No preference
Continue to allow online participation	11	1 (only for illness)	
Permission to be granted from Chair	7	4	1

¹ Clause 25A, Schedule 7 Local Government Act 2002

Of the four members that wanted a change to the current standing orders, three believed permission from the chair should be removed completely and one member felt the chair should be notified of a member's intent to participate online.

Attachment 2 retains the current Standing Orders 4.6 and 4.7 unchanged.

4.3 **Chair does not have casting vote² (SO 2.17.2)**

A casting vote gives the Chair the power to have a second vote when there is a 50/50 split in the voting. Giving the Chair a casting vote, strengthens the position of the Chair, as it gives them the final decision when there is an even split. The casting vote is the default position prescribed by law unless the council's Standing Orders state otherwise.

Palmerston North City Council's current Standing Orders do not give the Chair a casting vote, instead a recommendation is lost if there is a 50/50 split, as a decision can only pass when it has a majority. No casting vote maintains the premise that every member's vote is equal.

Do not give the chair a casting vote (current practice)	Allow casting vote	No preference
10	1	1

Survey results showed that most members wish to retain the current practice of not allowing the chair a casting vote.

Attachment 2 retains the current Standing Order unchanged.

5. **RECOMMENDED UPDATES BASED ON LGNZ MODEL**

- 5.1 Every triennium, Local Government New Zealand (LGNZ) revises their Model Standing Orders for councils to adopt if they wish. The model incorporates any legal changes to practices for meeting procedures and simplifies the language used to improve readability and comprehension.
- 5.2 LGNZ has recently published their [Model Standing Orders 2022](#). The Model Standing Orders is a guidance document which councils can choose to adopt fully, amend to suit their own needs, or instead develop their own standing orders completely. Officers have identified the following recommendations which could be considered as helpful to our localised document.

² Clause 24, Schedule 7 Local Government Act 2002

5.3 **Allow for different debating options and the ability to change debating option for particular meetings. (see SO 2.12.1, 2.12.2 and 2.12.3)**

The LGNZ template offers three options for how members speak and move recommendations and amendments during a debate. Option A is the most formal, as it limits the number of times members can speak and move amendments (see Table 1 below) and Option C is the most flexible.

Table 1: Differences in debating styles

	Option A	Option B	Option C
Members who move or second a motion can move an amendment	X	X	√
Members who speak to a motion can move an amendment	X	√	√
Members who have not spoken to a motion can move an amendment	√	√	√
Movers or seconders of amendments that are LOST cannot move or second another amendment	X	X	√
Movers or seconders of an amendment which is CARRIED (to become the substantive motion) can make another amendment	X	√	√
Members who move or second a motion to receive a committee report can move or second an amendment	√	√	√
Members can speak more than once to a motion	X	√	√
A motion can be amended with the agreement of the Mover and Secunder	√	√	√
Members can speak to any amendment	√	√	√

The current Palmerston North City Council Standing Orders uses Option A for both Council and committee meetings.

However, LGNZ suggests that councils could have a different debating option for council and committees. For example: Option A for Council but allow the flexible debating format of Option C for committees to encourage more informal debate to occur.

A more informal debating approach may be an appropriate method to apply to the Rangitāne o Manawatū Committee. Doing so would allow members to speak freely and enable a consensus decision-making approach to develop.

Another consideration is to allow the Council or Committee the ability to change its debating style for a particular meeting. For example, Council could agree to use Option C for the deliberation meetings of the Annual Budget and Long-Term Plan – to allow members more flexibility in the number of amendments they wish to move. A change in debating style could be agreed by majority at the beginning of the meeting, rather than needing to suspend a series of standing orders to achieve the same purpose.

Members were asked which debating style they preferred and whether the standing orders should include an ability to vary the style. Elected member survey results were mixed, but the majority of members preferred keeping the more formal Option A as the default debating style, with half of those wanting the ability to change debating style if desired.

PREFER OPTION A (6)					
Keep Option A for all meetings (current practice)	Keep Option A but allow Option C for certain meetings	Specify Option A but that Option C be used for budget and LTP deliberations of Council	Specify Option A for Council and Option C for Committees	Change to Option C for all meetings	No preference
3	2	1	0	3	3

Officers recommend that Option A is retained as the default debating style for both Council and committee meetings but enable members the ability to change the debating style to Option C for either specific items or for the duration of the meeting. Changing the debating style would be require a simple 50% majority on the day as oppose to current practice of temporarily suspending a standing order which requires a 75% majority.

Changes to Attachment 2 (SO 2.12.1, 2.12.2 and 2.12.3)

Three clauses have been added to Attachment 2 to explain the voting options A and C and to enable members to change the debating style for a meeting (or part of). If agreed by Council, other clauses relating to managing amendments are no longer necessary as Option A and C both set out rules for amendments. These are included as tracked changes in Attachment 2.

5.3 Bilingual Headings

The LGNZ template includes bilingual headings for each standing order title. Officers acknowledge the intent behind this addition to the model. Using te Reo in Council's policy documents is one way to reflect commitment to honouring te Tiriti. Officers will request Council's translator complete this work before publishing.

5.4 Tikanga considerations

Elected Members will continue to look at how they can further develop the use of tikanga in the Chamber.

6. OTHER LOCAL CLAUSES FOR CONSIDERATION AGAINST LGNZ MODEL

6.1 Non-membership and the right to vote

Extension of right to vote (SO 1.1, 1.5.3, 1.5.4 & 1.5.5)

The extension of the right to vote of non-members is unique to Palmerston North, no other council in New Zealand has a similar practice. These current clauses, included in Attachment 2, are an extension of the presumption in the Act that prioritises members of committees present with voting rights.

The result of the Elected Members survey was overwhelming in favour of continuing the current practice of extending the right to vote to non-committee members.

	Keep current Standing Orders	No Preference
Extend the right to move, second and vote to non-committee members present.	10	1

As in previous terms, officers recommend that the practice apply only to the following committees:

- Community Committee
- Culture & Sport Committee
- Economic Growth Committee
- Risk & Assurance Committee
- Strategy & Finance Committee
- Sustainability Committee

Officers advise that the Rangitāne o Manawātū Committee continue to not be included in this list because it is not in the spirit of the partnership for one of the partners to have more voices than the other.

6.2 Right of Reply – Amendments (SO 2.13.7)

The current Standing Orders allow for a right of reply to a mover of an amendment. This is not in the LGNZ Model. Allowing a right of reply to movers of amendments, allows the mover to emphasise their position, however it prolongs the debate.

All members that responded to the survey were in favour of keeping this practice.

Attachment 2 retains this right in SO 2.13.7. Officers have rewritten SO 2.13.7 and 2.13.8 for clarity to help with application.

6.3 Procedural Motion to replace Chairperson's ruling (SO 2.15)

This procedural motion allows for members to seek that a chairperson's ruling be withdrawn and (if the motion is passed) changed. This procedural motion has not been used in the last three years, and it is not in the Model template.

Officers would recommend that this procedural motion be removed as it diminishes the authority of the Chair.

The majority of members surveyed were in favour of retaining this procedural motion, 3 did not have a preference.

Attachment 2 retains this Standing Order unchanged.

6.4 Public Participation at Meetings (SO 2.19 – 2.22)

Current standing orders allows for public comment only at committees that agree to do it – and not at Council.

Officers recommend removing the requirement for committees to agree to have public comment. Attachment 2 has removed the choice for each committee to agree to have a public comment section at their meetings (SO 22.1); instead public comment will be allowed at each committee. In the last term each committee had to agree this by separate report, which is a time-consuming process when the practice to date has been that every committee wishes to allow for public comment.

Officers would recommend public comment also be extended to include Council. This change would make the process of speaking to Council or committee less bureaucratic for a member of the public. Including a public comment section at Council meetings provides the public with more flexibility to speak briefly to Council on items on the agenda – without having to declare their intentions seven working days in advance, as would be necessary for a presentation.

Officers asked members whether public participation via a public comment (of 3 minutes) should be extended to all council and committee meetings. Members responses were evenly split.

Public comment only at committees and only if committees agree (Current practice)	Specify at all committee meetings	Specify at all committee and Council meetings	No preference
4	2	6	0

As there was no majority in favour of this change, officers have retained the current practice (no public comment at Council) in Attachment 2. However, members may wish to put this as an optional amendment.

6.5 **Removing the need to stand to speak at Council (SO 2.1.4)**

One member suggested removing the requirement for members to stand when speaking at Council meetings. This is a formality which officers have no preference on. However, standing can make it harder for viewers/participants online to hear members in the Chamber.

7. **RECOMMENDED REVISIONS FOR EASE OF IMPLEMENTATION**

The following revisions have been incorporated into Attachment 2. Members may choose not to adopt if they prefer.

7.1 **Reporting of information (SO1.6.3)**

Removed as this process has changed, leaking confidential information could be considered a breach of the code of conduct.

7.2 **Questions to officers during a meeting (SO 2.11.2, 2.13.1)**

Expanded to explicitly allow questions to officers to explain the possible implications of a motion before it is voted on, with the discretion of the Chair.

7.3 **Moving a motion during a meeting (SO 2.12.4)**

Clarified to differentiate between giving a written notice of motion (SO 2.7) and moving an oral motion off the floor during a meeting.

8. **RECOMMENDED REVISIONS FOR EASE OF UNDERSTANDING**

The following revisions have been incorporated into Attachment 2. Members may choose not to adopt if they prefer.

8.1 **Definitions (SO1.3)-** definition list updated for completeness.

- Added definition for Appointed Member,
- Added Matariki as a public holiday (non-working day).

8.2 Application of Standing Orders (SO1.4.1)

Added quasi-judicial proceedings (eg Resource Management Act Hearings District Licensing Committee meetings (including hearings) and Dog Control hearings) to the list of groups that the standing orders do not apply to, as these do not fall under the Local Government Act – for completeness.

8.3 Merged Temporary Suspension (SO 2.21 and 2.2.2) for brevity.

Removed reference to SO 1.5.3 Extension of Right to vote.

8.4 Managing the use of offensive language or disorder during a meeting (SO 2.3.3)

Merged 2.3.3, 2.3.4, 2.3.5, 2.3.6 and 2.3.7 for brevity.

8.5 Non-Financial conflicts of interests (SO 2.5.2) shortened for brevity.

8.6 Keeping of Minutes (SO2.23.2) list corrected and shortened for brevity.

9. NEXT STEPS



If approved, officers will complete the translation work, make any agreed amendments, and accept any tracked changes before publishing on the website and circulating to members.

10. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Ongoing review of governance systems and structures to support	

Council's effectiveness and reputation.	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	A set of user-friendly, readable current Standing Orders which are consistent and streamlined allow both members and the public to fully participate in Council and Committee meetings.

ATTACHMENTS

1. PNCC Standing Orders 2020 [↓](#) 
2. Draft Standing Orders 2023 with Proposed Revisions [↓](#) 



PALMERSTON NORTH CITY COUNCIL

STANDING ORDERS

ADOPTED BY COUNCIL 28 OCTOBER 2020
PUBLISHED BY LEGAL & GOVERNANCE DIVISION | STRATEGY & PLANNING

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PALMERSTON NORTH CITY COUNCIL STANDING ORDERS

Adopted by Council 28 October 2020

Effective from 1 November 2020

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;
- Actively encourage and support the expression of tikanga Māori during engagement processes and formal meetings by the Council as a reflection of its bicultural commitment;
- Actively encourage the expression of cultural identity through engagement processes and formal meetings of Council, thereby demonstrating Council's commitment to inclusivity of all parts of our community.
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the Local Government Act 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 s39

References

LGA 2002	Local Government Act 2002
LGOIMA 1987	Local Government Official Information and Meetings Act 1987
LAMIA 1968	Local Authorities (Members' Interests) Act 1968
RMA 1991	Resource Management Act 1991
Contract and Commercial Law Act 2017	

PART 1: GENERAL INTRODUCTION
1.1 SCOPE AND GENERAL
<p>This document sets out standing orders for the conduct of proceedings at meetings of Palmerston North City Council. It incorporates provisions in the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 and will be amended when required.</p> <p>These standing orders are presented in three parts.</p> <p>Part 1 is the general introduction,</p> <p>Part 2 covers meeting procedures, and</p> <p>Part 3 relates to constitutional and legislative matters,</p> <p>Part 3 involves some repetition of Part 2, to ease use and to ensure each part can stand alone without the need for undue cross referencing.</p> <p>For the 2019-2022 Council Term, the Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members will apply to the following committees:</p> <ul style="list-style-type: none"> • Finance & Audit Committee • Infrastructure Committee • Planning & Strategy Committee • Arts, Culture & Heritage Committee • Community Development Committee • Economic Development Committee • Environmental Sustainability Committee, and • Play, Recreation & Sport Committee
1.2 STATUTORY REFERENCES
<p>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.</p> <p>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.</p> <p>It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made.</p> <p>Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.</p>

1.3 DEFINITIONS
Advisory group means a group of people convened by Council for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups.
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'.
Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.
Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.
Briefing means in the context of these standing orders, a gathering of elected or appointed members for the purpose of being updated on matters of importance to the Council at which no decisions are made and no directions are being sought. These standing orders do not apply. Briefings may include non-elected members.
Chief Executive means the Chief Executive of Palmerston North City Council appointed under section 42 of the LGA, and includes, for the purposes of these standing orders, any other staff member authorised by the Chief Executive.
Clear working days means the number of working days prescribed in these standing orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.
<p>Committee includes, in relation to Council:</p> <ul style="list-style-type: none"> a. A committee comprising all the members of the Council; b. A standing committee or special committee appointed by Council; c. A joint committee appointed under clause 30 of Schedule 7 of the LGA; and d. Any subcommittee of a committee described in items (a), (b) or (c) of this definition.
Council means, in the context of these standing orders, either the governing body of Palmerston North City Council or the Palmerston North City Council as defined by section 5 of the LGA.
Karakia Timatanga is a contemplation at the beginning of a gathering which allows the people involved to focus on the matters in hand, in a way that is respectful of each other, and in union with the ancestors and spiritual powers.

Karakia Whakamutunga is an expression of gratitude at the end of a gathering for the contributions of those involved and what has been achieved. It also serves to clear away any ill feeling that may have arisen.
Karanga is a ceremonial call performed by women who are skilled in this art form. Karanga addresses the occasion in which it is performed, including formal pōwhiri (both host, and visitor response), whakanui and other ceremonial gatherings.
Mayor means the Mayor of Palmerston North City Council elected under the Local Electoral Act 2001.
Meeting means any inaugural, ordinary, or extraordinary meeting of Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Council, as defined by LGOIMA.
Member means any person elected or appointed to the Council or a committee of the Council.
Mihi Whakatau is usually a short welcome to those gathered, acknowledging the environment of the gathering, elders present, groups represented, and the kaupapa of the gathering.
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 once it has concluded. Secret ballots are specifically excluded.
Ordinary meeting means any meeting publicly notified by the Council in accordance with sections 46(1) and (2) LGOIMA.
Petition means a request to Council which contains at least 20 individual signatures and consists of fewer than 150 words (not including signatories).
Pōwhiri is a formal welcome by a host group to a visiting group, adhering to protocol of Tangata Whenua. This will usually involve karanga and oratory. Pōwhiri is usually employed for more formal occasions.
Presentation means a request from any person or group to speak to Council or a committee which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.
Public excluded information means confidential Information which is withheld from the public because it meets the requirements of sections 6 or 7 of LGOIMA.
Public excluded session refers to those meetings or parts of meetings from which the public is excluded by Council or a committee of Council as provided for in LGOIMA.
Public Comment refers to a period set aside usually at the start of a meeting for the purpose of public input.

<p>Publicly notified means notified to members of the public by notice contained in some newspaper circulating in the district of the Council and on the Council's website and social media platforms.</p>
<p>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.</p>
<p>Quorum means the minimum number of members required to be present to constitute a valid meeting.</p>
<p>Steering Group means a group set up by Council to oversee a project and provide advice as defined in their terms of reference, and to which these standing orders do not apply.</p> <p>A steering group usually meets at key stages during the course of a project and influences strategic decisions. They may consist of members of the Council and non-members.</p>
<p>Tikanga Māori are Māori customary practices or behaviours. The concept is derived from the Māori word 'tika' which means 'appropriate' or 'correct' so, to act in accordance with tikanga is to behave in a way that is culturally appropriate.</p>
<p>Whakanui is an acknowledgement of something important. This could be the beginning or completion of a project, paying tribute to someone who is leaving, or honouring an individual or group for outstanding achievement. In tikanga Māori this might include speeches, waiata, karakia karanga and possibly a presentation of something special to mark the occasion.</p>
<p>Working day means a day of the week other than:</p> <ul style="list-style-type: none"> a. Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday; b. The day observed 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. <p>Should Council 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.</p>
<p>Working group means a group set up by Council to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.</p>
<p>Workshop means in the context of these standing orders, a gathering of elected or appointed members for the purpose of considering matters of importance to the Council at which a direction is sought but no decisions are made. These standing orders do not apply. Workshops may include non-elected members.</p>

1.4 APPLICATION OF STANDING ORDERS
<p>1.4.1. Application of Standing Orders</p> <p>These standing orders extend to the proceedings of all Council meetings and of all committees and subcommittees of Palmerston North City Council, including public excluded sessions.</p> <p>For the removal of any doubt these standing orders do not apply to workshops, briefings or meetings of working groups and advisory groups.</p>
<p>1.4.2. Quasi-judicial proceedings</p> <p>For quasi-judicial proceedings the Council may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.</p>
<p>1.4.3. Chairperson's Discretion</p> <p>Unless specifically outlined in these Standing Orders, the Chairperson has the discretion to manage the meeting and will determine the acceptable conduct of members and other attendees, as they see fit.</p>
1.5 RIGHTS OF MEMBERS
<p>1.5.1. Rights of Elected Members</p> <p>Elected Members are entitled:</p> <ul style="list-style-type: none"> a. To receive notices of meetings, agendas and minutes of meetings for all committees and subcommittees, regardless of whether or not they are members of the committee or subcommittee concerned. Such documents to include full details of confidential items. b. To be present at all meetings of committees and subcommittees (except when 1.5.2 applies), regardless of whether or not they are members of the committee or subcommittee concerned and regardless of whether or not the public are excluded pursuant to the provisions of LGOIMA.
<p>1.5.2. Exception for the Hearings Committee and Panels</p> <p>Elected Members who are not members of the Hearings Committee have the same right to attend meetings as members of the public, they do not have the right to attend the public excluded session.</p> <p>Only members of the Hearings Committee or panels will have speaking and voting rights.</p>
<p>1.5.3. Extension of right to vote to non-committee members</p> <p>Elected Members are entitled to move, second and vote on motions (including procedural motions) before a committee or subcommittee, if present, regardless of whether or not they are members of that committee or subcommittee.</p>

<p>Standing order 1.5.3 applies only to those committees and subcommittees which have been approved for this purpose by Council.</p> <p>NOTE: The Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members, apply to the following committees for the 2019-2022 term of Council:</p> <ul style="list-style-type: none"> • Finance & Audit Committee • Infrastructure Committee • Planning & Strategy Committee • Arts, Culture & Heritage Committee • Community Development Committee • Economic Development Committee • Environmental Sustainability Committee, and • Play, Recreation & Sport Committee
<p>1.5.4. Restrictions on non-committee members</p> <p>Non-committee members are not eligible for appointment as chairperson or deputy chairperson for the committee or subcommittee concerned nor will be counted as part of the quorum of any meeting of that committee or subcommittee.</p>
<p>1.5.5. Rights not extended to Appointed Members</p> <p>The rights given under standing orders 1.5.1 and 1.5.3 do not extend to appointed members of Council committees.</p>
<p>1.6 USE OF INFORMATION</p>
<p>1.6.1. Chief Executive to decide on supply of information</p> <p>Public excluded information required by members in the performance of their particular duties as members must be supplied to them by the Chief Executive. Where the Chief Executive is uncertain that public excluded information should be supplied in any particular case, the matter must be referred to the chairperson for direction.</p>
<p>1.6.2. Information to be used properly</p> <p>No information obtained by any member, including pursuant to standing order 1.6.1, will be used for any purpose other than for the proper discharge of duties as a member.</p>
<p>1.6.3. Reporting of information misuse</p> <p>Where the Mayor has reasonable grounds for believing that public excluded information provided to any member has been misused, the Mayor may advise this and any proposed action to the Council.</p>

PART 2: MEETING PROCEDURES
2.1. CONDUCT OF MEETINGS
<p>2.1.1 Addressing the Chairperson</p> <p>Members will address the Chairperson in a manner that the Chairperson has determined.</p>
<p>2.1.2 Chairperson to decide</p> <p>The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.</p>
<p>2.1.3 Chairperson rising</p> <p>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.</p>
<p>2.1.4 Member's right to speak</p> <p>Members granted the right to speak at Council meetings are to stand and address the Chairperson, when able to do so, and may not leave their place while speaking without the leave of the Chairperson.</p> <p>Members may remain seated when speaking at committee or subcommittee meetings.</p>
<p>2.1.5 Chairperson may prioritise speakers</p> <p>When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:</p> <ul style="list-style-type: none"> 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 permit a special request.
<p>2.1.6 Language</p> <p>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.</p> <p>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 three working days before the meeting.</p>

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 three working days before the meeting.
<p>2.1.7 Meeting duration</p> <p>A meeting cannot continue more than eight hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.</p> <p>No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.</p>
<p>2.1.8 Public may record meetings</p> <p>Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.</p> <p>Where circumstances require, the chairperson may stop the recording for a period of time.</p>
2.2. SUSPENSION OF STANDING ORDERS
<p>2.2.1 Temporary suspension</p> <p>The Council or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting.</p> <p>The reason for the duration of the suspension and the specific standing order(s) suspended must be stated in the resolution of suspension (see Standing Order 3.1.3).</p> <p>LGA 2002 Schedule 7. Cl.27(4)</p>
<p>2.2.2 Limits on Temporary suspension</p> <p>Standing Order 2.21 cannot be used to suspend:</p> <ul style="list-style-type: none"> a. Any standing order that is included in these standing orders as a legal requirement under any Act of Parliament or Statutory Regulation; and b. Standing Order 1.5.3 (Extension of Right to vote to non-committee Members) or any part of that standing order.
2.3. DISORDERLY BEHAVIOUR
<p>2.3.1 Disorderly members to withdraw</p> <p>Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any</p>

such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine.
<p>2.3.2 Behaviour consistent with Code of Conduct</p> <p>No member, at any meeting, may act inconsistently with the Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.</p>
<p>2.3.3 Withdraws and apologies</p> <p>The Chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.</p>
<p>2.3.4 Withdrawal from meeting</p> <p>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.</p>
<p>2.3.5 Disorder in meeting</p> <p>The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.</p>
<p>2.3.6 Use of offensive or malicious language</p> <p>Any member having used offensive or malicious language at a meeting who does not retract or apologise, may thereupon, by resolution of the meeting, be held guilty of contempt.</p>
<p>2.3.7 Members may be held in contempt</p> <p>Any member making a disturbance or creating disorder whilst any other member is speaking or at any other time during a meeting and who refuses, when called upon by the Chairperson to desist, may thereupon by resolution of the meeting be held guilty of contempt (see Standing Order 2.3.9).</p>
<p>2.3.8 Adjournment of meeting following disorder</p> <p>Should the disorder of a member continue, the Chairperson has the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting must resume and decide without debate the question as to whether the meeting will proceed or be adjourned. The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.</p>
<p>2.3.9 Contempt to be recorded in minutes</p> <p>Every member held guilty of contempt will be censured by the Chairperson, who may also order them to leave the meeting. Every such contempt, censure and removal must be recorded in the minutes and, if the meeting so decides, the matter will be referred to the appropriate committee of the Council and treated as a complaint under the Council's Code of Conduct.</p>

<p>2.3.10 Removal from meeting</p> <p>A member of the police, or an employee of the Council, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –</p> <ul style="list-style-type: none"> a. refuses or fails to leave the meeting; or b. having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson. <p>LGA 2002, Schedule 7, cl. 16(2)</p>
<p>2.3.11 Adjournment of meeting by the Chairperson</p> <p>The Chairperson may adjourn the meeting at any time for any of the following reasons, but not so as to interrupt a member speaking;</p> <ul style="list-style-type: none"> a. Matters of safety or disorder; or b. Rest or meal breaks; or c. To allow another formal meeting scheduled for the same time to take place; or d. any other reason at the discretion of the chairperson.
<p>2.4. MAINTENANCE OF PUBLIC ORDER AT MEETINGS</p>
<p>2.4.1 Grounds for removing the public</p> <p>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.</p> <p>LGOIMA 1987, s.50</p>
<p>2.4.2 Removal of members of public</p> <p>If any member of the public who is required in accordance with standing order 2.4.1 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 Council may, at the request of the chairperson, remove or exclude that member of the public from the meeting.</p>
<p>2.5. CONFLICTS OF INTEREST</p>
<p>2.5.1 Financial conflicts of interest</p> <p>Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.</p> <p>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.</p> <p>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.</p>

The minutes must record any declarations of financial interests and the member's removal from any discussion and voting on the matter.

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

LAMIA 1968, s.6 & 7

2.5.2 Non-financial conflicts of interest

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a Council or committee could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

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

The minutes must record the declaration and member's subsequent removal 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.

2.6. QUALIFIED PRIVILEGE

2.6.1 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

2.6.2 Qualified privilege for meeting proceedings

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

LGOIMA 1987, s.53

Note: 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 Council.

2.7. NOTICES OF MOTION
<p>2.7.1 Notices of motion to be in writing</p> <p>Unless standing order 2.12.1 applies, notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least seven working days before such meeting. Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.</p>
<p>2.7.2 Notice of Motion and explanatory statement</p> <p>Such notices of motion must set out the proposed motion, and if practicable, will be accompanied by an explanatory statement setting out reasons for the proposed motion and providing other relevant background information.</p> <p>Notices of Motion may be accompanied by the Chief Executive's response on the agenda.</p>
<p>2.7.3 Order of notices of motion received in writing</p> <p>When more than one such notice of motion relates to the same item on the agenda, the notices of motion will be listed on the agenda in the order in which they were received by the Chief Executive.</p>
<p>2.7.4 Refusal of notice of motion</p> <p>The chairperson may direct the Chief Executive to refuse to accept any written notice of motion which:</p> <ul style="list-style-type: none"> 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 Council or committee; 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 may make; or d. Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned. <p>Reasons for refusing a notice of motion should be provided to the proposer.</p>
<p>2.7.5 Mover of notice of motion</p> <p>Notices of motion may not proceed in the absence of the mover, unless moved by another member authorised in writing by the mover to do so.</p>
<p>2.7.6 Alteration of notice of motion</p> <p>A notice of motion may be altered only by the mover with the consent of the meeting.</p>

<p>2.7.7 When notices of motion lapse</p> <p>Notices of motion not moved on being called for by the Chairperson, must lapse.</p>
<p>2.7.8 Referral of notices of motion to committees</p> <p>Any written notice of motion referring to any matter ordinarily dealt with by a committee of the Council may be referred to that committee by the Chief Executive. Where such notices are so referred, the mover of the motion must, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.</p>
<p>2.8. ORDER OF BUSINESS</p>
<p>2.8.1 Preparation of the agenda and the order of business</p> <p>It is the Chief Executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.</p> <p>When preparing business items for an agenda the Chief Executive must consult the Chairperson. The order of business of the agenda will be determined by the Chairperson.</p>
<p>2.8.2 Elected member's report</p> <p>Any elected member, by report, has the right to direct the attention of the Council or the relevant committee, to any matter or subject within the role or function of the Council or committee respectively.</p> <p>A report must be provided to the Chief Executive at least seven working days before the date of the meeting.</p>
<p>2.9. APOLOGIES AND LEAVE OF ABSENCE</p>
<p>2.9.1 Apologies at meetings</p> <p>If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Council or committee. Acceptance of the apology will be deemed to be a granting of leave of absence for that meeting.</p>
<p>2.9.2 Apologies made during the meeting</p> <p>Apologies made during the meeting must be recorded in the minutes</p>
<p>2.9.3 Recording of apologies</p> <p>The Chairperson, at each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. All apologies must be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.</p>

<p>2.9.4 Leave of absence</p> <p>Council may grant a member leave of absence following an application from that member.</p> <p>Council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.</p> <p>The Mayor will formally advise the Council announcing whether a member has been granted leave of absence under delegated authority, which will be recorded in the minutes.</p>
<p>2.9.5 Absence without leave</p> <p>Where a member is absent from four consecutive meetings of the Council, 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.</p> <p>LGA 2002, Schedule 7, cl. 5(d)</p>
<p>2.10. ADDITIONAL ITEMS</p>
<p>2.10.1 Late Items not on the agenda may be discussed</p> <p>An item that is not on the agenda for a meeting may be dealt with at the meeting if -</p> <ul style="list-style-type: none"> a. The Council or Committee by resolution so decides; and b. The Chairperson explains at the meeting at a time when it is open to the public, – <ul style="list-style-type: none"> i. the reason why the item is not on the agenda; and ii. the reason why the discussion of the item cannot be delayed until a subsequent meeting. <p>LGOIMA 1987, s. 46A (7)</p>
<p>2.10.2 Discussion of minor matters not on the agenda</p> <p>Where an item is not on the agenda for a meeting, –</p> <p>That item may be discussed at that meeting if:</p> <ul style="list-style-type: none"> a. That item is a minor matter relating to the general business of the Council or a committee; and b. 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 the meeting; but <p>no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the Council or committee for further discussion</p> <p>LGOIMA 1987, s. 46A (7) & 46A(7A)</p>

2.11. RULES OF DEBATE
<p>2.11.1 General Structure of Debate</p> <p>The structure of debate is as follows:</p> <ul style="list-style-type: none"> • Officer's presentation • Questions to officer • Motion moved and seconded • Mover speaks • Secunder speaks • Members' comment • Amendments (if any) • Mover of Amendment(s) right of reply • Mover's right of reply • Vote
<p>2.11.2 Questions to officers during a meeting</p> <p>Following an officer's presentation, members may ask any relevant questions to officers that assist them in understanding the issues of the report.</p> <p>Questions to officers must be directed through the Chairperson. Questions cannot be asked once a motion has been moved and seconded.</p>
2.12. MOTIONS AND AMENDMENTS
<p>2.12.1 Oral notices of motion moved during a meeting</p> <p>At any meeting of the Council, or a committee or subcommittee, any member may give an oral notice of motion at any time (so as not to interrupt another member speaking) if the subject matter of the notice of motion is on the agenda for the meeting or is relevant to any matter being considered at that meeting. In such cases, standing orders 2.7.5 to 2.7.7 inclusive will apply.</p>
<p>2.12.2 Speaking rights of Movers of motions</p> <p>The mover of the original motion can speak once to the principal motion and once to each amendment of that motion.</p> <p>The Mover of the original motion also has a right of reply.</p>
<p>2.12.3 Proposing and seconding motions</p> <p>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.</p> <p>Amendments and motions that are not seconded are not valid and are not entered in the minutes.</p>

<p>2.12.4 Seconders may reserve speech</p> <p>A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.</p>
<p>2.12.5 Withdrawal of motions and amendments</p> <p>Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.</p>
<p>2.12.6 Substituted motion by amendment</p> <p>The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.</p>
<p>2.12.7 Motions in writing</p> <p>For clarity, the Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.</p>
<p>2.12.8 Motion can be taken in parts</p> <p>The Chairperson or any member may require a motion expressed in parts to be decided part by part.</p>
<p>2.12.9 Amendment once moved</p> <p>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.</p> <p>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.</p>
<p>2.12.10 Further amendments</p> <p>No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.</p>
<p>2.12.11 Where amendment lost</p> <p>Where an amendment is lost, another may be moved and seconded by any member who has not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.</p>

<p>2.12.12 Where amendment carried</p> <p>Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.</p>
<p>2.12.13 Amendments relevant</p> <p>Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.</p>
<p>2.12.14 Direct negatives not allowed</p> <p>No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.</p>
<p>2.12.15 Procedure until resolution</p> <p>The procedures in standing orders 2.12.9 and 2.12.10 must be repeated until a resolution is adopted.</p>
<p>2.12.16 Flow chart of motions and amendments</p> <p>A flow chart illustrating the process regarding motions and amendments is included in these standing orders as Appendix 3.</p>
<p>2.13. COMMENT SECTION</p>
<p>2.13.1 No questions in comment section</p> <p>Once a motion has been moved and seconded, the Chairperson will open the debate up for members' comment.</p> <p>No questions can be asked during comment section except with the discretion of the Chairperson</p>
<p>2.13.2 Speaking only to relevant matters</p> <p>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.</p>
<p>2.13.3 Limitation on speakers</p> <p>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 no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the Chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.</p>

2.13.4 Time limits on speakers

The following time limits apply to members speaking at Council and committee meetings, unless extended by a majority vote of members present:

- a. Movers of motions when speaking to the motion, five minutes;
- b. Movers of motions, when exercising their right of reply, five minutes;
- c. Other members, not more than five minutes.

2.13.5 Members may speak only once

A member may not speak more than once to a motion, at a meeting of the Council.

Members may speak more than once to a motion at a committee or subcommittee meeting with the Chairperson's permission.

2.13.6 Restating of motion

Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

2.13.7 Right of reply

The mover of an original motion or an amendment has a right of reply. 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.

Movers of an amendment must use their right of reply before the amendment is voted on.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply.

If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

2.13.8 When right of reply may be exercised

The right of reply is governed as follows:

- a. Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- b. If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see standing order 2.13.7), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

<p>2.13.9 No speakers after reply or motion has been put</p> <p>Members may not speak on any motion once the mover has commenced replying or where the chairperson has commenced putting the motion.</p>
<p>2.13.10 Personal explanation</p> <p>Notwithstanding standing order 2.13.5, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.</p>
<p>2.13.11 Explanation of previous speech</p> <p>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.</p>
<p>2.14. PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE</p>
<p>2.14.1 Members may move procedural motions to terminate or adjourn debate</p> <p>Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:</p> <ul style="list-style-type: none"> a. That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or b. That the item of business being discussed be adjourned to a time and place to be stated; or c. That the motion under debate be now put (a closure motion); or d. That the meeting move directly to the next business, superseding the item under discussion; or e. That the item of business being discussed lie on the table, and not be further discussed at that meeting; or f. That the item of business being discussed be referred (or referred back) to the relevant Council committee
<p>2.14.2 Chairperson's acceptance of closure motions</p> <p>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.</p> <p>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.</p>

<p>2.14.3 Procedural motions must be taken immediately</p> <p>A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply.</p> <p>If the procedural motion is seconded the Chairperson must put it to the vote immediately following an explanation from the mover, without discussion or debate.</p> <p>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.</p>
<p>2.14.4 Voting on procedural motions</p> <p>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.</p>
<p>2.14.5 Debate on items previously adjourned</p> <p>The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate.</p>
<p>2.14.6 Adjourned items taken first</p> <p>Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.</p>
<p>2.14.7 Remaining business at adjourned meetings</p> <p>Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.</p>
<p>2.14.8 Referral or referred back to committee</p> <p>Business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.</p>
<p>2.14.9 Table of procedural motions</p> <p>A table of procedural motions is included in these standing orders as Appendix 4.</p>
<p>2.15. PROCEDURAL MOTION TO WITHDRAW CHAIRPERSON'S RULING</p>
<p>2.15.1 Interpretation</p> <p>In standing orders 2.15.2 to 2.15.8, 'chairperson' means any person (including the Mayor) presiding at a Council; committee or subcommittee meeting.</p>
<p>2.15.2 Who may move procedural motion</p> <p>Any member may move the procedural motion for the ruling of the Chairperson to be withdrawn, but not so as to interrupt a member speaking.</p>

<p>2.15.3 When procedural motion may be moved</p> <p>The procedural motion to withdraw the chairperson's ruling may only be moved immediately after the chairperson has given a ruling. Such a ruling will usually have been given under standing orders 2.1.2, 2.13.2, or 2.16.6.</p>
<p>2.15.4 Procedural motion to be seconded</p> <p>The procedural motion to withdraw the Chairperson's ruling must be seconded.</p>
<p>2.15.5 Speaking to procedural motion</p> <p>Only the mover and seconder of the procedural motion to withdraw the chairperson's ruling motion may speak to it, after which the Chairperson may reply.</p>
<p>2.15.6 Voting on procedural motion</p> <p>After the permitted speakers have spoken or have elected not to speak, the motion must be put to the vote without further debate in the form "That the Chairperson's ruling be withdrawn, and a new ruling substituted."</p>
<p>2.15.7 Chairperson voting on procedural motion</p> <p>For the purposes of voting on the procedural motion to withdraw the Chairperson's ruling, the Chairperson has a deliberative vote but, in the case of an equality of votes, does not have a casting vote (and therefore the procedural motion is defeated and the original ruling given by the Chairperson is preserved).</p>
<p>2.15.8 Chairperson to give different ruling</p> <p>If the motion to withdraw the Chairperson's ruling has been carried, the original ruling given by the Chairperson is withdrawn and the Chairperson must give a new ruling which better reflects the will of the meeting.</p>
<p>2.16. POINTS OF ORDER</p>
<p>2.16.1 Members may raise a point of order</p> <p>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).</p>
<p>2.16.2 Stating subject matter of point of order</p> <p>The member must state without explanation precisely the subject matter of the point of order.</p>
<p>2.16.3 Points of order during division</p> <p>No point of order may be raised during a division except by the permission of the Chairperson.</p>

<p>2.16.4 Types of points of order</p> <p>The following are recognised as substance for points of order:</p> <ul style="list-style-type: none"> a. Where disorder is drawn to the attention of the Chairperson; or b. Use of disrespectful, offensive or malicious language; or c. Discussion of a question not before the Council or committee; or d. Misrepresentation of any statement made by a member or by an officer or employee of the Council; or e. The breach of any standing order.
<p>2.16.5 Contradiction or difference of opinion not a point of order</p> <p>Expressing a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.</p>
<p>2.16.6 Chairperson's decision on points of order</p> <p>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.</p>
<p>2.17. VOTING</p>
<p>2.17.1 Decisions by majority vote</p> <p>Unless otherwise provided for in the LGA, other legislation or standing orders, the acts of and questions before a Council or committee must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.</p> <p>LGA 2002, Schedule 7, cl. 24(1)</p>
<p>2.17.2 Chairperson's voting</p> <p>For the purposes of [Standing Order 3.5.2], the Mayor or Chairperson or other person presiding at the meeting-</p> <ul style="list-style-type: none"> a. has a deliberative vote; and b. in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). <p>LGA 2002, Schedule 7, cl. 24(2)</p>
<p>2.17.3 Application of standing orders 2.17.1 and 2.17.2</p> <p>Standing orders 2.17.1 and 2.17.2 applies unless -</p> <ul style="list-style-type: none"> a. the LGA provides otherwise; or b. the standing orders of the Council expressly provides otherwise.

LGA 2002, Schedule 7, cl. 24(4)
<p>2.17.4 Open voting</p> <p>An act or question coming before the Council or committee must be done or decided by open voting.</p> <p>LGA 2002, Schedule 7, cl. 24(3)</p>
<p>2.17.5 Members may abstain</p> <p>Any member may have their vote recorded as an abstention.</p>
<p>2.17.6 Members may have their votes recorded</p> <p>Any member's vote must be recorded in the minutes if requested by that member.</p>
<p>2.17.7 Method of voting</p> <p>The method of voting must be as follows:</p> <ul style="list-style-type: none"> a. The Chairperson in putting the motion will 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, will be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson must call a division. b. The Chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands. 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 displayed will be notified to the Chairperson who must declare the result.
<p>2.17.8 Division</p> <p>When a division is called, the Chief Executive must take down the names of the members voting for and against the motion and abstentions. The result of the division must be declared by the Chairperson and entered into the minutes.</p>
<p>2.17.9 Second division</p> <p>The Chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.</p>
2.18. PRESENTATION OF COMMITTEE RECOMMENDATIONS
<p>2.18.1 Committee recommendations to be referred to Council</p> <p>All recommendations of committee meetings will be referred to the Council, which may resolve to adopt, amend, receive, note or not adopt any such recommendations.</p>
<p>2.18.2 Presentation of committee recommendations</p> <p>At any Council meeting, the Chairperson (or in their absence a member) of any committee, when called upon by the Chairperson of the Council to present the</p>

<p>recommendations of the committee to the Council, will do so by announcing the name of the committee and the date of the meeting, and will thereupon move that the recommendations be adopted or otherwise dealt with. The Chairperson or in their absence the Deputy Chairperson may briefly speak to the recommendations and answer any questions. The Chairperson of the Council may direct that the recommendations be dealt with clause by clause and any Councillor may require that one or more clauses to be dealt with and voted on separately.</p>
<p>2.18.3 Decisions made under delegated authority cannot be rescinded or amended</p> <p>Nothing in these standing orders allows a Council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision</p> <p>LGA 2002, Schedule 7, cl. 30(6)</p>
<p>2.18.4 Subcommittee recommendations</p> <p>All recommendations of meetings of subcommittees must be referred to the specified committee, which will consider the recommendations in the same manner as if the committee were the Council, but noting that final authority for adopting recommendations from any subcommittee rests with the Council unless the Council has delegated authority to the specified committee to make a final decision.</p>
<p>2.19. PUBLIC PARTICIPATION AT MEETINGS</p>
<p>2.19.1 Introduction</p> <p>Council offers several ways that members of the public can participate in Council or committee meeting. These include</p> <ul style="list-style-type: none"> • Presentations • Petitions • Public Comment (committees only)
<p>2.19.2 Provision for tikanga when speaking at Committees or Council</p> <p>A maximum of three minutes will be allowed for tikanga to be enacted before specific time limit protocols begin at presentations, petition, submission or public comment (committees only). An extension of this time is allowed at the discretion of the Chairperson.</p>
<p>2.19.3 Provision for inclusivity of all cultures when speaking at Committees or Council</p> <p>A maximum of three minutes will be allowed for expressions of cultural identity or custom, as determined by the individual or group speaking or presenting, before specific time limit protocols begin at presentation, petition, submission or public comment (committees only). hearings and submissions. An extension of this time is allowed at the discretion of the Chairperson.</p>
<p>2.19.4 Language of Presentation or Petition</p> <p>A presentation or petition to Council or any of its committees, may be made in English, te reo Māori or New Zealand Sign language. Prior arrangement with the Chairperson should be sought at least three working days before the meeting if the address is not in English.</p>

The Chairperson may order that any speech or document presented be translated and/or printed in another language.
<p>2.19.5 Urgency or major public interest</p> <p>Notwithstanding standing orders 2.20.1 and 2.21.1 where in the opinion of the Chairperson the matter which is the subject of a presentation or a petition is one of urgency or major public interest, the Chairperson may determine that the presentation be received.</p>
<p>2.19.6 Restrictions</p> <p>The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:</p> <ul style="list-style-type: none"> • A speaker is repeating views presented by an earlier speaker at the same public forum; • The speaker is criticising elected members and/or staff; • The speaker is being repetitious, disrespectful or offensive; • The speaker has previously spoken on the same issue; • The matter is subject to legal proceedings; • The matter is subject to a hearing, including the hearing of submissions where the Council or committee sits in a quasi-judicial capacity.
2.20. PRESENTATIONS
<p>2.20.1 Presentations</p> <p>The purpose of a presentation is to enable a person, group or organisation to speak to a meeting on a matter or matters covered by that meeting's terms of reference. Presentations must be approved by the Chairperson and the Chief Executive, at least seven working days before the meeting. Presentations may be heard at a time determined by the Chairperson.</p>
<p>2.20.2 Procedures for presentations</p> <p>Except with the approval of the Council or committee, not more than two members of a presentation may address the meeting. After the presentation, members may, with the permission of the Chairperson ask any question pertinent to the subject heard.</p> <p>No member may express an opinion or discuss the subject, until the presentation has finished making its submission and answering questions. (see standing order 2.6.2 regarding qualified privilege).</p>
<p>2.20.3 Time limit on Presentations</p> <p>Unless the Chairperson determines otherwise in any particular case, a limit of 10 minutes applies per presentation. Speaker's introductions or mihis will not be included in the time limit.</p>

Questions can follow at the discretion of the chairperson.
2.21. PETITIONS
<p>2.21.1 Form of petitions</p> <p>Petitions may be presented to the Council or any of its committees, as long as the subject matter falls within the terms of reference of the intended meeting.</p> <p>Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chief Executive at least seven working days before the date of the meeting at which they will be presented.</p> <p>Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 2.6.2 on qualified privilege).</p>
<p>2.21.2 Petition presented by member</p> <p>Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:</p> <ul style="list-style-type: none"> a. The petition; b. The petitioners' statement; and c. The number of signatures.
<p>2.21.3 Petition where presented by petitioner</p> <p>Where a petition is presented by a petitioner, unless Council or committee determines otherwise, a limit of 10 minutes (excluding questions) is placed on that person (see standing orders 2.6.1 and 2.6.2 regarding qualified privilege).</p> <p>If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson will terminate the presentation of the petition.</p>
2.22. PUBLIC COMMENT
<p>2.22.1 Application of public comment</p> <p>Standing orders 2.22.2 to 2.22.7 will apply only to those committees and subcommittees that adopt the above procedures.</p> <p>This order does not apply to meetings of the Council.</p>
<p>2.22.2 Period for public comment</p> <p>A period of up to 30 minutes may be set aside at the commencement of each ordinary committee meeting for public comment, immediately following the notification of minor items.</p>

<p>2.22.3 Content of public comment</p> <p>Public comment will be confined to those items appearing on the order paper for the particular meeting concerned, and, if time permits, any other matter that falls within the Committee's terms of reference.</p>
<p>2.22.4 Advice of items on which public comment is intended</p> <p>Persons wishing to make public comment must advise the Chief Executive or Chairperson and must indicate those items or matters upon which comment is intended. Such advice should be given either before the meeting or at the meeting at the commencement of the period set aside for public comment.</p> <p>The Chairperson may determine that any person may not comment at any particular meeting, or that any comment made will be confined to a particular item or matter that falls within the Committee's terms of reference.</p>
<p>2.22.5 Time limit on public comment</p> <p>Each person addressing the meeting may speak for a maximum of three minutes. This time limit may be extended at the discretion of the chairperson for a further three minutes. Each person may address the meeting once only, regardless of whether or not that person wishes to comment on more than one item or matter.</p> <p>Speakers can make any introductions or mihis before the time limit begins.</p>
<p>2.22.6 Questions at public comment</p> <p>At the conclusion of the presentation, with the permission of the Chairperson, members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.</p>
<p>2.22.7 Comment on item not on the agenda</p> <p>Where public comment is made on an item that is not on the order paper, such comment will be received or referred to the Chief Executive or another committee or sub-committee for report.</p>
<p>2.23. MINUTES OF PROCEEDINGS</p>
<p>2.23.1 Minutes to be evidence of proceedings</p> <p>The Council, its committees and subcommittees must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.</p> <p>LGA 2002, Schedule 7, cl. 28</p>
<p>2.23.2 Keeping of minutes</p> <p>The Chief Executive or their designated representative must keep the minutes of meetings of the Council and its committees and subcommittees. The minutes must record</p>

- the date, time and venue of the meeting;
- the names of those members present; identification of the Chairperson;
- apologies tendered and accepted;
- arrival and departure times of members;
- any failure of a quorum;
- a list of speakers making public comment, presentations, petitions, and the topics they cover;
- a list of items considered;
- recommendations, resolutions and amendments pertaining to those items;
- all divisions taken;
- names of any members requesting the recording of their abstentions or votes;
- where an item is moved and seconded and put to the meeting. The outcome of the vote will be recorded in the minutes of the meeting;
- declarations of financial and non-financial interest;
- contempt, censure and removal of any members;
- resolutions to exclude members of the public; and the time that the meeting concludes or adjourns

(see standing orders 2.3.9, 2.9.3, 2.17.1, 2.17.6 and 3.15.3)

2.23.3 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 the Council or committee prior to the next election of members.

2.23.4 Confirmation of minutes of committee and subcommittees

The minutes of every meeting of a committee and subcommittee will be circulated to members and considered at any succeeding meeting of that committee or subcommittee, and, if confirmed by that meeting, or when corrected or amended by that meeting, must be signed by the Chairperson of such succeeding meeting.

2.23.5 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

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

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

LGOIMA 1987, s.51

2.24. REVOCATION OR ALTERATION OF RESOLUTION

2.24.1 Revocation or alteration of resolutions

A notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or committee is to be given to the Chief Executive by the member intending to move such a motion.

Such notice is to set out:

- i. The resolution or part thereof which it is proposed to revoke or alter;
- ii. The meeting date when it was passed; and
- iii. The motion, if any, that is intended to be moved in substitution thereof.

Such notice is to be given to the Chief Executive at least seven working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the Council, including vacancies.

The Chief Executive must then give members at least two working days' notice in writing of the intended motion and of the meeting at which it is proposed to be moved at.

2.24.2 Restriction on action to be taken on previous resolution

Where a notice of motion has been given in terms of standing order 2.24.1, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the Council or committee.

The Chief Executive may ignore a notice of motion, if, in the opinion of the chairperson:

- a. The practical effect of the delay would be equivalent to a revocation of the resolution, or if;
- b. By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Council;

In either case, the Chairperson will inform Council or the committee at the next meeting and explain the reason why the motion was ignored.

2.24.3 Revocation or alteration of resolution at same meeting

If, during the course of a meeting of the Council or a committee, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.

<p>2.24.4 Council may revoke or alter any previous resolution</p> <p>Council may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee or subcommittee, may revoke or alter all or part of resolutions previously passed at meetings. At least two working days' notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.</p> <p>LGA 2002, Schedule 7, cl. 30 (6)</p>
<p>2.25. REPEAT NOTICES OF MOTION</p>
<p>2.25.1 Repeat notices of motion</p> <p>When a motion has been considered and rejected by the Council or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next six months, unless signed by not less than one third of all members, including vacancies.</p> <p>Where a notice of motion has been adopted by the Council or a committee no other notice of motion which, in the opinion of the chairperson has the same effect, may be put while the original motion stands.</p>
<p>2.25.2 Second repeat where notice of motion rejected</p> <p>If such a repeat notice of motion as provided for in standing order 2.25.1 is also rejected by the Council or a committee, 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.</p>

PART 3: CONSTITUTION AND LEGISLATIVE MATTERS
3.1 CONSTITUTION AND LEGISLATIVE MATTERS
<p>3.1.1 Obligation to adopt standing orders</p> <p>A Council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees.</p> <p>LGA 2002, Schedule 7, cl. 27(1) & (2)</p>
<p>3.1.2 Process for adoption and alteration of standing orders</p> <p>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.</p>
<p>3.1.3 Temporary suspension of standing orders</p> <p>The Council or a committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.</p> <p>LGA 2002, Schedule 7, cl. 27(4)</p> <p>A 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.</p> <p>Any member of Council, committee and subcommittee, may move a motion to suspend specified standing orders at a meeting of which they are present. Any such motion must include the reason for the suspension. If seconded, members can seek clarification at the discretion of the Chairperson. At least 75 per cent of the members present and voting must support the motion for it to be carried.</p>
<p>3.1.4 Members must obey standing orders</p> <p>All members of Council, including members of committees and subcommittees, must abide by these standing orders.</p> <p>LGA 2002, Schedule 7, cl. 16(1)</p>
3.2 FIRST MEETING OF THE COUNCIL FOLLOWING ELECTION
<p>3.2.1 First meeting (inaugural)</p> <p>The first meeting of Council following a 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.</p> <p>LGA 2002, Schedule 7, cl. 21(4)</p>

3.2.2 Business to be conducted

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.

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

The business that must be conducted at the meeting must include:

- a. the making and attesting of the declarations required of the Mayor (if any) and members under clause 14 of Schedule 7 of the LGA and
- b. the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 of Schedule 7 of the LGA; and
- 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 LAMIA; and
 - (B) sections 99, 105 and 105A of the Crimes Act 1961; and
 - (C) the Secret Commissions Act 1910; and
 - (D) the Financial Markets Conduct Act 2013; and
- d. the fixing of the date and time of the first [ordinary] meeting of the Council, or the adoption of a schedule of [ordinary] meetings; and
- e. the election of the Deputy Mayor in accordance with clause 17 of Schedule 7 of the LGA.

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

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 prior to the meeting. Nothing limits the Council from removing a Deputy Mayor from office in accordance with cl.18 of Schedule 7 of the LGA.

3.3 CHAIRPERSON OF MEETINGS**3.3.1 Mayor of Council to preside**

The Mayor must preside at each meeting of the Council at which they are present unless the Mayor is absent or vacates the chair for all or part of a meeting.

If the Mayor is absent from a meeting, the Deputy Mayor must preside. If the Deputy Mayor has not been appointed, or is also absent, the members of the Council that are present must elect a member to chair that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the Mayor.

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

3.3.2 Chairperson of committee to preside

The Chairperson of a committee must preside at each meeting of the committee at which they are present unless they are absent or vacate the chair for all or part of a meeting.

If the Chairperson of a committee is absent from a meeting, the Deputy Chairperson of the committee must preside. If a Deputy Chairperson has not been appointed, or is also absent, the members of the committee that are present must elect a member to chair that meeting. This person may exercise at that meeting the responsibilities, duties, and powers of the Chairperson.

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

3.4 QUORUM AT MEETINGS**3.4.1 A quorum to be present throughout meeting**

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.

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

3.4.2 Lapse of Meeting due to a failure of 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.

3.4.3 Minutes to record failure of quorum

If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.4.4 Business from lapsed meetings

The business remaining to be disposed of following a lapsed meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the chairperson and notified by the Chief Executive.

3.4.5 Definition of quorum for Council and committee meeting

The quorum at a meeting of the Council, a committee must consist of

- a. half of the members if the number of members (including vacancies) is even; or
- b. a majority of members if the number of members (including vacancies) is odd.

In the case of a committee, the quorum must also include at least one elected member of the Council.

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

<p>3.4.6 Quorum of a sub committee</p> <p>The quorum at any meeting of a subcommittee must consist of two members (including vacancies) if the number of members is even, and a majority if the number is odd.</p> <p>The quorum must include at least one elected member of the Council.</p>
<p>3.4.7 Quorum of a quasi-judicial committee or sub-committee</p> <p>The quorum for a committee or sub-committee which is conducting a hearing under the RMA or Dog Control Act 1996 will be two members of the committee.</p> <p>In the case of a committee, the quorum must also include at least one elected member of the Council.</p>
<p>3.5 VOTING AT MEETINGS</p>
<p>3.5.1 Decisions by majority vote</p> <p>Unless otherwise provided for in the LGA, other legislation or standing orders, the acts of and questions before Council or a committee must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.</p> <p>(see standing order 2.17.1)</p> <p>LGA 2002, Schedule 7, cl. 24(1)</p>
<p>3.5.2 Chairperson has a deliberative vote and no casting vote</p> <p>The Chairperson or any other person presiding at a meeting has a deliberative vote.</p> <p>In the case of an equality of votes the act or question is defeated and the status quo is preserved.</p> <p>The Chairperson has no casting vote.</p> <p>(See standing order 2.17.2)</p>
<p>3.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS</p>
<p>3.6.1 Elections of Deputy Mayor, Chairpersons and Deputy Chairpersons</p> <p>When electing people to the following positions:</p> <ul style="list-style-type: none"> • The Deputy Mayor; • The Chairperson and Deputy Chairperson of a committee; and • A representative of a local authority. <p>The Council has resolved to use System A for the 2019-2022 triennium.</p> <p>System A –</p> <p>The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the Council or committee who are present and voting; this system has the following characteristics:</p> <p>a. There is a first round of voting for all candidates;</p>

- b. If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- c. If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded;
- d. In any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

LGA 2002, Schedule 7, cl. 25

3.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

3.7.1 Appointment of committees, subcommittees and other subordinate decision-making bodies

The Council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and with the prior approval of the Council, a committee may appoint any subcommittees that it considers appropriate.

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

3.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies

Unless expressly provided for in legislation or regulations, Council may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body.

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

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

3.8 JOINT COMMITTEES

3.8.1 Appointment of joint committees

Council may not appoint a joint committee with another local authority or other public body unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.

The agreement must specify:

- a. the number of members each local authority or public body may appoint to the committee; and
- b. how the Chairperson and Deputy Chairperson of the committee 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 local authority or public body; and

e. how the agreement may be varied.
LGA 2002, Schedule 7, cl. 30A (1) & (2)
<p>3.8.2 Status of joint committees</p> <p>A joint committee is deemed to be both a committee of Council and a committee of each other participating local authority or public body.</p> <p>LGA 2002, Schedule 7, cl. 30A (5)</p>
<p>3.8.3 Power to appoint or discharge individual members of a joint committee</p> <p>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.</p> <p>LGA 2002, Schedule 7, cl. 30A (6)(a)</p>
<p>3.8.4 Quorum of joint committees</p> <p>The quorum at a meeting of a joint committee must be consistent with Standing Order 3.4.5. 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.</p> <p>LGA 2002, Schedule 7, cl. 30A (6)(c)(iii)</p>
3.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES
<p>3.9.1 Appointed members on committees and subcommittees</p> <p>Council may appoint a person who is not a member of the Council to a committee or subcommittee.</p> <p>At least one member of a committee must be an elected member of the Council; and an employee of the Council acting in the course of their employment may not act as a member of any committee unless that committee is a subcommittee.</p> <p>LGA 2002, Schedule 7, cl. 31 (3) & (4)</p>
<p>3.9.2 Appointment or discharge of committee members and subcommittee members</p> <p>Council may appoint or discharge any member of a committee. Unless directed otherwise by Council, a committee may appoint or discharge any member of a subcommittee appointed by the committee.</p> <p>LGA 2002, Schedule 7, cl. 31 (1) & (2)</p>
<p>3.9.3 Council may replace members if committee not discharged</p> <p>If Council resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7) Schedule 7 of the LGA, Council may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.</p>

LGA 2002, Schedule 7, cl. 31(5)
<p>3.9.4 Minimum numbers on committees and subcommittees</p> <p>The minimum number of members is three for a committee and is two for a subcommittee.</p> <p>LGA 2002, Schedule 7, cl. 31(6)</p>
<p>3.9.5 Membership of Mayor</p> <p>The Mayor is a member of each committee of Council unless specific legislation provides otherwise.</p> <p>LGA 2002, cl. 41A (5)</p>
3.10 POWERS OF DELEGATION
<p>3.10.1 Delegations to committees, subcommittees, subordinate decision-making bodies, members and officials</p> <p>Unless expressly provided otherwise in the LGA, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of Council's business, Council may delegate to a committee or other subordinate decision-making body, or member or officer of the Council any of its responsibilities, duties, or powers except:</p> <ul style="list-style-type: none"> a. The power to make a rate; or b. The power to make a bylaw; or c. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or d. The power to adopt a long-term plan, annual plan, or annual report; or e. The power to appoint a Chief Executive; or f. The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or g. Repealed, and h. The power to adopt a remuneration and employment policy. <p>Council may delegate to a committee or other subordinate decision-making body, member or officer of the Council the power to do anything precedent to the exercise by the Council (after consultation with the committee or body or person) of any power or duty specified above.</p> <p>A committee or other subordinate decision-making body, or member or officer of the Council may delegate any of its responsibilities, duties, or powers to a subcommittee, another committee, subordinate decision-making body, or member or officer of the Council; subject to any conditions, limitations or prohibitions imposed by the body that made the original delegations, unless prohibited by law.</p> <p>LGA 2002, Schedule 7, cl. 32 (1)(2) (3)</p> <p>RMA 1991, s34A</p>

<p>3.10.2 Use of delegated powers</p> <p>The committee, subcommittee, other subordinate decision-making body, or member or officer of the Council 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 Council could itself have exercised or performed them.</p> <p>LGA 2002, Schedule 7, cl. 32(2) & (3)(4)</p>
<p>3.10.3 Delegations related to bylaws and other regulatory matters</p> <p>Council may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.</p> <p>LGA 2002, Schedule 7, cl. 32(5)</p>
<p>3.11 GENERAL PROVISIONS AS TO MEETINGS</p>
<p>3.11.1 Public notice – ordinary meetings</p> <p>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.</p> <p>LGOIMA 1987 s.46</p>
<p>3.11.2 Distribution of the agenda</p> <p>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.</p> <p>The Chief Executive will send the agenda, and other materials relating to the meeting or other Council business, to members in the form they request.</p>
<p>3.11.3 Minutes to be evidence of proceedings</p> <p>The Council, its committees and subcommittees must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.</p> <p>cl. 28 Schedule 7, LGA 2002</p>

3.12 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS
<p>3.12.1 Notice to members - ordinary meetings</p> <p>The Council will adopt an annual meeting schedule which may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.</p> <p>LGA 2002, Schedule 7, cl. 19(6)</p>
<p>3.12.2 Meetings not invalid</p> <p>The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where Council becomes aware that a meeting has been incorrectly notified the Chief Executive must, as soon as practicable, give public notice stating:</p> <ul style="list-style-type: none"> • That the meeting occurred without proper notification; • The general nature of the business transacted; and • The reasons why the meeting was not properly notified. <p>LGOIMA 1987, s.46 (6)</p>
<p>3.12.3 Cancellation of scheduled meetings</p> <p>Any scheduled meeting of Council (or any committee or subcommittee meeting of the Council) may be cancelled by the Chief Executive, with the consent of the Chairperson or Deputy Chairperson, if practicable, if there is insufficient business to warrant a meeting, or if there is some other good reason why the scheduled meeting should be cancelled.</p> <p>The Chief Executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reason behind it.</p>
3.13 EXTRAORDINARY AND EMERGENCY MEETINGS
<p>3.13.1 Extraordinary meeting may be called</p> <p>An extraordinary Council or committee meeting may be called by:</p> <ul style="list-style-type: none"> a. Resolution of the Council or committee, or b. A requisition in writing delivered to the Chief Executive which is signed by: <ul style="list-style-type: none"> i. The Mayor or chairperson; or ii. Not less than one third of the total membership of the Council or committee (including vacancies). <p>LGA 2002, Schedule 7, cl. 22(1)</p>
<p>3.13.2 Notice to members - extraordinary meetings</p> <p>The Chief Executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 3.13.1, as well as the general nature of business to</p>

be considered 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, Schedule 7, cl. 22(2)

3.13.3 Emergency meetings may be called

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

- a. The Mayor; or
- b. If the Mayor is unavailable, the Chief Executive.

cl. 22A (1), Schedule7 LGA 2002

3.13.4 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, Schedule 7, cl. 22A (2)

3.13.5 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of Council or Committee is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the Chief Executive 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 Council's website and in any other manner that is reasonable in the circumstances.

3.13.6 Public notice of resolutions of emergency and extraordinary meetings

The Chief Executive must, as soon as practicable, publicly notify any resolution passed at an extraordinary or emergency meeting of the Council or a committee unless:

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

<p>For which the purposes of this section, "resolution" means the resolution on the matter or matters for which the extraordinary meeting was held.</p> <p>LGOIMA 1987, s.51A</p>
<p>3.14 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.</p>
<p>3.14.1 Meetings open to the public</p> <p>Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Council, its committees, subcommittees, must be open to the public.</p> <p>LGOIMA 1987, s.47 & 49(a)</p>
<p>3.14.2 Information to be available to public</p> <p>All information provided to members at Council and committee meetings must be available to the public unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.</p>
<p>3.14.3 Public inspection of agenda</p> <p>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 or Committee relating to that meeting.</p> <p>The agenda:</p> <ul style="list-style-type: none"> a. Must be available for inspection at the public offices of the Council (including service centres), at public libraries under the Council's control and on the Council's website, and: b. Must be accompanied by either: <ul style="list-style-type: none"> i. The associated reports; or ii. A notice specifying the places at which the associated reports may be inspected. <p>LGOIMA 1987, s.46A (1)</p>
<p>3.14.4 Public Excluded Business on the Agenda</p> <p>The Chief Executive must indicate on each agenda the items that they reasonably expect the meeting to discuss with the public excluded.</p> <p>Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item.</p> <p>LGOIMA 1987, s.46A (9)</p>

<p>3.14.5 Agenda to be made available to public who are at meetings</p> <p>Additional copies of the 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 on payment of the prescribed amount (if any).</p>
<p>3.14.6 List of committee members publicly available</p> <p>The members of each such committee are to be named on the relevant agenda. A list with the names of all members of any or each committee will also be available on request to the Chief Executive.</p>
<p>3.14.7 Public entitled to inspect minutes</p> <p>The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.</p>
<p>3.14.8 Requests for minutes of meetings in closed session</p> <p>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 LGOIMA.</p>
<p>3.15 REASONS TO EXCLUDE PUBLIC</p>
<p>3.15.1 Motions and resolutions to exclude the public</p> <p>Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).</p> <p>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:</p> <ul style="list-style-type: none"> a. The general subject of each matter to be excluded; b. The reason for passing the resolution in relation to that matter; and c. The grounds on which the resolution is based. <p>The resolution will form part of the meeting's minutes.</p> <p>LGOIMA 1987, s.48</p>
<p>3.15.2 Specified people may remain</p> <p>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.</p>

<p>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.</p> <p>LGOIMA 1987, s.48 (6)</p>
<p>3.15.3 Release of public excluded information</p> <p>Council may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.</p> <p>Each public excluded meeting must consider by resolution what, if any, information will be released to the public. The Chief Executive may release, at their discretion, any information which has been considered by the Council or any committee with the public excluded.</p> <p>The Chief Executive will report to the subsequent meeting following the release the nature of the information released.</p>
<p>3.16 USE OF PUBLIC EXCLUDED INFORMATION</p>
<p>3.16.1 Public excluded business not to be disclosed</p> <p>Subject to the provisions of LGOIMA, no member or staff is permitted to disclose to any person, other than a member or staff, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.</p>

PART 4: REMOTE PARTICIPATION

4.1 COUNCIL MAY RECORD MEETINGS

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

4.2 RIGHT TO ATTEND BY AUDIO OR AUDIO VISUAL LINK

Provided the conditions in standing orders 4.6 and 4.7 are met members of the Council and its committees (and members of the public wishing to speak if approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

4.3 MEMBER'S STATUS: QUORUM

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

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

4.4 MEMBER'S STATUS: VOTING

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link have full participation rights, with the exception of being counted towards the quorum.

4.5 CHAIRPERSON'S DUTIES

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

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

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

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

4.6 CONDITIONS FOR ATTENDING BY AUDIO OR AUDIO VISUAL LINK

Noting Standing Order 4.7, members have the right to attend meetings by electronic link, with the approval of the Chairperson. Such approval is not to be unreasonably withheld.

At the commencement of a meeting the Chairperson will advise of any decisions made regarding any requests for the remote participation of a member, along with the reason(s) for the decision that the Chairperson has taken.

4.7 REQUEST TO ATTEND BY AUDIO OR AUDIO-VISUAL 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 audio-visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

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

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

4.8 CHAIRPERSON MAY TERMINATE LINK

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

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

4.9 GIVING OR SHOWING A DOCUMENT

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

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

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

4.10 LINK FAILURE

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

4.11 CONFIDENTIALITY

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

4.12 WEBCASTING MEETINGS

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

APPENDIX 1: GROUNDS TO EXCLUDE THE PUBLIC

Council or its committees may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

A1 That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

- a. To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b. To endanger the safety of any person.

A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- a. Protect the privacy of natural persons, including that of deceased natural persons; or
- b. Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

(ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or

- c. Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
- d. Avoid prejudice to measures protecting the health or safety of members of the public; or
- e. Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- f. Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- g. Maintain legal professional privilege; or

- h. Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i. Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- j. Prevent the disclosure or use of official information for improper gain or improper advantage.

See LGOIMA 1987, s.7

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- a. Be contrary to the provisions of a specified enactment; or
- b. Constitute contempt of Court or of the House of Representatives.

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- a. Any proceedings before Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See LGOIMA 1987, s.48

APPENDIX 2: SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

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

1. that the public is excluded from:
 - The whole of the proceedings of this meeting; (deleted if not applicable)
 - The following parts of the proceedings of this meeting, namely; (delete if not applicable)

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

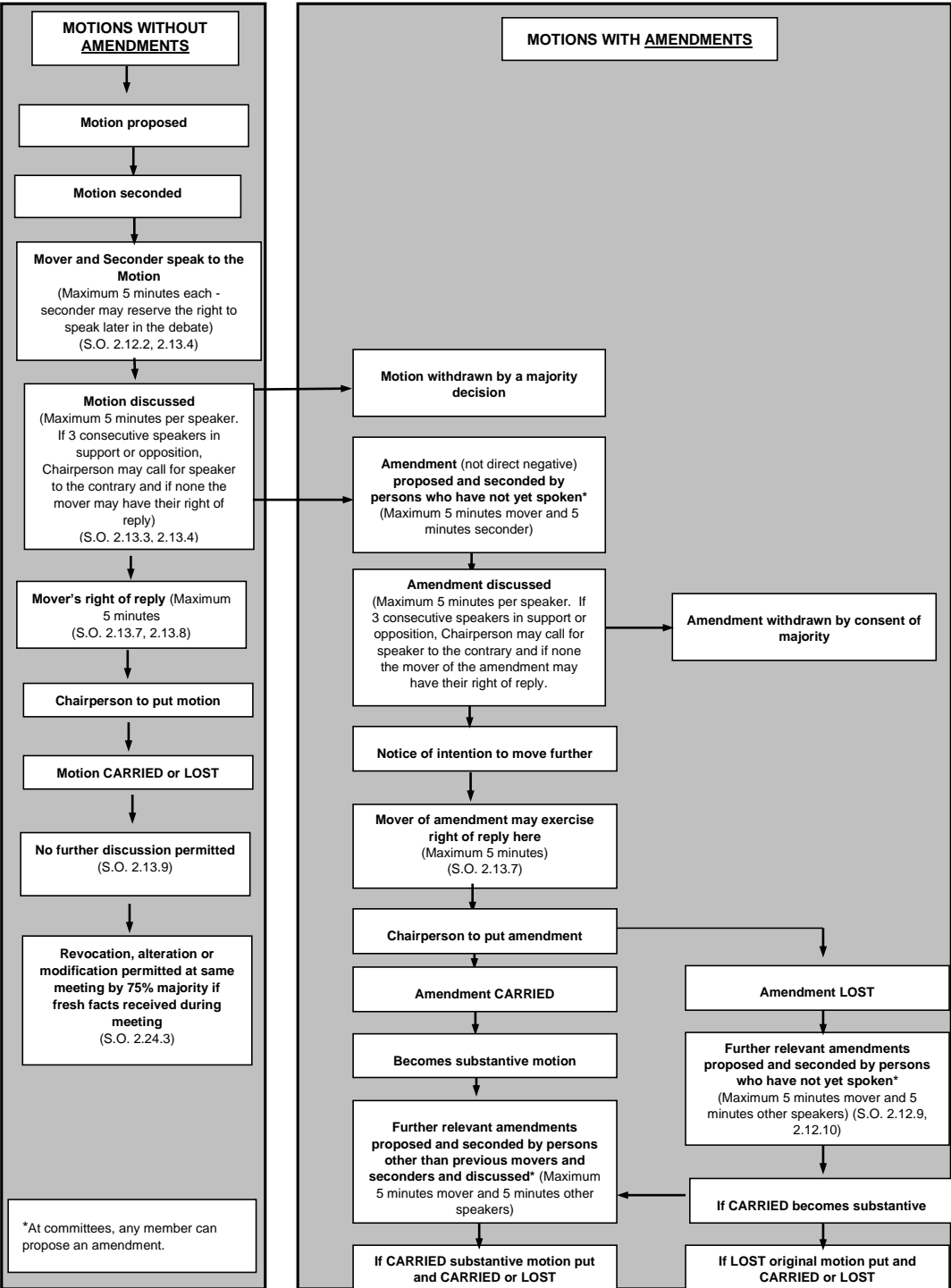
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ol style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives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

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

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

APPENDIX 3: MOTIONS AND AMENDMENTS



APPENDIX 4 TABLE OF PROCEDURAL MOTIONS

Motion	Has the Chair discretion to refuse this Motion?	Is a second 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?	Yes – 15 mins 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 mins	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 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 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	
(c) That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 mins	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

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Is discussion in order?	Are amendments in order?	Is a 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 meeting move directly to the next business, superseding the item under discussion	No	Yes	No	No	No	No	No	Yes – 15 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion procedural motion are adjourned	under debate is put
(e) 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 mins	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(f) That the item of business being discussed be referred to the relevant committee	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 mins	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Is discussion in order?	Are amendments in order?	Is a 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
(g) That the Chairperson's ruling be withdrawn, and a new ruling substituted	No	Yes	Limited to mover, second and Chairperson	No	No	Yes	No	No	Not Applicable	This procedural motion takes precedence.	
(h) Points of order	No – but may rule again if refused	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 2.16

APPENDIX 5: WEBCASTING PROTOCOLS

This list is intended as a good practice guide for the webcasting of Council or Committee meetings.

The default shot will be on the Chairperson or a wide-angle shot of the meeting room.

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.

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.

PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.

Shots unrelated to the proceedings, or not in the public interest, are not permitted.

If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.

Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being recorded.

APPENDIX 6: SUMMARY OF POWERS OF THE CHAIRPERSON

This Appendix is intended to separately set out the chairperson's powers that are contained in various parts of the Standing Orders.

Each heading contains the references to the relevant standing orders, which should be referred to in ascertaining the appropriate procedures.

Topic	Reference (standing order numbers)
Chairperson to decide all questions	2.1.2, 2.15.1 to 2.15.8 & 2.16.6
Chairperson to decide points of order	2.15.1 to 2.15.8 & 2.16.6
Items not on the agenda may be discussed	2.10.1 & 2.10.2
Chairperson's voting	2.17.2 & 3.5.2
Motion in writing	2.12.7
Motion in parts	2.12.8
Refusal of notice of motion	2.7.4 & 2.14.2
Repeat notices of motion	2.25.1 & 2.25.2
Action on previous resolutions	2.24.2
Closure motion	2.14.2
Revocation or alteration of previous resolution	2.24.4
Chairperson may call a meeting	3.13.3, & 3.4.5
Cancellation of scheduled meetings	3.12.3
Apologies at meetings	2.9.1, 2.9.2 & 2.9.3
Speaking only on relevant matters	2.13.2
Explanations	2.13.10 & 2.13.11
Chairperson rising	2.1.3
Members may leave places	2.1.4
Priority of speakers	2.1.5
Minutes	2.18.2, 2.23.1, 2.23.3 & 2.23.4
Questions of speakers	2.11.2, 2.20.2, 2.20.3, 2.21.3 & 2.22.6
Withdrawal of offensive or malicious expressions	2.3.1, 2.3.3 & 2.3.4, 2.3.5 & 2.3.6
Chairperson's rulings	2.1.2 & 3.1.4
Disorderly behaviour	2.3.1, 2.3.5, 2.3.8, 2.3.9, 2.3.10 & 2.4.1
Failure to leave meeting	2.3.5, 2.3.7, 2.3.9, 2.3.10, 2.3.11 & 2.4.2
Adjournment of meeting	2.3.8 & 2.3.11

Presentations	2.19.1- 2.19.6, 2.20.1, 2.20.2, 2.20.3
Petitions	2.19.1- 2.19.6, 2.21.1, & 2.21.3
Public Comment	2.19.1- 2.19.6, 2.22.4, 2.22.5, 2.22.6
Termination of comment	2.19.6

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Palmerston North City Council
Standing Orders
Adopted by Council XX February 2023
Effective from XX February 2023

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;
- Actively encourage and support the expression of tikanga Māori during engagement processes and formal meetings by the Council as a reflection of its bicultural commitment;
- Actively encourage the expression of cultural identity through engagement processes and formal meetings of Council, thereby demonstrating Council's commitment to inclusivity of all parts of our community.
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the Local Government Act 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 s39

References

LGA 2002 Local Government Act 2002

LGOIMA 1987 Local Government Official Information and Meetings Act 1987

LAMIA 1968 Local Authorities (Members' Interests) Act 1968

RMA 1991 Resource Management Act 1991

Contract and Commercial Law Act 2017

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PART 1: GENERAL INTRODUCTION
1.1 SCOPE AND GENERAL
<p>This document sets out standing orders for the conduct of proceedings at meetings of Palmerston North City Council. It incorporates provisions in the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 and will be amended when required.</p> <p>These standing orders are presented in three parts.</p> <p>Part 1 is the general introduction,</p> <p>Part 2 covers meeting procedures, and</p> <p>Part 3 relates to constitutional and legislative matters,</p> <p>Part 3 involves some repetition of Part 2, to ease use and to ensure each part can stand alone without the need for undue cross referencing.</p> <p>For the 2019-2022 <u>2022-2025</u> Council Term, the Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members will apply to the following committees:</p> <ul style="list-style-type: none"> • <u>Community Committee</u> • <u>Culture & Sport Committee</u> • <u>Economic Growth Committee</u> • <u>Risk & Assurance Committee</u> • <u>Strategy & Finance Committee</u> • <u>Sustainability Committee</u> • Finance & Audit Committee • Infrastructure Committee • Planning & Strategy Committee • Arts, Culture & Heritage Committee • Community Development Committee • Economic Development Committee • Environmental Sustainability Committee, and • Play, Recreation & Sport Committee
1.2 STATUTORY REFERENCES
<p>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.</p> <p>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.</p>

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<p>It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made.</p> <p>Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.</p>
1.3 DEFINITIONS
Advisory group means a group of people convened by Council for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups.
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'.
Appointed Member means a member of a Council committee, who is not elected.
Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.
Audio-visual link means facilities that enable audio-visual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.
Briefing means in the context of these standing orders, a gathering of elected or appointed members for the purpose of being updated on matters of importance to the Council at which no decisions are made and no directions are being sought. These standing orders do not apply <u>to Briefing</u> . Briefings may include non-elected members.
Chief Executive means the Chief Executive of Palmerston North City Council appointed under section 42 of the LGA, and includes, for the purposes of these standing orders, any other staff member authorised by the Chief Executive.
Clear working days means the number of working days prescribed in these standing orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.
<p>Committee includes, in relation to Council:</p> <ul style="list-style-type: none"> a. A committee comprising all the members of the Council; b. A standing committee or special committee appointed by Council; c. A joint committee appointed under clause 30 of Schedule 7 of the LGA; and d. Any subcommittee of a committee described in items (a), (b) or (c) of this definition.

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Council means, in the context of these standing orders, either the governing body of Palmerston North City Council or the Palmerston North City Council as defined by section 5 of the LGA.
Karakia Timatanga is a contemplation at the beginning of a gathering which allows the people involved to focus on the matters in hand, in a way that is respectful of each other, and in union with the ancestors and spiritual powers.
Karakia Whakamutunga is an expression of gratitude at the end of a gathering for the contributions of those involved and what has been achieved. It also serves to clear away any ill feeling that may have arisen.
Karanga is a ceremonial call performed by women who are skilled in this art form. Karanga addresses the occasion in which it is performed, including formal pōwhiri (both host, and visitor response), whakanui and other ceremonial gatherings.
Mayor means the Mayor of Palmerston North City Council elected under the Local Electoral Act 2001.
Meeting means any inaugural, ordinary, or extraordinary <u>or emergency</u> meeting of Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Council, as defined by LGOIMA.
Member means any person elected or appointed to the Council or a committee of the Council.
Mihi Whakatau is usually a short welcome to those gathered, acknowledging the environment of the gathering, elders present, groups represented, and the kaupapa of the gathering.
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.
Ordinary meeting means any meeting publicly notified by the Council in accordance with sections 46(1) and (2) LGOIMA.
Petition means a request to Council which contains at least 20 individual signatures and consists of fewer than 150 words (not including signatories).
Pōwhiri is a formal welcome by a host group to a visiting group, adhering to protocol of Tangata Whenua. This will usually involve karanga and oratory. Pōwhiri is usually employed for more formal occasions.
Presentation means a request from any person or group to speak to Council or a committee which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.
Public excluded information means confidential Information which is withheld from the public because it meets the requirements of sections 6 or 7 of LGOIMA.
Public excluded session refers to those meetings or parts of meetings from which the public is excluded by Council or a committee of Council as provided for in LGOIMA.
Public Comment refers to a period set aside usually at the start of a meeting for the purpose of public input.

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Publicly notified means notified to members of the public by notice contained in some newspaper circulating in the district of the Council and on the Council's website and social media platforms.
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. <u>For example, Resource Management Act Hearings, District Licensing Committee meetings (including hearings) and Dog Control hearings.</u>
Quorum means the minimum number of members required to be present to constitute a valid meeting.
<p>Steering Group means a group set up by Council to oversee a project and provide advice as defined in their terms of reference, and to which these standing orders do not apply.</p> <p>A steering group usually meets at key stages during the course of a project and influences strategic decisions. They may consist of members of the Council and non-members.</p>
Tikanga Māori are Māori customary practices or behaviours. The concept is derived from the Māori work 'tika' which means 'appropriate' or 'correct' so, to act in accordance with tikanga is to behave in a way that is culturally appropriate.
Whakanui is an acknowledgement of something important. This could be the beginning or completion of a project, paying tribute to someone who is leaving, or honouring an individual or group for outstanding achievement. In tikanga Māori this might include speeches, waiata, karakia, karanga and possibly a presentation of something special to mark the occasion.
<p>Working day means a day of the week other than:</p> <ol style="list-style-type: none"> Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, <u>Matariki</u> and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday; The day observed as the anniversary of the province of which the area forms a part; and A day in the period commencing with 20 December in any year and ending with 10 January in the following year. <p>Should Council 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.</p>
Working group means a group set up by Council 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 or appointed members for the purpose of considering matters of importance to the Council at which a direction is sought but no decisions are made. These standing orders do not apply. Workshops may include non-elected members.

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1.4 APPLICATION OF STANDING ORDERS
<p>1.4.1. Application of Standing Orders</p> <p>These standing orders extend to the proceedings of all Council meetings and of all committees and sub-committees of Palmerston North City Council, including public excluded sessions.</p> <p>For the removal of any doubt these standing orders do not apply to <u>quasi-judicial proceedings</u>, -workshops, briefings or meetings of working groups and advisory groups.</p>
<p>1.4.2. Quasi-judicial proceedings</p> <p>For quasi-judicial proceedings the Council may amend meeting procedures. For example, committees hearing applications <u>Hearings Panels</u> under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.</p>
<p>1.4.3. Chairperson's Discretion</p> <p>Unless specifically outlined in these Standing Orders, the Chairperson has the discretion to manage the meeting and will determine the acceptable conduct of members and other attendees, as they see fit.</p>
1.5 RIGHTS OF MEMBERS
<p>1.5.1. Rights of Elected Members</p> <p>Elected Members are entitled:</p> <ol style="list-style-type: none"> To receive notices of meetings, agendas and minutes of meetings for all committees and subcommittees, regardless of whether or not they are members of the committee or subcommittee concerned. Such documents to include full details of confidential items. To be present at all meetings of committees and subcommittees (except when 1.5.2 applies), regardless of whether or not they are members of the committee or subcommittee concerned and regardless of whether or not the public are excluded pursuant to the provisions of LGOIMA.
<p>1.5.2. Exception for the Hearings Committee and Panels</p> <p>Elected Members who are not members of the a Hearings Panel Committee have the same right to attend meetings as members of the public, they do not have the right to attend the public excluded session.</p> <p>Only members of the Hearings Committee or a Hearings p <u>Panel</u>s will have speaking and voting rights.</p>
<p>1.5.3. Extension of right to vote to non-committee members</p> <p>Elected Members are entitled to move, second and vote on motions (including procedural motions) before a committee or subcommittee, if present, regardless of whether or not they are members of that committee or subcommittee.</p> <p>Standing order 1.5.3 applies only to those committees and subcommittees which have been approved for this purpose by Council.</p> <p>NOTE: The Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members, apply to the following committees for the 2019-2022 <u>2022-2025</u> term of Council:</p>

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<ul style="list-style-type: none"> • <u>Community Committee</u> • <u>Culture & Sport Committee</u> • <u>Economic Growth Committee</u> • <u>Risk & Assurance Committee</u> • <u>Strategy & Finance Committee</u> • <u>Sustainability Committee</u> • Finance & Audit Committee • Infrastructure Committee • Planning & Strategy Committee • Arts, Culture & Heritage Committee • Community Development Committee • Economic Development Committee • Environmental Sustainability Committee, and • Play, Recreation & Sport Committee
<p>1.5.4. Restrictions on non-committee members</p> <p>Non-committee members are not eligible for appointment as chairperson or deputy chairperson for the committee or subcommittee concerned nor will be counted as part of the quorum of any meeting of that committee or subcommittee.</p>
<p>1.5.5. Rights not extended to Appointed Members</p> <p>The rights given under standing orders 1.5.1 and 1.5.3 do not extend to appointed members of Council committees.</p>
<p>1.6 USE OF INFORMATION</p>
<p>1.6.1. Chief Executive to decide on supply of information</p> <p>Public excluded information required by members in the performance of their particular duties as members must be supplied to them by the Chief Executive. Where the Chief Executive is uncertain that public excluded information should be supplied in any particular case, the matter must be referred to the chairperson for direction.</p>
<p>1.6.2. Information to be used properly</p> <p>No information obtained by any member, including pursuant to standing order 1.6.1, will be used for any purpose other than for the proper discharge of duties as a member.</p> <p><u>Misuse of confidential information can represent a breach of the Code of Conduct.</u></p>
<p>1.6.3. Reporting of information misuse</p> <p>Where the Mayor has reasonable grounds for believing that public excluded information provided to any member has been misused, the Mayor may advise this and any proposed action to the Council.</p>

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PART 2: MEETING PROCEDURES
2.1. CONDUCT OF MEETINGS
2.1.1 Addressing the Chairperson Members will address the Chairperson in a manner that the Chairperson has determined.
2.1.2 Chairperson to decide The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.
2.1.3 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.
2.1.4 Member's right to speak Members granted the right to speak at Council meetings are to stand and address the Chairperson, when able to do so, and may not leave their place while speaking without the leave of the Chairperson. Members may remain seated when speaking at committee or subcommittee meetings.
2.1.5 Chairperson may prioritise speakers When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to: <ol style="list-style-type: none"> Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or Move a motion to terminate or adjourn the debate; and/or Make a point of explanation; and/or Request the Chairperson permit a special request.
2.1.6 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 three 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 three working days before the meeting.

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<p>2.1.7 Meeting duration</p> <p>A meeting cannot continue more than eight hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.</p> <p>No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.</p>
<p>2.1.8 Public may record meetings</p> <p>Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must<u>should</u> 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.</p> <p>Where circumstances require, the chairperson may stop the recording for a period of time.</p>
<p>2.2. SUSPENSION OF STANDING ORDERS</p>
<p>2.2.1 Temporary suspension</p> <p>The Council or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting.</p> <p>The reason for the duration of the suspension and the specific standing order(s) suspended must be stated in the resolution of suspension (see Standing Order 3.1.3).</p> <p>LGA 2002 Schedule 7. Cl.27(4)</p>
<p>2.2.2 Temporary suspension</p> <p>This standing order cannot be used to suspend:</p> <ul style="list-style-type: none"> a. Any standing order that is included in these standing orders as a legal requirement under any Act of Parliament or Statutory Regulation; and b. Standing Order 1.5.3 (Extension of Right to vote to non-committee Members) or any part of that standing order.
<p>2.3. DISORDERLY BEHAVIOUR</p>
<p>2.3.1 Disorderly members to withdraw</p> <p>Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine.</p>
<p>2.3.2 Behaviour consistent with Code of Conduct</p> <p>No member, at any meeting, may act inconsistently with the Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.</p>

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2.3.3 Managing the use of offensive language or disorder during a meeting: Withdraws and apologies

The Chairperson may call upon any member or speaker to withdraw: any offensive or malicious ~~expression~~comment; or whose conduct is disorderly ~~and may require the member to apologise.~~for the expression

Any member who refuses to withdraw the offensive comment or apologise, can be directed by the Chairperson to withdraw from the meeting for a specified time. (2.3.4 and 2.3.5 below)

Any member that refuses to withdraw from the meeting, when directed to by the Chairperson may thereupon, by resolution of the meeting be found ~~found~~guilty of contempt. (2.3.6)

2.3.4 — Withdrawal from meeting

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.

2.3.5 — Disorder in meeting

The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.

2.3.6 — Use of offensive or malicious language

Any member having used offensive or malicious language at a meeting who does not retract or apologise, may thereupon, by resolution of the meeting, be held guilty of contempt.

2.3.7 Members may be held in contempt (added above 2.3.3)

Any member making a disturbance or creating disorder whilst any other member is speaking or at any other time during a meeting and who refuses, when called upon by the Chairperson to desist, may thereupon by resolution of the meeting be held guilty of contempt (see standing order 2.3.9).

2.3.82.3.4 Adjournment of meeting following disorder

Should the disorder of a member continue, the Chairperson has the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting must resume and decide without debate the question as to whether the meeting will proceed or be adjourned.

The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

2.3.92.3.5 Contempt to be recorded in minutes

Every member ~~held found~~ guilty of contempt will be censured by the Chairperson, who may also order them to leave the meeting. Every such contempt, censure and removal must be recorded in the minutes, ~~and, if the meeting so decides, the matter will be referred to the appropriate committee of the Council and treated as a complaint under the Council's Code of Conduct.~~

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2.3.102.3.6 Removal from meeting

A member of the police, or an employee of the Council, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –

- a. refuses or fails to leave the meeting; or
- b. having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson.

LGA 2002, Schedule 7, cl. 16(2)

2.3.112.3.7 Adjournment of meeting by the Chairperson

The Chairperson may adjourn the meeting at any time for any of the following reasons, but not so as to interrupt a member speaking;

- a. Matters of safety or disorder; or
- b. Rest or meal breaks; or
- c. To allow another formal meeting scheduled for the same time to take place; or
- d. any other reason at the discretion of the chairperson.

2.4. MAINTENANCE OF PUBLIC ORDER AT MEETINGS**2.4.1 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.

LGOIMA 1987, s.50(1)

2.4.2 Removal of members of public

If any member of the public who is required in accordance with standing order 2.4.1 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 Council may, at the request of the Chairperson, remove or exclude that member of the public from the meeting.

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2.5. CONFLICTS OF INTEREST
<p>2.5.1 Financial conflicts of interest</p> <p>Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.</p> <p>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.</p> <p>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.</p> <p>The minutes must record any declarations of financial interests and the member's removal from any discussion and voting on the matter.</p> <p>Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed.</p> <p>LAMIA 1968, s.6 & 7</p>
<p>2.5.2 Non-financial conflicts of interest</p> <p>Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a Council or committee could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.</p> <p>Members with a non-financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.</p> <p>The minutes must record the declaration and member's subsequent removal from discussion and voting.</p> <p>Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.</p>
2.6. QUALIFIED PRIVILEGE
<p>2.6.1 Qualified privilege relating to agenda and minutes</p> <p>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.</p> <p>LGOIMA 1987, s.52</p>

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<p>2.6.2 Qualified privilege for meeting proceedings</p> <p>Any oral statement made at any meeting of the Council or a committee in accordance with the rules adopted by Council for guiding its proceedings is privileged, unless the statement is proved by the plaintiff to have been made with ill will or took improper advantage of the occasion of publication.</p> <p>LGOIMA 1987, s.53</p> <p>Note: 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.</p>
<p>2.7. NOTICES OF MOTION</p>
<p>2.7.1 Notices of motion to be in writing</p> <p>Unless standing order 2.12.1 applies, Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least seven working days before such meeting. Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.</p>
<p>2.7.2 Notice of Motion and explanatory statement</p> <p>Such notices of motion must set out the proposed motion, and if practicable, will be accompanied by an explanatory statement setting out reasons for the proposed motion and providing other relevant background information.</p> <p>Notices of Motion may be accompanied by the Chief Executive's response on the agenda.</p>
<p>2.7.3 Order of notices of motion received in writing</p> <p>When more than one such notice of motion relates to the same item on the agenda, the notices of motion will be listed on the agenda in the order in which they were received by the Chief Executive.</p>
<p>2.7.4 Refusal of notice of motion</p> <p>The Chairperson may direct the Chief Executive to refuse to accept any written notice of motion which:</p> <ul style="list-style-type: none"> 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 Council; 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 may make; or d. Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned. <p>Reasons for refusing a notice of motion should be provided to the proposer.</p>
<p>2.7.5 Mover of notice of motion</p> <p>Notices of motion may not proceed in the absence of the mover, unless moved by another member authorised in writing by the mover to do so.</p>

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2.7.6 Alteration of notice of motion
A notice of motion may be altered only by the mover with the consent of the <u>meeting seconder</u> .
2.7.7 When notices of motion lapse
Notices of motion not moved on being called for by the Chairperson, must lapse.
2.7.8 Referral of notices of motion to committees
Any written notice of motion referring to any matter ordinarily dealt with by a committee of the Council may be referred to that committee by the Chief Executive. Where such notices are so referred, the mover of the motion must, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.
2.8. ORDER OF BUSINESS
2.8.1 Preparation of the Agenda and the Order of Business
It is the Chief Executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members. When preparing business items for an agenda the Chief Executive must consult the Chairperson, <u>or person presiding as the chairperson for the meeting</u> . The order of business of the agenda will be determined by the Chairperson.
2.8.2 Elected member's report
Any elected member, by report, has the right to direct the attention of the Council or the relevant committee, to any matter or subject within the role or function of the Council or committee respectively. A report must be provided to the Chief Executive at least seven working days before the date of the meeting.
2.9. APOLOGIES AND LEAVE OF ABSENCE
2.9.1 Apologies at meetings
If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Council or committee. Acceptance of the apology will be deemed to be a granting of leave of absence for that meeting.
2.9.2 Apologies made during the meeting
Apologies made during the meeting must be recorded in the minutes.
2.9.3 Recording of apologies
The Chairperson, at each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. All apologies must be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

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2.9.4 Leave of absence

Council may grant a member leave of absence following an application from that member. The Council ~~may~~ has delegated the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The Mayor will formally ~~advise~~ announce to the Council ~~announcing~~ whether a member has been granted leave of absence under delegated authority, which will be recorded in the minutes.

2.9.5 Absence without leave

Where a member is absent from four consecutive meetings of the Council, 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, Schedule 7, cl. 5(d)

2.10. ADDITIONAL ITEMS**2.10.1 Late Items not on the agenda may be discussed**

An item that is not on the agenda for a meeting may be dealt with at the meeting if:

- a. The Council or Committee by resolution so decides; and
- b. The Chairperson explains at the meeting at a time when it is open to the public:
 - i. the reason why the item is not on the agenda; and
 - ii. the reason why the discussion of the item cannot be delayed until a subsequent meeting.

LGOIMA 1987, s. 46A (7)

2.10.2 Discussion of minor matters not on the agenda

Where an item is not on the agenda for a meeting, that item may be discussed at that meeting if:

- a. That item is a minor matter relating to the general business of the Council or a committee; and
- b. 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 the meeting; but

no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the Council or committee for further discussion

LGOIMA 1987, s. 46A(7A)

2.11. RULES OF DEBATE**2.11.1 General Structure of Debate**

The structure of debate is as follows:

- Officer's presentation
- Questions to officer
- Motion moved and seconded
- Mover speaks

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<ul style="list-style-type: none"> • Secunder speaks • Members' comment • Amendments (if any) • Mover of Amendment(s) right of reply • Mover's right of reply • Vote
<p>2.11.2 Questions to officers during a meeting</p> <p>Following an officer's presentation, members may ask any relevant questions to officers that assist them in understanding the issues of the report.</p> <p>Questions to officers must be directed through the Chairperson. Questions cannot be asked Once a motion has been moved and seconded, <u>only clarifying questions may be asked at the discretion of the Chairperson (see 2.13.1)-</u></p>
<p>2.12. MOTIONS AND AMENDMENTS</p>
<p><u>2.12.1 Options for speaking and moving motions and amendments</u></p> <p><u>This subsection outlines the two options for speaking and moving motions and amendments at a meeting of Council, its committees and subcommittees.</u></p> <p><u>Option A applies to all Council meetings, unless, at the beginning of a meeting, the meeting resolves [by simple majority] to adopt Option C for the meeting generally, or for any specified items on the agenda.</u></p> <p><u>Option C applies to all Committee and sub-committee meetings.</u></p>
<p><u>2.12.2 Option A – Moving motions and amendments at Council</u></p> <ul style="list-style-type: none"> • <u>The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).</u> • <u>Only members who have not spoken to the original, or substituted, motion may move or second an amendment to it.</u> • <u>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.</u> • <u>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.</u> • <u>The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.</u>
<p><u>2.12.3 Option C Moving Motions and amendments at Committees</u></p> <ul style="list-style-type: none"> • <u>The mover and seconder of a motion can move or second an amendment.</u>

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

2.12.4 ~~Oral notices of~~ Moving a motion ~~moved~~ during a meeting

At any meeting of the Council, or a committee or subcommittee, any member may move a motion ~~give an oral notice of motion~~ at any time (so as not to interrupt another member speaking) if the subject matter of the ~~notice of~~ motion is on the agenda for the meeting or is relevant to any matter being considered at that meeting. ~~In such cases, standing orders 2.7.5 to 2.7.7 inclusive will apply.~~

2.12.5 Speaking rights of Movers of motions

The mover of the original motion can speak once to the principal motion and once to each amendment of that motion.

The Mover of the original motion also has a right of reply.

2.12.6 Proposing and seconding motions and amendments

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

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

Alterations to motions or amendments must have the approval of both the mover and seconder.

2.12.7 Secunder may reserve speech

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

2.12.8 Withdrawal of motions and amendments

Once motions or amendments have been seconded and put to the meeting by the Chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

2.12.9 Substituted motion by amendment

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

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2.12.10 Motions and amendments in writing

For clarity, the Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.

2.12.11 Motion can be taken in parts

The Chairperson or any member may require a motion expressed in parts to be decided part by part.

~~2.12.12 Amendment once moved~~ Covered in 2.12.2 and 2.12.3 above (former 2.12.9)

~~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.~~

~~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.~~

~~2.12.13~~ 2.12.12 Further Managing amendments (former 2.12.10)

~~Only one amendment will be considered at a time,~~ although members may notify the chairperson of their intention to move further amendments and the tenor of their content.

~~No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.~~

~~The process of moving amendments must be repeated until a resolution is adopted.~~

~~2.12.14 Where amendment lost~~ Covered in 2.12.2 and 2.12.3 above (former 2.12.11)

~~Where an amendment is lost, another may be moved and seconded by any member who has not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.~~

~~2.12.15 Where amendment carried~~ Covered in 2.12.2 and 2.12.3 above (former 2.12.12)

~~Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.~~

~~2.12.16~~ 2.12.13 Amendments relevant

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

~~2.12.17~~ 2.12.14 Direct negatives not allowed

No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

~~2.12.18 Procedure until resolution~~

~~The procedures in standing orders 2.12.9 and 2.12.10 The process of moving amendments must be repeated until a resolution is adopted.~~

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<p>2.12.2.12.15 Flow chart of motions and amendments</p> <p>A flow chart illustrating the process regarding motions and amendments is included in these standing orders as Appendix 3.</p>
<p>2.13. COMMENT SECTION</p>
<p>2.13.1 Clarifying questions in comment section</p> <p>Once a motion has been moved and seconded, the Chairperson will open the debate up for members' comment.</p> <p><u>In general, no further questions can be asked during the comment section, except:</u></p> <ul style="list-style-type: none"> • <u>to seek clarification of another member's comment, or</u> • <u>to clarify with Council staff the possible implications of a proposed amendment or substitute motion (before it is voted on).</u> <p><u>Questions can only be asked as the discretion of the Chair.</u></p> <p>No questions can be asked during comment section except with the discretion of the Chairperson</p>
<p>2.13.2 Speaking only to relevant matters</p> <p>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.</p>
<p>2.13.3 Limitation on speakers</p> <p>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 no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the Chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.</p>
<p>2.13.4 Time limits on speakers</p> <p>The following time limits apply to members speaking at Council and committee meetings, unless extended by a majority vote of members present:</p> <ol style="list-style-type: none"> Movers of motions when speaking to the motion, five minutes; Movers of motions, when exercising their right of reply, five minutes; Other members, not more than five minutes. <p>(see standing order 2.20.3)</p>
<p>2.13.5 Members may speak only once</p> <p>A member may not speak more than once to a motion at a meeting of the Council.</p>

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Members may speak more than once to a motion at a committee or subcommittee meeting with the Chairperson's permission.

2.13.6 Re-stating of motion

Members may request the Chairperson to re-state the motion for their information at any time during the debate, but not so as to interrupt.

2.13.7 Right of reply of movers of motions or amendments

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

Movers of an amendment must use their right of reply before the amendment is voted on.

A mover's right of reply can only be used once. However, the original mover may reserve their right of reply and speak once to the original motion and once to each amendment without losing that right of reply.

It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

~~However, the original mover may reserve their right of reply and speak once to the original motion and once to each amendment without losing that right of reply.~~

~~If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.~~ (moved to 2.13.8)

2.13.8 When right of reply may be exercised

The right of reply is governed as follows:

- a. Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- b. If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see standing order 2.13.7), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

~~b-c. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.~~

2.13.9 No speakers after reply or motion or amendment has been put

Members may not speak on any motion or amendment once the mover has commenced replying or where the chairperson has ~~commenced~~requested a vote. ~~putting the motion.~~

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<p>2.13.10 Personal explanation</p> <p>Notwithstanding standing order 2.13.5, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.</p>
<p>2.13.11 Explanation of previous speech</p> <p>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.</p>
<p>2.14. PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE</p>
<p>2.14.1 Members may move procedural motions to terminate or adjourn debate</p> <p>Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:</p> <ol style="list-style-type: none"> That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or That the item of business being discussed be adjourned to a time and place to be stated; or That the motion under debate be now put (a closure motion); or That the meeting move directly to the next item of business, superseding the item under discussion; or That the item of business being discussed lie on the table, and not be further discussed at that meeting; or That the item of business being discussed be referred (or referred back) to the relevant Council committee
<p>2.14.2 Chairperson's acceptance of closure motions</p> <p>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. The Chairperson must put a closure motion if there are no further speakers in the debate.</p> <p>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.</p>
<p>2.14.3 Procedural motions must be taken immediately</p> <p>A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply.</p> <p>If the procedural motion is seconded the Chairperson must put it to the vote immediately following an explanation from the mover, without discussion or debate.</p> <p>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.</p>

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2.14.4 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.
2.14.5 Debate on items previously adjourned
The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate.
2.14.6 Adjourned items taken first
Adjourned items of business are to be taken first at the subsequent meeting. in the class order of business to which they belong.
2.14.7 Remaining business at adjourned meetings
Where a resolution is made to a meeting, the any remaining business will be considered at the next meeting.
2.14.8 Referral or referred back to committee
Business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.
2.14.9 Table of procedural motions
A table of procedural motions is included in these standing orders as Appendix 4.
2.15. PROCEDURAL MOTION TO WITHDRAW CHAIRPERSON'S RULING
2.15.1 Interpretation
In standing orders 2.15.2 to 2.15.8, 'chairperson' means any person (including the Mayor) presiding at a Council; committee or subcommittee meeting.
2.15.2 Who may move procedural motion
Any member may move the procedural motion for the ruling of the Chairperson to be withdrawn, but not so as to interrupt a member speaking.
2.15.3 When procedural motion may be moved
The procedural motion to withdraw the chairperson's ruling may only be moved immediately after the chairperson has given a ruling. Such a ruling will usually have been given under standing orders 2.1.2, 2.13.2, or 2.16.6.
2.15.4 Procedural motion to be seconded
The procedural motion to withdraw the Chairperson's ruling must be seconded.

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<p>2.15.5 Speaking to procedural motion</p> <p>Only the mover and seconder of the procedural motion to withdraw the chairperson's ruling motion may speak to it, after which the Chairperson may reply.</p>
<p>2.15.6 Voting on procedural motion</p> <p>After the permitted speakers have spoken or have elected not to speak, the motion must be put to the vote without further debate in the form "That the Chairperson's ruling be withdrawn, and a new ruling substituted."</p>
<p>2.15.7 Chairperson voting on procedural motion</p> <p>For the purposes of voting on the procedural motion to withdraw the Chairperson's ruling, the Chairperson has a deliberative vote but, in the case of an equality of votes, does not have a casting vote (and therefore the procedural motion is defeated and the original ruling given by the Chairperson is preserved).</p>
<p>2.15.8 Chairperson to give different ruling</p> <p>If the motion to withdraw the Chairperson's ruling has been carried, the original ruling given by the Chairperson is withdrawn and the Chairperson must give a new ruling which better reflects the will of the meeting.</p>
<p>2.16. POINTS OF ORDER</p>
<p>2.16.1 Members may raise a point of order</p> <p>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).</p>
<p>2.16.2 Stating subject matter of point of order</p> <p>The member must state without explanation precisely the subject matter of the point of order.</p>
<p>2.16.3 Points of order during division</p> <p>No point of order may be raised during a division except by the permission of the Chairperson.</p>
<p>2.16.4 Types of points of order</p> <p>The following are recognised as substance for points of order:</p> <ul style="list-style-type: none"> a. Where disorder is drawn to the attention of the Chairperson; or b. Use of disrespectful, offensive or malicious language; or c. Discussion of a question not before the Council; or d. Misrepresentation of any statement made by a member or by Council staff or e. The breach of any standing order.

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<p>2.16.5 Contradiction or difference of opinion not a point of order</p> <p>Expressing a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.</p>
<p>2.16.6 Chairperson's decision on points of order</p> <p>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.</p>
<p>2.17. VOTING</p>
<p>2.17.1 Decisions by majority vote</p> <p>Unless otherwise provided for in the LGA, other legislation or standing orders, the acts of and questions before a Council or committee must be decided at a meeting through a vote exercised by the majority of members that are present and voting.</p> <p>LGA 2002, Schedule 7, cl. 24(1)</p>
<p>2.17.2 Chairperson's voting</p> <p>For the purposes of [Standing Order 3.5.2], the Mayor or Chairperson or other person presiding at the meeting-</p> <ul style="list-style-type: none"> a. has a deliberative vote; and b. in the case of an equality of votes, does not have a casting vote. (and therefore the act or question is defeated and the status quo is preserved). <p>LGA 2002, Schedule 7, cl. 24(2)</p>
<p>2.17.3 Application of Standing Orders 2.17.1 and 2.17.2</p> <p>Standing orders 2.17.1 and 2.17.2 applies unless -</p> <ul style="list-style-type: none"> a. the LGA provides otherwise; or b. these standing orders expressly provide otherwise. <p>LGA 2002, Schedule 7, cl. 24(4)</p>
<p>2.17.4 Open voting</p> <p>An act or question coming before the Council must be done or decided by open voting.</p> <p>LGA 2002, Schedule 7, cl. 24(3)</p>
<p>2.17.5 Members may abstain</p> <p>Any member may have their vote recorded as an abstention.</p>
<p>2.17.6 Members may have their votes recorded</p> <p>Any member's vote must be recorded in the minutes if requested by that member.</p>

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2.17.7 Method of voting

The method of voting must be as follows:

- a. The Chairperson in putting the motion will 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, will be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson must call a division.
- b. The Chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.
- 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 displayed will be notified to the Chairperson who must declare the result.

2.17.8 Division

When a division is called, the Chief Executive must take down the names of the members voting for and against the motion and abstentions. The result of the division must be declared by the Chairperson and entered into the minutes.

2.17.9 Second division

The Chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

2.18. PRESENTATION OF COMMITTEE RECOMMENDATIONS**2.18.1 Committee recommendations to be referred to Council**

All recommendations of committee meetings will be referred to the Council, which may resolve to adopt, amend, receive, note or not adopt any such recommendations.

2.18.2 Presentation of committee recommendations

At any Council meeting, the Chairperson (or in their absence) a member of the committee, when called upon by the Chairperson of the Council to present the recommendations of the committee to the Council, will do so by announcing the name of the committee and the date of the meeting, and will thereupon move that the recommendations be adopted or otherwise dealt with. ~~The Chairperson or in their absence,~~ the member presenting the recommendations may briefly speak to the recommendations and answer any questions.

The Chairperson of the Council will read out the ~~re~~recommendations before they are voted on.

Any member may request that one or more clauses be dealt with and voted on separately.

2.18.3 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows ~~a~~ Council, a committee ~~and or~~ a 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.

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

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<p>2.18.4 Sub-Committee recommendations</p> <p>All recommendations of meetings of sub-committees must be referred to the specified committee, which will consider the recommendations in the same manner as if the committee were the Council, but noting that final authority for adopting recommendations from any subcommittee rests with the Council unless the Council has delegated authority to the specified committee to make a final decision.</p>
<p>2.19. PUBLIC PARTICIPATION AT MEETINGS</p>
<p>2.19.1 Introduction</p> <p>Council offers several ways that members of the public can participate in Council or committee meetings. These include:</p> <ul style="list-style-type: none"> • Presentations • Petitions • Public Comment (committees only)
<p>2.19.2 Provision for tikanga when speaking at Committees or Council</p> <p>A maximum of three minutes will be allowed for tikanga to be enacted before specific time limit protocols begin at presentations, petitions, <u>hearing of submissions</u> or public comment-(committees only). An extension of this time is allowed at the discretion of the Chairperson.</p>
<p>2.19.3 Provision for inclusivity of all cultures when speaking at Committees or Council</p> <p>A maximum of three minutes will be allowed for expressions of cultural identity or custom, (as determined by the individual or group speaking)<u>or presenting to be enacted</u>, before specific time limit protocols begin at presentations, petitions, hearing of submissions or public comments-(committees only). hearings and submissions. An extension of this time is allowed at the discretion of the Chairperson.</p>
<p>2.19.4 Language of <u>Public Address to Council or Committees</u> Presentation or Petition</p> <p>A presentation or petition to Council or any of its committees, <u>Any public address to Council or committees</u> may be made in English, te reo Māori or New Zealand Sign language. Prior arrangement with the Chairperson should be sought at least three working days before the meeting if the address is not in English. The Chairperson may order that any speech or document presented be translated and/or printed in another language.</p>
<p>2.19.5 Urgency or major public interest</p> <p>Notwithstanding standing orders 2.20.1 and 2.21.1 where in the opinion of the Chairperson the matter which is the subject of a presentation or a petition is one of urgency or major public interest, the Chairperson may determine that the presentation be received.</p>
<p>2.19.6 Restrictions</p> <p>The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:</p> <ul style="list-style-type: none"> • A speaker is repeating views presented by an earlier speaker at the same public forum; • The speaker is criticising elected members and/or staff;

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<ul style="list-style-type: none"> • The speaker is being repetitious, disrespectful or offensive; • The speaker has previously spoken on the same issue; • The matter is subject to legal proceedings; • The matter is subject to a hearing, including the hearing of submissions where the Council or committee sits in a quasi-judicial capacity.
2.20. PRESENTATIONS
<p>2.20.1 Presentations</p> <p>The purpose of a presentation is to enable a person, group or organisation to speak to a meeting on a matter or matters covered by that meeting's terms of reference. Presentations must be approved by the Chairperson and the Chief Executive <u>notified</u>, at least seven working days before the meeting. Presentations may be heard at a time determined by the Chairperson.</p>
<p>2.20.2 Procedures for presentations</p> <p>Except with the approval of the Council or committee <u>Chairperson</u>, not more than two members of a presentation may address the meeting. After the presentation, members may, with the permission of the Chairperson ask any question pertinent to the subject heard.</p> <p>No member may express an opinion or discuss the subject, until the <u>presenter</u> has finished making its submission and answering questions. (see standing order 2.6.2 regarding qualified privilege).</p>
<p>2.20.3 Time limit on Presentations</p> <p>Unless the Chairperson determines otherwise in any particular case, a limit of 10 minutes applies per presentation. Speaker's introductions or mihis will not be included in the time limit.</p> <p>Questions can follow at the discretion of the chairperson.</p>
2.21. PETITIONS
<p>2.21.1 Form of petitions</p> <p>Petitions may be presented to the Council or any of its committees, as long as the subject matter falls within the terms of reference of the intended meeting.</p> <p>Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chief Executive at least seven working days before the date of the meeting at which they will be presented.</p> <p>Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 2.6.2 on qualified privilege).</p>
<p>2.21.2 Petition presented by member</p> <p>Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:</p> <ol style="list-style-type: none"> a. The petition; b. The petitioners' statement; and

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c. The number of signatures.
<p>2.21.3 Petition where presented by petitioner</p> <p>Where a petition is presented by a petitioner, unless Council or committee determines otherwise, a limit of 10 minutes (excluding questions) is placed on that person (see standing orders 2.6.1 and 2.6.2 regarding qualified privilege).</p> <p>If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson will terminate the presentation of the petition.</p>
<p>2.22. PUBLIC COMMENT</p>
<p>2.22.1 Application of public comment</p> <p>Standing orders 2.22.2 to 2.22.7 will apply only to those committees and subcommittees that adopt the above procedures.</p> <p>This order does not apply to meetings of the Council.</p>
<p>2.22.22.2.1 Period for public comment</p> <p>A period of up to 30 minutes may will be set aside at the commencement beginning of each ordinary committee meeting for public comment, immediately following the notification of minor items.</p>
<p>2.22.32.2.2 Content of public comment</p> <p>Public comment will be confined to those items appearing on the order paper for the particular meeting concerned or, if time permits, any other matter that falls within the Committee's terms of reference.</p>
<p>2.22.42.2.3 Advice of items on which public comment is intended</p> <p>Persons People wishing to make public comment must advise the Chief Executive or Chairperson and must indicate those the items or matters upon which comment is intended. Such advice should beRequests can be given either before the meeting or at the meeting at the commencement of before the period set aside for public comment.</p> <p>Approval of the request for Public Comment is at the discretion of the Chairperson.</p> <p>The Chairperson may determine that any person may not comment at any particular meeting, or that any comment made will be confined to a particular item or matter that falls within the Committee's terms of reference.</p>
<p>2.22.52.2.4 Time limit on public comment</p> <p>Each person addressing the meeting may speak for a maximum of three minutes. This time limit may be extended at the discretion of the Chairperson for a further three minutes. Each person may address the meeting once only, regardless of whether or not that person wishes to comment on more than one item or matter.</p>

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Speakers can make any introductions or mihis before the time limit begins.
<p><u>2.22.62.22.5</u> Questions at public comment</p> <p>At the conclusion of the presentation, with the permission of the Chairperson, members may ask questions of speakers.</p> <p><u>Members may ask questions at the conclusion of the public comment at the discretion of the Chairperson.</u></p> <p>Questions are to be confined to obtaining information or clarification on matters raised by a speaker.</p>
<p><u>2.22.72.22.6</u> Comment on item not on the agenda</p> <p>Where public comment is made on an item that is not on the order paper, such comment will be received or referred to the Chief Executive or another committee or sub-committee for report.</p>
2.23. MINUTES OF PROCEEDINGS
<p>2.23.1 Minutes to be evidence of proceedings</p> <p>The Council, its committees and subcommittees must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.</p> <p>LGA 2002, Schedule 7, cl. 28</p>
<p>•2.23.2 Keeping of minutes</p> <p>The Chief Executive or their designated representative must keep the minutes of meetings of the Council and its committees and subcommittees. The minutes must record:</p> <ul style="list-style-type: none"> the date, time and venue of the meeting; the <u>the</u> names of those the members present; identification of the Chairperson; <u>any</u> apologies tendered and accepted <u>or leave of absence</u>; arrival and departure times of members; any failure of a quorum; a list of external speakers making public comment, presentations, petitions, and the topics they cover; a list of items considered; recommendations, resolutions and amendments pertaining to those items; all divisions taken; names of any members requesting the recording of their abstentions or votes; where an item is moved and seconded and put to the meeting. The outcome of the vote will be recorded in the minutes of the meeting; declarations of financial and non-financial interest;

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<ul style="list-style-type: none"> contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns; and tThe names of people permitted to stay in public excluded. <p>(see standing orders 2.3.9, 2.9.3, 2.17.1, 2.17.6 and 3.15.3)</p>
<p>2.23.12.23.3 Minutes</p> <p>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 the Council or committee prior to the next election of members.</p>
<p>2.23.22.23.4 Confirmation of minutes of committee and subcommittees</p> <p>The minutes of every meeting of a committee and subcommittee will be circulated to members and considered at any succeeding meeting of that committee or subcommittee, and, if confirmed by that meeting, or when corrected or amended by that meeting, must be signed by the Chairperson of such succeeding meeting.</p>
<p>2.23.32.23.5 Method for maintaining records</p> <p>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:</p> <p>(a) The provision of a reliable means of assuring the integrity of the information is maintained; and</p> <p>(b) The information is readily accessible so as to be usable for subsequent reference.</p> <p>Contract and Commercial Law Act 2017, s. 229(1)</p> <p>Whether held in hard copy or in electronic form minutes must be available for inspection by the public.</p> <p>LGOIMA 1987, s.51</p>
<p>2.24. REVOCATION OR ALTERATION OF RESOLUTION</p>
<p>2.24.1 Revocation or alteration of resolutions</p> <p>A notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or committee is to be given to the Chief Executive by the member intending to move such a motion.</p> <p>Such notice is to set out:</p> <ol style="list-style-type: none"> The resolution or part thereof which it is proposed to revoke or alter; The meeting date when it was passed; and The motion, if any, that is intended to be moved in substitution thereof. <p>Such notice is to be given to the Chief Executive at least seven working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the Council, including vacancies.</p> <p>The Chief Executive must then give members at least two working days' notice in writing of the intended motion and of the meeting at which it is proposed to be moved at.</p>

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<p>2.24.2 Restriction on action to be taken on previous resolution</p> <p>Where a notice of motion has been given in terms of standing order 2.24.1, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the Council or committee.</p> <p>The Chief Executive may ignore a notice of motion, if, in the opinion of the chairperson:</p> <ul style="list-style-type: none"> a. The practical effect of the delay would be equivalent to a revocation of the resolution, or if; b. By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Council. <p>In either case, the Chairperson will inform Council or the committee at the next meeting and explain the reason why the motion was ignored.</p>
<p>2.24.3 Revocation or alteration of resolution at same meeting</p> <p>If, during the course of a meeting of the Council or a committee, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.</p>
<p>2.24.4 Council may revoke or alter any previous resolution</p> <p>Council may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee or subcommittee, may revoke or alter all or part of resolutions previously passed at meetings. At least two working days' notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.</p> <p>LGA 2002, Schedule 7, cl. 30 (6)</p>
<p>2.25. REPEAT NOTICES OF MOTION</p>
<p>2.25.1 Repeat notices of motion</p> <p>When a motion has been considered and rejected by the Council or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next six months, unless signed by not less than one third of all members, including vacancies.</p> <p>Where a notice of motion has been adopted by the Council no other notice of motion which, in the opinion of the chairperson has the same effect, may be put while the original motion stands.</p>
<p>2.25.2 Second repeat where notice of motion rejected</p> <p>If such a repeat notice of motion as provided for in standing order 2.25.1 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.</p>

PART 3: CONSTITUTION AND LEGISLATIVE MATTERS	
3.1	CONSTITUTION AND LEGISLATIVE MATTERS
3.1.1	<p>Obligation to adopt standing orders</p> <p>A Council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees.</p> <p>LGA 2002, Schedule 7, cl. 27(1) & (2)</p>
3.1.2	<p>Process for adoption and alteration of standing orders</p> <p>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.</p>
3.1.3	<p>Temporary suspension of standing orders</p> <p>The Council or a committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.</p> <p>LGA 2002, Schedule 7, cl. 27(4)</p> <p>A 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.</p> <p>Any member of Council, committee and subcommittee, may move a motion to suspend specified standing orders at a meeting of which they are present. Any such motion must include the reason for the suspension. If seconded, members can seek clarification at the discretion of the Chairperson. At least 75 per cent of the members present and voting must support the motion for it to be carried.</p>
3.1.4	<p>Members must obey standing orders</p> <p>All members of Council, including members of committees and subcommittees, must abide by these standing orders.</p> <p>LGA 2002, Schedule 7, cl. 16(1)</p>
3.2	FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION
3.2.1	<p>First meeting (inaugural)</p> <p>The first meeting of Council following a 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.</p> <p>LGA 2002, Schedule 7, cl. 21(4)</p>

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3.2.2 Business to be conducted

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.

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

The business that must be conducted at the meeting must include:

- a. the making and attesting of the declarations required of the Mayor (if any) and members under clause 14 of Schedule 7 of the LGA; and
- b. the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 of Schedule 7 of the LGA; and
- 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 LAMIA; and
(B) sections 99, 105 and 105A of the Crimes Act 1961; and
(C) the Secret Commissions Act 1910; and
(D) the Financial Markets Conduct Act 2013; and
- d. the fixing of the date and time of the first [ordinary] meeting of the Council, or the adoption of a schedule of [ordinary] meetings; and
- e. the election of the Deputy Mayor in accordance with clause 17 of Schedule 7 of the LGA.

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

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 prior to the meeting. Nothing limits the Council from removing a Deputy Mayor from office in accordance with cl.18 of Schedule 7 of the LGA.

3.3 CHAIRPERSON OF MEETINGS**3.3.1 Mayor of Council to preside**

The Mayor must preside at each meeting of the Council at which they are present unless the Mayor is absent or vacates the chair for all or part of a meeting.

If the Mayor is absent from a meeting, the Deputy Mayor must preside. If the Deputy Mayor has not been appointed, or is also absent, the members of the Council that are present must elect a member to chair that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the Mayor.

LGA 2002, Schedule 7, cl. 26(1), (5) & (6)**3.3.2 Chairperson of committee to preside**

The Chairperson of a committee must preside at each meeting of the committee at which they are present unless they are absent or vacate the chair for all or part of a meeting.

If the Chairperson of a committee is absent from a meeting, the Deputy Chairperson of the committee must preside. If a Deputy Chairperson has not been appointed, or is also absent, the members of the

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<p>committee that are present must elect a member to chair that meeting. This person may exercise at that meeting the responsibilities, duties, and powers of the Chairperson.</p> <p>LGA 2002, Schedule 7, cl. 26(2), (5) & (6)</p>
<p>3.4 QUORUM AT MEETINGS</p>
<p>3.4.1 A quorum to be present throughout meeting</p> <p>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.</p> <p>Schedule 7, LGA 2002, Schedule 7, cl. 23(1) & (2)</p>
<p>3.4.2 Lapse of Meeting due to a failure of quorum</p> <p>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.</p>
<p>3.4.3 Minutes to record failure of quorum</p> <p>If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.</p>
<p>3.4.4 Business from lapsed meetings</p> <p>The business remaining to be disposed of following a lapsed meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the chairperson and notified by the Chief Executive.</p>
<p>3.4.5 Definition of quorum for Council and committee meeting</p> <p>The quorum at a meeting of the Council, a committee must consist of:</p> <ul style="list-style-type: none"> a. half of the members if the number of members (including vacancies) is even; or b. a majority of members if the number of members (including vacancies) is odd. <p>In the case of a committee, the quorum must also include at least one elected member of the Council.</p> <p>LGA 2002, Schedule 7, cl. 23(3)</p>
<p>3.4.6 Quorum of a sub committee</p> <p>The quorum at any meeting of a subcommittee must consist of two members (including vacancies) if the number of members is even, and a majority if the number is odd.</p> <p>The quorum must include at least one elected member of the Council.</p>
<p>3.4.7 Quorum of a quasi-judicial committee or sub-committee</p> <p>The quorum for a committee or sub-committee which is conducting a hearing under the RMA or Dog Control Act 1996 will be two members of the committee.</p> <p>In the case of a committee, the quorum must also include at least one elected member of the Council.</p>

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3.5 VOTING AT MEETINGS
<p>3.5.1 Decisions by majority vote</p> <p>Unless otherwise provided for in the LGA, other legislation or standing orders, the acts of and questions before Council or a committee must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.</p> <p>(see standing order 2.17.1)</p> <p>LGA 2002, Schedule 7, cl. 24(1)</p>
<p>3.5.2 Chairperson has a deliberative vote and no casting vote</p> <p>The Chairperson or any other person presiding at a meeting has a deliberative vote.</p> <p>In the case of an equality of votes the act or question is defeated and the status quo is preserved.</p> <p>The Chairperson has no casting vote.</p> <p>(See standing order 2.17.2)</p>
3.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS
<p>3.6.1 Elections of Deputy Mayor, Chairpersons and Deputy Chairpersons</p> <p>When electing people to the following positions:</p> <ul style="list-style-type: none"> • The Deputy Mayor; • The Chairperson and Deputy Chairperson of a committee; and • A representative of a local authority. <p>System A –</p> <p>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:</p> <ol style="list-style-type: none"> a. There is a first round of voting for all candidates; b. If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and c. If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; d. In any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot. <p>LGA 2002, Schedule 7, cl. 25</p>

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3.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES
<p>3.7.1 Appointment of committees, subcommittees and other subordinate decision-making bodies</p> <p>The Council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and with the prior approval of the Council, a committee may appoint any subcommittees that it considers appropriate.</p> <p>LGA 2002, Schedule 7, cl. 30(1) & (2)</p>
<p>3.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies</p> <p>Unless expressly provided for in legislation or regulations, Council may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body.</p> <p>A committee, subcommittee, or other subordinate decision-making body is, unless Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.</p> <p>LGA 2002, Schedule 7, cl. 30 (5) & (7)</p>
3.8 JOINT COMMITTEES
<p>3.8.1 Appointment of joint committees</p> <p>Council may not appoint a joint committee with another local authority or other public body unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.</p> <p>The agreement must specify:</p> <ol style="list-style-type: none"> the number of members each local authority or public body may appoint to the committee; and how the Chairperson and Deputy Chairperson of the committee are to be appointed; the terms of reference of the committee; what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and how the agreement may be varied. <p>LGA 2002, Schedule 7, cl. 30A (1) & (2)</p>
<p>3.8.2 Status of joint committees</p> <p>A joint committee is deemed to be both a committee of Council and a committee of each other participating local authority or public body.</p> <p>LGA 2002, Schedule 7, cl. 30A (5)</p>
<p>3.8.3 Power to appoint or discharge individual members of a joint committee</p> <p>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.</p> <p>LGA 2002, Schedule 7, cl. 30A (6)(a)</p>

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<p>3.8.4 Quorum of joint committees</p> <p>The quorum at a meeting of a joint committee must be consistent with Standing Order 3.4.5. 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.</p> <p>LGA 2002, Schedule 7, cl. 30A (6)(c)(iii)</p>
<p>3.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES</p>
<p>3.9.1 Appointed members on committees and subcommittees</p> <p>Council may appoint a person who is not a member of the Council to a committee or subcommittee.</p> <p>At least one member of a committee must be an elected member of the Council; and an employee of the Council acting in the course of their employment may not act as a member of any committee unless that committee is a subcommittee.</p> <p>LGA 2002, Schedule 7, cl. 31 (3) & (4)</p>
<p>3.9.2 Appointment or discharge of committee members and subcommittee members</p> <p>Council may appoint or discharge any member of a committee. Unless directed otherwise by Council, a committee may appoint or discharge any member of a subcommittee appointed by the committee.</p> <p>LGA 2002, Schedule 7, cl. 31 (1) & (2)</p>
<p>3.9.3 Council may replace members if committee not discharged</p> <p>If Council resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7) Schedule 7 of the LGA, Council may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.</p> <p>LGA 2002, Schedule 7, cl. 31(5)</p>
<p>3.9.4 Minimum numbers on committees and subcommittees</p> <p>The minimum number of members is three for a committee and is two for a subcommittee.</p> <p>LGA 2002, Schedule 7, cl. 31(6)</p>
<p>3.9.5 Membership of Mayor</p> <p>The Mayor is a member of each committee of Council unless specific legislation provides otherwise.</p> <p>LGA 2002, cl. 41A (5)</p>
<p>3.10 POWERS OF DELEGATION</p>
<p>3.10.1 Delegations to committees, subcommittees, subordinate decision-making bodies, members and officials</p> <p>Unless expressly provided otherwise in the LGA, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of Council's business, Council may delegate to a committee or other subordinate decision-making body, or member or officer of the Council any of its responsibilities, duties, or powers except:</p> <p>a. The power to make a rate; or</p>

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

Council may delegate to a committee or other subordinate decision-making body, member or officer of the Council the power to do anything precedent to the exercise by the Council (after consultation with the committee or body or person) of any power or duty specified above.

A committee or other subordinate decision-making body, or member or officer of the Council may delegate any of its responsibilities, duties, or powers to a subcommittee, another committee, subordinate decision-making body, or member or officer of the local authority; subject to any conditions, limitations or prohibitions imposed by the body that made the original delegations, unless prohibited by law.

LGA 2002, Schedule 7, cl. 32 (1)(2) (3)

RMA 1991, s34A

3.10.2 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, 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, Schedule 7, cl. 32(2) & (3)(4)

3.10.3 Delegations related to bylaws and other regulatory matters

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 2002, Schedule 7, cl. 32(5)

3.11 GENERAL PROVISIONS AS TO MEETINGS

3.11.1 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.

LGOIMA 1987 s.46

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<p>3.11.2 Distribution of the agenda</p> <p>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.</p> <p>The Chief Executive will send the agenda, and other materials relating to the meeting or other Council business, to members in the form they request.</p>
<p>3.11.3 Minutes to be evidence of proceedings</p> <p>The Council, its committees and subcommittees must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.</p> <p>cl. 28 Schedule 7, LGA 2002</p>
<p>3.12 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS</p>
<p>3.12.1 Notice to members - ordinary meetings</p> <p>The Council will adopt an annual meeting schedule which may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.</p> <p>LGA 2002, Schedule 7, cl. 19(6)</p>
<p>3.12.2 Meetings not invalid</p> <p>The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where Council becomes aware that a meeting has been incorrectly notified the Chief Executive must, as soon as practicable, give public notice stating:</p> <ul style="list-style-type: none"> • That the meeting occurred without proper notification; • The general nature of the business transacted; and • The reasons why the meeting was not properly notified. <p>LGOIMA 1987, s.46 (6)</p>
<p>3.12.3 Cancellation of scheduled meetings</p> <p>Any scheduled meeting of Council (or any committee or subcommittee meeting of the Council) may be cancelled by the Chief Executive, with the consent of the Chairperson or Deputy Chairperson, if practicable, if there is insufficient business to warrant a meeting, or if there is some other good reason why the scheduled meeting should be cancelled.</p> <p>The Chief Executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reason behind it.</p>

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3.13 EXTRAORDINARY AND EMERGENCY MEETINGS
<p>3.13.1 Extraordinary meeting may be called</p> <p>An extraordinary Council or committee meeting may be called by:</p> <ul style="list-style-type: none"> a. Resolution of the Council or committee, or b. A requisition in writing delivered to the Chief Executive which is signed by: <ul style="list-style-type: none"> i. The Mayor or chairperson; or ii. Not less than one third of the total membership of the Council or committee (including vacancies). <p>LGA 2002, Schedule 7, cl. 22(1)</p>
<p>3.13.2 Notice to members - extraordinary meetings</p> <p>The Chief Executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 3.13.1, as well as the general nature of business to be considered 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.</p> <p>LGA 2002, Schedule 7, cl. 22(2)</p>
<p>3.13.3 Emergency meetings may be called</p> <p>If the business a Council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:</p> <ul style="list-style-type: none"> a. The Mayor; or b. If the Mayor is unavailable, the Chief Executive. <p>cl. 22A (1), Schedule 7 LGA 2002</p>
<p>3.13.4 Process for calling an emergency meeting</p> <p>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.</p> <p>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.</p> <p>LGA 2002, Schedule 7, cl. 22A (2)</p>
<p>3.13.5 Public notice – emergency and extraordinary meetings</p> <p>Where an emergency or extraordinary meeting of Council or Committee is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the Chief Executive must cause that meeting and the general nature of business to be transacted at that meeting:</p> <ul style="list-style-type: none"> a. To be publicly notified as soon as practicable before the meeting is to be held; or

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<p>b. If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the Council's website and in any other manner that is reasonable in the circumstances.</p>
<p>3.13.6 Public notice of resolutions of emergency and extraordinary meetings</p> <p>The Chief Executive must, as soon as practicable, publicly notify any resolution passed at an extraordinary or emergency meeting of the Council or a committee unless:</p> <ul style="list-style-type: none"> a. the resolution was passed at a meeting or part of a meeting from which the public was excluded; or b. the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held. <p>For which the purposes of this section, "resolution" means the resolution on the matter or matters for which the extraordinary meeting was held.</p> <p>LGOIMA 1987, s.51A</p>
<p>3.14 PUBLIC AT MEETINGS, ACCESS TO AGENDAS AND MINUTES</p>
<p>3.14.1 Meetings open to the public</p> <p>Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Council, its committees, subcommittees, must be open to the public.</p> <p>LGOIMA 1987, s.47 & 49(a)</p>
<p>3.14.2 Information to be available to public</p> <p>All information provided to members at Council and committee meetings must be available to the public unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.</p>
<p>3.14.3 Public inspection of agenda</p> <p>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 or Committee relating to that meeting.</p> <p>The agenda:</p> <ul style="list-style-type: none"> a. Must be available for inspection at the public offices of the Council (including service centres), at public libraries under the Council's control and on the Council's website, and: b. Must be accompanied by either: <ul style="list-style-type: none"> i. The associated reports; or ii. A notice specifying the places at which the associated reports may be inspected. <p>LGOIMA 1987, s.46A (1)</p>

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<p>3.14.4 Public Excluded Business on the Agenda</p> <p>The Chief Executive must indicate on each agenda the items that they reasonably expect the meeting to discuss with the public excluded.</p> <p>Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item.</p> <p>LGOIMA 1987, s.46A (9)</p>
<p>3.14.5 Agenda to be made available to public who are at meetings</p> <p>Additional copies of the 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 on payment of the prescribed amount (if any).</p>
<p>3.14.6 List of committee members publicly available</p> <p>The members of each such committee are to be named on the relevant agenda. A list with the names of all members of any or each committee will also be available on request to the Chief Executive.</p>
<p>3.14.7 Public entitled to inspect minutes</p> <p>The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.</p>
<p>3.14.8 Requests for minutes of meetings in closed session</p> <p>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 LGOIMA.</p>
<p>3.15 REASONS TO EXCLUDE PUBLIC</p>
<p>3.15.1 Motions and resolutions to exclude the public</p> <p>Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).</p> <p>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:</p> <ul style="list-style-type: none"> a. The general subject of each matter to be excluded; b. The reason for passing the resolution in relation to that matter; and c. The grounds on which the resolution is based. <p>The resolution will form part of the meeting's minutes.</p> <p>LGOIMA 1987, s.48</p>

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3.15.2 Specified people may remain

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

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

LGOIMA 1987, s.48 (6)

3.15.3 Release of public excluded information

Council 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 by resolution what, if any, information will be released to the public. The Chief Executive may release, at their discretion, any information which has been considered by the Council or any committee with the public excluded.

The Chief Executive will report to the subsequent meeting following the release the nature of the information released.

3.16 USE OF PUBLIC EXCLUDED INFORMATION**3.16.1 Public excluded business not to be disclosed**

Subject to the provisions of LGOIMA, no member or staff is permitted to disclose to any person, other than a member or staff, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

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PART 4: REMOTE PARTICIPATION	
4.1 COUNCIL MAY RECORD MEETINGS	Meeting venues should contain clear signage indicating and informing members, staff and the public that proceedings may be recorded by the Council and may be subject to direction by the Chairperson.
4.2 RIGHT TO ATTEND BY AUDIO OR AUDIO-VISUAL LINK	Provided the conditions in standing orders 4.6 and 4.7 are met members of the Council and its committees (and members of the public wishing to speak if approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.
4.3 MEMBER'S STATUS: QUORUM	Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum. LGA 2002, Schedule 7, cl. 25A (4)
4.4 MEMBER'S STATUS: VOTING	Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link have full participation rights, with the exception of being counted towards the quorum.
4.5 CHAIRPERSON'S DUTIES	Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p>If the Chairperson is attending by audio or audio-visual link, then chairing duties will be undertaken by the deputy chair or a member who is physically present.</p> <p>LGA 2002, schedule ,7 cl. 25A (3)</p>

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4.6 CONDITIONS FOR ATTENDING BY AUDIO OR AUDIO-VISUAL LINK

Noting Standing Order 4.7, members have the right to attend meetings by electronic link, with the approval of the Chairperson. Such approval is not to be unreasonably withheld.

At the commencement of a meeting the Chairperson will advise of any decisions made regarding any requests for the remote participation of a member, along with the reason(s) for the decision that the Chairperson has taken.

4.7 REQUEST TO ATTEND BY AUDIO OR AUDIO-VISUAL 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 audio-visual link. Should this not be possible due to illness or emergency, ~~this is not possible~~ the member may give less notice.

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

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

4.8 CHAIRPERSON MAY TERMINATE LINK

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

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

4.9 GIVING OR SHOWING A DOCUMENT

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

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

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

4.10 LINK FAILURE

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

Draft Standing Order February 2023**4.11 CONFIDENTIALITY**

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

4.12 WEBCASTING MEETINGS

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

Appendix 1: Grounds to exclude the public

APPENDIX 1: GROUNDS TO EXCLUDE THE PUBLIC

Council or its committees may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

A1 That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

- a. To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b. To endanger the safety of any person.

A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- a. Protect the privacy of natural persons, including that of deceased natural persons; or
- b. Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

(ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or

- c. Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
- d. Avoid prejudice to measures protecting the health or safety of members of the public; or
- e. Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- f. Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- g. Maintain legal professional privilege; or
- h. Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i. Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

Appendix 1: Grounds to exclude the public

- j. Prevent the disclosure or use of official information for improper gain or improper advantage.

See LGOIMA 1987, s.7

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- a. Be contrary to the provisions of a specified enactment; or
- b. Constitute contempt of Court or of the House of Representatives.

A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

A5 That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- a. Any proceedings before Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See LGOIMA 1987, s.48

Appendix 2: Sample resolutions to exclude the public

APPENDIX 2: SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

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

1. that the public is excluded from:
 - The whole of the proceedings of this meeting; (deleted if not applicable)
 - The following parts of the proceedings of this meeting, namely; (delete if not applicable)

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ol style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ol style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).

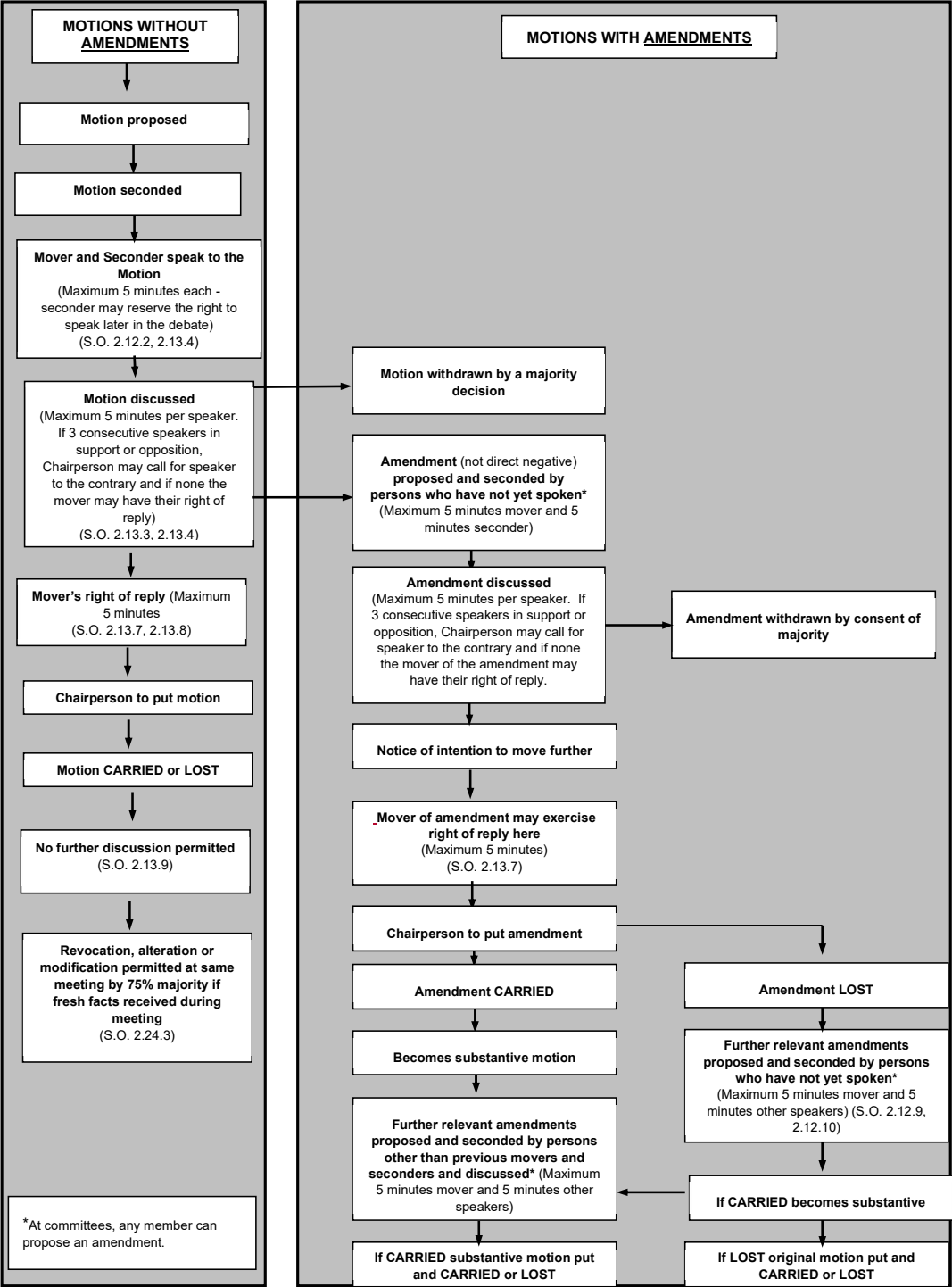
Appendix 2: Sample resolutions to exclude the public

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		<p>To protect information which if public would;</p> <p>i. disclose a trade secret; or</p> <p>i. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</p>
		<p>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;</p> <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, <p>(s 7(2)(ba)).</p>
		<p>To protect information which is subject to an obligation of confidence where the making available of the information would be likely to:</p> <p>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</p> <p>i. would be likely otherwise to damage the public interest (s 7(2)(c)).</p>
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

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

Appendix 3: Motions and amendments

APPENDIX 3: MOTIONS AND AMENDMENTS



Appendix 4 Table of Procedural Motions

APPENDIX 4 TABLE OF PROCEDURAL MOTIONS

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Is discussion in order?	Are amendments in order?	Is the 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 mins	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 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 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	
(c) That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 mins	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

Appendix 4 Table of Procedural Motions

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Is discussion in order?	Are amendments in order?	Is a 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 meeting move directly to the next business, superseding the item under discussion	No	Yes	No	No	No	No	No	Yes – 15 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion procedural motion are adjourned	
(e) 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 mins	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(f) That the item of business being discussed be referred to the relevant committee	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 mins	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(g) That the Chairperson's ruling be withdrawn, and a new ruling substituted	No	Yes	Limited to mover, seconder and Chairperson	No	No	Yes	No	No	Not Applicable	This procedural motion takes precedence.	

Appendix 4 Table of Procedural Motions

Motion	Has the Chair discretion to refuse this Motion?	Is a second required?	Yes – at discretion of Chairperson	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	Point of order takes precedence	Point of order takes precedence	Remarks
(h) Points of order	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Position if an amendment is already before the Chair	Point of order takes precedence	Point of order takes precedence	See standing order 2.16

Appendix 5: Webcasting Protocol**APPENDIX 5: WEBCASTING PROTOCOLS**

This list is intended as a good practice guide for the webcasting of Council or Committee meetings.

The default shot will be on the Chairperson or a wide-angle shot of the meeting room.

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.

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.

PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.

Shots unrelated to the proceedings, or not in the public interest, are not permitted.

If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.

Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being recorded.

Appendix 6: Summary of Powers of the Chairperson

APPENDIX 6: SUMMARY OF POWERS OF THE CHAIRPERSON

This Appendix is intended to separately set out the chairperson's powers that are contained in various parts of the Standing Orders.

Each heading contains the references to the relevant standing orders, which should be referred to in ascertaining the appropriate procedures.

Topic	Reference (standing order numbers)
Chairperson to decide all questions	2.1.2, 2.15.1 to 2.15.8 & 2.16.6
Chairperson to decide points of order	2.15.1 to 2.15.8 & 2.16.6
Items not on the agenda may be discussed	2.10.1 & 2.10.2
Chairperson's voting	2.17.2 & 3.5.2
Motion in writing	2.12.7
Motion in parts	2.12.8
Refusal of notice of motion	2.7.4 & 2.14.2
Repeat notices of motion	2.25.1 & 2.25.2
Action on previous resolutions	2.24.2
Closure motion	2.14.2
Revocation or alteration of previous resolution	2.24.4
Chairperson may call a meeting	3.13.3, & 3.4.5
Cancellation of scheduled meetings	3.12.3
Apologies at meetings	2.9.1, 2.9.2 & 2.9.3
Speaking only on relevant matters	2.13.2
Explanations	2.13.10 & 2.13.11
Chairperson rising	2.1.3
Members may leave places	2.1.4
Priority of speakers	2.1.5
Minutes	2.18.2, 2.23.1, 2.23.3 & 2.23.4
Questions of speakers	2.11.2, 2.20.2, 2.20.3, 2.21.3 & 2.22.6
Withdrawal of offensive or malicious expressions	2.3.1, 2.3.3 & 2.3.4, 2.3.5 & 2.3.6
Chairperson's rulings	2.1.2 & 3.1.4
Disorderly behaviour	2.3.1, 2.3.5, 2.3.8, 2.3.9, 2.3.10 & 2.4.1
Failure to leave meeting	2.3.5, 2.3.7, 2.3.9, 2.3.10, 2.3.11 & 2.4.2
Adjournment of meeting	2.3.8 & 2.3.11

Appendix 6: Summary of Powers of the Chairperson

Presentations	2.19.1- 2.19.6, 2.20.1, 2.20.2, 2.20.3
Petitions	2.19.1- 2.19.6, 2.21.1, & 2.21.3
Public Comment	2.19.1- 2.19.6, 2.22.4, 2.22.5, 2.22.6
Termination of comment	2.19.6

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Approval of International Travel for the Mayor, March 2023

PRESENTED BY: Gabrielle Nguyen, International Relations Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council grant approval for the Mayor to travel to Taiwan from 26 March to 31 March 2023 to attend and present at the 2023 Taipei Smart City Mayors' Summit.

1. ISSUE

- 1.1. This memorandum outlines an opportunity for the Mayor to travel to Taiwan from 26 March to 31 March 2023 in order to attend and present at the 2023 Taipei Smart City Mayors' Summit organised by the Taipei Computer Association (TCA).
- 1.2. The purpose of the trip is to connect with leaders and decision-makers from government and business sectors from all over the world to exchange ideas and explore opportunities in the collaboration of intelligent solutions for smart city planning and implementation.
- 1.3. The Mayor would be accompanied by senior Council officer(s) to present on:
 - a) Progress on reducing Palmerston North City Council's corporate carbon emissions;
 - b) Progress on Palmerston North's target of a 30% reduction in greenhouse gas emission by 2031; and
 - c) The application of digital twin technology to assist with city planning outcomes.
- 1.4. Items a) and b) above will be based on information reported to the Environmental Sustainability Committee during 2022. Item c) above is a piece of work that is being developed by the city planning team to assist applicants and the community to better understand city planning outcomes and opportunities, particularly urban intensification and medium density development.

- 1.5. The Mayor's leadership of the delegation would secure the financial support from the Taipei Computer Association via the complimentary business delegate package including:
 - a) One flight ticket for the Mayor with (up to) a five-person delegation
 - b) Accommodation for all the delegates (up to four nights)
 - c) Transportation from the hotel to the event venue
- 1.6. The complimentary business delegate package will need to be recorded in the gifts register and would be subject to the Local Government (Pecuniary Interests Register) Amendment Act 2022.
- 1.7. Palmerston North's participation in this summit demonstrates the city's commitment to sustainable and smart city development and tackling climate change. It would also assist with the Council's understanding of what is required to achieve Council's current vision and goals, particularly goal 4 – an eco-city.
- 1.8. As required by Council's Elected Member Expenses and Allowances Policy, approval is sought for the Mayor's international travel in order for the Mayor to lead this delegation and undertake Council business.
- 1.9. Should Council approve the Mayor to travel, the cost would be minimal and unlikely to exceed \$500 as flights and accommodation for the Mayor would be covered by the Taipei Computer Association.
- 1.10. The dates of travel will have limited impact on formal Council business. The Mayor would be unable to attend the 29 March Sustainability Committee, in-person at least.
- 1.11. Preliminary work has been undertaken on including the costs of offsetting the carbon emissions of all Council air travel at the time of booking. The intent of this proposal is that these costs would then be applied to local planting and biodiversity programmes as opposed to being provided to the airline to offset the carbon emissions. It is proposed that this approach be piloted as part of the trip to Taiwan.

2. BACKGROUND

- 2.1. Taipei Computer Association was established in 1974 and is a leading industrial organisation in Taiwan. Since 2014, it has been facilitating the Smart City Summit and Expo, acting as a bridge to government, academic, general public, as well as a window for international professional bodies.
- 2.2. Every year, the Smart City Mayors' Summit gathers city mayors and high-profile municipal delegates from across nations to share and exchange their insights on the latest governmental strategies and trends in smart cities. It is the largest government-to-government network for promoting projects, getting connected with futurists and potential partners across nations and

industries as well as gaining global influence at the marketplace in Asia-Pacific and beyond.

- 2.3. Palmerston North has participated in the Taipei Smart City Mayors' Summit for three consecutive years of 2020, 2021 and 2022. The Mayor presented on behalf of the city on all three occasions.
- 2.4. A small Mayoral delegation was planned to attend the Taipei Smart City Summit and Expo in 2020. Due to Covid-19 travel restrictions, the 2020 attendance was changed to online.

3. NEXT STEPS

- 3.1. Should the recommendation be passed, the International Relations Manager will liaise with the Taipei Computer Association to accept the financial support package for the delegation and proceed with travel bookings.
- 3.2. Following the visit, Council will receive a summary and report of the 2023 Taipei Smart City Mayor's Summit and Expo.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 1: An Innovative and Growing City	
The recommendations contribute to the achievement of action/actions in the Economic Development Plan.	
The actions are:	
<ul style="list-style-type: none"> - Support initiatives that promote the city's international reputation and strengths. - Promote Palmerston North's interests to global partners. - Promote the environmental wellbeing of city's communities and sustainable development. 	
Contribution to strategic direction and to social, economic,	The delegation outlined in this report helps to promote the city's international reputation in climate change actions and sustainable urban development; explore potential partners across the globe, and enhance economic, educational and environmental cooperation. The Mayor's leadership of the

environmental and cultural well-being	delegation would enable external support for the delegation and contribute to its success.
---------------------------------------	--

ATTACHMENTS

1. Brochure [↓](#) 
2. Formal invitation letter [↓](#) 

Digital Transformation Takes Smart Cities to New Heights



2023

Smart City Summit & Expo

Mar. 28 Tue - **31** Fri

Taipei Nangang Exhibition Center Hall 2

Mar. 30 Thu - **Apr. 1** Sat

Kaohsiung Exhibition Center



Online

smartcityonline.org.tw



SCSE

en.smartcity.org.tw

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About

Smart City Summit & Expo

As Asia's largest hybrid smart city tradeshow featuring the most comprehensive IoT solutions, SCSE has been offering cross-industry platform for governments and businesses.



B2B-ORIENTED
expo featuring
abundant elements



CROSS-INDUSTRY
collaboration and
networking platform



LARGEST
smart city hybrid tradeshow
in Asia-Pacific



What's in Smart City Summit & Expo



Governance



Transportation



AI & IoT



Security



Healthcare



Telecom Operators



System Integrators



5G



Net Zero



Building



Startups



Asia's biggest HYBRID event

Smart City Summit & Expo

Taipei + Kaohsiung + 2050 NET ZERO EXPO

- Smart Healthcare Expo
- ITS Expo
- Smart Building
- IoT Surveillance
- Net Zero
- Smart Startup Program
- Mayors' Summit & CTalk
- World Telecom Smart City Conference
- Sustainable City Forum
- World System Integrators Conference
- Gov x Biz Bilateral Webinar
- Matchmaking
- Taipei Night
- Real-site demo tours

Co-located
Events

Forums

Network-
ing

Smart City
Online

Solution
Displays

S.C.O.P.E.
Online pavilions

Smart Live

Livestreaming
On-demand videos

B2B
Match-
making

B2B online
matchmaking

The leading event for smart cities

2022 SCSE in numbers



100,985 In-person visits



30 Travel Bubble Visitors



450 Exhibitors



188 City Leaders



1,500 Booths



323 Networking sessions



63 Forum Sessions



922,761 Online Views

Co-Located Events

Get inspired by cross-industrial collaborations



Smart Healthcare Expo
100+ Hospital representatives
7+ Professional forums



Smart Startups Program
Startups within smart industries
and exclusive activities &
networking events



**Intelligent Transportation
System Expo**
20+ Leading companies &
urbanistic forum by MOTC



Smart Building
18 companies showcase smart
solutions in building industry



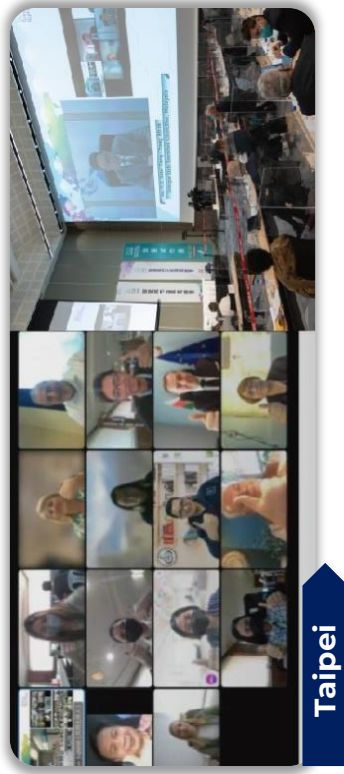
Smart Education
Displaying the new learning
technologies with the metaverse
for education model



Net Zero
Featured 8 leading companies to
reach the net-zero goals and build
sustainable economy

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Smart City Mayors' Summit



How do cities respond to the "New Normal" with digital transformation?

- 2 livestream sessions
- 19 speaking city leaders (across 15 countries)
- 3,000+ online audiences joined the sessions

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Digital Sister Cities & Global Sustainability

- 2 livestream sessions
- 14 speaking city leaders (across 9 countries)
- 1,000+ online audiences joined the sessions

(statistics acquired as of July, 2022)

Largest G2G Network

(2022 Mayors' Summit & CTalk)



Find out more in our 2021, 2020, 2019, and 2018 edition

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Delegates from New Zealand (2016-2022)

- Auckland Council
- Wellington City Council
- Palmerston North City Council
- FISTI
- Action To Action
- Virtual Reality kiwi Limited
- Asuna Pty Ltd
- TSA Tech Ltd
- Method
- New IT Venture



With total **15** delegates
from government and business sectors

Conference Highlights



World Telecom Smart City Conference

5G applications & solutions by
50+ leading telecom operators



World System Integrator Conference

Awards & cross-nation collaborations
with 30+ system integrators



Sustainable City Forum

Established leaders and experts
deliver challenges and solutions
on Sustainable Recovery

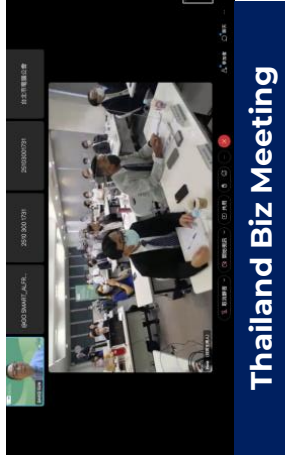
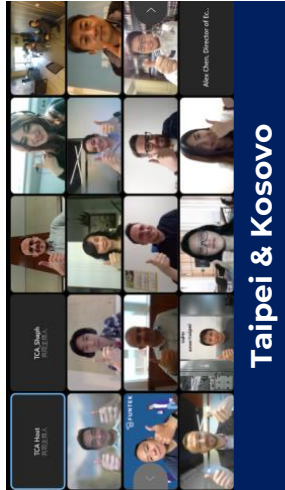


Matchmaking & Networking

Gov x Biz Bilateral Webinar

Taipei, Kaohsiung, Kosovo, Nigeria, Thailand, Brazil, Colombia

119 sessions 5 countries



B2B Matchmaking



Group Matchmaking



1 on 1 Matchmaking

323 sessions

171 companies

Organizers



Taipei Computer Association



Taiwan Smart City Solutions Alliance



Taipei City Government



Taoyuan City Government



Kaohsiung City Government

Our Partners



...and more!

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Reasons to Participate in SCSE



Explore

Explore & gain global influence at the marketplace in Asia-Pacific & beyond



Network

Find your potential clients and partners via G2G, G2B, B2B networks



Promote

Get connected by futurists and across nations and industries to promote your projects



Net Zero City

“

The government will focus on the importance of zero carbon emission in future cities, it is believed that we will take active part to support and accelerate such initiatives and deployments of promoting the goal of Net Zero City and new model of the green transition.

”

**Mr. Kung Ming-Hsin,
Minister of National Development Council**





2023 Smart City Summit Expo

2050 Net Zero Expo

Digital and Green Transition



IoT
5G AIoT



Smart Healthcare




Smart Education



IoT Surveillance




Smart Building



Intelligent Transportation



Smart manufacturing



Smart Energy

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2050 Net Zero Expo

Demonstrate the net zero vision and policies of Taiwan by various ministries



Net-Zero Solutions

- Wind Energy
- PV Energy
- Hydrogen Energy
- Energy Saving
- Energy Storage
- Energy Creation

Taiwan Net-Zero Pavilion

ESG Pavilion

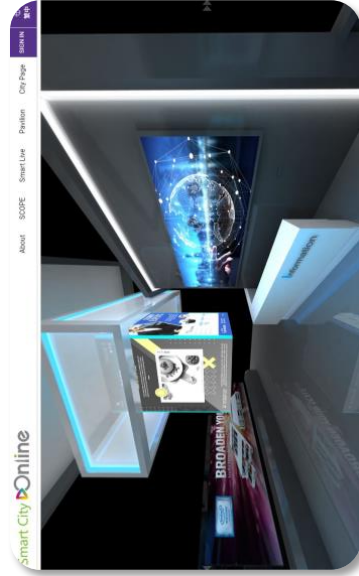
Demonstrate the ESG actions and net-zero targets of corporate.

Net-Zero Forum

- Net Zero City Leader Summit
- Sustainable City Forum
- Net Zero Series Forum
- Green Supply Chains Forum
- Carbon Neutrality and New Economic Forum

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BUILD YOUR PRESENCE @ 2023 SCSE



- **Virtual Pavilion** set up on Smart City Online
- **Showcase solutions** on the S.C.O.P.E. on Smart City Online



- **Set up your pavilion** at 2023 SCSE and make connections on site
- **Get speech opportunities** on stage and be broadcast



- **Speaking at Smart City Mayors' Summit** for city mayors/deputy mayors
- **Speaking at Forums** for industry professionals in various topics

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MORE OPTIONS TO CONNECT



Online B2B Group Matchmaking Sessions

Organize online matchmaking sessions to connect with the right Taiwanese companies via 1-on-1 meetings.



Gov x Biz Bilateral Webinar

Bring your governmental and business delegates to meet with Taiwanese delegation, engage in practical talks that will turn into real opportunities.

Organize your event at SCSE to explore new businesses & future partnership

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Smart City Summit & Expo Celebration!

JOIN US FOR OUR 10th ANNIVERSARY

Exclusive offer for



Booth Discount



Smart City Online Promotion



Delegation Sponsorship



Co-organize Event

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2023 SCSE is now calling for

Exhibitors

Smart city solution or service providers, from public or private sectors, AI startups

Government Officials

Mayors, deputy mayors or higher level officers tackling smart city projects

Visiting Delegations

Stakeholders from businesses or associations in the professional fields

Speakers

Smart city or IoT experts with cutting-edge ideas or experiences

SI & Telcos

Thought leaders in system integration, telecom applications, or smart city construction

Sponsorship

Corporates or agencies interested in brand exposure or hosting forums at SCSE



See you at



2023 Smart City Summit & Expo
Mar. 28th - 31st @TaiNEX 2
Mar. 30th - Apr. 1st @Kaohsiung Exhibition Center

Any questions?
 Mr. Jeremy Yu
jeremy@mail.tca.org.tw
 +886 2 2577 4249 ext. 859
en.smartcity.org.tw

Follow us at  TPESmartCity  TPEsmartcityexpo  Smart City Summit & Expo

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Delegates Attending SCSE 2023

Delegate Title	Origin Country	Nature of Delegate
Korean Agency for Infrastructure Technology Advancement (KAIA)	South Korea	Delegate & Pavilion
Daejeon Metropolitan City	South Korea	Delegate & Pavilion
Danish Energy Cluster	Denmark	Delegate & Pavilion
German Offshore-wind initiative	Germany	Delegate & Pavilion& Forum
Innovate UK	The United Kingdom of Great Britain	Business delegate
Malaga City	Spain	Mayoral delegation
Bilbao City	Spain	Mayoral delegation
Morrisville, North Carolina	USA	Mayoral delegation

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Exhibit at SCSE

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BONUS OFFER

for our allies and partners around the world

All prices are in USD

Original Price (per 3*3 booth)	Taipei	Taipei Early Bird (paid before Dec. 15th, 2022)	Kaohsiung	Kaohsiung Early Bird (paid before Dec. 15th, 2022)
	\$ 4,250 USD	\$ 3,825 USD	\$ 3,500 USD	\$ 3,150 USD
Bonus Offer for SCSE's Allies	\$57,600 NTD / per 3*3 booth			



- Buy the booth and we offer 1 FREE online pavilion with 10 solutions on Smart City Online for a year (valued at \$7,000 USD)
- If you successfully invite 1 business delegation (over 10 persons) to visit 2023 SCSE, you will receive **an additional 10% off discount on your 2024 SCSE exhibition** package purchase.

DISPLAY DETAILS

Join the largest Smart City event in Asia

Type	Included items
Raw Space (3 x 3 meters)	<ul style="list-style-type: none"> ✓ Space ✓ 110V/500W socket
Type	Included items
Shell Scheme (3 x 3 meters)	<ul style="list-style-type: none"> ✓ Space ✓ Standard partition ✓ Company name fascia board ✓ Information counter ✓ Glass round table ✓ folding chairs (4 pcs) ✓ Lockable cupboard ✓ 18W spotlights (3 pcs) ✓ 110V/5A socket ✓ Waste paper basket



*Please download [Application Kit](#) to see more details.



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WHO CAN APPLY



Accelerating Partners

(Accelerators, incubators, and startup supporting organizations)
recruiting 3 or more qualified* startup companies

STARTUP QUALIFICATION

Startups recruited must be established after Jan. 1st, 2017, and from one of the category below:



AI



Healthcare



Transportation



IoT



Energy/Building



Others

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PROGRAM CONTENT

Application Fee

FREE

Application Requirement

Assembly of at least 3 startups

Program Content

- ➔ 1 exhibition pavilion in 2023 SCSE Taipei
- ➔ Access to SCSE Online Matchmaking System
- ➔ Invitation to exclusive event activities
- ➔ Logo featured on the SCSE official website
- ➔ 5-night accommodation during event days

applicable to participants travelling from overseas

pavilion size is subject to the number of startup companies recommended:

Number of Startups	Pavilion Size (Estimated Equivalent Number of Booths)
3-4	3 m x 3 m (1)
5-6	3 m x 6 m (2)
7-8	6 m x 6 m (4)
9+	6 m x 9 m (6)

Download application kit for more details



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GOV VIP Delegation Visit

Who are qualified as Gov VIP/VVIP delegates?

Gov VIP Delegation: 1 leader + up to 5 members

Central or local government leaders (deputy mayors/ mayors, or ministerial level)

Requirements: In order to be eligible for subsidized VIP entry, Gov VIP leaders are required to fulfill their participation in some of our event highlights:

Required activities in both Taipei & Kaohsiung:

(1) Opening Ceremony (2) Mayors' Summit & Leadership Forum (3) Expo Tour

Selected activities (choose at least one):

- (1) 1 matchmaking session
- (2) 1 forum session other than Mayors' Summit
- (3) 1 real-site demo tour



(NEW) Who are VVIP delegates? [Click here for the VVIP city list](#)

Limited to 10 central or local government leaders (deputy mayors/ mayors, or ministerial level) that have:

1. Been enlisted in the List of VVIP Cities officially provided by TCA, or
2. Submitted a clear statement of his/her city's current smart city project(s)/procurement program(s), which allow(s) specific opportunities to collaborate with Taiwanese entities (public or private)

Subsidized VVIP are required to fulfill their participation in the event highlights stated above as well.



Event support for Gov VIP delegations

City leaders (deputy mayors/ mayors or higher) applying before Jan. 16th, 2023

VIP		VVIP (limited to 10 qualified applicants)
<ul style="list-style-type: none"> • 4-day free accommodation & venue transportation for the delegation Special VIP program with accommodation arranged by TCA from Mar. 27th(in) to 31st (out), 2023 • Enjoy the 4-day VIP Program arranged by the organizer Special visits, business tours, and networking events for VIPs only. • Reimbursement of a round-trip flight for the delegation leader (Limited to Premium Economy/Economy class with price caps from USD1,000 to 2,500 according to different regions) 		<ul style="list-style-type: none"> • Reimbursement of a round-trip flight for the delegation leader (Limited to Premium Economy/Economy class with price caps from USD2,000 to 3,500 according to different regions)
		<ul style="list-style-type: none"> • One extra speaking opportunity in the event • Join one G2G/G2B matchmaking event • Free exhibition space at 2023 SCSE Virtual pavilion on Smart City Online and a physical exhibition space
	<p>*All applicants are required to follow the regulations, and details stated in the SCSE GOV VIP package</p> <p>*TCA reserves the right to revise the packages and verify applicants.</p>	

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Gov VIP Program

VVIPs are eligible for a customized program arranged by TCA with extra VIP events

2023 SCSE @TAIPEI & KAOHSIUNG

Mar. 28 th	Mar. 29 th	Mar. 30 th	Mar. 31 st
<ul style="list-style-type: none"> ★ Opening Ceremony ★ Expo tour ★ Mayors' Summit • Taipei Night 	<ul style="list-style-type: none"> ★ Mayors' Summit ✓ CTalk / 2050 Net Zero Forum ✓ Matchmaking ✓ Real-site demo tour • HSR to Kaohsiung 	<ul style="list-style-type: none"> ★ Opening Ceremony of SCSE@Kaohsiung ★ Expo Tour ★ Leadership Forum • Kaohsiung Night 	<ul style="list-style-type: none"> • Visit Kaohsiung City Hall ✓ Matchmaking/foru m ✓ Real-site demo tour



★ Required
✓ Selected

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BIZ VIP Delegation Visit

Event support for BLZ VIP delegations

Smart city businesses, research institutes, associations or organizations with at least 4 persons in the visiting delegation and applying before Jan. 16th, 2023

Delegates	Delegation Leader
<ul style="list-style-type: none"> 4-day free accommodation & venue transportation for the delegation SCSE Taipei : March 28 (in)– March 30(out) and SCSE Kaohsiung : March 30 (in)– April 1(out) Enjoy the 4-day VIP Program arranged by the organizer 1 Group Matchmaking Session with TW companies (maximum of 2 hours) Special visits, business tours, and networking events 	<p>(ONLY for 10-persons delegation)</p> <ul style="list-style-type: none"> Reimbursement of a round-trip flight for the delegation leader (Limited to Economy Class with price caps from USD 500 to USD 1,500 according to different regions) 1 Free display space in SCSE Taipei & Kaohsiung

*All applicants are required to follow the regulations, and details stated in the [SCSE BLZ VIP package](#)

*TCA reserves the right to revise the packages and verify applicants.
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Business VIP Program

Each business VIP delegation will be entitled to our event support only when they fulfill their participation in some of our activities at 2023 SCSE as below:

1

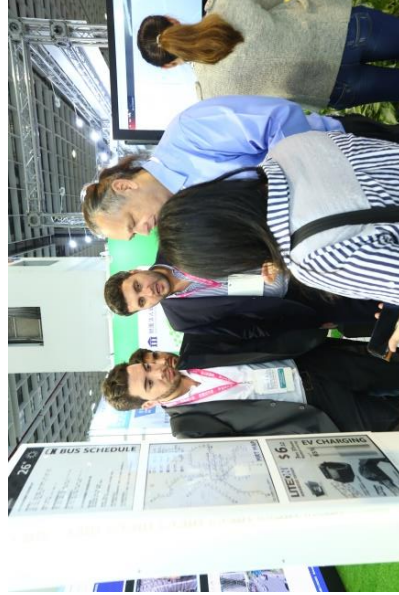
Take 1 Expo Tour arranged by the organizer

2

Attend at least 2 SCSE forums during the event

3

Attend at least 3 business matchmaking sessions during the event



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How to Apply

Aug. 31st, 2022

VIP application opens (Sign up [HERE](#))

Jan 31st, 2023

1. Accepted applicants and reserve candidates *¹ on the first list will be notified
2. More details about the pandemic measures and the boarding & lodging at Taiwan will be disclosed

VIP APPLICATION

APPLICATION DEADLINE

PRELIMINARY LIST

FINAL LIST

Jan. 16th, 2023

Applications will not be accepted after the date

Feb. 17th, 2023

1. Reserve candidates will be notified of the result
2. Applicants for speaking at Mayors' Summit will be notified with the result *²

*¹ A place on a reserve list means that you fulfilled the requirements for the admission, but considering the order of application and quota available, the organizer could only offer to put you on the waitlist at this point.

*² Those who wish to speak at Smart City Mayors' Summit should apply in the VIP application process. Due to the limit in speaker quota available, the organizer reserves the right to admit applicants according to their (1) profile (2) city's current smart city projects or development (3) city's openness or current plans in collaborating with other government or business entities.
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His Worship Grant Smith
Mayor, City of Palmerston North
32 The Square
Palmerston North 4410, New Zealand



Dear Mayor Smith,

With great pleasure through the recommendation of Taipei Economic and Cultural Office in New Zealand, Taipei Computer Association (TCA) would like to invite you to the upcoming 2023 Smart City Summit & Expo, which is scheduled from March 28th to April 1st at Taipei Nangang Exhibition Hall 2 and Kaohsiung Exhibition Center.

The Smart City Summit & Expo is a solution-oriented event that brings together leaders and decision-makers from government and business sectors to exchange ideas and explore business opportunities in the collaboration of intelligent solutions. During the event, you will enjoy the following:

- Smart solutions from world-renowned brands and cities' governments
- Insightful forums with city mayors and business professionals
- Innovations and global startups
- Personalized networking events and diverse side activities for businesses

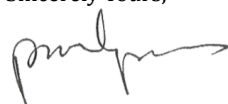
In 2022 SCSE, we have successfully attracted over 100,000 professionals and 450 exhibitors worldwide. Next year, especially with our 10th anniversary, we expect a larger scale with a higher level than ever. Building connections is significant in shaping a better and more resilient future for all.

To that end, we sincerely welcome you to join this grand event. We will provide a complimentary business delegate package including the following:

- 1 flight ticket for group leader with 5 person delegation
- 4-night accommodations for all the delegates
- Transportation from the hotel to the event venue

We cherish the long friendship and the participation in previous SCSEs and look forward to your positive confirmation before January 16th, 2023, and you are welcome to contact joannechiu@mail.tca.org.tw for more details!

Sincerely Yours,



Paul SL Peng
Chairman of Taipei Computer Association



Taipei Computer Association
Address 3F, No.2, Sec.3, Bade Rd., Songshan Dist., Taipei 10558, Taiwan
Phone + (886) 2 25774249 Ext.859 Fax + (886) 2 25778095 Web: en.smartcity.org.tw

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Approval of International Travel for Councillor Roly Fitzgerald as Rangitāne and Council representative

PRESENTED BY: Todd Taiepa, Principal Māori Advisor and Gabrielle Nguyen, International Relations Manager

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council grant approval for Councillor Roly Fitzgerald to attend the Mayor-led delegation to visit Palmerston North City's partners in the United States of America and the Netherlands in June 2023.

1. ISSUE

- 1.1 This memorandum outlines the opportunity for Councillor Roly Fitzgerald to attend the Mayor-led delegation to visit the city's key partners in the United States of America and the Netherlands for approximately 10 days in June 2023 as an endorsed Rangitāne o Manawatū representative.
- 1.2 The Council values the strong partnership with Rangitāne and acknowledges their status and responsibilities as mana whenua.
- 1.3 The presence of a Rangitāne representative would add significant value to the handing over of the 40-year anniversary taonga in-person to Palmerston North's sister city Missoula in the United States of America and would ensure that appropriate tikanga is followed.
- 1.4 The presence of a Rangitāne representative would also be beneficial when the delegation meets with Missoula Native American tribes to discuss possible project(s) and to promote the exchange of indigenous arts and cultures between Missoula and Palmerston North. The relationship between Rangitāne and the tribes of Missoula has been a key facet of the sister city relationship and also reflects a commitment from both Palmerston North and Missoula to have indigenous partners alongside as an expression of Council's formal civic engagement.
- 1.5 In addition, it would be meaningful for Rangitāne to visit the Netherlands and participate in formalising the city-to-city partnership between Wageningen and Palmerston North. Supporting this part of the delegation recognises not

only the aspirations of Rangitāne for the success of their iwi members and the wider community, but also as a key link with a wider regional iwi network that is having a growing presence and influence on economic development.

- 1.6 Councillor Fitzgerald has been an active participant and representative for Rangitāne in economic and development matters. He also has extensive experience and strong relationships with the Te Tihi Whānau Ora Alliance which leads or supports the implication of many of the major collaborative programmes related to Māori development in the city and region.
- 1.7 Councillor Fitzgerald's attendance would enhance the opportunity for iwi Māori aspirations to be both represented in the delegation as well as the potential for meaningful relationships and economic development opportunities to be taken in the future.
- 1.8 Council Fitzgerald's attendance has been endorsed by Rangitāne, as detailed in the letter included as attachment one.
- 1.9 Strengthening the city's representation through the inclusion of Councillor Fitzgerald aligns with iwi Māori imperatives from the Innovative and Growing Strategy and Economic Development Plan, including:
 - Rangitāne o Manawatū have opportunities for early involvement in economic development projects and initiatives.
 - Identify opportunities for Māori business and cultural exchange through international relationships.
 - Identify opportunities to unlock the potential of local iwi businesses, workforce and investment.
- 1.10 As required by Council's Elected Members Expenses and Allowances Policy, approval is sought for Councillor Fitzgerald's international travel in order for him to represent Rangitāne and undertake Council business.
- 1.11 Should the Council approve Councillor Fitzgerald to travel, the cost (flights, transfers, accommodation, and meals) is estimated to be approximately \$10,000 - \$13,000. The controllable budget for international relations in 2022/23 is \$87,000 and is largely either expended or allocated to existing commitments. Councillor Fitzgerald's attendance would be funded via the Maori responsiveness budget approved as part of the 2021 Long Term Plan.
- 1.12 Like the Mayor's attendance, it is planned that Councillor Fitzgerald will be physically present for deliberations on the Annual Budget (31 May and 1 June), incorporating deliberations into the Annual Budget (14 June) and adoption of the Annual Budget (28 June).

2. BACKGROUND

- 2.1 Missoula is Palmerston North's longest standing sister city. After the Mayor's last visit to Missoula in 2018 and a Missoula delegation to Palmerston North in

2019, the sister city relationship was strengthened with a commitment to developing cooperation in indigenous culture, education, and business.

- 2.2 Mr. Wiremu Te Awe Awe and his wife Trieste Te Awe Awe were part of the city's delegation to Missoula in 2018. They established a special bond between Rangitāne and Missoula Native American tribes. The expression of te ao Māori was further augmented by Massey University choosing to send Associate Professor Hone Morris to be a part of the delegation.
- 2.3 In 2019, Missoula sent a delegation including members of the Blackfeet tribe and the Crow tribe to Palmerston North. They graced the Festival of Cultures stage with a traditional Native American performance. Artist and member of the Blackfeet tribe, Willow Kipp, joined with local artists to paint a large mural on the wall of the Distinction Hotel themed around the centrality of horses to her tribal identity.
- 2.4 The ability of the Mayor-led delegation to Missoula in June 2023 to reconnect with Missoula Native American tribes to deepen the special bond between them and Rangitāne would be greatly strengthened by having Councillor Fitzgerald attend. Should Council support his attendance, it will also increase the opportunities for broader cultural collaboration, including post-treaty settlement matters, indigenous arts, cultural, economic and educational exchanges.
- 2.5 It is also significant that Councillor Fitzgerald is one of the Council's two inaugural Māori ward Councillors. The matters associated with indigenous representation and Māori wards, and the fact that this opportunity has been endorsed in so many councils for this term, creates a unique opportunity to socialise and celebrate this significant initiative in Māori representation. Palmerston North City Council has taken a very thorough and assertive role in progressing Māori wards at a local and national level. The ability of the delegation to embody this kaupapa would be greatly enhanced.
- 2.6 The connection between Wageningen and Palmerston North has been explored since 2016 with a focus on education and food research. A draft city-to-city partnership is under discussion between the two cities. The Mayor-led delegation in June 2023 aims to conclude this process and advance further cooperation areas between Palmerston North and Wageningen.

3. NEXT STEPS

- 3.1 Should the recommendation be passed, the International Relations Manager will include Councillor Fitzgerald in the planning and travel bookings for the delegation visit.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 1: An Innovative and Growing City	
The recommendations contribute to the achievement of action/actions in Economic Development	
The actions are:	
<ul style="list-style-type: none"> - Support Rangitāne o Manawatū to have opportunities for early involvement in economic development projects and initiatives to achieve the partnership aspirations identified. - Facilitate clearly defined roles of Rangitāne o Manawatū and Council in civic engagement on behalf of the community. 	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The participation of Councillor Fitzgerald in the Mayor-led delegation to the United States of America and the Netherlands outlined in this report demonstrates Council's strong partnership with tangata whenua, Rangitāne o Manawatū. It will contribute to building a positive international reputation, deepening relations with our global partners, and enhancing economic, education, and community cooperation.

ATTACHMENTS

1. Rangitāne's endorsement letter [↓](#) 

26 January 2023

To whom it may concern:

The relationship between Rangitāne and the indigenous Native American tribes in the Missoula area has been well-established and is very special to our Iwi.

In 2018, my wife Trieste and I had the opportunity to be a part of the city's delegation to Missoula, accompanied by Associate Professor Hone Morris. This provided a very strong cultural representation as did the confidence of our Mayor and Mayoress and our the PNCC International Relations Advisor Toni Grace. In 2019, we had the pleasure to host a Missoula delegation including members of the Blackfeet tribe and the Crow tribe to Palmerston North, and especially on our marae Te Rangimarie. The mutual visits and exchanges have strengthened the special bond between us.

While Trieste and I are unable to attend the delegation in June 2023, we are excited about the opportunity for both cities' leaders to reconnect in person and that our mana whenua will be represented in a meaningful way. On behalf of Rangitāne, and with the support of Danielle Harris and Chris Whaiapu, who are the other signatories to our Partnership Agreement I would like to endorse Councillor Roly Fitzgerald to represent our Iwi on this occasion. His presence alongside the Mayor would reflect the strong partnership we have between Rangitāne and PNCC and recognise the aspirations of Rangitāne for the success of our members and the wider community.



Wiremu Te Awe Awe

With the endorsement of Rangitāne leaders Chris Whaiapu and Danielle Harris.

REPORT

TO: Council

MEETING DATE: 15 February 2023

TITLE: Transport Choices - Cycling

PRESENTED BY: Hamish Featonby, Group Manager - Transport & Development

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council delegate authority to the Chief Executive to sign the Transport Choices funding agreement with Waka Kotahi for \$4.893M over 2022/23 and 2023/24 at a Funding Assistance Rate of 100%.
2. That Council note the constrained project timeline, and agree a decision-making forum to enable decisions on final design to be made in August 2023.
3. That Council approve creation of a new Programme called 'Transport Choices – Cycleways' to reflect both the additional capital new expenditure and additional subsidy revenue which breaks down as follows:
 - a. An increase of \$300k in the 2022/23 Capital New Budget for design engineering and engagement and consultation costs.
 - b. An increase to Waka Kotahi Capital Revenue of \$300k being 100% of the new budget for 2022/23.
4. That Council note commitment to the addition of the 'Transport Choices – Cycleways' of \$4.593M in the 2023/24 Annual Budget for capital new for construction and an associated increase to Waka Kotahi Capital Revenue of \$4.593M in the 2023/24 Annual Budget.
5. That Council approve an increase of \$208k to the Streets for People budget for the 2023/24FY as contingency for the Streets for People – Featherston Street project at a Funding Assistance Rate of 90% from Waka Kotahi.
6. That Council note a decrease of \$1,688k for programme 1559-City-wide - Urban Cycle Infrastructure Network improvements will be included in the 2023/24 Annual Budget.
7. That Council note a decrease in Waka Kotahi Capital Revenue for programme 1559-City-wide - Urban Cycle Infrastructure Network improvements of (\$780k) and a decrease in PNCC Debt Funding for this programme of (\$908k) will be included in the 2023/24 Annual Budget.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE OPPORTUNITY

- 1.1 As part of the Government's Emissions Reduction Plan (ERP), the Transport Choices programme has provided an opportunity to Local Government to apply for funding to create a change in the way people move around our towns, cities and regions. This fund is designed to fast track projects that support a rapid shift to more sustainable and active ways of getting around.
- 1.2 Palmerston North City Council has applied for and had funding approved to contribute toward upgrading and connecting cycleways in Palmerston North. The funding will be utilised to progress strategic cycle networks that sit under the Council's 2019 Urban Cycle Network Masterplan.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

2019 Urban Cycle Network Masterplan, 2021-31 10-Year and Transport Plans

- 2.1 Council adopted an Urban Cycle Network Masterplan in 2019. Its purpose is to map out an investment programme for the urban cycle network and to create an environment and culture that encourages more people in Palmerston North to choose cycling more often. The Urban Cycle Network Masterplan commits Council to (but not limited to):
 - Expand the network of cycle lanes, including physically separated cycleways
- 2.2 The implementation of the Urban Cycle Network Masterplan was funded in the most recent 10-Year and Transport Plans. The Transport Plan signals that one of the key measures of success for the plan is an increase in walking and cycling. The Transport Plan also highlights that in Palmerston North only a small proportion of total trips incorporate active transport, that fatal and serious injury crashes involving cyclists continues to increase and that the perception of cycling as unsafe is a key barrier to an increase in cycling uptake.
- 2.3 Officers are developing detailed cycle lane implementation plans to ensure that cycle lane implementation across the city responds to demand and provides coherent linkages as a priority.

Waka Kotahi Streets for People

- 2.4 Waka Kotahi established a nationwide Streets for People fund of \$30M to build capability and accelerate planned changes to active mobility networks across local authority road networks in New Zealand. The intention for the programme is to learn from the 'Innovating Streets' programme and develop approaches to make successful temporary or semi-permanent physical changes to urban streets.
- 2.5 Palmerston North City Council's proposal for Streets for People funding was approved and endorsed by Waka Kotahi and subsequently by Council at the

September 2022 Council meeting. The endorsed project is to undertake walking, cycling and associated safety network improvements on Featherston Street between Aroha and North Streets. This project has multiple stakeholders, and a high complexity because of complicating factors, such as the State Highway intersection of Rangitikei Street, multiple businesses and two local schools, making Waka Kotahi's programme philosophy of early engagement, co-design and iterative practices to increase public buy-in an appropriate approach.

3. TRANSPORT CHOICES - CYCLING

3.1 Under the Government's Emissions Reduction Plan (ERP), a \$350M Transport Choices package was made available from the Climate Emergency Response Fund (CERF). As part of this package, Waka Kotahi is working with local councils to:

- Deliver strategic cycling/micro mobility networks
- Create walkable neighbourhoods
- Support safe, green, and healthy school travel
- Make public transport more reliable and easier to use

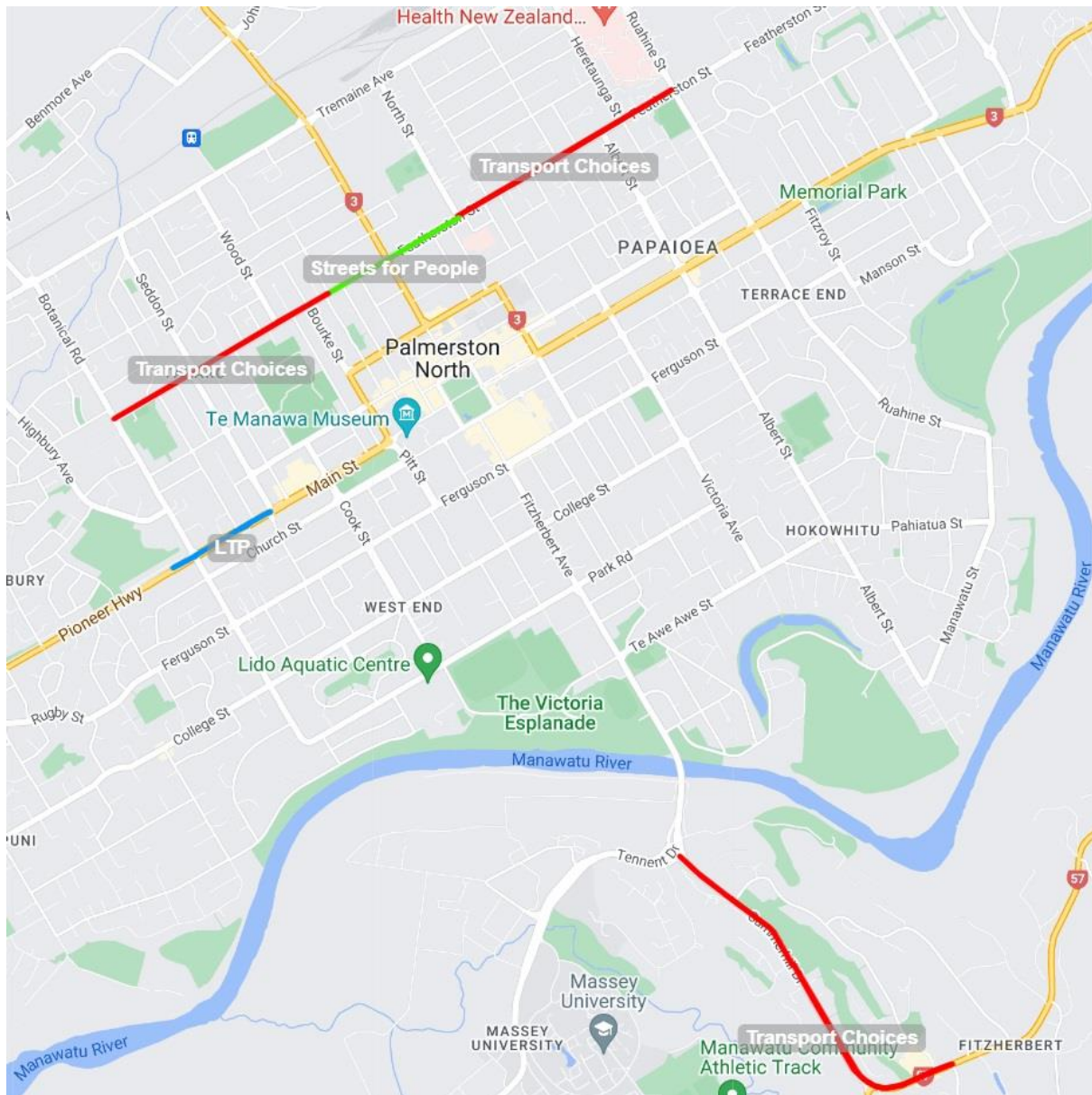
3.2 In contrast to the Streets for People (SfP) philosophy of iterative design and trialling semi-permanent infrastructure, the Transport Choices programme aims to promote fast track projects that support a rapid shift to more sustainable and active ways of getting around and to make that meaningful change quickly. Transport Choices funding expires at the end of June 2024, meaning that projects have to be designed, agreed, procured and implemented within the next sixteen months.

3.3 The sections of cycleway chosen for the funding application were derived from a combination of delivering cycling transport corridors identified in the Urban Cycle Network Masterplan which prioritises the top 25 corridors such as Featherston Street and Main Street, and also where a significant need has been identified to complete cycling connections for a growing suburb with the rest of the city via a busy and currently unsafe corridor, for example Summerhill Drive through to Aokautere Drive.

3.4 Cycleway projects are often complicated because of multiple stakeholders and users and because they involve the reallocation of the limited space we have within our urban environment. To ensure that the projects taken on are achievable and able to be delivered within the very short timeframe officers have consolidated the complete Cycling Infrastructure programme for 2023/24 into the following:

- Two sections of Featherston Street to complete the cycling network between Botanical Road and Ruahine Street in conjunction with the SfP project, funded by the Transport Choices programme.

- A solution for Summerhill Drive that will link that part of the city with Fitzherbert Avenue, funded by the Transport Choices Programme.
- On Main Street West the remaining section of pathway and a signalised crossing will be installed to complete the connection between Main Street and the shared pathway on Pioneer Highway will be funded by 2021-31 10-Year Plan/ Annual Plan budgets. A paper regarding this will be presented to the Economic Growth Committee on 22 February.



- 3.5 Although all cycle lane projects have complexities which officers believe can best be resolved through the 'streets for people' approach, the areas selected for the Transport Choices Fast Track have also been selected because they adjoin projects already underway, where stakeholders have

been identified and in most cases engagement and awareness-raising has started.

- 3.6 For the projects to be successful a suitable amount of time is still required to ensure the public can be involved through feedback and consultation and to ensure that Elected Members have the chance to provide input. The timeline below outlines the key dates that officers will be aiming to hit to make sure the project can be delivered within the funding window. In order to achieve the expenditure deadline, but still complete the required design and consultation work, an extraordinary Council meeting will likely be required for decision making to approve the final design prior to tender.

Initial engagement with schools and businesses on affected streets	Mid February – start of March
Initial Feedback on proposed projects	All of March
Concept Design completed and shared with Elected Members prior to consultation	End of April
Public Consultation on Concept Design and impacts	May - June
Design changes following consultation	July – start of August
Elected Member approval of final design following consultation	Extraordinary Council Meeting – Early August
Tender Process	August
Tender Award	Council Meeting on 6 September 2023
Construction Period	7 September 2023 – 30 June 2024

4. RISKS AND MITIGATIONS

- 4.1 There remains risk regarding public acceptance of cycle lanes generally, which is intended to be ameliorated through implementing learnings from previous projects, which will be discussed in the Council meeting. In addition, provision is made in the proposed budgets for the 2021-31 10-Year Plan component related to associated place making for the new cycle lane areas.
- 4.2 Cycle lane development is highly time-intensive for officers, because of the high level of engagement, which will impact on the delivery of other work. This is discussed below, as it will be necessary to defer some other work to enable this to proceed.

- 4.3 The overall delivery timeframe is very difficult to achieve through our supply chain especially once factoring in project feedback, consultation and Elected Members' approvals. The Design Panel already has these cycling projects underway with investigations, analysis and some design work already progressed. However, with such a large programme of work to deliver prior to 30 June 2024, officers are working on strategies to maximise the time available for physical delivery of the project such as early materials procurement and the use of the Fulton Hogan contract to implement the construction. Decision making by Council outside of the general meeting schedule will be required to also mitigate delivery risk.
- 4.4 Officers, along with the Waka Kotahi support team, will continue to look at ways to de-risk the construction timeframe. One of the offers of assistance from Waka Kotahi includes potential bulk purchase of common materials on our behalf. For example, with so many cycling projects across the country that will all require concrete separators they may be able to procure the bulk pre-casting of them so that when construction starts there is less materials lag time involved. However, the design process has not yet determined what materials will be needed for Palmerston North.

5. BUDGET IMPLICATIONS OF TRANSPORT CHOICES.

Table 1 - Current Budgets Including Approved Waka Kotahi Streets for People Funding

Current Budgets	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
SfP – Featherston St	625,000	1,250,000	1,875,000	1,687,500	187,500	1,875,000
2021-31 10-Year Plan Cycling Projects	0	3,145,455	3,145,455	1,604,182	1,541,273	3,145,455
Total 1559	625,000	4,395,455	5,020,455	3,291,682	1,728,773	5,020,455

- 5.1 The proposed Transport Choices programme has a corresponding budget cost, fully funded by Waka Kotahi. Table 2 details the proposed budget and funding arrangement, which shows \$300k expenditure occurring this financial year (FY22/23) for early design and engagement, and the remainder being spent next financial year.

Table 2 - Proposed new Transport Choices Programme Budget

Proposed New Programme	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
Transport Choices	300,000	4,592,500	4,892,500	4,892,500	0	4,892,500

- 5.2 With the change in projects comes a corresponding reallocation of funds. The proposed budget adjustments are summarised in Table 3. Officers have prioritised the spend of Transport Choices and Streets for People funding first, which have a 30 June 2024 funding deadline and then existing cycling funding from the 2021-31 10-Year Plan.

Table 3 - Budget movement for 1559-City-wide - Urban Cycle Infrastructure Network improvements including Streets for People (SfP)- Featherston Street

Proposed Budgets 1559	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
SfP – Featherston St	625,000	1,458,000	2,083,000	1,874,700	208,300	2,083,000
2021-31 10-Year Plan Cycling Projects	0	1,250,000	1,250,000	637,500	612,500	1,250,000
Total	625,000	2,708,000	3,333,000	2,512,200	820,800	3,333,000

- 5.3 To ensure that the cycling infrastructure programme overall is deliverable it is proposed that the existing 1559 Programme be decreased by \$1.895M in 2023/24. The associated works would be deferred and could be reassessed as part of Draft 10-year plan 2024. The only remaining work in Council budgets would be our contribution to the Streets for People component of Featherston Street, the budgets for Main Street linkage to Pioneer Highway, and some placemaking provision for the Transport Choices areas, not covered within Waka Kotahi funding.
- 5.4 It should be noted that the SfP Featherston Street programme is being adjusted from \$1,875m to \$2,083m. This is to allow for a contingency amount for the project of \$208k, which whilst funded and agreed with Waka Kotahi was not included in the September 2022 paper to Council. Although the recognition of the contingency sum increases the capital budget for the programme by \$208k next financial year, 90% of this is funded by Waka Kotahi, therefore the increase in Council's contribution is only \$21k.

Table 4 - Movement of existing 1559 budgets

Movement of Budgets 1559	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
SfP – Featherston St	0	208,000	208,000	187,200	20,800	208,000
2021-31 10-Year Plan Cycling Projects	0	(1,895,455)	(1,895,455)	(966,682)	(928,773)	(1,895,455)
Total	0	(1,687,455)	(1,687,455)	(779,482)	(907,973)	(1,687,455)

- 5.5 Table 4 summarises the overall proposed changes in capital investment in cycling infrastructure, and Table 5 the budgets and funding sources for each programme. Overall, there would be an increase in the capital budget across 2022/23 and 2023/24 of \$3.205M or 64% from planned. Most of this increase is 100% funded by Waka Kotahi and paired with decreasing LTP programme 1559 budget, there will be a decrease in Council's overall contribution by \$908k for 2023/24.
- 5.6 There will also be other active transport projects deferred next year, based on ongoing deliverability review, which will enable staff time to be focussed on delivering these projects. This will be discussed at the Council meeting, with officer recommendations to take into the Annual Plan process.
- 5.7 It is worth noting that a decision on the operational costs associated with the new assets must be deferred until there is a very clear understanding of exactly what is being constructed. The operations and maintenance of the new assets will form a component of the decision making on the best option for construction and this information will be included in the paper to Council to approve the design following engagement and consultation. However, it will add to the operational and renewal budget requirements across the network.

Table 5 - Overall Budget Movement

Total Investment	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
Transport Choices	300,000	4,592,500	4,892,500	4,892,500	0	4,892,500
Prog 1559	625,000	2,708,000	3,333,000	2,512,200	820,800	3,333,000
Total	925,000	7,300,500	8,225,500	7,404,700	820,800	8,225,500
Current Budget	625,000	4,395,455	5,020,455	3,291,682	1,728,773	5,020,455
Overall Movement	300,000	2,905,045	3,205,045	4,113,018	-907,973	3,205,045

Table 6: Overall Project Budgets

	Featherston St			Summerhill Drive	Main Street West	Totals
	Botanical to Aroha	Aroha to North	North to Ruahine	Tennent to Pacific	Crossing & Pathway	
Transport Choices	1,300,000		1,300,000	2,292,500		4,892,500
Streets for People – WK Share		1,875,000				1,875,000
Streets for People – PNCC Share (LTP 1559)		208,000				208,000
LTP 1559 – WK Share	76,500		76,500	102,000	382,500	637,500
LTP 1559 – PNCC Share	73,500		73,500	98,000	367,500	612,500
Totals	1,450,000	2,083,000	1,450,000	2,492,500	750,000	8,225,500

6. NEXT ACTIONS

- 6.1 Once budget is confirmed, officers will commence with project setup and planning works and begin the concept design and feedback engagement phase of the work.
- 6.2 A paper relating to a Steering Group for the Cycleway upgrade projects will be presented to Council at the meeting on the 1st March 2023.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 Following a decision of Council, on budgets allocations, the following will occur:
 - Meet with businesses and schools on the routes
 - A 4-week feedback period with some clear questions to inform the design process
 - Test concept designs with Elected Members following integration of outputs of initial feedback

- A 4 to 6-week consultation period on the concept designs
- Final Design presented to Council for approval

8. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 1: An Innovative and Growing City	
The recommendations contribute to the achievement of action/actions in Transport	
The action is: Increase walking and cycling	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The Transport Plan signals that one of the key measures of success for the plan is an increase in walking and cycling. The Transport Plan also highlights that in Palmerston North only a small proportion of total trips incorporate active transport, that fatal and serious injury crashes involving cyclists continues to increase and that the perception of cycling as unsafe is a key barrier to an increase in cycling uptake. This project works towards creating a safe and inclusive cycling core network.

ATTACHMENTS

Nil

REPORT

TO: Council

MEETING DATE: 15 February 2023

TITLE: Transport Choices - Public Transport

PRESENTED BY: Hamish Featonby, Group Manager - Transport & Development

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer
Cameron McKay, Chief Financial Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council delegate authority to the Chief Executive to sign the Transport Choices funding agreement with Waka Kotahi for \$5.5M over 2022/23 and 2023/24 at a Funding Assistance Rate (FAR) of 100%.
2. That Council delegate authority to the Chief Executive to sign a Memorandum of Understanding with Horizons Regional Council for the joint delivery of the Palmerston North portion of the Transport Choices – Public Transport programme Horizons has received funding for.
3. That Council approve creation of a new Programme called ‘Transport Choices – Public Transport’ to reflect both the additional capital new expenditure and additional subsidy revenue as follows:
 - a. An increase of \$300k in the 2022/23FY Capital New Budget for design engineering, engagement and consultation costs.
 - b. An increase to Waka Kotahi Capital Revenue of \$300k being 100% of the new budget for the 2022/23FY.
4. That Council note commitment to an increase of \$5.2M in the 2023/24 Annual Budget of capital new funding and an associated increase to Waka Kotahi capital revenue of \$5.2M in the 2023/24 Annual Budget.
5. That Council remove the 2022/23 budget provision for programme 1680-City-wide - Public Transport Infrastructure Improvements of \$93K and associated capital revenue of \$47.3K.

RATIONALE FOR THE RECOMMENDATIONS

1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY

- 1.1 As part of the Governments' Emissions Reduction Plan (ERP), the Transport Choices programme has provided an opportunity to Local Government to apply for funding to create a change in the way people move around towns, cities and regions. This fund is designed to fast track projects that support a rapid shift to more sustainable and active ways of getting around.
- 1.2 Palmerston North City Council in conjunction with Horizons Regional Council applied for and has received funding approval to contribute towards the implementation of infrastructure to support Horizons' new bus service in Palmerston North.

2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS

- 2.1 Palmerston North City Council's Active and Public Transport Plan seeks an integrated multi-modal transport network that connects people with destinations and place. It seeks a significant mode-shift to active and public transport and for people to choose transport modes that reduce carbon emissions. Innovative and Growing City Strategy has relevant key priorities to:
 - Provide infrastructure to enable growth and a transport system that links people and opportunities
 - Transform the economy to a low carbon economy
- 2.2 Horizons and Palmerston North City Council have closely collaborated on the development of a re-designed public transport network in Palmerston North. In late 2023 Horizons will be introducing a new bus network to service the City. The new network will be frequent, fast, reliable and simple and aimed at maximising the potential for mode shift by catering to the needs of the majority of transport users across the city. Routes will focus on higher order roads and frequencies will be high enough for users to 'forget the timetable' at peak times.

3. TRANSPORT CHOICES – PUBLIC TRANSPORT

- 3.1 Under the ERP, a \$350M Transport Choices package was made available from the Climate Emergency Response Fund (CERF). As part of this package, Waka Kotahi is working with local councils to:
 - Deliver strategic cycling/micro mobility networks
 - Create walkable neighbourhoods
 - Support safe, green, and healthy school travel
 - Make public transport more reliable and easier to use
- 3.2 The Transport Choices programme aims to bring support to fast track projects that support a rapid shift to more sustainable and active ways of getting

around and to make that meaningful change quickly. Transport Choices funding timing aligns with the current 10-Year Plan with availability of the fund expiring at the end of June 2024.

3.3 Horizons' plan for the Transport Choices funding is to implement a new network of public transport network infrastructure to align with the roll out of a new bus service:

- Bus shelters which are wheelchair accessible and weatherproof, allowing all customers safe and equal access at any time of day or year.
- Digital timetable displays for up to date information. This will be connected to Horizons' real time bus tracking platform. Digital displays simplify the process of catching a bus and removes the fear factor of 'am I in the right spot' or 'has the bus already passed through'.
- Improving the safety of our bus stops for all users including tactile ground surface indicators, lighting, integration with cycle lanes, curb height, foot path width to enable easy wheelchair and pedestrian access.
- Bus priority measures including bus lanes and changes and signalized intersections.
- Multi modal integration – accommodating cycle parking at key locations, improvements for walking – new road crossings and connecting pathways for the first / last mile.
- Not in Scope: The Main Street Terminal is not included in this work. A Business Case is currently being undertaken to understand any requirement for upgrade or replacement however this is not directly related to the network change. There may be some very small changes to the current terminal when the new network is implemented, such as signage, but nothing substantive.

- 3.4 Figure 1 shows the current Level of Service plus an example of the type of bus stop we could expect to see delivered as part of this project.



With Transport Choices Funding



Without Transport Choices Funding

Figure 1 – Level of service provision at city bus stops

- 3.5 Horizons have highlighted that the priority for the funding will be to implement the new bus stops servicing the new routes where there is currently no existing level of service.
- 3.6 Improvements to existing stops will be the next priority. This will be followed by improvements to the level of service, with priority bus lanes and intersection improvements. Integration of the Public Transport infrastructure with cycling and walking network improvements will leverage accessibility and support immediate and sustained modal shift.
- 3.7 Alongside improvements to the on-street Public Transport network infrastructure, the works will target improvements to stops at key destinations. Primarily these will be at Massey University and Palmy airport.

3.8 Figure 2 provides a map of the new public transport network.

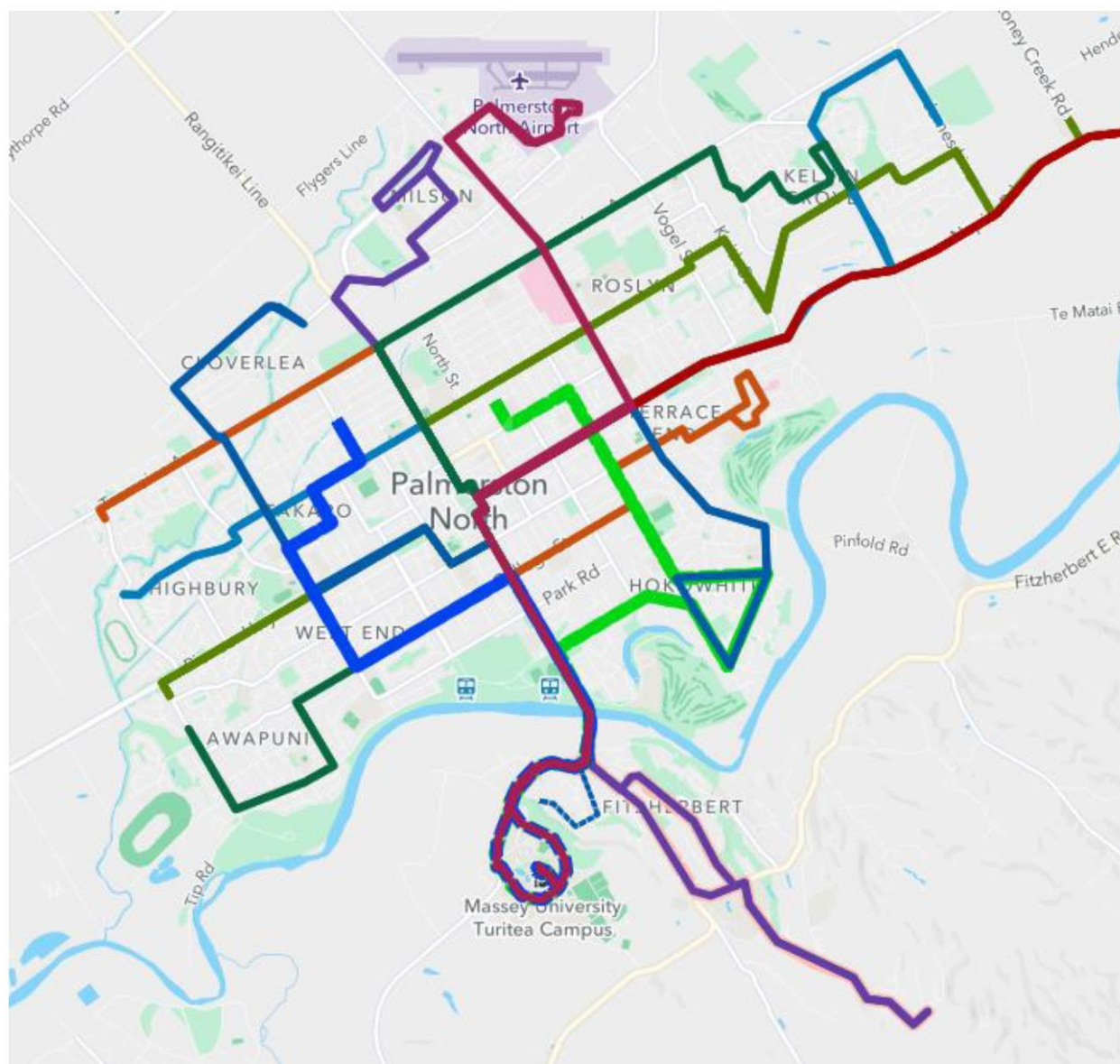


Figure 2 - New Palmerston North Public Transport Network

4. DELIVERY OF PROGRAMME

- 4.1 Due to the Transport Choices funding being a Horizons led but jointly delivered project, a Memorandum of Understanding between Horizons Regional Council and Palmerston North City Council is being drafted to clearly outline the responsibilities of each organisation. Once complete it will outline that Palmerston North City Council will have responsibility to deliver all the infrastructure excluding the digital timetable displays and the Massey University and Airport bus terminals. It will also outline the responsibilities for renewal and maintenance of the assets following completion of the construction.

4.2 The work being performed by Palmerston North City Council has been broken into three phases – some of which will run concurrently.

4.2.1 Phase 1 is to identify the number and most optimal location of bus stops including what stops become redundant or no longer in an optimal position for the new network. Officers have been aware of the bus route network changes coming and so have already commissioned work to understand this impact to the infrastructure. This work is nearing completion with a final report expected in early February 2023. The results will be quantified and clarified in order to create a prioritised list of projects.

Draft results of the analysis highlight that for the new network to operate it will require about 400 bus stops across Palmerston North. Of the 400, over half can be made up from existing bus stops with the remainder being new assets. There will be a substantial number of redundant or no longer optimal bus stops that will require decommissioning either by repurposing, reusing or recycling and options for dealing with those sites will be determined and socialised once the numbers are confirmed. The analysis is currently being re-run with some tweaked assumptions so the numbers may change slightly for the better.

4.2.2 Phase 2 will involve the creation of designs for firstly the bus stop design and then the engineering specific to each location for the infrastructure. This design phase will include engagement with Elected Members, Rangitāne, Disability Reference Group, Horizons Regional Council, Living Streets Aotearoa to ensure all requirements and considerations are captured for the bus stop design. The intention is to use specialist bus stop design and build companies that can create a design that is modular, easily and quickly constructed and suitable for quick simple installation. Other factors such as low maintenance needs and durability will be strongly considered as well. Wellington and Auckland have used a similar approach of pre-construction and placing of the pre-built hardware and achieved rapid change similar to what will be required for this project. Planning for procurement of these services is currently underway. Officers will share the concept designs with Elected Members and the public through the Palmerston North City Council Communications and Marketing team.

4.2.3 Phase 3 is to construct the bus stops. With the list of bus stops prioritised, they will be grouped and delivered in packages based on those priorities. Based on the draft analysis there will be high/medium/low groups that will enable a staggered release of designs to a contractor rather than waiting for the whole lot to be complete before beginning work. This should increase the construction time available and ensure the project is delivered within the Transport Choices funding window that closes on 30 June 2024. The prioritisation will also need to ensure enough bus stops are in place when the new bus service begins which is expected in the first quarter of 2024.

4.2.4 Timeline Summary

Phase 1: Bus stop quantity and location optimisation project	Already underway, completion due early February 2023.
Early engagement with affected parties	Mid to Late February 2023.
Engagement with key partners on bus stop requirements and desires for Phase 2	Early March.
Phase 2: Bus stop design	Procurement of services underway now. Expected completion end of April.
Bus Stop Design and any options shared with the Elected Members and public	Late April early May.
Phase 2: Engineering design	Engagement of the Infrastructure Design Panel is underway now for the engineering required for each location. Staggered completion will allow Phase 3 to begin prior to full completion of all of the sites with the first delivery expected in late July or early August.
Construction contractor procurement – construction of the bus stops and/or installation	Procurement will occur during May for tender award at a Council Meeting in mid to late June.
Communications with affected parties prior to construction	Prior to construction occurring – late June or early July.
Phase 3: Construction	Staggered start as Phase 2: Engineering Design releases completed prioritised groups of work. Expected timeline for construction will occur from July onwards.

5. FINANCIAL

- 5.1 Palmerston North City Council currently funds some renewal and capital new works of Public Transport Infrastructure. The funding level is based on a small level of renewal per year as bus stops are damaged and upgrading one or

two existing bus stops per year. The current level of funding would not be able to accommodate Horizons' new bus network.

- 5.2 Spend within these budgets this financial year has been on hold awaiting confirmation of the new network needs and/or external funding. Now that external funding has been approved the Capital New budget for 2022/23 and 2023/24 will be declared savings as the Transport Choices funds will be all that is required for this work. The renewals budget will remain as it is utilised primarily for damage repair works on demand.
- 5.3 Overall, it is proposed to increase the investment in infrastructure associated with public buses from \$185K to \$5,593K as summarised in Table 1.

Current	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
181 - Public Transport	60,000	32,539	92,539	47,195	45,344	92,539
1680 - Public Transport	92,790	0	92,790	47,323	45,467	92,790
Total	152,790	32,539	185,329	94,518	90,811	185,329

Proposed	Capital Investment (\$)			Funding (\$)		
	2022/23	2023/24	Total	Waka Kotahi	PNCC	Total
181 - Public Transport	60,000	32,539	92,539	47,195	45,344	92,539
1680 - Public Transport	0	0	0	0	0	0
Transport Choices - NEW	300,000	5,200,000	5,500,000	5,500,000	0	5,500,000
Total	360,000	5,232,539	5,592,539	5,547,195	45,344	5,592,539

Table 1: Proposed Investment in Bus infrastructure

- 5.4 The net funding implication for Council is a decrease in capital funding of just over \$45K.
- 5.5 Once the extent of the bus stop improvements that can be delivered within the funding is confirmed, a programme will be prepared for the 2024 10-Year Plan process, to fund the remainder, if required. There is a Memorandum between Horizons and Palmerston North City Council that outlines Bus Stops as the responsibility of Palmerston North City Council with some input financially from Horizons. This input will be taken into account when putting forward any programme for assessment as part of the 10-Year Plan.
- 5.6 As part of the design optioneering process on-going maintenance and renewal costs will be considered as well as expected lifecycle timings to ensure the new level of service is sustainable and whole of life costs are appropriate. There is a likelihood that an increase in on going costs will be the case and as such this will be highlighted to Elected Members in late April or early May following the conclusion of the design process.

6. NEXT ACTIONS

- 6.1 Once the budget is confirmed, officers will begin Phase 2 of the project to get designs underway.

7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 Once the recommendations from this paper are confirmed the following will occur:

- The design consultant will engage with a number of key partners across the city to establish a series of requirements and desires including (but not limited to):
 - Elected Members, Rangitāne, Disability Reference Group, Horizons Regional Council, Living Streets Aotearoa and others to be determined.
- Once bus stop concept designs are complete, they will be shared with Elected Members and the public via our Marketing & Communications team.
- One on One engagement with businesses and any other affected landowners once the locations are confirmed.
- Education and awareness communications prior to Construction stage beginning.

8. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 1: An Innovative and Growing City	
The recommendations contribute to the achievement of action/actions in Transport	
The action is: The urban network supports amenity outcomes, prioritises active and public transport, and directs freight to the Regional Freight Ring Road.	
Contribution to strategic	As per item above: Innovative and Growing City Strategy has

direction and to social, economic, environmental and cultural well-being	<p>relevant key priorities to:</p> <ul style="list-style-type: none"> • Provide infrastructure to enable growth and a transport system that links people and opportunities • Transform the economy to a low carbon economy
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ATTACHMENTS

Nil

REPORT

TO: Council

MEETING DATE: 15 February 2023

TITLE: Ferguson Street & Pitt Street Intersection Upgrade - Budget Adjustment

PRESENTED BY: Hamish Featonby, Group Manager - Transport & Development

APPROVED BY: Sarah Sinclair, Chief Infrastructure Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the additional funding of \$633,161 for the Capital New Programme 2059 - Urban Transport Improvements - Enabling Palmerston North Integrated Transport Initiative to increase the 2022-23 budget from \$2,088,868 to \$2,722,029 to enable the completion of the revised scope of the Ferguson Street & Pitt Street Intersection Upgrade.
2. That Council approve transferring \$551,873 from programme 218 – City Wide – Water Main Renewals by creating a Capital New Programme to recognise the unplanned relocation and replacement of 3 Waters pipes that needed to occur due to the construction of the Ferguson Street & Pitt Street Intersection Upgrade.
3. That Council delegate authority to the Chief Executive to vary the contract value to \$3,923,763 and Contract Contingency by a further \$200,000 within the provisions included in the updated programme budget if required for the successful delivery of the contract.

SUMMARY OF OPTIONS ANALYSIS FOR

Problem or Opportunity	<p>The Ferguson Street/Pitt Street intersection upgrade has been identified as part of the city's Inner Ring Road development and has been funded for upgrading for some time. The project is intrinsically linked to Council's strategic direction, which enables improved road safety at the intersection and the efficiency of circulation of traffic around the 'streets for people' city centre environment.</p> <p>Waka Kotahi co-funding of this project has been secured as part of the 2021-24 National Land Transport Fund and has been signalled for delivery this financial year.</p> <p>In August 2022, Council awarded Contract 4133 for the Ferguson Street/Pitt Street Intersection Upgrade to Downer NZ Ltd for \$2,473,545 plus the provisional of up to \$300,000 for the installation of a signalised crossing. The Council also gave the Chief Executive the delegated authority to vary the contract sum by the maximum amount of \$550,000 for the successful delivery of the contract.</p> <p>The contract commenced on the week of 10 October 2022. Stage One is now substantially complete with Stage Two now underway.</p> <p>Delays to the commencement of the contract due to the need to extend the watermain further along Ferguson Street and up Pitt Street along with a number of contract variations have resulted in the requirement to seek Council approval of additional budget to complete the project and Chief Executive delegation to further vary the revised Contract Sum.</p> <p>Additionally, although completed by our inhouse workforce, the relocation and replacement of the watermain was an unplanned renewal at a cost of \$551,873. This has impacted on the ability to progress other planned watermain renewals but was necessary to improve water resilience and avoid a future need to re-dig in the newly constructed intersection at some point in the future.</p> <p>Contract completion date is expected to be 5 May 2023.</p>
OPTION 1:	Approve the additional budget to complete the contract works and the request to move the cost of relocated the watermain from renewals to capital new
Community Views	<ul style="list-style-type: none"> The community was consulted on the project.
Benefits	<ul style="list-style-type: none"> Improved road safety at the intersection of Ferguson/Pitt Street. Project is fully implemented meeting community

	<p>expectations.</p> <ul style="list-style-type: none"> By including the project to create resilience and move the watermain as part of this capital new programme, it enables budget capacity to deliver additional planned renewals and has the added benefit of being able to be considered as debt transferring under 3 water reform.
Risks	<ul style="list-style-type: none"> Council reputation impact as not delivering projects to time and budget. Noting that delivery practice has changed significantly since the design was commissioned. The constrained supply of materials, plant and labour impacts the delivery programme. To mitigate this - Downer have identified backup supply of materials required for the works, along with the necessary plant and machinery required. Downer also outlined their staff back-up plan.
Financial	<ul style="list-style-type: none"> Waka Kotahi co-funding of this project (51%) has been endorsed based on development of the Inner Ring Road as a vehicle efficiency project. An additional \$1,08M capital new funding is required to complete the full scope of works.
OPTION 2:	Approve the additional budget to complete the contract works but not move the unplanned watermain renewal costs
Community Views	<ul style="list-style-type: none"> The community was consulted on the project.
Benefits	<ul style="list-style-type: none"> Improved road safety at the intersection of Ferguson/Pitt Street. Project is fully implemented meeting community expectations.
Risks	<ul style="list-style-type: none"> Council reputation impact as not delivering projects to time and budget. Noting that delivery practice has changed significantly since the design was commissioned. The constrained supply of materials, plant and labour impacts the delivery programme. To mitigate this - Downer have identified backup supply of materials required for the works, along with the necessary plant and machinery required. Downer also outlined their staff back-up plan. By not moving the relocation of the watermain from renewals, less planned renewals will be delivered
Financial	<ul style="list-style-type: none"> Waka Kotahi co-funding of this project (51%) has been endorsed based on development of the Inner Ring Road as a vehicle efficiency project. An additional \$633k capital new funding is required to complete the full scope of works.

OPTION 3:	Approve the Value Engineering Options to reduce the additional budget required to complete the contract works
Community Views	<ul style="list-style-type: none"> The community was consulted on the project.
Benefits	<ul style="list-style-type: none"> Increase in the efficiency of circulation of traffic around the 'streets for people' city centre environment and inner ring road. Officers can monitor the need for a mid-block crossing and report back to Council confirming if there is the need for the crossing.
Risks	<ul style="list-style-type: none"> There is community expectation that a mid-block pedestrian crossing will be included in the scope of works for the project, as endorsed by Council last year, which may have reputational impacts. There is a continued safety risk for pedestrians crossing to the supermarket from the Linton Street side of the road. There is a higher wear of the chipseal section leading to backlash from the community about the quality of the build.
Financial	<ul style="list-style-type: none"> The value engineering options reduces the forecast project overspend to \$179,031 so this would be the required additional capital new funds required to complete the project.

1. OVERVIEW OF THE PROBLEM

- 1.1 In August 2022 Council awarded the Contract 4133 for the Ferguson Street/Pitt Street Intersection Upgrade to Downer NZ Ltd for \$2,773,545 (excluding GST), being the tendered sum of \$2,473,545 plus provision of up to \$300,000 for installation of a signalised pedestrian crossing.
- 1.2 Council gave the Chief Executive the delegated authority to vary the contract sum by the maximum amount of 20% of the GST exclusive contract sum (\$550,000) if required.
- 1.3 As the Ferguson/Pitt Street Intersection Upgrade has progressed, necessary price variations have resulted in increased cost. Whilst the project is still currently within budget, to incorporate the construction work required to finish the project, identified future variations as well as the variations already issued indicate the need to seek Council approval to give the Chief Executive the delegation to increase the Contract Sum.
- 1.4 Two options have been identified for the future sum, based on value engineering and quality and risk appetite, and a further option to fund the early unplanned replacement of the watermain that was required to be relocated has been included.

2. BACKGROUND AND PREVIOUS COUNCIL DECISION

- 2.1 The Ferguson Street/Pitt Street intersection upgrade is a project in Council's 2021-31 10 Year Plan. It has been endorsed by Waka Kotahi for co-funding as part of Council's Low-Cost Low Risk (LCLR) programme through the 2021-24 National Land Transport Plan.
- 2.2 The intersection upgrade forms part of Palmerston North's Inner Ring Road (Pitt/Walding/Grey/Princess/Ferguson) which has been developed in phases over the last 50 years. Designed as a primary route for vehicles intending to cross from one side of the city to the other, the Inner Ring Road connects four of the city's key high vehicle volume roads:
 - Pioneer Highway,
 - Fitzherbert Street,
 - Rangitikei Street (SH3) and
 - Main Street (SH3).

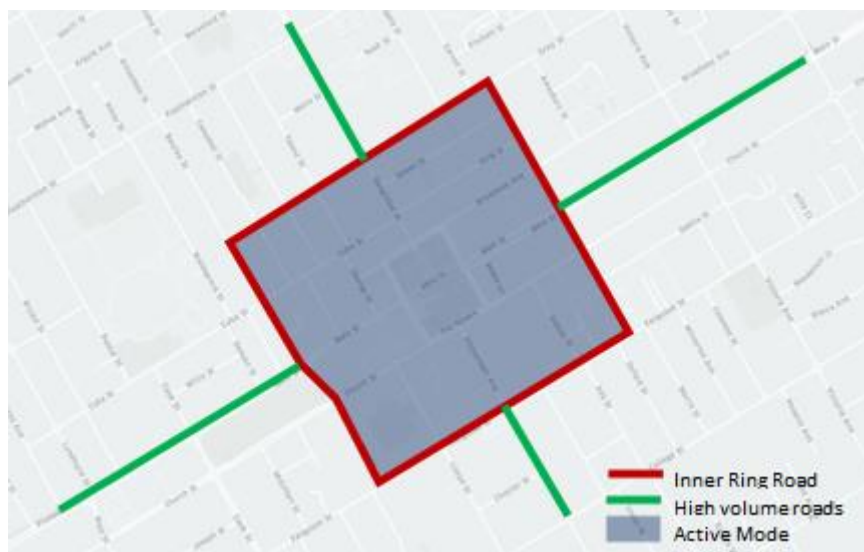


Figure 1: Inner Ring Road and High-Volume Roads

- 2.3 Supported by the 2013 City Centre Framework, the Inner Ring Road provides for traffic circulation around the city centre which in turn enables the promotion of walking and cycling in the city centre. The completion of the Inner Ring Road is inextricably linked to the development of major city centre projects, including Cuba Street upgrade, Streets for People Programme and the Bus Terminal development. The completion of the Inner Ring Road is also an enabler of the Palmerston North Integrated Transport Initiative (PNITI), as it provides for the movement of freight and heavy vehicles that service the city.
- 2.4 The purpose of the project is in line with Council's strategic direction to improve road safety at the intersection of Ferguson Street/Pitt Street and

increase the efficiency of circulation of traffic creating a 'streets for people' city centre environment.

- 2.5 After some re-design to address issues raised by Council, in March 2022, Council approved the modified Ferguson Street/Pitt Street Intersection Upgrade design and endorsed that the project proceeded to tender.
- 2.6 At 3 August 2022 meeting, Council approved Option 1: 'Include the provision of the mid-block pedestrian signalised crossing into the scope of the Ferguson Street/Pitt Street Intersection Upgrade Project, noting that the engineer's estimate for this work is \$260,000'.
- 2.7 As the contract has progressed there have been a several changes to the contract necessary to manage risks encountered on site. Whilst this is exactly what the contingency sum is for, cost forecasting has indicated that with current and future anticipated changes the project will exceed the contract budget including approved contingency.
- 2.8 The Contractor, Downers, have completed Stage 1 and are now working on Stage 2. The completion of the contract is currently 5 May 2023, subject to any unpredictable circumstances.

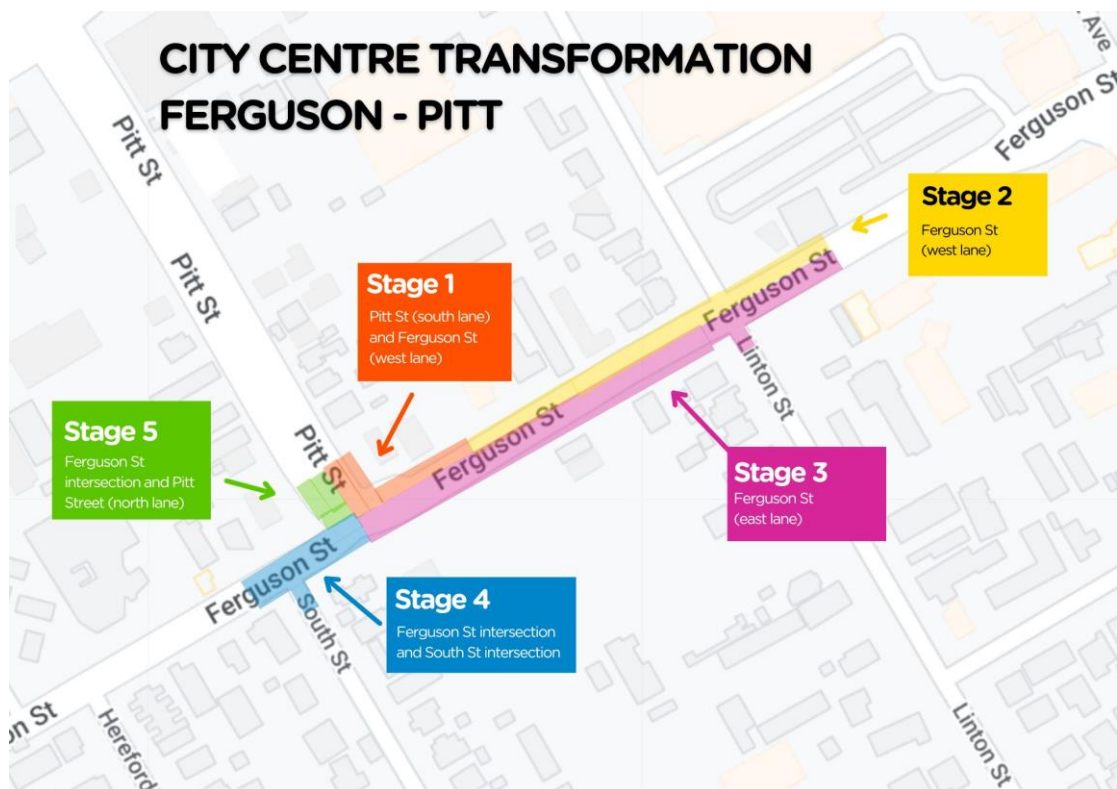


Figure 2: Contract Staging Plan

- 2.9 Council uses a New Zealand Standard form of contract for its civil engineering projects, NZS3910. The reasons for using a standard such as this is that it is well understood by the industry and the legal aspects have been well tested in the courts. This means that both Council and Contractors understand the

basis of risk apportionment for this type of contract, and so don't need to price for untested this. This takes the form of standard clauses which define what is covered within the contract terms and how changes are justified and quantified.

- 2.10 Tender pricing methodology commonly used for civil engineering projects (as opposed to building projects) of this type is Measure and Value. This contract type is used for civil engineering projects which describe the works in sufficient detail to enable the contractor to determine its programme and develop rates for carrying out different types of work. Tenderers' rates are based on design drawings and a schedule of quantities provided by the client.
- 2.11 The majority of the contract sum is arrived at by multiplying the tendered rates against the schedule of quantities. Other time-dependent costs included are, for example, site establishment and costs on a daily basis of keeping the site up and running. This includes such things as traffic management, fencing, site office and time allocation of some the contractors' staff and plant. If the schedule of quantities or the programme length of time changes then the contract price changes based on the original estimates and the change to predicted circumstances.

The time taken to execute the programme of works on site can change as a result of wet weather (either too wet to work safely or the ground conditions are too wet to execute the works), or unexpected underground conditions resulting in a change to the way in which the works are progressed. How this extension of time to the length of the programme is granted is governed by a series of clauses within the NZS 3910 Contract.

The advantage of a NZS 3910 Measure and Value contract is it reduces the relative level of risk that the contractor prices into the contract, (when compared to a lump sum contract) and so leads to a relatively lower price, the disadvantage is that the principle carries the uncertainty of a final price depending upon the exact quantities used and variations to the programme length. Although contingency sums are therefore allocated at contract start, these are always based on 'median' risk rather than worst case scenarios, to help encourage all parties to seek solutions to potential cost overruns.

- 2.12 Scope changes are another reason for changes in contract value. Scope changes can occur for many reasons but are often as a result of a change required for appropriate solutions to an unexpected discovery (usually underground) during the construction phase. They can increase or decrease the overall cost of a project.

A current example in the roading space is where pockets of blue clay have been found that were not revealed on investigations undertaken prior to completion of the design. Once found and the extent of the clay is understood a design change is required to redesign the road based on it having a different 'foundation'. To complete the road to its original intended standard, generally the clay needs to be removed, deeper excavation is required and a suitable foundation material (subbase) brought in. Another

example might be where an unexpected object or structure is found buried in the road space that requires demolition and removal of the materials from site. Scope changes may also add to the overall programme length and so there may be costs associated with this as well as the actual construction.

- 2.13 The overall programme budget is inclusive of the contract value, contract and project management (including stakeholder engagement and communication (radio ads)) design costs, and other minor on site costs not in the main contract – for example moving other minor council assets.

3. CHANGES OCCURING DURING THE CONTRACT DELIVERY

- 3.1 The contingency sum approved for the project was added to cover risks associated with the delivery of the contract such as weather-related delays, unknown services and minor design changes required on site. There have been some significant issues that have occurred on site that have led to variations that are not able to be accommodated within the contingency sum. Due to this the Contractor has been affected by delay and disruption outside of their control. This has added a total of 39 days to the contract period. Under the terms of the NZS3910 contract the contractor is entitled to claim costs for time delays, as they have priced for some contract elements on a time basis. The Project Team are anticipating a claim from the Contractor covering delay and disruption near to their initial programme completion date. The main items that have caused the delays are as follows:

Prior to construction starting

- 3.2 This project was commissioned for design prior to the Design Panel implementation but a consultant was utilised for this work. There were some deficiencies in the work provided by the Design Consultant through a combination of unclear expectations and scopes. Whilst some of these were resolved prior to tendering, some other deficiencies have led to costs added to the contract, either through extension of time claims or additional elements that were not included in the original tender.
- 3.3 Since the project was commissioned, Council has changed its design practice. A design panel is established, and design processes including defined review points, on site checks and interface with operational staff have eliminated the risk of recurrence of the design issues encountered. As the time frame for design completion through to construction is two years, this financial year is unfortunately resolving the last few site issues arising from previous methodology. They relate to the following issues:
 - 3.3.1 Although the water main along Ferguson Street was replaced prior to work starting, just prior to the works commencing it became apparent the two projects did not align seamlessly. This required an additional section of water main on Pitt Street to be completed before the Contractor could start. The effect of this not being resolved until the roading project was due to start delayed the start of the contract by six weeks.

- 3.3.2 Set-out survey information provided by the design consultant was delayed due to Covid and was unclear due to Council's original design scope being unclear in this regard. This meant that there were delays in providing the information required by the Contractor to commence set-out.
- 3.3.3 PNCC Engineering standards require subsoil drainage behind new kerb. This was missed out during the design and the engineers estimate processes. To meet the engineering standards, engineers confirmed that subsoil drainage is needed, to ensure the road pavement meets its design life.
- 3.3.4 A section of kerb and channel along Pitt Street was not included in the construction drawings, and therefore not priced by the contractor, although it was needed for the work.
- 3.3.5 The original design was chip seal on the sections between the intersections. This is not suitable for such a heavily used road and has been changed to asphalt. This will increase the life of the road and improve ride quality but was needed mainly to ensure that the surface of the road remains the same along Ferguson Street and Pitt Street.
- 3.4 As noted above, the establishment of the Design Panel has formalised the scope of services and set design and set out requirements and addresses the issues that have been experienced on this project. By locking down the roles and responsibilities of the Design Panel and Officers for each project and the expectations of each organisation a robustness has been applied to projects since the panels' inception that this project has missed out on.

During construction

- 3.5 Poor Quality Ground Conditions
 - 3.5.1 Although a soil investigation had been done, the excavation of Stage One of the project revealed that the underlying material was of poor quality, not as thick as expected and had the presence of blue clay at a much shallower depth than anticipated.
 - 3.5.2 Blue clay along with any amount of moisture causes premature failure of our roads and is a common issue across the road network. To address the poor underlying ground conditions, additional material has been removed and new material placed along with cement to improve the ground enough to build a road on to modern standards. The additional excavation depth has meant that known services have been exposed and these have needed to be relocated or lowered causing further delay and cost to the project. The costs to date to address the poor subbase have been in the order of \$25,000 for Stage One. These costs are likely to be applicable to the remaining four stages of the work. The costs for service relocation are described below.

3.6 Signalised Pedestrian Crossing and Traffic Lights

- 3.6.1 The price provided by the Contractor to install the signalised pedestrian crossing was higher than the \$300k Engineer's Estimate by just under \$10,000.
- 3.6.2 The crossing is between two other crossings close together. To improve traffic efficiency, safe walk sensors have also been added to the scope. These sensors detect pedestrians and minimise false crossing cycles.
- 3.6.3 In discussion with the nominated sub-contractor for the intersection traffic lights the installation methodology for cycle and vehicle detectors was changed to improve the durability of the detectors. The supply of cabling for the traffic signals has been impacted by supply chain constraints and the costs for cabling has increased.

3.7 Utility Services Relocations

- 3.7.1 The modified design changed the layout at the Ferguson Street/Pitt Street intersection. On this basis, Chorus required the relocation of their ducting as part of the work. These plans were received after the contract commenced works on site. Once the ducting is installed Chorus will install new fibre and service pits.
- 3.7.2 The low voltage street light cable in the median in Pitt Street was required to be moved in order to complete the road construction in the centre of the road. This work along with four applications to the network owner to alter network, inspections, testing and providing as-built information led to a delay in the works.
- 3.7.3 As noted above, the increased road depth due to the poor ground conditions required additional service excavation and relocation. Exposing live services is a high-risk activity requiring specialist equipment which has increased the cost of work.

3.8 Unplanned Watermain Renewal

- 3.8.1 The roading design revealed a section of upgrade of Pitt Street/ Ferguson Street would overlap with a section of watermain that was not upgraded recently. This presented the risk of an aging underground asset sitting below a brand new section of road. Adding to the risk was that old pipe material was Asbestos Concrete Pipe, which would be susceptible to damage with heavy compacting work of laying a new road. The pipe was upgraded to a modern Polyethylene material, providing resilience under the new road. Additionally, an opportunity to provide resilience to Palmerston North Intermediate Normal School was realised by designing and installing a rider main along Ferguson street. This work will ensure the school can be supplied when any future work is happening on the main water line.

Impact

- 3.9 Although officers have been managing the contract closely and working proactively with the contractor on minimising delays and finding solutions to site issues, due to the changes explained above the project contingency sum has been utilised to its full extent. With unpredictable weather, ground conditions and a multitude of underground services – known and unknown – it cannot be assumed that there will be no more changes to the contract.
- 3.10 At this stage, the option of asking the contractor to price for all remaining risk in the contract is likely to be prohibitive, based on the risks which have eventuated to date. Therefore, it is recommended that Council continues to hold a contingency sum for future changes.
- 3.11 The extension of the contract programme has also extended the time necessary for Council's officers to manage the project and the contract, and proactively communicate with stakeholders. In addition, there has been significant risk mitigation and value engineering time required to best resolve the problems as encountered. This has increased their time cost allocated to the project.

4. FINANCIAL IMPACT

- 4.1 The Ferguson Street/Pitt Street Intersection Upgrade is being funded from three programme categories over two financial years. The table below outlines how funds from those programmes are being allocated into the project over the 21/22 and 22/23 financial years and what is required to complete the project.

	Initial Allocation	Currently Available Budget	Required Budget
Programme 2059 Urban Transport Improvements – Enabling PNITI	\$2,285,489	\$2,285,489	\$2,918,650
Programme 115 City-Wide – Sealed Pavement Renewals	\$1,410,612	\$1,410,612	\$1,410,612
Programme 64 City-Wide Footpath Renewals	\$0	\$200,000	\$200,000
	\$3,696,101	\$3,896,101	\$4,529,262

- 4.2 The costs to complete the projects presented to Council on 3 August 2022 were as follows:

	Scope Item	Estimated Cost
1	Project costs to date (design, consultation, project management, safety audit of design and pavement investigation)	\$196,621
2	Construction Contract (tendered price plus \$300k for signalised pedestrian crossing)	\$2,773,545
4	Construction Contingency (20%)	\$550,000
5	Project management, contract management external communication and road safety audit	\$175,935
	Project Costs	\$3,696,101

- 4.3 With the additional costs required to address changes that have already occurred and had variations approved during the delivery, the cost of the contract as it is now:

Variations to the Contract	Estimated Cost
Poor Quality Pavement Subgrade	\$25,000
additional kerb and channel on Pitt St	\$39,499
Subsoil drains	\$157,805
Pedestrian crossing cost increase and additional crosswalk safewalk sensors and cabling	\$58,497
Utility Services relocations and impact of works on programme	\$84,545
Time delays associated with above changes	\$167,537
Total variations to date	\$532,883
Construction Contract (tendered price plus \$300k for signalised pedestrian crossing)	\$2,773,545
Expended Contract Sum	\$3,306,428

4.4 The likely costs to complete the project presented to Council are as follows:

Expended Contract Sum	\$3,306,428
Change from chip seal finish to asphalt on section of Ferguson Street between Camelot Motel and Pak n Save	\$210,335
Services relocation costs (outside of contract works)	\$50,000
Additional underlying ground condition improvement and stabilisation across the reminder of the project	\$150,000
Time delays from additional work vs original programme	\$207,000
'fair weather' cost to complete	\$3,923,763
Recommended Additional Construction Contingency	\$200,000
	\$4,123,763
Project costs to date (design, consultation, project management, safety audit of design and pavement investigation) as of Dec 2022	\$304,499
Remaining Project management, contract management external communication and road safety audit	\$101,000
Overall Likely Project Costs to Complete	\$4,529,262
Less Available Budget Prog 2059, Prog 115 and Prog 64	\$3,896,101
Additional Budget required to complete	\$633,000

4.5 Additionally, there is an opportunity to fund the watermain realignment due to the road construction as capital new as outlined below. The impact of this would be additional debt of \$551,873 and has the additional benefit of then being transferrable to the new water entity if the 3 Waters Reform programme progresses. The need to address the watermain in the intersection had the following impact on existing renewal budgets of:

Activity	Commentary	Actual Spent	Total Full Year Budget
218 - City Wide Water Main Renewals	Not a planned renewal as pipes not at the end of life. Required due to depth clash between road structure and pipes - new pipe alignment required. Therefore can be treated as capital new as it is part of the wider new road programme and is increasing life expectancy and resilience of the pipe network.	\$551,873	\$3,000,000

5. VALUE ENGINEERING

5.1 Officers have considered value engineering options. Value engineering options are limited as the works are required to meet New Zealand Transport standards. In particular, options examined to value engineer the road surface in the presence of blue clay have indicated that this would reduce the effective carriageway life to less than 5 years. This option, therefore, has not been pursued.

5.2 The options that have been considered are as follows:

5.2.1 Delete the mid-block pedestrian crossing – Reduction of \$335,414

- As part of the project new signalised pedestrian crossings will be installed at the Ferguson Street/Pitt Street intersection and will provide safe crossing of Ferguson Street. There is currently no formal crossing at this point.
- This portion of the work is not subsidised by Waka Kotahi as it does not meet their criteria. The main reason is that once the Ferguson Street/Pitt Street Intersection is complete there will already be two signalised crossings quite close to the proposed pedestrian crossing.
- There is the opportunity to delay the installation of the mid-block crossing to a later date. This delay would enable officers to review the impact of the project on pedestrian access into the city centre and re-confirm the need for the crossing.
- However, it is noted that this crossing was introduced into the project at tender stage because of pedestrian safety risk.

5.2.2 Reduce the proposed asphalt area – Reduction of \$118,716

- Reduce the proposed asphalt area on Ferguson Street to outside Motel and Linton Street intersection. The scope included in the contract for the section from the Camelot Motel to the Pak'n Save fuel

station, on Ferguson Street, was chipseal road construction. The construction of chipseal requires less subbase stabilisation as it is a more flexible and has a cheaper cost to construct.

- The disadvantage with chipseal is that the surface has a higher wear and degrades more quickly than an asphalt surface. This is exacerbated in locations where there is high wheel turning movements such as intersections and entrances in and out premises such as the Camelot motel and the Pak'n Save fuel station.

5.3 With the above value engineering options included, the savings to the project are \$454,130. The value engineering options reduce the forecast project overspend to \$179,031.

6. CHANGES TO PRACTICE

6.1 As noted above, changes to past practice have already been put in place to ensure that many of the issues which led to project delays will not occur in future projects.

Issue	Changed practice
Incomplete information provided on the tender documentation.	<p>Ensure staff and designer walk the affected area to identify issues along with team members who can provide lessons learned information from past projects.</p> <p>Outcome: This activity is now included in scope of services for the consultants on the design panel and being implement on design work.</p>
Incomplete subbase information to base the design on.	<p>Undertake trenching across carriageway, rather than potholing as trenching provides a clearer picture of existing subbase/subgrade conditions.</p> <p>Outcome: This procedure is now standard across Roding projects, recent example of this occurring is James Line (Stage 4) project.</p>
The additional costs for service relocations in areas where additional subbase dig-out has been required.	<p>Include a cost to replace subbase and/or subgrade in the risk assessments for roading projects to inform appropriate contingency value</p> <p>Outcome: Establishment of risk workshop as part of the procurement development is being put into place by</p>

	the Contract Management Office.
Lack of clarity in scope of services for the engagement of the Design Consultant for the provision of construction drawings and set-out data in the scope of works.	<p>Ensure that the scope of services issued to design consultants includes Council requirements for set-out data and construction drawings.</p> <p>Outcome: This activity is now included in scope of services for the consultations on the design panel and being implemented on design work.</p>

7. CONCLUSION AND RECOMMENDATIONS

- 7.1 Whilst officers have been managing the contract closely and working proactively with the contractor on minimising delays and finding solutions to site issues, the likely project cost outturn will be higher than budgeted.
- 7.2 The nature of the unforeseen underground conditions experienced so far mean that further encountering of such issues in other contract stages cannot be ruled out.
- 7.3 Value engineering has indicated limited options to reduce outturn cost, other than to remove significant safety or performance features of the road upgrade.
- 7.4 Some of the costs associated with the Fergusson Street/Pitt Street upgrade would always have been unavoidable, but others are due to delays arising from risks eventuating during construction which could have been managed earlier. Current practice has changed significantly since the project design started, to identify and eliminate risks earlier and mitigate residual risks.
- 7.5 It is recommended that Council select option 1, to continue with the delivery of the road contract without removing the pedestrian crossing or changing the road surface.
- 7.6 It is also recommended that Council add a contingency sum to the predicted contract outturn cost, of no less than \$200,000, to allow for further changes from the tendered sum.
- 7.7 It is therefore recommended that Council approve a cost increase of \$633,161 for the Capital New Programme 2059 - Urban Transport Improvements - Enabling PNIT to increase the 2022-23 budget from \$2,088,868 to \$2,722,029 to enable the completion of the revised scope of the Ferguson Street/Pitt Street Intersection Upgrade.
- 7.8 It is also recommended Council considers transferring to a Water Capital New programme \$551,873 for the unplanned relocation of the watermain in the

intersection reflecting also the additional resilience that was created for the water network.

8. NEXT ACTIONS

- 8.1 Continue the delivery of the contract with the completion date of 5 May 2023.

9. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 1: An Innovative and Growing City	
The recommendations contribute to the achievement of action/actions in Transport <ul style="list-style-type: none"> Develop, maintain, operate and renew the transport network to deliver on the Council goals, the purpose of this plan, and the Government Policy Statement on Transport Prioritise transport programmes that deliver on the Council goals, the purpose of this plan and the Government Policy Statement on Transport 	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	<ul style="list-style-type: none"> The project completes another portion of the Inner Ring Road, which is supported by the 2013 City Centre Framework to enable efficient vehicle movements around the city centre. It is also an enabler for the Palmerston North Integrated Transport Initiative (PNITI) which provides for heavy vehicle and freight movements that service the city. The project supports the Government Policy Statement on Land Transport 2021 (GSP21) through supporting economic activity via local connections with efficient movement of people and products (Economic Prosperity outcome); and improving freight connections (Strategic Priority).

ATTACHMENTS

Nil

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Council Submission on the Natural and Built Environment Bill and Spatial Planning Bill

PRESENTED BY: Jono Ferguson Pye, City Planning Manager and Michael Duindam, Principal Planner

APPROVED BY: David Murphy, Chief Planning Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council approve Council's submission to the Natural and Built Environment Bill and the Spatial Planning Bill included as Attachment 1.
-

1. ISSUE

The purpose of this memorandum is to report to Council for information Council's submission on the Natural and Built Environments Bill (NBE Bill) and the Spatial Planning Bill (SP Bill).

On 21 December Parliament's Environment Committee called for submissions on the NBE Bill and the SP Bill.

Because the closing date for submissions was set by the Committee for 5 February 2023, Council officers were unable to report the submission to Council for prior approval. The Mayor approved the submission under delegation (192.6).

2. BACKGROUND

On 15 November 2022, the NBE Bill and the SP Bill were introduced to the House of Representatives. Together with the Climate Adaption Bill (which is yet to be introduced) these Bills are intended to replace the Resource Management Act 1991 (RMA).

The Government is proposing to repeal the RMA through these three Bills. Two bills are now at the select committee stage; the NBE Bill and the SP Bill.

The NBE Bill aims to protect and restore the environment while better enabling development, and as the primary replacement for the RMA. The NBE Bill will provide for a National Planning Framework (NPF) that would replace existing pieces of

national direction. Regions will be required to prepare natural and built environment plans (NBE Plans).

The SP Bill provides for the development of long-term, strategic spatial planning across New Zealand through the development of regional spatial strategies.

3. NEXT STEPS

Council will speak to its submission at the Environment Select Committee when hearing dates are announced.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	Yes
<p>The recommendations contribute to Goal 1: An Innovative and Growing City</p> <p>The purpose of NBE Bill is to protect and restore the environment while better enabling development. The SP Bill seeks to provide for the development of long-term, strategic spatial planning for the region through the development of regional spatial strategies.</p> <p>In this regard, both Bills are consistent with Palmerston North as a growing city and the need to make sure we cater for everyone's needs as the city expands.</p>	
<p>The recommendations contribute to the achievement of action/actions in City Growth</p> <p>The action is: to comply with new legislative and government policy requirements.</p>	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	One of the key objectives of resource management reform is to improve system efficiency, effectiveness, and reduce complexity of planning processes. If these outcomes are realised through the package of reform, Palmerston North will continue to be a growing city where everyone's needs are catered for as the city expands / intensifies while complying with new legislation.

ATTACHMENTS

1. PNCC Submission on Spatial Planning and Natural and Built Environments Bills [↓](#) 

5 February 2023

Hon Eugenie Sage
Chairperson
Environment Committee
Parliament Buildings
Wellington



pncc.govt.nz
info@pncc.govt.nz

Te Marae o Hine
The Square
Private Bag 11034
Palmerston North 4442
New Zealand

Dear Eugenie,

Spatial Planning Bill and Natural and Built Environments Bill (November 2022)

Submission from Palmerston North City Council (PNCC)

1. Introductory Comments

Thank you for the opportunity to lodge a submission on the Spatial Planning Bill (SP Bill) Natural and Built Environment Bill (NBE Bill).

PNCC would like the opportunity to be heard and present to the select committee process.

Given the significant impact the SP Bill and NBE Bill will have on local government, PNCC is disappointed with the timing of the submission period. The closing date for submissions means many councils, including PNCC, will not be able to seek formal Council approval of their submissions. The PNCC submission has been approved by the Mayor under delegation. PNCC is also disappointed with the lack of direct engagement with the local government sector following submissions on the exposure draft of the NBE Bill in late 2021.

The submission is set out as follows:

1. Introductory Comments
2. Summary of Overarching Submission Points
3. Overarching Submission Points
4. Specific Submission Points

PNCC as a local authority has significant experience in administering the Resource Management Act 1991 (RMA 1991) and is therefore well placed to contribute to the development of the Spatial Planning Act (SPA) and Natural and Built Environment Act (NBEA)

Palmerston North is also experiencing significant economic growth and the issues and opportunities that come with growth. The projections are that this growth will continue over the medium to long-term. PNCC has strategic goals that address the four well-

beings and is keen to ensure the legislation that replaces the RMA 1991 enables Palmy to grow in a manner that delivers on its strategic goals.

Major construction projects in the Manawatū region driving this growth total approximately \$7 billion and include:

- Te Ahu A Turanga Manawatū Tararua Highway \$650M
- Linton and Ohakea regeneration plan \$660M
- Mercury Energy – Turitea wind farm \$450M
- Massey University capital plan \$230M
- Powerco growth and security projects \$245M
- MidCentral DHB surgical and mental health \$57M
- MidCentral DHB acute services block \$370M
- PN Integrated Transport Investment \$335 - \$370M
- KiwiRail regional freight hub \$1,016M
- PNCC capital investment \$1,350M
- Manawatū District capital investment \$308M
- NZTA Otaki to north of Levin \$1,500M

To highlight the scale of the challenge that needs to be addressed in planning for sustainable growth and delivering the projects detailed above, Palmerston North's total gross carbon emissions (excluding forestry) increased by 12% between 2017 and 2020. The goal is to reduce citywide emissions by 30% by 2031.

2. Summary of Overarching Submission Points

Relationship to wider local government reform: There does not appear to be an overarching plan guiding the resource management, three waters and local government reform packages. The lack of an overarching plan will have a significant impact on the efficiency and effectiveness of the implementation of the SPA and NBEA.

Should local government reorganisation follow the three waters and resource management reform packages, it will be important that Government considers both water catchments and communities of interest, particularly given NBEA plans will be required to address the natural and built environment. For example, the Manawatu-Whanganui region is defined by water catchments but has distinct communities of interest.

Planning Committees and Local Democracy: While a number of improvements have been made between the exposure draft and the NBE Bill to ensure fairer representation on regional planning committees (RPCs), the role and function of the RPCs continues to represent a significant reduction in local democracy. RPC representation should be informed by the population of individual councils.

The Government should have been more direct when communicating the intent behind parts of the SP Bill and NBE Bill. It is clear one of the underlying drivers of the reform is to remove the influence of politics in planning at the local level.

Given the size of many regions and the complexity of the planning and resource management issues they face, it will be difficult for most RPC members to truly understand the issues and community expectations at the local level.

Planning by nature is not a purely technical discipline. It is a unique combination of strategic direction from Government and local elected members, community input and local evidence-based decision making.

Secretariat

The secretariat for the RPC should be a stand-alone, staffed body. The expectation should be that the secretariat employ staff permanently, rather than relying on secondments of planning staff from councils across the region. The NBE Bill seems to introduce a holding measure for the secretariat, in advance of local government reform.

Importance of the Built Environment: 84% of New Zealand live within an urban environment. There is a significant gap in the exposure draft of the NBEA regarding outcomes sought within the built environment.

Outcomes-based planning: PNCC supports the greater emphasis on outcome-based planning, provided additional direction is provided regarding the amenity or place-based outcomes sought within the built environment.

National Planning Framework (NPF): There needs to be a robust evidence-based decision-making process regarding the preparation and change of the NPF to avoid it becoming a politically charged framework that is amended with every change of Government. It is encouraging to see that a Board of Inquiry process has been incorporated into the review process for the NPF.

Environmental limits for the natural environment: PNCC supports environmental limits, particularly for the natural environment.

Improving planning practice & registration of planning profession: Specific legislation or regulations should be developed to guide a formal registration process for planners to recognise the important function delivered by planners and build credibility and capability in the profession. This will be critical for ensuring high quality NBEA plans are developed and the outcomes intended by reform.

Urban tree protection

Urban tree coverage has been impacted by urban development. The NBEA should provide a more responsive and agile process to identify and protect trees. This could include allowing notable tree schedules to be updated without the need for a plan change provided specified arboricultural criteria are met and affected landowners support their inclusion.

Spatial Planning Act (SPA): The SPA and NBEA should also be drafted in a manner which allows sub-regional spatial strategies and Natural and Built Environment Plans, e.g. PNCC, Manawatū, Tairāroa and Horowhenua districts. Consideration should be given to the preparation of a New Zealand spatial plan by the Ministry for the Environment.

10 Year Time Frame for Discharges (NBEA) and limitation on new discharge permits during the interim period: The proposed 10-year timeframe for discharges and limitation on new discharge permits during the interim period between the RMA and NBEA raises significant issues for all applicants in securing long-term consents for discharges to a water body. Council has recently lodged a resource consent application for an upgraded wastewater treatment plant. The application cost millions of dollars to prepare and the plant will cost approximately \$500 million to construct.

Transition: PNCC plans to continue to invest and develop its RMA 1991 District Plan during the transition to the NBEA to enable the city to continue to grow and develop in a sustainable manner. It would be useful if the NBEA provided guidance to ensure this good work is picked up and carried over into the NBEA plans.

Staged Transition and Implementation: PNCC is opposed to staged transition and implementation of the SPA and NBEA. One of the apparent drivers for change is that the SPA and NBEA will be more efficient and effective than the RMA. If this is the case, then the sector should be given the opportunity to deliver on the new regime at the same time. If staged transition is pursued, then PNCC recommends the Manawatu-Whanganui region is prioritised.

3. Overarching Submission Points

Relationship to wider local government reform

There does not appear to be an overarching plan for the resource management, three waters and local government reform packages. The lack of an overarching plan will have a significant impact on the efficiency and effectiveness of the implementation of the SPA and NBEA.

Should local government reorganisation follow the three waters and resource management reform packages, it will be important that Government considers both water catchments and communities of interest, particularly given NBEA plans will be required to address the natural and built environment. For example, the Manawatu-Whanganui region is defined by water catchments but has distinct communities of interest.

The NBEA attempts to achieve systematic change, while utilising legacy systems and institutional arrangements. The cumulative impact of three waters and resource management reform will have a significant impact on the future of local government, particularly many small councils. To be truly successful local government reorganisation should have taken place in advance of resource management reform (and three waters reform) to create the necessary system to enable a successful transition. There would be benefit in considering delaying resource management reform until local government reorganisation takes place. If this is not accepted, better integration between regional, unitary and local territorial authorities is required. Other parties that are essential to giving effect to system outcomes also need to be better integrated. For example, the Water Service Entities (WSEs), Waka Kotahi, Kainga Ora, Ministry of Education and the Department of Conservation should be required to give effect to Regional Spatial Strategies (RSS) in the same manner as councils.

PNCC is proposed to be in entity C for three waters delivery. Entity C covers the east coast of the North Island, parts of the centre of the North Island, Wellington and the top of the South Island. PNCC is also currently located within the Manawatū-Whanganui region for planning and local government purposes, which covers the central and west coast of the North Island. As a result PNCC's attention will be pulled in two different directions in order to achieve integrated land-use and infrastructure planning, assuming the regional NBEA boundaries are based on current regional council boundaries as opposed to communities of interest.

Many regional councils struggle to achieve strong communities of interest due to their size and the nature of their functions. The Manawatū-Whanganui region stretches from Taumarunui in the north to Levin in the south. Within the Manawatū-Whanganui region PNCC has strong economic and social connections with Manawatū, Horowhenua and Taranaki, but less or little connection with Rangitikei, Whanganui and Ruapehu. PNCC has been reporting economic and social indicators at a sub-regional level given the large disparity within the region.

Should the review of local government result in a smaller number of councils and retention of regional councils, there is likely to be a larger overlap between the role of local authorities and regional councils, particularly in terms of their connection with communities. Alongside this there will need to be a separate relationship with water entities covering a substantially different area of land. Alternative models that integrate the water entities and regional councils should be explored alongside the resource management reform in order to achieve the efficiencies sought by Government.

The SPA and NBEA should be drafted in a manner that accommodates future changes to the makeup of local government and the roles and responsibilities of regional councils and water entities. The SPA and NBEA should also be drafted in a manner which allows sub-regional spatial strategies and NBEA Plans, e.g. PNCC, Manawatū, Taranaki and Horowhenua. A recent decision of the Local Government Commission directed PNCC and Horowhenua District Council to work together to establish ways to better manage communities of interest near the boundary of the two councils. PNCC already works closely with Manawatū District Council on a range of functions and has a strong relationship with Taranaki, which will be further enhanced upon the completion of Te Ahu A Turanga Manawatū Taranaki Highway and the development of Te-Āpiti as a recreational hub.

The broader reform package introduces further complexity to the delivery of a coordinated urban growth strategy within a region. Under the proposed Water Services Legislation Bill (WSLB), Relationship Agreements (RAs) seek to create alignment of decision-making between WSEs and Territorial Authorities (TAs).

In their current form, RAs provide no ability for TAs to challenge or seek reconsideration of a WSE decision. Where a WSE decided not to provide three waters infrastructure to a growth area a TA or RPC have no ability to have this decision reviewed. Consideration should be given to requiring a WSE to give effect to and fund regional spatial strategies and urban growth strategies.

TAs already face challenges coordinating and securing funding for transport infrastructure to support urban growth areas with Waka Kotahi. WSE's will be another agency that TAs and RPCs will need to work with to ensure growth infrastructure is planned, funded and delivered in coordination with other infrastructure providers.

Planning Committees and Local Democracy

While a number of improvements have been made between the exposure draft and the NBE Bill to ensure fairer representation on RPCs, the role and function of the RPCs continues to represent a significant reduction in local democracy. RPC representation should be informed by the population of individual councils.

The Government should have been more direct when communicating the intent behind parts of the SP Bill and NBE Bill. It is very clear one of the underlying drivers of the reform is to remove the influence of politics in planning at the local level. Despite the role of the RPCs, decision-making power is being handed from local elected members to experts preparing the NPF, RSSs and NBEA Plans and experts sitting on Independent Hearings Panels. This is despite the Minister for the Environment publicly criticising expert planners, not local elected members, when the two bills were introduced into Parliament.

Given the size of many regions and the complexity of the planning and resource management issues they face, it will be difficult for most RPC members to truly understand the issues and community expectations at the local level. Furthermore, given the makeup of the NBEA, it will be even more difficult for them to make decisions that respond directly to local community expectations.

Planning is at the heart of local government and local democracy as it is the process that sets community outcomes. Planning by nature is not a purely technical discipline. It is a unique combination of strategic direction from Government and local elected members, community input and local evidence-based decision making.

Membership of the planning committee will also be a significant and time-consuming process for the member(s) of a council allocated to the planning committee. Given the additional workload and nature of the work, there may be a reluctance for elected members to put themselves forward for the position. A local member elected to represent Palmerston North will be asked to make decisions on behalf of the best interests of the region, not Palmerston North. This is likely to create conflict and disharmony amongst the RPC.

While one NBEA plan per region (or sub-region as PNCC has submitted) will create efficiencies, the reality is it will result in less opportunity for local input with the process more likely to be dominated by experts and industry representatives. A one-size-fits-all approach is also likely to ignore local context and lead to poor outcomes for local communities. The result is communities will become less engaged in decisions and actions required to address positive change regarding environmental outcomes. This could be mitigated by requiring authentic pre-consultation at the local level and ensuring hearings are managed in a manner whereby general members of the public feel they can actively participate.

The NBE Bill has provided TAs the option to develop Statements of Community Outcomes (SCO) and Statements of Regional Environmental Outcomes (SREO) as a mechanism for local input to an RSS or NBEA Plan. However, the obligation on RPCs to have 'particular regard' to these statements when making decisions sets a low statutory bar. To have meaningful influence on local outcomes the NBE Bill should be amended so that RPC decisions must 'give effect' to SCOs and SREOs when making decisions relating to an RSS and or NBEA Plan.

Details regarding funding arrangements of the RPC is lacking in the NBE Bill. Working together in good faith provides significant flexibility, but also presents risks regarding how TLAs will contribute to the establishment and ongoing functioning of the secretariat. Further detail should be provided in the Bill to establish how funding contributions will be fairly and reasonably contributed. A lack of willingness to contribute from TLAs will create significant challenges for the secretariat to perform its functions.

Secretariat

The secretariat for the RPC should be a stand-alone, staffed body. The expectation should be that the secretariat employ staff permanently, rather than relying on secondments of planning staff from councils across the region. The NBE Bill seems to introduce a holding measure for the secretariat, in advance of local government reform. This may lead to perverse outcomes, particularly if local government reform is delayed or not undertaken. It would be more effective and efficient to require the establishment of a stand-alone secretariat early in the transition phase. If this is not done, NBEA plans are likely to take a decade or more to be developed, and another five to ten further years to achieve the system outcomes intended. Consideration should be given to Government establishing and funding the secretariate and RPCs. A new entity may be required to achieve this. One option could be to establish a new planning agency with regional offices performing the RPC/secretariate function.

Importance of the Built Environment

84%¹ of New Zealand live within an urban environment. There is a significant gap in the exposure draft of the NBEA regarding outcomes sought within the built environment. The success of our towns and cities in the next 50 years will determine the future success of our country. We need vibrant, modern, connected, low-carbon cities that will attract investment and the best talent in the world. City planning is different to resource management. It is not based solely on environmental limits. It requires careful consideration of the attributes that create places people want to live, work and play. It requires private development to respond to the public realm. Outcomes such as these require greater recognition in part 2 of the NBEA than a "well-functioning" urban environment and addressing housing supply (clause 5(c) and (c)(ii)).

There is a reason the most progressive cities in the world have placed a stronger emphasis on city-making, placemaking and urban design. It creates a competitive edge and has economic and environmental benefits. Many New Zealand cities have made large gains in this area under second generation RMA 1991 District Plans after discovering the effects based, market-lead approach to city planning was not delivering on community expectations. Continuing to treat city planning as resource

management will be a backward step for Aotearoa and reinforce single discipline thinking.

Local context needs to have a place in the NBEA planning system. Place-specific provisions should be able to be incorporated into NBEA plans, rather than impose a one-size fits all approach. Reductive planning outcomes like the Medium Density Residential Standards (MDRS) being currently imposed in Tier 1 cities has been poorly received and has been criticised widely for imposing regulation that will significantly transform urban environments without thought for local context. Similar enablement of housing could have been achieved through local-specific plan changes. Local-led planning could have also delivered better outcomes for amenity, quality, safety, and higher yield. PNCCs approach to enabling intensification provides a useful example of what can be achieved by taking a local-led approach. To enable local context in NBEA plan development, consideration needs to be given to providing for TA specific chapters or standards. An MDRS type approach to NBEA plan drafting risks alienating local communities from the future planning system.

The system outcomes have little reference to city-making. System Outcome 5(c) is the only specific matter, but poorly defines what a functional urban environment is. It is reductive in nature and fails to recognise the importance of amenity, design, integration of land-use and infrastructure and urban form. This could be improved by requiring SCOs to define well-functioning urban environments for a local context. This will differ across the country and reflects that each city has individual characteristics that need context specific recognition. For example, Palmerston North has had a long-held centres based commercial strategy that has successfully influenced city planning outcomes. This has protected the city centre from being undermined by fringe retail development and ensured that investment is targeted to a location that best meets the needs of the city.

Traditional planning considerations such as amenity and more recent considerations of urban design have been disregarded in the NBEA. These matters should be included into System Outcome 5(c) in terms of recognising how they contribute to well-functioning urban environments. The emerging Government philosophy that design and amenity are irrelevant planning matters risks creating a legacy of poor city-making outcomes that impact individuals and communities at large.

While the proposed outcome to reduce greenhouse gas emissions (clause 8 (j)) may go some way to driving compact urban areas and city-making, the risk with the electric vehicle revolution is we end up further justifying sprawling urban areas based on the premise of low emission vehicles, whilst losing the other social and economic benefits of well-considered urban form and intensification.

Outcomes-based planning

PNCC supports the greater emphasis on outcome-based planning, provided additional direction is provided regarding the amenity or place-based outcomes sought within the built environment. While the duty to avoid, remedy or mitigate adverse effects is important and is proposed to be retained in the NBEA, it is important that any assessment of effects is appropriately balanced against outcomes.

The RMA process has encouraged a detailed examination of effects, whilst strategic outcomes are ignored, or at best considered an "other matter". For example, Waka Kotahi recently sought planning approval to build Te Ahu a Turanga: Manawatū Tararua Highway through Te-Apiti, a recognised regional tourism asset with the potential to connect an existing / planned shared path network. PNCC had to rely heavily on traffic engineering evidence to identify traffic safety effects for cyclists on the new road in order for the decision-making process to appropriately consider the needs of cyclists. This was despite various strategic planning documents identifying outcomes that recognised the recreational potential for Te-Apiti and the opportunity to connect to an existing / planned shared path network.

National Planning Framework

Clause 34 proposes that the NPF is to be made as regulations / secondary legislation that can be updated over time as the state of the environment changes. It is disappointing that the NPF has not been released alongside the NBEA and SPA. Ideally, the NPF would have been produced as primary legislation so that there was an appropriately robust process in place to scrutinise the entire RM system and provide feedback on how it is practicably able to be delivered. It is still unclear how the NPF is going to resolve conflicts between competing resource management issues and how NBEA plans are going to respond to these. Influencing the NPF process via regulations is less transparent and less robust than consultation through the select committee and debate and voting processes within the house of representatives. The NPF has a fundamental impact on the future planning system. The fact that it is able to be changed so readily is concerning, given that one of the chief criticisms of the RMA was that it was repealed frequently over its 30+ year existence. Altering a fundamental part of the system so readily through NPF changes at the whim of the Minister for the Environment potentially risks even greater uncertainty in the planning system than what existed under the RMA.

While PNCC generally supports the intent of the NPF, there needs to be a robust evidence-based decision-making process regarding the preparation and change of the NPF. Without this it will quickly become a politically charged framework that is amended with every change of Government resulting in mixed messages and lengthy planning processes to align local planning documents, as we have seen with recent National Policy Statements under the RMA 1991.

With reference to schedule 6: preparation, change and review of the national planning framework, PNCC supports a standard independent body (such as a permanent board of inquiry) to maintain consistency and integration across different topics in the NPF.

The NPF also needs to be tempered with the ability to consider local conditions and local community expectations. Local government was critical of the initial lack of national direction under the RMA 1991 and equally critical of some of the national direction when it was provided. It will be important the NPF is prepared in a manner to address national priorities whilst accommodating local issues and community aspirations within plans.

Given that initial NBEA plans are likely to be developed over a five to ten-year timeframe, it would be unhelpful for the NPF to change significantly during that time. Consideration should be given to restricting substantive NPF changes within the initial NBEA plan development phase. Otherwise, substantial redrafting of uncompleted NBEA plans is likely to be required, which will delay their completion.

Environmental limits for the natural environment

PNCC supports environmental limits, particularly for the natural environment. Despite the promises of the RMA 1991, the environment has significantly degraded since it was established. Inconsistent approaches to managing the environment has led to poor water quality outcomes and biodiversity loss. High class soils have also been urbanised or fragmented for lifestyle blocks in a manner which undermines their ability to be used for productive purposes. Clear national direction from Government has been lacking. This has led to disparate approaches to managing the environment across New Zealand. While imposing environmental limits will prevent this continuing, or halt degradation at a sustainable limit, the approach is a blunt instrument. The local context will need to be carefully considered when determining whether to apply a one-size-fits all approach, or whether a regional limit will be able to be set. A pathway for breaches of limits should also be available, so that the protecting and enabling purposes of the Act will be able to be achieved. Otherwise, reconciling competing outcomes will be difficult or impossible to achieve. A hierarchy of limits in the NPF should be made clear, to assist in future NBEA plan development. Highest priority should be the protection of ecological system functions. Limits should not be a baseline of current degraded states. In addition to imbedding the precautionary principle in the NBEA, the monitoring and condition requirements of consents should be informed by NBEA plans that reflect the principle of polluter pays.

Improving planning practice & registration of planning profession

While PNCC supports the need for resource management reform, planning and resource management legislation by nature will always establish tensions between enabling development and protecting or enhancing the environment. For example, promoting renewable energy such as wind farms whilst protecting outstanding landscapes. These tensions run deep in local communities and are resolved via the planning processes. The NBEA will be no different. By promoting outcomes and retaining the duty to avoid, remedy or mitigate effects, planners and decision makers will continue to be asked to weight and resolve competing interests.

While reform can improve the system, a significant component of success will rely on the capacity and capability of the planning profession to deliver the new legislation. PNCC has worked hard to make the RMA 1991 work by resourcing and supporting dedicated city planning & resource consenting teams. Many councils have struggled to attract and retain experienced planners and instead relied on unqualified or inexperienced planners to lead significant planning projects. Specific legislation or regulations should be developed to guide a formal registration process for planners to recognise the important function delivered by planners and build credibility and capability in the profession.

Urban tree protection

Urban tree coverage has been impacted by urban development. Mature trees are being cleared to accommodate housing and business growth, which is negatively affecting urban biodiversity. Council has managed this by identifying and protecting notable trees in its District Plan. PNCCs experience of this protection mechanism is that it is cumbersome to update due to a need to undertake a schedule 1 process. The current tree protection framework is too slow to respond to requests for protection that may not coincide with a District Plan review schedule. The NBEA should provide a more responsive and agile process to identify and protect trees. This could include allowing notable tree schedules to be updated without the need for a plan change provided specified arboricultural criteria are met and affected landowners support their inclusion.

Strategic Planning Act (SPA)

PNCC supports the intent of the SPA. PNCC has confirmed a second-generation spatial plan for Palmerston North and led the development of the first spatial plan for the Manawatu-Wanganui region, in an attempt to guide development and agree regional priorities for investment.

As noted previously in this submission, the size of the Manawātū-Whanganui region means PNCC has strong economic and social connections with Manawātū, Horowhenua and Tararua, but less or little connection with Rangitikei, Whanganui and Ruapehu. This makes building community support and political buy-in for a regional spatial plan challenging as members struggle to think beyond the immediate demands of their own community given the disparate makeup of the region.

The SPA and NBEA should be drafted in a manner that accommodates future changes to the makeup of local government and the roles and responsibilities of regional councils and water entities. The SPA and NBEA should also be drafted in a manner which allows sub-regional spatial strategies and Natural and Built Environment Plans, e.g. PNCC, Manawātū, Tararua and Horowhenua districts.

PNCC submits that consideration should be given to the preparation of a New Zealand spatial plan by the Ministry for the Environment alongside the preparation of the NPF. Unlike the RSSs, this would not be prepared at a level to direct detailed land-use planning decisions within NBEA plans. Instead it would help reinforce the strategic role of different parts of the country and help direct growth in a more distributed manner. For a country of 5 million people there are significant inefficiencies in different cities and regions competing for the same opportunities.

10 Year Time Frame for Discharges (NBEA) and limitation on new discharge permits during interim period

The proposed 10-year timeframe for discharges and limitation on new discharge permits during the interim period between the RMA and NBEA raises significant issues for all applicants in securing long-term consents for discharges to a water body. It appears the objective is to make it very difficult for small to medium sized discharges to secure consents in the future to align with the broader objectives of the three waters reform. While there may be good environmental reasons for making such a change, it is imperative councils and other major infrastructure operators are provided with a high-level of certainty that they will not be captured by such interventions.

Council has recently lodged a resource consent application for an upgraded wastewater treatment plant. The application cost millions of dollars to prepare and the plant will cost approximately \$500 million to construct. This investment will result in the highest level of wastewater treatment in the country. The prospect of having to reapply for a consent in another 10 years or soon after a new NBEA plan is put in place is unnecessarily cost prohibitive and unlikely to result in better environmental outcomes at a system level. While potential exclusions for the 10-year timeframe for water infrastructure have been included in the NBEA, greater certainty is required given the significant cost of critical long-term infrastructure such as a wastewater plant.

Transition

PNCC plans to continue to invest and develop its RMA 1991 District Plan during the preparation and transition to the NBE. Palmerston North is experiencing significant growth pressures and the content of District Plans will help inform the preparation of new NBEA plans in the future. PNCC anticipates it will be a decade before there are operative NBEA plans and wants to ensure Palmerston North is enabled to continue to grow and develop during this transition period.

It would be useful if the NBEA provided guidance to ensure this good work on the current District Plan is picked up and carried over into the NBEA plans.

Staged Transition and Implementation

PNCC is opposed to staged transition and implementation of the SPA and NBEA. One of the apparent drivers for change is that the SPA and NBEA will be more efficient and effective than the RMA. If this is the case, then the sector should be given the opportunity to deliver on the new regime at the same time.

PNCC would be disappointed if the Manawatu-Whanganui region was one of the last to be required to transition to the new regime. There is a risk with staged transition that certain parts of the country are left behind on the journey. Planning staff may elect to move to other parts of the country to ensure they are gaining experience operating under the new legislation. The new NBEA plans will also create opportunities for partnership and collaboration with key central Government partners such as Waka Kotahi, Kainga Ora, Department of Conservation and the Ministry for the Environment. If certain parts of the country are not provided with that opportunity at the same time, there is an increased chance of an inequitable distribution of limited Government resources available to support implementation or the opportunities that come from new RSSs and NBEA plans.

There is also a risk with staged implementation that a group of consultants and advisors end up travelling the country doing the majority of the work on the NBEA plans and the country does not build capacity and capability during the initial development phase of the SPA and NBEA.

If staged transition is pursued, then PNCC recommends the Manawatu-Whanganui region is prioritised for early transition.

4. Specific Submission Points

NBE Clause 3 Purpose: Support the inclusion of Te Oranga o te Taiao within the purpose of the Act. However, it, may be difficult to recognise and uphold Te Oranga o te Taiao alongside the enabling requirements of part a). Section 3 should be more definitive about what matter takes priority, otherwise the purpose of the act could become unworkable. PNCC consider that priority should be given to Te Oranga o te Taiao, so that preserving the life-supporting capacity of the natural environment, as the foundation of cultural and economic wellbeing, is recognised as the fundamental purpose.

NBE Clause 4 Te Tiriti o Waitangi: Support the requirement to give effect to the principles of te Tiriti o Waitangi, although tangata whenua will need to be adequately resourced to engage.

NBE Sch 8, Clause 2 Māori Participation: Support the requirement for at least 2 members of the RPC to be appointed by Māori appointing bodies.

NBE Sch 8, Clause 38 (4): Support the requirement for the RPC budget to make provision of funding for Māori participation in the development, implementation and monitoring of RSSs and plans.

NBE Clause 7 cultural heritage: Support the inclusion of cultural landscapes alongside cultural heritage that confers heightened protection.

NBE Clause 5(b) climate change and natural hazards: Support. New Zealand and Palmerston North are subject to increasing risks from natural hazards, many of which are increasing due to climate change. There tends to be a strong focus on climate change adaptation as communities and decision makers feel more able to influence outcomes in this area. It is important climate change mitigation outcomes are factored into all planning and resource management decisions. This will also help drive more sustainable urban form decisions.

NBE Clause 5(c) Well functioning urban and rural areas: Oppose as currently drafted. Well-functioning does not sufficiently encapsulate the amenity, design or place-based outcomes sought in modern progressive cities. There is a risk that the system outcome as currently drafted may achieve lower cost development but will do so by promoting unsustainable urban sprawl. This will have long-term societal costs through encouraging car dependency, discouraging compact urban form, increasing emissions, and undermining centres-based development strategies in locations like Palmerston North. Hamilton ("The Base") and Whakatane ("The Hub") are examples of how uncoordinated and unintegrated sprawl can deliver poor outcomes and undermine city centres by allowing low cost fringe development.

NBE Clause 5(i) infrastructure: Support. Infrastructure is critical to enabling sustainable growth and PNCC has a large infrastructure investment pipeline to be delivered. PNCC are particularly supportive of the amendment reference to the timely provision of infrastructure.

NBE Clause 6(2) decision-making principles and the precautionary approach:

Support the principle that directs decision-makers to exercise caution, and a level of environmental protection that is "proportionate to the risks and effects involved" in circumstances of uncertainty. The precautionary approach is also supported by RMA caselaw.

NBE Sch 8, Clause 35 (1)(4) Host Authority: Oppose. Where a 'host local authority' is not able to be agreed a dispute resolution process needs to be developed where the Local Government Commission has a role in facilitating agreement between TAs.

NBE Clause 19 Natural and built environments: Oppose. NBEA plans should be able to be developed for a sub-region, provided certain criteria are met.

NBE Clause 2(3) Concurrent Preparation of an RSS and NBE: Support. There would be benefit in developing an RSS and NBEA Plan concurrently as is the case with current planning practice. This approach would be more efficient, shorten the transition time in preparing plans and result in better integration between spatial and regulatory planning instruments.

NBE Clause 644(g) Infrastructure: Support in-part. This function should also be extended to TAs given that they tend to have greater responsibility for delivering infrastructure e.g. transport infrastructure has a key relationship with land-use planning outcomes, and vice versa.

NBE Clause 100 (3) and SP Clause 4(1)(c) Transfer off Planning Responsibilities and Impacts on LTP Decision-making: The transfer of all planning responsibilities to RPCs means these committees will effectively operate independently of TAs and will not be directly accountable to the communities they serve.

Regional Land Transport Plans and NBEA Plans will be required to be consistent with RSSs, which will be developed and approved by RPCs. TAs will also be required to demonstrate how they will implement RSSs in their LTPs. This will have an impact on the allocation of funding by TAs through the LTP process. The proposed relationship between the RSS and LTP will have implications for how TAs prioritise funding of supporting infrastructure for growth. PNCC is concerned about the extent to which RPCs will influence strategic direction and the funding decisions of TAs without any accountability to the community who will be funding the associated costs.

If decision-making is going to be removed or significantly distanced from local authorities and their communities, the financial implications of RPCs and Ministerial planning decisions should not create unreasonable cost impacts for TLAs who at best have only marginal input into those decisions. Proposed amendments to the Local Government Act (Schedule 10, clause 1A(3)) appear to temper the potential impact of this, but also set up the potential unintended consequence of TLAs undermining the delivery of RSSs if a TLA disagrees with the content of the RSS. This may be mitigated by RPCs needing to give effect to SCOs.

The NBEA needs to set up mechanisms that ensure that the RPC and or the Minister is tasked with meeting the full cost of the decisions they make, ideally as determined by an independent costings unit.

NBE Clause 276 Limiting the Term of Consents: The most significant implication of the NBEA for PNCC's application for a new wastewater discharge is the proposed change to limit the term of discharge consents to 10 years (from the current maximum term of 35 years allowed under the RMA).

The wording of Clause 275 of the Bill limits the discharge of 'any contaminant or water into water' to 10 years. There is an exemption to this term outlined in Clause 276, but this does not currently appear to include the 'operation' of a wastewater treatment plant. While PNCC's consent application will continue to be processed under the RMA, the presence of Clause 276 in the Bill may influence decision makers towards granting a shorter term of consent. Changes in national policy in recent years means the cost associated with designing and consenting infrastructure has become increasingly high and balancing the requirements of iwi and stakeholders more complex.

Currently the 35 year term offsets the time and cost of the consent and design process and provides certainty for a longer term for PNCC to operate. A reduced term to 10 years significantly decreases this certainty but does not reduce the high water quality standards that need to be met, nor the expectations of iwi and stakeholders.'

Consents Planning

In general terms what is proposed in the NBEA is supported with the expectation that a broader focus on outcomes will provide for a more robust decision making at the day-to-day level. The following observations are restricted to those clauses where we consider a specific comment is warranted:

NBE Clause 27 Existing Use Rights– Support the move to discontinue existing use rights after a 6 month period as opposed to current RMA situation of 12 months. This will provide for more responsive decision-making based to new rules, guidelines or direction.

NBE Clause 222 Technical Review of Conditions – Support provision for this to be undertaken. We seek direction on who is going to undertake the review for example a Council officer, or independent consultant and also clarify what is the scope or definition of what qualifies as 'technical'.

NBE Clause 201(2)(a) Determination of affected person - Support weighing up positive and negative effects as part of the assessment but note it will create potentially a large range of effects commentary in some cases and potentially additional cost and complexity.

NBE Clause 223(8)(c) & (e) Matters that Must be Disregarded by a Consent Authority (Relating to 'stopping places' and 'people on low incomes') - Support the intent but seek further detail to be provided as to why these are included in the NBEA and query in the case of low income earners that it may result in perverse approaches to how this is built into planning assessments.

NBE Clause 223(10) Transitional arrangements – Support but note there will be the inherent confusion around the relative weightings of the NBEA and the RMA depending on when the provisions come into force.

NBE Clause 117(6) and 225(2) Controlled Activities – Support using the intent of the category but strongly recommend changing the name to something other than 'Controlled'. This would avoid any confusion for practitioners with the existing RMA definition of 'Controlled' which means a consent has to be granted.

NBE Clause 781 Cost Recovery – Support this provision and the clarity that has been expressed in the text on this topic.

NBE Clause 783(g) Monitoring Functions – Support the greater emphasis on monitoring and the improvement to the overall regime as part of the feedback loop process. Councils across Aotearoa have struggled to resource this function under the RMA. We note that a consequence of broader scope of monitoring will be additional resourcing and skills needed due to the increased scope and importance of the task. This will take time to develop.

Yours sincerely



Grant Smith
Mayor
Palmerston North City Council

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Council Submission on the Future for Local Government Review Draft Report

PRESENTED BY: Hannah White, Democracy & Governance Manager

APPROVED BY: Donna Baker, Acting Chief Executive Unit Manager

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the submission on the Future for Local Government Review Draft Report (Attachment 1), subject to any amendments.

1. ISSUE

The purpose of this memorandum is for Council to consider its submission on the Future for Local Government Review Panel's draft report, [He mata whāriki, he matawhānui](#).

Submissions were invited in October 2022 with a closing date of 28 February 2023.

2. BACKGROUND

Following the local body election, elected members were invited to the Panel's Roadshow in Palmerston North alongside other councils in the region, and to a workshop on 19 December 2022 to develop Council's draft submission (attached).

The final report from the Future for Local Government Review Panel, taking into account submissions, is expected in June 2023.

The Report will inform the Government's work programme following the 2023 national election.

Local Government New Zealand- Metro Sector will also contribute a submission. The draft of this submission is included as Attachment 2. It will be discussed at the Metro meeting of 10 February.



3. NEXT STEPS

The attached submission with any amendments will be submitted to the Future for Local Government Review Panel.

4. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Ongoing review of governance systems and structures to support Council's effectiveness and reputation	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The Future for Local Government review considers the role and functions of local government for the next 30 years. The draft report considers the wellbeing function to be inherent to the purpose of local government in the future.

ATTACHMENTS

1. Draft PNCC Submission to Future for Local Government Review
Panel Draft Report [↓](#) 
2. Draft Metro Sector Submission [↓](#) 



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Te Marae o Hine
The Square
Private Bag 11034
Palmerston North 4442
New Zealand

Panel members

Future for Local Government Review

15/02/2023

Members of the Future for Local Government Review Panel,

Re: He mata whāriki, he matawhānui Future for Local Government Review draft report

E ngā mana e ngā reo e ngā karangatanga maha, tēnā koutou katoa. E te tēpū whakatau o 'He Mata Whāriki, He Matawhānui.' Nei rā he mihi nui ki a koutou i āta whakaaro i āta whiriwhiri i ēnei kaupapa whakahirahira e pā ana ki ngā kaunihera o te motu. Ko mātou tēnei o Te Kaunihera o Papaioea e mihi atu nei ki a koutou me te kaupapa e kawea nei e koutou. Kia kaha, kia maia kia manawanui. Anei o mātou ake whakaaro e pā ana. No reira tēnā koutou, tēnā koutou, tēnā tātou katoa.

Palmerston North City Council (PNCC) welcomes the opportunity to submit on He mata whāriki, he matawhānui | Future for Local Government Review draft report. Setting the framework for the next 30 years of local government is critical. PNCC wishes to encourage the Panel to be courageous. We look forward to tangible recommendations which provoke aspirations into action.

PNCC endorses the Local Government New Zealand Te Rāngai ā-Tāone Metor Sector Group Submission.

PNCC provides the following comments.

Palmerston North is a growing, innovative and exciting city, which is leading the way with industry research, sustainability, nutrition, infrastructure and the future of food. Palmerston North sits at the heart of the growing Manawatū-Whanganui region of almost 260,000 people. Palmerston North's population is approaching 100,000; we are home to over 150 ethnicities.

Palmerston North is a future-focused city that cares about enhancing the natural and built environment. Our thriving urban centre is in the heart of the Manawatū, and together we have an established business ecosystem that is well connected and home to some of the brightest minds in Aotearoa.

The unique geographic location of Palmerston North, in the centre of the lower North Island, provides a strategic advantage. As the logistics and distribution hub, food industry research and development centre and regional shopping destination of the Manawatū, the city makes a key contribution to the growth of the regional economy. Construction is a key driver for our region with an expected \$8 billion invested to 2035 (through Te Ahu a Turanga Manawatū Tararua Highway, Palmerston North Integrated Transport Investment plan, Kiwi Rail regional freight hub, Waka Kotahi Otaki to north of Levin, NZDF Linton and Ohakea regeneration, Health NZ- MidCentral facilities,

Mercury Energy Turitea windfarm, Massey University capital plan, Powerco growth and security projects, Manawātū District Council capital investment of \$308M and PNCC capital investment of \$1,350M). We are a central choice for nationally hosted sports competitions, conferences and events, and foster strong international relationships.

Like other councils we face big challenges as we navigate the reform landscape. COVID-19 has and continues to affect supply chains for labour and materials, limiting the capacity of councils to be make progress on programmes of work. In particular housing and transport networks needed to provide for our growing city, seismic strengthening projects, data modernisation, and wise asset management programmes have been affected, all within an increasingly constrained funding environment. PNCC, in partnership with mana whenua Rangitāne o Manawātū, and alongside our many and varied community and business groups seeks opportunities to care for our residents. We have demonstrated this commitment through our successful social housing developments at Papaioea Place. Council has a clear strategic vision which links closely to the four wellbeing for our residents, and funds council-controlled organisations in cultural and economic development. We have a pathway for both housing intensification and greenfield development, and work closely with Waka Kotahi and other partners in establishing the Palmerston North Integrated Transport Initiative which seeks to resolve heavy transport congestion in the inner city and prioritise active transport options.

We are proud of our recreational facilities as we increasingly turn towards our awa, the Manawātū river. We are an active centre of the theatre arts; our libraries are the hubs of their communities and the city boasts safe city accreditation. We are proud to have recently submitted a consent application for a hybrid option for land and river discharge using new microfiltration treatment systems which will see the highest standard of wastewater treatment application and are committed to Adaptive Management of this consent. We are always looking to resource recovery initiatives and practice improvements, alongside our city climate change goals to reduce citywide carbon by at least 30% by 2031 from a measured baseline towards carbon neutrality by 2050.

Shift 1- Strengthening local democracy

- **Chapter 2- Revitalising citizen-led democracy**
- **Chapter 7- Replenishing and building on representative democracy**

The key to strengthening local democracy is identifying solutions which raise the overall low level of participation in local government matters and specifically the lower levels of participation by some groups in our communities. We know that some individuals, businesses and organisations regularly access decision-makers and influence local decisions through legitimate council processes while others never do. Therefore, we implore the Panel that any recommendations to strengthen local democracy ensure a future state where diverse voices contribute to sustained, inclusive and robust local decision making. We note that the Panel's confidence in revitalized citizen-led democracy is at odds with wider sector reform in Waters and Resource Management planning, the direction of travel which divorces influence from elected members and distances the public from participation in decision-making.

PNCC supports:

1. Alignment of central and local government electoral cycles.
2. Institution of a 4-year term. This would see significant cost gains but must be implemented alongside a parallel shift in the long-term planning cycle.
3. A single universal voting system across the motu. Having one system is simpler for voters. PNCC was an early adopter of Single Transferable Vote. STV has demonstrated representation more closely proportional to the diversity of our city.
4. Building awareness and education about what councils do and why. Central government led civics education is more important than moving the voting age to 16.
5. Review of the criteria for boundary alignment to reflect contemporary challenges. PNCC understands efficiency gains will necessitate some level of amalgamation and cautions that appropriate levels of localism be retained.
6. Having the tool to appoint members to meet skills and knowledge gaps but wishes to retain that right with elected members of councils rather than central government. The number of appointed members should be considered relative to the number of elected members in each council rather than a maximum number set in legislation.
7. Voting rights remaining with elected members at Council-level. Elected members are elected to represent and facilitate and are accountable to the community by oath and election.
8. Review of the Local Authorities (Members Interests) Act 1968 for currency and public confidence.
9. Review of the Local Government Act that ensures consultation principles are set out rather than a prescribed method, encouraging genuine pre-engagement over transactional consultation.

Shift 2- Stronger Focus on Wellbeing

- **Chapter 4- Allocating roles and functions in a way that enhances local wellbeing**
- **Chapter 5- Local government as champion and activator of wellbeing**

Local government is the best place to deliver community wellbeing services and facilitation as we know our communities. The recent pandemic response in Palmerston North by Māori health care and community providers is one such example where the delivery of wellbeing initiatives at a local level demonstrated responsiveness and effectiveness. While facilitating wellbeing outcomes sits most appropriately at local level, it must be noted that many of the tools for actioning those wellbeing outcomes sit with other central government agencies, eg. health, housing, and in future planning.

Local government work in the wellbeing space builds social capital from the womb to the tomb which lessens central government burdens, eg. less crime. Palmerston North City Council is strongly involved in the wellbeing space through our grants programmes, CCO funding across sectors, social housing developments, play spaces, policy settings etc. However, the context of wellbeing delivery is that it is often the first to be cut in council budgets. Any discussion of wellbeing functions must not be separated from setting appropriate funding models and agreed equity measures.

PNCC supports:

1. Social impact assessment in decision-making with reference to equity.
2. Improved funding of central government data sources to provide local granularity of data that enables evidenced based local government led wellbeing initiatives.
3. Communities must define their own outcomes. Local government led development of community outcomes.
4. A requirement for central government to give effect to agreed community outcomes, ie the tools to deliver on wellbeing outcomes must be legislated.
5. Some wellbeing function devolution from central government to local- delivery by local government, funded by central government revenue, with decision-making influence retained by local government. eg. Housing. Trials could be with councils that have a proven record/ interest.
6. Co-design of funding timing to ensure funding allocation occurs at appropriate and responsive points in the planning process.

Shift 3- Authentic Relationship with hapū/iwi/ Māori

- **A Tiriti-based partnership between Māori and local government**

Palmerston North City Council's strength is in its partnership with mana whenua Rangitāne o Manawatū. It is imperative that communities are supported on their journey.

PNCC supports:

1. The introduction of statutory requirements to encourage council investment in partnerships with iwi/hapū/Māori.
2. A central government funding pool to support capability and capacity development of both iwi/hapū/ Māori and local government (elected members and staff).
3. Consideration of removal of the proportionality rules in the Local Electoral Act which prevent councils with small Māori populations from introducing a Māori ward/constituency.
4. Consideration of removal of proportionality rules in the Local Electoral Act which prevent councils with small numbers of elected members from introducing more than one Māori ward/ constituency.
5. Voting rights with elected members not extended to appointed members at Council-level. This retains the accountability back to the community with elected members.
6. Legislative framework review should acknowledge post-settlement commitments which specify relationship between iwi and local government as 'Crown' partners.

Shift 4- Genuine partnership between central government and local government

- A stronger relationship between central and local government
- Systemic stewardship and support

A re-set in the central-local government relationship is critical. Local government feels undervalued by central government for its contribution to New Zealanders' wellbeing. Local government contribution is significant for its size of service provision and efficiency of spend, and its capacity to innovatively meet the needs of communities based on local knowledge regarding what approach and players are effective. Despite this, the current state of local government influence depends on a council's ability to compete in advocacy to ministers and ministries. It is not coordinated between like councils nor within regions. Neither does central government funding of local government appear to be coordinated to meet strategic goals shared across its own workstreams. Alignment across central and local government is essential if we are to deliver the best sustained well-being outcomes for our communities. It must be resourced to show commitment and set it up for success. There must be champions in both local and central government to embed the transformation of trust and confidence that is imperative for alignment to be successful.

PNCC supports:

1. A clear legislated mandate that empowers local government to legitimately lead in the community wellbeing space.
2. Improving on existing, and developing new, regular regionalised inter-agency networks with iwi/hapū/Māori and local government. Agreement from central government that it is the role of local government to coordinate alignment in the regions. A local wellbeing 'office' to promote communication, integration and effectiveness could be put in place.
3. Clear agreement as to which functions sit with which branch of government.
4. A relationship defined by partnership- with each partner (central, local and iwi/hapū/Māori) acknowledging each other's strengths and authorities and commitment to te Tiriti o Waitangi.
5. Central government commitment to aligning timing of central government work programmes to allow local government voice to contribute well to submission processes and connect our own plans and outcomes.
6. Local government better represented in Wellington. The Local Government ministry must be resituated from inside the Department of Internal Affairs to a stand-alone body. This may be achieved efficiently by extending the functions and capacity of the Local Government Commission and/or situating an Office of Local Government adjunct to the Department of Prime Minister and Cabinet and/ or requiring explicit accountability to relevant ministers, eg. Transport, Police, Environment etc. The new body could proactively highlight investment opportunities for central government in successful local work programmes which align with central priorities; ensure fairness across regions, especially where there are weaker links to interagency groups because of isolation of locality; identify implementation burdens of legislative change on local government effectively preventing future unfunded mandates and coordinate the interplay between local government reforms.

Shift 5- More Equitable Funding

- **Building an equitable, sustainable funding and financing**

The current funding environment for local government is unsustainable without more investment from central government. However, funding should not be used to embed a master-servant relationship.

PNCC supports:

1. The Panel's recommendation for central government to pay rates. Palmerston North would benefit from this proposition; noting some local authorities would benefit more than others.
2. The Panel's direction on unfunded mandates. Any regulatory impact statement assessment should include funding for implementation and transition.
3. Co-investment approaches which ensure both central and local partners are invested in the success of a project.
4. Consideration of equitable funding allocations which take into account social deprivation and population indexes.
5. Co-funding models which allow partners to agree criteria and to speak the same accountability language. Rather than central government determining a fund and its rules, we would like to see more pools of funding which could be used according to a community's priorities as determined by the empowered community. Co-investment must mean co-design of funding priorities and criteria.
6. Co-investment models where there is longer term certainty for councils to commit to projects, having identified and agreed local priorities.
7. Consideration of the impact of other local government reforms on the capacity of the LGFA to borrow.

System Design

PNCC supports the five high-level design principles of local, subsidiarity, resourced, partnership and economies of scope. PNCC agrees that local authorities should be structured and resourced to ensure opportunities for Māori to engage in decision-making processes, exercise decision-making authority and be meaningfully involved in the design and/or delivery of local services.

PNCC notes:

1. While there may be productivity gains from some level of reorganisation, any new structure must balance rates take and service provision capacity.
2. Community identities and capacity for community voices to be heard must be considered before any amalgamation, eg. appropriate strengthening of community boards or equivalent.
3. An additional design principle needs to be included: simplicity. How well a new system can be understood by the community trying to engage with it is key to improving local democracy. System design cannot be divorced from chapters 2 and 7.

4. Regional council functions and where responsibilities lie are not currently well understood by the community.
5. Whether the function and leadership responsibility sit with iwi, local or central government (including which lead agency) will need to be clarified before principles of subsidiarity and economies of scope are worked out in partnership at a localised level.

A table noting support or otherwise of the Panel's draft report recommendations is appended to this submission.

Signed,

Grant Smith

Mayor

Palmerston North City Council

Waid Crockett

Chief Executive

Palmerston North City Council

Table 1: Panel Draft recommendations and Palmerston North City Council response

#	Recommendation	PNCC position
1	That local government adopts greater use of deliberative and participatory democracy in local decision-making.	Support in part. Support deliberative tools and funding that widen pool of who council hears from.
2	That local government, supported by central government, reviews the legislative provisions relating to engagement, consultation, and decision-making to ensure they provide a comprehensive, meaningful, and flexible platform for revitalising community participation and engagement.	Support.
3	That central government leads a comprehensive review of requirements for engaging with Māori across local government-related legislation, considering opportunities to streamline those requirements.	Support
4	That councils develop and invest in their internal systems for managing and promoting good quality engagement with Māori.	Support
5	That central government provides a statutory obligation for councils to give due consideration to an agreed, local expression of tikanga whakahaere in their standing orders and engagement practices, and for chief executives to be required to promote the incorporation of tikanga in organisational systems.	Support
6	That central government leads an inclusive process to develop a new legislative framework for Tiriti-related provisions in the Local Government Act that drives a genuine partnership in the exercise of kāwanatanga and rangatiratanga in a local context and explicitly recognises te ao Māori values and conceptions of wellbeing.	Support.
7	That councils develop with hapū/iwi and significant Māori organisations with a local authority area, a partnership framework that complements existing co-governance arrangements by ensuring all groups in a council area are involved in local governance in a meaningful way.	Support
8	That central government introduce a statutory requirement for local government chief executives to develop and maintain the capacity and capability of council staff to grow understanding and knowledge of Te Tiriti, the whakapapa of local government and te	Support in part. Associated funding support would be necessary for implementation to be prioritised.

	ao Māori values.	
9	That central government explores a stronger statutory requirement on councils to foster Māori capacity to participate in local government.	Disagree. Māori must determine desire to do so first. If so, then Central government role as Te Tiriti partner to support enablement.
10	That local government leads the development of coordinated organisational workforce development plans to enhance the capability of local government to partner and engage with Māori.	Support
11	That central government provides a transitional fund to subsidise the cost of building both Māori and council capability and capacity for a Tiriti-based partnership in local governance.	Support in part. Councils and iwi/hapū have control over how funding is spent.
12	That central and local government note that the allocation of the roles and functions is not a binary decision between being delivered centrally or locally.	Disagree. Communication must be coordinated. However, a clear distinction of functions allows for efficiency gains, clear understanding of public interacting with government.
13	That local and central government, in a a Tiriti-consistent manner, review the future allocations of roles and functions by applying the proposed approach, which includes three core principles: -the concept of subsidiarity -local government's capacity to influence the conditions for wellbeing is recognised and supported -te ao Māori values underpin decision-making	Support in part. Definition of subsidiarity would need to be agreed.
14	That local government, in partnership with central government, explores funding and resources that enable and encourage councils to: <ol style="list-style-type: none"> Lead, facilitate and support innovation and experimentation in achieving greater social, economic, cultural and environmental wellbeing outcomes Build relational, partnering, innovation, and co-design capability and capacity across their whole organisation 	Support

	<ul style="list-style-type: none"> c. Embed social/progressive procurement and supplier diversity as standard practice in local government with nationally supported organisational infrastructure and capability and capacity building d. Review their levers and assets from an equity and wellbeing perspective and identify opportunities for strategic and transformational initiatives e. Take on the anchor institution role, initially through demonstration initiatives with targeted resources and peer support f. Share the learning and emerging practice from innovation and experimentation of their enhanced wellbeing role. 	
15	That the Electoral Commission be responsible for overseeing the administration of local body elections.	Support.
16	<p>That central government undertakes a review of the legislation to:</p> <ul style="list-style-type: none"> a. Adopt Single Transferable Vote as the voting method for council elections b. Lower the eligible voting age in local body elections to the age of 16 c. Provide for a 4-year local electoral term d. Amend the employment provisions of chief executives to match those in the wider public sector and include mechanisms to assist in managing the employment relationship. 	<p>Support in part.</p> <p>Prefer central government led civics education over lowering voting age to 16.</p> <p>Central government term should also be aligned.</p>
17	That central and local government, in conjunction with the Remuneration Authority, review the criteria for setting elected member remuneration to recognise the increasing complexity of the role and enable a more diverse range of people to consider standing for election.	Support
18	That local government develops a mandatory professional development and support programme for elected members; and local and central government develop a shared executive professional development and secondment programme to achieve greater integration across the two sectors.	<p>Disagree- mandatory professional development.</p> <p>Agree- executive programme.</p>

19	<p>That central and local government:</p> <ul style="list-style-type: none"> a. Support and enable councils to undertake regular health checks of their democratic performance b. Develop guidance and mechanisms to support councils resolving complaints under their code of conduct and explore a specific option for local government to refer complaints to an independent investigation process, conducted and led by a national organisation c. Subject to the findings of current relevant ombudsman's investigations, assess whether the provisions of the Local Government Official Information and Meetings Act 1987, and how it is being applied, support high standards of openness and transparency. 	Support
20	That central government retain the Māori wards and constituencies mechanism (subject to amendment in current policy processes) but consider additional options that provide for a Tiriti-based partnership at the Council table.	Support
21	That central government expands its regulatory impact statement assessments to include the impacts on local government; and that it undertakes an assessment of regulation currently in force that is likely to have significant future funding impacts for local government and makes funding provision to reflect the national public-good benefits that accrue from those regulations.	Support
22	That central and local government agree on arrangements and mechanisms for them to co-invest to meet community wellbeing priorities, and that central government makes funding provisions accordingly.	Support.
23	That central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making input.	Support
24	<p>That central government reviews relevant legislation to:</p> <ul style="list-style-type: none"> a. Enable councils to introduce new funding mechanisms b. Retain rating as the principal mechanism for funding local 	Support

	government, while redesigning long-term planning and rating provisions to allow a more simplified and streamlined process.	
25	That central government agencies pay local government rates and charges on all properties.	Support
26	That central and local government explore and agree to a new Tiriti-consistent structural system design that will give effect to the design principles.	Support
27	That local government, supported by central government, invests in a programme that identifies and implements the opportunities for greater shared services collaboration.	Support
28	That local government established a Local Government Digital Partnership to develop a digital transformation roadmap for local government.	Support
29	That central and local government considers the best model of stewardship and which entities are best placed to play system stewardship roles in a revised system of local government.	Support

10 February 2023

Panel members
Future for Local Government Review

Members of the Future for Local Government Review Panel,

Re: He mata whāriki, he matawhānui | Future for Local Government Review draft report

Cities are the powerhouses of countries, being the hubs of culture and innovation, launchpads for social and economic opportunity, and gateways to the world. When cities thrive, countries thrive.

At the heart of a thriving city needs to be an effective system of local governance. A system which is agile to meet the needs of a city's current residents and those yet to call it home; a system which leans on the knowledge and skills of its residents without becoming overbearing; a system which enables growth and equal opportunity for current generations while having an eye to future generations' necessities and possibilities.

Currently in New Zealand, our system of local governance is at a crossroads. One path leads to the continued dilution of core functions which enable local government to cater for communities' needs. The other path sees a revitalisation for the layer of government that is with New Zealanders every step of every day.

Through this submission we will outline to you what the Local Government New Zealand Te Rāngai ā-Tāone | Metro Sector councils* consider revitalisation of local governance in New Zealand cities should address, why local government is primed to have a strong leadership role on this path of revitalisation, and why our metro councils are the logical place to focus revitalisation of New Zealand's local governance system.

What are the core challenges we are facing?

The challenges being confronted by our cities are numerous, significant, expensive, and too pressing to leave for future generations to bear the burden of. From climate change to a weakening social fabric, infrastructure deficits to economic volatility, and balancing growth with low-emitting lifestyles, the cities we represent are facing the brunt of a wider shift in the needs of communities currently sweeping New Zealand. These challenges were all present before the COVID-19 pandemic commenced, with the pandemic acting to amplify the effects on people and place.

Catering for growth

Local Government is the primary vehicle for supporting a growing population, supporting land supply, providing infrastructure, facilitating housing construction, and fostering the culture of communities. While New Zealand's population growth is projected to slow from an annual average of 1.6% from 2011-21 to 0.9% from 2021-31, it is still anticipated that growth will remain strongest in urban centres,

particularly in the upper North Island¹. The scale of the challenge catering for growth creates for New Zealand's cities is significant and highly complex. It leaves the metro councils with the continued need to ensure more people have more places to call home and all the necessary network infrastructure this entails, while many cities are still addressing existing housing stock shortfalls central to New Zealand's housing crisis.

As cities look to life beyond COVID-19, shaping where and how people live has become more complex. Initial reflections of the pandemic's impact indicate that cities, particularly city centres, are required to reinvent themselves from centres focused predominantly on productivity and consumption to centres of experience². To achieve this demands a focus on housing and amenities, particularly relying on the sequencing of transport networks and the integration of home, work and play into higher density locations through urban design. Not just for the metro councils but for all councils, there is a growing mismatch between catering for this growth and change and having the tools available to achieve it as councils see more of our available levers shifted.

Funding and financing

Closely linked to catering for growth is local government funding and financing, a topic which has been well-traversed in New Zealand. For the metro sector, the essential funding and financing issues stem from a combination of balancing the long-term cost recovery of growth in metro areas provided at levels that match demand; the tension between local and central government when funding local government functions and services with positive national externalities; and climate change, natural hazards and their associated mitigation and adaptation costs³. These factors are exacerbated by the growing burden of giving effect to legislation without commensurate increases in resourcing. Add to this the fact we are needing to design for a low emitting future, and we have numerous, significant financial challenges that councils are already facing.

Economic stability and development

The COVID-19 pandemic has placed significant strain on New Zealand beyond the impact to New Zealanders' health, with its economic impacts acting as a painful reminder of how, despite our geographic isolation, we are not insulated from events impacting the broader global community. While the solutions to challenging economic conditions can be theorised at a macro level, it is the support provided to individuals, families and businesses which ultimately carries communities through tough economic times; no layer of government is closer and more connected to communities to be able to provide this support than local government. This was demonstrated during the COVID-19 pandemic when councils stepped in to support our communities with testing stations, vaccine rollouts and supporting our most vulnerable residents. As cities look ahead to a post-COVID world, we are starting to witness changes in how people live, work, and play, such as decreasing numbers of people travelling into our central business districts for employment⁴. The increased mobility of labour and related changes in where people choose to live and travel resulting from the learnings and lifestyle changes of the COVID-19 pandemic are having a fundamental impact on the structure of our sub-national economies. This requires cities in particular to reinvent themselves from centres of productivity and consumption, as the economic drivers of drawing people into urban centres have shifted from an employment lens with associated social and cultural experiences to a having a greater emphasis on the social and cultural drivers.

¹ Infometrics. (2022). *New population projections show regions will need to change how they plan for population growth*. Retrieved on 10/01/2022 from <https://www.infometrics.co.nz/article/2022-10-mr-population-projections-need-to-change-plan-population-growth>

² EY. (2021). *Reimagining our economic powerhouses, how to turn CBDs into central experience districts*. Retrieved on 10/01/2022 from https://assets.ey.com/content/dam/ey-sites/ey-com/en_aupdfs/ey-reimagining-our-economic-powerhouses-v3.pdf?download

³ Productivity Commission. (2019). *Local government funding and financing*. Retrieved on 11/01/2022 from https://www.productivity.govt.nz/assets/Documents/a404800494/Final-report_Local-government-funding-and-financing.pdf
<https://reports.dataventures.nz/bespoke/local-council-cbd-patterns/20210128-covid-19-council-cbd-behaviour-january-2021.html>

Nurturing resilient communities

There is a growing quantity of research literature which confirms what local government has always recognised and acted on – that individuals' wellbeing is heavily influenced by place, and that improving cities and regions ultimately drives improvement in peoples' lives⁵. Despite the number of constraints councils face when delivering services to our communities, our sector can be highly effective in the many community wellbeing roles we play. However, as noted by The Southern Initiative, our wellbeing roles are not often undertaken in tandem with the efforts of central government agencies, which can often reflect siloed, top-down policy making and commissioning⁶. This has constrained local government's ability to identify and implement the wellbeing solutions which best suit local needs, whether these be addressing education, health, or any other social outcomes. For central government agencies to produce effective wellbeing outcomes, they should greater recognise the valuable local wellbeing knowledge councils hold and partner with local government, rather than working to direct our efforts in this space. With over sixty percent of the country's population living in our cities, the metro sector councils could play a greater role in nurturing positive outcomes, if provided with the necessary tools and a framework for partnership.

Responding to climate change

Eight of the twelve metro cities are located on New Zealand's coastline, with the metropolitan areas of the other four councils all being situated on or near to inland rivers and bodies of water; this emphasises just how greatly our councils are already feeling the brunt of climate change, the effects of which will only worsen. Metropolitan areas globally are also significant contributors to the drivers of climate change, being creators of emissions, refuse, and consumers of significant amounts of energy. New Zealand's metro cities (particularly those based on the coast) will be profoundly impacted by climate change given the proportion of New Zealand's population who call our cities home; however, we also have an important role to play in responding to it. The solutions to climate change are found in cities – the homes of higher education and research, places where new urban design principles and active transport initiatives are tested, and the beginnings of consumer trends are found. Responding to climate change requires a highly coordinated and effectively communicated effort locally, regionally, and nationally.

Partnering with iwi and mana whenua

Iwi and local government share many commonalities inherent to our purpose and what we do, with both having an inherent focus on people and place and holding a long-term view when making decisions. Iwi and mana whenua have a fundamental role to play in local governance and, by having access to decision-making, all members of the community can benefit from the knowledge they hold. Enabling this requires a mix of legislative changes and capability uplift in the local government sector.

Central to any system re-design that enables a greater role for iwi and mana whenua must be flexibility which ensures individual iwi and hapū can participate in local governance in a way which best suits their needs – a one-size-fits-all model would not be appropriate. This flexibility should reflect that different iwi have different preferences and resource needs. How this is given effect to should be decided at the local level between councils and Māori.

What are the strengths of New Zealand's metro councils and local government as a whole?

Local government remains an essential component in New Zealand's wider machinery of government. No other layer of government has the same level of proximity to people and community and all that this brings with it: being close to the pulse of our cities and towns, having knowledge of the needs of

⁵ OECD. *Regional well-being in OECD countries: New Zealand*. Retrieved on 11/01/2022 from <https://www.oecd.org/cfe/regionaldevelopment/how-life-country-facts-new-zealand.pdf>

⁶ The Southern Initiative. (2022). *Unlocking the potential of local government: activating a wellbeing ecology, in place*. Retrieved on 11/01/2022 from <https://www.futureforlocalgovernment.govt.nz/assets/Unlocking-the-Potential-of-Local-Government-Wellbeing-Ecology-OCT-2022.pdf>

individuals at a community level and the ability to take local control of local issues; the understanding of our natural and built environments, and having a deep sense of commitment to people and place, bolstered by the fact that the communities we support and serve are where we call home.

For our cities in particular, local government plays a key role not only in providing the infrastructure and plethora of services our residents need, but also with its firm focus on the future. Ensuring our cities are on the right track to best serve our residents for the long-term requires both enduring, place-based knowledge as well as ingenuity and innovation to continually improve at the community and suburb level. The local knowledge and attention to detail required to keep our cities on the right course is the backbone of local government, strengthened and legitimised by our relationships and partnerships with iwi/ hapū and community organisations.

To revitalise local governance, what needs to take place?

We as a group hear the Review Panel's desire for local government to pick up and own the mantle of change for local governance – the strengths we bring to the table mean the Metro Sector is up to playing a pivotal role in any future local government system re-design. However, meaningful change will necessitate commitments from both tiers of government to work differently, collaboratively, and in the same direction. The current reform programme, and any reform that results from the Future for Local Government Review, needs a pathway that has clear milestones and addresses potential barriers to effecting change. It is also important to note that any change that is to come does not need to immediately span the entire local government system; the benefit of having councils such as our metro group who are committed to improving local governance is our willingness to be a part of the change journey – to test solutions, learn from one another, iterate, and then scale by working with each other and with our neighbours in our respective regions.

The Metro Sector group has identified five broad recommendations we believe are required to effect meaningful change for local governance. These recommendations span how local and central government work together, the way policy direction of the country and its supporting legislative framework is set, the rigidity of how solutions are delivered to tackle the large challenges we face, and how these solutions are funded. The following recommendations are by no means exhaustive; however, they do set clarity and direction for what is needed to revitalise and strengthen local governance.

1) Clarify central government's policy direction

We as a sector group are prepared to set the direction for the change we believe is needed in local government, however it is fruitless doing this if we do not have a clear view of central government's policy intentions and direction of travel concerning local governance. Despite the wide level of reform directly and indirectly impacting local government, there has been no action undertaken by central government to determine the cumulative impacts of change, what they mean for councils and communities, and to then communicate this to the sector and to the public. Any genuine attempt to enhance local government needs to start with both tiers of government having a clear understanding of the ambitions and goals of the other tier.

2) Enable cities to champion and grow our competitive advantages

Local government is the key to making New Zealand's cities attractive places to live, work and play for current residents and people wishing to call New Zealand home, but we do not have all the tools we need at our disposal. By collaborating with central government, we can target legislation, policy, taxation, regulatory levers, and the power of NZ Inc. to showcase and build on our local strengths, retaining and growing talent and economic opportunity. At a city-by-city, region-by-region level, we are too small to be competing with one another when we are already competing with the rest of the world. By being better at telling the collective

New Zealand story and targeting government levers to support individual cities' strengths, we can showcase why people and businesses should want to call New Zealand home.

- 3) *Establish a platform and the mandate to deliver local solutions for national issues*
No level of government is better placed to understand the needs of communities than local government, and while local government has the wide legislative mandate to address local needs, it does not have the funding and suite of tools to effectively act on them. Through re-designed central government commissioning and funding processes, local solutions to address national issues, such as climate-resilient infrastructure or greater protections for native flora and fauna, could be identified and acted on, enabling innovation of solutions across the country with the potential to scale those that are successful.
- 4) *Overhaul the local government legislative framework*
The Local Government Act 2002 has failed to keep up with the changing pace of society, including how people gather information, connect with one another, and access government – and the Local Government Act is only one of many pieces of legislation the sector must give effect to. Any change to how we as a sector work must include substantive redesign of local government's legislative framework. If local governance is to be nimbler at addressing our communities' needs and more accessible to our residents, then the sector needs to be enabled by a legislative framework which defines our legislative requirements but does not prescribe to a burdensome degree how we must meet them – the Local Government Act's consultation requirements are a key example of this, whereby following the procedures prescribed in order to engage with our communities can oftentimes overwhelm residents with the level of and/or frequency in which they are receiving information.
- 5) *Take an all-of-government approach to addressing public sector funding and financing*
The simple truth is, to meet the needs of our communities and address the myriad of challenges we face, many councils are at or nearing their financial limits. Local government's financial system is unsustainable in its current form given the scale of growth we face, infrastructure required, and limits placed on our sector. We support the Review Panel's call to end the passing of unfunded mandates to local government and to assess current regulations that will have ongoing funding impacts. Given the interconnectivity between local and central government in the commissioning, procurement and delivery of services and infrastructure, to effectively assess funding and financing requires consideration of what activities both tiers of government fund and how they are funded. This should include investigation of how risk and liabilities are spread across the two tiers of government to implement legislation and regulations, such as giving effect to the building code, as well as considering the use of mixed funding models, taking into consideration where they have worked successfully and identifying learnings from where they have not in both New Zealand and overseas jurisdictions.

Conclusion

The Local Government New Zealand Te Rāngai ā-Tāone | Metro Sector councils* welcome the opportunity to submit on He mata whāriki, he matawhānui | Future for Local Government Review draft report. We thank the Review Panel for your open and transparent approach to considering the wide range of challenges and opportunities we as a sector face.

How we shape our system of local government to respond to the challenges we face now will not only impact the next generation to come, but multiple generations to come. It is fair to say that most New Zealanders have the same broad desires for individuals and communities – healthy people and

environments, productive and innovative local economies, and a strong social fabric. By working together with central government, iwi, businesses and for-purpose/ non-profits, community groups and the individuals who call our cities home, we can revitalise local governance in New Zealand.

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The Local Government New Zealand Te Rāngai ā-Tāone | Metro Sector group represents the 12 metropolitan councils of New Zealand and over 60% of New Zealand's population. They develop their own set of priority issues to progress work that will have an impact on the issues that matter most to our urban centres. The Metro sector also acts as an electoral college for the appointment of National Council representatives. The views presented in this submission are a representation of the broad views held by the members of this group. Our individual councils will also be submitting submissions which will both build on the points raised in this submission as well as raise new points.

MEMORANDUM

TO: Council

MEETING DATE: 15 February 2023

TITLE: Council Submission on the Water Services Legislation Bill

PRESENTED BY: Sarah Sinclair, Chief Infrastructure Officer

APPROVED BY: Waid Crockett, Chief Executive

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the submission on the Water Services Legislation Bill (Appendix 1).
 2. That Council note the response to Te Tari Taiwhenua - Department of Internal Affairs (DIA) on Draft guidance on DIA's oversight and Monitoring guidance.
-

1. ISSUE

- 1.1 The Water Services Legislation Bill (the 'Bill') has now been referred to the Central Government Finance and Expenditure Committee, which on 20 December 2022 called for public submissions. Public submissions close on 12 February 2023, although local authorities now have an extended timeframe and can make submissions until 11.59pm on 17 February 2023.
- 1.2 A submission has been prepared of Palmerston North City Council's feedback to the Bill. This reflects consideration of the Bill by Council officers and has been circulated to Elected Members in draft form for feedback. Please refer to Appendix 1: '*PNCC WSE Draft Bill Submission*' for a copy of the draft submission circulated to Elected Members.
- 1.3 Both Taituarā and Ko Tātou LGNZ (LGNZ) will make submissions on the Bill and have circulated guidance and draft feedback to Councils. Please refer to Appendix 2: '*Taituarā Submission on WSL Bill*' and Appendix 3: '*LGNZ Outline of Submission on WSL Bill and Guidance to Local Authorities*' for a copy of these submissions. Their feedback has been incorporated into the PNCC's submission.
- 1.4 A third tranche of legislation, the Water Services Economic Efficiency and Consumer Protection Bill, which is intended to provide economic regulation and a consumer protection framework, is also open for public submission, with a corresponding timeframe for local authorities of 11.59pm 17 February 2023.

- 1.5 A separate element of feedback on the DIA's draft guidance on Oversight and Monitoring during transition, as legislated in The Water Services Entities Act, was also requested in December 2022 with a return date of 27 January 2023. Please refer to Appendix 4: *'Feedback on Draft Guidance on DIA Oversight and Monitoring Process'*.

2. BACKGROUND

- 2.1 The Bill is the second in a suite of legislation to reform water services delivery in New Zealand and contains 130 pages of amendments and detail to support the implementation of the Water Services Entities Act 2022 which was passed in December 2022. That Act contains the ownership, governance and accountability arrangements relating to water services entities, and provides for transitional arrangements during an establishment period for the water entities.
- 2.2 LGNZ gave guidance to local authorities on issues of concern and provided a legal analysis by Chapman Tripp. Please refer to Appendix 3: *'LGNZ Outline of Submission on WSL Bill and Guidance to Local Authorities'* for a copy of the LGNZ guidance. Their draft submission is expected to be circulated to members on 10 February 2023, and any additional content will be discussed at the Council meeting on 15 February 2023.
- 2.3 The LGNZ feedback concentrated on the general relationship between Water Service Entities ('WSEs') and councils, and how purpose could be aligned more, to ensure that political accountability is enabled at a local as well as a central government level, and that there were suitable and appropriate interfaces with Council's roles and functions.
- 2.4 LGNZ considered financial elements in detail, including rating and collection of water charges and methodology for apportionment. Combined costs to ratepayers were raised as an issue, as was clarity on debt transfer for three waters debt.
- 2.5 Taituarā provided a draft submission to members, which has been followed with several webinars to clarify points of detail. The concerns and issues raised were relatively similar to LGNZ, but as a submission also included recommendations to resolve such issues. They covered relationships between Councils and WSEs, Drinking Water Catchments, Stormwater, Customer Relationships (and service agreements), Funding and Pricing, Transfer from Councils of Water Services Undertakings, and Long-Term Plans.
- 2.6 Both entities specifically commented on the proposed Government Policy Statement for Water Services, and the need for Government Funding to follow any requirements arising from the GPS.

3. CONTENT ANALYSIS

Relationships and Shared Goals

- 3.1 Both Taituarā and LGNZ referred to the four wellbeing's that councils are directed to give effect to for our communities and suggested that the WSEs be directed to work to the same goal.
- 3.2 PNCC's feedback has consistently noted that elements where the WSE may be taking the most efficient approach to providing water services and safeguarding its assets may not provide the optimum outcome to the communities. This is particularly raised in concerns about land use planning and land development consenting.

Role and Powers

- 3.3 The Bill establishes detailed functions and powers to deliver water services in place of territorial authorities. Whilst it includes safeguards in relation to exercising its powers on Māori land, the general approach is more prescriptive than powers currently available to local authorities and is more like powers used by other utilities in the gas, electricity and telecommunications sectors.
- 3.4 The powers to carry out work in relation to water services infrastructure on or under land allow the utility to place infrastructure on others' land, including under buildings, as well as accessing, operating and maintaining existing infrastructure. This is subject to a notice period, and following any reasonable conditions imposed by the owner of the land, which must be within ten (10) working days of receiving the notice. This is not considered to be a reasonable working timeframe. If the request is refused, the entity would go to the District Court, and a series of decision-making considerations for the Court are included in the Bill, including the need for the entity to have considered alternative routes.
- 3.5 This seems to remove or reduce the need for easements that the entity would otherwise need to occupy Council's or other land. The Bill clarifies that any water infrastructure on someone else's land is deemed to be lawfully there, until the water services entity decides otherwise, and the landowner has no interest in the infrastructure by reason of having an interest in the land. It also clarifies that a water services entity is not required to pay rent to a road owner, however it is not clear whether they would pay the corridor access process costs.
- 3.6 Officers anticipate that, given the scale of PNCC, a liaison role may be needed to enable response to such requests to be proactively managed through an early engagement process, considering any impacts on Council assets and likely conditions to be developed.
- 3.7 Any compensation for injurious affection would be the same Public Works Act process as presently used.

- 3.8 There is a separate power to carry out work in relation to water infrastructure on or under roads. This requires the utility to comply with any reasonable conditions imposed by the road controlling authority (Council or Waka Kotahi), but it is not clear how this would work alongside our own Road Controlling Authority (RCA) obligations and conditions, and the RCA timeframes. Whilst this is an ultimate access power, officers note that it would be preferable for any planned work (new or replacement) to be carried out in alignment with the road owner, including aligning budget timings to enable minimal disruption to local residents or to the road surface or access provision.
- 3.9 It would be prudent for PNCC to update its road reconstruction standards to ensure they reflect our current requirements, as part of planning for the transition.
- 3.10 If Council as the landowner, road or building owner needs to move or alter the water services infrastructure occupying its land, it would need the consent of the water services entity (which may not be reasonably withheld), and would do the work at PNCC's own cost. This means that in the future, roading budgets within the 10-Year Plan would need to include budgets for any pipe realignment necessary as part of the works, even if the WSE is the ultimate beneficiary of extended asset life. The submission suggests that Council and the WSE work closely to align our work plans where possible.
- 3.11 The WSE board may also regulate or prohibit undertaking various types of work near a water supply system, a wastewater network or a storm water network, but they cannot conflict with the rights of landowners, road owners or other utilities when doing this. They must engage with TAs, mana whenua, consumers and communities in the affected area when developing the rules.

Water Supply

- 3.12 The section on controlled drinking water catchments identifies that the water entity does not need to own the drinking water catchment, as long as the owner agrees to it being designated as a drinking water catchment. PNCC has already designated our water catchment reserve and would presumably retain ownership and management of the catchment area as well as the soon-to-be separately designated windfarm area outside the water catchment.
- 3.13 The catchment management plan developed by the water services entity does have the powers to restrict access to the area and activities undertaken in the area, like how the water catchment is currently managed. This may have implications for the proposed Mercury viewing platform; however, the catchment management plan does need to be agreed with the landowners before being implemented.
- 3.14 As a service provider, the new entity must assess each community and population within its region's access to drinking water supply, wastewater and urban storm water services, plus current and estimated future demand for services. This must be done every three (3) years and the Council and others

will be invited to participate in the assessment. Once complete, the assessment will be publicly available. The intent is to 'take the findings into account' in asset management plans, funding and pricing plans and storm water management plans. However, Officers have refuted the idea that councils take on any former Public Health roles in relation to water safety.

- 3.15 Whilst the water service entity has a duty to ensure that communities supplied by suppliers other than the entity have access to drinking water if the existing supplier faces significant problems, this does not oblige the entity to provide the supply via a reticulated network.

Land Development

- 3.16 The Bill includes the approval process that consumers would need to go through to be connected to or disconnected from water services infrastructure, or to make structural changes that would affect water services infrastructure, for example when an existing dwelling increases its floor area by more than 25m². This would replace the development engineering consenting that Council currently undertakes on this matter, to address the requirements of the Resource Management Act 1991 (RMA) regarding subdivision. Officers have asked for clarity on how this would work, and whether the WSE would become a consenting authority or an agent within councils' subdivision consent process, and how that would affect our regulatory powers and timeframes.
- 3.17 The WSE via its Board may specify engineering design standards, who is qualified to carry out various types of work associated with connection and disconnection work and specifying when a network capacity assessment is or is not required.
- 3.18 The approval process has significant implications for land use planning and the assumptions that councils make, particularly around intensification or greenfield growth. It will also impact how developers undertake consenting, by introducing another party into the overall decision making.
- 3.19 Stage 1 is approval of concept which is valid for a year and would presumably follow on from master planning. The entity may decline the application if incomplete information (in its view) is provided.
- 3.20 Stage 2 is approval of engineering plans. The entity must decide within thirty (30) working days, and the approval is valid for five (5) years. The application may be declined if it does not comply with the entity's standards, or if the entity determines there is a more efficient way to connect to the water services than the one proposed – at present this takes no account of Council's plans.
- 3.21 Stage 3 approval is sign off after the work is undertaken and requires evidence that the work complies with the conditions and requirements imposed. Again, the decision must be issued within 30 working days, and must

be issued at least ten (10) working days before the proposed date for connection or disconnection.

- 3.22 The approval process is separate to the vesting of any new connection assets created to the WSE – this is also covered in the Bill, and indicates that stage 3 approval must be achieved unless the entity has reached an agreement with the developer based on the agreement that special circumstances exist.
- 3.23 The Bill defines the contents of storm water management plans, which are required for all the storm water networks in the service area. This will include overland flow paths. The entity must work with Territorial Authorities, regional councils and transport corridor managers to develop or change the storm water management plans. However, it is not clear how overland flow paths will be managed between councils' planners and WSEs, in terms of urban land development.

Regulations

- 3.24 Rather than bylaws, the Bill allows the entity to make stormwater network rules controlling discharges into networks (not from other stormwater networks) and work on, near or relating to the maintenance of overland flow paths. Rules must be developed 'in engagement with' Territorial Authorities and transport corridor managers and agreed to in writing by other owners or operators including councils. This may have an impact particularly on how Council manage storm water runoff quality from roads, and what collection devices may need to install.
- 3.25 Management of trade waste would move to the new entity, who will then issue the relevant trade waste permits via the Chief Executive (although the Board would own the Trade Waste Plan). There is a broad list of considerations that the entity could apply, and the Bill notes that the applicant must comply with every requirement, limit and condition to be permitted to discharge trade waste into a wastewater network. A Trade Waste Plan made under the Act would be considered as Secondary Legislation. The Trade Waste Plan would capture, amongst other things, the entity's approach to issuing permits for longer than a 5-year period. Existing trade waste agreements would remain in place until the earlier of replacement under 267, or 30 June 2029, i.e. all current trade waste permits will expire by mid-2029.
- 3.26 The Bill proposes transitional provisions relating to resource consenting, such that any in train resource consents would continue as if the application had been made by the WSE not the council, however the WSE would then be treated as a party in place of the Territorial Authority.
- 3.27 The Board may also make rules restricting water usage and regulating certain consumer behaviour (which would normally exclude bulk supplier agreements). Rules around consumer behaviour may not restrict ordinary domestic use of water or ordinary domestic discharges. The WSE would have to engage with Council on the development of such rules, although it is not

clear how Council would be involved in any prioritisation, or how this would work with Civil Defence declared emergencies.

- 3.28 The Board must develop and issue a compliance and enforcement strategy for how the WSE will comply with the Act when passed, over a minimum 3-year timeframe. When developing the strategy, the WSE must engage with councils, among others, and the strategy must include the result of the engagement. The WSE must employ a director of compliance and enforcement, who acts independently from the Board and Chief Executive.
- 3.29 Compliance officers will have powers granted under the Act, when passed, which include the power to restrict water supply, various powers to collect data including powers of entry, questioning and inspection, and powers to record visual images including video footage. These powers are primarily directed at defined compliance requirements and drinking water safety. The Bill lists several offences relating to the water supply network, the wastewater network and the storm water network, and defines penalties. There are penalties defined for failing to comply with water use restrictions which (in times of drought) may impact on Council's ability to maintain some amenities – this should be resolved in drought management planning by engaging with Territorial Authorities and agreeing staging and prioritisation criteria for restrictions. Infringement offences are listed separately.

Charging

- 3.30 The Bill suggests the WSE must have a service agreement with every person who is liable to pay charges. This includes anyone who occupies property in the service area of the WSE as owner, or as leaseholder for a term (including renewals) exceeding ten (10) years.
- 3.31 This is different to what the understood intent was. Council will need to address how it works with its leaseholders regarding this, as we may hold the service agreement for all our leaseholders, and we have asked for clarity particularly regarding social housing tenants. The service agreements will offer the opportunity for feedback from the consumer forum, the dispute resolution forum and the commission, however there is no requirement for the WSE to do anything more than consider recommendations for change from the provider of the dispute resolution scheme.
- 3.32 Local authorities are required to give WSEs information on rating that the WSE needs to charge its consumers, on request, at a reasonable cost basis – what is reasonable is not defined and has been queried. The Board is enabled to set charges for access to services, connections, development contributions for effects of additional demand, and other charges to meet its costs. The Bill specifically allows the WSE to charge consumers for the volumetric use of water. It also allows for charging groups of consumers differently if their level of service is different, or if the cost to service them is different, or for averaging charges geographically.

- 3.33 The Bill specifically allows the Chief Executive of the WSE to authorise local authorities to collect charges on behalf of the WSE. Before that, the WSE and the local authority must take all reasonable steps to enter a collection agreement that provides the local authority with 'reasonable compensation', but if they are unable to agree, the matter must be referred to the minister. This seems unfair to the ratepayer of the local authorities if the outcome is that they subsidise collection costs. It is not clear from the Bill whether the DIA is assuming that councils will continue to issue and administer bills on behalf of the WSE. However, the Bill clarifies that the local authorities would not be responsible for pursuing unpaid charges. Council Officers have fed back that this needs urgent clarification and resolution.
- 3.34 The Bill also gives the WSE the ability to collect charges from people who are within 100m of a water supply or wastewater network that has enough capacity to service them but choose not to be connected.
- 3.35 The Bill sets out a process for storm water charging based on apportioning the total recoverable cost of delivering such services. The proposed basis is the capital value of the property, whether the property is served by a storm water network (or within 100m of one), or 'within a particular geographic zone' of the service area. This seems to be a catch all which may open up costs to those not receiving the service, which although that is currently how storm water is charged for, seems inequitable if water supply and wastewater collection are moving to a use based charging system.
- 3.36 The Bill makes provision for Council to collect stormwater charges until 2027. The Bill also suggests that on or after establishment date, the WSE may bill a Territorial Authority directly for all the storm water services the WSE provides within the boundaries of the Territorial Authority. The feedback suggests this is not appropriate, and that it would be preferable to defer transition of stormwater until some of the land development interfaces and charging issues can be resolved.
- 3.37 The basis for setting development contributions is defined, including the ability to set water infrastructure contribution charges for capital expenditure already incurred by the WSE in anticipation of development or increased demand, and to proportion in relation to those who benefit from the assets (including the community as a whole). The WSE board must engage with councils among others before adoption of the infrastructure contribution charging policy. Charges may apply from when the developer is granted resource consent or building consent.
- 3.38 From a Council's perspective, this further muddies the understanding of how councils and the WSEs will work together on land development planning and consenting.

Miscellaneous

- 3.39 Under miscellaneous provisions, the Bill:
- Proposes a comprehensive review of water services legislation between the 9th and 10th anniversary of establishment.
 - Defines principles of engagement with consumers including the establishment of a consumer forum for each WSE.
 - Defines the requirements to enter relationship agreements with Territorial Authorities, transport corridor managers and Regional Councils within the WSEs service area.
 - Defines financial arrangements including the ability of the Crown to lend the WSE money.
 - Defines information provision requirements including providing information to Territorial Authorities for the purpose of land information memoranda, or project information memoranda.
 - The ability of the Governor General to make regulations on several matters including volumetric charging.
- 3.40 Relationship agreements are the mechanism by which parties engage with each other on strategic planning and forward planning regarding the omission of water services, and how parties work together in operating and managing storm water and land drainage, and any mixed-use water services assets.
- 3.41 The relationship agreement will specifically define how the Council will work with the WSE when performing functions under the Building Act 2004, or when preparing plans or policies or issuing resource consents under the Resource Management Act 1991. This is not something that should be developed on a council by council basis. Officers have recommended that the agreement has some sort of enforceable mandate, and that a templated version is developed to bring consistent approaches.
- 3.42 However, given the queries officers have raised on land development and land use planning, it is unclear whether the Relationship Agreement on its own will be a suitable vehicle to implement the RMA or Building Act.

Amendments to other Legislation (Part 2)

- 3.43 Part 2 of the Bill includes amendments to and repeals of other legislation, mainly focussed on adding water service entities into existing legislation such as the Civil Defence and Emergency Management Act 2002, the Local Government Official Information and Meetings Act 1987, etc. The Health Act 1956 includes more substantial amendments.
- 3.44 Subpart 11 refers to amendments to the Local Government Act 1974 and inserts several new sections. This includes that:

- Local authorities must obtain the agreement of WSEs to exercise certain power which would affect the storm water network or storm water management plans. These relate to private drains or covering watercourses only.
- The need to provide notices to the WSE for certain circumstances including if stopping or closing a road on a temporary basis if that would affect the storm water network.
- Various other provisions in relations to drainage, including drainage on roads.

3.45 Section 12 amends the Local Government Act 2002:

- Sections 124 and 125 include Local Government's obligations regarding water and sanitary services. The Bill proposes that the Territorial Authorities and Regional Councils consider the implications of the water services assessment (required under the Bill) in relation to the infrastructure strategy, long term plan and district plan, and a broader duty to improve, promote and protect public health within its district in accordance with section 23 of the Health Act. The proposed Bill then leaves the Territorial Authorities to assess the health risks in relation to communities from any inadequacy in the provision and quality of current and future sanitary services within the district. Officers have fed back that this is currently a public health role, and should not move to councils, although councils have an overarching interest in community wellbeing.
- Section 146, the ability to make bylaws, is replaced to clarify Territorial Authorities jurisdiction, it still includes drainage and sanitation.
- Subpart 26 covers amendments to the Urban Development Act 2020.

3.46 The Bill proposes changes to the Water Services Act 2021, which includes:

- The ability of Taumata Arowai to set stormwater environmental performance standards (environmental and flood performance), as secondary legislation.

Allocation of Assets (also in Part 2)

3.47 As part of the transition, an allocation schedule will be prepared by the WSE defining what they believe should be transitioned across. This sets that the Chief Executive must provide a draft to the local councils and give Council a reasonable opportunity to make written comments on the draft. However, they then only must amend what they consider appropriate.

3.48 By order, these are defined to be any assets that relate wholly to the provision of water services by the local government organisation (LGO), or relate partly to the provision of water services, and partly to the provision of other services by the LGO. The Governor General may also specify assets liabilities and other matters that do not vest and subdivide land to be transferred to a WSE and

create titles for the subdivision of that land. Feedback has suggested that this is inappropriate level of decision making without appeal.

- 3.49 The Bill confirms that debt relating to the provision of water services assets that have transferred will also transfer. Unpaid or unaccounted for development contributions relating to water services infrastructure must also transfer on the date of establishment.
- 3.50 Any disputes must be referred to arbitration under the Arbitration Act 1996.
- 3.51 The Bill proposes that all assets and property are transferred on the establishment date and that all easements, encumbrances, consents also vest on that date. The Public Works Act sections 40 and 41 are deemed not to apply to the transfer. However, LGNZ has recommended that any land transferred to a WSE that becomes 'surplus' should be returned to its original council owner, so that it can be made available for alternative community use or sold with the proceeds made available for use in the particular local community. It should not be retained or sold by the WSE for its own purposes or benefit.
- 3.52 If any land transferred is a reserve under the Reserves Act 1977 the reserve classification is deemed to be revoked on the transfer date. This usually requires public consultation for revocation, it is unclear how this would work within current regulatory settings.
- 3.53 It is not deemed necessary to update land titles to reflect the new ownership by the water service entity, which will be a cost saving.
- 3.54 Existing agreements entered by the LGO must be specified in an allocation schedule if they are to be partly or wholly transferred. The third party may choose to terminate the agreement but would not get compensation for doing so. Information on existing agreements is being gathered by the National Transition Unit at present.
- 3.55 The Bill proposes that the Council will need to revoke any relevant bylaws relating to water services but does not need to comply with the LGA consultation requirements to do so. This needs to be included in the scope of preparation work.

4. SUMMARY

- 4.1 The above analysis focusses on impacts to PNCC and Council's management processes. The submission attached covers PNCC impacts but focusses on the overall outcomes and impacts on communities.
- 4.2 In summary, PNCC recognises the extensive work done in drafting the Bill and is grateful for the opportunity to submit feedback. Water Reform is intended to improve the provision of water services and be as efficient as possible, which we recognise has been a critical focus in the Bill.

- 4.3 The focus that Council has on community outcomes and the four wellbeings is, perhaps, less of a focus within the Bill, and this is the predominant theme of PNCC's submission and recommendations.
- 4.4 Concerns have been raised over how the entity will bill for water services and assumptions the Bill is making around Council's ability (including resourcing) to do this effectively.
- 4.5 Stormwater management interfaces with land use planning, and stormwater rating and billing are raised specifically in terms of concerns about the timeliness of transition.
- 4.6 Land use planning for growth and development engineering as an RMA activity have both raised queries in terms of accountability and ability to reach Council's end goals.

5. NEXT STEPS





- 5.1 Council's submission is now due on 17 February 2023. PNCC has requested to be heard by the Select Committee if that is appropriate.
- 5.2 Officers continue to work closely with the DIA National Transition Unit on water reform, and to continue with PNCC's own preparation work.

6. COMPLIANCE AND ADMINISTRATION

Does Council have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do, they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in Governance and Active Citizenship	
The action is: Ongoing review of governance systems and structures to support Council's effectiveness and reputation	
Contribution to strategic direction and to social, economic, environmental	The formation of the Water Service Entities will significantly change the current delivery of critical services from Council. Providing feedback to the Water Services Legislation Bill is an important step in ensuring that the best community outcomes

and cultural well-being	are realised.
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ATTACHMENTS

1. Appendix 1: PNCC WSE Draft Bill Submission [↓](#) 
2. Appendix 2: Taituarā Submission on WSL Bill [↓](#) 
3. Appendix 3: LGNZ Outline of Submission on WSL Bill and Guidance to Local Authorities [↓](#) 
4. Appendix 4: Feedback on Draft Guidance on DIA Oversight and Monitoring Process [↓](#) 



Click or tap to enter a date.

Committee Secretariat
Finance and Expenditure
Parliament Buildings
Wellington 6140

Members of the Finance and Expenditure Select Committee

Re: Water Services Legislation Bill

Palmerston North City Council (PNCC) welcomes the opportunity to submit on the Water Services Legislation Bill.

Our feedback follows on from opinions and guidance issued by Local Government NZ and Taituarā, both of which are appended to this document to signal that we also wish these to be considered as part of our Council feedback. The commentary below is to be taken in addition to the appended documents, but explores specific elements in more detail where necessary.

At present PNCC is not responsible for rural water supplies, as a discrete city entity. Therefore, we have not included any commentary on rural water supply provisions in the proposed legislation.

General Relationships between Councils and WSEs, Functions of WSEs, and alignment of purpose

Under 'General Matters', LGNZ raised the importance of building on lessons learned from previous reorganisations of the local government and utility sectors in NZ. At present, the legislation appears to entrench non-collaboration between water entities and Councils, by not focusing on the 4 wellbeing's as an outcome. Instead, the Bill reflects the most efficient way of doing business for the WSEs rather than the most effective way of achieving outcomes for communities in New Zealand, which is understandable from a financial perspective but raises concerns with us.

As an example, this includes how the Bill proposes the WSEs approach land occupation for its own assets. Also how the Bill proposes the WSEs manage land development infrastructure by means of prescriptive controls on developers in 3 waters infrastructure provision. These don't have the overarching perspectives of communities and their need for integrated thinking about growth and associated infrastructure needs.

LGNZ has raised the concern that the Bill seeks to treat Councils as 'just another stakeholder group' for the WSE to engage with, whilst the WSE acts as an independent self-sufficient organisation. Communities will be expecting the new WSEs to be working

hand in glove with Councils to ensure that all services are maintained effectively, which is not reflected in the Bill.

Historically, any misalignment between urban planning and infrastructure services planning is currently resolved within Councils by focussing on community needs and outcomes. There is no provision for resolution in the new Bill. This must be resolved through mandating collaboration with Councils specifically (not just as other utility providers) to deliver on integrated infrastructure strategies as part of growth planning.

We suggest that 'partner and engage' with Councils needs more clarity; this is further discussed below in Relationship Agreements.

Recommendation 1:

In Clause 7, 13c is amended to 'to partner, engage and collaborate with its territorial authority owners.'

Recommendation 2:

In Clause 7, 13c that the list of items is extended to include a new subclause 'to cooperate with territorial authorities on long term services provision to customers and communities through integrated infrastructure strategies.'

We also endorse Taituarā's recommendation that clause 7 13j of the bill is changed, to reflect a shared purpose between TAs and WSEs to promote community wellbeing as an outcome of providing water services, rather than the provision of water services being the end goal.

Taituarā Recommends

"That clause 7 be amended by adding collaboration with other infrastructure providers to promote social, environmental and economic wellbeing to the list of functions of water services entities."

Political accountability

PNCC agree with LGNZ's perspective that the WSL Bill should expressly recognise that councils' ability to influence three waters services is limited to the tools available under the new legislation. Councils should not be accountable or responsible for three waters outcomes or other outcomes that depend on WSE decisions, which may not align (in substance or timing) with a council's broader planning frameworks.

LGNZ suggests that the model is changed to either give Councils a stronger role in setting some of the WSE parameters, particularly in relation to land use planning, or to expressly empower Council challenges to WSE decisions that (in Councils opinion) threaten the delivery of an approved LTP. Our preference is the former, in a collaborative landscape, as captured above in recommendation 2 and below.

Recommendation 3:

The LGA and the WSL Bill are both amended to reflect Councils role in setting (in collaboration) some parameters for the WSE to ensure Councils in the WSE region are able to implement their LTP and deliver land use planning outcomes.

Purpose and content of the Government Policy Statement

We agree with the analysis provided by LGNZ and Taituarā that the level of influence by the Government via the GPS must be accompanied by commensurate funding because it sits outside Council and the LGA processes for Community consensus on Council spending plans, and we endorse both recommendations from Taituarā.

That the Committee amend clause 130(2) by adding a clause that requires the Government to explicitly state how the Government intends to support other agencies to implement the GPS: Water or explain its reasons for not providing support.

and

That the Committee amend clause 130(2) by adding a clause that requires the Minister to undertake an analysis of the costs and benefits of the objectives in the GPS: Water

Relationship agreements

At present, the structure of these agreements seem similar to MOUs, and the Bill does not include any conditions to make them enforceable. The Relationship Agreements approach proposed in the Bill are not strong enough in terms of locking in the strategic land use outcomes PNCC have developed to support growth for the city and its community.

The Council has had a settled and consistent approach to strategic land use planning developed alongside our community over the last 20 years or more. Land use strategies provide Council and government agencies with direction about where growth will occur so that supporting infrastructure is planned for and funded. These strategies provide the market with direction to base their decisions on land aggregation and the location of future investment in business expansion.

In this context, Council has a Development Contributions Policy (DCP) that provides a funding mechanism that enables PNCC to plan for growth and ensure infrastructure is developed in a coherent manner to support development when it occurs. Council's 2021 DCP has approximately \$230m of growth programmes in place to support growth over the next 20 years. This figure is likely to increase significantly for the 2024 DCP, as Council is in the process of bringing online additional urban growth areas of a scale that hasn't been provided for in the city over the last 50 years, to reflect the demand for housing. Council is also working closely with Waka Kotahi, Ministry for Education, KiwiRail and Massey University to ensure central government and Council investment in growth across Palmerston North are aligned and occur in a coherent manner for the benefit of the city and across Palmerston North.

Over the last 20 years market participants have positioned themselves and made investment decisions based on Council's strategic land use direction and the commitment made through the DCP and Long Term Plans to fund supporting infrastructure.

Council's land use strategies developed to provide a coherent and joined up picture for growth across the city have been developed alongside Palmerston North's

community and mana whenua. There is responsible expectation in the mind of our community about the pattern of growth across the city, and that supporting infrastructure will be funded and implemented in a timely manner to ensure this growth occurs as planned.

We suggest that the Select Committee considers how new water entities will take account of Territorial Authority (TAs) urban growth strategies in this context, and give consideration to a continued commitment to retaining growth infrastructure programmes underpinning DCPs. Infrastructure growth programmes do not sit in isolation but anchor a broader urban growth planning process that has been developed alongside communities, mana whenua and the market. If the Entity does not carry over and commit to TA urban growth strategies and the underlying commitment to support growth with infrastructure, then economic opportunities will be lost to the City and the Region, to the detriment of the communities served by the WSE.

As noted above, we suggest the bill mandate integrated land use planning and associated integrated infrastructure strategies. This level of direction and mandate needs to be detailed further within the relationship agreements, to ensure that Councils have a process to enforce agreements if necessary.

Recommendation 4:

Subpart 2 of the Bill is amended to include Councils role in setting some of the WSE's parameters, in relation to implementing their LTP and delivering land use planning outcomes.

Recommendation 5:

Section 469(2) suggesting that relationship agreements are not enforceable in law is deleted, and provisions are included for dispute resolution culminating in the appropriate court setting.

Whilst we concur that a relationship agreement with each Council is necessary, we agree with LGNZ that some elements should comprise a standard form across all Councils. For efficiency and effectiveness we suggest these standards are developed with LGNZ and Taituarā.

Recommendation 6:

Relationship Agreement minimum standard templates are developed with LGNZ and Taituarā.

Treaty/mana whenua arrangements

It is appropriate to acknowledge and endorse the proposed statements in the Bill that provide strong recognition of the importance of ensuring that the existing and developing arrangements between iwi, local government and other agencies, are affirmed and integrated into the new relationships and systems that are developed through this legislation. Ensuring continuity of existing negotiated settings while also

promoting the elevation of iwi recognition where this is not reflected in current arrangements, will provide an assurance to iwi and their partners that enduring relationships are valued.

Mana Whenua, Water Reform and Urban Growth

An iwi lens also needs to be cast over how new water entities engage with and give effect to urban growth strategies developed by TAs. The Council has had an ongoing relationship with mana whenua and entered into a Partnership Agreement with Rangitāne o Manawatū in 2018.

The Council has worked with Rangitāne o Manawatū to weave whānau ora principles into the structure plan underpinning our proposed 6000 lot Kakatangiata urban growth area. These whānau ora principles heavily influence the approach to providing three waters in this growth area and the nature of growth programmes required to support development in the future. In this regard, new water entities need to recognise their Te Tiriti o Waitangi obligations and how these obligations have been expressed and provided for in servicing arrangements in identified urban growth areas.

Development engineering

As noted above, we believe that the Bill is not focused enough on the end communities and has not fully incorporated learnings from other utility mergers. This is particularly apparent in relation to planning and development services where it appears that the focus is on efficiency for the WSE's rather than on delivering Council's planned growth outcomes for the community. A lack of coherent outcome focus could lead to frustration, delay and inefficiency in land development decision making, and, we believe, make growth (housing) more difficult and expensive.

Whilst the Bill assumes all asset data will move to the WSE's, there is an overarching perspective taken by Building services and Building Inspectors, which necessitates ongoing access to data on networks and connections. The Bill does not have any clarity around how land development consents will be processed. We suggest the select committee returns Part 10 of the proposed Bill to the DIA to clarify:

- i. whether subdivision consents and connections would continue to be lodged with a Council, and the 3 waters elements passed on to the WSE (the Auckland Council/CCO model), or whether the developer would need to lodge two consents or more.
- ii. whether the WSE would be undertaking (and charging the developers for) site inspections alongside Council subdivision engineers who would be inspecting other infrastructure.
- iii. whether the involvement of the WSE Entity will change statutory timeframes.
- iv. whether the WSE would need to be a Consent Processing Authority to impose Consent Notices, suggested under Clause 316

- v. whether the WSE would undertake a separate asset vesting process, and if so, how would that align with the RMA Clause 223 and 224 which are implemented by Council.

Recommendation 7:

That the select committee require the DIA to confirm whether the WSEs will be Consent Processing Authorities, and to clarify that in the proposed Bill and other suggested legislation changes.

Recommendation 8:

That the select committee requires the DIA to work with Councils to test the Bill's proposed approach to land development subdivision consents against one or more typical development applications.

Controlled drinking water catchments

PNCC has already controlled our drinking water catchment with a mixed use designation.

We agree with Taituarā's comments and recommendations regarding controlled drinking water catchments:

That the Select Committee amend clause 231(1) to require the establishment of a controlled drinking water catchment area by public notice; and

That the Select Committee amend clause 233 by requiring any compliance notice be provided in writing

We anticipate that these wider catchment areas will continue to be owned by people or entities other than the WSE. PNCC have managed our own water catchment land including managing forestry and the like on the land for the benefit of PNCC ratepayers. We confirm there needs to be more clarity about control, and how that would sit with some of the provisions regarding treating drinking water being imposed by the Regulator, Taumata Arowai, which we believe reduce some of the risks that catchment control is seeking to manage.

We endorse Taituarā's recommendation:

That the Select Committee amend clause 231(2) to clarify what constitutes long-term control for the purposes of establishing a controlled drinking water catchment area.

Recommendation 9:

That the Select Committee also amend clause 231(2) to ensure catchment controls take account of downstream minimum treatment standards being implemented via Taumata Arowai

Stormwater

The stormwater provisions in the Bill are not as well developed as the other two waters presumably because of the significant overlap with land use planning, growth and development, roading utilities, natural hazard management, etc and the complexities of charging for service provision. We suggest the Minister and Select Committee consider delaying the transfer of stormwater in its entirety to allow for more clarity to be developed and captured appropriately in legislation.

Recommendations 10:

We recommend that stormwater is not transferred on 1 July 2024 with the other 2 waters, rather it remains in Council control for a longer period to allow more of the issues relating specifically to stormwater planning, management and funding to be resolved.

Whilst we support the general concept of stormwater management plans, we agree with Taituarā and LGNZ that roles and obligations need to be clarified and endorse their recommendations. This is a critical part of our land use planning, and stormwater management plans must be integrated with Council goals and priorities. We endorse Taituarā's recommendations:

That clause 254(a) be deleted and replaced with a new (a) that reads 'a long-term direction for its stormwater network management'

That the Select Committee clarify what the obligation to work with the WSEs on development of the stormwater network management plans is.

That the obligations of clause 257 be extended to all public stormwater network operators;

That the Select Committee delete the word "monitor" from clause 254(1)(a) and replace it with the words "the means for monitoring";

adding the words "and regulatory" before the word "requirements" in clause 254(1)(d).

deleting section 254(1)(h).

We also suggest that in particular the roles and obligations of who manages overland flow paths is clarified as this has a strong overlap with other council land development roles (see also comments on development engineering).

Recommendation 11:

That Clause 260 is amended to clarify and reflect Council and WSE involvement in the rule-making and enforcement for overland flow paths.

Interface with Council roles and functions

The powers to carry out works by the WSE enables predictable or least cost asset implementation for the entity, but does not reflect how we would expect a WSE to work collaboratively with Councils in its region. Whilst we understand that emergency access provisions are important for public health, in the majority of cases infrastructure works are planned and funded years before implementation. In such cases, WSEs should be working with Council through the planning stages - if possible to align expenditure plans in the same area, and definitely to minimise disruption of services (whether they are 3 waters or Council-provided services).

Taituarā notes that a drafting glitch in primary legislation appears to require removal of three waters services from any amendments to 2021 LTPs. They also sought to remind the Select Committee of their feedback to the Act, which covers much of what was raised in relation to working together more collaboratively on long term plans and outcomes. We endorse their recommendation:

That clause 27, schedule six of the Local Government Act be amended to exclude amendments to the 2021/31 long-term plans

We also submit that, given Council staff workloads a 15-day notice period in the absence of other engagement is unrealistic for officers to be able to properly assess impacts and set reasonable conditions.

The prospect of information transfer vs information sharing has been raised. This has been explored in the section on Development Engineering.

Recommendation 12:

That the select committee require the DIA to modify Part 6 of the Bill to capture the expectation of infrastructure works being planned with Councils, with a goal of aligning expenditure and delivery programmes, and of allowing reasonable time to establish suitable conditions for the proposed works.

Charging provisions

Collecting charges

Stormwater

The provision that enables the WSE to bill the Council for stormwater services gives mixed messages. It provides that the WSE will determine the City's share of stormwater service costs using the rateable capital value of the city as a proportion of the whole WSE area (with the ability to take account of different valuation dates through an equalisation process). This approach means it could be up to the Council to determine how it allocates this charge amongst ratepayers – presumably PNCC could continue to use the differentiated land value as part of the general rate, or a differentiated targeted rate based on the capital value.

The downside of the proposed approach is that such a charge will appear to reflect a service being operated and under the control of the Council when in effect the WSE will determine the total sum involved without any material input from the Council. Whilst this option is pragmatic from the WSEs point of view, it could cause confusion for ratepayers on who to hold to account for the cost and level of service provided in Stormwater, and create resource planning difficulties for Council. **Recommendation 10 suggests that the transfer of stormwater to the new entities is delayed to allow for this and other issues to be resolved.**

It also seems from the legislation that the Council will be required to act as collection agent for water & wastewater (if the WSE requires it) – the practical consequences of how invoices might be issued and payments received should not be underestimated, as noted in the feedback from LGNZ and Taituarā.

At present PNCC invoice water and wastewater rates on our quarterly rates invoice and have mechanisms in place for people to pay through various mechanisms including our website. It might appear to be relatively simple to add lines on each rates assessment to identify the WSE charges, but it is likely to be much more difficult to create a separate debtor ledger & have separate bills. It is not clear whether in such situations they would effectively be WSE bills, in their name with their GST number etc, or in the Council's name. Likewise, it's not clear whether payments would be directly made to the WSE bank account or the Council's bank account. At the present time we also bill a number of other 3 waters charges including metered water, trade waste, service connections etc which have not been mentioned in the Bill specifically. There is also no clarity of Council's role in any disputes about charges, should they arise.

Taituarā recommends:

That the Select Committee include a provision in the Bill ensuring that WSE charges are assessed and invoiced on a separate document; and

That clause 336(4) be amended to require the Minister to make a determination as to the amount of collection of costs where this is one of the matters referred to the Minister.

There will be undoubtedly be significant public confusion if the Council continues to be involved in the billing loop as they will rightly think this means the Council is involved

in the decision-making process. We query whether WSEs will be sufficiently advanced to be able to get their own revenue systems up and running by 1 July 2024. If, in practical terms, the Council will need to be involved for an interim period this needs to be discussed urgently to ensure that assumptions that the bill drafters may be making about Council billing processes and systems are accurate.

The Bill does provide that the Council will be reimbursed for its reasonable costs of collection however it's not clear the extent to which reimbursement will be made if those costs stretch to significant changes to IT systems etc. The Bill is also not clear on the consequences the Council may face in situations where it is unable to meet the billing system requirements of the WSE.

Recommendation 13:

The DIA establishes a specific team to resolve interim plans for Council involvement in billing and invoicing for three waters services.

Recommendation 14:

The Bill is amended to confirm that WSEs will not be able to impose unrealistic billing requirements on Council or be able to hold them accountable for not being able to deliver the same. This should include absolving Councils responsibility for compliance risk associated with Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and responsibility for accounting for GST

Note: LGNZ may well put in some additional recommendations

Service Agreements

Council is a landlord for commercial properties, and properties for communal community use. PNCC also provides social housing, with a large housing portfolio. The commercial lease documentation provides clear direction for who is responsible for outgoings. Similarly, housing tenants are covered within existing legislation. From a social outcomes perspective, it is important for us to understand how for-purpose organisations and community-good organisations will be treated under the auspices of the bill – whether each tenant will be considered as liable to pay charges, or whether Council will be deemed to pay charges on their behalf.

Recommendation 15:

That the Select Committee consider how the water entities will enable the 4 wellbeing through their approach to charging community organisations who have previously entered into partnering arrangements with Councils to meet rate costs.

amend clause 279 to clarify that service agreements are deemed or implied and do not require the signature of both parties

amend the Bill by adding further requirements for communication during engagement on the first/transitional service agreements with those who will be liable to pay WSE charges **

amend the Bill to by adding a requirement to notify in writing those who will become liable to pay WSE charges as to where they can find the first/transitional service agreement

Combined cost to ratepayers

At present, Councils have a number of operational efficiencies through internal collaboration and synergies, such as aligning sequences of capital investment where possible to maximise road, 3 water, amenity and other outcomes. Councils also may choose to co-invest or support activities for the best overall outcome. We are concerned that, particularly with the Bill's philosophy of water entity efficiency, there will be significant impacts on Council's cost of doing business, and costs of driving outcomes, such that the combined cost of rates and water charges will not be the same as the current Council rates bill.

LGNZ notes it is unclear whether DIA has a plan to address situations where council rates do not drop by an amount equal to what the WSE is charging for water services. This needs to be addressed urgently including public communications to help set expectations.

Recommendation 16:

Whilst our main recommendation stands that the philosophy of the WSEs is modified to reflect best-for-community outcomes, we also recommend that the Select Committee requires the DIA to work with LGNZ, Taituarā to develop transition communications around combined costs expectations.

LGNZ noted that:

"Under clause 348, the Crown is exempt from paying water infrastructure contribution charges. This is a concern, as Crown agencies are often major developers and can exacerbate issues that are the responsibility of the WSE (or local council). Such an exemption should be something that the Crown applies for and needs to justify. This application should reference the benefits derived for a particular community from such a Crown project – and those benefits need to be sufficient to justify the associated water services-related costs that will be borne by all consumers across the WSE service area."

We therefore endorse Taituarā's recommendation, and note further commentary on the WSE as a rate payer below:

That clause 348 be deleted i.e. that the Crown be liable for infrastructure connection charges

Rating including rating of WSE assets

Taituarā submitted in favour of provisions in the Water Services Entities Act that requires the WSEs to prepare and adopt a funding and pricing plan. The apparent intent of the plan is to provide a greater level of predictability and certainty for users of water services as to funding sources and levels.

Taituarā noted that the Bill mirrors the financial management requirements that local authorities are placed under with financial strategies and revenue and financing policies. Unlike local authorities however, there is no obligation on a WSE to set charges in accordance with the funding and pricing plan. We therefore endorse their recommendation:

That the Select Committee add a provision which requires water services entities to set charges in a manner consistent with the current funding and pricing plan

We note that the Bill proposes to rate people who have chosen not to be connected to a network if they are within 100m of it. We believe this needs more context setting, particularly if dwellings were there before the service was provided, as connection charges could be unaffordable for the property owners. We suggest that it is unfair to rate existing properties on proximity to newer services unless connection charges are waived.

Recommendation 17:

That Clause 339 be amended to clarify whether the landowner would be expected to pay connection charges for retrospective assets.

Clause 342 establishes that the WSEs are not liable for rates in respect of any reticulation that run through property the WSE does not own, and any assets on land the WSE does not own. This does not reflect the aspiration of water reform, that water services are fully funded. This is different treatment from energy and telecommunications providers where the network elements of the assets (such as power lines, gas pipes, cellphone towers etc) are all fully rateable, and as such is inexplicable. Whilst we are seeking a collaborative and partnering approach with the WSE, we note that as a local authority we will still be required to value assets we don't rate, and so will still incur costs as a Council.

Recommendation 18:

That clause 342 be deleted, making all three water assets fully rateable.

We note that Clause 319 (3)(b) does suggest Councils can oncharge reasonable costs for rating, and support that being the case. Similar to Taituarā, we recommend that a mechanism for cost distribution is established through the Bill.

Recommendation 19:

That the Select Committee adds an Appeal process to the determination of debt amounts held by Councils in regards to three waters.

There are still a number of unknowns particularly on the treatment of financial instruments the Council holds to manage the interest rate risks of its debt portfolio. The impacts of transferring these at a time of high interest rates will be detrimental to Council, and we assume these will not be treated as assets or liabilities, rather as a management mechanism held by Council as it is not specifically attached to debt for 3 water assets.

PNCC see no problem with the clause that give some flexibility to agree between the parties when the payment will be made. The LGFA will not want to have lots of their debt all being repaid on the same date. Having said that PNCC expect that if actual payment of the principal is deferred post 1 July 2024 the Council should be compensated for the interest expense being incurred until settlement.

Recommendation 20:

That clause 54 of the Transitional Arrangements be modified to allow for interest expense compensation for any debts transferred after 1 July 2024.

WSE subsidiaries

We endorse the LGNZ feedback on subsidiaries.

Application of Transfer Provisions

LGZ sought legal advice on this which is appended to their guidance. We endorse the proposed 'least harm' philosophy. Much of the feedback aligns with feedback developed in this submission by PNCC expertise.

In particular, we endorse the LGNZ feedback that suggests clarification of whether the WSEs will treat Councils as owners in terms of services provided, vs as stakeholders.

Legal claims and liability

We endorse LGNZ's feedback that there is a lack of clarity about legal claims and liability, and whether all of these will transfer over. It is unclear whether the proposed changes to legislation included in the Bill fully cover the transfer of water-related liabilities to the new entities.

Recommendation 21:

That the Select Committee require the Bill to clarify the intent to transfer all water-related liabilities to the water services entities.

Changes to existing legislation

Protection of public health in relation to water services currently rests with the function of a Council that will become part of the WSE. With the transfer of this function to the WSE the public health protection in relation to water services also transfers to the WSE. We believe therefore that this clause introduces a new function onto territorial authorities and would be better addressed by public health units.

Recommendation 22:

That the requirement for territorial local authorities to consider the findings of water services assessments in relation to section 23 of the Health Act 1956 be deleted.

PNCC has no issues with considering the findings of water services assessments in relation to the District Plan, Infrastructure Strategies and Long-Term Plans.

General considerations

Allocations

We reiterate the concerns expressed by many Councils and Taituarā that the Minister has too much discretion in making amendments to the allocation schedules, and endorse Taituarā's proposed amendment:

That the Select Committee amend clause 40(2), schedule 1 to require that any Ministerial amendments to the allocation schedules submitted under clause 40(1), schedule 1 be forwarded to local authorities for comment within 14 days of receipt.

Staff transfer

We note that Taituarā have expressed concerns that the legislation may have inadvertently captured CCOs who are involved in civil construction of 3 waters, PNCC has an in-house 3 waters civil construction team, who have been advised like all 3 waters staff, of job security and tenure through transition. We ask the Select Committee to therefore be very careful in its considered wording of how to address CCOs in this regard, to ensure that staff such as our in-house civil construction team continue to be covered under the Bill, but CCO constructors do not.

Recommendation 23:

That the Select Committee consider the wording of how to capture all staff working in 3 waters within Councils without drawing in CCOs or other delivery arrangements.

Long Term Plans

We note the Taituarā feedback, which has been clarified in their webinars. We do not generally amend our LTP after endorsement, because the decisions are not material enough to trigger a formal amendment. However, we note that the Annual Plans are a formal part of Council decision making, reflecting both the LTP, infrastructure strategies and ongoing feedback from our communities.

Service Provider Obligations

We note that the Service Provider Obligations, and rule making need to align with how civil defence would operate in a declared or non declared emergency.

Public Works Act

LGNZ has recommended that any land transferred to a WSE that becomes 'surplus' should be returned to its original council owner, so that it can be made available for alternative community use or sold with the proceeds made available for use in the particular local community. It should not be retained or sold by the WSE for its own purposes or benefit. We endorse this recommendation.

We hope that this submission is helpful to the Select Committee. We confirm we are happy to attend the Committee to present on the recommendations contained herein.

Yours sincerely

Staff Name

JOB TITLE

Palmerston North City Council



**Submission of Taituarā
to the
Finance and Expenditure Select Committee
regarding the
*Water Services Legislation Bill***

What is Taituarā?

Taituarā — Local Government Professionals Aotearoa (Taituarā) thanks the Finance and Expenditure Select Committee (the Committee) regarding the Water Services Legislation Bill (the Bill).

Taituarā is an incorporated society of approximately 1000 members drawn from local government Chief Executives, senior managers, and council staff with significant policy or operational responsibilities. We are an apolitical organisation. Our contribution lies in our wealth of knowledge of the local government sector and of the technical, practical, and managerial implications of legislation.

Our vision is:

Professional local government management, leading staff and enabling communities to shape their future.

Our role is to help local authorities perform their roles and responsibilities effectively and efficiently. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to service planning and delivery, to supporting activities such as elections and the collection of rates.

We offer the perspectives of a critical adviser.

Taituarā is a managerial organisation as opposed to a political one. Our role therefore is to advise on consequence, and to assist policymakers to design a policy that can be implemented effectively. We participated (and continue to participate) in the reform process to provide these perspectives. As with our work in this area, our

submission takes the perspective of a 'critical adviser' in the reform process – supportive of the need for affordable, sustainable three waters services, while wanting to ensure the reforms work effectively.

This, primarily technical Bill, provides the entities with the detailed powers necessary to operate successfully together with limitations and accountabilities on their use. The Bill has done this relatively well, the bulk of our comments are either matters of clarification or in some cases identifying what appear to be glitches in drafting, as opposed to challenges or reservations about the headline policy.

Draft for discussion not Taituara policy

Relations with Other Infrastructure Providers

Our consideration of the provisions around the relationship with road-controlling authorities has lead us to consider what the Bill says about relationships between the WSEs and other infrastructure providers. Collaboration between infrastructure providers is an enabler of the range of outcomes that the Bill wants to enable, and that we expect of all infrastructure providers.

We were there a little surprised that the (now very exhaustive) list of functions of WSSs set out in clause 7 of the Bill says nothing about collaboration with agencies outside the water sector (the equivalent of the proposed new section 13(j)). It seems to us that getting the WSEs working collaboratively with road controllers, telecommunications and energy providers is every bit as important as collaboration with overseas water agencies (as per the proposed new section 13(k) sets out.

Recommendations

- x. That clause 7 be amended by adding collaboration with other infrastructure providers to promote social, environmental and economic wellbeing to the list of functions of water services entities.**

Government Policy Statement: Water Services

Our submission in regards the Water Services Entities Act expressed several concerns about the Government Policy Statement: Water Services (GPS:Water). These concerns included:

1. the scope of the GPS:Water and its potential to provide central government with substantial powers to exert operational control over the WSEs
2. the lack of Government support for implementation of the GPS:Water – including funding support and guidance
3. the lack of a mandatory regulatory/impact analysis on requirements of the GPS:Water.

The present Bill further extends the scope of the GPS:Water to empower the Government to set policy expectations with regard to:

- geographic averaging of residential water supply and residential wastewater service prices across each water services area and
- redressing historic service inequities to communities.

We observe that the first of these additional matters provides the Government with what is effectively a power to direct entities to average the pricing of residential services, and the second matter provides Government with some ability to direct where investment is directed.

The first of these items, the geographic averaging, goes to the stated rationale for reforms, i.e. ensuring that the cost of water services is affordable for all users over time. The Cabinet paper, *Pricing and charging for three water services*, suggests that the historic inequities relate primarily to actual or potential breaches of Article III of the Tiriti.

We submit that the extension of the role of the GPS provides further support for our earlier submissions that the GPS allows a future Minister to impose set of priorities upon the WSEs that might, for example, override the policy positions of an RRG and the constituent territorial authorities. The Minister can set expectations as per clause 130(3) that will significantly direct investment decisions and the associated spending with very little by way of 'skin in the game'. That is to say, the Minister will exercise significant influence over WSE spending decisions yet need not make any financial contribution (or provide other support) to the achievement of their own objectives.

We renew our recommendation that the Minister should be required to publicly state what support the Government intends to provide those agencies that are required to give effect to the GPS: Water to implement it. That would include funding but would not be limited to funding support alone. For example, the Government might support the development of the water workforce by loosening immigration

restrictions; amend other government policy statements to address areas of conflict and so on.

Recommendation

- x. **That the Committee amend clause 130(2) by adding a clause that requires the Government to explicitly state how the Government intends to support other agencies to implement the GPS: Water or explain its reasons for not providing support.**

A regulatory case

We further renew our comments that the power to adopt a GPS: Water is an almost unfettered power. We submit that the 'all care, no responsibility' nature of these powers could be ameliorated somewhat if there were some more formal analytical requirements for the statement to meet. While the Cabinet processes supporting adoption of a regulatory impact statement provide some comfort, they are non-statutory and can be overridden by a Minister as they wish.

We submit a stronger, statute backed test that requires Ministers to identify the costs and benefits of the policy positions that they expect the WSEs to give effect to. There are precedents for this elsewhere in legislation – for example, in the Resource Management Act.

Recommendation

- x. **That the Committee amend clause 130(2) by adding a clause that requires the Minister to undertake an analysis of the costs and benefits of the objectives in the GPS: Water.**

Controlled Drinking Water Catchments

Part seven provides WSEs with powers to designate controlled drinking water catchment areas and prepare catchment management plans. Taituarā generally supports this part, noting that enhanced source protection was one of the key findings out of the Inquiry into the Havelock North Contamination Incident. We raise xx matters of clarification.

It is unclear how WSEs give notice of a controlled drinking water area.

A WSE establishes a controlled drinking water catchment area by giving notice. The notice is important as it is the means for communicating the affected area or affected catchment to the public. However, it's not clear what is required when the WSE Board gives notice as there is no definition or specified process in this Part, the Bill or in the primary legislation.

We suspect that the Government's intent was most probably that notice for this purpose would be akin to giving *public* notice (emphasis supplied). This term is defined in the Interpretation Act 2019 as a notice published -

- (a) in the *Gazette*; or
- (b) in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or
- (c) on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge.¹

In a similar vein, the Bill should clearly set out how a compliance notice (as per clause 233) is given. As failure to comply with a direction is a prosecutable offence, a clear evidential chain would be necessary – any direction should be in writing.

Recommendations

- x. **That the Select Committee amend clause 231(1) to require the establishment of a controlled drinking water catchment area by public notice.**
- x. **That the Select Committee amend clause 233 by requiring any compliance notice be provided in writing.**

¹ Section 13, Interpretation Act 2019

The term 'long-term control' needs definition.

WSEs can only establish a controlled drinking water area with permission of the landowner or on land that the WSE owns or has long-term control over. The term 'long-term control' is clearly quite critical to whether and where controlled areas can be established.

There is no definition of what constitutes long-term control. The dictionary definition of control is 'the power to influence behaviour or the course of events' and appears to rule out most other forms of land tenure (such as a lease). It's also not clear what long-term means – is it three years, five, ten, fifty etc. This is an issue that may well come up if anyone is issued with a compliance direction as per clause 233, or prosecuted for not meeting the terms of such a direction.

Recommendation

- x. **That the Select Committee amend clause 231(2) to clarify what constitutes long-term control for the purposes of establishing a controlled drinking water catchment area.**

Stormwater

Part nine of the Bill contains provisions relating to the management of stormwater including requirements to prepare a stormwater management plan and the powers to make stormwater network rules. Assuming that stormwater services are indeed to transfer to the WSEs, then both of these requirements appear sensible. Again the points we raise in this section are more matters of clarification regarding the plan.

The purpose of stormwater management plans is unclear.

Clause 254 sets out the purpose of stormwater management plans. Purpose clauses are a critical part of any legislative provision in that they provide the users of legislation and the Courts with a statement of Parliament's intent, especially in the event that other aspects of the legislation is unclear.

Aspects of clause 254 are far from clear. Specifically the wording of 254(a) "(to provide a water services entity with) *a strategic framework for stormwater network management*". In particular, the term 'strategic framework' has little practical meaning outside the policy community (i.e. those who might write a plan as opposed to those who might want to use one), its not a term imbued with any particular legal significance or meaning.

A stormwater management plan is meant to be long-term and provide the basis for managing stormwater services. Parliament should say just that.

Recommendation

- x. **That clause 254(a) be deleted and replaced with a new (a) that reads 'a long-term direction for its stormwater network management'.**

Responsibilities in developing stormwater network management plans are unclear.

A stormwater network management plan is an important document for the WSE, local authorities and wider community. We therefore support the obligation as per clause 257(1).

Clause 257(2) places local authorities and transport corridor managers under an obligation to work with the WSE to develop the plan. It is not clear what 'working with' the WSE involves, for example is this simply a provision that is intended to require the sharing of information (such as the location of stormwater catchments,

treatment methods). To what extent is it envisaged that 'working with' the WSEs also comes with some participation in the decision-making process. The Bill should either clarify what the obligation is expected to 'work with' the WSE involves.

Also in clause 257 extends only to local authorities and transport corridor managers. Government departments and defence force installations may also have substantial interests in the stormwater network management plan. It seems to us that these bodies should also be working with the WSEs and others, and that the terms public entity or public stormwater network operator might be more appropriately applied to the entirety of Part 9, subpart 2.

Recommendations

That the Select Committee:

- x. clarify what the obligation to work with the WSEs on development of the stormwater network management plans**
- x. that the obligations of clause 257 be extended to all public stormwater network operators.**

Technical amendments are needed to the provisions governing content of stormwater plans

We generally support the proposed contents of a stormwater management plan. These should provide the WSEs with the necessary understanding of what their stormwater networks are intended to achieve (and why) and provide the community with an overview of the issues, challenges, and requirements with the management of stormwater.

We have several recommendations for minor technical amendments:

Under clause 256(1)(a) – a good plan of any sort should set out the means for measuring progress against the plan, for example a set of performance measures or indicators. The actual reporting against these measures should be taking place in some kind of 'mirror' requirement (such as in the annual reports the WSEs prepare). The committee might add some specific requirements to report on this in the WSE's annual report.

We note that clause 251(1)(d) requires the WSEs to set out any statutory requirements. We agree with this as statute can be a key determinant of levels of service, but we add that regulatory requirements have equivalent effects. Resource consent requirements are an example of this, but not the only such requirements (the requirements set by Taumata Arowai for example).

Clause 254(1)(h) requires inclusion of an overview of the maintenance and operations of each stormwater network. The clause further develops this by mentioning monitoring, maintenance, operational procedures. Each of these is not a strategic issue, they are more operational matters and not appropriate for inclusion in the plan.

Recommendations

That the Select Committee amend clause 254 by

- x. deleting the word “monitor” from clause 254(1)(a) and replacing it with the words “the means for monitoring”**
- x. adding the words “and regulatory” before the word “requirements” in clause 254(1)(d)**
- x. deleting section 254(1)(h).**

Service Agreements

Customer agreements are a key aspect of the reform. The Cabinet paper *Policy proposals for three waters service delivery legislative settings* suggests that these agreements are necessary to create a legal relationship between WSEs and their customers. This is a necessary step to the removal of bylaw-making powers envisaged elsewhere in the Bill. The intent was that the agreements would extend to all domestic customers and anyone billed for stormwater.

A key element of the Government policy decisions appears to be missing.

One of the important aspects of the policy proposals that in *Policy proposals for three waters service delivery legislative settings* was that:

"These agreements would be 'deemed' or 'implied' in the sense that individual customers would not need to agree to them, though it would be possible for the default agreements to be replaced by bespoke agreements or contracts (if both parties agree)".²

Deeming is an important practical step. WSEs will serve hundreds of thousands of customers whom it will acquire from local authorities on 1 July 2024.

Unlike an energy or telecommunications network provider, the overwhelming majority of users are already connected to (or benefit from the protection provided by three water services). The WSEs won't have the option of discontinuing supply of the customer doesn't agree (and even if they did there would be public health and safety considerations), self-supply is not always practicable (or desirable from a public health standpoint). It is logistically impractical for the WSEs to obtain this number of individual agreements.

This Committee has previously considered what is now the Water Services Entities Act. Having received submissions the Committee will be aware that there is public opposition to three waters reform. If agreements are not deemed, there is a risk, that those opposed to reform might exercise a right of protest by choosing not to agree to the terms of service agreements. That might extend further to, for example, a decision to meter water consumption or in more misguided ways oppose treatments such as fluoridation.

The Bill as it stands has not given effect to the intended deemed nature of the agreements. The general requirements are that an agreement must be in place, certain requirements around content, processes for consultation and for publication

² Minister of Local Government (2021), Cabinet Paper: Policy proposals for three waters services delivery legislative settings, page 26 (para 124).

of the final agreement. There's no reference to the deemed nature of the agreements.

Consumers do get the opportunity to engage on the customer service agreements with the consultation process as per clause 281 and publication as per clause 282. If the Committee agrees that agreements should be deemed we suspect that there should be additional provisions around the first customer services agreements to reflect that this isn't an agreement in the typical sense.

That first agreement may in fact be the first intimation that some users have that their supplier has changed (from the council to the WSE) and is even more likely to be among the first communications from the WSE. There should be requirements on the WSE to write to all those who are liable to pay charges advising:

- that the WSE will assume responsibility for delivery of three water services on and from the establishment date
- that the WSE has prepared, and is engaging on a customer agreement (including where the user can locate a copy of the proposed agreement and how and where the user might make their views known to the WSE)
- of the terms of the legislation including, but not limited to, that the final agreements are deemed.

Publication of the first agreement should also come with an obligation to communicate with all users advising where the published agreement can be found.

Recommendations

That the Committee:

- x. **amend clause 279 to clarify that service agreements are deemed or implied and do not require the signature of both parties**
- x. **amend the Bill by adding further requirements for communication during engagement on the first/transitional service agreements with those who will be liable to pay WSE charges**
- x **amend the Bill to by adding a requirement to notify in writing those who will become liable to pay WSE charges as to where they can find the first/transitional service agreement**

Funding and Pricing

Links with the funding and pricing plan

Taituarā submitted in favour of provisions in the Water Services Entities Act that requires the WSEs to prepare and adopt a funding and pricing plan. The apparent intent of the plan is to provide a greater level of predictability and certainty for users of water services as to funding sources and levels.

It mirrors the financial management requirements that local authorities are placed under with financial strategies and revenue and financing policies. Unlike local authorities however, there is no obligation on a WSE to set charges in accordance with the funding and pricing plan.

Water services are an enabler of a wide variety of economic, social and environmental outcomes. The way services are charged for sends an economic signal about the true cost of providing the services that influences decisions as diverse as opening a business reliant on water supply (such as a food processor or hairdresser), or investments in water efficient technologies (e.g. half flush options on toilets, grey water for washing trucks etc).

With this in mind the Committee should consider whether there should be a stronger link between the setting of charges and the funding and pricing plan.

Recommendation

- xx. That the Select Committee add a provision which requires water services entities to set charges in a manner consistent with the current funding and pricing plan.**

The interim funding arrangements impede the objectives of water reform

The Bill confirms the speculation that local authorities will (or at least could) be asked to collect WSE charges for up to five years after establishment date (i.e. up to 1 July 2029).

The Cabinet Paper, *Pricing and charging for three water services* contains the rationale (such as it is) for the transitional collection arrangements. Paragraph 88 comments thus:

"The National Transition Unit is working towards water services entities being able to charge for three water services from day one (1 July 2024). However, if this cannot be set up in time, the entities may need to use territorial authority billing systems for billing in the short-term."

In short, it's a matter of convenience and intended to be a short-term measure. Neither the Cabinet paper, nor any since, has made any case that the arrangements cannot be made in time – Cabinet made the decision 'just in case'. To date there have been no discussions with either ourselves, LGNZ, or the sector as to what the WSEs need to do their own charging, and where this sits relative to other priorities such as the transfer of assets and revenues.

In our submission on the Water Services Entities Act we asserted that the WSEs were created to have scale and financial capability and will have an asset base and financial capacity that many entities in NZ could only dream of. Further, the balancing of transitional matters and the design of funding systems is a matter that the WSE Boards should be taking accountability for, from 'day one'.

As we write this, there are around eighteen months left to the intended establishment date for the WSEs. In that time the WSE board will have been expected to develop a first funding and pricing plan. Why then would they not be expected to have a system for billing and collection in place at the same time, and to have done the necessary communication and other work to communicate with their consumers.

The bill creates a set of entities that are intended to have direct relationships with their consumers, with many of the drivers of a commercial provider of network utilities. The interpolation of a third party into something as fundamental as the billing and collection of water charges blurs the accountability of the WSE to the end user/consumer.

Taituarā submits that the Select Committee needs to send the WSEs a clear message in this Bill that they will be expected to stand on their own feet on establishment. And if there is merit in local authorities acting as the collection agents for the entities then legislation needs to clarify that the assessment and invoicing of WSE charges must be on a separate document and clearly distinguished as coming from the WSE.

The Bill allows for the Chief Executive of the WSE and the relevant local authorities to agree upon a collection agreement. The costs might include postal and mailhouse costs, salaries of those answering queries or other administration such as reading meters. Where agreement cannot be reached then clause 336 requires that matter must be referred to the Minister for a binding decision within 28 days.

The provision/provisions most likely to give rise to such a dispute will be those around a fee for collection. The Bill should explicitly provide for an agreement on collection costs, and a requirement that any Ministerial determination provide for collection costs.

Recommendation

- xx. **That the Select Committee include a provision in the Bill ensuring that WSE charges are assessed and invoiced on a separate document .**
- xx. **That clause 336(4) be amended to require the Minister to make a determination as to the amount of collection of costs where this is one of the matters referred to the Minister.**

A partial rating exemption for the WSEs is unjustified

The Cabinet paper Pricing and funding for three water services (at paragraph 160) notes *"the intention of the reforms is that water services are fully funded."* We entirely agree with this sentiment – as economists tell us if an activity doesn't meet its true cost we get an economically inefficient outcome (overproduction).

But the Bill does not live up to this expectation. Clause 342 establishes that the WSEs are not liable for rates in respect of any reticulation that run through property the WSE does not own, and any assets on land the WSE does not own..

This is quite a different treatment from energy and telecommunications providers where the network elements of the assets (such as power lines, gas pipes, cellphone towers etc) are all fully rateable.

The Committee might also note, that the assets exempted from rates are still rating units (i.e. property for rating purposes) and must be valued and placed on the DVR. In short, local authorities will be required to value assets they don't rate.

Recommendation

- xx. **That clause 342 be deleted, making all three water assets fully rateable.**

The cost of preparing rating information should be shared

Regardless of the position the Committee takes on the WSEs collecting their own charges, the WSEs will require (or at least benefit from) the information in the District Valuation Roll (DVR). As it stands, the Bill requires local authorities to subsidise the operating costs of the WSEs by providing tax information *free of charge*.

WSEs will be drawing on DVRs from up to 21 different local authorities, in each WSE area that will cover more than a million properties in most entities and costs millions of dollars. WSEs will be making major use of the information – in most cases the WSE will be collecting more revenue using the DVR than regional councils. Yet unlike regional councils, the WSEs are not currently required to contribute to the preparation of the DVR.

There is a statutory formula for sharing the cost of preparing the DVR where the different parties are unable to agree on an alternative. Section 43 of the Rating Valuations Act 1998 provides for the division of the costs of preparing the DVR based on the proportion of revenue collected using the information.

Recommendations

- xx. That a further provision be added to clause 319 that both requires the water services entities to contribute to the cost of preparing district valuation rolls, and provides a formula for apportioning costs where parties cannot agree and is based on section 43 of the Rating Valuations Act 1998.**

Should powers to waive debt be completely unfettered?

Clause 326 allows a WSE Chief Executive to waive payment of any charges that any user faces. Of course, this is a sensible operational power that mirrors the rates remission and postponement local authorities enjoy. To take an example, a water user paying a volumetric charge on a property where a leak has occurred might have some of that charge waived if they can demonstrate there was a leak and they've taken steps to fix it. Waivers might be considered in cases of hardship.

As it stands its completely open to the Chief Executive. We submit that the WSEs are publicly accountable, and are using powers that in some instances are close to a coercive tax (particularly stormwater charging). An unfettered power also leaves the WSE, and the Chief Executive open to 'special pleading' (e.g. I/we are a special case because).

We submit that the WSEs should be required to prepare a formal policy on the waiver of debt, and publish this in a similar manner to the funding and pricing plan. This might be modelled on the revision and postponement policy provisions that apply to rates and are set out in sections 109 and 110 of the Local Government Act 2002.

Recommendation

- xx. **That the Select Committee amend clause 326 by adding the words "subject to any operative policy that the entity has on the waiver of debt."**
- xx. **That waiver policies must be published on an internet site maintained by the local authority.**

The Crown's exempting itself from infrastructure connection charges is an unwelcome subsidy from the water user

LGNZ had noted that:

"Under clause 348, the Crown is exempt from paying water infrastructure contribution charges. This is a concern, as Crown agencies are often major developers and can exacerbate issues that are the responsibility of the WSE (or local council). Such an exemption should be something that the Crown applies for and needs to justify. This application should reference the benefits derived for a particular community from such a Crown project – and those benefits need to be sufficient to justify the associated water services-related costs that will be borne by all consumers across the WSE service area."

We agree.

Recommendation

- xx. **That clause 348 be deleted i.e. that the Crown be liable for infrastructure connection charges.**

Transfers of Water Services Undertakings

The transfer process is critical to the overall success of the reform process. The transfer of assets revenue and debts will determine the long-run service and financial sustainability of the WSEs, and of the legacy the reform process leaves local authorities. To take one example, the National Transition Unit is currently considering a number of different options for the transfer of debt, prior to entering discussions with each local authority.

Transfers of staff will go to whether the WSEs have the capability to deliver on the objectives of reform, and whether and where local authorities have capability gaps.

The Bill affords the Minister too great a level of discretion in making amendments to the allocation schedules.

The WSE Chief Executives are charged with the responsibility of developing an allocation schedule (a list of what will transfer to the WSE). The current Bill adds two further obligations when preparing a schedule.

The first is that the establishment CE must consult with local authority and other local government organisation (such as Wellington Water) when developing the schedule, including the supply of a draft. Obviously we support that provision as making explicit what a prudent CE would be doing anyway.

We are unconvinced of the necessity for the second, which is essentially that the Minister has to approve each allocation schedule. The Minister appears to have quite broad discretion in making approval, including the power to amend the schedule as they see fit. The only constraints are the limitations contained elsewhere in the schedule – for example, the definition of a mixed-use asset.

There's also no requirement as to any obligation to engage with the WSE or the constituent local authorities when making the decision. The allocation schedule is a fundamental for the WSEs and local authorities. With debts particularly, a Ministerial judgement now might create a long-term fiscal problem for local authorities. If a Minister intends to impose their own judgement on what gives effect to reforms and what's equitable they should be exposing that judgement to the local authorities and giving them a chance to comment.

Recommendation

- xx. That the Select Committee amend clause 40(2), schedule 1 to require that any Ministerial amendments to the allocation schedules submitted under clause 40(1), schedule 1 be forwarded to local authorities for comment within 14 days of receipt.**

Has water legislation inadvertently captured non-water services organisations?

The Bill adds six provisions that specifically relate to the transfer of assets owned by local government organisations. In the context of water legislation the definition of local government organisation includes any local authority, council-controlled organisation (or subsidiary of a council controlled organisation).

Closely reading the new transfer provisions (clauses 41 to 47, schedule 1 of the Bill) has raised an issue for us. There are a number of council-controlled organisations that operate in the civil construction business.³ While often these are the historical legacy of roading reforms in the 1980s and are for the most part, operate as road construction and maintenance businesses, it is common for them also to provide reticulation services such as renewals.

As council-controlled organisations there appears to be a prima facie case that these entities have been captured in the definition of local government organisation. We suspect that the intent that is was the ownership of water services and the management of these services, and not the actual construction and maintenance activities. That would be consistent with Government policy in other spheres (such as transport) that support some degree of separation between the policy and management of infrastructure from the physical delivery of work programmes.

The definition of local government organisation was, in our view, intended to capture the asset managing and asset owning organisations (for example, Watercare and Wellington water) and not those delivering civil construction services.

³ Some examples include Citycare (owned by Christchurch Cty Council) and Whitestone Contracting (owned by Waitaki District Council).

Recommendation

- xx. That the Select Committee seek advice as to whether the term local government organisation includes council-controlled organisations providing civil construction services.

Draft for discussion not Taituara policy

Long-term Plans

And to finish, some practical but critical point about three waters and the long-term planning processes of council.

A drafting glitch in primary legislation appears to require removal of three waters services from any amendments to 2021 LTPs.

The Water Services Entities Act inserted new provisions into the LGA that requires local authorities to exclude any content relating to three waters services from their long-term plans (LTPs) during the transition period (i.e. up to 1 July 2024). This includes information such as asset management, funding arrangements and the like.

The primary intent of that provision is to clarify that when local authorities begin preparing their 2024/34 LTPs, they will be preparing those plans on the assumption that three waters no longer sit within the local authority. Most local authorities will start their 2024/34 plans once they've prepared draft 2023/24 annual plans (this coming March or April). From that standpoint then we support what the legislation does.

However, we have been made aware that LGNZ have received advice that LTP amendments are included within the scope of these provisions. The LTP amendment mechanism is a statutory recognition that circumstances change, and therefore that local authorities need the flexibility to change plans where needed (subject to some disciplines). In effect, any local authority that wants to amend their current (i.e. 2021/31) LTPs will need to remove the three water services from that LTP.

It is not uncommon for local authorities to amend LTPs in the year after a local government election to reflect changes in direction or policy commitments made in or after elections. For example, substantial changes in rating policy, a change to a level of service or a decision to/start or stop an activity. As part of an amendment includes a revised set of forecast financial statements, any amendment in the next 18 months will need to prepare that information without three waters services.

However, as we've just seen, critical financial parameters (in particular debt) relating to the transfer of three waters undertakings are currently unknown and could remain unknown for some time yet. In a similar vein, the schedules of assets will not be finalised for some time. This may be a subject of some debate between local authorities and the Department – particularly with stormwater assets where there will be some degree of case by case discussion of what does and doesn't transfer.

Those local authorities that want to (or need to) amend their 2021/31 LTPs are then faced with a requirement that they could meet only by making assumptions about what does and doesn't transfer. This places an additional barrier or constraint around the negotiation and asset transfer process.

The Select Committee should also remember that local authorities retain the policy and operational responsibility for three waters services up to 1 July 2024. That includes the delivery of maintenance, renewal and replacement programmes in the asset management plans in the interim. This means local authorities will need to rate for three waters services in the 2023/24 financial year, and show that in the financial information for the year. This creates a disconnect with the relevant LTP information.

Recommendation

- xx. That clause 27, schedule six of the Local Government Act be amended to exclude amendments to the 2021/31 long-term plans.**

We repeat recommendations from our earlier submission about the removal of water services and aspects of the 2024 LTPs.

The Bill has provided some clarification of the schedule 10 Local Government Act disclosure requirements for LTPs. In essence, the Bill amends the LGA definition of network infrastructure by removing the three references to drinking water, wastewater and stormwater; and flows through into other parts of the LGA.

These come as no surprise as they are, more or less, what we would have done had minimum change been the goal (we thank the Department for the two discussions and the opportunity to provide a more detailed commentary on what Taituarā would do).

We consider that there is an opportunity to do a little more place legislative "patches" on these provisions. Indeed the removal of three waters services calls the value of the infrastructure strategy into serious question, and has the risk of turning the financial strategy into a 'tick box' exercise. The Committee should remember that its community that meets the cost of preparing these documents, and further that those who want to respond to an LTP in a robust way need an understanding of the issues in these documents.

Rather than repeat the discussion in toto, we refer the committee back to the recommendations 55, 56 and 57 that call for wider amendments to the content of

financial and infrastructure strategies, and to the complete removal of powers to set non-financial performance measures for roads and flood protection.

Three water services are firmly embedded in the legislative provisions governing long-term plans (LTPs). At the time of writing the 'due date' for the next long-term plans is a little less than two years away. But the bulk of the work preparing a long-term plan actually happens between twelve and eighteen months from the 'due date', this is a case of 'the sooner, the better' for changing the law.

Local authorities are required to separately disclose information relating to drinking water, sewage treatment and disposal, and stormwater drainage in their LTPs. We have independently undertaken a 'find and replace' on the use of these terms in the accountability provisions of Part Six and Schedule 10 of the Local Government Act

Recommendation

- xx. That the Committee enact recommendations 55 to 57 of the Taituarā submission on the Water Services Entities Bill relating to the content of financial and infrastructure strategies and the repeal of powers to make non-financial performance measures.**



WATER SERVICES LEGISLATION BILL AND WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION BILL SUBMISSION // OUTLINE

Background

The Government introduced the Water Services Legislation Bill (WSL Bill) and the Water Services Economic Efficiency and Consumer Protection Bill (Economic Regulation Bill) on 8 December 2022. These two bills build on the Water Services Entities Act, which became law on 14 December 2022. They set out the technical detail of three waters infrastructure and service delivery:

- The WSL Bill sets out the Water Services Entities' functions, powers, obligations, and oversight arrangements.
- The Economic Regulation Bill regulates the price and quality of water infrastructure services and protects consumers.

Both bills had their first reading on 13 December 2022 and were referred to the Finance and Expenditure Committee, which has set a deadline of 17 February 2023 for written submissions from local government (although on 21 December it wrote to councils saying requests for extensions may be considered). LGNZ recognises that this timeframe is very difficult for councils. It coincides with the holiday break and councils preparing to submit on the Resource Management Bills and Future for Local Government Review. We have repeatedly raised our concerns around these timeframes with the Government.¹

Our key points

Water Services Legislation Bill

- The council-WSE relationship will be critical for both parties. It needs to put communities first and enable (rather than compromise) the ongoing role and functions of councils. While WSEs are expected to 'partner and engage' with councils, what this means in practice must be clarified.

¹ Councils are able now to request an extension to the RM bills submission deadline to 19 February (contact the Environment Select Committee). The deadline for feedback on the Future for Local Government draft report feedback is 28 February.



- We are unhappy with provisions that are different from what the Rural Supplies Working Group envisaged. Our view remains that there should be an opt-out option available to communities that can demonstrate that they satisfy the 'transfer requirements'.
- We are concerned about the provisions relating to councils collecting water charges on behalf of WSEs until 2029. Councils oppose being compelled to collect revenue for a service they will no longer control and deliver, partly because of the potential public confusion this will generate about who is accountable.
- There are number of provisions that need clarifying or amending to ensure councils do not attract unfunded mandates under the new system or are not financially disadvantaged.
- We are concerned about the process for determining councils' three waters debts.
- The addition of provisions on subsidiaries based on the CCO provisions of the Local Government Act 2002 is a material change that we do not support.
- We have concerns around who will 'wear the liability' when things go wrong, and what legal remedies will (and should) be available.

Water Services Economic Efficiency and Consumer Protection Bill

- The Bill views the water services sector as similar to existing monopolised utility industries, which we think is the wrong approach. For example, the Bill includes an explicit reference to limiting WSEs' ability to "extract excessive profits". This language is inflammatory, inaccurate and unnecessary given the proposed public ownership model
- We think the information disclosure elements of the Economic Regulation Bill can deliver on most of the regulatory policy outcomes the Government has targeted for improvement, and should be the primary initial focus of the regime.
- Introducing quality regulation in the first regulatory period is an unrealistic target.
- Price-quality regulation should similarly be delayed and made subject to a further recommendation by the Minister. We are concerned about the potential impact price-quality regulation could have on the short/medium term debt capacity of the new water services entities.

The purpose of this outline

This outline has two purposes:

1. To help you prepare your own submissions. The outline flags issues that we think all councils will be concerned with and potentially want to submit on.
2. We really want your feedback to shape our actual submission. Depending on your feedback, our submission could look quite different from the outline we're sharing below.

The outline is structured in two parts – one covering each Bill – followed by a glossary and questions for feedback.



How we'll develop LGNZ submissions on the two Bills

This **outline** sets out where we intend to focus our submissions and the key points we plan to make. Please let us know what you think. There is a list of questions we especially welcome your feedback on at the end of this document.

The deadline for feedback on the outline is **Friday 27 January** – please email your views to submission@lgnz.co.nz

During January, we'll be developing our **draft submission**. Subject to feedback, this will largely replicate and build on the submission outline, and add suggestions about how to improve the drafting of legislative clauses.

We are planning to share that draft with you on 10 February. We will have a very short window of feedback on that draft, given the Select Committee deadline for council written submissions of Friday 17 February.

Water Services Legislation Bill

Topic	Response
General relationship between councils and WSEs	<ul style="list-style-type: none"> • The council-WSE relationship will be a critical one for both parties. It needs to be set up in a way that will enable (rather than compromise) the ongoing role and functions of councils. • However, the WSL Bill tends to treat councils as just another stakeholder group for a WSE to engage with, while implying that the WSE acts as an independent self-sufficient organisation. This 'us and them' approach has the potential to be at the expense of a more joined up focus on local communities' needs. • The legislation also needs to reflect that WSEs will operate within a broader system that services communities, with councils remaining central to that overall picture as well as being democratically accountable. Communities should expect both service organisations to work hand in glove for their benefit. While the WSL Bill signals the need and opportunity for operational/planning integration and partnering, it does little to actually direct or mandate it. • However, there is an alternative view that if this reform progresses as proposed, councils will lose control over their assets and lose their three waters knowledge base. This should mean that councils don't retain any responsibility for water service delivery, including issuing invoices. • Existing relationships, experience and capabilities of councils will need to be respected and leveraged if the overall system is to operate well at a local level. And expectations on councils, particularly during the transition



	and establishment phase, need to be carefully managed and take account of the fact that councils will lose their three waters capability and capacity when staff transition to the new WSEs.
Functions of Water Services Entities	<ul style="list-style-type: none"> • The WSL Bill will give WSEs a number of new ‘functions’ (in addition to those included in the WSE Act 2022). We support the specific requirement to ‘partner and engage’ with councils. • However, it’s unclear what ‘partner and engage’ with councils will actually mean in practice, including how it will connect with councils’ placemaking and community wellbeing functions. No expectations are set and no guidance is provided (<i>see also ‘relationship agreements’ below</i>). • The obligation to ‘partner and engage’ should not amount to an expectation that councils will be involved in three waters service delivery if the reform proceeds as proposed and councils lose control of three waters assets.
Absent alignment of ‘purpose’ between councils and WSEs	<ul style="list-style-type: none"> • We are concerned that the lack of shared ‘purpose’ between councils and WSEs will create tension. Under the Local Government Act 2002 (LGA), councils are required to promote the social, economic, environmental and cultural wellbeing of communities both now and in the future. WSEs do not share this purpose. This lack of clear alignment could create tension and favour the ‘plan implementer’ (WSEs) over the ‘plan maker’ (councils). • We think the WSL Bill should expressly recognise that councils’ ability to influence three waters services is limited to the tools available under the new legislation. Councils should not be accountable or responsible for three waters outcomes or other outcomes that depend on WSE decisions, which may not align (in substance or timing) with a council’s broader planning frameworks. • What happens if a council ends up in conflict with a WSE because the council’s view of ‘community needs’ is at odds with what the WSE can justify or afford from a (wider service area) financial sustainability perspective? This needs to be clarified. • What happens if a WSE limits or stops the provision of services to an area because it assesses that climate change or natural hazard risks mean a higher level of investment is uneconomic? This could be the case if the cost of repair exceeds available financial resources when weighed against competing priorities. And what happens if the WSE’s actions don’t align with a council’s broader plans to build resilience to or respond to climate change/natural hazard risks in a certain area? This needs to be clarified. • A WSE must pursue statutory objectives focused on efficiency, financial sustainability, and best commercial practice. There is potential for misalignment between these drivers and councils’ broader focus that encompasses placemaking and community wellbeing. But in resolving this tension, councils will potentially be limited to escalating issues to the RRG



	and providing input on relevant planning/policy documents (unless resolution is included in a 'relationship agreement' – see discussion below).
Political accountability	<ul style="list-style-type: none"> • In reality, councils (and their elected members) will attract a level of political responsibility for the three waters system. They remain obligated to look out for community interests. Their communities will assume a council still has sway and a voice. This assumption could be expressed at the ballot box, even if an individual council and its councillors (including those on a RRG) have limited control over actual service delivery. • We think the LGA should expressly recognise that a council's ability to achieve some aspects of its 'purpose' will be heavily dependent on WSE decisions – over which it has limited or no control. As such, the duties of a council should expressly reflect those limits. • Given an element of political accountability is inescapable, we think the model should be changed in one or more of the following ways: <ol style="list-style-type: none"> a. Councils be given a louder voice that WSEs must listen to on key topics (for example, around place-making and 'master planning'). This would mean a council can set some of the operating parameters that a WSE must respond to, consistent with its duties and objectives; b. Subject to a suitable threshold, councils be expressly empowered to challenge (and seek reconsideration) of WSE decisions that the council reasonably considers will negatively impact the delivery of a key element of an approved Long Term Plan. (As Resource Management Reform beds in, this would extend to an approved regional spatial strategy.)
Relationship agreements	<ul style="list-style-type: none"> • We think agreements with individual councils (as opposed to agreements with multiple councils) are the best way to ensure individual council needs are met. However, we think some elements of these relationship agreements should be 'standard form'. This would ensure that all councils/WSEs benefit from a best-practice approach to matters they all share in common. It would also help develop consistency and reduce the need to 'learn' and apply bespoke arrangements. • It is unclear what 'status' a relationship agreement will have, and what 'binding effect' it will have. If such an agreement will not be legally enforceable, then the Bill should do more to frame up the context of the special role and nature of the relationship agreement between a WSE and a council. This could mean, for example, an express expectation of joint care and stewardship for all the systems impacted by their respective actions for the benefit of local communities. It could mean finding synergies that leverage and enable each organisation to succeed and avoid duplication of resource and cost. There should be an express statutory basis and mandate for this – which could be analogous to the need for a



	<p>WSE to address Te Mana o te Wai and respond to statements by mana whenua.</p> <ul style="list-style-type: none"> Relationship agreements should be used to provide for the interface between three waters and council planning systems. In time, relationship agreements should be established with the regional planning committees that will be established through RM reforms. There are suggestions throughout the Bill that the scope for engagement is limited to the operation of stormwater, land drainage, or related services (cl 468(1)(c)(iii)). This is too narrow. There are multiple touchpoints for the WSE/council relationship, all of which need to be identified and managed. This would also provide an opportunity for process synergies. For example, consulting communities once on the full range of things each cares about, to lower cost, create efficiency and further develop expertise. Relationship agreements with regional councils should be more limited given that they will continue to play a regulatory role. We think some of the planning interface arrangements used in the Scottish Water model could be adopted in water services legislation, for example: <ul style="list-style-type: none"> WSEs should contribute to the writing of 'main issues reports' (which are front-runners to local development plans); WSEs should contribute to the writing of any proposed local development plans; WSEs should contribute to the writing of an 'action programme', which supports delivery of local development plans; and WSEs should comment on all outlines or full planning applications referred to by local authorities.
Purpose and content of the Government Policy Statement	<ul style="list-style-type: none"> The areas of influence under the Government Policy Statement have been expanded to include statements in relation to geographic averaging, redressing inequities in servicing of Māori and redressing historic service inequities. Consistent with our previous recommendations, we see this as adding to an unfunded mandate for local government. If central government is to have influence and control like this, it needs to go hand-in-hand with a commitment to funding. Otherwise some local priorities may need to be sacrificed to deliver on central government priorities.
Rural supplies	<ul style="list-style-type: none"> Local government-owned mixed-use rural water supplies that provide both drinking water (to 1000 or fewer non-farmland dwellings) and water for farming-related purposes (where 85% or more of the water supplied goes to agriculture/horticulture) will transfer to the WSEs. These supplies can subsequently be transferred to an alternative operator (for example, the local community served by the supply). However, these transfer provisions are different from the recommendation of the Rural Supplies Working Group, which promoted a regime where the local/affected community could 'opt out' from the initial transfer.



	<ul style="list-style-type: none"> The process required to subsequently transfer the service to an alternative operator is too high a bar. Our view remains that there should be an opt-out option available to communities that can demonstrate that they satisfy the 'transfer requirements'.
Charging provisions – collecting charges	<p>Councils collecting charges:</p> <ul style="list-style-type: none"> We are concerned about the provisions relating to councils collecting water charges on behalf of WSEs. Councils oppose being compelled to collect revenue for a service they will no longer control and deliver, partly because of the potential public confusion this will generate about who is accountable. The bill says that a WSE will be able to insist that a council collects charges on its behalf (in exchange for a 'reasonable payment for providing the service') until 1 July 2029. To facilitate this, a WSE will enter into a 'charges collection agreement' with the council. But if a charging agreement is not agreed upon, the Minister has power to impose terms. While our preference is that councils aren't responsible for collecting charges, if it is not practical for WSEs to stand up their own billing/collection systems on 1 July 2024, then in our view any interim arrangement should be supported by agreed principles and limits to protect councils' interests. The WSE will need to carry the risk of council resources and systems not being able to do what the WSE might want. The provisions in the WSL Bill are based on those in the Infrastructure Funding and Financing Act 2020 (IFF) for collecting IFF levies. However, these circumstances are very different. There are range of other matters that need to be recognised: <ol style="list-style-type: none"> The WSL Bill contains a diverse range of charges. Are councils expected to invoice and collect them all, as and when requested by the WSE? Requiring councils to collect a diverse range of charges would have implications for existing processes/IT systems. This would create additional costs for councils. The full cost of any enhancements will need to be covered by the WSE. Alternatively, it should be very clear that each council will only do what its current systems are capable of doing, which may fall short of what the WSEs want. Three waters billing will not be councils' core business nor a priority in term of the performance of their continuing functions. If a WSE utilises the IFF itself, would it be appropriate for councils to collect those levies (given that the council is not the proposer of the project which the levy will support)? Councils will need to be fully insulated from any risk associated with this function and not liable for failures if they exercise reasonable endeavours. Councils will be entitled to favour their own requirements. Unless separate payments are made (for example, payers are asked to pay the



	<p>amount invoiced on behalf of the WSE direct to a WSE bank account), then receipts and prepayments received into a council account should first be applied to council rates (i.e. the WSE will wear the risk of any shortfall).</p> <p>f. The Bill should specifically address (and insulate councils from) compliance risk associated with Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and responsibility for accounting for GST.</p> <p>Geographic averaging:</p> <ul style="list-style-type: none">• According to the Bill, a WSE board may charge geographically averaged water prices for different service types and consumer groups (clause 334). The explanatory note to the Bill presents averaging as a tool for protecting vulnerable consumers by helping to smooth prices and share costs – so that consumers in similar circumstances across the WSE service area pay the same price for an equivalent service.• The Bill does not direct how, when or where geographically averaged prices should be applied by the WSEs. Instead it leaves this up to a WSE board, which will need to act consistently with the general charging principles (clause 331), including Commerce Commission input methodologies and determinations (which will not be in place on 1 July 2024).• The transitional provisions contemplate a WSE carrying forward existing tariff or charging structures until (as late as) 30 June 2027.• A core pricing principle (which, if not brought forward by regulations, will apply from 1 July 2027) is that charges should ‘reflect the costs of service provision’. Given the way the principle has been expressed, and then qualified, it suggests a starting point of standardised user pricing by reference to the WSE’s total cost base. The Bill says that charging a group of consumers differently may only occur if the group receives a different level (or type) of service, or the cost of providing the service to that group is different. But even then, a WSE board may decide not to apply a ‘costs should lie where they fall’ approach (including in order to remedy prior inequities in the provision of services), or the WSE CE may discount charges that would otherwise apply.• Geographic price averaging of residential water supply/wastewater services is a sensitive issue – as is addressing historic service inequities. This has been recognised by their inclusion as additional topics that can be addressed in the GPS.• Councils have expressed concern that geographic averaging of water services charges may create new inequities. For example, should residential consumers in a metropolitan area (who benefit from the cost efficiencies that come from operating at scale in a defined location) share in the (naturally) higher costs involved in delivering a similar level of service to a rural and provincial residential consumers? This issue becomes
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	<p>even more complex where there are strongly held views about the level and quality of previous investment in the water services assets. Conversely, using metro areas' scale to subsidise costs for smaller, rural areas was understood by a number of councils to be an underlying principle of Three Waters Reform. There is a view that the Bill does not go far enough to enshrine this, leaving a lot of decision-making responsibility to the Commerce Commission and the WSE boards. If standardised pricing (for the same level of service) isn't enshrined in legislation, some councils will feel misled by the dashboards provided by the Government, which gave every council within a proposed entity the same cost per household for three waters post-reform.</p> <ul style="list-style-type: none"> Individual councils will need to assess how this might apply to them and their communities, after a WSE has indicated how it might be applied in practice. An RRG should have to endorse or mandate this policy before it can be implemented (especially if the funding and pricing policy that allows it only provides high-level guidance). Supporting cabinet papers released by the Minister indicate that moving to harmonised prices will inevitably take several years, to smooth the impact of changes on individual customers and avoid price shocks. <p>Water infrastructure contribution charges:</p> <ul style="list-style-type: none"> WSEs will have the power to set water infrastructure contribution charges. These can be used if new development or increased commercial demand mean the WSE must provide additional or new water services assets. Under clause 348, the Crown is exempt from paying water infrastructure contribution charges. This is a concern, as Crown agencies are often major developers and can exacerbate issues that are the responsibility of the WSE (or local council). Such an exemption should be something that the Crown applies for and needs to justify. This application should reference the benefits derived for a particular community from such a Crown project – and those benefits need to be sufficient to justify the associated water services-related costs that will be borne by all consumers across the WSE service area.
Combined cost to ratepayers	<ul style="list-style-type: none"> The reform assumes that, all other things being equal, the combined costs of water bills and rates bills should not change when the water services entities stand up. We have some concerns with this view. Although this outcome may be forced in the short term, there will be a point of material adjustment down the track, for the reasons discussed below. To date, councils have taken a long-term, portfolio view of their finances and activities. At times, this has been for political reasons. Taking this approach means there may be current levels of under-rating or cross-subsidising. Without three waters services, councils may need to increase their general rates to cover the real costs associated with their remaining functions.



	<ul style="list-style-type: none"> It is unclear whether DIA has a plan to address situations where council rates do not drop by an amount equal to what the WSE is charging for water services. This needs to be addressed.
Rating WSE assets	<ul style="list-style-type: none"> WSEs will not pay rates on pipes through land they do not own, nor on assets located on land they do not own. However, other utilities (such as electricity line companies and telecommunications companies) contribute their share of rates related to land and assets they benefit from. Whether water services entities should be approached in the same way as other utilities depends on the nature of the relationship between councils and their WSE. A partnering relationship of an overall system for the benefit of local communities is quite a different scenario from the relationship that exists between councils and existing utility providers. However, if councils will be active collaborators with their WSE in performing their respective roles in the most cost- and process- efficient way, then councils need to be funded to do that. Collecting a share of rates from WSEs is one way of creating a revenue source to fund that. Alternatively, councils will require some other source of funding.
Stormwater	<ul style="list-style-type: none"> Our points made in response to the Water Services Entities Bill around a phased transition are still relevant and of concern. Our core position is that there is significant complexity associated with urban stormwater networks transferring to the WSE but not the 'transport stormwater system' or those aspects which are mixed use. A council must agree that network rules created by the WSE (for its stormwater system) will also apply to council systems. Taumata Arowai will be responsible for setting environmental performance standards for stormwater networks. <p>Management plans:</p> <ul style="list-style-type: none"> WSEs will be required to produce 'stormwater management plans'. When producing these plans, the WSE must engage with councils. According to the Bill, councils <i>must</i> work with the WSE to develop the plan. But clarification is needed around how WSEs and councils will work together to develop and implement these plans. The operational interface and touchpoints will be many and varied. These need to be carefully managed as each council and its WSE find their feet and set up channels of communication and processes to support their ongoing engagement and legal compliance obligations. <p>Charges:</p> <ul style="list-style-type: none"> A WSE may charge a council for stormwater services between 1 July 2024 and 1 July 2027 if the WSE is not charging system users directly. WSEs cannot charge directly until the earlier of 1 July 2027 and when the Commission has put in place input methodologies for determining the total



	<p>recoverable cost of delivering stormwater services (cl 63 of Schedule 1 – new Part 2 of Schedule 1 of WSE Act 2022). But how will councils pay any stormwater services charges if they are not allowed to rate or charge for water services?</p>
<p>Interface with councils' roles and functions</p>	<p>Carrying out works:</p> <ul style="list-style-type: none"> WSEs will have the power to construct or place water infrastructure on or under land owned by councils. The WSE only needs to provide 15 days' notice where it intends to carry out work. We question how this will work cohesively with council processes, and whether the 15-day notice period is sufficient warning for councils. <p>Sharing rating information:</p> <ul style="list-style-type: none"> The Act will require local authorities to share rating information kept and maintained under the Local Government (Rating) Act 2002. Not only do councils need to be compensated for the work required to share this information: <ul style="list-style-type: none"> a. they need to be insulated from any risk associated with complying with a WSE request (cl 319(2)) that is beyond what the WSE is entitled to ask for; and b. their obligation needs to be subject to what their existing systems are capable of producing (with the resources councils have available, recognising that this will not be their core business nor a priority in terms of the performance of their continuing functions).
<p>Councils' three waters debt</p>	<ul style="list-style-type: none"> We are concerned about the process for determining councils' three waters debts. The Bill says the assessment of the total debt amount will be made by the DIA Chief Executive. There is no recourse to the Minister if there is a disagreement on the amount. The council only gets a chance to agree date and manner of payment (not amount). We believe this needs to be viewed in conjunction with the 'no worse off' commitments made by Ministers under the Heads of Agreement between the Crown and LGNZ (these are referenced in cl26A of sched 1 Part 1, subpart 6 of WSE Act). The Bill anticipates scenarios where councils may keep holding (some portion of) this debt for a period of up to five years. This may be to accommodate instalment payments over time to match the existing debt repayment profile. But more detail is required from DIA about what is actually contemplated here.
<p>WSE financial reporting</p>	<ul style="list-style-type: none"> Should there be an extension/equivalent to the Local Government (Financial Reporting and Prudence) Regulations 2014 for the WSEs?



WSE subsidiaries	<ul style="list-style-type: none"> • The addition of provisions based on the CCO provisions of the Local Government Act 2002 is a materially different from existing understandings of what Three Waters Reform would look like. This introduces flexibility but creates a whole new layer of operational activity below the board that is even more ‘removed’ from RRG oversight. The careful disciplines that are wrapped around the WSE board do not flow down and into the subsidiaries. • Contemplating ‘listed subsidiaries’, a ‘subsidiary of a subsidiary’ and operating for profit all seems wholly out of place with the policy settings originally promoted by the Government. We are very concerned about these new details of the reform. • Any proposal to establish a subsidiary should be regulated by the WSE constitution and be subject to a process that involves the RRG. This process needs to take into account the rationale and purpose (and the risks and mitigations) involved in devolving matters from the direct control of the WSE board appointed by the RRG. • Even though significant water assets must remain with the WSE, it is expressly contemplated in the Bill that such a subsidiary may be formed by more than one WSE (possibly with other investors) to undertake borrowing or manage financial risks that involve a risk of loss, which the WSE may guarantee, indemnify or grant security for. • More detail is required from DIA about what is actually under contemplation here.
Application of transfer provisions to CCOs	<ul style="list-style-type: none"> • A number of issues have arisen with respect to the application of asset/staff transfer provisions to CCOs. These issues are addressed in further detail in DRAFT advice from Chapman Tripp (contained in Appendix 1 below). We will expand on this further in our submission.
Legal claims and liability	<ul style="list-style-type: none"> • We have concerns around who will ‘wear the liability’ when things go wrong, and what legal remedies will (and should) be available. For example: <ol style="list-style-type: none"> a. What happens if water controlled by a WSE damages council assets? b. What will the consequences be if a council or WSE fails to act consistently with the terms of their relationship agreement? Should the non-defaulting party be granted statutory relief if this situation results in them failing to comply with a requirement? c. Will councils or landowners be able to bring judicial review proceedings against WSE decisions on policies/plans that adversely impact the value of their property or other aspects of their economic interests? d. Will councils continue to be liable for past breaches and failures relating to water infrastructure, which they may not now be able to fund?



	<ul style="list-style-type: none"> These matters need to be clarified.
General comments	<ul style="list-style-type: none"> Most of the detail around asset/contract transfers, and establishing the WSEs, has been adopted from previous statutory reorganisations. Generally, we think councils would benefit from: <ol style="list-style-type: none"> Receiving some assurance from the Government that the lessons learned from those earlier reorganisations have been reflected in this legislation (i.e. that a 'best of breed' approach to reorganisation is being taken); and Being provided with a guide to the legislation that clearly identifies the points of difference from current LGA positions (to assist councils with understanding and planning for the change management involved with implementing the reforms). We think it would be beneficial to clearly map out the LGA content pre- and post-impact of this Bill, taken together with the WSE Act 2022 (this should include what stays, goes, changes and where there is a clear need to manage an interface between council and water services entities' powers). Any engagement taking place between councils and DIA/NTU before 1 July 2024 will count as engagement or consultation for the purposes of the legislation. This should be qualified by the need for DIA/NTU to clearly identify and communicate when particular contact and content counts and for what particular purpose. This cannot be asserted after the event. Councils need to know when to bring their issues/concerns to the table with DIA/NTU.
Other points	<p>Public Works Act:</p> <ul style="list-style-type: none"> We think any council land transferred to a WSE that becomes 'surplus' should be returned to the original council owner, so it can be made available for alternative community use or sold and the proceeds made available for use in the particular local community. It should not be retained nor sold by the WSE for its own purposes or benefit. <p>Treaty/mana whenua arrangements:</p> <ul style="list-style-type: none"> We think arrangements between mana whenua, councils and WSE should become tripartite agreements, where the entity and council need to work together to ensure mana whenua can easily engage with them both. Mana whenua should not have to manage two separate relationships if they choose not to. <p>Councils as a road controlling authorities:</p> <ul style="list-style-type: none"> The Bill says that if a council needs to move three waters assets to carry out other functions, it has to pay. The same applies to the WSEs in reverse. We think WSEs and councils should collaborate to reduce costs where



	<p>either party has to undertake activities that interfere with the other's assets.</p> <ul style="list-style-type: none"> Currently, councils can create efficiencies, as they own both sets of assets. We want to ensure these cost savings are not lost by a separation of functions.
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Water Services Economic Efficiency and Consumer Protection Bill

Topic	Response
Problem definition	<ul style="list-style-type: none"> We do not think the Economic Regulation Bill approaches the core 'problem definition' from the right perspective. The Bill views the water services sector as similar to existing monopolised utility industries. In particular, the Bill aims to limit WSEs' ability to 'extract excessive profits'. We think this language is inflammatory, inaccurate and unnecessary given the proposed public ownership model. The policy work supporting the Bill suggests the focus of economic regulation should be: <ul style="list-style-type: none"> a. quality information to support robust asset management; b. efficiency; and c. transparency and accountability for expenditure and investment. In our view, information disclosure should be the primary focus (at least in the first instance).
Information disclosure	<ul style="list-style-type: none"> The information disclosure elements of the Economic Regulation Bill can deliver on most of the regulatory policy outcomes the Government has targeted for improvement. In particular, information disclosure is likely to deliver accountability, transparency and efficiency, and support development of asset management systems and processes. However, the Government should provide the Commerce Commission with a clear (and focused) direction on the problem definition, which would then inform key elements that need to be covered in information disclosure. This would ensure information disclosure does not end up being overly prescriptive or onerous relative to the Government's objectives. It appears the Government wants to increase information/transparency around assets held by the WSEs (and their condition), expenditure and revenue/charging. We question whether this is already provided for in the Water Services Entities Act (and the WSL Bill), and whether there is any additional value to be obtained from adding a costly resource- and



	<p>expertise- intensive regulatory reporting and compliance regime into the mix.</p> <ul style="list-style-type: none"> • The initial 'information disclosure step' (in combination with the other proposed elements of the three waters model) will deliver substantially all of the benefits offered by economic regulation, and solve the most obvious and pressing issues at the centre of the problem definition. • If <i>just</i> this information disclosure element was adopted (at least initially), the simplified approach would provide clarity in the early stages of reform. It would be simple to explain and understand, and would: <ul style="list-style-type: none"> a. Avoid creating a medium/long term source of regulatory risk on day one that is impossible to accurately predict and factor in at a time when key WSE systems (including funding arrangements and long term planning) need to be put in place. b. Ensure councils (and communities) are not required to accept a delivery model with a key element still undecided. By creating clarity at the start of reform, councils would be able to give their communities a clear, simple outline of what to expect. Alternatively, adopting an incomplete regulatory regime will mean New Zealand's communities are committing to potentially negative future outcomes, without an ability to turn back. • Not focusing on information disclosure alone and asking stakeholders to embrace a high trust/high hope approach to a central component of the reform will only heighten existing scepticism around (and potentially opposition to) the proposed reform.
Quality regulation	<ul style="list-style-type: none"> • Introducing quality regulation in the first regulatory period is an unrealistic target. • Quality regulation applies to other utilities. However, quality regulation requires: <ul style="list-style-type: none"> a. A clear (and quantified) long-run view of current quality performance across the whole asset base (i.e. a baseline); b. Information on the level of service quality consumers support, and are prepared to pay for; and c. An understanding of what level of quality performance is realistically achievable in the future, on what timeframe and at what cost. • This is particularly important given failure to comply with quality standards exposes both the WSE and individual directors and officers to civil and criminal liability. • Other sectors (e.g. electricity or telecommunications) implemented their quality regulations with an existing historic data set of network performance, which provided a clear baseline and supported a forecast of achievable future performance. Outside of the main metros, we doubt this would be the case for three waters. • The first regulatory period should instead be dedicated to information gathering to support future quality regulation (including engaging with



	<p>communities to understand what they will need from the service). Quality regulation should be introduced, at the earliest, in the second regulatory period, not the first, and utilise information obtained through information disclosure in the first regulatory period.</p> <ul style="list-style-type: none"> • Information disclosure is likely to achieve most of the aims of economic regulation. Rather than an option to defer (which is the current approach), imposition of quality regulation should be conditional on the Minister making a recommendation on the advice of the Commerce Commission. • The performance requirements that the Commerce Commission may regulate are also unprecedented and unduly intrusive. They would allow the Commission to substitute its own view for the engineering judgement of the WSE. This goes well beyond the incentives-based regulation that has traditionally (and effectively) applied in New Zealand. Not only is the Commission not well placed to carry out this role, but it would compromise the ability of the board to discharge its duties. • The relationship between quality regulation and service quality codes under Part 3 also needs to be clarified.
Price-quality regulation	<ul style="list-style-type: none"> • Price-quality regulation should similarly be delayed and made subject to a further recommendation by the Minister. • Price-quality regulation is an extremely costly and complex form of regulation. It is not realistic to roll out price-quality regulation just three years into the new regime. It is also likely to represent a disproportionate regulatory burden in light of the gains that can be made with information disclosure alone. • Price-quality regulation aims to address excessive profits and increase efficiency. As we outlined above, excessive profit taking is not an issue in the three waters sector. Efficiency would be addressed through the information disclosure regulation. We think the information disclosure component should be given a chance to do its work, before we move to a more complex, onerous, and costly form of regulation. • Information disclosure has been effective in other sectors. For example, airports are regulated with information disclosure only, and it has been effective in driving efficiency. It doubles as a 'soft' form of price control, because financial returns can be exposed to scrutiny. • Similar to quality regulation, price-quality regulation is more effective with better data. If price-quality regulation becomes necessary down the track, the regulator would be better placed to implement it with two or more regulatory periods of data.
Debt capacity and financial concerns	<ul style="list-style-type: none"> • We are concerned about the potential impact this regulation could have on the short/medium term debt capacity of the new water services entities. • In particular, we are unsure of the impact this regulation would have on WSEs' ability to meet their share of the 'better off' funding commitment to councils without using the debt needed to meet three waters compliance



	<p>costs (including regulation) and their existing/expected future investment requirements.</p> <ul style="list-style-type: none"> • If WSEs could <i>not</i> fund their mandatory commitments, we think the Crown should fund an interim solution and only look to recover that cost (for example, by transitioning the debt to the WSEs) when the WSEs can handle it without compromising their operations. • We also think WSEs should only make financial support package payments out of 'excess' borrowing capacity, and so long as that debt burden does not result in a materially increased cost to consumers. • If the economic pricing and transitional arrangements create 'abnormal financial circumstances' for the WSEs, we think the Government should provide additional financial support to the entities in order to bridge the gap between: <ul style="list-style-type: none"> a. The 'known realities' the entities will face during the transition phase; and b. The financial position the modelling <i>assumes</i> the entities will be in to operate as intended and start delivering on the benefits intended to accrue from the new model. • This may mean the Government will need to make a short-term compromise on one or more of its policy bottom lines during this initial period of fragility.
<p>Te Mana o te Wai and Te Tiriti obligations</p>	<ul style="list-style-type: none"> • We would like to get a better sense of how the Commission will account for the WSEs' obligations under Te Tiriti, Te Mana o te Wai, and Treaty settlements. How will these aspects be reconciled with the Commission's well-established economic/input data-based approaches for regulating other utilities? Taumata Arowai is better placed to address these matters. The Commission should have regard to Taumata Arowai's position on these matters.

Glossary

Economic Regulation Bill – Water Services Economic Efficiency and Consumer Protection Bill

IFF – Infrastructure Funding and Financing Act 2020

LGA – Local Government Act 2002

RM – resource management

WSE – Water Services Entity

WSL Bill – Water Services Legislation Bill



Questions for feedback

We welcome your feedback on anything in the above outline or the legislation as introduced. We would particularly appreciate answers to the following questions:

1. Is there anything that we've missed from our submission outline that you'd like to see included?
2. Is there anything we've included that you don't agree with or think we should change?



APPENDIX 1: EXPLANATORY NOTE – COUNCIL CONTROLLED SERVICE COMPANIES

Memorandum

Date: 21 December 2022
To: Local Government New Zealand
For Your: Information

From: Matt Yarnell
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by email

THREE WATERS REFORM | COUNCIL CONTROLLED SERVICE COMPANIES

Background

- 1 The NTU has recently communicated with a number of councils about the application of the asset/staff transfer provisions of the Water Services Entities Act 2022 (**WSEA**) to council controlled organisations (**CCOs**) involved in water service delivery.
- 2 The WSEA, including as it will be amended by the recently introduced Water Services Legislation Bill (**WSLB**), provides a high level framework for the identification and transfer of CCO water services related assets, liabilities, contracts and staff. The actual impacts will not be a 'one size fits all' thing. The impact will depend on the specific circumstances and operations of the CCO.
- 3 It will also depend on where the WSE establishment chief executive, DIA/NTU and the Minister (on advice from DIA and other officials) draw the line when applying the principles in the WSEA to determine what is 'in' for transfer purposes and what is 'out'.
- 4 Where that line is drawn will be determined by:
 - 4.1 the words in the WSEA (as such, there is an opportunity through the select committee submission process for the WSLB to seek changes that accommodate council/CCO concerns); and
 - 4.2 engagement and advocacy with DIA (as policy/system stewards – as well as NTU, which is more focused on standing up the WSEs) to ensure they appreciate:
 - (a) the potential adverse impacts that could flow from the manner on which the transfer provisions are applied to CCOs; and
 - (b) that the ongoing financial health and viability of such CCOs is a material consideration and relevant to the overall success of both councils and the 3W reforms.



- 5 This note:
 - 5.1 sets out how the transfer provisions provided for in the WSEA/WSLB will apply to a wholly-owned CCO infrastructure service company that provides services to the council (and third parties, including other councils) relating to (amongst other things) three waters service delivery (e.g. operations support, asset replacement, repairs and maintenance) – referred to below as a **ServiceCo**;
 - 5.2 highlights potential issues for early discussion with DIA/NTU and to inform council/CCO submissions to the select committee considering the WSLB; and
 - 5.3 suggests the steps that a ServiceCo and/or its council owner could take to identify the relevant issues and impacts for the ServiceCo and engage with DIA/NTU to seek to avoid or mitigate adverse impacts (refer **paragraph 37**).
- 6 The nature and size of any adverse issues will also depend very much on the approach DIA/NTU proposes to adopt for it comes to a ServiceCo.
- 7 The preferred outcome would be for DIA/NTU to adopt a 'least harm' approach to the existing ServiceCo model, which is replicated throughout NZ. This part of the current operating model is not broken or a primary focus of the key policy drivers for 3W reform. The existing ServiceCo model is highly integrated and already shaped by commercial drivers, but designed to provide a pricing advantage to councils/ratepayers. This should be maintained (at least in the near term) as it provides material benefits for councils that need to be preserved and can be extended to the WSE. To do otherwise would risk material disruption and give rise to a range of unintended consequences. We understand that, to date, the NTU approach/plan and none of these potential impacts have been explained or surfaced in the general engagement that has occurred to date between the sector (councils/CCOs) and DIA/NTU.
- 8 A 'least harm' approach would most easily be achieved by:
 - 8.1 in the case of contracts between a council and ServiceCo that are specific to, and exclusively relate to, service support for 3W infrastructure that will transfer to a WSE, substituting the WSE in for the council as the recipient of services under that contract; and
 - 8.2 in the case of global/portfolio contracts (where water services that a WSE will have an interest in are just a part), having the WSE and the council share the benefit of the contract and each be the recipient of services under it – in the case of the WSE just for services that relate to core 3W infrastructure assets the WSE will own.
- 9 For the purpose of this note, we have assumed that:
 - 9.1 the council owner (not the ServiceCo) owns all local 3W infrastructure assets to be transferred to the relevant water services entity (**WSE**); and



- 9.2 the ServiceCo provides services (including to its council owner) under contract on arms' length terms and conditions.

PART ONE: HOW THE WATER SERVICES LEGISLATION TRANSFER PROVISIONS APPLY TO A SERVICECO

- 10 Under the WSEA, **relevant** staff, assets/property, contracts, and liabilities of a 'local government organisation' may be transferred to the WSE. A 'local government organisation' means any council, **CCO** or CCO subsidiary that provides (any) services related to the provision of 3W. This means a ServiceCo providing a *mix* of 3W services and other non-3W related services will be considered a 'local government organisation', and will be subject to the 3W transfer provisions.

Exception for mixed-shareholder CCOs

- 11 Under the WSEA, a 'mixed-shareholder CCO' is defined as a CCO which has:
- 11.1 one or more shareholders that are local government organisations; and
- 11.2 one or more shareholders that are *not* local government organisations.
- 12 Unlike a CCO wholly-owned by its council, a mixed-shareholder CCO will **not** have its 'assets, liabilities, and other matters'¹ listed on an 'allocation schedule' (and therefore transferred to the WSE). Instead, the WSE will receive all of the *shares* in that mixed-shareholder CCO that are held by the local government organisations. The staff transfer provisions also do **not** apply to a mixed-shareholder CCO.

DIA will prepare an 'establishment water services plan'

- 13 DIA is required to produce (and publish) an 'establishment water services plan' (see clause 9 of Schedule 1 to the WSEA). This will include:
- 13.1 the processes, policies, and guidance for identifying the functions, staff and assets, liabilities, and other matters (including contracts) that will be transferred from a 'local government organisation' to the WSE; and
- 13.2 the proposed timing for the transfer of those functions, staff, and assets, liabilities and other matters to the WSE.

WSE establishment chief executive will prepare an 'allocation schedule'

- 14 The WSE establishment chief executive must prepare an 'allocation schedule', which specifies the assets, liabilities and other matters (including contracts) it recommends transferring to the WSE that are currently held by 'local government organisations' (see clause 5 of Schedule 1 to the WSEA).
- 15 When preparing the allocation schedule, the establishment chief executive will set out the assets, liabilities and other matters (including contracts) held by a 'local government organisation' that:

¹ This is a term that is defined in clause 1 of Schedule 1 to the WSEA. It is very widely defined and catches everything other than staff which are addressed by a separate transfer mechanism.



- 15.1 relate *wholly* to the provision of water services; and
- 15.2 relate *partly* to the provision of water services, and partly to the provision of other services.
- 16 Like councils, a ServiceCo will be required to co-operate with the relevant WSE and the NTU to facilitate the preparation of the allocation schedule. This includes the provision of information relevant to NTU's planning.
- Transferring assets held by a ServiceCo***
- 17 As a general principle, assets/property held by the ServiceCo will be included in the '**should-not-transfer**' section of the allocation schedule if:
- 17.1 the assets/property has more than one purpose or use; **and**
- 17.2 the primary purpose or predominant use of the assets/property is **not** the delivery of 3W services.
- 18 This is a 'guiding principle', which the establishment chief executive must have regard to when preparing the allocation schedule. As such, it is possible that the NTU could seek to add such assets/property to the 'transfer' section.
- 19 Data held by a ServiceCo (that relates to the provision of 3W services) will be included within the broad definition of 'assets, liabilities and other matters'. As such, that data will be specified in the relevant allocation schedule, and (if it is to be transferred to the WSE) vested in the WSE through the process discussed below.
- 20 The *proposed new* clause 43(1)(e) of Schedule 1 to the WSEA makes it clear that 'information' held by a ServiceCo that relates wholly to the provision of 3W services will automatically become the information of the WSE.
- 21 Once the ServiceCo's assets are set out in the allocation schedule, the Governor-General may (by Order in Council) vest those assets in the relevant WSE. The Governor-General will also specify assets that will **not** vest in the WSE (under *proposed new* clause 42 of Schedule 1 to the WSEA).
- Transferring debt held by a ServiceCo***
- 22 The WSLB sets out how the relevant WSE will compensate councils for the total debt owed by that council in respect of any 3W *infrastructure*. We have assumed the ServiceCo will *not* hold the relevant 3W infrastructure, and as a result, we have not discussed this debt transfer provision in detail.
- 23 However, debt held by a ServiceCo *relating* to the provision of 3W services (e.g. debt incurred to enable it to provide 3W services to its owner council) could be transferred to the relevant WSE if it is specified in the relevant allocation schedule.
- 24 Alternatively, debt outstanding on 1 July 2024 that relates *wholly* to the provision of 3W services will be transferred to the WSE under the 'catch all' provision in clause 43 of Schedule 1 to the WSEA, unless the Governor-General has made an order to



the contrary under clause 42 (i.e. specifically providing that such debt/liability will not transfer to the WSE).

- 25 However, we note the potential challenge involved in quantifying/allocating a portion of corporate borrowing to a specific activity/assets. This is another matter that will, if relevant, require discussion between the ServiceCo and the NTU.

Transferring contracts held by a ServiceCo

- 26 Under the WSEA, contracts held by a ServiceCo that relate to the provision of 3W services are included within the definition of 'assets, liabilities and other matters'.
- 27 The establishment chief executive will specify the contracts held by the ServiceCo that relate wholly or partly to the provision of 3W services, and list these in the allocation schedule for transfer/vesting in the WSE.
- 28 If a ServiceCo is party to a contract that relates *wholly* to the provision of water services, then the transfer provisions appear to mandate that that contract would vest in the WSE. This makes sense from the council perspective (as recipient of the ServiceCo services – presumably the main scenario the drafters had in mind). It does not fit well where the local government organisation is the service provider which has a range of other business lines.
- 29 The Minister has significant powers (under *proposed new* clause 52 of Schedule 1 to the WSEA) to give 'directions' to a ServiceCo and a WSE, setting out how a particular contract should be dealt with (regardless of whether it relates wholly or partly to water services). This includes:
- 29.1 requiring a ServiceCo and a WSE board to negotiate a retention or transfer, or the sharing or splitting (as required) of an existing contract; and/or
 - 29.2 requiring the ServiceCo or the WSE board (or both) to offer any *other third parties* that have rights and obligations under a contract a replacement contract.
- 30 The WSLB does not *clearly* contemplate (or accommodate) a contract between two 'local government organisations' (i.e. a council and its ServiceCo). In such a scenario, it would make more sense for the ServiceCo to be treated as a 'third party' (even though they are treated as a 'local government organisation' in the rest of the transfer related provisions). Proposed new clause 52 of Schedule 1 to the WSEA should be amended to expressly address this situation. Assuming a ServiceCo is treated as a 'third party' for contracts it has with councils relating to the provision of 3W services (whether its owner council or another council it provides services to), the Minister would be able to:
- 30.1 require the council and WSE to negotiate the retention or transfer, or sharing or splitting (as the case may be) of that contract; and/or
 - 30.2 require either the council or WSE (or both) to offer the ServiceCo a replacement contract.



The ServiceCo would need to choose (by 1 July 2024) whether to:

- 30.3 enter into any replacement contract that is offered;
- 30.4 continue with the existing agreement (in accordance with any requirements set by the Minister); or
- 30.5 terminate the existing agreement (without compensation).

Transferring staff employed by a ServiceCo

- 31 To the extent a ServiceCo provides 3W related services and has employees doing that work, it will be classed as an 'existing employer' for the purposes of Schedule 1 to the WSEA.
- 32 As a result, the chief executive of the department will review the positions of employees employed by the ServiceCo, and will determine whether those positions 'primarily relate to/support the delivery of 3W services'.
- 33 When determining this the chief executive will consider whether *more than half the employee's time* is spent undertaking duties/responsibilities that primarily relate to 3W services, and whether the removal of duties that do *not* relate to 3W would substantially change the employee's role.
- 34 A 3W specialist employed by a ServiceCo would likely be caught, assuming more than 50% of their time is spent on 3W related matters.
 - 34.1 A number of adverse impacts could flow from this if the WSE takes over the employment of that person (without even considering whether the WSE would be able to manage/support those new employees). The loss of that staff member (bearing in mind they may be difficult, if not impossible, to replace) is likely to materially compromise the ability for the ServiceCo to perform *other* water related services (e.g. relating to drainage or flood protection and control, transport stormwater and non-urban stormwater) under:
 - (a) its contracts with its owner council; and
 - (b) its contracts with other councils and third parties.
 - 34.2 The value of those contracts (to all parties) would be diminished accordingly and could result in default/breach or those services being unavailable in the way they are now. The issues will be made worse if the relevant staff leaves ahead of the transfer date (1 July 2024) as a result of the uncertainty created by the 3W reform process.
- 35 If the relevant ServiceCo employee's duties/responsibilities primarily relate to, or primarily support, the delivery of 3W services, and the employee is not a senior manager, the chief executive of the WSE must offer that employee an employment position. As such, Schedule 1 to the WSEA creates entitlements for employees and it is not just a matter for agreement between the WSE/NTU and a ServiceCo.



- 36 The employee may choose to remain on the terms of their existing agreement, or accept any new agreement offered by the WSE. The employee is not obligated to accept any offer made by the WSE.

PART TWO: ACTIONS

- 37 To the extent not already underway, a ServiceCo (and its owner council) should consider doing the following:

Categorise water services related activities

- 38 The ServiceCo should identify which of its ongoing water related services/activities relate to:

38.1 **Cat 1 3W services:** these are services/activities that:

- (a) the ServiceCo provides to its owner council and/or other local government organisations; and
- (b) relate to water services which will be provided by the WSE after 1 July 2024 (i.e. water supply, wastewater and urban storm water services).²

38.2 **Cat 2 water services:** these are services/activities that:

- (a) the ServiceCo provides to its owner council and/or other local government organisations; and
- (b) relate to water services which will **not** be provided by the WSE after 1 July 2024 (e.g. non-urban stormwater, transport stormwater, drainage and flood protection and control).

38.3 **Cat 3 water services:** these are services/activities that:

- (a) the ServiceCo provides to third parties who are **not** local government organisations; and
- (b) relate to 3W infrastructure being constructed by a developer that will eventually vest in the council/WSE (e.g. a greenfields residential subdivision).

Identify what portion of assets/property, staff and contracts relate to Cat 1 3W services

- 39 The ServiceCo should then identify the following:

- 39.1 what ServiceCo staff are dedicated to (or the portion of their time that relates to) providing Cat 1 3W services (i.e. and assessing whether and who spends more than 50% of their normal work on that work type);

² Note: we have not contemplated a situation where a ServiceCo provides services to a third party, who provides its *own* services to a local government organisation that relate to 3W services.



- 39.2 what ServiceCo assets/property are used exclusively or predominantly for Cat 1 3W services;
- 39.3 what ServiceCo assets/property has more than one purpose or use, but their primary purpose or predominant use is for the delivery of Cat 1 3W services;
- 39.4 what ServiceCo contracts (where ServiceCo is the service provider) have a Cat 1 3W component, including those with:
- (a) the ServiceCo's owner council; and
 - (b) other local government organisations.
- 39.5 what ServiceCo contracts (where ServiceCo receives goods/services from suppliers) have a Cat 1 3W component.
- 40 Further due diligence would then be needed on those items which are not clearly out of scope.
- Request DIA/NTU to provide its establishment water services plan**
- 41 The ServiceCo should ask DIA/NTU to provide the 'establishment water services plan' for its WSE (as set out under clause 9 of Schedule 1 to the WSEA), or the detail that will be included within that plan, including (in particular):
- 41.1 the processes, policies, and guidance for identifying the staff, assets, liabilities, and other matters (including contracts, information and equipment) that will be transferred to the WSE (by the ServiceCo); and
 - 41.2 the proposed timing for the transfer by the ServiceCo of staff, assets, liabilities and other matters to the WSE.
- Request the draft allocation schedule**
- 42 The ServiceCo should request the establishment chief executive to provide its draft 'allocation schedule' (as set out under clause 5 of Schedule 1 to the WSEA), which sets out the assets, liabilities, and other matters of the ServiceCo that DIA/NTU considers:
- 42.1 relate *wholly* to the provision of Cat 1 3W services (including contracts);
 - 42.2 relate *partly* to the provision of Cat 1 3W services, and *partly* to the provision of other services (including Cat 2 and Cat 3 water services).
- 43 NTU has invited engagement around ServiceCos. Having made the headline enquiries mentioned above and with an understanding of the approach the NTU is actually proposing, a ServiceCo and its owner council should promote (where relevant) to the NTU their assessment/classification of staff and activities and preferred 'treatment' and outcome in the context of assets, liabilities and other matters to be transferred to the NTU.



Assess which decisions may impact the assets, liabilities or other matters to be transferred to the WSE

- 44 Under clause 32 of Schedule 1 to the WSEA, a local government organisation must obtain approval from DIA before it makes a decision which will have a 'significant negative impact on the assets, liabilities, or other matters that are to be transferred to the WSE'.
- 45 The inquiry actions mentioned above will help the ServiceCo to assess which of its 'decisions' (looking out over the next 18 months) may be subject to such oversight/approval. Currently, it is unclear how these oversight provisions will play out in practice. If a ServiceCo is unsure whether a decision will have a 'significant negative impact', it would be prudent to engage with DIA early on the matter.
- 'no worse off'***
- 46 The 'support package' promised by the Government (which will be funded by the relevant WSE) contains a 'no worse off' component. This is intended to ensure that financially, no council is in a materially worse off position to provide services to its community directly because of the 3W reform.
- 47 The council/ServiceCo should also consider and seek to quantify any likely adverse financial/commercial impact on the ServiceCo arising from the application of the WSEA transfer provisions if the 'least harm' approach we suggest above is not adopted. This will be important to making the case to receive a 'no worse off' payment (referred to in clause 36 of Schedule 1 to the WSEA), as compensation for any net detriment. Relevant to this assessment will be:
- 47.1 the commercial value of the ServiceCo as a council investment (including loss of dividend income, and what this may mean for funding the council's other activities which rely on that as a source of funding); and
 - 47.2 the capacity/capability of the ServiceCo to meet its existing (potentially long term) contractual commitments to other parties;
 - 47.3 the ability for the ServiceCo to continue to operate profitably and viably absent the relevant staff, assets and business lines which have been identified for transfer to the WSE.
- 48 For example, if a ServiceCo loses 3W related business and/or expertise, its ongoing profitability or viability may be materially compromised (e.g. because it loses efficiencies of scale and scope). This could mean it would no longer be able to provide other non-3W related services to its owner council. Its owner council would also lose a source of recurring revenue, which may threaten its financial ability to sustainably perform non-water related roles and functions at the existing level of performance.
- 49 DIA has previously agreed to work with LGNZ and Taituarā to develop agreed principles for how the assessment of financial sustainability (described above) will be undertaken; the methodology for quantifying this support requirement; and the process for undertaking the associated due diligence process with councils. The Government purported to cap this support at a maximum of \$250m (across the



country) but, as may soon become evident, the actual nature and extent of the impacts that could arise from a too zealous application of the transfer provisions to ServiceCo arrangements may be significant – bearing in mind that those transfer provisions did not exist at the time of the support package was conceived.

- 50 The establishment period under the WSEA is now underway. Now is the time to engage with DIA (through or alongside LGNZ and Taituarā) on how the processes in the water services legislation will be applied in practice so that each council (and its ServiceCo) can assess potential adverse impacts and:

50.1 seek to avoid/mitigate them; and

50.2 quantify any adverse financial impact and negotiate compensation through the 'no worse off' support package.

draft

25/01/2023



Palmerston North City Council
Te Marae o Hine
The Square
Private Bag 11034
Palmerston North 4442

Oasis -

Dear Heather

Thank you for the opportunity to feedback on the draft guidance on the Department of Internal Affairs (DIA) oversight and monitoring process for significant water-services-related decision-making by Local Government during the establishment period.

We understand that this document is seeking to define how Council decision making during the establishment of the new Water services entities will occur as a result of the introduction of the Water Services Act. We also understand that it is to clarify what constitutes a 'significant' decision and how the DIA might operate under the new legal obligations that fall on both parties.

Having reviewed the types of decisions and the threshold for decisions that the DIA propose to consider in more detail, we believe that the thresholds proposed are appropriate and will not unduly influence Council's day-to-day decision making.

However, we believe that there could be more clarity in the guidance about when the Council is deemed to have made a 'significant' decision. The guidance for new contracts refers to whether or not work is provided for in the current Asset Management Plan, rather than the current LTP with its annual amendments for carry forwards and the like, which we believe is more reflective of timely decision making by our elected leaders.

The guidelines as they stand imply that Council will lack visibility or engagement over the DIA's decision making process about whether a decision is significant and whether it will be approved. This in turn means that Councils have no confidence of how the decision will be evaluated and what the likely outcome will be of work which they will be undertaking in preparation for the decision, which is also likely to be a significant investment. Whilst we understand the framework is putting forward the minimum requirements, and timeframes for decision making, we believe a more collaborative approach is required, to give more certainty to both parties.

As an example, for the past year the DIA Entity C representative has been invited to Project Reference Group meetings for the development of our Wastewater treatment plant discharge consent application and copied into minutes and briefing documents. Through this, he has been kept apprised of any significant technical decisions, engagement with Iwi and co design outcomes, and exposed to perspectives from a wide range of stakeholders. He was also, with DIA colleagues,

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apprised of likely LTP impacts of implementing the project including Councils adaptation response, prior to the development of the next LTP or Annual plan.

We suggest that a similar approach is taken for all likely significant decisions – i.e. early engagement through the decision-making development process, early confirmation of relationship between the work and the LTP or AMP, early discussions about timing of key decisions and so forth. Although this will require the DIA to provide a resource as an ‘account manager’ type role, we recommend this approach as giving much more opportunity for early discussions and issue resolution to both parties.

Given the nuances of the complex sequence of decisions and likely interfaces with partners, stakeholders and others throughout, a template form with a box to summarise the decision that is intended to be made, including engagement probably isn’t the most practical approach to documentation. It may be preferable to give Councils a checklist of criteria to include, and a word limit, as well as the facility to include appendices.

We note that the submission date for the return of feedback is Friday 27 January. The guidance was not issued until 16th December which has left very little time to engage across Council representatives and members; our last Council meeting was on 14 December, the next will be on 15 February - the timeframe has negated any opportunity for discussion or debate in open council chamber. We appreciate that the guidance aims to define and clarify a process to implement an element of the legislation, passed in December 22, although in future we suggest that, to allow democratic due process, early discussion of the implementation process could commence before the legislation is passed.

We are very happy to work with the DIA on any further iterations of the guidance going forward and look forward to further productive discussion.

Yours sincerely

Staff Name

JOB TITLE

Palmerston North City Council

COMMITTEE WORK SCHEDULE

TO: Council

MEETING DATE: 15 February 2023

TITLE: Council Work Schedule

RECOMMENDATION(S) TO COUNCIL

1. That the Council receive its Work Schedule dated February 2023.

COUNCIL WORK SCHEDULE FEBRUARY 2023					
#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
1.	15 February 2023	Triennial Agreement	Assistant Chief Executive		Terms of Reference
2.	15 February 2023	Standing Orders – Adopt	Assistant Chief Executive		Terms of Reference
3.	1 March 2023	Palmerston North Civic and Cultural Precinct Masterplan – Final Report	Chief Planning Officer		1 April 2019 Clause 16.1
4.	1 March 2023	Remits from PNCC for consideration	Assistant Chief Executive		Council 24 June 2020 Clause 67-20
5.	1 March 2023	Annual Budget – Consideration of Draft Consultation Document	Chief Financial Officer		Terms of Reference

COUNCIL WORK SCHEDULE FEBRUARY 2023					
#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
		and Supporting Information			
6.	1 March 2023	Investigate the level of community demand for recreation and community use with a view to retaining Panako Park and the Girl Guide Hall for community use.	Chief Customer Officer		10 August 2022 Clause 36-22
7.	1 March 2023	Plan change J: Massey University Turitea Historic Area - Operative report.	Chief Planning Officer		Terms of Reference
8.	1 March 2023	Local Governance Statement - Adopt	Assistant Chief Executive		Terms of Reference
9.	1 March 2023	CEDA - Appointment of Director's Policy - Adopt	Assistant Chief Executive		Terms of Reference

COUNCIL WORK SCHEDULE FEBRUARY 2023					
#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
10.	15 March 2023	Annual Budget - Adopt Consultation Document and Supporting information	Chief Financial Officer		Terms of Reference
11.	15 March 2023	Fees and Charges Review	Chief Financial Officer		Terms of Reference
12.	5 April 2023	City Transportation Review Scope	Business Assurance Manager		Infrastructure 17 August 2022 Clause 14.3-22 Council 5 October 2022 Clause 123.2-22
13.	3 May 2023	Rating Valuation & District Valuation Roll Services - contract approval	Chief Financial Officer		Terms of Reference
14.	31 May - 1 June 2023	Annual Budget - Deliberations	Chief Financial Officer		Terms of Reference
15.	1 June 2023	Fees and Charges - Confirmation following	Chief Financial Officer		Terms of Reference

COUNCIL WORK SCHEDULE FEBRUARY 2023					
#	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction & Clause number
		public consultation			
16.	1 June 2023	Remits received from other Territorial Authorities	Assistant Chief Executive		Council 24 June 2020 Clause 67-20
17.	14 June 2023	Annual Budget - Deliberations incorporated into document	Chief Financial Officer		Terms of Reference
18.	28 June 2023	Annual Budget - Adopt Final document	Chief Financial Officer		Terms of Reference
19.	First half of 2023	Options to address the key challenges identified in the 2022 Residents' Survey	Chief Planning Officer		14 December 2022 Clause 197-22.3
20.	4 October 2023	Annual Report 2022/23 - Adopt	Chief Financial Officer		Terms of Reference

ATTACHMENTS

Nil