

Notice is hereby given of the

Ordinary meeting of Council Te Huinga Tu

Wednesday, 11 December 2024 at 10:30 am

Environment Southland Council chamber, 220 North Road, Invercargill
24/C/70

Council Members

Chairman Nicol Horrell
Cr Jeremy McPhail (Deputy)
Cr Neville Cook
Cr Paul Evans

Cr Alastair Gibson
Cr Robert Guyton
Cr Lyndal Ludlow
Cr Peter McDonald

Cr Jon Pemberton
Cr Phil Morrison
Cr Maurice Rodway
Cr Eric Roy

Agenda

This meeting will be livestreamed through YouTube and will be available to view on our website.
<https://www.es.govt.nz/about-us/live-stream>

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Wilma Falconer
Chief Executive

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL

1 Welcome I Haere mai

2 Apologies I Ngā pa pouri

At the time of the agenda closing, no apologies had been received for this meeting.

3 Declarations of interest

Please consider your interest in preparation for this meeting

At the time of the agenda closing. No declarations of interest had been received for this meeting.

4 Public forum, petitions and deputations I He huinga tuku korero

The purpose of this item is to provide an opportunity for members of the public to convey concerns, make suggestions to, and have input with, the Council. The Council or Committee will provide up to 20 minutes at the commencement of each meeting for members of the public to address the meeting but will allocate only five minutes for each speaker or group.

At the time of the agenda closing, no public forum, petitions or deputations were received for the meeting.

5 Confirmation of minutes I Whakau korero

5.1 Confirmation of minutes - Ordinary meeting of Council - 6 November 2024

Attached are the minutes from the Ordinary meeting of Council held on 6 November 2024.

Minutes of the Ordinary meeting of Council - Te Huinga Tu

Held at Environment Southland, 220 North Road, Invercargill
on Wednesday, 6 November 2024 at 10:30 am



Present:

Chairman Nicol Horrell
Cr Alastair Gibson
Cr Paul Evans
Cr Lyndal Ludlow
Cr Peter McDonald
Cr Jeremy McPhail
Cr Phil Morrison
Cr Maurice Rodway
Cr Eric Roy

Ms Wilma Falconer (Chief Executive)
Mrs J Brown (Executive Officer)

1 Welcome I Haere mai

The Chairman welcomed everyone to the Ordinary meeting of Council for 6 November 2024.

2 Apologies I Ngā pa pouri

Apologies for absence were received on behalf of Cr Jon Pemberton, Cr Robert Guyton and Cr Neville Cook.

Resolved:

Moved Cr McPhail, seconded Cr Morrison, that apologies be accepted on behalf of Councillors Jon Pemberton, Robert Guyton and Neville Cook.

Carried

3 Declarations of interest

No declarations of interest were made at the meeting.

4 Public forum, petitions and deputations I He huinga tuku korero

There were no public forum, petitions or deputations presented at the meeting.



5 Confirmation of minutes I Whakau korero

5.1 Ordinary meeting of Council - 25 September 2024

Resolved:

Moved Cr Roy, seconded Cr Evans, that the minutes of the Ordinary meeting of Council held on 25 September 2024 be confirmed as a true and correct record.

Carried

5.2 Ordinary meeting of Council - 23 October 2024

Resolved:

Moved Cr Ludlow, seconded Cr Morrison, that the minutes of the Ordinary meeting of Council held on 23 October 2024 be confirmed as a true and correct record.

Carried

6 Adoption of committee resolutions

6.1 Risk and Assurance Committee - 9 October 2024

Resolved:

Moved Cr Ludlow, seconded Cr McPhail, that the Council adopt the resolutions from the Risk and Assurance Committee meeting held on 9 October 2024.

Carried

6.2 Otago and Southland Regional Transport Committees – 23 September 2024

Cr McPhail reported on his attendance at this meeting, where discussion had largely been focused on funding matters, the national programme which had recently been released, and where the shortfalls in that programme were.

In response to a question from Cr Ludlow about the potential impact of Dunedin City Council's inland port project on the local port company, Cr McPhail advised the main issue behind this was reducing the impact of traffic/truck movements and congestion in and out of Port Chalmers and the city.

Resolved:

Moved Cr McPhail, seconded Cr Ludlow, that the Council adopt the resolutions from the Otago and Southland Regional Transport Committees meeting of 23 September 2024.

Carried

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6.3 Strategy and Policy Committee - 16 October 2024

Cr Ludlow spoke to this matter, noting with pleasure that Council had adopted the Climate Change Strategy. [In doing so she highlighted a spelling error in the resolution from "vote" to "note" that requires correcting.] Cr Ludlow also noted the number of matters coming out of central Government - they represented 17 pages of the agenda item, with 40 items that staff are currently dealing with around new legislation and policy work.

Resolved:

Moved Cr Ludlow, seconded Cr McDonald, that the Council adopt the resolutions from the Strategy and Policy Committee meeting held on 16 October 2024.

Carried

6.4 Regional Services Committee - 16 October 2024

Cr McDonald noted the workload of the committee was growing, and that the focus was now more on catchments and flood mitigation. He highlighted the fact the Annual Meetings of the catchment liaison committees were coming up.

Resolved:

Moved McDonald, seconded Cr Roy that the Council adopt the resolutions from the Regional Services Committee meeting held on 16 October 2024.

Carried

6.5 Regulatory Committee - 17 October 2024

Resolved:

Moved Cr McPhail, seconded Cr Gibson, that Council adopt the resolutions from the Regulatory Committee meeting held on 17 October 2024.

Carried

7 Notification of extraordinary items/urgent business I He panui autaiā hei totoia pakihi

There were no extraordinary items or urgent business raised for inclusion in the agenda.

8 Questions I Patai

There were no questions asked by Councillors.

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9 Chairman and councillors reports I Ngā purongo-a-tumuaki me ngā kaunihera

The Chairman spoke to the report of activities he had undertaken on behalf of Council since the last meeting, highlighting the following:

- attendance at the Zone 5/6 meeting in Dunedin, which included an update from Allan Prangnell - Chief Executive of Taumata Arowai. Government has tasked that organisation with coming back with recommendations relating to wastewater in particular - report to be released next March. He noted the difficulties the uncertainty in these areas were creating for Council's territorial authority colleagues. It was noted Crs Rodway, Morrison and Ludlow would be preparing a report on their attendance at this same meeting, for the forthcoming Strategy & Policy Committee meeting.

Cr Ludlow updated the meeting on her attendance at the Local Water Done Well meeting for Zone 5/6 Councillors, where a yet to be publicly released report from Morrison Low was discussed at length. She noted it contained some information regarding shared water services and issues relating to wastewater. She would be preparing a report on this for the Strategy & Policy Committee meeting, and ask staff to explore the impact of this work on the TAs and also this Council.

Chairman Horrell felt the Zone should be commended for having the report done as it would provide a sound baseline for decisions going forward. He had some concerns that regional councils will ultimately end up the "meat in the sandwich" in these matters.

Cr Rodway spoke of his attendance at the Te Rōpū Taiao where these matters had also been discussed, and in particular noted the Mayor of Invercargill was very keen for his Council to "go it alone", but whether that was the decision of the whole Council he was unsure. He also was impressed by pleas from Michael Skerrett, Stewart Bull and Gail Thompson about the need to keep the Treaty agreements uppermost - particularly when discussing the disposal of waste.

The Chairman updated members briefly about an online meeting with those dealing with the Dunedin Hospital. He advised he had come away from the meeting having a reasonable degree of confidence that medical officers were doing their best to get the right outcome. Ultimately, a quality system and facility needed to be available for the South Island, and he felt the detailed look would ensure value for money was achieved.

Cr McDonald reported on his attendance at a Thriving Southland Catchment Forum at Kennington Hall, at which Richard Kyte had provided a detailed presentation, which included discussion about protectionism that is creeping in to Europe and England around their trade borders. There was also discussion on broader matters such as solar farming, etc pushing some of the thinking out beyond pastoral farming, to support income for farmers.

Cr Gibson spoke of both his and Cr McPhail's attendance at the Beef & Lamb AGM last week. At the meeting itself concerns were expressed about sheep and beef farmers going through a lull at the moment, with no direction as to what they can do other than changing their operations – including planting trees. Chairman Horrell noted need to make it easier for better land to stay in farming operations – to be more enabling to ensure highly productive land is not put into trees.

In response to questions from the meeting, staff advised that a report was coming to the next Strategy & Policy Committee on potential changes in regulations relating to plantation forestry. As information was made publicly available, it would be updated through Council's newsletters as well.

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10 Reports

10.1 Chief Executive's report

Ms Wilma Falconer spoke to this report, where the purpose was to provide Council with a governance overview of current matters within the organisation. In particular she highlighted the very successful Environment Awards event, which had focused on many positive things happening within the region.

At this time the Chairman also extended his congratulations to Cr Jon Pemberton, who was last night announced as a Nuffield Scholar Recipient for 2025.

Other matters discussed included:

- farm plans - the Chief Executive noted that farm plans have always formed a strong part of Council's strategy in terms of improving water quality - they were embedded in Council and Central Government processes. Timeframes for their roll out had changed, but the core aspects were still part of Council's programme. Detail of how they will occur locally will be communicated this month. The Southland solution approach of looking at these matters in a risk-based way was being followed, and will be reflected in the way Council applies the Water and Land Plan.
- the wet spring, and the possibility of interesting insights from our environmental monitoring. Request for a report on how that may have impacted the region and its waterways. The Chief Executive confirmed a number of approaches to this were being considered, including understanding the impacts on people as a result of these extreme events, across all four pou - environmental, cultural, social and economically, as all of the vulnerabilities identified will ultimately need a response. Cr Gibson noted that real time monitoring could support the provision of that information.
- the unusual rainfall events that had been experienced, as evidenced by Cr McPhail with 50 ml rain in 15 mins, and two kilometres away the area was dry. There had been gouging in wetland areas, and was effectively a "flash flood". There is a need to reflect on what we do when these things happen, including approaches to fertiliser application – what is acceptable and what is not.
- Waikawa Catchment Integration Planning – in response to questions raised by Cr Gibson the Chief Executive advised that funding had been provided for staff to work in this space, and planning was to occur as to how those catchment plans were to be rolled out.
- the Council's representation review process has received two appeals – from Invercargill City Council and Mr Lloyd McCallum. These appeals will be lodged with the Local Government Commission, who will make the final determination by April 2025.
- the fast-track consenting process and the need to have a policy on how these matters are dealt with, and the responses to requests for information. It was agreed a report would be brought back to the Committee, based on the new framework that is being put in place.
- NZ Post's proposed reduction in services, and how those changes might be managed, given the potential impact on rural people in particular. It was noted this was a matter that was out for consultation.
- Waikawa and Waihopai catchment plans – in response to questions raised by Cr McDonald, these areas were pilot projects and will inform work going forward. This will be worked through with Council, as to what action plans will look like in the future. The Chairman also noted that this was the approach being provided by central government, and was one of the reasons Council had contributed funding to Thriving Southland, to enable more people to work with those willing, to leverage as much action as possible.

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- Waituna Consent Application – Mr Rule advised that this application was currently on hold, at the request of the applicants, until 25 November 2024. This was to allow the modelling work to be peer reviewed, and to look at responses to the submissions received, in terms of proposed consent conditions. The expectation is that there would be a hearing sometime in February, before suitably qualified hearing commissioners who were yet to be appointed.
- Mataura Water Conservation Order and review of consents – Mr Rule advised the process was complete and staff were awaiting confirmation from the final consent-holders that they will assume the savings that have been agreed to meet compliance with the Water Conservation Order.

[Cr McPhail left the meeting at 11:26 am]

- the need for one system to be in place for biodiversity matters in relation to coastal issues, and encouragement for greater co-operation to occur in this area.

Resolved:

Moved Cr Roy, seconded Cr Evans, that Council note the report – *Chief Executive’s Report*.

Carried

10.2 Process of appointment of Independent Member to the Investment Committee

Mrs Gibson was in attendance and spoke to this report, where the purpose was to seek Council’s agreement to the process to be used to recruit an independent member for the new Investment Committee, and to a proposed new Council Policy on the Appointment of Independent Members to Council Committees.

In considering recommendations one and two in the staff report, it was noted that the proposed policy was designed to deal with appointments to any Council Committee, not just the Investment Committee, going forward.

[Cr McPhail returned to the meeting at 11:31 am]

Resolved:

Moved Cr Ludlow, seconded Cr Roy, that Council:

1. **receive the report – *Process of appointment of Independent Member to the Investment Committee*;**
2. **adopt the policy on the Appointment of Independent Members to Council Committees.**

Carried

The meeting then considered recommendation three, and there was support for the appointment of the independent member to be for a period of three years. It was noted this would provide continuity across an election cycle, and may also assist in the recruitment process. It was noted that a contract would be entered into with the successful candidate, and there would be a standard termination clause for both parties included.

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Cr Gibson suggested the wording in the Job Description should be changed to “may be appointed” to the Board of South Port, but it was noted Council had previously considered this matter and agreed that the person would be appointed. There was no desire of the meeting to change that at this time.

The meeting discussed the potential to appoint more than one person should there be a successful process undertaken. It was noted the policy did not preclude that happening. These matters could be further discussed at the Investment Committee workshop scheduled for the following week.

Resolved:

Moved Cr Ludlow, seconded Cr Evans, that Council agree the position description for the Chair of the Investment Committee as presented, but with the amendment to the appointment being for a period of three years.

Carried

Resolved:

Moved Cr Ludlow, seconded Cr Evans, that Council agree to the process to be used to recruit an independent member to Chair the Investment Committee, as set out in the staff report.

Carried

The Council then turned to consideration of recommendation five. At this time Cr McDonald proposed Crs McPhail, Evans and Gibson be nominated as members to be on the selection panel for the recruitment of the Independent Member. Crs Roy and Ludlow also expressed interest in being part of the recruitment panel, and discussion ensued as to whether this matter needed to be decided today. It was noted that consideration could be given to including more than just three members on this panel. The motion of Cr McDonald lapsed for want of a seconder.

Resolved:

Moved Chairman Horrell, seconded Cr Roy, that the nomination of Councillors to be involved in the selection panel will be the discussed at the Investment Committee workshop to be held next week.

Carried

10.3 Membership of Finance & Performance Committee

Ms Kubrycht was in attendance and spoke to this report, where the purpose was to appoint Cr Evans to the Finance and Performance Committee.

Resolved:

Moved Cr Rodway, seconded Cr Gibson, that Council:

- 1 receive the report - *Membership of Finance & Performance Committee*.
- 2 pursuant to clause 31(1) and (2), Schedule 7, Local Government Act 2002, appoint Cr Paul Evans as a member of the Finance and Performance Committee.

Carried



10.4 Update to Staff Delegations Manual

The Chief Executive spoke to this report, where the purpose was to update the delegations manual to take account of changes in titles and positions that had been removed from the organisation.

Resolved:

Moved Cr Ludlow, seconded Cr Morrison that Council:

- 1 receive the report - Update to Staff Delegations Manual.**
- 2 approve the proposed changes to the Delegations Manual as outlined in Schedule 1, and as appropriate in other sections of the manual, effective immediately.**

Carried

10.5 Councillors' Meeting Schedule - November 2024

Jan Brown was in attendance and spoke to this report, where the purpose was consider, update and approve the meeting schedule as shown within the agenda, and allow any requests for leave of absence to be considered.

In addition to the agenda, the following changes were noted:

- the venues for each of the catchment liaison committee annual meetings had now been set and were to be included;
- Great South AGM on Tuesday, 12 November 2024 from 10.00 am to 11.30 am to be added;
- Great South Joint Committee meeting on Thursday 14 November 2024 at 9.00 am to be added;
- Caucus session for Councillors online on Tuesday, 19 November 2024 to be added;
- Regional Sector Group meeting on 21 November 2024 to be removed;
- Waiau Catchment Liaison Committee meeting at Tuatapere on 3 December 2024 between 1.00 pm and 3.00 pm to be added.
- leave of absence request for Cr Ludlow to be amended to 13-14 November 2024;
- Cr Gibson requested leave of absence for 13 November 2024;
- Cr Evans requested leave of absence from 22-26 November 2024 inclusive.

Resolved:

Moved Cr Ludlow, seconded Cr Morrison, that Council:

- 1 receive the report - Councillors' Meeting Schedule - November 2024.**
- 2 appoint members to represent Council at the meetings as marked on the schedule.**
- 3 approve the leave of absence requests as listed.**
- 4 pay meeting fees and/or allowances in accordance with its policy, and as detailed on the schedule.**

Carried

10.6 Common Seal

The purpose of this item was for Council to note the documents to which the Common Seal has been placed, under delegated authority, as required by Council's Governance Policies.

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Resolved:

Moved Cr Roy, seconded Cr Ludlow, that Council:

1. receive the report – *Common Seal*;
2. note the documents to which the Common Seal has been affixed under approved authorisation.

Carried

11 Extraordinary/urgent business I Panui autia hei totoia pakihi

There was no extraordinary or urgent business considered by the meeting.

12 Public excluded business I He hui pakihi e hara mo te iwi

Resolved:

Moved Cr Rodway, seconded Cr Roy, that in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest/s protected by section 7 of that act, that the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of public excluded minutes – Ordinary meeting of Council – 25 September 2024
- Adoption of public excluded committee resolutions – Risk and Assurance Committee – 9 October 2024
- Adoption of public excluded committee resolutions – Regional Services Committee – 16 October 2024

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

GENERAL SUBJECT MATTER	REASON FOR PASSING THE RESOLUTION	GROUNDS UNDER S.48(1)
Confirmation of public excluded minutes – Ordinary meeting of Council – 25 September 2024.	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. To protect information which is subject to an obligation of confidence where the making available of the information would be likely to (i) prejudice the supply of similar information, or the information from	S.7(2)(h) S.7(2)(c)



GENERAL SUBJECT MATTER	REASON FOR PASSING THE RESOLUTION	GROUNDS UNDER S.48(1)
	<p>the same source, where it is in the public interest that such information should continue to be supplied, or (ii) would likely otherwise damage the public interest.</p>	
<p>Adoption of public excluded committee resolutions – Risk and Assurance Committee – 9 October 2024.</p>	<p>To carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>S.7(2)(i)</p> <p>S.7(2)(h)</p>
<p>Adoption of public excluded committee resolutions – Regional Services Committee – 16 October 2024.</p>	<p>To prevent the disclosure or use of official information for improper gain or advantage.</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>S.7(2)(j)</p> <p>S.7(2)(h)</p>

Carried

Open Meeting

13 Termination

There being no further business, the Chairman closed the meeting at 12.10 pm.

6 Adoption of committee resolutions

6.0 Southland Civil Defence Emergency Management Group - 18 October 2024

Minutes of the meeting of the Southland Civil Defence Emergency Management Group

Held at Environment Southland, 220 North Road Invercargill, on
Friday, 18 October 2024 at 9.00 am

Present:

Cr Neville Cook (Environment Southland, Chair)
Mayor Nobby Clark (Invercargill City Council)
Mayor Rob Scott (Southland District Council)
Cr Keith Hovell (Gore District Council)
Chairman Nicol Horrell (Environment Southland)

Also Present:

Ms Lucy Hicks (Environment Southland)
Mr Cameron McIntosh (Southland District Council)
Ms Rochelle Faimalo (National Emergency Management Agency)
Cr Christine Menzies (Southland District Council)
Mr Michael Day (Invercargill City Council)
Mrs Wilma Falconer (Environment Southland)

1 Welcome | Haere mai

Cr Cook welcomed members to the October 2024 meeting of the Southland Civil Defence Emergency Management Group.

2 Apologies

Resolved:

Moved by Mayor Scott, seconded Cr Hovell, that apologies be accepted on behalf of Mayor Ben Bell, Rev E Cook, Debbie Lascelles (Gore District Council Chief Executive) for absence, and for lateness on behalf of Camern McIntosh.

Carried

3 Confirmation of minutes | Whakau Kōrero

Resolved:

Moved by Mayor Clark, seconded Mayor Scott, that the minutes of the meeting of the Southland Civil Defence Emergency Management Group – 3 May 2024, be confirmed as a true and correct record of that meeting.

Carried

4 Declarations of interest

There were no declarations of interest.

5 Public forum, petitions and deputations | He huinga tuku korero

There were no public forum, petitions and deputations.

6 Notification of extraordinary items/urgent business | He Panui autaiā hei Totoia pakihi

There were no items of extraordinary and urgent business raised for inclusion in the agenda.

7 Questions I Patai

There were no questions asked by the meeting.

8 Chairman's Report | Te Purongo a Tumuaki

Cr Cook advised he had attended the AF8 conference in Greymouth recently, and he would discuss this later in the meeting, when the report on that project was considered.

[Cameron McIntosh attended the meeting at this time – 9.07 am]

9 Reports

9.1 Emergency Management Southland Annual Report to 30 June 2024

The purpose of this item was for the Group to receive the annual report to 30 June 2024 for Emergency Management Southland. Matters that were discussed:

- review of two events – noted end of October was the target for the reports. Discussions have been completed, referring back to Southland for their review, and then will come up through CEG.
- a number of recommendations have been made to EMS and its activities, and they are being acted on in the meantime.
- the recommendations were largely focused on relationships, better reporting, tidying of documentation, etc. However, should any recommendations come forward that will impact budgets, there were reserves to be used.
- the outputs from the reviews have been fed into the Group Plan review that was currently underway.
- workshops on the Group Plan review will be held in November, with the intention of having a draft available to consider at that time.
- Mayor Clark suggested there be a further meeting of SCDEMG, given the review outcomes and new staff coming on board. There was general agreement there should be a meeting in December, following the commencement of the new EMS Manager in their role.
- Cr Menzies urged that any community engagement was organised/managed through the Community Boards to ensure they are connected.
- Cr Menzies also thanked Lucy Hicks for attending the community board meetings during the year – positive.

Resolved:

Moved K Hovell, seconded Mayor Scott, that the Southland Civil Defence Emergency Management Group receive the 30 June 2024 annual report.

Carried

9.2 Emergency Management Southland – Operational report to 30 September 2024

This item was the Emergency Management Southland operational report to 30 September 2024, and updated the meeting on work being undertaken by the group in the first three months of the financial year.

Matters highlighted or discussed at length included:

- D4H software was a product to assist in improving efficiency of operation. Mr Marshall advised he had used the product himself and found it to be excellent, as it provided more flexibility and visibility. pros and cons of it – use it myself, and is excellent. Gives more flexibility and is more visual.
- Ms Faimaolo noted that NEMA was not sponsoring or endorsing the roll out of D4H nationally, but was aware of the call for a common operating platform when managing events, and this software system provided that. It was a tool being used iacross the emergency management network. She had found it to be a very easy tool to use, and it had received significant work to make it a bespoke emergency management tool.
- the tool provides the ability for NEMA to receive real time information and see what is happening on the ground. It had proven to be particularly valuable in the recent Otago weather events. The comment was made “it is not a panacea, but it is a valuable tool”.
- Noted the annual fee for D4H will provide for 150 users; and that Canterbury and Otago will assist in its embedding, and ensure a consistent approach is taken across all the groups. However, it was also noted the new Manager will consider this option when they arrive. In the meantime the proposed budgets have provided for this expenditure.
- In response to questions from the meeting, it was noted that the pros and cons of the current operating system, and the proposed new system woudl be considered, together with the ability to integrate with the TAs.
- Who and when budgets were presented, considered and approved was raised. Mr McIntosh expressed some confusion around this aspect. The meeting noted the 2024/25 budgets ahd been approved via the LTP processes – bid documents had been developed by the previous Manager with each of the Councils, and were in place when she had taken up the Acting role in March.
- Noted the budget that was being shown was as it had been agreed previously (in blue), and it had not been changed since that time. Going forward the forecasting was about providing more visibility, and it was suggested this shoudl be a standing item for both the CEG and SCDEMG agendas. Cr Cook noted he had always understood that the CEG considered the budgets in detail before they came to the Group.
- Cr Menzies felt the CEG should be providing the input as to the value and rigor re recommendations to the SCDEMG for the D4H project.
- Cr Menzies suggested the Terms of Reference and purpose of each of the Committees (CEG and SCDEMG) be included in each agenda going forward, so that it was clear what the role of each was, and what the delegations for each were.
- Timing of meetings was discussed – noted that staff were working on ensuring the meeting schedule next year allowed for each layer of EMS to feed into the next.
- Cr Menzies sought information on the role of EMS and the role of ES in its support function, as she felt there had been some confusion in that regard. Rochelle Faimaolo undertook to share work done by both Otago and Canterbury in regard to roles and responsibilities, which provides clarity re EMS, the regional councils as the administering authority, and the TAs.
- Mary Clark noted the surplus funds available, and suggested that given the TAs were under extreme financial pressures, that their costs could have/should have been reduced. Given there was a surplus, it suggested the funds were not required.
- Douglas Marshall noted page 19 broke down the contract labour input required for work on the review of the Group plan, the Vulnerability Study, and the Tsunami Risk on the South Coast.
- The importance of holding \$500,000 cash reserve was outlined – but the level was a decision for the Group. The information presented was to provide members with an understanding of the needs of the Group, given the work to be done.
- With regard to staffing, it was noted the new Manager will ned to consider the work that is to be done in conjunction with the CEG.
- Noted the uplift in expenditure in the forecast was for work to be done in the public information, welfare, and lifelines areas, but firm plans were not in place; decisions were yet to be taken; job descriptions would be required – ultimately decisions would be based on the outcome of the national review, and the Group Plan review. Noted, however, that CEG and the Group had

provided strong direction it wanted more community engagement – hence the priority it was given this year. Once the team was established, and the ongoing networks developed/strengthened and the community plans were in place, the requirement in this regard would not be so high. The forecasts were what was thought was required, but more work was needed on the detail.

- The meeting agreed that a flow chart, coupled with the Terms of Reference for each of the Committees, to help members' understanding, would be useful on future agendas.
- the importance of strong community engagement, being prepared to be “on their own for at least a week” in an event, and strong response structures, was noted.
- Milford signage was discussed – the gap that was evident, and the work that was occurring in this area.
- Further break down in costs was sought by Mayor Scott – particularly in relation to the support costs of ES to EMS.
- The importance of the Group providing direction as to priorities for community engagement and the work programmes of EMS was raised by Mayor Scott.
- Community engagement and community response teams – the complexity of the two different groups with different boundaries was noted; the lack of clarity between the roles of these groups; importance of reconnecting with these groups and facilitating reviews of plans to provide that clarity was key. Being deliberate about who does what, how they are activated and what their functions are.
- A report back on how the new iwi role was progressing was also sought by Cr Menzies.

Resolved:

Moved Cr Cook, seconded Mayor Clark, that the Southland Civil Defence Emergency Management Group receive the report – *Emergency Management Southland – Operational Report to 30 September 2024.*

Carried

9.3 Report on Lifelines Group Vulnerability Study

This report outlined a proposed update to the Southland Regional Lifelines Group Vulnerability Study. Mr Marshall noted the work to be undertaken would help support the Group Plan; had connections with the Lifelines work; and would identify areas where further investment was required. Noted each Council had undertaken work in this area, and this project would bring that work together, to provide one picture of all the services within the region.

- Mayor Scott wished to ensure the Group was getting value from the consultants being used, and asked if there was someone in-house who could do the work? It was noted once final decisions were made as to the need in this regard, decisions as to in-house v consultant, could be made.
- Noted the consultant proposed to be used was already doing work in other areas, making key connections which would assist with this work. There is currently not a dedicated function for lifelines. The project would assess the region's vulnerabilities and needs in this area.
- Mr Marshall noted as legislation for civil defence changes, it was likely groups such as supermarkets and larger distribution centres would be key going forward after a major event. They were trying to develop their own plans with how they respond after a major event – a co-ordinator would ensure connections were happening throughout the South Island and the country. This aspect was also being considered by the AF8 project. This work would all be valuable and used in the proposed study.

Resolved:

Moved by Cr Hovell, and seconded Cr Cook, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *Southland Regional Lifelines Group Vulnerability Study Update.*

Carried

9.4 Report on Tsunami Evacuation Zones for South Coast

This report provided an update on revised evacuation plans for the region's south coast.

- Mayor Clark expressed concern at the proposed direction/encouragement to change signs, but lack of funding support being provided, and likened this to other central government direction that was provided to local government, with a lack of funding support.
- Mr Douglas noted the narrative on the signage needed to be sensible and clear – that signs would be replaced as they were damaged/needed to be replaced only, with the new standard being applied.

Mayor Scott asked if budgets were being approved via the receipt of the reports today, or were they just for information. Mr Douglas noted decisions were not being made – the reports were informative – staff were going to the market to get quotes EMS would work with staff at Environment Southland and the National Tsunami centre, to ensure the signage was correct.

Ms Hicks noted that many of these matters reported on today had been “on the books” and in conversation/planned for some time. Work had been scoped and then due to the responses and budgets, the work did not advance at that time. The meeting was being provided with visibility of what is planned as opposed to what is locked in. The Group had not previously been given this transparency in regard to EMS budgets. The proposed pre-Christmas meeting would provide more information, and will help refine budgets further, for the following year. The reports were showing how the money that had been allocated via the LTPs was proposed to be spent, but ultimately the Group had control.

The meeting noted that the Directors Guidelines were currently out for feedback – information on this would be circulated post the meeting by Ms Faimalo, and the Group was welcome to contribute to that feedback, either as a Group or as individual members.

In response to questions from Cr Menzies, it was noted that modelling of tsunamis was an EMS responsibility, not Environment Southland matter, as it was being used for planning of emergency response, and would be used by Councils to assist with their District Plan reviews – the information was for all to own.

Mayor Scott reiterated his call for more meetings of the SCDEMG – suggesting they meet as often as the CEG. The process around budget setting was discussed. It was noted that the budgets had been set in the LTPs – budgets were developed last year and have been relied on. The plan went to the CEG at its September 2023 meeting. More information has been gathered as matters have been progressed, and reported to the Group, via reports today.

[MD left meeting at this time – 10.47 am]

Resolved:

Moved by Mayor Clark, and seconded Mayor Scott, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *Tsunami Evacuation Zones for South Coast areas.*

Carried

9.5 Report on Community Starlink Project

This report updated the Group on the Emergency Response Starlink project for Southland communities. Mr Douglas noted that more work with the community boards and community engagement was required in this area, but the report provided an update on what was a useful tool.

Cr Menzies asked for a breakdown of the \$5,000 per unit involved going forward, as consideration as to whether this was a cost effective option needed to be given. Mayor Clark was concerned that the proposal was that it would take two years for the deployment of this option, commenting if the need was clear, then they should be purchased and put in place. However Mayor Scott disagreed, noting the implications of ongoing maintenance and costs, when there may already be systems in place that did not need to be replaced.

Resolved:

Moved by Mayor Clark, and seconded Cr Hovell, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *Report on Community Starlinks*.

Carried

9.6 Training Report September 2024

This report provided an update on the 2024 financial year training participation, and a draft of the training courses for 2025. The meeting agreed that training needed to be championed at all levels – governance, Chief Executives, management teams and staff. With election year next year, it was agreed a pragmatic approach to training needed to occur, and be offered to all councils.

Resolved:

Moved by Mayor Clark, and seconded Mayor Scott, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *Training Report September 2024*.

Carried

9.7 AF8 update as at June 2024

This report provided the meeting with an update on progress with Project AF8 as at June 2024. Noted the budget and administration of this project was held by Emergency Management Southland. This is an entire South Island group, and the work being done feeds directly into CDEM planning for the region and across the entire South Island.

[W Falconer left meeting at this time – 10.57 am]

The meeting discussed differences between earthquake events, and flooding events. All were urged to read the AF8 report that had been circulated.

Resolved:

Moved by Cr Hovell, and seconded Mayor Clark, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *AF8 update as at June 2024*.

Carried

9.8 National Emergency Management Update

This report was provided by NEMA representatives, addressing matters being addressed nationally. The report was taken as read, and it was noted the response to the North Island Weather Event Enquiry had been released publicly. An update on this was to be circulated following the meeting.

NEMA will be reviewing the actions required and how they will be implemented, and what additional resource will be allocated for emergency management going forward. Recently NEMA has been carrying significant vacancies, but will be recruiting for 24 roles, via fixed term contracts.

Starlink, the subject of an earlier report, was discussed at this point. It was noted NEMA’s buying ability would provide a discount to the region. Southland was one of the last areas to roll out this tool, and would benefit from the learnings that have occurred elsewhere.

Cr Cook thanked Rochelle for the active support provided to EMS locally.

Resolved:

Moved by Cr Cook, and seconded Mayor Scott, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *National Emergency Management Update*.

Carried

10 Extraordinary/urgent business | Panui autaiā hei totoia pakihi

There was no extraordinary or urgent business considered by the meeting.

11 Public Excluded Business

Resolved:

Moved Cr Cook, seconded Cr Hovell, that in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest/s protected by section 7 of that act, that the public be excluded from the following parts of the proceedings of this meeting, namely:

- 11.1 – Public Excluded Minutes of the Southland Civil Defence Emergency Management Group meeting – 3 May 2024**
- 11.2 – Appointment of Group Controller and Group Recovery Manager**
- 11.3 – Emergency Management Southland – report from CEG**

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

General Subject Matter	Reason for Passing the Resolution	Grounds under S.48(1)
11.1 - Public Excluded Minutes of the Southland Civil Defence Emergency Management Group meeting – 3 May 2024	To protect the privacy of natural persons.	S.7(2)(a)
11.2 – Appointment of Group Controller and Group Recovery		

General Subject Matter	Reason for Passing the Resolution	Grounds under S.48(1)
Manager. 11.3 – Emergency Management Southland – report from CEG.		

Carried

Resume in Open Meeting

Resolved:

Moved by Cr Cook , seconded Mayor Clark , that the meeting resume in open.

Carried

Resolved:

Moved Mayor Clark, seconded Cr Hovell, that the report and resolutions relating to item 11.3, be publicly released.

Carried

11.3 Emergency Management Southland – report from CEG

The purpose of this item was for the meeting to adopt the business plan for 2024/25 for Emergency Management Southland, and to receive an update on key issues considered by the CEG, including the appointment of Alternate Group Controllers/Alternate Group Recovery Managers. In relation to this last matter, Mr Douglas tabled a brief resume of Matt Alley, in support of his appointment.

The meeting noted the information in relation to the business plan had been discussed at the CEG meeting for further input.

Resolved:

Moved by Mayor Clark, and seconded Mayor Scott, that the Southland Civil Defence Emergency Management Group Emergency Group receive the report – *Emergency Management Southland – report from CEG*, and:

- 1. adopt the 2024/2025 Business Plan;**
- 2. appoint the following as Alternate Group Controllers/Alternate Group Recovery Managers:**
 - **Adrian Humphries**
 - **Keith McRobie**
 - **Mark Radcliffe**
 - **James Thomson**
 - **Phill MacKay**
 - **Matt Alley.**

Carried

Termination

There being no further business, the meeting closed at 11.14 am.



6.1 Regional Services Committee - 13 November 2024

Minutes of the Regional Services Committee - Rōpū Ratonga-a-Rohe

Held at Environment Southland, 220 North Road, Invercargill

Wednesday 13 November 2024 at 9:30 am



Present:

Cr Peter McDonald (Chair)
 Cr Paul Evans
 Cr Jeremy McPhail
 Cr Lyndal Ludlow
 Cr Jon Pemberton
 Cr Maurice Rodway
 Cr Eric Roy (Deputy)
 Chairman Nicol Horrell (ex officio)

Mrs Lucy Hicks (General Manager Integrated Catchment Management)
 Ms Ali Flynn (Committee Advisor)

1 Welcome I Haere mai

The chairperson welcomed everyone to the Regional Services Committee meeting for 13 November 2024.

2 Apologies I Ngā pa pouri

Apologies for lateness were recorded on behalf of Cr Ludlow.

Resolved:

Moved Cr Roy, seconded Cr McPhail that apologies be accepted on behalf of Cr Ludlow.

Carried

3 Declarations of interest

There were no declarations of interest made by councillors.

4 Public forum, petitions and deputations I He huinga tuku korero

There were no public forum, petitions or deputations presented at the meeting.

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr McPhail, seconded Cr Evans that the minutes of the Regional Services Committee meeting held on 16 October 2024 be confirmed as a true and accurate record and that progress on the questions has been made and noted.

Carried

Regional Services Committee - Rōpū Ratonga-a-Rohe - Minutes - 13 November 2024



6 Notification of extraordinary items/urgent business I He panui autaiā hei totoia pakihi

There were no extraordinary items or urgent business tabled for inclusion in the agenda.

7 Questions I Patai

The following questions were asked at the meeting:

- Cr Evans - regarding the plastic pollution in the paddocks. Cr McDonald advised that this will be addressed at the next meeting and advice will be provided. Ms Hicks advised that the catchment integration team performs this work and they report through to this committee.
- Cr Pemberton - regarding a phone call from a local farmer questioning the effectiveness of using helicopters for spraying gorse and broom out of riverbeds. Action for Cr Pemberton to send an email for Ms Hicks to follow-up with the catchment team on and report back at the next regional Services Committee meeting
- Cr McPhail - regarding catchment willow removal. Ms Hicks advised to send this request via email so a written response can be prepared.
- Cr Evans raised an issue at Black Mount stream and the amount of gorse at this time of the year. Cr Evans agreed to send an email so it can be responded to.

8 Chairman and councillors reports I Ngā purongo-a-tumuaki me ngā kaunihera

There were no chairman or councillors presented at the meeting.

9 Reports

9.1 Catchment Operations 2023-24 Annual Report

Mr Beal was in attendance and spoke to this report, where the purpose was to receive the summary of the annual operations delivered on behalf of Southlands Flood and Drainage Rating Districts' Works Programmes for 2023/24.

Resolved:

Moved Cr Roy, seconded Cr McPhail that Council:

- 1 receive the report - Catchment Operations 2023-24 Annual Report.
- 2 note 2023/24 Catchment Operations Division programme results.
- 3 note that relevant parts of the report will be provided to the Catchment Liaison Committees.

Carried

Regional Services Committee - Rōpū Ratonga-a-Rohe - Minutes - 13 November 2024



10 Extraordinary/urgent business | Panui autia hei totoia pakihi

There were no extraordinary items or urgent business tabled for inclusion in the agenda.

11 Public excluded business | He hui pakihi e hara mo te iwi

Resolved:

Moved Chairman Horrell, seconded Cr McPhail, that in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by section 7 of that Act, that the public be excluded from the following parts of the proceedings of this meeting, namely:

11.1 Confirmation of public excluded Regional Services Committee minutes – 6 August 2024

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

General Subject Matter – Confirmation of public excluded Regional Services Committee minutes of 13 November 2024

The reason for passing the resolution is – to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h).

Carried

Resumed in Open Meeting

12 Termination

There being no further business, the chairman closed the meeting at 10.02 am.

6.2 Finance and Performance Committee - 27 November 2024

Minutes of the Finance and Performance Committee – Komiti pūtea, ngā mahinga hoki

Held at Environment Southland, 220 North Road, Invercargill
Wednesday 27 November 2024 at 1:00 pm



Present:

Cr Maurice Rodway (Chair)
Cr Alistair Gibson
Cr Lyndal Ludlow (Deputy)
Cr Jeremy McPhail
Cr Phil Morrison
Cr Paul Evans
Chairman Nicol Horrell (ex officio)

Mrs Bethia Gibson (Acting General Manager, Corporate Services)
Ms Amy Kubrycht (General Manger. People and Governance)
Ms Mariette Geldenhuys (Committee Advisor)

1 Welcome I Haere mai

The chairperson welcomed everyone to the Finance and Performance committee meeting for Wednesday 27 November 2024.

2 Apologies I Ngā pa pouri

Resolved:

Moved Cr McPhail, seconded Cr Morrison that apologies be accepted on behalf of Chairman Horrell.

Carried

3 Declarations of interest

At the time of the agenda closing, no declarations of interest had been received for this meeting.

4 Public forum, petitions and deputations I He huinga tuku korero

At the time of the agenda closing, no public forum, petitions or deputations were received for the meeting.

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr McPhail, seconded Cr Gibson that the minutes of the Finance and Performance Committee meeting held on 11 September 2024 be confirmed as a true and accurate record.

Carried

Finance and Performance Committee - Komiti pūtea, ngā mahinga hoki - Minutes - 27 November 2024



6 Notification of extraordinary items/urgent business I He panui autaiā hei totoia pakihi

At the time of the agenda closing, no notifications of extraordinary or urgent business had been notified.

7 Questions I Patai

There were no questions asked by the councillors.

8 Chairman and councillors reports I Ngā purongo-a-tumuaki me ngā kaunihera

There were no chairman or councillors report.

9 Reports

9.1 Finance report

The purpose of this item was to provide an update to the Finance and Performance Committee on the organisational finances of Council for the quarter ending 30 September 2024.

Suggestions from the committee to make changes to the next report:

- further analysis of types of sundry debtors.
- further analysis of rates debtors (urban, rural, commercial, etc).
- information about ability to add penalties or interest to debtors.
- information about ways to encourage on time payments.

Resolved:

Moved Cr Morrison, seconded Cr Evans that Council receive the report - Finance report.

Carried

9.2 Business Plan Update

The purpose of this item was to provide Council with an update on the FY2024-25 Business Plan Performance for quarter 1.

Suggestions from the committee to make changes to the next report:

- add a percentage to show how much of the full-year budget has been spent YTD, and a comparison with same time last year
- bring in some commentary/insight on emerging risks/issues
- bring in some commentary/insight on what's coming up.

Resolved:

Moved Cr Evans, seconded Cr Gibson that Council receive the report - Business Plan Update.

Carrie

Finance and Performance Committee - Komiti pūtea, ngā mahinga hoki - Minutes - 27 November 2024



9.3 Information Systems Technology Update

The purpose of this item was or the Finance and Performance Committee to receive an update on activity to progress information management and information systems projects within the organisation.

Resolved:

Moved Cr McPhail, seconded Cr Evans that Council receive the report -Information Systems, Technology Update.

Carried

9.4 Information Management Update

The purpose of this item was for the Finance and Performance Committee to receive an update on the progress of information management projects within the organisation.

Resolved:

Moved Cr Morrison, seconded Cr Gibson that Council receive the report - Information Management Update.

Carried

11 Public excluded business I He hui pakihi e hara mo te iwi

Resolved:

Moved Cr Evans, and seconded Cr Morrison that in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest/s protected by section 7 of that act, that the public be excluded from the following parts of the proceedings of this meeting, namely:

11.1 Climate Resilience Summary Report

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

GENERAL SUBJECT MATTER	REASON FOR PASSING THE RESOLUTION	GROUNDS UNDER S.48(1)
Climate Resilience Summary Report	To protect information which is subject to an obligation of confidence where the making available of the information would be likely to (i) prejudice the supply of similar information, or the information from the same source, where it is in the public interest that such information should continue to be supplied, or (ii) would likely otherwise damage the public interest.	S.7(2)(c)

Carried

Finance and Performance Committee - Komiti pūtea, ngā mahinga hoki - Minutes - 27 November 2024



Resumed in Open Meeting

9.5 RSHL - Annual report

The purpose of this item was for the Finance and Performance Committee to receive the audited Regional Software Holdings Annual Report for the year ended 30 June 2024.

Resolved:

Moved Cr Evans, seconded Cr Gibson that Council receive the report - RSHL - Annual report.

Carried

9.6 LGFA - Annual report

The purpose of this item was for the Finance and Performance Committee to receive the audited Local Government Funding Agency Annual Report for the year ended 30 June 2024.

Resolved:

Moved Cr McPhail, seconded Cr Gibson that Council receive the report - LGFA - Annual report.

Carried

9.7 Great South - Annual report

The purpose of this item was for the Finance and Performance Committee to receive the audited Great South Annual Report for the year ended 30 June 2024.

Action: That staff contact Great South to request that the financial report separates the Great South organisation from its group reporting, and that they compare the Great South result with their own budget.

Resolved:

Moved Cr Evans, seconded Cr Morrison that Council receive the report - Great South - Annual report.

Carried

9.8 Great South Statement of Intent

The purpose of this item was to share Great South's final 2024-2027 Statement of Intent and seek approval of the Council's input to the Letter of Expectation being submitted by the Mayoral Forum to Great South to guide the development of Great South's 2025-2028 Statement of Intent.

Finance and Performance Committee - Komiti pūtea, ngā mahinga hoki - Minutes - 27 November 2024



Resolved:

Moved Cr Ludlow, seconded Cr Morrison that Council:

- 1 receive Great South's 2024-2027 Statement of Intent.**
- 2 approve Environment Southland's input to the Great South Letter of Expectation to inform Great South's 2025-2028 Statement of Intent.**

Carried

9.9 Update on Councillor request and actions

The purpose of this item is to provide and update on the response to the requests and actions captured by the Councillors during Finance and Performance Committee meetings.

Update on the incomplete action:

9.2: As council, we do not have any ability to put a time frame on responses from third partners, and we are not involved directly with that part of the process. There is no provision in the Act for those time frames.

Resolved:

Moved Cr Gibson, seconded Cr Evans that Council receive the report - Update on Councillor request and actions.

Carried

10 Extraordinary/urgent business | Panui autia hei totoia pakihi

There was no extraordinary or urgent business considered by the meeting.

12 Termination

There being no further business, the chairman closed the meeting at 3:02 pm.

8 Questions I Patai

8.1 Questions I Patai

At the time of the agenda closing, the following questions had been received:

From Cr Evans –

“Re Green Green Grass of Home (photographs below) – can I ask what needs to happen here? Should we ask Southland Federated Farmers to educate members around this? Is this something that the Regional Services Committee Chair can present to Federated Farmers on Council’s behalf?”



From Cr Rodway -

“Will the Council consider making a submission on the Treaty Principles Bill, opposing it being passed into legislation? The issues relating to this bill are likely well known to councillors and it is obvious to me that as a Treaty Partner we have a responsibility to oppose this bill. I propose that we ask the staff to prepare a report for the next Council meeting which recommends that ES make a submission opposing it.”

9 Chairman and councillors reports | Ngā purongo-a-tumuaki me ngā kaunihera

Chair report

Activities undertaken by Chairman Horrell on behalf of Council since the last meeting

November 2024

- 6 Ordinary meeting of Council
Whakamana te Waituna representatives meeting with ES
Climate Change Subcommittee
- 7 Te Uru Kahika Leaders Plenary – Wellington
- 8 Whakamana te Waituna Special meeting and Workshop
- 12 Great South AGM
Council Workshop – Rating Review
Investment Committee Workshop
Launch of Data and Insights Southland Hub
- 13 Regional Services Committee
Council TAMI Workshop – River and Floodplain Management
Regional Services Committee meets with Catchment Liaison Committee Chairs
- 14 Great South Joint Shareholders Committee meeting
Mayors/Chair meeting with Mike Bowman (NZ Police)
Ocean Beach tour with Minister S Jones
- 15 Kānoa Southland Murihiku Growth Summit
- 19 Councillor online caucus session
- 20 Investment Committee meeting
Council Workshop
Thiriving Southland Annual General Meeting @ Otautau
- 21 Combined Sector meeting in Wellington
- 22 Regional Sector Group meeting, Wellington
- 25 Waimatuku Catchment Liaison Committee meeting
Ōreti Catchment Liaison Committee meeting
- 26 Aparima Catchment Liaison Committee meeting
- 27 Stead Street Mahi Toi Cultural Installation blessing
- 28 Makarewa Catchment Liaison Committee meeting
- 29 Waituna Catchment Liaison Committee meeting
Mataura Catchment Liaison Committee meeting

December 2024

- 3 Waiau Catchment Liaison Committee meeting
Council caucus opportunity
- 6 Regional Sector Chairs/Mayors Online meeting
Great South Joint Shareholders Committee
Southland Mayoral Forum

Councillors reports

Activities undertaken by Councillors on behalf of Council since the last meeting

Notes from the LGNZ Zone 5-6 Conference held on 24-25 October 2024 in Dunedin – attended by Chairman Horrell, Crs Ludlow, Morrison and Rodway

Water Done Well

Taumata Arowai is the Government department that is driving the Water Done Well programme. Wastewater consenting is a looming and unaffordable crisis and this is an attempt to make the consenting process more efficient. There will be a set of standards that councils can choose from for their discharges – to water, land or the ocean. They still need to obtain a consent to comply with regional council water plan requirements. The standards mean the consenting process will be simpler. The setting of the standards will be completed by August 2025.

Motorhome Association.

Bruce Lochore, the Chief Executive of the Association talked about agreements between the association and councils to set-up places where their members could stay, in places like Glenorchy that were safe and tidy. Such arrangements reduced freedom camping by encouraging people to stay in designated places. The campers contributed to local economies. Costs of land purchase and development of camping sites were shared as were the benefits.

Waitaha Health

Dr Grant Davidson spoke about the organisation which promotes rural health by recruiting medical specialists into rural areas and advocating for advancements to rural health generally. They called on the councils to support them so that current inequities can be resolved.

The Dunedin Study

The main message from this talk was that after following nearly 1000 people for about 40 years with regular interviews and medical check-ups, people who start life with impoverished living conditions never really escaped the adverse effects of this on their health, even if they became successful financially.

Flood Town Challenge.

This was a game where we sat around a table (about 12 of us at each table) and had to make decisions about what to do to protect properties and communities from flooding. The scenario was that flooding was going to get worse because of climate change (the weird weather we are all experiencing). Each group had a limited amount of money and had to decide amongst moving buildings out of the way, raising buildings, building stopbanks or providing nature-based solutions to reduce flooding. This was rather chaotic (who would trust politicians to do this?) but some of us were lucky and had reasonable outcomes where no lives were lost.

Panel Discussion about Local Water Done Well

Representatives from the DIA and local government discussed steps the Government was taking to assist councils to achieve the changes needed to implement Local Water Done Well. My impression was that there was plenty of help available from the Government but that some councils were reluctant to get on board, mainly due to parochialism.

Electoral reform

Nick Smith talked about the need to improve participation in local government. He noted the reduction in postal services that had occurred over the past few years. He noted the mistrust of internet-based elections and advocated for a return to ballot boxes and a four-year term for both local and central government, with elections being held every two years. He supported the need for candidates to provide more information about themselves and noted a large disparity between the amount candidates for parliament spend compared to LG candidates.

Southland Ecological Restoration Network (SERN) Field Trip – held on 16 November 2024 – report from Cr Rodway

I attended the Southland Ecological Restoration Network field trip on 16 November 2024. It went to the lower Maitai, Gore and Pukerau and looked at restoration projects along the way.

At O’Neills bush by the Titiroa Stream we left the bus, walked through the bush and did some releasing of planted native trees on the margins of the bush. These trees, mainly pittosporums and manuka, were doing well and mostly sticking up above the grass, which is the biggest impediment to the establishment of native forest on open sites. Previously I had said that planting native trees on open sites in an attempt to establish a native forest is a very difficult task and possibly not something that the Council should be doing, because the cost in time and money was very high in relation to the gains made. However it was good to see these trees thriving and over the long term adding to this patch of bush. New methods of establishing native forest are being developed and we should make sure we are investigating these if we are to use this as a method to enhance biodiversity and perhaps even use these new forests as carbon offsets.

A couple of farmers were on the bus. One commented that the grazed areas of the reserve lands there looked good and were a credit to the leaseholders. Another thought that a red tussock area should be grazed to prevent the change of the areas to a more diverse ecosystem over time – divaricating coprosmas will slowly invade these areas in the absence of grazing (seen in the Weydon Burn on the Gorge Hill part of SH94) - obviously affecting the “purity” of the red tussock grass land. These comments suggest that changing land uses in this area is likely to attract opposition from farming interests - even when those farmers are conservationists!

Cr McDonald spoke about the reserves and our plans to make some changes to be a good example to the community without being too specific, and I spoke about native fish in the area generally. ES staff were on the bus too and they spoke about the restoration projects in the lower Maitai lease lands and the fish passage project to restore fish passage for migratory species such as inanga.

We went to Hamilton Park in Gore and released more native plants being overtaken by tall grass, and then went to the Pukerau native plant nursery where James Holloway spoke about their work providing ecosourced plants for large scale planting projects associated with subdivisions and roading projects for example. He noted the preference for red tussocks and also some developers wanting plants that were not local to the area they were working in, despite these plants having a low chance of surviving.

Kowhai Reach Opening– report from Cr McDonald

On 26 November 2024, I attended the opening of an upgraded Kowhai Reach. This stunning wee area on Channel Road is a community treasure. Its name comes from the many stunning examples of trees that line the stream.

Kowhai Reach on the Winton Stream is a rare example of the stream's natural “un-straightened” character. Two local farmers many years ago protested in front of the dragline to stare down the catchment board. All those years ago, their courage led to this exceptional, fully meandering section of the stream that’s left intact.

The Limehills School was a driving force behind the refurbishment of the area. Francis Shand, a long-term farmer from the district, made a short speech along with Mayor Scott before opening the area to the public.



10 Reports

10.1 - Chief Executive's Report

Report by: Wilma Falconer, Chief Executive

Purpose

To provide Council with a governance overview of current matters within the organisation.

Summary

This is the Chief Executive's report for the months of November and December 2024. It provides an update from direct reports to the Chief Executive on topical matters.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - *Chief Executive's report*.

Office of the Chief Executive

As we are heading towards the holiday break, focus is on the central government RMA reform programme, with an expectation that Government will be introducing the second RMA amendment bill into the House before Christmas, or early in the New Year. We are also aware that Government is reviewing the national regulations for farm plans, and we expect the amended regulations will be published before mid-next year.

While we are awaiting the certainty of national direction, we welcomed the Government putting in place in November a regulatory change to ensure Southland farmers would continue to have 18 months (until mid-2026) to comply with the rules in the Southland Water and Land Plan and submit a farm plan for certification. While we await confirmation of future farm plan obligations, we encourage farmers to start collecting information about their farms relevant to farm plan preparation. Council will be communicating with farmers before the year's end with more detail about the type of information that will provide a foundation for developing future farm plans.

Since the last Council meeting, other matters of importance to Council have included:

- attending the Murihiku Regeneration Energy & Innovation Expo, which brought together a broad range of international and local interests in energy generation, the impacts of climate change, environmental decline, and how we can approach sustainability from a regenerative perspective;
- participating in the Stead Street mahi toi blessing with Waihōpai Runaka. This installation of the mahi toi art work, that shields the Stead Street pump station, connects it to the other sculptures along Stead Street and Airport Avenue.
- attending the Kānoa Regional Deals Summit, at which Minister Jones supported by a number of Government Ministers, briefed a large gathering of private community iwi and public sector representatives about the Government's commitment to supporting regional development through funding, regulation and partnerships.
- the launch of DISH (Data and Insights Southland Hub) - Council is pleased to be a partner in the development of this web-based ArcGIS StoryMap that summarises and displays information, data, images and stories connected to catchments. DISH was launched at Great South on 12 November 2025.
- the Prime Minister's visit to Southland this month, which was well attended by members of the rural and regional business communities, with meetings at Waimumu and in Invercargill. His focus was on the economy and was encouraging of regions to partner with government to advance economic growth. The Prime Minister was joined by Minister McLay at Waimumu, and announced rules to limit farm-to-forestry conversions entering the Emissions Trading Scheme.

Strategy, Policy and Science Group

Policy & Government Reform

National direction

The Government has indicated that in the new year updates will be initiated to 14 pieces of existing national directions and seven new ones will be released to align the national direction with the coalition priorities. The national direction documents dictate how regional and local RMA plans regulate activities and will have an impact upon how Environment Southland progresses aspects of its regulatory functions. Revisions of two key pieces of national direction – the National Policy Statement for Freshwater Management and the NZ Coastal Policy Statement, will need to be factored into our policy development processes moving forward.

Treaty Principles Bill

This Bill was introduced to the House in mid-November. It seeks to define the principles of Te Tiriti o Waitangi. There is nationwide resistance to the Bill and the coalition partners have indicated that they will not support the Bill beyond the first reading. There are broader changes also proposed to remove references to Te Tiriti in 23 pieces of existing legislation and the replacement legislation for the Resource Management Act is proposing to rely on treaty settlements as the primary agreement between the Crown and iwi. Council staff will keep councillors updated in the regular policy monitor document that goes to the Strategy and Policy Committee.

Regional Planning

Transport Planning

Environment Southland staff are actively participating in the regional sector's Transport Special Interest Group (TSIG). This group has been reviewing current national land transport planning and funding systems to identify opportunities for system reform. This work includes proposals to strengthen the role of the Regional Land Transport Plans so that they influence NZTA investment decisions and guide long-term planning, better align the timing of planning and funding processes, and better integrate land use and transport planning frameworks, all of which should lead to more efficient and effective planning and delivery. This work is being developed to assist the Ministry of Transport.

Proposed Southland Water and Land Plan

The remaining outstanding appeals on the proposed Southland Water and Land Plan are still to be resolved. The Court has agreed to enable Environment Southland to apply for a stay of proceedings pending amendments to section 70 of the Resource Management Act 1991 for the appeal relating to Rule 24 – Incidental Discharge.

The Resource Management (Freshwater and Other Matters) Amendment Act enacted in October prevents regional councils from notifying freshwater planning instruments with the purpose of giving effect to the National Policy Statement on Freshwater Management prior to 2026 (unless a new National Policy Statement has come into force by then) without an exemption from the Minister for the Environment. Work is progressing towards a Plan Change in 2025 to enable good environmental practice, however an assessment of the scope and timing of the plan change is underway in line with the amended legislation. Work towards a Plan Change that gives effect to the National Policy Statement for Freshwater Management remains on the work programme leading to a notification date in 2026/2027. Engagement with stakeholders is continuing.

While the Government has announced a pause to the implementation of Freshwater Farm Plans nationally, Cabinet has now confirmed that Part 9A of the RMA will be applied via an Order in Council in the Southland region from 27 November 2024. The Order in Council applies the current Freshwater Farm Plan regulations to the whole of the Murihiku Southland region and provides farmers and growers up to 18 months to submit a farm plan. Farm Environmental Management Plans are a requirement of the Southland Water and Land

Plan. Farm plans play a strong role in Southland's local approach to managing environmental risk and we are continuing to encourage farmers to start pulling together relevant information.

Regional Coastal Plan for Southland

The review of the Coastal Plan continues with the intent to notify a revised Coastal Plan in 2025. Specific work is underway for matters relating to the management of ecosystems and biodiversity, aquaculture, the Bluff Port Zone and Fiordland.

Strategy & Partnership

Representation Review

The Environment Southland Representation Review final proposal was resolved by Council at the Ordinary Meeting of Council on 25 September 2024, with no change to the initial proposal. The final proposal was subsequently publicly notified, with a one-month appeal period open from 4 October to 4 November 2024. Two appeals were received out of those who submitted on the initial proposal. It is noted that only a person or organisation that made a submission to the initial proposal and who is not satisfied with the final proposal, may appeal against it to the Local Government Commission (LGC).

The local authority must refer its proposal to the LGC if the final proposal:

- has appeals and/or objections made against the final proposal; or
- does not comply with the requirements for achieving fair representation in s19V(2).

As both points above apply, Environment Southland has submitted all required information to the LGC and is not required to do anything further prior to the LGC determination unless requested to by the LGC to assist in its process (for example meet with LGC or attend a hearing).

When there are appeals, the Commission must:

- consider the appeals, objections, and other information forwarded to it;
- determine the representation arrangements for the local authority (*section 19R*);
- complete its duties and make a determination before 11 April 2025.

The Commission has the option of either making a decision based on the papers, or holding a hearing at which the parties may put forward their respective viewpoints. The Commission is able to make any inquiries it considers appropriate before making a determination on the proposal.

LGC determinations may be subject to appeal to the High Court on a point of law in accordance with *Schedule 5, Local Government Act 2002*, or judicial review under the *Judicial Review Procedure Act 2016*, within one month of the determination.

Charter of Understanding between the Councils of Murihiku Southland and Te Ao Marama Inc representing Te Runaka O Awarua, Hokonui Runanga, Oraka/Aparima Runaka and Waihopai Runaka.

The purpose of the review of the Charter of Understanding (the Charter) is to strengthen the current Charter, ensuring an appropriate funding model, and that the Charter continues to serve as a foundation for reinforcing and building on the enduring relationships established between signatory Councils and tangata whenua of Murihiku Southland.

The review's approach, developed in conjunction with Te Ao Marama Inc., was approved by Te Rōpu Taiao on 31 October 2024. Included in the approach is desktop research, an updated comparison between Mana Whakahono ā Rohe and the Charter, a survey of signatories and an independent assessment of the current funding arrangements.

The intent is that the independent funding model review will be completed by the end of this calendar year in time to inform the signatory Council annual planning processes, with the rest of the review being undertaken concurrently and with the aim of a draft revised Charter being available in early 2025.

Regional Climate Change Strategy

The Regional Climate Change Strategy has now been adopted by the Gore District Council, Invercargill City Council, Southland District Council and Environment Southland, and endorsed by Te Ao Mārama Inc. The Regional Climate Change Working Group (RCCWG) has also been progressing phase 2 - the development of a regional Framework for Action throughout 2024, which will be further workshopped by the RCCWG on 28 November 2024.

2023-24 Annual Report

The 2023-24 Annual Report and Annual Report Summary were presented to the Risk and Assurance Committee on 9 October 2024 prior to the adoption of both documents on 23 October 2024 at an Extraordinary Meeting of Council. Following adoption the 2023-24 Annual Report and Annual Report Summary were printed and distributed to those on the mailing list (including other local Territorial Authority offices, regional media, public libraries, stakeholders, and community members at request) and made available on Council's website. It is a requirement of the Local Government Act 2002 that the report and summary are made public within one month of adoption.

The 2023-24 Annual Report and Annual Report Summary were audited by Deloitte New Zealand with the audit report issued on the day of adoption with all audit requirements being met. Management responses to audit findings will be presented to the Risk and Assurance Committee for review and discussion at its next meeting.

2025-26 Annual Plan

The 2024-34 Long-term Plan was focused on Council's ability to fund flood risk management programmes in the face of a changing climate. This focus has not changed since the LTP was adopted and elected members signalled an early intention, in a workshop held in October, to continue the direction set in the LTP through the 2025-26 Annual Plan.

Work is being completed on further understanding the financial, environmental and legislative contexts for the development of the Annual Plan including an update of the Significant Forecasting Assumptions used in the development of the 2024-34 Long-term Plan (LTP). This will inform and support workshops with elected members seeking their guidance and direction.

Phase 2 Rating Review

Two workshops held with elected members in October and November included a re-cap of the decisions made during the development of the LTP. The outstanding matter following phase 1 of the LTP is how the river management rate is applied, and Council has committed to engaging more widely with the community through phase 2.

Science Strategy & Investigations

Staff continue to work on the science package to support freshwater and coastal policy development along with other projects underway across the organisation, including Slow the Flow, the Waihopai Catchment Plan and the management of Waituna Lagoon. Preparations are underway for the summer monitoring programmes, including recreational waters, estuary ecosystem mapping, fish and biomonitoring sampling programmes. The annual soil quality sampling has been completed. Requests for tenders have gone out for the regional climate change projection updates.

Science Informatics & Operations

Staff have been servicing the long-term environmental monitoring programmes involving various data and sampling collection activities, monitoring station checks, maintenance and calibration to national standards and river gauging activity. Continued high rainfall over September and October impacted data collection but allowed some high flow gauging and drone work to be completed. Hydrological modelling of the upper reaches of the Mataura catchment is underway for the Slow the Flow project and staff attended a training workshop with the MetService.

Community & Engagement Group

Communications

Clarity is being provided to farmers and publicly about farm plans following the Government's announcement, and guidance material is being developed to support people developing farm plans.

Communications support continues for the impact of the wet conditions with letters to consent holders re effluent management and via other promotional channels, the development of the annual plan, the catchment liaison committee AGMs and options available for paying rates. The year-round intensive winter grazing campaign has focused on cultivation messaging.

A drop-in session was held to offer information to people about the removal of vegetation along the Waihopai River in Invercargill as part of the stop bank maintenance programme. Leaflets were dropped in letterboxes in the neighbourhood to advise people of the work and to let them know about the drop-in session.

Topics for media releases during November include the farm plan solution, Waituna farmer fined, new study confirming 'long and strong get gone' message and the wettest spring on record.

There was a steady stream of media enquiries about domestic burner compliance, court proceedings re eels, farm plans, amalgamation, possum control, Otepuni Creek, Tsunami study, prosecution of Reza Abdul, Waituna joint consent, Rule 24 appeal, Predator Free Southland, the wet spring/rainfall.

The summer edition of EnviroSouth is being delivered into mail boxes during December. It features the winners at the Environment Southland Community Awards.

Catchment integration

Catchment Plans - the Waikawa Integrated Catchment Management Plan (ICMP) was launched in November. Council is now working with MFE to secure funding for the community to complete plan actions. The Waihopai ICMP is now in final draft version, with public feedback to be sought prior to completion at the end of November.

Grant Schemes - development of the new mitigations funding programme, in combination with a review of the existing riparian planting programme, has progressed well, with the aim to improve efficiency and bring the two funds under one administrative structure. Funding structures and processes are expected to be finalised in November, and will open to community applications soon after. Catchment Integration staff have also been actively promoting the Waiau fencing fund and the Mataura grants, which support installation of a range of mitigations.

Engagement and outreach - ongoing work with stakeholders has included working alongside Thriving Southland and Beef & Lamb. Staff have assisted with the judging for the Ballance Farm Environmental Awards. Catchment Integration staff were interviewed on the changes to cultivation rules for 'The Muster' show on Radio Hokonui.

Support of Catchment Groups has continued across Southland, including Mid-Ōreti's wetland site investigation project, and Hedgehope-Makarewa's upcoming native planting workshop. The Catchment Integration team has been responsive to requests for support from the community, including delivery of New Zealand Farm Assurance Programme (NZFAP) stream studies, and development of a learning module focused on farm management best practice, in support of a Young Farmers event. Forestry harvest notices continue to be received, with staff undertaking on-site harvesting inspections as required.

Planting Programmes - the planting of 3,500 native plants at the Waihopai Restoration Site is now complete, thanks to the hard work of local primary and secondary school groups. This project is now moving into a maintenance phase with a focus on ensuring the long-term survival of the plants. A native planting event was held at Home Creek alongside staff from Meridian Energy and Te Kōawa Lodge, and students from John McGlashan College.

Education - the Education team recently delivered a 'Marine Meter Squared' (Mm²) teacher workshop at Mokomoko inlet, for a group of primary and secondary school teachers. This is a citizen science initiative facilitated by University of Otago which trains teachers to collect data on marine biodiversity with their students and contribute to a national dataset. This is part of a programme of events ahead of the Aquavan tour in early 2025.

Education requests continue to be received in good numbers, with topics including stream health assessments, native plant identification and pest control methods. An educational session was held in Dipton on land-use and water quality, as part of a catchment group roadside rubbish and recycling event. Education staff also supported the Waipahi wetlands field day, attended by Enviroschools from Otago and Southland. This showcased an excellent example of a constructed wetland that could be utilised for further education and engagement purposes.

Enviroschools continue to receive regular support from the Education team, with schools focusing on waste minimisation and soft plastic recycling as a key topic. Thornbury school held a student-led hui, showcasing their environmental projects with a wider audience, with a focus on the Enviroschools Guiding Principles, whilst Hedgehope school celebrated reaching 'Green-Gold' status in the national Enviroschools programme, after many years of dedication to their environmental initiatives and community involvement. The Enviroschools Regional Hui has been postponed due to venue availability.

Integrated Catchment Management Group

Catchment operations

Southland Flood Control and Drainage Management Bylaw Review - Council adopted the Southland Flood Control and Drainage Management Bylaw 2020 on 23 May 2020. This Bylaw only controls activities that may affect the integrity or operation of the flood control works. The key areas of this review include:

- stock access to the banks;
- clarification of areas covered by the Bylaw;
- cost recovery mechanisms.

Thirty four percent of the current identified stopbank defects are related to animal damage. Staff have commenced the process of the review and will bring any recommended changes back to Council with the intention of having the process completed by April 2025. The revised Bylaw will propose grazing restrictions based on time of year, ground condition and stock type.

Asset Renewal Schedule - work is being planned to commence the development of an asset renewal schedule that is intended to be completed prior to the next LTP. Key areas of development are a review are:

- urban vs rural banks;
- priority banks identified for upgrade options.

Bathymetric Surveys - the Bathymetric surveys are being planned for the Ōreti and Aparima catchments. The survey data will be used as base layers for 2D hydraulic models and gravel management consents. It is intended to complete these surveys once approved, over the next three to four months, as weather allows.

2024 Flood Resilience Projects - the Aparima project has progressed, with the stopbank strengthening on the Otautau stop banks now being completed. The remaining work involves addressing defects such as low sections identified from the survey data. It is intended to finish this work by March 2025.

The Ōreti project has commenced with defect removal and survey of the stopbank height and profile. An expression of interest is being prepared for alternative suppliers of stopbank material such as bulk fill, clay and topsoil. Existing supply is some distance from the work sites which increases the cost. Identifying alternative suppliers of material closer to the project work sites will benefit both these projects and future projects.

Once the procurement plans are complete for year one, work will commence on the Dipton and Benmore banks.

Thirty-seven hectares of willow removal to improve the hydraulic efficiency has been identified and is planned to start once the procurement plan is approved and will be phased over the three years of the contract. It is expected that flood carrying capacity will be improved by 10-30% through this reach once the work is complete.

The Te Anau Project is scheduled to commence in December with a mulching and surveying programme of work. Areas of willow removal to improve the hydraulic efficiency have been identified and is planned for May-July 2025.

Biosecurity and biodiversity operations

Biodiversity – seasonal work at Lower Matura is underway with a restoration planting day held. Six hundred plants were planted using different plant guards as a trial of the newly released Grato Plant Guard. The team supported the Southland Ecological Restoration Network with planning and hosting their annual spring field trip on 16 November 2024. The field trip was well attended with over 40 people enjoying the day out, networking and sharing knowledge. Staff also supported the first annual national Matuku Muster with an event held at the Southland Community Nursery in Otatara. This included a presentation and the opportunity for the community to survey for Bitterns in the wetland.

Jobs for Nature – Biodiversity Action on the Ground is on track with the team supporting Environmental Enhancement Fund recipients and developing tailored management plans for landowners. The ecological survey programme is back up and running and recent promotions within the community are resulting in more private landowners registering for surveys. The recent improvement in weather has allowed fish passage surveys to resume and the team has now completed all public roads within the four kilometre priority area.

Pest Plants - seasonal fieldwork is now underway including wilding conifer work at Mid Dome. Joint Environment Southland and DOC pest plant inspections have been undertaken on Rakiura and Environment Southland inspections are underway around Te Anau and Manapouri. A new temporary (12 month)

biosecurity pest plant officer has joined the team. This appointment will allow additional wilding conifer, biocontrol and progressive containment work to progress this season.

Work with the catchment integration team at the cultivation field days helped promote farm biosecurity and the harbour master team has supported Check Clean Dry promotional work with a national Jet Boat Marathon held recently.

Pest Animals - now the weather has started to improve and lambing and calving restrictions have eased, scheduled possum maintenance is being coordinated at a slightly higher rate than the previously two to three months. Staff are currently visiting farmers in two areas of Western Southland to investigate the setting up of two new PCA projects. These areas have fallen off the TBFree programme – initial support and interest is high. No further wallaby reports have been received. No rook reports have been received and no rooks found during recent inspections of the historical rook areas in the Kaiwera/Pukerau area.

Regional Pest Management Plan 2029 - the next iteration of the Southland Regional Pest Management Plan requires impact assessments of harmful species and if an appropriate rule-based management option is identified then a cost benefit analysis is to be completed. An initial list of harmful species has been generated and impact assessments are underway. Assessments from ECAN have been shared and incorporated as appropriate. An impact assessment and cost benefit analysis for velvetleaf has been completed. A Council paper with the different management options is being prepared.

ECAN has shared results from climate modelling work they contracted. This work assessed the current ecological niches of 870 plant species and predicted their future distributions. The result outputs include Southland, and this information can now be included in the impact assessments for harmful plant species.

ICM Partnerships

Supporting Catchment Integration

In supporting the Catchment Integration team, I helped facilitate and run the official launch of the Waikawa Catchment Management Plan. A lot of good work and community input resulted in an informative and robust Catchment Management Plan and story Board. The Launch was well attended and received by the community. The next steps involved in this is to explore options about governance and ownership of the plan. The community have agreed to explore these options and aim to find a solution before the end of the financial year. The Waikawa Catchment Management Plan is a good example to support ES's Integrated Catchment Management journey.

Southern Pest Eradication Society – Rabbit Control

Following the adoption of the LTP, Staff are currently in discussion with the Southern Pest Eradication Society to implement a three-year contract for rabbit control in the specific area. As part of this we are exploring how this service can be improved and expanded. Phillip Golden has been elected as the new president for SPES. SPES are working towards a more proactive role in the community and have recently participated in and supported a local community event.

Bluff Haul Out

Boffa Miskell have just completed a needs analysis around Hull-Cleaning in and around Southland. A full report along with recommended next steps will be available at the next Regional Service Meeting. Key findings indicate that there is currently a high level of dissatisfaction with the current haul out and hull cleaning facilities available in Southland; and there is a perception that the demand for hull cleaning facilities is growing, with the increase in the aquaculture and other marine industries; and there is a significant need for a centralised regional vessel database, such as the Marine Vessel Portal, to accurately track the size, type, distribution of movements of the regional fleet.

Regulatory Services Group

Compliance

Following a two-week delay whilst there was a pause with consent monitoring due to the high spring rainfall, contractors started the groundwater monitoring programme in October. This monitoring occurs twice per year and involves 210 consents, mainly dairy effluent discharge and irrigation permits to be monitored. Samples are taken and analysed by the resource management team with results being sent directly to consent holders and the data collected is utilised by the science team. Even with the slight delay in starting, the programme remains on track to be completed before the end of November.

The team is working its way through the low rate water take data that was submitted by farmers by the due date of 31 May 2024. This data is for water permits with an abstraction rate of 4.9l/sec or less and is generally for dairy purposes or very small industry. Dedicated time was set aside around the due date for these to be assessed, however due to the large amount of data that is submitted (approximately 900 consents, some with multiple bores) these assessments take time to do correctly and communicate with the consent holder.

The challenging weather conditions and a vacancy in the monitoring team has had an impact on the dairy monitoring programme. This has resulted in lower numbers of inspections in quarter one 2024/25 in comparison to the same quarter 2023/24. During the pause with consent monitoring referred to earlier staff undertook a number of south coast structure inspections, where compliance was found to be largely acceptable. The absence of visible structure numbers and some disrepair were the key areas of non-compliance identified again this year.

It has been a busy time with incidents, including a number of discharges to water, odour complaints and outdoor burning issues. As the weather improves, staff anticipate there will be an increase in the number of outdoor burning incidents, so will be working with the comms team to increase messaging around this in the coming weeks.

Consents

It has been a quieter period of new applications being lodged, which is consistent with this time of year leading into December. However, the team processed close to 200 individual consent related enquiries between 30 October to 20 November 2024.

The Environment Southland Catchment Titiroa Tidegates application, following hearing, has progressed through expert conferencing. The Commissioner has directed end timeframes for parties right of reply by 6 December 2024 through a Minute and indicated the intention to issue a decision on the application before the Christmas break.

Contact Energy lodged an application with the Environmental Protection Authority (EPA) under the Covid-19 Recovery Fast Track Consenting Act in late 2023 to develop a 55-turbine wind farm east of Wyndham. Environment Southland staff have participated in expert conferencing (in late October) on matters relating to terrestrial ecology. The appointed expert consenting panel has recently invited comments from parties on the additional information provided since lodgment on the various topics and to draft conditions. Those comments were to be provided by 27 November 2024. The EPA Panel has indicated its decision will be made by 19 December 2024. The detailed information can be found at this link: <https://www.epa.govt.nz/fast-track-consenting/referredprojects/southland-wind-farm/reports-and-advice/>

The application by Te Rūnanga o Awarua, Department of Conservation, and Environment Southland for the periodic opening of the Waituna Lagoon was publicly notified at the applicants' request on 6 August 2024. Submissions on the application closed on 3 September 2024. 50 submissions were received. Processing of

the application is currently suspended at the applicants request to complete a technical review of the hydrology modelling.

An application by Tarora Southern Trust to construct a wetland utility structure (predator fence and maintenance track) at the western side of “The Pocket” near Te Anau has been publicly notified, submissions close 3 December 2024.

Consents staff are working through updating the suite of application forms and related content for national intensive winter grazing regulation changes and information linked to farm plans. Staff continue to stay abreast of likely changes in the national direction anticipated to be introduced with the Resource Management Amendment Bill 2 in December.

Applications in progress - there are 180 (including 31 Maitai Water Conservation Order review applications) applications currently in progress.

Timeframe compliance - compliance with statutory processing timeframes for resource consent applications for the period 30 October–20 November 2024 was 100%. This includes instances where the applicant has agreed to a timeframe extension.

Harbour management

Despite the weather over Labour Weekend it was a very busy and successful weekend for the annual Waka Ama and Stabi-Craft fishing competitions on Lakes Te Anau and Manapouri. A good number of recreational users braved the elements to compete at both events and the Marine Services team were on hand to monitor, support and ensure both events ran safely. This was an opportune time for the team to engage with the public both on the water and at the boat ramps providing safe boating education. All event participants were well behaved with no recorded incidents.

The Fiordland/Stewart Island cruise ship season commenced on Monday, 14 October 2024, with “*The World*” visiting Fiordland for the first time in several seasons. The “*Diamond Princess*” was the next scheduled visit on 16 October 2024, however this visit was cancelled due to unfavourable weather conditions in the Fiordland area.

A new Aids to Navigation marker was recently installed at Lake Hauoko, to mark a shallow rocky outcrop where an existing marker had collapsed, exposing the area as a risk to recreational vessels.

New river rules signage was placed at Stewart Island, Freshwater River entrance and at The Landing which is designed to support safe user access to the river.

People and Customer Group

People and capability

The Customer Strategy project has now concluded with a presentation being made to the Executive team of both the strategy document and the implementation plan. These documents will now be used to inform future work in both the people strategy and customer spaces.

The management development training programme continues to be delivered with ongoing coaching sessions being held with individual groups of managers. Each session is specifically targeted to the needs of the group to ensure that any gaps are identified are closed quickly, and that learning is applied within the organisation.

Work continues on the Workforce Strategy project with a draft strategy being presented for feedback. The document will be finalised in readiness for launch in December 2024.

Health, safety, and risk

The Health, Safety and Risk team continues to work on:

➤ *Health and Safety:*

The health and safety team continues to work on the review of the health and safety manual to identify changes in practice and any gaps. The health and safety committee is reviewing the health and safety hazard register which is due to be completed by the end of quarter two. The chemical register has been reviewed and the health and safety team is working with operational teams to update the register with chemical quantities and locations.

➤ *Internal Audit:*

The final report has been received from PwC for the audit focused on asset management. The report will be presented to the Executive Team in November and a management response to recommendations will be prepared and presented to the Risk and Assurance Committee subsequently.

➤ *Risk Management:*

The team is actively working on implementing the risk management programme across the organisation. The upcoming phase will concentrate on operational risks, which are overseen by the operational divisions and staff. The team is currently developing tools and guidance to support this phase, with the rollout scheduled to begin in December and continue into the new year.

Corporate Services Group

Finance

With the Annual Report adopted, the Corporate Reporting team is focussing on work required to support and progress the new Business Plan reports. The Business Plan work is being undertaken alongside the normal monthly, quarterly and Catchment Committee reporting.

The Financial Operations team has been very busy as the due date for rates payment arrived last week. Together they have processed approximately one thousand new rates direct debit requests, one thousand email requests and have taken sixteen hundred phone enquiries. At the same time, the team has processed 700 transfers of property resulting from property sales.

Preparation and planning for the Annual Plan continues as well as work towards the next stage of the rating review. Presentations to the Catchment Liaison Committee AGM's have been completed. The value of having the budgets discussed prior to council budget workshops was recognised, whilst the November timing has been challenging for the groups. Summarising the outcomes of the LTP rates review and presenting that back to the committees was appreciated.

Information and Support

Information Management - the IM team concentrated on the IM Awareness Week held in early December. The week aimed to enhance end-user engagement with information management systems, including Objective ECM, Objective Connect, and Doc Assembler. Additionally, there was an emphasis on rolling out the updated IM Policy and AI Policy.

During this period the Information Management Governance Group and the Information Management Stewards Group have met to discuss their initiatives. The Stewards Group is making progress on activities designed to improve information and data quality throughout the organisation.

Support Services - the front desk team has been delivering outstanding customer service to our ratepayers by managing inquiries and handling cashier duties. The rate collection period concluded at the end of November. During this time the support officers assisted the finance team with data entry and contact verification tasks.

Democracy Services - efforts have concentrated on providing support for meetings to the catchment liaison committees during this period.

Information systems

On Tuesday, 12 November 2024 the envdata.govt.nz went live. Southlanders can enjoy more user-friendly access to environmental data through the upgrade of envdata.es.govt.nz.

The website is the home of Environment Southland's extensive data range, including river levels and flows, rainfall, soil moisture, climate and air quality from various sites across the region. The upgrade has been delivered as part of our Bringing Data To Life initiative, which aims to make environmental information more accessible and visible to the community.

A key aspect of the upgrade has been making the portal mobile responsive, reflecting the need in our communities for access to environmental data anywhere and anytime. Improvements to the site include interactive graphs and tables, allowing users to view and compare a wide range of data, and provide access to the webcams.

This data can be compared with historical statistics such as past floods, droughts, and seasonal rainfall totals. Environment Southland collects an extensive range of environmental data that is vital to our work programmes and planning. Through the upgrade of the site, Murihiku Southland's communities now have quick and easy access to that data. Having information such as river levels, river flows and rainfall should prove an asset to many community groups, particularly during weather events. The upgrade of envdata.es.govt.nz also features monitoring data from Waituna Lagoon, including water temperature, dissolved oxygen levels, pH levels, and more.

The team has started working on the ability to overplot historical data to compare years.

10.2 Compliance Monitoring Report 2023-24

Report by: Ciaran Thayer, Team Leader Resource Management Technical

Approved by: Don Rule, Acting General Manager Regulatory Services

Report Date: 28 November 2024

Purpose

The Compliance Monitoring Report provides an overview and summary of the activities undertaken by the Resource Management team during the 2023/24 financial year.

Summary

This year the report presentation is slightly different to previous years with the combination of some areas of reporting and the removal of others. This was done in line with feedback received to previous reports. The report was also redesigned to be customer focused and therefore, hopefully, easier for our customers to read.

Within the report there are summaries of the compliance status of certain activities such as dairy discharge and water abstraction permits, as well as overviews of the performance of specific significant consent holders.

Points of note include:

- there was a decrease in incidents reported by the public in 2023/24 despite a slight increase in marketing of the pollution hotline. In 2024/25 staff will continue to promote the pollution hotline, online notification and Antenna for reporting incidents to address pollution events.
- there has been an increase in water abstraction monitoring completed this year, either by desktop analysis or field audit. This has been an area that has required growth for several years, and with the additional staffing provided to the team it has been possible to streamline the work programme and complete more audits.
- gravel extraction monitoring has come under the auspices of the resource management team for the first full reporting year this year. Initially high levels of non-compliance were identified, but this has been steadily improving over the year.
- Eighty-nine dairy farms participated in the Dairy Top Performers programme during 2023/24, with one property being removed for compliance reasons. This was a slight increase on the year before and this reward programme continues to grow each year.
- no prosecutions were finalised during 2023/24 however charges were laid in relation to one investigation, and one diversion was finalised.

Three significant consent holders received a rating of significant noncompliance:

- **Fonterra Edendale**
This is due to an uncontrolled discharge of sulphuric acid to the Mataura River, for which an infringement notice was subsequently issued.
- **Alliance Group Limited Mataura Plant**
Ongoing breaches of the discharge quality limits of the wastewater discharge over the course of the year were identified, and a key deadline to upgrade the treatment process to include disinfection was not met.

- **Invercargill City Council**

Breaches of the stormwater discharge consent, are due to the number of sewerage overflows (and other spills) to the stormwater network and into the streams within Invercargill.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Compliance Monitoring Report 2023-24.

Risks/Opportunities

The report provides an opportunity for feedback to the regulated community while providing some transparency to the Murihiku community about the results of Environment Southland’s compliance monitoring and enforcement activities.

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources	X		
Diverse opportunities to make a living	X		
Communities empowered and resilient	X		
Communities expressing their diversity			N/A

Attachments

1. ES Compliance Monitoring Report [10.2.1 - 52 pages]

Compliance Monitoring Report

2023-24



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Foreword

The 2023-2024 Compliance Monitoring Report provides an overview of Environment Southland’s compliance, monitoring and enforcement activities.

It serves as both an internal and external report card of sorts, providing us with a check of how well we’re going with assessing the range of activities people hold consents, and it’s a useful tool for individuals, businesses and councils to compare and assess their own performance or develop plans.

Our team has been pulling this report annually for over twenty-five years, and in that time there has certainly been a lot of change.

What hasn’t changed is our commitment to ensuring strong environmental outcomes, and working with our community to educate and advise on how to minimise the impact their activities might have on Southland’s environment.

This year the team continued to expand on that education-first approach. They implemented a new notification system, giving farmers a heads up about an upcoming dairy discharge consent inspection with a text the day prior. This approach has been really well received and has allowed the team to increase their one-on-one interactions with farmers on-farm, leading to positive conversations.

The dairy top performers programme also continues to build. Developed in 2020, the programme aims to acknowledge dairy farmers who have consistently good compliance. It’s a voluntary programme with strict eligibility criteria, and numbers of those participating continues to grow.

During the past two years, we have strengthened the programme for monitoring water quantity. This extra data from monitoring both high rate and low rate water take consents means we have a better understanding of the pressures in particular areas when it comes to water availability, but it also provides a wealth of information for our communities and individuals who are managing businesses and using water.

The team carried out 783 dairy discharge consent inspections, 66% were graded as fully compliant, 25% low risk non-compliance, 8% moderate non-compliance and 1% significant non-compliance. While there were less inspections this year, it’s pleasing to note that significant non-compliance is at its lowest level, down from 3% last year.

This is a pleasing result, and one that reflects the effort farmers are putting in to improve their practices and meet their consent conditions.

Results from our industry inspections also show positive gains, with many continuing to make system improvements and work closely with our team when things don’t quite go to plan. These sorts of relationships are vital for ensuring we can achieve the improvements to our environment we all want.

From a legislative perspective, ongoing change continues to put increased demand on the resource management team, making the regulatory function more complex.

Since the end of this reporting period, we’ve seen our wettest spring on record. This has caused ongoing challenges on-farm and across the district’s roads with surface flooding.

Our team has seen some really good examples of farmers managing their irrigation and effluent ponds given we’ve received nearly double the amount of rain expected in some places across the region.

Reaching out if you need support or advice is so important, and there are a range of agencies who can answer questions, including our team.

The resource management team have been supporting farmers through this challenging time and adjusting their work programmes. This will no doubt be reflected in next year’s report.

We will continue to review how we manage this to achieve the environmental outcomes we are all striving for

N G Horrell
Chairman Environment Southland

N Cook
Chairman Regulatory Committee

Introduction

The following report provides an overview of Environment Southland’s compliance, monitoring and enforcement activities across Southland for the 2023-2024 year.

Compliance, monitoring and enforcement (CME) are an important part of the regulatory function of regional councils throughout New Zealand, to ensure responsibilities under the Resource Management Act 1991 (RMA) are effectively implemented. For the purpose of this report, CME means:

- ▶ Compliance – adherence to the RMA, including the rules established under regional plans (operative and proposed), National Environmental Standards and meeting resource consent conditions
- ▶ Monitoring – the activities carried out by Environment Southland to assess compliance with the RMA, and responding to complaints from the public about potential breaches
- ▶ Enforcement – regulatory actions taken by Environment Southland to respond to non-compliance with the RMA.

This document provides a summary of performance against primary consents, which cover dairy farming, local authorities and industrial operations, as well as smaller consents for the likes of coastal structures and whitebait stands.

Similar activities are combined to give a broad overview on the activity, rather than reporting on individual conditions or circumstances.

Major industrial consents on the other hand, are identified and are reported separately. This is because of the complexity of the activity and volume of contaminants the industry uses or discharges. The industries reported here often employ environmental assessment teams in-house, or use third party contractors to ensure they complete the requirements of their consent.

All compliance assessments are given a grading, adapted from Ministry for the Environment guidelines.

Compliance Grade

	Full compliance – Compliant with all relevant consent conditions, plan rules, regulations and national environmental standards.
	Low risk non-compliance – Complies with most of the relevant consent conditions, plan rules, regulations and national environmental standards. Non-compliance carries a low risk of adverse environmental effects or is technical in nature (For example, failure to submit a monitoring report).
	Moderate non-compliance – Non-compliance with consent conditions, plan rules, regulations and/or national environmental standards where the non-compliance was deemed to have had some environmental consequences and/or there was a moderate risk of adverse environmental effects or there was a frequent recurrence of low risk or technical non-compliance.
	Significant non-compliance – Non-compliance with consent conditions, plan rules, regulations and/or national environmental standards where there were significant environmental consequences and/or a high risk of adverse environmental effects.



Agricultural audits

During the past year we have continued to map a number of permitted activities on farms, including ofal holes and silage stacks, while adding additional consents such as intensive winter grazing, to our programme. This provides us with good information, to understand the number of permitted activities taking place.

We introduced a new system for notifying farmers of our intent to undertake a discharge consent inspection, with a text the day prior. This has been largely well received and has allowed us to have increased interaction with the farmer on site.

Dairy farm inspection overview

The resource management team undertakes inspections of dairy farms to ensure compliance with the conditions of discharge consents that allow farms to irrigate dairy shed effluent to land.

Dairy shed effluent is a combination of water and effluent created from the milking shed and platform during clean down. It is an excellent natural liquid fertiliser, containing nitrogen, phosphorus, potassium, magnesium, sulphur and trace elements essential for grass growth. Normally a farm would have to pay for these nutrients to be applied to pasture.

It is important for the person in charge of the system to match the irrigation depth to the capability of the pasture to utilise the nutrients. Over-application of effluent can result in:

- ▶ killing pasture – especially where effluent has ‘ponded’ on top of the soil
- ▶ pollution of groundwater – by seeping through the soil profile into groundwater aquifers
- ▶ pollution of nearby streams and rivers – where it runs off paddocks into waterways
- ▶ ineffective use of nutrients – by the seeping of the nutrients past the root zone, before the plant can utilise them.

Following an inspection to determine a dairy farm’s performance against the conditions of their consent there are four outcomes, as referenced in the grading section in the introduction.

Dairy farm effluent discharge consent inspections

During the 2023-24 season staff completed 783 dairy discharge consent inspections. Of these, 202 were aerial and 581 were on-site inspections.

We found, 516 were fully compliant, 194 were graded low-risk non-compliance, 61 were graded moderate non-compliance, and 12 were graded significant non-compliance.

If an inspection results in a grade of 10 (significant non-compliance), a reinspection is often conducted. One reinspection was completed for the 2023-24 year with the remainder either not required or scheduled in the upcoming season.

We faced staffing challenges in the 2023-24 season which, combined with additional monitoring requirements, meant our focus was ensuring as many properties as possible received at least one site visit. Aerial inspections were slightly up on the 2022-2023 season, but still significantly down on the 2021-2022 season as we endeavoured to interact directly with staff on-farm as much as possible. This provides an opportunity for education and advice to our farmers.



Dairy top performers

The dairy top performer programme was developed in 2020 to acknowledge dairying operations that had a good compliance rating.

To be eligible for the dairy top performer programme each consent holder must:

- ▶ have no health and safety warnings
- ▶ have 5 years full compliance on all of their resource consents
- ▶ be fully compliant with all legislation including national environmental standards
- ▶ have no unreasonable outstanding debt to ES

The first year saw the recipients receive a letter thanking them for their efforts and encouraging them to keep up the good work and over the subsequent years, the programme has continued to develop and grow.

In the 2023-24 season, all consent holders who were eligible were asked if they wished to participate in the voluntary programme. Participation means they would no longer receive routine monitoring of their dairy consents. Instead, these consent holders would self-monitor and return their inspection data with 15% of those returned selected at random for a quality assurance visit by a monitoring officer.

In 2023-24, 89 consent holders participated and returned their forms and all, except one of the completed quality assurance checks, were fully compliant. The one property that was non-compliant was removed from the programme.

Groundwater quality sampling for dairy farms

Groundwater is water that has made its way down through the soil to underground areas called aquifers.

Aquifers are subsurface geological formations consisting of sand, gravel or rock which ‘hold’ water.

Aquifers in Southland tend to be shallow. In many places the water level is only 1.5 to 5.0 metres below the ground.

Groundwater provides an important source of drinking water for people and livestock in Southland. It is also used for irrigation and dairy shed wash down, and it can be the primary source of water in streams over summer (baseflow).

However, what we do on top of the land (land use) can affect the quality of the groundwater sitting below. Nitrate contamination of groundwater is common in Southland due to excess nitrogen in soil from fertiliser and effluent. This is a key issue, affecting the health of people and livestock that use groundwater, and when nitrate contaminated groundwater enters streams in summer, it can cause problem algal and plant growth.

Groundwater quality sampling is a tool used to monitor compliance with dairy effluent discharge consents. The purpose of this programme is to monitor measurable changes over time in groundwater quality in the areas where effluent has been applied.

Water samples are collected from shallow bores near the effluent disposal field and are then analyzed for a number of parameters including nitrate and *E.coli* levels. The results generated from a period of between five to ten years can give a reasonable indication of the effects effluent application is having on groundwater. If deterioration is noted, further investigation will be required to determine the land-based activity contributing to the change.

Synthetic nitrogen reporting

In August 2020, the Government announced changes to the National Policy Statement for Freshwater Management (NPS-FM), the National Environmental Standards for Freshwater (NES-FW) and changes to the Resource Management Act which introduced a limit to the amount of nitrogen that can be applied to land.

From July 2021 if the use of nitrogen fertiliser on pastoral land exceeds 190 kg/ha/year then a consent is required. This cap does not apply to arable or horticultural land use.

The National Environmental Standards require any person operating a dairy farm to report to Council each year on their nitrogen fertiliser use. This reporting includes information on the types of fertiliser used, the rate of application and the location and date of application.

The standards in the National Environmental Standards are in addition to the permitted activity criteria in the Southland Water and Land Plan and any discharge of fertiliser still needs to meet the conditions in Rule 14.

In this year (2023-2024) reporting year:

- ▶ Three synthetic nitrogen reports were over the limit (very minor exceedances) and advice and education was provided to all
- ▶ 110 consent holders had not supplied their data. These are being followed up and a grading of non-compliant will be issued, along with a non-supply fee for those who fail to submit their data
- ▶ 789 data sets were supplied and graded as fully compliant

Wintering pad consent inspections

Resource management staff undertook inspections of the purpose built sites used to feed and house cows over the winter period commonly known as wintering pads, wintering barns, calving pads, feed pads and loafing pads.

Before monitoring these purpose-built facilities, officers phoned everyone with a consent for a new facility that hadn't been built the previous season. This allowed us to update our records and streamline our monitoring programme.

Reporting falls in the middle of the winter monitoring period. As at 30 June 2024, resource management officers completed 144 inspections during the 2023-24 financial year of the various types of consented wintering pads.

Of these, 96 were fully compliant, 35 were low risk non-compliance, 11 were moderate non-compliance and two were significant non-compliance.



Winter grazing monitoring

Intensive winter grazing is a farming practice where livestock is grazed on paddocks planted with forage crops. The most common forage crops are fodder beet, brassicas, cereals and maize.

When done poorly, it can have serious negative effects on the environment and animal welfare.

Intensive winter grazing regulations were introduced in the National Environmental Standard for Freshwater (NES-F) as part of essential freshwater reforms and were amended in April 2022 to make them more practical for farmers and improve environmental outcomes. The updated regulations came into effect from 1 November 2022 to allow farmers time to plan and prepare for winter 2023.

For most of New Zealand there were two ways to comply with the rules, either operate as a permitted activity or have a winter grazing consent. Environment Southland developed a third option, and created a deemed permitted activity for winter grazing for those properties who could not meet the permitted activity rules because of the slope condition.

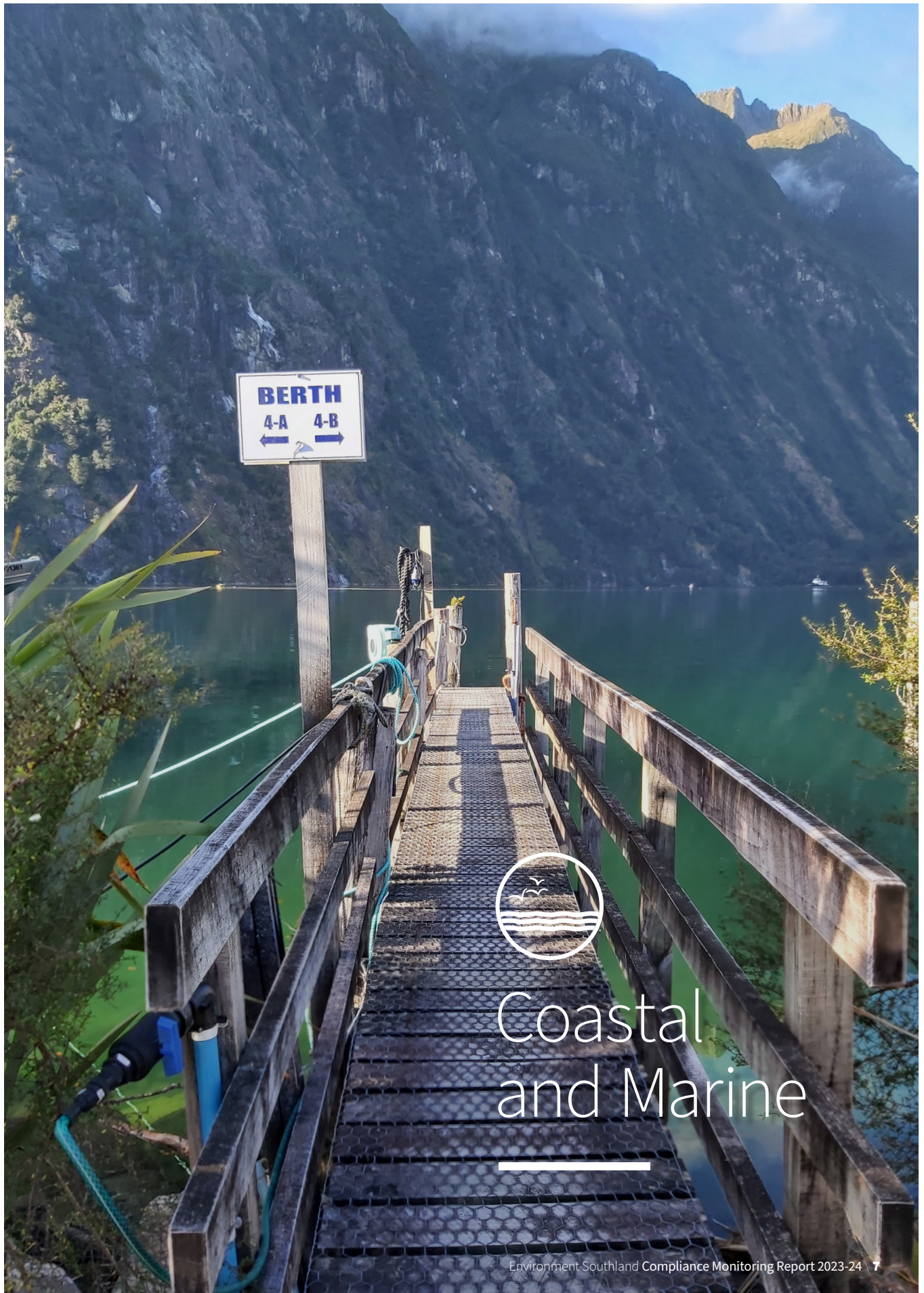
Each year the compliance team have a standard approach towards monitoring winter grazing which consists of:

- ▶ Developing an annual strategy and plan for our response
- ▶ Participation in the organisational engagement activities (field days, industry group meetings)
- ▶ Up to three wintering flights (one each in June, July and August)
- ▶ Looking out for non-compliance while completing routine monitoring in the community
- ▶ Responding to complaints reported via our pollution hot line

During the 2023-24 winter grazing season (up to 30 June 2024) the resource management team:*

- ▶ Followed up on 18 referrals from the catchment integration team from their proactive roadside monitoring – 11 received letters of advice, seven needed no further action
- ▶ Received 11 winter grazing related complaints (through the pollution hotline, online and via staff). Of these there were two confirmed breaches.

** This reporting period is part way through the winter grazing season. Full season outcomes will be reported to Council once the season ends.*





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Coastal structures

Environment Southland currently inspects coastal structures in Fiordland, along the south coast and on Stewart Island. These include wharves, boat ramps, boat houses, moorings, barges and navigational aids.

We aim to visit these every one to two years.

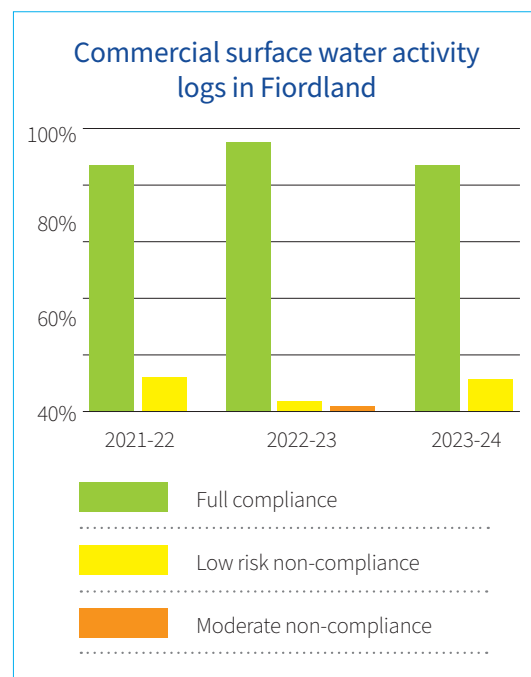
Last year the team undertook a significant trip to Fiordland in October to map moorings and identify those for which we didn't hold records. Moorings are allowed as a permitted activity, but they are required to be notified to Environment Southland and must contain clear identification of the owner.

We mapped 39 unrecorded moorings which required follow-up, and, in some cases, we have been unable to locate an owner.

Coastal surface water activities

Coastal consents are required for most commercial surface water activities in Fiordland.

These commercial activities are usually charter operations taking passengers on day trips and multi day trips within Fiordland. Environment Southland receives and assesses activity logs detailing the routes and activities and assesses these against the conditions within the consent.



There is a high level of compliance in the logs.

While undertaking our other work in Fiordland, such as monitoring structures, we also inspect any vessels we encounter.

Bluff Harbour ports

The two main port facilities in Southland operate out of Bluff.

South Port manages Southland’s import and export industries including aluminium, timber, fisheries, dairy, meat, wood chips, stock food, cement, alumina, fertiliser and petroleum products.

New Zealand Aluminium Smelters (NZAS), based on the Tiwai Peninsula, services and manages the import and export operations of aluminium and aluminium feed stocks.

Discharges associated with the loading, unloading and storage of cargo within the Bluff Harbour area are managed by means of individual agreements. The agreements describe a series of systems, ensuring the management of port activities are compliant with the Resource Management Act 1991.

Incidents reported

South Port	2021-22	2022-23	2023-24
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There were no confirmed complaints or self-reported incidents related to the South Port agreement

NZAS Wharf	2021-22	2022-23	2023-24
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There were no confirmed complaints or self-reported incidents related to the NZAS agreement

Whitebait stands

Environment Southland is responsible for whitebait stands under the Regional Coastal Plan and undertakes an annual inspection of these each year. Huts associated with the stands are controlled by the Southland District Council, while the Department of Conservation control the whitebait fishery.

The Regional Coastal Plan has set a maximum number of whitebait stands allowed in Southland at those that were occupied at 15 February 1997. Any new whitebait stands are prohibited.

Whitebait stands are inspected during whitebaiting season each year. Inspections are completed early to mid-season, which allows owners additional time for repairs.

During the annual inspections, any illegal stands are left with a notice attached to the stand for the owners to contact Environment Southland.

Whitebait stands are inspected for compliance with consent conditions, such as each stand displaying a unique stand number, displaying the consent holder’s name, being built to the consented length and in a good state of repair.

This year the team found non-compliance with a number of stands not displaying their stand number and some not in good repair. A stand is required to be in good repair as they need to be safe for other members of the public to be on.



Industry monitoring

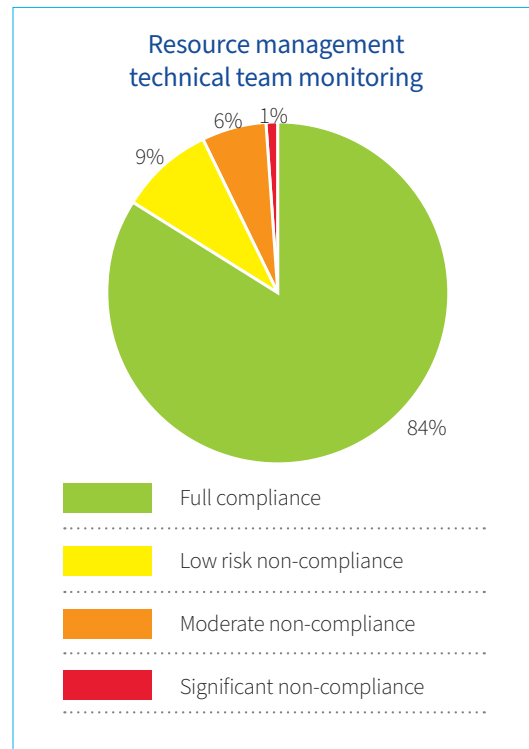
The resource management technical team are responsible for monitoring industrial consent holders, local authorities and water abstraction.

These consents often have a degree of complexity and reflect the specific, often unique processes, that occur at each site.

There is often significant self-monitoring and reporting requirements in each consent.

The team reviews monitoring reports and data and undertakes site audits to ensure consent holders manage environmental effects in accordance with consent conditions, national regulations and regional plans.

Our team undertook 2528 consent compliance assessments including inspections, data assessments and report reviews.



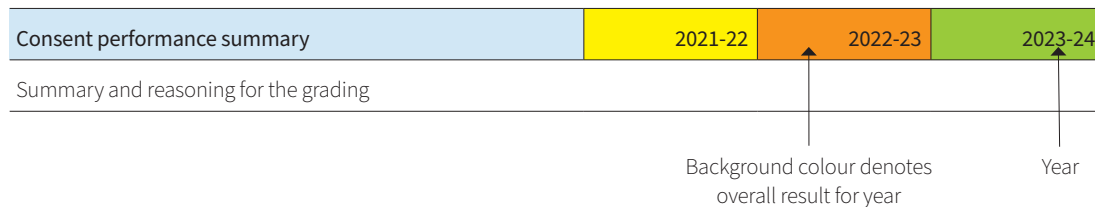
The following sections detail the performance of major consent holders and, in some cases, groups of consent holders against the conditions of their resource consents.

This includes discharges to water, land and air, coastal consents and water abstraction consents.

Commentary is provided on incidents that may have occurred, any actions that may have been taken to remedy and mitigate the effects of non-compliance and avoid it occurring in the future, as well as any enforcement action taken by Environment Southland.

For each industry a table provides an overview of any environmental incidents that have occurred on the site. A second table provides an overall assessment of performance against consent conditions.

Both tables provide a rating in the form of a four-stage traffic light system based on the grading system detailed in the introduction. A comparison between the 2021-22, 2022-23 and 2023-24 years is also provided:



Electricity generators

Meridian Energy Limited

Meridian Energy Limited operates the largest hydroelectric power station in New Zealand at West Arm, Lake Manapōuri within the Fiordland National Park. Electricity is generated using water stored in Lakes Te Anau and Manapōuri. The stored water from the lakes is controlled using structures at the outlet of Lake Te Anau and the Lower Waiau River. The water used to generate electricity is discharged through two tunnels to Deep Cove in Doubtful Sound. Compliance performance was assessed against the current resource consents.

Meridian Energy Limited holds 20 resource consents relating to the operation of the Manapōuri Power Scheme. The primary consents are to:

- ▶ dam and divert the waters for hydro- electric power generation
- ▶ take and use water for hydro-electric production, and for domestic supplies
- ▶ discharge treated sewage to land
- ▶ discharge stormwater to land
- ▶ carry out bed disturbance
- ▶ discharge contaminants to air
- ▶ discharge water and contaminants to the coastal marine area
- ▶ occupy Lake Manapōuri and coastal marine area with wharves

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There were no confirmed complaints during the monitoring period of 2023-2024.

Consent performance summary	2021-22	2022-23	2023-24
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A low-risk non-compliance was recorded on the consent to dam and divert Lake Manapōuri and waters of the Waiau and Mararoa Rivers. Meridian reported two events, in July 2023 and September 2023, where flow recorded downstream of Lake Manapōuri control weir did not equal flow in the Mararoa River. These events increased turbidity readings in the river slightly above the threshold permitted, though each were of short duration (0.5 – 2 hours).

Meridian and Environment Southland concluded the turbidity would have a low-level impact on the receiving waters, and no further action was taken by Environment Southland.

Meridian submitted annual reports reporting on hydrology, water quality and freshwater ecology, riverbank erosion and eel migration for the 2023 period meeting the requirements of the consent. No concerns were raised in relation to these reports.

Pioneer Energy Limited

The hydroelectric power station at Monowai is owned by Pioneer Energy Limited. The company operates a number power stations across New Zealand.

Pioneer Energy Limited holds 17 resource consents.

The primary consents related to the operation of its Monowai Power Scheme are to:

- ▶ take surface water
- ▶ use, maintain and alter an existing earth dam
- ▶ discharge water to water
- ▶ discharge contaminants to land
- ▶ dam and divert the waters of the Monowai River
- ▶ use, maintain and modify fish passage at locations in the Monowai River.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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During 2023-2024 Pioneer Energy was issued with a letter of direction requiring telemetry of the water used in the power station Pioneer energy have not yet complied with this requirement. Pioneer energy was compliant with all other monitored consents during the year.

Fertiliser

Ballance Agri-Nutrients Limited

Ballance Agri-Nutrients Limited operates a fertiliser manufacturing facility at Awarua, to the south of Invercargill.

Ballance Agri-Nutrients Limited holds three resource consents for its fertiliser manufacturing plant at Awarua. The primary consents are to:

- ▶ discharge stormwater from a fertiliser manufacturing facility to water
- ▶ take groundwater for fertiliser processing
- ▶ discharge contaminants to air from the manufacture of fertiliser and associated activities.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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Ballance Agri-Nutrients was compliant with all monitored consent conditions for its stormwater discharge consent and air discharge.

A non-compliance was recorded for not supplying its water meter verification report. Ballance Agri-Nutrients have followed this up and completed verification of its water meter.

Fernhill Limeworks Limited

Fernhill Limeworks Limited operates a limestone quarry at Kauana, north of Winton. Fernhill Limeworks Limited holds two resource consents for the purpose of operating a limestone quarry. The consents are to:

- ▶ discharge treated stormwater to water
- ▶ discharge contaminants to air from limestone crushing, drying and handling.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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Fernhill Lime Works Limited was fully compliant with all requirements of its consent during the 2023-24 period.

Ravensdown Limited

Ravensdown Limited operates a limestone quarry at Dipton and holds three resource consents.

Two of these consents are for the purpose of operating a limestone quarry at its Dipton site. The consents are to:

- ▶ discharge stormwater from a fertiliser storage and loading yard to land
- ▶ discharge contaminants to air from limestone crushing, drying and handling.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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In September 2023 a stormwater sump overflowed due to pump failure, which led to dirty stormwater being discharged to a stream during an unusually heavy rain event.

Environment Southland has had constructive discussions with Ravensdown. Contingencies are to be put in place to avoid recurrence.

Consent performance summary	2021-22	2022-23	2023-24
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Ravensdown was compliant with all monitoring and reporting required by its consents.

One breach in their stormwater consent where dirty stormwater discharged to a stream is noted above.

Forestry

Forestry operations in Southland

The National Environmental Standards for Commercial Forestry (NES-CF) previously Plantation Forestry, came into effect on 1 May 2018.

The NES-CF are regulations under the Resource Management Act 1991 (RMA) which apply to any forest of at least one hectare that has been planted specifically for commercial purposes and will be harvested.

It aims to:

- ▶ maintain or improve the environmental outcomes associated with managing plantation forestry activities
- ▶ provide efficiencies and greater certainty in the management of these activities
- ▶ provide consistent rules across the country by setting

planning requirements for certain specified activities.

Environment Southland’s approach to forestry

Environment Southland has an organisational approach to monitoring the NES – Commercial Forestry.

Notifications are received and logged into our system by the regulatory administration team.

The administration team refer to the land sustainability officer supporting the forestry company.

The land sustainability officer then assesses the notification and completes a site visit if necessary. We received 208 notifications in 2023-2024.

Where the land sustainability officer has any concerns or



The regulations cover eight core commercial forestry activities that have potential environmental effects:

- ▶ Afforestation (planting new forest)
- ▶ Pruning and thinning-to-waste (selective felling of trees where the felled trees remain on site)
- ▶ Earthworks
- ▶ River crossings
- ▶ Forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
- ▶ Harvesting
- ▶ Mechanical land preparation
- ▶ Replanting.

Commercial forestry operators are required to submit written notices and plans for afforestation, earthworks, river crossings, forest quarrying, harvesting, replanting wilding species and slash traps.

identifies breaches relating to the activity, it is referred to the resource management team for investigation.

Identified breaches

During the 2023-24 financial year there were six potential breaches of the NES – Commercial Forestry referred for investigation.

Of these, three were confirmed, two received letters of advice due to the minor nature of the breaches, and one resulted in a formal warning.

Landfills

AB Lime Limited

AB Lime Limited operates an agricultural fertiliser and lime business, a dairy farm and a Class A landfill business on a site approximately 4km east of the Winton township.

This section focuses predominantly on the landfill. New consents were issued in July 2021 which have subsequently been given effect to.

AB Lime Limited holds 11 resource consents relating to the landfill and lime quarry. The primary consents are to:

- ▶ discharge solid waste onto or into land
- ▶ discharge contaminants into air from refuse disposal facilities receiving greater than 100,000m³/year of uncompacted solid waste
- ▶ discharge up to 200m³/day of leachate onto or into land within the landfill footprint for the purposes of recirculation
- ▶ discharge contaminants into air from combustion processes where combustible refuse matter is flared
- ▶ discharge stormwater to a tributary of the Lochiel Stream
- ▶ use masking agents to disguise odour
- ▶ take 500m³/day of surface water
- ▶ discharge contaminants to the air from the extraction of limestone from an open quarry.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There were no confirmed complaints or incidents reported during the 2023-24 period.

Air discharge consent performance	2021-22	2022-23	2023-24
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AB Lime landfill was compliant with all monitored consent conditions for the 2023-24 period.

AB Lime manages landfill gas production which occurs during the decomposition of waste within the capped or buried fill. Gas is monitored regularly for its volume and composition. The monitoring and collection of gases and subsequent flaring is undertaken to manage odour, control gas migration, manage climate effects and reduce the risk of fire within the landfill.

Other consent performance	2021-22	2022-23	2023-24
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AB Lime monitors groundwater adjacent to the landfill via wells. The chemical composition of groundwater is compared with landfill leachate. There was no indication of leachate contamination of groundwater in the 2023-2024 groundwater quality monitoring.

Leachate is channelled to a holding tank and is trucked offsite for further treatment to the ICC wastewater plant prior to discharging to the coastal marine area.

In March 2024 AB Lime was directed by Emergency Management Southland to accept waste from the closed community landfill at Bluecliffs, which was at risk of erosion into the coastal marine area at Te Waewae Bay, and part of an emergency response. AB Lime complied with all consent conditions relating to this event.

There has been no groundwater abstraction by AB Lime for this reporting period and no recirculation of leachate into the landfill. AB Lime achieves a high degree of compliance with its consents and constructively pursues improvements within its systems.

S J Timpany Contracting Limited

S J Timpany Contracting Limited operates a landfill at Otatara, accepting solid waste, asbestos and contaminated soils. The site also has a holding pad which allows for sample testing of contaminated soils and the encapsulation of contaminants prior to acceptance.

S J Timpany Contracting Limited holds a consent to discharge clean fill and solid waste to land. In May 2024 S J Timpany Contracting Limited was issued with a new consent to discharge solid waste to land at the site.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There were no confirmed complaints or self-reported incidents during the 2023-24 period.

Consent performance	2021-22	2022-23	2023-24
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The S J Timpany landfill was fully compliant with all monitored consent conditions during the 2023-24 period.

During the period Environment Southland conducted three site visits, all of which were fully compliant:

- ▶ July 2023 (groundwater sampling)
- ▶ October 2023 (groundwater and surface water sampling)
- ▶ March 2024 (groundwater sampling)

No issues were identified during the assessment of consent monitoring reports.

Manufacturing

Daiken Southland Limited

Daiken Southland Limited operates a mixed density fibreboard (MDF) manufacturing plant, located south of Matura. Daiken Southland Limited holds 11 resource consents. The primary consents are to:

- ▶ discharge contaminants to air from fibreboard processing, including the treatment of wastewater
- ▶ discharge effluent and treatment pond seepage to land
- ▶ discharge untreated stormwater and treated wastewater to water
- ▶ discharge stormwater to land
- ▶ discharge from a tile drain to a watercourse
- ▶ discharge ash to land.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There was only one self-reported incident by Daiken during the 2023-2024 period. This involved a urea spill entering into the stormwater drain and discharging into the Matura River.

Environment Southland investigated, and an infringement was issued to Daiken.

Daiken was in communication with Environment Southland throughout the investigation and has since updated its protocols to prevent future incidents.

Consent performance summary	2021-22	2022-23	2023-24
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The incident regarding the urea spill breached its discharge to water consent.

Daiken was compliant with all its other consent requirements during the 2023-2024 monitoring period.

New Zealand Aluminium Smelters Limited

New Zealand Aluminium Smelters Limited (NZAS) is located on the Tiwai Peninsula at Awarua and holds six discharge and water take consents that require inspecting. The consents are to:

- ▶ discharge contaminants to land where they may enter coastal water
- ▶ discharge treated sewage to land
- ▶ discharge treated effluent to the Coastal Marine Area (CMA)
- ▶ discharge water including contaminants to the CMA
- ▶ discharge contaminants to air from the aluminium smelter and related activities
- ▶ take and use groundwater for industrial supply.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There was one self-reported incident during the 2023-24 period regarding an oil leak that entered the stormwater network before it was discharged into the ocean. NZAS carried out appropriate clean-up protocols and conducted an investigation to determine the cause of the leak to prevent future occurrences.

NZAS was issued with an abatement notice in 2021 for the discharge of contaminants from a contaminated site to groundwater, which was highlighted during NZAS's closure investigations. The actions required by this notice have been completed and on-going monitoring is taking place to determine if the actions taken have been successful.

Consent performance	2021-22	2022-23	2023-24
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NZAS is required to conduct monthly monitoring of the main stack. From November 2023-May 2024, safety concerns meant this could not be done as usual and alternative monitoring was conducted on contaminants discharged to the environment.

After safety precautions were taken to restore access to the stack, monthly monitoring recommenced in June 2024.

All other consent requirements were met for the 2023-24 period.

Meat processing plants

Alliance Group Limited

Alliance Group Limited operates two meat processing plants in Southland, one at Lorneville and one at Matura.

Lorneville

Alliance Group Limited holds 13 resource consents for the Lorneville plant. The primary consents are to:

- ▶ discharge treated wastewater to the Makarewa River
- ▶ discharge treated wastewater to land
- ▶ discharge wastewater and stockyard solids to land
- ▶ discharge contaminants to air
- ▶ discharge stormwater into an open drain
- ▶ take surface water from the Makarewa and Ōreti Rivers.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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Environment Southland investigated two complaints of objectionable odour which were confirmed to originate at the Alliance Lorneville site during the 2023-2024 period, breaching its air discharge consent. Alliance Lorneville has been proactive in this matter and is working with a consultant to implement changes to the plant to reduce odour emissions.

Alliance Lorneville notified Environment Southland of an exceedance of the limit for carbonaceous biological oxygen demand (CBOD5) in the wastewater discharge on 29 September 2023 and 4 October 2023, breaching consent. The discharge was ceased and wastewater was recirculated through the system and additional aeration was put in place to reduce CBOD5 levels.

Alliance Lorneville investigated these exceedances to mitigate future instances of elevated CBOD5 levels. Discharge of the wastewater resumed on 7 November 2023 and no further CBOD5 breaches occurred for the 2023-2024 period.

Consent performance summary	2021-22	2022-23	2023-24
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An instance of a late supply of a report was recorded.

The return period between applications of treated wastewater to land is required to be not less than 15 days. This condition was breached on two occasions with 14 day return periods. Irrigation also occurred on land that was required to be a non-irrigated control site.

The Water Measurement and Reporting Regulations 2020 require water consent holders to supply records of water abstracted on a daily basis, this is known as telemetry. In September 2023 Environment Southland issued a letter of direction requiring Alliance to update their systems and meet the requirements of these regulations. Telemetry has now been set up.

All other consent requirements were met.

Mataura

Alliance Group Limited holds ten resource consents for the Mataura plant. The consents are to:

- ▶ discharge contaminants, including odour, to air
- ▶ discharge treated meat works wastewater to the Mataura River
- ▶ discharge storm water to the Mataura River
- ▶ discharge cooling water to the Mataura River
- ▶ discharge wastewater treatment solids to land
- ▶ take water from a water race fed by the Mataura River for meat processing
- ▶ take water for cooling from the Mataura River
- ▶ use a weir on the Mataura River
- ▶ take and discharge water for hydroelectric generation
- ▶ take surface water for pelt and hide processing.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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An incident occurred involving paint entering into the stormwater system and discharging into the Mataura River, which is a breach of the stormwater consent. The paint was non-toxic and no measurable effects to the environment were observed.

There were eight self-reported breaches of the Dissolved Reactive Phosphorus (DRP) limit in Alliance Mataura’s discharge. Four of the eight breaches involved an exceedance with the 95th percentile DRP limit and the other four breaches involved an exceedance with the DRP rolling median and 95th percentile DRP limit.

Environment issued one infringement during the 2023-2024 period and consistently monitored the discharge reports supplied by Alliance Mataura to determine the progress of decreasing DRP loads.

Environment Southland has yet to conclude its final investigation into these events, however, in the meantime Alliance Mataura resolved the DRP exceedances issue through maintenance of its wastewater treatment system and has worked closely with the supplier of the disinfection equipment to ensure that it is commissioned at the earliest possible time.

Consent performance summary	2021-22	2022-23	2023-24
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Alliance Mataura carried out works to its treatment system to decrease DRP loadings and no further breaches have been identified after 7 March 2024. Environment Southland has issued one infringement during the 2023-2024 period and an investigation is currently open to determine any further action.

Several breaches of the Measurement and Reporting of Water Takes Regulations and the water consent were identified due to gaps in the telemetered water take data.

There was also a period where data was reported incorrectly. These issues have now been resolved.

During a routine verification, Alliance Mataura found it had two water meters that were not performing within the consent specification of +/- 5%. New meters have since been installed, which are operating as required.

Non-compliance was recorded due to a reporting issue that did not include seven-day averages of the water abstracted over a period as required by the consent.

Alliance Mataura are required by their consent to commission a disinfection unit for their wastewater discharge by 27 April 2024. However, due to supply and logistical issues, the commission date has been delayed until later in 2024.

Alliance Mataura have been in communication with Environment Southland, providing progress updates.

An Environment Southland investigation is currently open to determine if any further action should be undertaken.

All other consent requirements were met.

Blue Sky Meats (NZ) Limited

Blue Sky Meats (N.Z.) Limited holds seven resource consents for the purpose of meat processing at its Morton Mains plant. The primary consents are to:

- ▶ take groundwater for a meat processing operation
- ▶ discharge wastewater to land via a spray irrigator
- ▶ discharge contaminants to air from a rendering and blood drying plant boiler plant, and wastewater treatment and irrigation.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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One confirmed self-notification involving a breach of the discharge consent was received during the 2023-24 period. This incident involved overapplication of effluent by the roadside creating surface runoff. Blue Sky Meats took immediate actions to contain and clean up the effluent discharge.

Consent performance summary	2021-22	2022-23	2023-24
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Environment Southland has received all required reports and results from Blue Sky Meats within their consented timeframes. Reports have shown that substantial efforts have been made to look after the environment.

Moderate non-compliance was noted for the annual report submitted in August 2023. The non-compliance was related to the discharge of wastewater to land consent, where pH, *E.coli*, dissolved oxygen and temperature exceeded the consented limits on multiple occasions.

Blue Sky Meats took measures to remedy these issues, assuring Environment Southland that exceedances would not reoccur.

Prime Range Meats Limited

Prime Range Meats Limited operates a meat processing plant on the banks of the Waikiwi Stream in Invercargill. In addition, Prime Range Meats Limited operates a small meat processing operation and wholesale outlet on the outskirts of Invercargill.

Prime Range Meats Limited holds three resource consents for the purpose of meat processing. They are to:

- ▶ discharge contaminants, including odour, to air from a meat works and rendering plant, and from a wastewater treatment system
- ▶ discharge treated wastewater to land from a meat processing operation
- ▶ discharge biosolids to land from a meat processing operation.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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One confirmed odour complaint was received during the 2023-24 period.

Environment Southland visited Prime Range Meats Limited’s site and confirmed that the odour was offensive and in breach of the conditions of the consent. A follow up visit two days later found no offensive odour.

It was determined that heavy rainfall may have stirred the ponds, leading to the odour incident.

Consent performance summary	2021-22	2022-23	2023-24
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Prime Range Meats Limited was recorded as non-compliant with its air discharge consent following the odour complaint detailed above.

During the reporting period Prime Range Meats Limited submitted annual compliance reports, inspection logs and particulate emissions on time in relation to its consents.

There is an ongoing process for sludge removal from the dewatering ponds which is part of the rendering process for waste treatment.

Prime Range Meats Limited has invested in upgrading its pond by removing the sludge and installing of Geobags for storage of biosolids prior to removal from the site for application to land. The first discharge of biosolids is scheduled for spring 2024. A Biosolids Management Plan (2024) was submitted as per the monitoring conditions, and a site management plan was submitted to show management of the bio-filter including maintenance and monitoring, operating procedures and particulate matter emissions.

Despite the non-compliance due to odour, a site inspection indicates the monitoring, management and maintenance of systems are operating in good working order.

South Pacific Meats Limited

South Pacific Meats Limited operates a meat processing plant at Awarua, approximately 10km south of Invercargill. South Pacific Meats Limited holds four resource consents for the purpose of meat processing at its Awarua plant. The primary consents are to:

- ▶ discharge stormwater containing contaminants into the New River Estuary
- ▶ discharge contaminants to air from sludge, a rendering plant and associated processes
- ▶ discharge meat works effluent sludge to land.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-2024 period.

Consent performance summary	2021-22	2022-23	2023-24
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South Pacific Meats Limited have submitted various reports supported by experts including emissions tests and biofilter audits.

Environment Southland undertook a site visit in August 2023. It appeared that the plant was maintained well, and no issues were raised.

Every six months South Pacific Meats take water samples downstream from where they are permitted to discharge stormwater from their reticulated stormwater system.

The last two results have shown exceedances of the consented water quality guidelines and therefore Environment Southland asked for further investigation. Each investigation involved further sampling upstream and downstream. Results showed the watercourse had poor water quality and South Pacific Meats were not considered the likely cause for the water quality guideline exceedances.

South Pacific Meats Limited spread meat works effluent sludges (MES) on farmland pasture. Its latest report indicated over-applications of MES on two paddocks due to an administration error.

This resulted in non-compliances for a number of conditions within their discharge consent including MES application limits, nitrogen loading limits and operational management plan.

Environment Southland asked South Pacific Meats to remedy the issue and it responded with a report to show alternative methods and technologies. One particular technology looks promising and it is likely that South Pacific Meats will adopt this method to prevent MES application errors in future.

All documentation has been submitted within the timeframes.

Milk processing plants

Fonterra Co-operative Group Limited

Fonterra Co-operative Group Limited operates a milk processing facility at Edendale and holds eight resource consents related to dairy processing. The primary consents are to:

- ▶ take groundwater for a dairy operation, and for the purpose of milk processing
- ▶ discharge process wastewater to land, and associated odours
- ▶ discharge treated wastewater, process water, and stormwater to water
- ▶ discharge contaminants and odour to air from the manufacturing of dairy products, boiler operation, and wastewater treatment system
- ▶ discharge waste sludge and liquids to land
- ▶ discharge whey by-product to land
- ▶ construct, maintain and use a klip tank structure for the storage of whey and dairy liquids.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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Fonterra had a spill of sulphuric acid which discharged to the Mataura River via its stormwater system. There were several systems in place to prevent an occurrence like this, a number of which failed, leading to the spill. Environment Southland issued an infringement notice and a formal warning in response to the event.

Consent performance summary	2021-22	2022-23	2023-24
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A number of low-risk non-compliances occurred during 2023-2024.

Two non-compliances were recorded against the consent to discharge to air. These were both due to an intermittent fault in the recording of sulphur dioxide in a boiler discharge. The incidents were assessed as low-risk and unlikely to have a negative environmental impact.

Two non-compliances were recorded against a discharge to land consent. These were due to missing analysis of chloride in its wastewater discharged to the Mataura River, which has been remedied with attention to administration detail.

One non-compliance was recorded against a discharge to land consent, due to an exceedance of nitrogen in treated wastewater that was discharged to the Mataura River. The levels exceeded the limits (30g/m³) by 8 g/m³. Due to the low exceedance over a short period of time, it is expected this event would not have significant impact on the receiving waters.

One non-compliance was recorded after the rolling of a milk tanker and release of milk to land. A clean up was undertaken by Fonterra contractors. Due to the minimal amount of milk spilled, it is not expected that this event had any effect on freshwater systems or critical source areas around the area of the spill.

Monthly irrigation and nitrogen-nitrate reports were submitted within time limits required, as was the annual report for the 2023 season and the combined nitrogen loading was below the consented limit. A tri-annual report on passive sulphur dioxide concentration stack emissions for a three-month period at the Edendale site was compliant. The Nutrient Management Plan for the 2024-25 season was submitted within the required timeframe.

An incident where sulphuric acid was discharged to the Mataura River is detailed in the incidents section above and was a breach of the stormwater discharge consent.

Mataura Valley Milk Limited

Mataura Valley Milk Limited operates a milk processing plant at McNab, to the north-east of Gore.

Mataura Valley Milk Limited holds ten resource consents related to its dairy processing plant. The primary consents are to:

- ▶ discharge odour and contaminants to air from a milk processing plant and associated facilities
- ▶ discharge treated wastewater to land
- ▶ discharge treated stormwater to natural water
- ▶ construct effluent storage tanks to hold effluent and sludge from milking processes
- ▶ take and use groundwater
- ▶ discharge sludge to land.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-2024 period.

Consent performance summary	2021-22	2022-23	2023-24
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Environment Southland conducted a site inspection at Mataura Valley Milk’s processing plant during February 2024.

The visit highlighted how well the plant is designed to prevent incidents from occurring and stay compliant with its consents.

Preventions include strong barriers around effluent storage tanks, clearly marked drains, fully fenced disposal fields and pipes above the ground for easy access for maintenance.

Full compliance was granted over all consents relating to the inspection.

Reports showed its equipment and practices up to standard and annual reports including sludge discharge to land and groundwater takes were fully compliant. However, many due-date reminders were provided for a number of reports and were asked for when reports were outside of the consented timeframes.

During 2023, Mataura Valley Milk were scheduled to conduct drop tests on storage tanks, along with a structural report by a suitably qualified person. The drop tests conducted were not to the required standard. Environment Southland granted an extension for the testing to be repeated and a structural assessment report was submitted in August 2024 which showed effluent and sludge tanks are structurally sound.

Open Country Dairy (NZ) Limited

Open Country Dairy (NZ) Limited operates a milk processing plant at Awarua, to the south of Invercargill. Open Country Dairy holds three resource consents relating to its dairy processing plant. The primary consents are to:

- ▶ discharge condensate and stormwater from a milk processing plant to a farm drain
- ▶ discharge contaminants to the air from a milk processing plant and boilers
- ▶ construct two new wastewater pipelines.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-2024 period.

Consent performance summary	2021-22	2022-23	2023-24
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Open Country Dairy is prompt with responses and has good communication with Environment Southland. Its reports have been submitted within the timeframes and show that its plant is well functioning and compliant.

Open Country Dairy’s stormwater discharge consent requires it to monitor water quality by taking samples. Three out of four consecutive samples exceeded the discharge limit for carbonaceous biochemical oxygen demand (cBOD5) between January and May 2024.

Open Country Dairy investigated the exceedance, and identified a potential cause. Open Country Dairy installed engineering controls to ensure this does not reoccur.

All other sample results during the 2023 period show full compliance by being under the consented limits.

Mining

Bathurst Resources Limited

Bathurst Resources Limited operates an opencast coal mine in Nightcaps, western Southland. Bathurst Resources Limited holds 12 consents related to its mining operation. The primary consents are to:

- ▶ take groundwater and surface water for dewatering
- ▶ discharge stormwater to water
- ▶ discharge treated site water to water
- ▶ discharge ash from industrial operations, mixed with overburden, to land
- ▶ discharge contaminants to air
- ▶ disturb the bed and divert the flow of a tributary of the Wairio Stream.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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Environment Southland did not receive any confirmed complaints or self-reported incidents during the 2023-24 monitoring period.

Consent performance summary	2021-22	2022-23	2023-24
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Bathurst resources undertook all monitoring required by its consents and was fully compliant with the monitoring requirements and consented limits for the 2023-24 monitoring period.

There are works underway in preparation to realign a tributary of the Wairio Stream that is expected to be complete later in 2024. A site visit will be conducted to observe the opening of the diversion channel.

Greenbriar Limited

Greenbriar Limited operates coal mines at Ohai and New Vale mines.

Ohai Coal Mine

Eleven resource consents are held relating to mining activities at the Ohai mine which stopped mining coal in November 2021. Consequently, several consents have been surrendered, and rehabilitation work has commenced and is nearing completion. The primary consents are to:

- ▶ discharge contaminants to air from mining, screening and stockpiling of coal
- ▶ discharge treated wastewater to water
- ▶ discharge surface and groundwater
- ▶ discharge solid waste to land
- ▶ take surface water for a mining operation.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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The monitoring for the Ohai mine was undertaken as per the requirements of the consents and all discharge limits were met during the 2023-24 period.

New Vale Mine

Seven consents are held relating to mining activities at the New Vale mine site, as follows:

- ▶ to discharge treated water to the Hedgehope Stream
- ▶ to take groundwater and surface water for mining
- ▶ to discharge contaminants to air
- ▶ to discharge ash to land
- ▶ to discharge pelt processing solids to land
- ▶ to discharge dust suppressant to land

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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The monitoring for the New Vale mine was undertaken as per the requirements of the consents and all discharge limits were met during the 2023-24 period.

Minor Industries

Cleanfill site inspections

Cleanfills are 'fill sites' that only accept materials that has no adverse effects on people or the environment when buried.

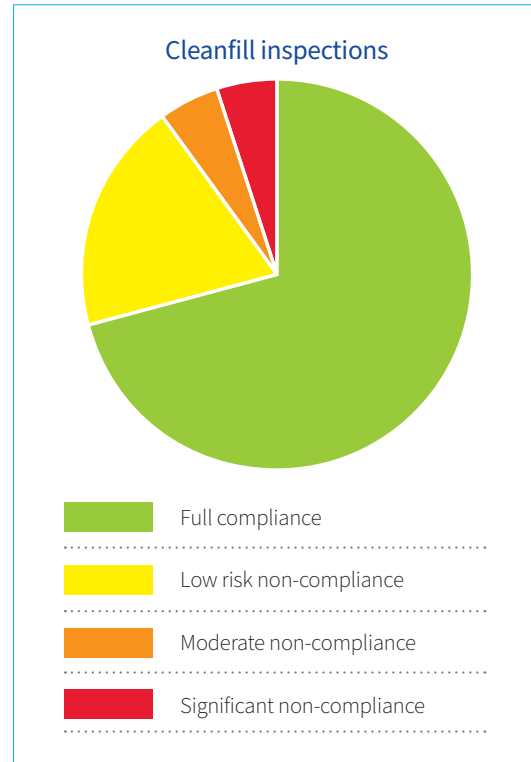
Cleanfill materials include virgin natural materials such as clay, soil, rock, and other inert materials such as bricks.

Appropriate use of cleanfills helps divert a large portion of the waste stream from landfills. There are 21 consented sites in total across Southland.

It is important cleanfills are free from combustible, degradable, hazardous or liquid wastes because they are not designed to protect the environment in the same way as landfills.

We monitor to ensure that only materials that meet the necessary criteria are being deposited and that no unexpected damage to the environment is occurring.

During 2023-24, 21 inspections were completed with 15 sites graded as fully compliant, four as low risk non-compliance, one as moderate non-compliance and one as significantly non-compliant, which is being followed up by an investigator.



Gravel extraction and gravel wash

There are currently 100 land use consents to extract gravel from Southland rivers.

From 1 April 2023 monitoring gravel extraction consents moved to the resource management team as an organisational approach to align gravel management with our other consent management.

During this first year a largely educational approach was taken to ensure consent holders understood the conditions of consents.

Most consent holders received two inspections this year, although some have received three in the establishment phase of the programme.

A total of 181 inspections were undertaken, of which 101 were fully compliant, 51 had low risk non-compliance, 17 medium non-compliance and 12 significant non-compliance.

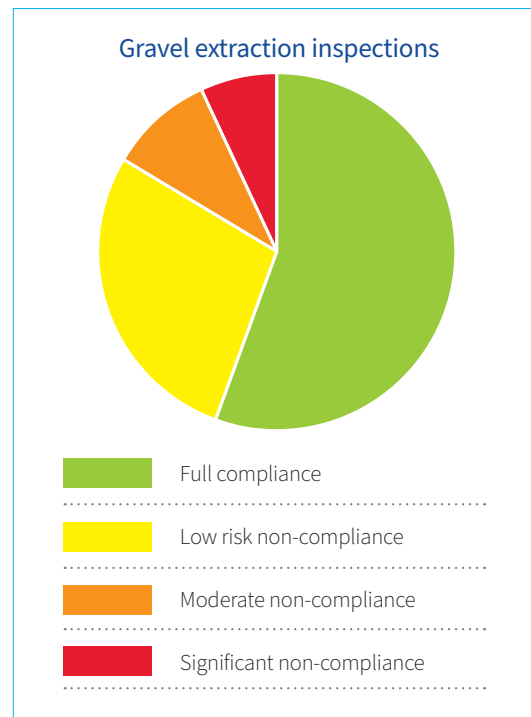
A number of the non-compliances identified were for breaches of the Flood Control Management Bylaw due to:

- ▶ stockpiling gravel within the floodway
- ▶ breach of a 'no stockpiling' condition within the consent
- ▶ breach of extraction reporting conditions.

We are continuing to work with consent holders to improve understanding and compliance with all conditions.

There are 17 current gravel wash discharge consents in Southland which require a consent to discharge to either land or water. A number also hold a consent for water abstraction.

Of these 16 were monitored this year and the one that wasn't monitored is not currently operating. All were graded fully compliant.



Truck wash inspections

Truck washes are facilities where stock and other large trucks are cleaned in order to reduce risk of disease spread and effluent discharging to roads.

While truck washes are a small industry, the risk to the environment can be large if the wash water is poorly managed. There are 22 consented truck washes in Southland.

Contaminants in the wash water varies dependent on the type of truck washed. The common contaminants are pathogens (effluent), ammoniacal nitrogen (effluent), phosphorus (sediment), hydrocarbons (fuel residue) and metals.

Wash water facilities require sufficient areas of flat land for discharging this wash water.

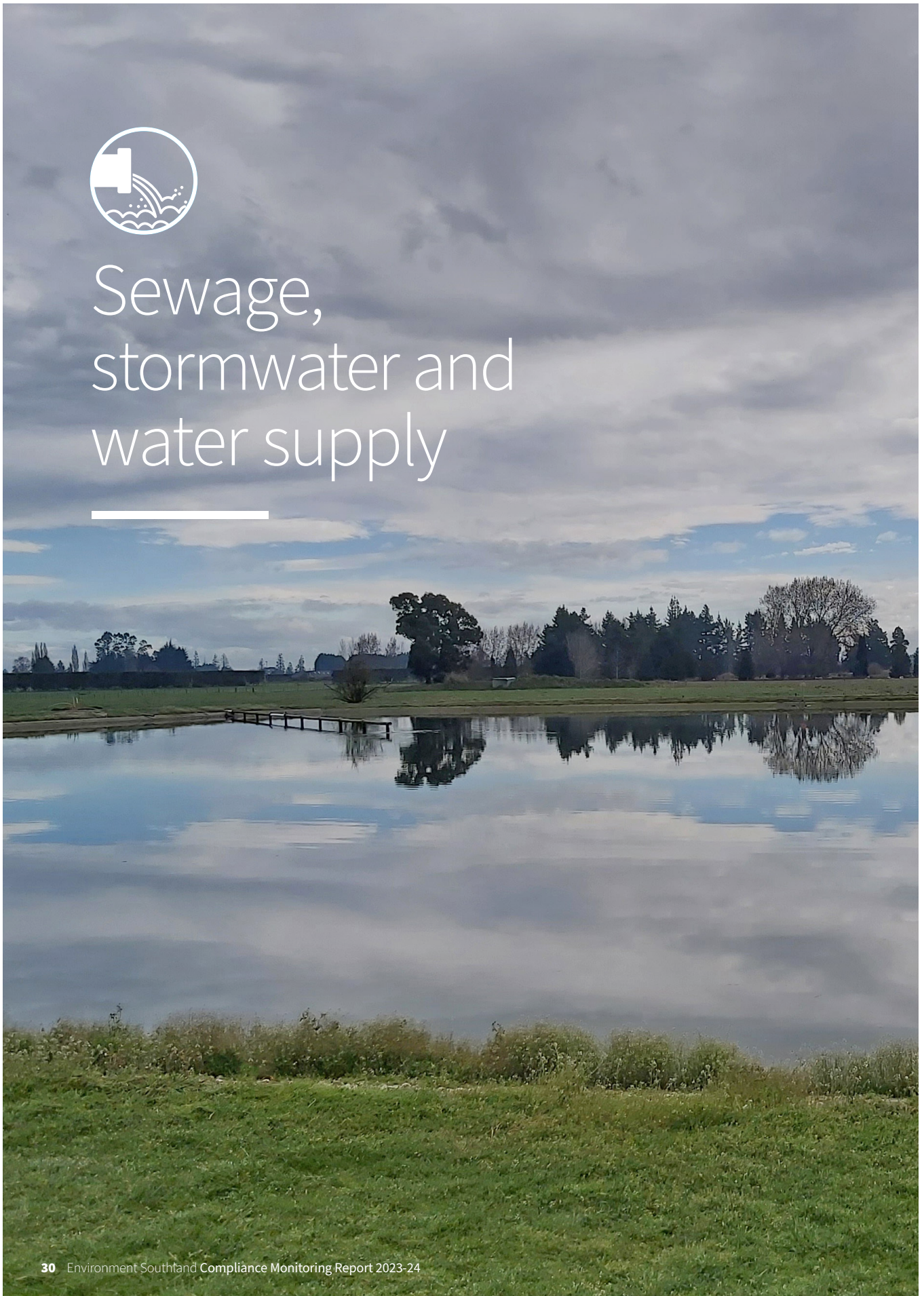
Truck washes are usually inspected annually, unless otherwise stated in the resource consent. Some truck washes have desktop reporting requirements such as water sample results and wash water discharge logs.

During the 2023-24 year, due to resourcing and other priorities, only two were inspected and these inspections were both found to be fully compliant.

Inspections of truck washes will be prioritised when resourcing allows and should be fully completed in early 2025.



Sewage, stormwater and water supply



Gore District Council

Sewage treatment systems

The Gore District Council (GDC) holds resource consents for treating and discharging wastewater at three locations within the Gore district. The compliance performance during 2023-24 was assessed against the current resource consents.

The applications for renewal of the discharge consents at the Maitara and Gore wastewater treatment plants are still in progress.

GDC holds five sewage treatment related resource consents. These consents are to:

- ▶ discharge treated wastewater from the Maitara township
- ▶ discharge treated wastewater from the Gore township
- ▶ discharge treated wastewater at Waikaka
- ▶ discharge contaminants to air from the Gore wastewater treatment system
- ▶ discharge waste activated sludge to land from industrial or trade processes.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There were four self-reported incidents by GDC during the 2023-24 period.

Two of the incidents involved sewage overflows that were resolved by GDC.

One incident involved an overdose of sulphuric acid applied to the wastewater discharge in Gore. However, no consent breaches of the discharge quality limits or receiving water standards were identified during the investigation.

The discharge of treated wastewater was non-compliant as a result of the rolling 80th percentile for *E. coli* exceeding the consented limit. Re-sampling efforts by GDC returned *E. coli* results within consented limits.

Consent performance summary – Gore	2021-22	2022-23	2023-24
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Gore District Council’s consent to discharge to the Maitara River expired in December 2023.

An application to renew this consent was lodged with Environment Southland in January 2021.

GDC continues to operate under this consent under section 124 of the RMA until the application process is complete.

Two breaches were identified during the 2023-24 period following the sulphuric acid overdosing incident. The operation and maintenance plan was deficient and failed to meet consent requirements.

GDC have since submitted an updated plan that has been graded as compliant.

Consent performance summary – Maitara	2021-22	2022-23	2023-24
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All monitoring required by the consent was undertaken and all water sample results were compliant with the consent for the 2023-24 period.

The consent to discharge treated wastewater to the Maitara River expired in May 2021.

An application to renew the discharge consent was lodged in January 2021 and the Gore District Council continues to operate under section 124 of the RMA until the consenting process is complete

Consent performance summary – Waikaka	2021-22	2022-23	2023-24
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All monitoring required by the consent was undertaken and all water sample results were compliant with the consent for the 2023-24 period.

Stormwater systems

The Gore District Council (GDC) holds resource consents for discharging stormwater at three locations within the Gore district.

GDC holds three stormwater related resource consents. They are to:

- ▶ discharge stormwater to water for Gore township
- ▶ discharge stormwater to water for Mataura township
- ▶ discharge stormwater to water for Pukerau and Waikaka townships.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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Environment Southland had previously issued an abatement notice to GDC in 2020 to cease unauthorised discharge of contaminants to Cronin’s Creek at Falconer Road, Gore. This abatement notice is still active.

There was one self-reported incident that occurred regarding the stormwater network, which is detailed in the consent performance summary below.

Consent performance summary – Gore	2021-22	2022-23	2023-24
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GDC are required to notify Environment Southland before they apply dye into the stormwater network.

There was one instance during the 2023-24 period where notification was not provided to Environment Southland. This was because the pipe network where the dye applied was thought to be part of the wastewater network.

It was later discovered to be part of the stormwater network and notification was provided to Environment Southland. The operators have been reminded to notify the GDC compliance team whenever works regarding dye is commenced so that it can provide notification to Environment Southland regardless of whether the system is waste or stormwater.

Consent performance summary – Mataura	2021-22	2022-23	2023-24
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GDC undertook all monitoring required by the consent for the stormwater network in Mataura and was fully compliant for the 2023-24 period.

Consent performance summary – Pukerau and Waikaka	2021-22	2022-23	2023-24
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GDC undertook all monitoring required by the consent for the stormwater network in Pukerau and Waikaka and was fully compliant for the 2023-24 period.

Water supply

GDC holds nine resource consents to abstract groundwater and surface water for industrial and community water supply. This includes emergency takes to supplement urban supply.

Complaints and self-reported incidents summary	2021-22	2022-23	2023-24
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There were no complaints for self-reported incidents relating to the GDC water take consents for the 2023-24 period

Consent performance summary	2021-22	2022-23	2023-24
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Information supplied for the Gore District Council’s water take consents showed compliance with the abstraction limits of the consents.

There was an instance of non-compliance due to a telemetry system not being set up as required by the Measurement and Reporting of Water Takes Regulations. Telemetry has now been set up.

Landfills

The Gore and Maitua landfills were found to be in breach of their respective consents during the 2023-24 period.

The discharge of solid waste to the Gore landfill has been prohibited since 2006.

Environment Southland conducted site visits to the Gore landfill during the 2023-24 period and confirmed solid waste being discharged to the landfill, breaching the consent. An abatement notice was issued to cease discharge to the landfill.

GDC have applied for a resource consent to authorise the discharge of waste to the landfill. The abatement notice was appealed by GDC and is currently on hold with the Environment Court pending the decision of the consent application.

Cleanfill is authorised to be discharged to the Maitua landfill.

Environment Southland conducted a site visit during the 2023-24 period and confirmed the discharge of unauthorised material. There is currently an open investigation by Environment Southland to determine further action.

Invercargill City Council

Wastewater treatment

The Invercargill City Council (ICC) holds resource consents for the purpose of treating and discharging wastewater at three locations within the Invercargill region.

ICC holds 10 resource consents relating to its sewage treatment plants. These include consents are to:

- ▶ discharge treated wastewater to an estuary
- ▶ discharge treated wastewater to coastal water
- ▶ discharge contaminants to land
- ▶ discharge biosolids to land
- ▶ discharge contaminants to air.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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One confirmed odour complaint was received from a member of the public during the 2023-24 reporting period from the Clifton Wastewater Treatment Plant.

Consent performance summary – Bluff wastewater	2021-22	2022-23	2023-24
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One non-compliance was recorded against ICC’s consent to discharge wastewater into the coastal marine area at Bluff.

An Environment Southland site audit identified missing signage, required to notify the public of wastewater discharges.

The signs were erected in proximity to the discharge pipe and coastal receiving waters. ICC was fully compliant with all other requirements of its consent.

Consent performance summary – Invercargill wastewater	2021-22	2022-23	2023-24
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One non-compliance was recorded against ICC’s consent to discharge wastewater into the coastal marine area at New River Estuary. Environment Southland site audit identified missing signage, required to notify the public of wastewater discharges. The signs were erected in proximity to the discharge pipe and coastal receiving waters.

One non-compliance was recorded against ICC’s consent to discharge to air. ICC was undertaking emergency maintenance to remove sludge from the system. This created an odour which lasted approximately one hour, until cleaning was complete. A site visit by Environment Southland confirmed the odour originated at the Clifton Wastewater Treatment Plant. No further action was taken, after Environment Southland requested information on the cause and future mitigation.

An odour meeting was held in March 2024, with attendance from Environment Southland & ICC and notified for public attendance. The meetings are annual events as required by the Discharge to air consent, primarily to discuss and inform Clifton residents of any issues arising from the waste water treatment plant.

ICC was compliant with all other monitored consent conditions for the 2023-24 period.

Consent performance summary – Omaui wastewater	2021-22	2022-23	2023-24
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ICC was compliant with all monitored consent conditions for the 2023-24 period. Next reporting period to ascertain system performance is in 2025.

Consent performance summary – Biosolids to land, Station Road	2021-22	2022-23	2023-24
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ICC was compliant with all monitored consent conditions for the 2023-2024 period.

Biosolids to land, Christies Track	2021-22	2022-23	2023-24
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ICC was compliant with all monitored consent conditions for the 2023-2024 period.

Stormwater systems

The Invercargill City Council (ICC) holds one resource consent for discharging stormwater at multiple locations within the Invercargill area. This is to discharge stormwater, water, and contaminants to water.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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ICC reported 31 incidents of sewage overflow for the 2023-24 period for its stormwater discharge consent.

There were 16 events of sewage discharge to land, most as a result of flooding in September 2023. Lindisfarne Street and Marama Ave sewage pump stations were overwhelmed with stormwater, causing sewage to overflow and enter the stormwater system.

This resulted in spills to the neighbouring communities, namely Turnbull Thomson Park residences. During the February 2024 rain event there were five discharges of sewage from private residences that flowed into the stormwater system.

Sewage entering the stormwater network comprised 15 breaches with four of these events confirmed to have reached the Otepunu Stream and Kingswell Creek.

Environment Southland investigated 10 hydrocarbon discharges from the stormwater network. These were a result of varied events, including diesel spills from machinery or storage tanks, automobile discharge and trade waste dumping. Once hydrocarbons enter the stormwater sumps, the pathway to streams and the coastal marine area is often undetermined. Five separate incidents over a period of weeks where hydrocarbons entered the Otepunu Stream were eventually tracked to originate from a diesel spill from a private property.

There were three miscellaneous spills to land and/or stormwater which included a truck of molasses discharging its load on to the road and two events of sediment loading via the stormwater network. The large volume of molasses resulted in a contractor clean up whereas the sediment caused foaming in the receiving waters.

Consent performance summary	2021-22	2022-23	2023-24
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Where spills are contained at the point of discharge (i.e. private residences or sumps within the stormwater network), ICC contractors are deployed to remove debris and solids and, where practicable, remediate the sites in a satisfactory manner.

Where sewage is contained within ICC sumps, contaminants are vacuumed, and the area washed down and water removed.

ICC staff members attend all incidents and where sewage has infiltrated the stormwater network, water samples are taken at point source and water discharges adjacent to the area. These inspections are undertaken to assess any environmental effects on the receiving waters and, where appropriate, temporary signage is erected by ICC to warn members of the public of the potential water quality risk. During these events, ICC is required to inform Environment Southland and stakeholder groups including Te Ao Marama Inc and the Ministry of Health.

Where an exceedance of *E. Coli* or Ammoniacal nitrogen is recorded, the ICC initiates a surveillance programme to determine if and where sewage has entered the stormwater system. Sampling was undertaken at 17 sites across Kingswell Creek, Clifton Channel, Otepunu & Waikiwi Streams during 2023-24. There are currently seven outfall catchments that remain under investigation. *E. Coli* sampling continues to indicate slightly elevated levels in the Albert Street outfall to the Waihopai River, however these levels are below national guidelines. The Otepunu River continues to be monitored at Miller, Conon, Liddell, Lime and Mary Streets. *E. Coli* sampling results show a decline in *E. Coli* levels on all outfalls over the period of this consent and a decline in the 2023-2024 reporting year.

Consent performance summary <i>CONTINUED</i>	2021-22	2022-23	2023-24
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Where significant rain events have caused overflow; ICC have advised its Engineering Services Group to review stormwater infiltration into wastewater networks in Invercargill. Replacement of a foul sewer pipe in Brown Street has shown a reduction in *E. Coli* levels, however ICC continue to investigate the source of varied sampling results from the 2023-2024 period.

ICC submits an Annual Report each year which includes the Stormwater Quality Management Plan (SQMP) and data files, summarising its monitoring and infrastructure work undertaken during the year. The data files include shellfish and fish flesh sampling and sediment and water quality monitoring, all of which were compliant for this reporting period.

ICC Annual Report (2023-2024) complies with a request from Environment Southland in 2023 to demonstrate improvements in locations that Invercargill City Council has made across the stormwater network. Environment Southland has been working with ICC to ensure spills and discharges are avoided as much as possible, are adequately notified, mitigated and resolved.

Environment Southland is monitoring the situation and will take action where the response to non-compliance is inadequate.

Water supply

ICC operates the water treatment plant at Branxholme, where water from the Ōreti River is treated for supply to Invercargill and Bluff. The ICC holds two resource consents relating to the operation of the plant. The consents are for taking water, and discharging filter backwash water to land and water.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-24 period.

Consent performance summary	2021-22	2022-23	2023-24
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Discharge consent: This consent has several weekly monitoring requirements. All these requirements we completed, and ICC meet all the standards in the consent.

Abstraction consent: The volume of water taken from the Ōreti River at Branxholme met the limits set out in the consent. However, during this period ICC did not comply with the Measurement and Reporting of Water Take Regulations 2010, by not supplying daily abstraction volumes and undertaking verification of their water meters within the timeframes required. This has now been resolved and water meter verifications have been supplied and daily submission of abstraction volumes now occurs.

Milford Sound Tourism Limited

Milford Sound Tourism Limited is the primary infrastructure provider in Milford Sound.

Milford Sound Tourism Limited owns and operates the harbour, wharves and visitor terminal. It also operates wastewater treatment facilities at Milford Sound and at Knobs Flat.

Milford Sound Tourism holds six resource consents. They are to:

- ▶ carry out maintenance dredging in Freshwater Basin
- ▶ discharge treated wastewater to water at Deepwater Basin
- ▶ occupy part of the coastal marine area with an existing discharge pipe
- ▶ dam, divert and use water at Knobs Flat
- ▶ occupy coastal marine area with wharf and dolphin structures
- ▶ discharge treated wastewater from a wastewater treatment plant to groundwater at Knobs Flat.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No confirmed complaints or self-notifications were received during the 2023-2024 period.

Consent performance	2021-22	2022-23	2023-24
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Site inspections with Milford Sound Tourism showed its staff value the environment and are proactive in caring for it.

The wharf and dolphin at Deepwater Basin are well-maintained, signage is visible at all required sites and experts undertake environmental assessments. Documentation is easily accessed onsite including discharge volumes, maintenance records and its Operations Management Plan.

The wastewater treatment plant is well-maintained and water samples from Deepwater Basin showed results within consent parameters.

During December 2023, Milford Sound Tourism reopened the Knobs Flat wastewater treatment plant after hiring qualified contractors to make alterations and upgrades. Three water samples throughout the summer period were non-compliant with one parameter. Milford Sound Tourism prioritised this issue, with experts from around New Zealand working on the plant. Environment Southland sent a letter of direction to have the issue resolved by next season.

Milford Sound Tourism restored the flow monitoring electronics of a stream damaged by a flood event during 2020. Environment Southland issued a non-supply of data fee to Milford Sound Tourism regarding flow records which were not supplied during the 2023-2024 period. The stream monitoring equipment has since been installed and it is performing well.

Milford Sound Tourism are responsive to resolving issues and excellent at communicating with Environment Southland.

Southland District Council

Wastewater treatment systems

The Southland District Council (SDC) holds resource consents for the purpose of treating and discharging wastewater at 22 locations within the Southland District.

SDC holds 23 discharge consents relating to sewage treatment, including consents to:

- ▶ discharge processed wastewater to land
- ▶ discharge processed wastewater to water
- ▶ discharge contaminants to air from wastewater treatment.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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No incidents were reported related to the sewage discharge or treatment plants for 2023-2024.

Consent performance summary

Balfour	2021-22	2022-23	2023-24
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The daily discharge inflow exceeded the consent outflow limit on 118 occasions during rain. There was no risk of any adverse environmental impacts from these exceedances. The flow limit is currently still being addressed through the re-consenting application.

Browns	2021-22	2022-23	2023-24
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SDC Browns wastewater treatment system was fully compliant with all consent conditions for the 2023-24 period.

Curio Bay	2021-22	2022-23	2023-24
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The discharge *E.coli* limit of 2MPN/100mL was exceeded in two out of three samples with a maximum result of 10MPN/100mL. There was no impact on receiving water quality. SDC investigated and determined three of the 80 membranes in the treatment plant had a leak so they were blocked off fixing the issue. All other monitoring conditions were complied with.

Edendale/Wyndham	2021-22	2022-23	2023-24
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SDC Edendale/Wyndham wastewater treatment system was fully compliant with all effluent quality and receiving water monitoring consent conditions for the 2023-24 period.

The annual average daily discharge inflow exceeded the consent outflow limit, and the maximum daily discharge flow limit was exceeded on 45 occasions during rain. There was no risk of any adverse environmental impacts from these exceedances. The flow limit is currently being addressed through the re-consenting application.

Gorge Road	2021-22	2022-23	2023-24
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SDC Gorge Road wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Lumsden	2021-22	2022-23	2023-24
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SDC Lumsden wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Consent performance summary *CONTINUED*

Manapōuri	2021-22	2022-23	2023-24
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SDC Manapōuri wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Monowai	2021-22	2022-23	2023-24
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SDC Monowai wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Nightcaps	2021-22	2022-23	2023-24
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On one occasion two tests were left off the discharge due to lab error. SDC Nightcaps wastewater treatment system was fully compliant with all other monitored consent conditions for the 2023-24 period.

Ohai	2021-22	2022-23	2023-24
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The Ohai wastewater treatment system was fully compliant with all effluent quality and receiving water monitoring consent conditions for the 2023-24 period.

The daily discharge outflows exceeded the consent outflow limit on 51 occasions during rain. SDC is undertaking ongoing work to reduce stormwater infiltration into the sewerage network.

Otautau	2021-22	2022-23	2023-24
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SDC Otautau wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Riversdale	2021-22	2022-23	2023-24
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SDC Riversdale wastewater treatment system was compliant with all monitored consent conditions for the 2023-24 period.

Riverton Rocks	2021-22	2022-23	2023-24
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SDC Riverton Rocks wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Riverton township	2021-22	2022-23	2023-24
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SDC Riverton township wastewater treatment system was fully compliant with all effluent quality and receiving water monitoring consent conditions for the 2023-24 period.

Stewart Island	2021-22	2022-23	2023-24
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On one occasion the dissolved inorganic nitrogen limit in the water body was exceeded. This is an improvement on previous years. One test was missed on the estuary sample. New disposal lines are being used for the land disposal.

Upukerora Te Anau	2021-22	2022-23	2023-24
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SDC Upukerora Te Anau wastewater treatment system was fully compliant with all monitored consent conditions for the discharge to land, water and air consents for the 2023-24 period. The discharge to land and water consent expired 30 November 2023 and has not been renewed.

Te Anau – Kepler	2021-22	2022-23	2023-24
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The annual wastewater total nitrogen loading to land was exceeded. The review of environmental management is still ongoing. The *E.coli* limit was breached in one bore on one occasion. Investigations showed it was not related to the consented discharge. The remaining monitoring and reporting requirements were complied with for the 2023-24 period.

Consent performance summary *CONTINUED*

Tokanui	2021-22	2022-23	2023-24
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SDC Tokanui wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Tuatapere	2021-22	2022-23	2023-24
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SDC Tuatapere wastewater treatment system was fully compliant with all monitored consent conditions for the 2023-24 period.

Winton	2021-22	2022-23	2023-24
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Two consents were operational over the 2023-2024 period. The first consent was current till 8 December 2023 and the monitoring conditions were complied with. However, the daily inflows were greater than the outflow limit for the reported period. The inflows complied with the new consent limit for the period 9 December 2023-30 June 2024. The new consent required two months of additional sampling and two extra tests however these were not undertaken as the consent holder had accidentally not updated the sampling schedule and test list. These have now been updated to ensure no further monitoring is missed.

Note: The quantity of water discharged is referred to as ‘discharge flows’. Discharge flows are the amount of sewage and wastewater either entering or leaving the sewage treatment system. All exceedances of discharge flows typically correspond to periods of high rainfall. This indicates that there is stormwater entering the sewage systems. Therefore, although the discharge flows have increased the discharge is likely to be more dilute than normal due to mixing with rainwater. Discharge inflows are sometimes used as a proxy for outflows. Oxidation ponds and wetlands provide retention of the wastewater and buffering of the inflows therefore occasional increased inflows will not result in increased outflows.

Stormwater systems

The Southland District Council (SDC) holds five discharge resource consents for discharging stormwater and land drainage water to surface water bodies and soak pits from 18 townships within the Southland region.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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One incident was reported of car driving through a sewage pump station in Edendale in July 2023 resulting in the overland flow of sewage to a stormwater drain. The contamination was quickly isolated and cleaned up with a sucker truck.

Three self-notifications were received of sewage overflows from manholes to the stormwater network during major flooding in Winton, Nightcaps and Lumsden in September 2023. Sites were inspected by SDC and cleaned up as much as conditions allowed.

Similarly one public notification was received of sewage overflows from the network to the stormwater network during flooding in Otautau in September 2023. This was referred to SDC for follow-up.

Consent performance summary

Balfour, Browns, Lumsden, Mossburn, Riversdale, Tokonui and Waikaka	2021-22	2022-23	2023-24
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The monitoring conditions of the consent were compliant for the 2023-24 period.

Dipton, Edendale, Manapouri, Nightcaps, Ohai, Otautau, Tuatapere and Wallacetown	2021-22	2022-23	2023-24
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SDC advised that monitoring was completed as required but received outside the 2023-2024 reporting period.

Winton	2021-22	2022-23	2023-24
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SDC advised that monitoring was completed as required but received outside the 2023-2024 reporting period.

Te Anau	2021-22	2022-23	2023-24
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SDC advised that monitoring was completed as required but received outside the 2023-2024 reporting period.

Water supply

The Southland District Council holds resource consents to abstract groundwater and surface water for community and rural water supply. This includes emergency water takes to supplement urban supply.

SDC has 24 consents to take water and to supply water to 21 townships and rural communities in Southland.

Complaints and self-reported incidents	2021-22	2022-23	2023-24
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There were no complaints or self-reported incidents relating to the SDC water take consents for the 2023-24 period.

Consent performance	2021-22	2022-23	2023-24
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Of the 24 water takes, 2 consents are graded as non-compliant for missing abstraction data for all or part of the year.

In all cases the data was later supplied.



Water Abstraction



Water take consents are divided into two groups depending on the rate water is taken and are monitored in different ways:

- ▶ Low rate water take consents where water has a maximum rate of take of less than 5 litres per second
- ▶ High rate water take consents where water has a maximum rate of take of 5 litres per second or greater.

High rate water takes are regulated in part by Measurement and Reporting of Water Takes Regulations 2010, which has specific requirements about how water volume is measured and how the data is reported.

High rate water take consents

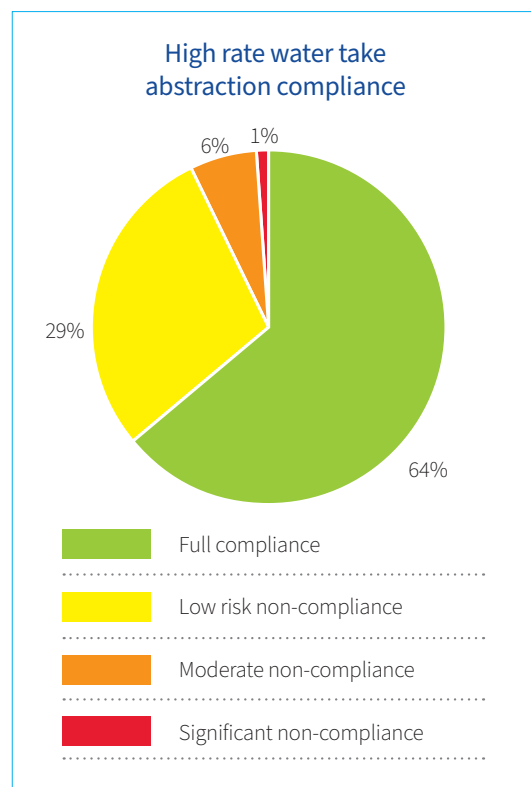
(Abstraction rate 5 litres per second or greater)

There are 203 current high rate water take consents.

Due to an active prioritisation of this work the Resource Management team has assessed the abstraction records of 176 of these consents in 2023-2024, up from 42 in 2022-2023.

This is with the aim of improving our understanding of water use in Southland and providing water consent holders with feedback and better customer service.

While we have recorded a large number of low risk non-compliance that is generally related to data supply or data quality, we are encouraging consent holders to actively engage with their water data contractors and Environment Southland to ensure that the abstraction data we receive is complete and accurate.



Low rate water take consents

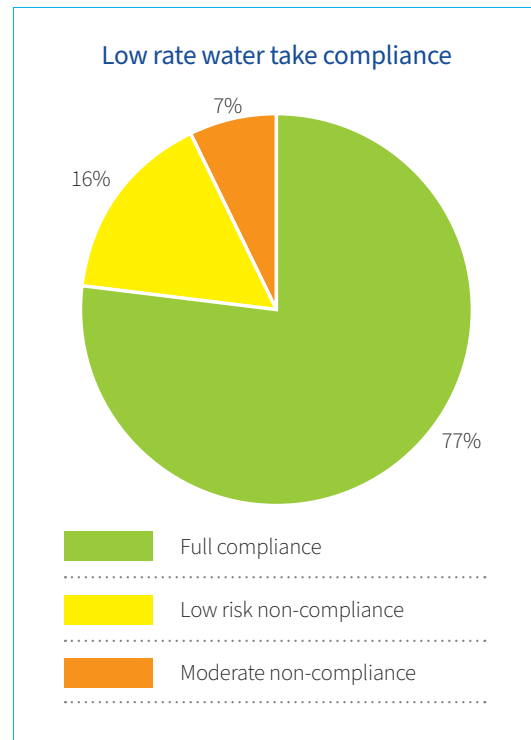
While Southland receives regular rainfall, the demand on our water resources is increasing.

Low risk non-compliance is usually as a result of failing to supply adequate abstraction data as required by the conditions of a consent, while moderate non-compliance is usually indicative of over abstraction.

There are a wide range of industries with low rate water take consents, with the dairy industry having the greatest number – with around 85% of all water take consents abstracting less than 5 litres per second.

At the time of writing, assessment of this year’s abstraction data submissions was ongoing. Early results suggest compliance was consistent with last year.

For the most part Environment Southland adopts an education-first approach to compliance with low rate water take consents. This has resulted in continued improvement in compliance over a number of years. Environment Southland considers enforcement options when dealing with significant or repeated non-compliance.



Fish screen and bore inspections

In 2023-2024 Environment Southland inspected 21 high rate groundwater consents. These inspections focuses on assessing the location of the take, the bore head protection, correct irrigation areas, validation of meters and checks for leaks and offtakes.

Environment Southland is undertaking a programme of inspections of surface water takes, to assess the compliance and effectiveness of fish screens.

This is to ensure that fish are not being trapped or harmed in the pump intake. This is the second year of a five year programme which aims to inspect and assess all surface water consents requiring fish screens.

During 2023-24 17 fish screens were monitored and graded as follows:

- ▶ 5 were non-compliant, requiring action
- ▶ 12 were compliant.

Inspections involved assessing the sweep velocity of water across the screen, the through velocity of water through the screen, and the aperture size of the screen.



Incident Response

Incidents come in many forms and can be either found by resource management officers or reported by members of the public through our online options or our 24/7 phone line (0800 76 88 45).

Incidents include everything from serious pollution situations like contaminants getting into waterways and outdoor burning creating a smoke nuisance through to rubbish complaints. We have an officer on call 24/7 to assess reports based on their urgency and respond as required.

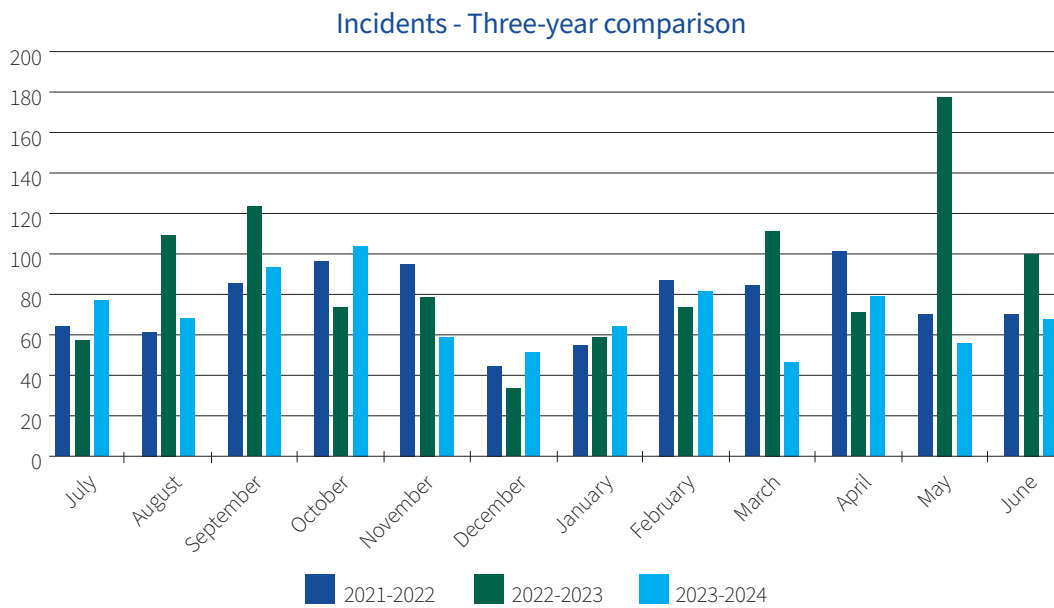
This year the number of incidents logged by the resource management team saw a significant drop.

In the 2023-24 year there 844 incidents (629 public, 215 staff), compared to 2022-23 when 1064 incidents (719 public, 345 staff) were reported.

The response can vary:

- ▶ Some simply require a phone call, others one or more site visits and taking samples. Follow up actions also vary, with many able to be completed on the day or within a few days.
- ▶ Some incidents are quite technical, needing technical expertise and an investigation to establish the full picture and any liability. These investigations can take several weeks or months to arrive at a resolution.

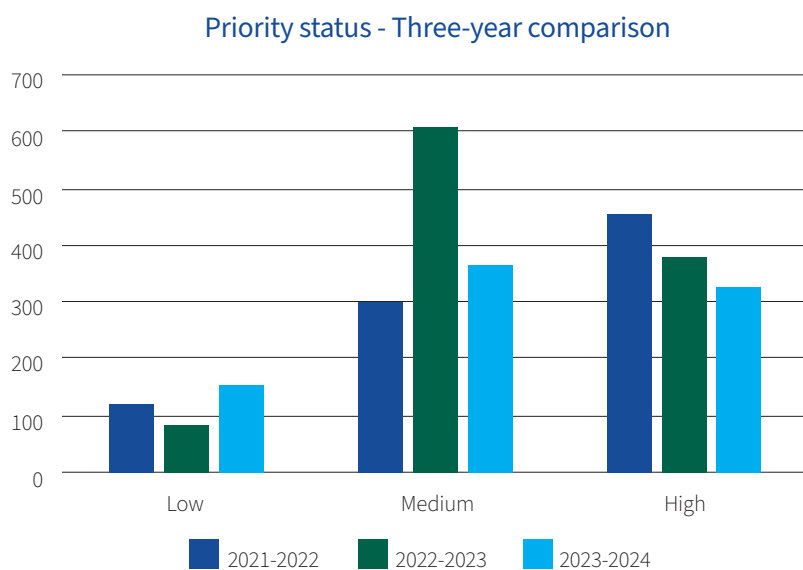
Where possible, the costs involved in attending and investigating an incident are charged to an offending party. Unfortunately for many of the incidents staff attend, like the removal of rubbish and dead stock from waterways, it is not possible to identify the offending party and the costs need to be met by ratepayers.



Priority of incidents

When reported, the initial incident is assigned a priority from High (1-24 hours), Medium (2-4 weeks) Low (1- 6 months). The priority is determined based on the impact to the environment, the community, cultural values, the need for rapid evidence collection and the receiving environment.

There was a decrease in the number of high and medium priority incidents, with a slight increase in the low priority incidents.



Enforcement

Environment Southland has an Enforcement Policy available on our website:

www.es.govt.nz/environment/compliance/compliance-information

This policy highlights the process that Environment Southland will use when considering and completing enforcement action against a person or a company.

Following an investigation into an incident or breach, enforcement action may be considered. When enforcement action is believed to be necessary the resource management team uses the most appropriate tool for the given situation. Enforcement action can be a directive action such as a letter of direction, warning, abatement notice or enforcement order, or it can be punitive, such as infringement or prosecution.

Advice letters

These are used when there is identified minor non-compliance with no immediate environmental impacts and advise people of a rule or regulation they may be breaching or at risk of breaching. These are designed to highlight the issue and give people the opportunity to correct the situation and prevent further non-compliance.

In the 2023-24 year we issued 18 letters of advice which largely related to intensive winter grazing rules, where people were advised prior to stock being on a crop that it would be a breach of the slope or critical source area rules to graze. There were also two letters of advice relating to forestry, one for a whitebait stand and one in relation to a wetland.

Letters of direction and warnings

A letter of direction is used in a minor to moderate situation with a cooperative, motivated party. It is designed to prevent further breaches, or to remedy or mitigate the effects of non-compliance. Normally the letter will give timelines and the action to be taken or ceased.

A formal warning is a written warning to a person or company that has committed an offence. No further action will be taken in respect of the breach, but it will form part of the history of non-compliance. Normally a formal warning will be given in a minor to moderate incident.

During the 2023-24 year, the resource management team issued 55 letters of direction and 39 formal warnings.

Abatement notices

An abatement notice requires an offender to comply with the notice within a specified timeframe.

Unlike enforcement orders they are issued by Resource Management officers and do not require an application to the Environment Court. Depending on the situation, they may be a tool to ensure people do the right thing and we are able to assess that they have, or they can be used in more serious cases to ensure illegal activity having an impact on the environment is ceased.

Non-compliance with an abatement notice is an offence under the Resource Management Act 1991 and can receive infringement fines or prosecution.

During the 2023-24 year, the resource management team issued 30 abatement notices, significantly less than the 60 issued in 2022-2023.

Enforcement orders

An enforcement order is another way of ensuring compliance with the Resource Management Act. It is similar, in some respects to an abatement notice in that it is used to get someone to start or stop doing something.

Where it differs is that anybody (not just the council) can apply for an enforcement order against somebody else. These are issued by the Environment Court rather than the council.

Enforcement orders offer more options than an abatement notice, including the ability to recover clean-up costs in avoiding, remedying or mitigating any adverse effect on the environment.

The court may also order restoration of a natural or physical resource. If the order is not complied with, council may go ahead and comply on the respondent's behalf (and recover the cost of doing so).

Enforcement orders can be issued at sentencing or can be issued prior to enforcement action being taken or alternatively as a sole form of enforcement action.

If a problem or the options to resolve it are complex, enforcement proceedings provide a court-supervised procedure for bringing about a conclusion, and if problems are encountered during the implementation of the solution, direction can be sought from the court.

No enforcement orders were applied for or granted during the 2023-24 year.

Infringement notices

An infringement notice can be issued to an individual or company that has committed a Resource Management Act offence. The infringement fine is \$300, \$500, \$750 or \$1000, and if unpaid, is sent to the Ministry of Justice for fine collection (where further fees are likely to be added).

Infringements are a punitive tool that acknowledge a person or company has breached the Resource Management Act.

Infringements can be appealed. Information on how to make an appeal is included on the back of each infringement notice. Staff can also explain this, and payment arrangements can be made for those struggling to pay.

During the 2023-24 year, the resource management team issued 40 infringement notices. In 2022-23 the resource management team issued 33 infringement notices.

Alternative enforcement action

Environment Southland has developed a diversion policy as an alternative to prosecution in special circumstances.

Diversion has three primary purposes – rehabilitation, reparation and restoration, as well ensuring that the Council's statutory objectives are met.

The chief executive is responsible for determining whether the public interest is best served by the continuation of a prosecution or by an offer of diversion. In assessing eligibility for diversion, the chief executive will consider:

- Offender-based criteria
- Offence-based criteria.

The weight given to particular criteria is a matter for the chief executive's discretion.

In the 2023-24 year there were no cases considered for alternative enforcement action although one case of diversion was finalised. This was for the installation of two unconsented moorings in Harrison Cove, Piopiotahi Milford Sound. The company made a financial contribution to environmental causes in Fiordland and gave a public apology.

Prosecutions

Consideration of an offence for prosecution is done through the Enforcement Policy. Before proceeding the matter is put before the Enforcement Recommendation Panel (ERP) – a group of internal experts who consider the evidence and assess each case against the principles of the Solicitor General's Prosecution Guidelines.

This provides an objective look at each case seeks clarification and makes a recommendation on the final outcome.

The ERP may adopt the investigating officer's recommendation, recommend a different outcome, ask for more information or suggest an independent legal review.

When a legal review recommends prosecution, the chief executive has final sign-off for prosecution action to proceed. This means:

- The evidence which can be presented in court is sufficient to provide a reasonable prospect of conviction – the Evidential Test
- Prosecution is required in the public interest – the Public Interest Test.

In 2023-24 charges were laid in relation to one prosecution although an initial court appearance had not been made in this reporting period.

Glossary

Ammoniacal nitrogen	Ammoniacal nitrogen is rarely found at high levels in natural waters. Its presence is an excellent means of detecting pollution. It is a major component in urine excreted by mammals. High levels of ammoniacal nitrogen are potentially toxic to aquatic life.
cBOD5	Carbonaceous Biochemical Oxygen Demand – A measure of the ability of contaminants to consume and remove oxygen from water, reducing its availability to aquatic life
Clarity	The distance that can be seen through the water. The higher the clarity the greater the visibility in the water.
DRP	Dissolved Reactive Phosphorus – A form of phosphorus that is readily available to plants to sustain growth. High levels of Phosphorus and Nitrogen in receiving waters can promote the growth of nuisance weeds in waterways.
<i>E. coli</i>	Escherichia coli - <i>E.coli</i> is a bacterium that is commonly found in the lower intestine of warm-blooded organisms. They are a subset of the Faecal Coliform group and are regarded as an indicator of faecal contamination and therefore the presence of pathogenic (harmful) bacteria.
EC	Electrical Conductivity – The ability of water to conduct electricity. This gives a conservative measure of the mineral content of water. Generally, the greater the conductivity of the water, the greater the mineral content.
ERP	Enforcement recommendation panel – Environment Southland panel who make internal recommendations.
ES	Environment Southland
Loading	The quantity of contaminants discharged over a set period of time.
MPN	Most Probable Number – a statistical estimate of the mean density of bacteria in a water sample.
NES	National Environmental Standard – A regulation that prescribe standards for environmental matters nationally.
Nitrate	An oxidised form of nitrogen – Nitrate nitrogen is soluble and is therefore readily available to plant life to sustain growth.
Sewage	Domestic human wastewater and excrement.
Sewerage system	A pipe network use to transport sewage.
Stormwater system	A system of pipes and drains that carry rain and snowmelt from street surfaces, roofs and other paved areas. The stormwater system leads directly to waterways.
Total nitrogen	An important element in the growth of plant material. It is required for protein formation and consequently animals have a significant N content. Total Nitrogen is a measure of all nitrogen present.
Phosphorus	Phosphorus is an important element in the growth of plant material. Total Phosphorus is a measure of all phosphorus present, including all forms of phosphorous whether it is tightly bound to particulate matter or potentially available to plant life.
Turbidity	Turbidity is a laboratory measurement to determine the clarity of the water. The higher the result the more cloudy the water.
µg/m3	A measure of concentration in a liquid or gas. Micrograms of material in 1 cubic metre of water. 1 gram = 1,000,000 micrograms.
Wastewater	Water that has been used in the home, in a business or as a part of an industrial process.



10.3 Regional Pest Management Plan Amendment - Velvetleaf

Report by: Ali Meade, Biosecurity & Biodiversity Operations Manager

Approved by: Lucy Hicks, General Manager Integrated Catchment Management

Report Date: 1.11.2024

Purpose

The purpose of this item is to seek Council approval to make minor amendments to the Southland Regional Pest Management Plan 2019-2029.

Summary

In 2016 an incursion of velvetleaf (*Abutilon theophrasti*) was detected in Southland. The incursion response resulted in the search of almost 4,500 ha over 287 properties. Velvetleaf entered New Zealand through contaminated fodder beet seed imported from overseas. Over 500 properties received contaminated seed. Of these 51 were positive for velvetleaf and 28 had plants with seeds.

Velvetleaf is an Unwanted Organism in New Zealand under the Biosecurity Act 1993 and as such the incursion response and subsequent management has been conducted by the Biosecurity New Zealand (BNZ). Environment Southland supported the original response.

After the initial incursion response, several further detections were made and notified to BNZ. There have been no detections since the 2020/2021 growing season. This in turn has led to a decrease in focus from BNZ in managing velvetleaf in Southland. It is now an appropriate time for Environment Southland to take on velvetleaf management. To enable regional management a minor amendment to the Southland Regional Pest Management Plan is being sought.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Regional Pest Management Plan Amendment - Velvetleaf.
- 2 make a minor amendment to the Southland Regional Pest Management Plan 2019-2029 as follows:
 - a. amend Tables 2 and 8 to include Velvetleaf (*A. theophrasti*) as a pest in Southland and include it in the eradication programme.
 - b. amend Table 9 to include a description of Velvetleaf (*A. theophrasti*) and the reasons for including it in the SRPMP.
 - c. amend Table 10 through the addition of Plan Rule 28. Plan Rule 28 requires occupiers to destroy velvetleaf on their land.
 - d. amend Table 24 to include velvetleaf in the monitoring strategy for measuring SRPMP objectives.

Background

Velvetleaf (*Abutilon theophrasti*) is a summer-growing annual plant that can grow up to 1.5m tall or more. The spreading canopy of velvetleaf competes with other plants for sunlight, water and nutrients. It also produces chemicals that inhibit seed germination and seedling root elongation of other plants. Velvetleaf reproduces from seeds, which are produced in large numbers and can survive for up to 50 years in soil. The seeds germinate in large numbers in cultivated areas such as field crops.

Velvetleaf has been accidentally imported into New Zealand with soya bean seed and in fodder beet and as a contaminant of other grains. The seed can also be spread by farm machinery and as a contaminant in silage, straw and hay or in effluent from animals that have been grazing infested land.

In 2016, a national velvetleaf response was declared when contaminated fodder beet seeds were sown in 11 regions across New Zealand. Environment Southland was involved from 6 March 2016 with the support of Emergency Management Southland (EMS) and Biosecurity New Zealand (BNZ). Environment Southland carried-out the Southland part of the incursion response. Overall, a total of 4,443 ha was inspected and 199 velvetleaf plants found. The incursion response was completed at the end of April 2016, when the last 100 ha was inspected and only two plants were found. Overall, 46 people were employed in six teams (personnel supplied by Fonterra, the Southern Institute of Technology, Gore District Council, Invercargill City Council, South Roads, Fulton Hogan, Rural Support Trust, SSG Contracting, Southland District Council and Environment Southland).

Following the initial incursion, a long-term management plan was developed. This plan is managed by BNZ. Environment Southland worked with BNZ to develop farm management plans for contaminated properties. Since then, the Southland focus has been on providing information to farmers to encourage self-surveillance, reporting, good farm hygiene and appropriate land management practices. Annual surveillance of high-risk sites with a biosecurity dog has also occurred. Environment Southland has provided staff time and funding to this programme over the years, but involvement has declined, alongside the risk. No velvetleaf has been found in Southland since the 2020/21 growing season, however, the seedbank can last for 50 years so vigilance and management is still required.

BNZ has transferred the velvetleaf programme from its internal Pest Management Group to its On-Farm Support Group and no longer support an active surveillance programme.

Due to the status of the national response in 2019 when the Southland Regional Pest Management Plan (SRPMP) was being developed, velvetleaf is not included as a pest within Southland. However, velvetleaf is included in the Biosecurity Strategy as a case study that states 'Environment Southland will continue to investigate reports of velvetleaf in Southland'.

Environment Southland Biosecurity staff completed a review of velvetleaf including a cost benefit analysis (appendix 1). The cost benefit analysis considers the potential impact of velvetleaf establishing in the region as well as the possible mitigations.

The cost benefit analysis has concluded that, if established velvetleaf would negatively impact the region by \$7.7 million. This figure includes impacts to dairy, deer velvet and tulip exports where a monetary value could be estimated. Further impacts to these industries as well as sheep and beef farms, horticultural industries, and rural contractors are also predicted.

Options Analysis

Option 1: Do Nothing

This option would continue the existing status quo. Environment Southland would not be actively engaged in or contribute to velvetleaf management in Southland. This option is low cost but could lead to the spread of velvetleaf in the region. It is unlikely that another agency will step into the space and provide information and support.

Pros	Cons	Annual Cost to ES	Annual Cost to landowner
No cost to Environment Southland	No active management or surveillance of velvetleaf in Southland.	\$0	\$0

Option 2: Increase education and surveillance under a voluntary strategic programme (velvetleaf is retained as an Organism of Interest)

This option would retain velvetleaf as a voluntary programme, but biosecurity staff would actively work to support landowners with known velvetleaf sites. Work would include active surveillance using a velvetleaf detection dog team on high-risk sites, annual reminders about velvetleaf through appropriate channels, contact and support to affected landowners. Landowners would be expected to carry-out surveillance and destroy plants found on their property. The programme would be voluntary, and landowners could request or deny access to land for surveillance purposes.

Pros	Cons	Annual Cost to ES	Annual Cost to landowner
Work is done voluntarily and the RPMP would not need to be formally changed. Voluntary surveillance and support to landowners can occur	Some landowners with high-risk sites may choose not to participate and Environment Southland will not be able to require surveillance or control.	\$18,720	\$30 (or 1 hour of labour to cover searching/destroying plants per affected site on property)

Option 3: Add Velvetleaf to the Southland Regional Pest Management Plan as an Eradication pest that is landowner responsibility

This option would make velvetleaf a pest under the Regional Pest Management Plan and gives the responsibility for control to the landowner. Work would include active surveillance using a velvetleaf detection dog team on high-risk sites, annual reminders about velvetleaf through appropriate channels, regular contact and support to affected landowners. Landowners would be expected to carry-out surveillance and destroy plants found on their property. The pest status means that Environment Southland Biosecurity staff would be able to formally inspect properties to actively manage and enforce rules to ensure that landowners are carrying out adequate control.

Pros	Cons	Annual Cost to ES	Annual Cost to landowner
Environment Southland is able to carry out surveillance, support landowners and enforce control if required	A section 100D RPMP plan change would be required	\$55,200	\$30 (or 1 hour of labour to cover searching/destroying plants per affected site on property)

Option 4: Add Velvetleaf to the Southland Regional Pest Management Plan as an Eradication pest that is Environment Southland responsibility

This option would make velvetleaf a pest under the Regional Pest Management Plan and gives the responsibility for control to Environment Southland. Work would include active surveillance using a velvetleaf detection dog team on high-risk sites, annual reminders about velvetleaf through appropriate channels, contact and support to affected landowners. Environment Southland Biosecurity staff would carry-out surveillance and destroy plants found on properties. As a pest, Environment Southland would be able to actively manage velvetleaf by inspecting properties and carrying out control of plants

Pros	Cons	Annual Cost to ES	Annual Cost to landowner
Environment Southland is able to carry out surveillance and would take on the control costs/responsibility so landowners don't have to.	A Section 100G minor RPMP plan change would be required The programme is more expensive as landowners can carry out the control at a lower rate than Environment Southland due to travel and access costs e.g. a landowner can pull out a plant or spray the plant whilst working on other weeds and farm work, whereas Environment Southland staff would have to make a special trip out from town.	\$90,800	\$0

Option 5: Do Nothing now and reassess in 2029 as part of a full Regional Pest Management Plan Review

This option would continue the existing status quo until 2029. Environment Southland would not be actively engaged in or contribute to velvetleaf management in Southland until 2029. This option is low cost but could lead to the spread of velvetleaf in the region. It is unlikely that another agency will step into the space and provide information and support. If velvetleaf does spread within Southland between now and changes to the RPMP in 2029 then control costs would be greater than the costs budgeted in Options 2-4.

Pros	Cons	Annual Cost to ES	Annual Cost to landowner
No cost to Environment Southland	No active management or surveillance of velvetleaf in Southland.	\$0	\$0

Recommendation

Option 3 is the preferred option as it allows Environment Southland to carry out surveillance and enforce rules if required. It enables landowners to manage velvetleaf on their properties themselves with the support of Environment Southland as required.

To implement Option 3, minor amendments to the Southland Regional Pest Management Plan 2019-2029 will need to be made as per Attachment 2. In summary these amendments are:

- a. amend Tables 2 and 8 to include Velvetleaf (*A. theophrasti*) as a pest in Southland and include it in the eradication programme.
- b. amend Table 9 to include a description of Velvetleaf (*A. theophrasti*) and the reasons for including it in the SRPMP.
- c. amend Table 10 through the addition of Plan Rule 28. Plan Rule 28 requires occupiers to destroy velvetleaf on their land.
- d. amend Table 24 to include velvetleaf in the monitoring strategy for measuring SRPMP objectives.

In addition to the formal amendments, staff would:

- update the velvetleaf (*A. theophrasti*) information on Pest Hub to cover best practice removal guidelines and to include the new rules.
- include velvetleaf inspections, monitoring, communication and enforcement in the annual operational plan (as required by Section 100B of Act)

Risks/Opportunities

Options 1 and 5 carry the risk of the velvetleaf seed bank germinating and a population of seeding plants becoming established in the region. An established population would have long-term economic impacts.

Option 2 carries a risk that some landowners will refuse access or not carry-out control resulting in the velvetleaf seed bank germinating and a population of seeding plants becoming established in the region. This is thought to be a low risk as to date landowners have been generally supportive of the velvetleaf programme, however changing ownership and reduced knowledge could result in an increased risk over the 50 year seedbank life.

Option 3 and 4: Environment Southland taking on active management of velvetleaf in Southland is an opportunity to protect the gains made in 2016. It will also highlight how the national biosecurity system can effectively function when programmes transfer from national to regional management following a successful incursion response phase.

Changing the formal status of velvetleaf management in Southland is considered low risk due to the success of the original incursion response.

There may be some public confusion around the change of management agency (from BNZ to Environment Southland).

Views of affected parties

No external parties have been consulted as part of this recommendation, it is considered to be a minor amendment.

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources	X		
Diverse opportunities to make a living	X		
Communities empowered and resilient	X		
Communities expressing their diversity			X

Compliance with Significance and Engagement Policy

There is nothing in this report that triggers this policy

Considerations

Financial Implications

The financial costs of implementing all five of the options are low and can be completed within the existing biosecurity budgets.

Legal Implications

Options 3 and 4 will require an amendment to the SRPMP. Under the Biosecurity Act, Council has the ability to review and amend the SRPMP if it has reason to believe that the plan or part is failing to achieve its objectives; or that relevant circumstances have changed since the plan or part commenced (*Section 100D (2) (a) and (b) Biosecurity Act 1993*).

The type and scale of the change will depend on the decided approach. A cost benefit analysis and public consultation may be required, and the planning process will be determined by the extent of the effects on any person’s rights and obligations.

Adding velvetleaf to the SRPMP could be completed as a Biosecurity Act 1993 Section 100G (4) Minor Changes to Plans. A minor change is completed via a Council resolution and requires Council to be satisfied that:

the amendment:

- (a) *does not have a significant effect on any person’s rights and obligations; and*
- (b) *is not inconsistent with the national policy direction.*

Staff analysis table 1 and legal advice received by Council indicates that option 4 meets these requirements. Option 3 may, but is unlikely to meet these requirements as the BNZ programme has ceased to be active and has already transitioned to a focus on extension and engagement rather than surveillance and control (see legal advice point 7 below).

Table 1 Section 100G(4) analysis completed by Staff	<i>significant effect on any person’s rights and obligations</i>	<i>inconsistent with the national policy direction</i>								
Option 3	<p>By adding velvetleaf to the RPMP Environment Southland becomes Management Agency for velvetleaf. The proposed rules are no more stringent than those previously managed by BNZ (see inset table below).</p> <table border="1" data-bbox="517 1039 970 1731"> <thead> <tr> <th data-bbox="517 1039 751 1137">Existing Obligations under BNZ</th> <th data-bbox="751 1039 970 1137">Proposed obligations under RPMP</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 1137 751 1368">Velvetleaf is an unwanted organism - Sections 52 and 53 of the Biosecurity Act apply</td> <td data-bbox="751 1137 970 1368">Velvetleaf is an unwanted organism & a pest - Sections 52 and 53 of the Biosecurity Act apply</td> </tr> <tr> <td data-bbox="517 1368 751 1467">Landowner is responsible for control</td> <td data-bbox="751 1368 970 1467">Landowner is responsible for control</td> </tr> <tr> <td data-bbox="517 1467 751 1731">Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)</td> <td data-bbox="751 1467 970 1731">Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)</td> </tr> </tbody> </table>	Existing Obligations under BNZ	Proposed obligations under RPMP	Velvetleaf is an unwanted organism - Sections 52 and 53 of the Biosecurity Act apply	Velvetleaf is an unwanted organism & a pest - Sections 52 and 53 of the Biosecurity Act apply	Landowner is responsible for control	Landowner is responsible for control	Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)	Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)	The proposal is not inconsistent with the national policy direction
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Velvetleaf is an unwanted organism - Sections 52 and 53 of the Biosecurity Act apply	Velvetleaf is an unwanted organism & a pest - Sections 52 and 53 of the Biosecurity Act apply									
Landowner is responsible for control	Landowner is responsible for control									
Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)	Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)									
Option 4	<p>By adding velvetleaf to the RPMP Environment Southland becomes Management Agency for velvetleaf. The proposed rules are no more stringent than those previously managed by BNZ and landowner receives additional benefit as Environment Southland will complete the control (see inset table below).</p>	The proposal is not inconsistent with the national policy direction								

Existing Obligations under BNZ	Proposed obligations under RPMP
Velvetleaf is an unwanted organism - Sections 52 and 53 of the Biosecurity Act apply	Velvetleaf is an unwanted organism & a pest - Sections 52 and 53 of the Biosecurity Act apply
Landowner is responsible for control	Environment Southland is responsible for control
Expected cost to landowner \$30 (or one hour of labour to cover searching/ destroying plants per affected site on property)	Expected cost to landowner \$0

Attachments

Nil

10.4 Councillor Code of Conduct

Report by: Amy Kubrycht, General Manager People & Governance

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 11 December 2024

Purpose

The purpose of this item is for Council to consider adopting a revised and updated Councillor Code of Conduct.

Summary

All councils are required to adopt a Code of Conduct under Section 7 of the Local Government Act 2002. The current Code of Conduct is included in the Council's Governance Policies. The Council had previously requested a review of this code, and a comprehensive and thorough review has now been undertaken to ensure all aspects have been considered.

Council is asked to amend its Governance Policies to delete the Members' Code of Conduct (adopted on 24 September 2003) and adopt the appended Code of Conduct as a standalone document.

For Council to adopt the proposed revised Code, Standing Orders (and the Local Government Act) require that 75% of the members present and voting support it.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Councillor Code of Conduct.
- 2 agree the Policy for dealing with alleged breaches of the code:
Decision 1 – A single-step process or two-step process;
Decision 2 - Binding or non-binding recommendations from an investigator;
- 3 adopt a new standalone Environment Southland Council Elected Members Code of Conduct.

Background

As best practice dictates, Council has previously adopted a Code of Conduct applicable to its members. Council developed and adopted this code on 24 September 2003, and it has largely remained unchanged since then.

Local Government New Zealand developed a template document in October 2022, adopting best practice principles at that time, which councils were encouraged to adopt. The Council reviewed this template during a Council Workshop in October 2024.

The current Code of Conduct is significantly outdated and fails to align with other protocols established by the Council. Additionally, it does not address the markedly changed operating environment in which Councillors find themselves, especially with the rise of social media.

The revised code provides:

- an explicit description of unacceptable behaviours;
- an acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to Council;
- establishes the core values that Councillors must prioritise while fulfilling their roles, which were only somewhat implied in the previous version of the Code of Conduct;

- addresses the issue of social media;
- links Council's two other protocols relating to Councillor Communications (in general) and Councillor media;
- provides greater clarity around the processes that will be followed when a complaint is received;
- ensures that the Code applies not only to the elected members but also to appointed members of council /committees;
- references new legislation introduced – Local Government (Pecuniary Interests Register) Amendment Act 2022;
- an amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

Before adopting the code Council needs to consider a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the Council's circumstances, considering diversity in capacity, resources and cultural context.

On page 16 of the attached template, procedures are outlined for investigating and assessing alleged breaches of the code of conduct. It also presents several procedural options that the Council needs to consider before adopting the Policy. The options are:

Decision 1 – A single step or two step assessment process?

This option is concerned with the process that should be followed once a complaint is received. Both are independent of the local authority; however, the two-step process is designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to Council.

1. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

Decision 2 – Binding or non-binding recommendations from an investigator?

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in Councils with small numbers of elected members.

One solution is for Council to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The Council would agree to be bound by that external committee's recommendations.

Please note: The draft template policy makes an investigator's recommendations binding as the default. Before adopting the template, Council must ensure it is comfortable with this option or amend it as appropriate.

Under section four, titled “Behaviours”, the Council must agree to include a provision regarding engagement with staff. This addition will be placed under the heading “Respect” as follows:

Elected members will interact with staff through the Chief Executive or the General Managers.

Risks/Opportunities

This matter pertains to the strategic, political and reputational risks for the Council. It provides an opportunity to enhance an effective leadership culture within Environment Southland.

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources			X
Diverse opportunities to make a living			X
Communities empowered and resilient			X
Communities expressing their diversity			X

Compliance with Significance and Engagement Policy

The code is not subject to consultation and is of low significance, as determined by the Significance and Engagement Policy.

Considerations

Financial implications

There are minimal financial implications.

Legal implications

Adoption of a code is mandatory under the LGA 2002 (see cl.15 Schedule 7, LGA 2002). The Council may review the code, which is generally undertaken at the commencement of a triennium.

The code should complement the Local Government Official Information and Meetings Act 1987 and enable elected members to meet their obligations under the Members Interest Act 1968 and the Local and Official Information and Meetings Act 1987 designed to ensure openness and transparency. The code also references the Protected Disclosures Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety Act at Work Act 2015 and the Harmful Digital Communications Act 2015.

Attachments

1. LGNZ Code of Conduct Template October 2022 [10.4.1 - 38 pages]



TE TIKANGA WHANONGA A LGNZ: THE LOCAL GOVERNMENT CODE OF CONDUCT

Part 1: The LGNZ Code of Conduct template

Part 2: Draft policy for dealing with alleged breaches

Part 3: Attachments

// OCTOBER 2022



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Example six: Councillor Facebook page used to disparage others38

Introduction Kupu whakataki

Congratulations on being elected as a member of local government. Your community has bestowed a unique and special honour on you to represent them and make decisions on their behalf that will provide benefit for current and future generations. It’s an honour that should not be taken lightly. The way you conduct yourself while participating as a member of your council (kaunihera) should reflect the responsibility you have been given and requires you to be inclusive of all, respectful, and to uphold the mana of your position.

The Code of Conduct is designed to ensure that the governance of our local authorities is undertaken with the highest degree of integrity while also providing a safe and rewarding environment in which all elected members can thrive.

All kaunihera have a statutory obligation under the Local Government Act 2002, to adopt a code of conduct. This guide has been prepared to assist kaunihera in meeting that obligation and includes:

- A code of conduct template.
- A draft policy for assessing alleged breaches of the Code of Conduct.
- Supplementary information, including an overview of the legislation that sets standards for ethical behaviour, criteria for assessing alleged breaches and actions that local authorities can take where a complaint has been upheld.

Why a code of conduct? He aha te take o te tikanga whanonga?

Codes of conduct are common features in local government. They complement specific statutes, such as the Local Government and Meetings Act 1987 (LGOIMA), designed to ensure openness and transparency. Codes of conduct are an important part of building community confidence in our system and processes, and contribute to:

- good governance of the city, district, or region,
- effective decision-making and community engagement,
- the credibility and accountability of the local authority to its communities, and
- a culture of mutual trust and respect between members of the local authority and with management.

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Codes of conduct should promote effective working relationships within a local authority and between the authority and its community. It should promote free and frank debate which should in turn result in good decision making.

Codes of conduct are not a means of preventing members from expressing their personal views provided they are clearly signaled as personal views. Rather the code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

Codes of conduct cannot stand alone

Codes of conduct work best when they are supported by other mechanisms. For example, codes should be linked to other procedural documents, such as Standing Orders, which provide rules for the conduct for meetings, while a code governs day-to-day and less formal relationships.

Matters to consider before adopting a code of conduct

To be effective a code needs to be “owned” by elected members; members must be comfortable with the content and the processes for investigating breaches. Nothing is more likely to promote non-compliance than elected members being expected to adhere to something they have had no input into. To reinforce the importance of the code, the Local Government Commission, in its report on codes of conduct to the Minister of Local Government, recommends that the code is included in the statutory briefing made at each local authority’s inaugural meeting.¹

In addition, members should discuss the nature of good governance and the code at their council-organised induction workshop, usually held in the months immediately following local authority elections. It is also recommended that a review of the code is undertaken part way through the triennium, assisted by an independent facilitator.

Review and amendment

Once adopted, the code continues in force until amended by the kaunihera. It can be amended at any time but cannot be revoked unless the kaunihera replaces it with another code. Amendments require a resolution supported by 75 per cent of the kaunihera members present at the kaunihera meeting at which the amendment is considered.

¹ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-worlk/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

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Kaunihera are encouraged to formally review their existing code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, to ensure that the code is fully endorsed by all members.

Changes to the 2019 LGNZ Code of Conduct template

A significant change to the 2022 template is the focus on managing specific types of behaviors, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have also been added to the template:

- An explicit description of unacceptable behaviours.
- An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to kaunihera.
- An acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry²
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

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Part One: Code of Conduct Wāhanga Tuatahi: Anga Tikanga Whanonga

The [council, local, or community board] Code of Conduct has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

Members' commitment Ngā herenga a ngā mema

These commitments apply when conducting the business of the local authority as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

1. treat all people fairly,
2. treat all other members, staff, and members of the public, with respect,
3. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
6. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
7. not bully, harass, or discriminate unlawfully against any person,
8. not bring the local authority into disrepute,
9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
11. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

Please note: a failure to act in accordance with these commitments may result in a complaint being taken against you.

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members. Members of a local authority must comply with the Code of Conduct of that local authority. More detail explaining the Code of Conduct is set out in Appendix 1.

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A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in Appendix 2.

Appendix 1: The Code of Conduct explained He whakamārama mō te Tikanga Whanonga

1. Definitions

For the purposes of this Code “member” means an elected or appointed member of:

- the governing body of the local authority,
- any committee or sub-committee of the local authority,
- any local board of the local authority, or
- any community board of the local authority.

Local authority means the kaunihera, local board or community board which has adopted this Code.

2. Te Tiriti o Waitangi

The [name] kaunihera commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. Tino Rangatiratanga: The principle of self-determination provides for Māori self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
2. Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Māori, within the context of iwi and Māori expectations. Kaunihera should identify opportunities, and develop and maintain ways, for Māori to contribute to kaunihera decisions, and consider ways kaunihera can help build Māori capacity to contribute to council decision-making,
3. Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
4. Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapū and whanau within their respective rohe,
5. Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Māori.

3. Principles of good governance

Members recognise the importance of the following principles of good governance.

- **Public interest:** members should act solely in the public interest.

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- **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- **Tāria te wā and kaitiakitanga/stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** members should be truthful and not misleading.
- **Leadership:** members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

4. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to the following standards of conduct when they are:

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.³

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the council's "Policy for alleged breaches of the Code of Conduct".

Respect

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

³ Please refer to the Guidelines for the responsible use of social media in the LGNZ Good Governance Guide

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In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public’s expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

Bullying, harassment, and discrimination

Members will treat all people fairly and will not:

- bully any person,
- harass any person, or
- discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following⁴:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

⁴ See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

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Sharing information

Members will share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their kaunihera to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclosure such information, for example, to a governing body meeting in public exclusion.

Expressing personal views publicly

Members, except when authorised to speak on behalf of the local authority, will make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role. Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- their comments must not purposefully misrepresent the views of the local authority or other members.

Members will abide by the social media protocols described in Attachment A, LGNZ's Good Governance Guide, available at <https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf>

Provide equitable contribution

Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

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The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

Disrepute

Members will not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

Use of position for personal advantage

Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members must not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

Impartiality

Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and

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- observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's chief executive, or, if the concerns are to do with the chief executive, raise them with the mayor, the council chairperson, or chief executive performance committee.

Maintaining confidentiality

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.

1. they have the consent of a person authorised to give it,
2. they are required by law to do so,
3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or
4. the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

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Appendix 2: Requirement for a code of conduct Te herenga kia whai tikanga whanonga

Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority. It states:

15 Code of conduct

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out –

1. understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:
 - a. behaviour towards one another, staff, and the public; and
 - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
 - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
 - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
 - c. a general explanation of –
 - i. the Local Government Official Information and Meetings Act 1987; and
 - ii. any other enactment or rule of law applicable to members.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
3. A member of a local authority must comply with the code of conduct of that local authority.
4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

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Part 2: Policy for dealing with alleged breaches of the Code

Te kaupapahere hei whakahaere i ngā whakapae i takahia te Tikanga

Introduction

In its 2006 report on codes of conduct, the Office of the Auditor General (OAG) noted that many kaunihera lacked a process for distinguishing between trivial and serious breaches of the code and consequently spent considerable time and resource hearing complaints on inconsequential matters. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint,
- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling 'political' differences, and
- lack of preparedness. Many kaunihera discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

Processes need to be put in place for investigating and resolving breaches of the code and the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the code.

Public Interest

In their report on codes of conduct, the Local Government Commission noted a lack of consistency in the way in which information about complaints and sanctions is communicated to the public. It stated that *"codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA"* (LGC p.16).⁵ Reflecting the Commission's sentiments, the draft template for dealing with alleged breaches does not require minor breaches, or those that can be resolved through mediation, to be reported to the kaunihera. Maintaining confidentiality should reduce the incentive to use a code of conduct for political purposes.

Where a complaint has been referred to an independent investigator the draft policy recommends that the investigator's full report should be tabled at a kaunihera meeting and that should be public unless grounds to exclude the public exist. This reflects the likelihood that complaints that have been

⁵ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <https://www.lgc.govt.nz/other-commission-worlk/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main>

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found to be material, and which have not been able to be resolved through mediation, or less, will of necessity be of high public interest.

Applying a penalty or sanction under the Code of Conduct should ideally be the last, rather than the first response. Most situations should be able to be resolved without the need for sanctions – frequently an apology is all it will take to resolve an issue.

Matters to consider when adopting a policy for dealing with alleged breaches

Having adopted the Code of Conduct members should consider adopting a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the circumstances of each kaunihera, given the diversity in capacity, resources, and cultural context.

The following policy template sets out procedures for investigating and assessing alleged breaches of the Code of Conduct. To ensure the policy is appropriate for the different scale and circumstances of kaunihera, the template provides a range of procedural options that need to be considered before the Policy should be adopted. The options are:

Decision 1 - A single step or two step assessment process?

This option is concerned with the process that should be followed once a complaint is received. Both are independent of the local authority; however the two-step process is designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to the kaunihera. (See Attachment 3.3 for guidance on selecting the initial assessor and independent investigator.)

1. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

Please Note: The LGNZ template employs the two-step process which will need to be removed if a kaunihera chooses a single step process, or a third option.

Decision 2 – Binding or non-binding recommendations from an investigator?

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in kaunihera with small numbers of elected members.

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One solution is for a local authority to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations.

Please note: The draft template policy (below) makes an investigator's recommendations binding as the default. Before adopting the template, local authorities need to make sure they are comfortable with this option or amend it as appropriate.

Process for adopting a policy for dealing with alleged breaches

Whether discussed at a council's induction, a stand-alone workshop, or at a local authority meeting, choices are available, for example:

- The Code of Conduct may be adopted without a policy for dealing with breaches, which may be left for further discussion at a later date.
- The Code of Conduct and the breach policy are adopted together, after members have made decisions about the investigation process (one or two step) and recommendations (binding or not) have been made.

The Attachments (set out in Part 3) are not part of the Code of Conduct or the breach policy, except where they are referenced explicitly. They have been prepared to assist members and officials implement the Code of Conduct and the breach policy.

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The [*name*] Council policy for investigating and ruling on alleged breaches of the Code of Conduct Te kaupapahere o te Kaunihera o [*ingoa*] hei tiro tiro me te whakatau i ngā whakapae kua takahia te Tikanga Whanonga

Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- The complaints process will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution⁶.

Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

Role of the initial assessor⁷

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

⁶ For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

⁷ See Attachment 3.2 for advice on the appointment of an Initial Assessor.

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If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may initiate one of the following:

1 Refer to a chair or mayor

In the case of a breach that is not serious or amendable to mediation, the initial assessor may refer the person responsible for the alleged breach to the chair or mayor for their advice and guidance. These will not be reported to the local authority. A meeting or meetings with the chair will be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair’s consideration:

- That the member attends a relevant training course.
- That the member work with a mentor for a period.
- That the member tenders an apology.

2 Mediation

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

3 Refer to an independent investigator

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the local authority’s independent investigators’ panel assembled by the chief executive, or an independent investigator service that is contracted to the kaunihera. Complaints that involve a chairperson or chief executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the local authority.

Role of the independent investigator⁸

The independent investigator will:

- determine whether a breach has occurred,

⁸ See Attachment 3.2 for advice on the appointment of an Independent Investigator.

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- if so, determine the seriousness of the breach, and
- determine actions that a local authority should take in response to the breach.

Any recommended actions made in response to a complaint that has been upheld are binding on the local authority. This is to ensure the process for investigation is free of any suggestion of bias and reduces the cost of the complaints process, by reducing the time spent on it, by members and officials.

Determining the significance of an alleged breach

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- Was the breach intentional or unintentional?
- Did it occur once or is there a pattern of recurring behaviour?
- Does the breach have legal or financial ramifications for the kaunihera?
- What is the impact of the breach on other elected members, on kaimahi (officials) and on the community in general?

Independent investigator can make a binding rule

On completing their investigation, an independent investigator may dismiss a complaint or make a binding ruling which the governing body will implement. The independent investigator's ruling will be contained in a report to the kaunihera chief executive which will form the basis of a consequent report to the governing body to inform them of the decision and the actions that they may be required to take.

Please note: All actions taken in the implementation of a policy must be consistent with the Bill of Rights Act 1990. No appeal right is included in the Code of Conduct. Members who are unhappy with an independent investigator's decision have access to judicial review and/or the Ombudsman's Office.

Costs and support

Kaunihera must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

The costs of assessment and investigatory services will be met by the relevant kaunihera.

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Part 3: Attachments Ngā tāpiritanga

3.1: Process for determining and investigating complaints Te tukanga whakatau me te tiroiro i ngā amuamu

Step 1: Chief executive receives complaint

All complaints made under this Code of Conduct must be made in writing and forwarded to the chief executive who will refer the complaint to the initial assessor. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- inform the respondent that a complaint has been made against them and the name of the independent investigator overseeing the process and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

Step 2: Initial assessor makes an assessment and arranges mediation

1. The initial assessor will undertake an assessment of the merits of the complaint. If they consider it is not valid, the complaint will be dismissed. The complainant will have no recourse or appeal. Grounds for concluding that a complaint has no merit include that it is trivial, vexatious, frivolous, or politically motivated.
2. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
3. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the chief executive at the start of the triennium, or service contracted to the local authority. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the independent investigator.

Step 3: Independent investigator to inquire and conclude on the matter

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a report for the kaunihera on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

- consult with the complainant, respondent, and any affected parties,
- undertake a hearing with relevant parties, and/or

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- refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report the chief executive, or initial assessor, will prepare a report for the kaunihera, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

Step 4: Process for considering the investigator's report

The process for responding to the independent investigator's report will vary according to the adopted Policy for determining and investigating complaints.

Process if the independent investigator's recommendations are binding

Where the council's policy for determining and investigating complaints provides for an independent investigator's recommendations to be binding on the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and their full report, will be presented to the governing body for its information only.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.

Process if the independent investigator's recommendations are non-binding

Where the council's Policy for determining and investigating complaints give an independent investigator the power to make recommendations to the local authority, then:

- the chief executive's report, containing the independent investigator's recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints,
- The governing body, or local/community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The governing body, local/community board, or committee/sub-committee with delegated authority, may accept the investigator's recommendations or, if they believe it is justified,

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amend the independent investigator's recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members.

- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Attachment Three.

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3.2: Selecting the initial assessor and independent investigator Te kōwhiri i te tangata motuhake me te kaitirotiro motuhake

Selecting an initial assessor

The chief executive is responsible for this. In selected the initial assessor, the chief executive will consult with the local authority.

The initial assessor should be a person, or a position, that is independent of a local authority's political governance, while also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- The external appointee on a kaunihera's Audit and Risk Committee.
- A member of staff, such as an internal ombudsman or ethics adviser, as long as they have operational independence from the chief executive (similar to the independence afforded an Electoral Officer).
- A retired local authority chief executive.
- A retired local authority politician.
- A member of the public with relevant experience and competency.

Selecting an independent investigator⁹

The chief executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the chief executive, in consultation with the kaunihera, will compile a list of independent investigators. In selecting them, a chief executive may consider:

- the council's legal advisers,
- a national service specialising in public sector integrity,
- a national service providing assessment and investigation services, or
- an individual with relevant skills and competencies.

Please note: Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The chief executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

⁹ At time of publication LGNZ is exploring options for the establishment of a national investigation and assessment service.

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3.3: Actions that may be applied when a breach has been confirmed Ngā mahi ka whāia pea ina whakatauhia tētahi takahanga

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

1. That no action is required.
2. That the member meets with the mayor/chair for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the local authority sends a letter of censure to the member.
9. That the local authority passes a vote of no confidence in the member.
10. That the member loses certain kaunihera-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.
12. That the member be subject to restricted entry to kaunihera offices, such as no access to staff areas (where restrictions may not previously have existed).
13. That the member be subject to limitations on their dealings with kaunihera staff, other than the chief executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the council.

Please note: Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.

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Responses to statutory breaches

In cases where a breach of the Code of Conduct is found to involve regulatory or legislative requirements, the chief executive will refer the complaint to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA).
- Breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under section 44 LGA 2002 which may result in the member having to make good the loss or damage).
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

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3.4: Legislation which sets standards for ethical behaviour Ngā ture e whakatakoto ana i ngā paerewa mō ngā whanonga matatika

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,
8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Local Government Official Information and Meetings act 1987

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

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There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

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

Other reasons for withholding – withholding the information is necessary to:

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these 'other' reasons, a public interest balancing test applies. In these cases the kaunihera must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each kaunihera, and elected members must work within the rules adopted by each kaunihera.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

The role of the Ombudsman

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman's primary role under the Ombudsmen Act 1975 is to

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independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

The Local Authorities (Members' Interests) Act 1968

Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAIMA) and the participation rule (in section 6 of the LAIMA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- a person's spouse or partner is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person or their spouse or partner is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

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However, in some situations outside the two listed in the Act a person can be “concerned or interested” in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the kaunihera.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

The question is not limited to actual bias but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any conflicting interest or relationship, and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

Seeking exemption from the Auditor-General

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
 - a. the application of the rule would impede the transaction of business by the council; or
 - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General’s Guidance for members of local authorities about the law on conflicts of interest.

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Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

- an offence
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government

Kaunihera need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

The Serious Fraud Office Act 1990

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.

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- Risk mitigation to manage risks that can't be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

The Local Government (Pecuniary Interests Register) Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

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The Health and Safety Act at Work Act 2015

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and
- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members’ role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,
- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

The Harmful Digital Communications Act 2015

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual
- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence

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- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](#).

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3.5: Case studies for assessing potential breaches: Ngā rangahau whakapūaho mō te aromatawai i ngā tūpono takahanga

Example one: staff accused of improper motives

Councillor Smith was elected on a platform of stopping the sale of kaunihera housing. The kaunihera has made a decision to sell the kaunihera housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that kaunihera staff advising on the sale “must have owned shares” in the company that proposed to buy the houses.

Cr Smith’s actions in releasing a media statement criticising a decision after it has been made would probably not in and of itself constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement includes an allegation that staff advice was based on improper motives or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the kaunihera’s reputation and the reputation of staff.

Also, there is no qualified privilege attached to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

Example two: leak of confidential information

Cr Jones is on the kaunihera’s Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to kaunihera that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the kaunihera conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the kaunihera as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the kaunihera, which may lead to them not dealing with council in future, or even complaints under the Privacy Act 2020.

In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the committee is an obvious first step. The kaunihera may be liable for prosecution under the Privacy Act 2020 and even to civil litigation.

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In the event that the kaunihera suffers financial loss it may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example three: member purports to speak on behalf of kaunihera

Eastland Regional Council is conducting a performance review of the chief executive. It has established a chief executive Performance Management Committee to conduct the review. In the course of that review the committee meets informally with the chief executive to review which performance targets were met and which were not. The meeting notes that the chief executive has been unable to meet two of his twenty targets and resolves to formally report this to the full kaunihera for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

This action will probably constitute a breach of most codes of conduct in that it:

- breached a confidence,
- presumed to speak on behalf of council,
- purported to commit council to a course of action before the council and made a decision (or even met to consider the matter), and
- failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code of Conduct, Cr Black’s actions will severely undermine the relationship between the chief executive and the kaunihera, which may well constitute grounds for litigation against the kaunihera both in terms of employment and privacy law.

Example four: member criticises staff performance in media

Cr Mary Fogg, concerned about the failure of her kaunihera to respond quickly to resident complaints about flooding in their neighbourhood, expressed her frustration when speaking at a public meeting and, as part of her response to questions stated that kaunihera staff had dropped the ball and failed to take residents’ concerns seriously.

The councillor’s remarks were reported in the local suburban paper and were read by kaunihera staff, some of whom felt that they had been unfairly criticised and raised the matter with their chief executive. The chief executive felt it necessary to lodge a complaint under the council’s Code of Conduct because the member’s comments were disrespectful of staff.

The question for the initial assessor is whether, publicly expressing disappointment in the performance of the staff is a breach of the Code of Conduct. Considerations might include:

- Whether there was a basis of fact for the member’s comments.
- How the member’s views were expressed, that is, as a form of constructive criticism or not.

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- The right of an employer (staff are employed by the local authority) to express a view should an organisation fail to live up to expectations.
- Whether a general statement about the performance of staff is in anyway comparable to a public criticism of an individual staff member, which would be a clear breach and might be an example of intimidation or harassment.

In this case the initial assessor concluded that it was not unreasonable for a member to make general statement about the performance of staff as a collective, indeed, one of her pre-election commitments was to improve the responsiveness of kaunihera staff. However, the assessor also concluded that the article lacked sufficient context to explain why she was disappointed, especially when some of the concerns were outside the control of staff and recommended that the member meet with the mayor to get guidance on how to raise such concerns in the future.

Example five: member accused of using sexist language and humour

Towards the end of the first year of the new triennium, the chief executive received a complaint, signed by four councillors, alleging that Cr Rob Jones regularly used sexist language in meetings, workshops and other official engagements. The councillors who made the complaint alleged that his tendency to call female colleagues 'girls'; interrupt them while speaking or ignore their comments; and that his use of sexist humour was demeaning to women and inconsistent with the behaviours set out in the Code of Conduct; the commitment to treat other members, staff and members of the public with respect. The chief executive forwarded the complaint to the independent investigator.

The investigator, having access to minutes, video recordings and the testimony of other members, was able to easily confirm that the complaint was justified and that both Cr Jones' language and behaviour was inconsistent with the Code. That left the Investigator with the task of determining how serious the breach was and what actions should be taken. Factors that the investigator took into consideration included:

- that the issue had been raised with Cr Jones earlier in the year by a colleague, with no obvious change in behaviour
- that Cr Jones was one of the kaunihera's representatives on its Youth Committee, bringing him into regular contact with young people
- that the kaunihera had adopted a specific policy to be a safe and supportive workplace for both elected members and staff.

Taking these factors into account the Investigator recommended that Cr Jones be removed from his role as a kaunihera representative on the Youth Committee; should be enrolled in a relevant course to better understand offensive behaviour and its impacts; and meet monthly with mayor to monitor his behaviour.

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Example six: Councillor Facebook page used to disparage others

Councillors Sarah Smith and William Getty share political views in common and have recently established a Facebook group through which they promote debate and discussion with like-minded people in their district. Some of the participants in that Facebook Group make posts that include explicit criticism of other councillors, sometimes using explicit language, commenting on things like the way they voted, their motivations and personal matters. Some of the councillors targeted by the abuse complained to Cllrs Smith and Getty who, in response, closed the Facebook page to other councillors, preventing them from joining or viewing the content.

Rather than solve the concerns the decision to close the Facebook to others created additional anxiety for some councillors who became concerned that the page may be sharing their personal details and mis-representing their views. A complaint was made to the chief executive that the Code of Conduct had been breached, on the basis that the decision to exclude them from the website, and the fact that it appeared to me unmoderated, was intimidating, potentially exposed them to harm and allowed promoted statements about them and the council that were clearly untrue. The chief executive referred the complaint to the council's independent investigator.

The investigator found that, while Cllrs Smith and Getty were not directly mis-representing the views of their colleagues, they were indirectly encouraging it, which breached the Code. Because this was the first complaint, and because the two councillors believed that by limiting access to the website, they had addressed the initial concerns, the investigator did not regard the breach as material. She recommended that the two councillors remove the block preventing other councillors from joining or accessing the site and install a system for approving posts, such as a moderator, before they are published.

10.5 Te Puka Rakiura Trust - ES Appointee

Report by: Ali Meade, Biosecurity & Biodiversity Operations Manager

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 15 November 2024

Purpose

For Council to decide its nominee as the Environment Southland representative for the position of Trustee on the Te Puka Rakiura Trust.

Summary

The Council previously endorsed joining the Te Puka Rakiura Trust. On 9 December 2021, Rob Phillips, former Chief Executive, was appointed to the Te Puka Rakiura Trust as the Environment Southland representative. The appointment was for a three-year term. Mr Phillips' current term expires on 9 December 2024.

Environment Southland now has the opportunity to consider the Council's representation on the Trust and to appoint a Trustee to provide oversight for implementation of the Predator Free Rakiura Project.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Te Puka Rakiura Trust - ES Appointee.
- 2 provide direction to staff as to whether Council wishes to make an appointment to the Te Puka Rakiura Trust, and if so, nominate its appointee.

Background

Predator Free Rakiura (PFR) is a nationally and globally significant eradication project (the Project). When successful, it will be the world's largest inhabited-island predator eradication project. Predator Free Rakiura will remove six predators from Rakiura/Stewart Island, the surrounding islands and rock stacks to create a nature haven for community and nature to thrive.

Environment Southland has had a long involvement in the project, including holding a position on the Predator Free Rakiura Engagement and Advisory Group, and formally signing the Predator Free Rakiura Memorandum of Understanding in July 2019.

In 2021, the Te Puka Rakiura Trust (the Trust) was established in collaboration with mana whenua, the Rakiura community, Department of Conservation, Southland District Council, Environment Southland and other stakeholders, to:

1. promote, protect and preserve the natural environment, biodiversity and ecological resilience of Rakiura and surrounding islands by promoting conservation, including through the long-term goal of eradication of introduced mammalian predators (possums, feral cats, hedgehogs and rats), for environmental, economic, social and cultural purposes.
2. restore and protect Rakiura and the resources that support the wellbeing of all species which are taonga to mana whenua to recover and thrive, for the benefit of future generations.
3. encourage and promote the retention, development and use of mātauranga Māori, taonga and cultural expressions.
4. restore and protect indigenous species of flora and fauna, inventions and products derived from indigenous flora and fauna and/or utilising mātauranga Māori.

5. promote, encourage and develop the relationship of mana whenua and the Rakiura community with the natural environment.
6. develop opportunities and support programmes and wānaka that encourage conservation activities, education, management, study, restoration, training and practices.

The Trust Deed is attached. Environment Southland is one of the key partners and has a place on the Trust board. Rob Phillips was appointed to the Trust in December 2021 as the Environment Southland representative. The appointment term was three years, and the appointment expires on 9 December 2024.

Since 2021, the Project has made significant progress, and the Trust has been adapted to meet the current Project needs. The Trust will not be involved with the operational delivery of the predator eradication as this will now be completed by Zero Invasive Predators. The Trust will retain responsibility for the Ngāi Tahu aspirations and the biosecurity workstreams.

Appointment Options

Staff believe that Council has four appointment options.

1. reappoint Rob Phillips;
2. appoint a Councillor;
3. appoint a member of the Executive Leadership Team;
4. decline to have someone on the Trust.

An analysis of the options is provided in the table below.

Option	Pro	Cons
1. Reappoint Rob Phillips	Reappointment of Mr Phillips provides consistency for Environment Southland and the Trust. He is knowledgeable about biosecurity matters and is well connected with the biosecurity system, sector and the work of Council. His involvement provides a high level of technical knowledge, understanding and governance experience.	Mr Phillips has not been an employee of Council for some time; his appointment would therefore be as a consultant. This relationship reduces some Council oversight and complicates administration and reporting. The lack of direct involvement at a staff or councillor level can reduce Council ownership of, and buy-in to, the work and alignment to other Council priorities and issues.
2. Appoint a Councillor	Appointing a Councillor would create a more direct link to Council and allows for better alignment to other programmes and Council outcomes.	Councillors do not have the same extensive experience in biosecurity programmes or connection to the biosecurity sector that the current incumbent has. Any Councillor appointee may not be re-elected in the 2025 Council elections which may necessitate the need to appoint someone else within a short

Option	Pro	Cons
		space of time. This carries an administrative burden as well as a lack of continuity.
3. Appoint a senior member of staff	Appointing a senior member of staff would bring the relationship, oversight and ownership of Environment Southland's involvement in-house. This would improve alignment to other programmes and Council outcomes. It would also enable better alignment of Predator Free Rakiura work to the work of Council.	Members of the current executive leadership team are less experienced in the biosecurity space than the current incumbent.
4. Decline to have someone on the Trust	Declining to hold a position on the Trust would free-up some Council resource.	Environment Southland is a key stakeholder in the Predator Free Project and may have a significant leadership role in any future biosecurity provisions. Declining to be involved in the Trust could limit the ability of Council to be actively involved in the direction and decision making around the project.

Appointment Process

Once nominated by Council, as the Environment Southland representative, the nominated candidate must also be endorsed by the Predator Free Rakiura Engagement and Advisory Group. The Environment Southland representative on this group abstains from the vote.

Risks/Opportunities

Options 1 to 3 all provide benefits to Council and to Te Puka Rakiura Trust. Option 4 carries risks to the effectiveness of future biosecurity planning.

Views of affected parties

The current incumbent has indicated that he is available to continue in the role, should Council wish to so appoint him.

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources	x		
Diverse opportunities to make a living	x		
Communities empowered and resilient	x		
Communities expressing their diversity			x

Compliance with Significance and Engagement Policy

There is nothing in this item that triggers this policy

Considerations

Financial implications

The financial implications of this decision are limited to a few hours of staff, consultant or Councillor time. Annual expenditure is expected to be less than \$5000 which can be accommodated within budget.

Legal implications

There are no legal implications of this decision.

Attachments

1. Te Puka Rakiuira Trust - signed document [**10.5.1** - 26 pages]

TE PUKA RAKIURA TRUST (“Trust”)

At a meeting of the Predator Free Rakiura Leadership Group held 9th September 2021, a resolution was passed approving:


- A. the establishment of a charitable trust to be called Te Puka Rakiura Trust.
- B. the original Trustees to be: Gail Henrietta Maria Thompson, Paul Gerard Norris, Tane Craig Davis and Stewart Rewiti Bull.

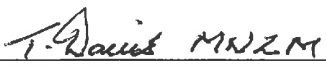
At a meeting of the Trustees held ____ September 2021, the Trustees of the Trust created by Deed dated ____ September 2021 resolved:


- 1. They establish a Charitable Trust named “Te Puka Rakiura Trust”.
- 2. The registered office of the Trust will be c/- FINDEX, 173 Spey Street, Invercargill 9810.
- 3. They appoint FINDEX, Invercargill as accountants for the Trust.
- 4. They appoint AWS Legal as the lawyers for the Trust.
- 5. They apply for registration as a Charity with the Companies Office and then Charities Services.
- 6. They apply for an IRD number for a Charitable Trust.
- 7. To appoint as co-chair Paul Gerard Norris and Gail Henrietta Maria Thompson.

Executed by the Trustees:


Gail Henrietta Maria Thompson


Paul Gerard Norris


Tane Craig Davis


Stewart Rewiti Bull

Trust Deed Te Puka Rakiura Trust

Date:

Parties

1. The **Predator Free Rakiura Engagement and Advisory Group** (those entities named in Schedule One) (together, Settlers)
2. **Gail Henrietta Maria Thompson, Paul Gerard Norris, Tane Craig Davis and Stewart Rewiti Bull** (Original Trustees)

Background

- A. The Settlers have agreed to establish a trust to be known as Te Puka Rakiura Trust (**Trust**).
- B. The Original Trustees have agreed to be the first Trustees of the Trust.
- C. This Trust Deed is entered into by the parties to establish the Trust.
- D. The Original Trustees intend, following establishment of the Trust, to apply to register the Trust under the Charities Act 2005 and to incorporate the Trust under the Charitable Trusts Act 1957.

Agreement

1. Interpretation

1.1. In this Deed, unless the context otherwise requires:

“Act” unless otherwise specified, means the Trusts Act 2019 (and its amendments and replacement legislation)

“Appointer” means each of the organisations (or their successor bodies) as grouped and named below:

- (a) Te Rūnanga o Awarua, Hokonui Rūnaka, Te Rūnanga o Ōraka-Aparima and Waihōpai Rūnaka (**First Appointer**);
- (b) The Predator Free Rakiura Engagement and Advisory Group (**Second Appointer**);

(each (or their respective successor or nominee) an Appointer and together, Appointers).

“Appointment Period” is defined in clause 22.3.

“Board of Trustees” or **“Board”** means the Trustees of Te Puka Rakiura Trust established by this Deed and incorporated as a Trust Board under the Charitable Trusts Act 1957.

“Confidential Information” means information and data obtained by a Trustee in the course of performing its role as a Trustee of the Trust that either:

- (a) was obtained under an obligation of confidence; or
- (b) there is good reason for keeping confidential (for example it is commercially sensitive or constitutes personal information about an individual) but excluding any information which may be established by written records to have been available in the public domain at the time when the information was disclosed.

“Conflict Transaction” is defined in clause 13.2.

“Deed” means this deed and including any amendments to it from time to time.

“Financial Year” means from 1 July to 30 June.

“Independent Trustee” means a person or entity (whether personally or by representation) who:

- (a) does not benefit from the assets of the Trust;
- (b) has not settled property or other assets on the Trust;
- (c) is not a relative of any person who has settled property or other assets on the Trust;

“Memorandum of Understanding” means the Predator Free Rakiura Memorandum of Understanding dated 13 July 2019 between those entities named in Schedule One and any entities that become a party to the Memorandum of Understanding from time to time.

“Predator Free Rakiura Engagement and Advisory Group” (“PFREAG”) means the group established in 2014 and formerly known as the Predator Free Rakiura Leadership Group, consisting of those entities named in Schedule One of this Deed and other entities who become a member of the Group from time to time.

“Project” means the Project and Programme of work known as the ‘Predator Free Rakiura Project’ undertaken by the Trust, the Department of Conservation (‘DOC’), PFREAG and other parties.

“Purposes” are the Charitable Purposes of the Trust as set out in clause 4.1.

“Rakiura” means the main Island of Rakiura (Stewart Island), its surrounding Islands, islets, rock stacks and coastline.

“Related Party” means:

- (a) any company, partnership, trust, or other entity in which any Settlers or Trustee or any spouse or any common law or de facto partner or child of any Settlers or Trustee is financially interested, whether as a shareholder, partner, director, employee, beneficiary or otherwise; or
- (b) any spouse or any common law or de facto partner or child of a Trustee.

“Senior Liaison Officer” means a person from the Department of Conservation appointed to assist the Board of Trustees pursuant to clause 21.

“Special Trust Advisor” means a person appointed to advise and assist the Board of Trustees on any matter relating to the Trust pursuant to clause 20, but who is not a Trustee of the Trust and does not have the powers or duties of a Trustee.

“Tax Act” means the Income Tax Act 2007.

“Terms of Reference” is defined in clause 5.1.

“Trust” means the Trust established by this Deed and known as Te Puka Rakiura Trust.

“Trust Assets” means all money, investments, property and other assets owned or held by the Trustees on the trusts of this Deed from time to time including the income therefrom.

“Trustees” means the Trustees for the time being of the Trust (including all or any of the Original Trustees who remain as Trustees).

“Working Days” means a day (other than a Saturday, Sunday or public holiday) on which registered banks are open for general business in Invercargill, New Zealand.

1.2. In this Deed:

- (a) A person includes any individual, company, corporation, firm, partnership, joint venture, association, organisation, trust, state or agency of state (in each case whether or not having separate legal personality).

- (b) Headings and marginal notes are included for convenience only and do not affect the interpretation of this Deed.
 - (c) Where the context permits, words describing the singular include the plural and vice versa, and words imputing masculine, feminine or neuter gender include all genders.
 - (d) Unless the context otherwise requires, any reference to any legislation includes a modification and re-enactment of that legislation or legislation enacted in substitution for any regulation, Order in Council and other instrument from time to time issued or made under that legislation.
- 1.3. This Deed is binding upon the parties and their respective successors and permitted assigns.

SECTION A – ESTABLISHMENT AND PURPOSE OF THE TRUST

2. Establishment of the Trust

- 2.1. The Settlers will settle an amount of \$1.00 on the Trustees as the initial settlement.
- 2.2. The Trustees agree to act as Trustees of the Trust on the terms set out in this Deed.
- 2.3. The Trust shall comprise all Trust Assets which shall be held on trust by the Trustees and shall be managed and administered on the terms set out in this Deed.
- 2.4. The Trust shall commence on the date of this Deed and shall continue until terminated under clause 31.

3. Name of the Trust

- 3.1. The Trust shall be known as the "Te Puka Rakiura Trust".

4. Purposes of the Trust

- 4.1. The Trustees shall hold the Trust Assets on trust to pay and apply and use the Trust Assets exclusively for the following charitable purposes:
 - 4.1.1. To promote, protect and preserve the natural environment, biodiversity and ecological resilience of Rakiura and surrounding islands by promoting conservation, including through the long-term goal of eradication of introduced mammalian predators (such as possums, feral cats, hedgehogs and rodents), for environmental, economic, social and cultural purposes.
 - 4.1.2. restoring and protecting Rakiura and the resources that support the wellbeing of all species which are taonga to mana whenua to recover and thrive, for the benefit of future generations.
 - 4.1.3. encourage and promote the retention, development and use of mātauranga Māori, taonga and cultural expressions.
 - 4.1.4. restoring and protecting indigenous species of flora and fauna, inventions and products derived from indigenous flora and fauna and/or utilising mātauranga Māori.
 - 4.1.5. promoting, encouraging and developing the relationship of mana whenua and the Rakiura community with the natural environment.
 - 4.1.6. developing opportunities and supporting programmes and wānaka that encourage conservation activities, education, management, study, restoration, training and practices.

(together the "Purposes")

- 4.2. The Trustees shall be empowered to carry out any one or more of the Purposes of the Trust independently of any other Purpose of the Trust.
- 4.3. The Trustees may at any time, after payment of or provision for all costs, charges and expenses of the Trustees in respect of the establishment, management and administration of the Trust, pay or apply all or any of the capital and income of the Trust to promote or advance such of the Purposes as the Trustees determine.
- 4.4. The Purposes of this Trust are or shall be charitable as approved by Charities Services and shall be deemed not to include or extend to any matter or thing which is or shall be held or determined to be non-charitable or not carried out within New Zealand.
- 4.5. Subject always to all activities of the Trust being for the Purposes, the Purposes shall be given the widest possible interpretation and shall include all matters which in the opinion of the Trustees reasonably falls within the ambit of such Purposes.
- 4.6. In pursuing the Trust's Purposes the Trustees shall have regard to and, without fettering the discretion of the Trustees, seek to give effect to:
 - 4.6.1. the Bottom Lines and Principles of the Predator Free Rakiura Leadership Group (now known as the Predator Free Rakiura Engagement and Advisory Group).
 - 4.6.2. the principles of the Treaty of Waitangi.
 - 4.6.3. the Ngāi Tahu Deed of Settlement 1997.
 - 4.6.4. the Predator Free Rakiura Memorandum of Understanding signed on 13 July 2019.

5. Terms of Reference

- 5.1. The Trustees shall prepare a "Terms of Reference" within three months of the date of this Deed (Terms of Reference). The Terms of Reference shall be a guide to the Trustees on how they will conduct themselves to achieve the Purposes. The Terms of Reference will address:
 - (a) the primary goal of delivering the Predator Free Rakiura Project;
 - (b) an outline of the advisory group/committees that the Trustees intend to consult with and take advice from;
 - (c) a conflict of interest policy;
 - (d) a review of the effectiveness of the Trust, to occur two years after the date of this Deed;
 - (e) appropriate steps to ensure succession of governance of the Trust;
 - (f) any other matters deemed relevant by the Trustees acting reasonably.

5.2 Terms of Reference - Predator Free Rakiura Engagement and Advisory Group

The PFREAG is specifically engaged to provide advice on community, industry and stakeholder support for the Project and the Trustees shall prepare a separate Terms of Reference or Memorandum of Understanding (or similar documentation) with the PFREAG to guide the parties on how they will consult and work together.

6. Income, Benefit or Advantage to be applied to Attainment of the Purposes

- 6.1. Any income, capital, benefit or advantage shall be applied to promote such of the Purposes of the Trust as the Trustees determine.

- 6.2. Notwithstanding anything to the contrary in this Deed, no person with some control over the business of the Trust shall direct or divert to their own benefit or advantage an amount from the Trust, except that:
- (a) each Trustee may receive full reimbursement for out of pocket expenses properly incurred by the Trustee in connection with the affairs of the Trust;
 - (b) the Trustees may resolve to pay reasonable remuneration to a Trustee for services rendered that advance the Purposes and any such income paid shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value); and
 - (c) each Trustee may retain any remuneration properly payable to them by any company or other body or firm or undertaking with which the Trust may be in any way concerned or involved for which the Trustee has acted in any capacity whatever, notwithstanding that the Trustee's connection with that company or body or firm or undertaking is in any way attributable to the Trustee's connection with the Trust.
- 6.3. In this clause 6:
- (a) benefit or advantage has the meaning given to it in section CW 42(8) of the Tax Act;
- and
- (b) person with some control over the business has the meaning given to it by sections CW 42(5)–(7) of the Tax Act.

SECTION B – POWERS OF THE TRUST

7. Powers of the Trust

- 7.1. In addition to the powers conferred on the Trustees by law, the Trustees shall have the widest possible powers and discretions to achieve the Purposes of the Trust and shall be empowered to exercise all the rights, powers and privileges and may incur all the liabilities and obligations of a natural person of full age and capacity.
- 7.2. Subject to the provisions of this Deed, the Trustees shall have all powers over and in respect of the Trust and the Trust Assets which they could exercise if they were the absolute and beneficial owners of the Trust Assets. In particular, without derogating from the foregoing and subject to the provisions of this Deed, the Trustees shall have full and absolute power to do the following:
- 7.2.1. enter into contracts with any other person for the purposes of managing and operating the Trust;
 - 7.2.2. purchase, sell, lease or otherwise deal with assets including property (both real and personal) on behalf of the Trust upon such terms as the Trustees think fit;
 - 7.2.3. carry out and pay for repairs and improvements relating to Trust Assets;
 - 7.2.4. insure any Trust Assets for such amounts and on such conditions as the Trustees determine;
 - 7.2.5. borrow or raise money whether unsecured or secured over the whole or any part of the Trust Assets;
 - 7.2.6. instruct agents and consultants to act in relation to Trust Assets or assets intended to be acquired by the Trust;
 - 7.2.7. guarantee the performance of any person in relation to any agreement, security, charge, contract, undertaking or promise and secure any such guarantee by

- mortgage, charge or other encumbrance over the whole or any part of the Trust Assets;
- 7.2.8. agree, enter into and perform any contract, option or other right relating to any part or all of the Trust Assets or proposed Trust Assets;
 - 7.2.9. agree to the release, modification or variation of any rights, privileges or liabilities of any Trust Assets from time to time or any securities given in relation thereto;
 - 7.2.10. enter into any arrangements with any government, public body or authority to obtain any rights, authorities, concessions or clearances and to give any undertakings binding upon the Trustees either generally or on conditions that the Trustees think fit and to carry out, exercise and comply with any of the same;
 - 7.2.11. employ, engage or contract with upon such terms and conditions as to salary, remuneration, contract, payment or other consideration any employee, manager, agent, professional adviser or other person as the Trustees think fit upon such terms as the Trustees deem expedient;
 - 7.2.12. participate in the rights and obligations, including obligations to contribute in any manner to the liabilities of the parties, under any partnership, joint venture, or other agreement relating to Trust Assets or otherwise;
 - 7.2.13. enter into, perform and enforce agreements and arrangements;
 - 7.2.14. institute, prosecute, compromise and defend legal proceedings;
 - 7.2.15. determine whether any money or other Trust Asset is capital or income and what expenses ought to be paid out of income and capital respectively and also apportion blended funds. Every such determination or apportionment shall be final and binding on all persons interested in the Trust provided that such determination is made in good faith and in accordance with the requirements of this Deed;
 - 7.2.16. place or permit to be placed any Trust Assets in the name of any agent or nominee for such period or periods as the Trustees in their absolute discretion think fit;
 - 7.2.17. appoint a custodian Trustee for all or any part of the Trust Assets and to terminate any such appointment;
 - 7.2.18. invest in pooled or mixed forms of investment in common with other investors;
 - 7.2.19. open a bank account or accounts in the name of the Trustees or the Trust and to resolve how banking documents may be signed on behalf of the Trust;
 - 7.2.20. develop, build, demolish, and otherwise make improvements or alterations to any of the Trust Assets in such manner as the Trustees think fit;
 - 7.2.21. receive and make donations and seek sponsorship;
 - 7.2.22. pay all or any of the expenses incurred in connection with the incorporation and establishment of the Trust;
 - 7.2.23. obtain any statutory or similar order or Act of Parliament enabling the Trust to carry or better carry any of its Purposes into effect or to effect any modification to the Deed or for any other purposes which the Trustees consider expedient;
 - 7.2.24. solicit, accept and reject property and gifts;
 - 7.2.25. appoint committees as expedient to carry out the Purposes (in accordance with clause 15.5);
 - 7.2.26. operate any lawful trading activity;
 - 7.2.27. To do all things as may from time to time be necessary or desirable to enable the Board to give effect to and attain the Purposes of the Trust.

- 7.3. Without in any way limiting the wide powers conferred by this clause 7 the Trustees shall have power to invest the Trust Assets and the income from the Trust Assets not immediately required for the Purposes of the Trust.
- 7.4. Without limiting its obligations under this Deed, the Trustees shall ensure that they meet their obligations under the Health & Safety Act 2015.
- 7.4 The Board's powers will not be limited or restricted by any principle of construction or role of law or statutory power or provision except to the extent that it is obligatory.
- 7.5 None of the powers or authorities conferred on the Trustees by this clause or otherwise will be deemed subsidiary or ancillary to any other power or authority. The Board may exercise any of those powers and authorities independently of any other power or authority, If there is any ambiguity, this provision will be construed so as to widen and not restrict the Board's powers, provided however that at no time shall any provision be construed so as to detract from the Purposes of the Trust.

8. Trustees' Indemnity and Liability

- 8.1. In this clause 8, the term Trustee includes:
 - 8.1.1. any current or former Trustee,
 - 8.1.2. any person appointed by a Trustee to exercise specified powers or functions of the Trustee pursuant to section 67 of the Act;
 - 8.1.3. any delegate of any Trustee appointed pursuant to section 70 of the Act;
 - 8.1.4. any Custodian Trustee; and
 - 8.1.5. any Special Trust Advisor.
- 8.2. The Trustees shall not be liable for:
 - 8.2.1. any losses except losses arising from their own dishonesty, default or breach of trust;
 - 8.2.2. any act or attempted act done in exercise of or pursuant to any trust, power or discretion vested in them by this Deed; or
 - 8.2.3. any omission or non-exercise in respect of any trust, power or discretion of the Trustees under this Deed.
- 8.3. The Trustees and every other person acting on behalf of the Trustees shall be indemnified out of the Trust Assets against all liabilities and expenses incurred by them in the exercise or attempted exercise of the trust, powers and discretions vested in the Trustees pursuant to this Deed, and in respect of any matter or thing done or omitted to be done in any way relating to this Deed and/or the Trust. This indemnity shall extend to any payments made to any person whom the Trustees bona fide believe to be entitled to them though it may be subsequently found that the person was not in fact so entitled. The Trustees shall have a lien or charge on the Trust Assets and may retain and pay out of any moneys in the Trust all sums and amounts necessary to give effect to this indemnity.
- 8.4. The liability of the Trustees in connection with this Deed or at law shall at all times be limited to the Trust Assets.
- 8.5. The Board may effect insurance for the Trustees and will meet all costs associated with such insurance.

SECTION C - MODIFYING OR EXCLUDING DEFAULT DUTIES OF TRUSTEES

9. Trusts Act 2019

- 9.1. The default duties of Trustees under the following sections in the Trusts Act 2019 are modified in this Deed:
- (a) Section 29 General duty of care;
 - (b) Section 31 Duty not to exercise power for own benefit;
 - (c) Section 32 Duty to consider exercise of power;
 - (d) Section 33 Duty of Trustees not to bind or commit Trustees to future exercise of discretion;
 - (e) Section 34 Duty to avoid conflict of interest;
 - (f) Section 35 Duty of impartiality;
 - (g) Section 36 Duty not to profit; and
 - (h) Section 37 Duty to act for no reward.
 - (i) Section 38 Duty to act unanimously.
- 9.2 All of the duties listed in the previous sub-paragraph are modified to the extent necessary to give full effect to the following clauses in this Section C and elsewhere in this Deed if required.
- 9.3 In addition to this, the duty to invest prudently (s 30 Trusts Act 2019) is excluded and replaced by the provisions of this Section C.

10. Exercise of discretion

- 10.1 The Trustees shall be empowered to carry out any one or more of the Purposes of the Trust independently of any other Purpose of the Trust.
- 10.2 No Trustee will be liable for the exercise of any discretion in accordance with this Deed except for any loss which arises from the Trustee's dishonesty, wilful misconduct or gross negligence.
- 10.3 The Trustees may by deed give up any of their powers (under this Deed or under any Act), or any part of any of them. This Deed may also bind future Trustees if the deed says this.

11. Trustees' decisions

- 11.1. If the Trustees do not record decisions or give reasons, this must not be treated as an unreasonable or improper action on the part of the Trustees.
- 11.2. A Trustee who believes a proposed decision places that Trustee in a position of conflict of interest may decide not to take part and to allow the other Trustee or Trustees to make the decision. The duties under common law and s 38 of the Trusts Act 2019 to act unanimously are modified so as to allow decisions to be made only by the Trustee or Trustees other than any Trustee or Trustees who wish to avoid such conflict of interest.

12. Trustees who benefit personally

- 12.1. Any Trustee may join in any decision or action, even if that Trustee will benefit personally from doing so and each Trustee will be entitled to act under this Deed and to exercise all of the powers given by it, even though:

- (a) that Trustee is associated with a company, trust or some other entity (whether as director, Trustee or in some other capacity) to which the Trustee sells or leases any property forming part of the Trust Assets or in which the Trustee holds or proposes to acquire shares or other investments as part of the Trust Assets;
- (b) that Trustee is a Trustee of any other trust to or from which it is proposed to sell or purchase shares or other property;
- (c) the personal or other interest or duty of a Trustee in any particular matter may conflict with that Trustee's duty to the Trust;
- (d) the Trustee in whatever capacity or capacities (either alone or in conjunction with any other or others) is both vendor and purchaser or both lessor and lessee;
- (e) the Trustee may be the only one to benefit or receive a distribution as a result of the Trustees' decision.

- 12.2. Any Trustee or Special Trust Adviser who is a professional or business person may charge all usual and proper fees for services performed as a Trustee and for all personal and other services performed in the administration of the Trust, whether performed personally or by that person's firm.
- 12.3. The right to charge will also extend to acts which a Trustee could have done personally even if the Trustee were not in business or a member of a profession and may include a responsibility fee.

13. Conflict of Interest

- 13.1. Subject to clauses 13.3, 13.4, and 13.5, a Trustee is entitled to act under this Deed and to exercise all of the powers conferred on him or her even when the Trustees enter into or propose to enter into a Conflict Transaction for that Trustee.
- 13.2. A Conflict Transaction exists for a Trustee when:
- (a) the Trustee is or may be or becomes associated (whether as director or otherwise in a private capacity or as Trustee of another trust) with any company, partnership, organisation, group or trust with which the Trustee is transacting or dealing in his or her capacity as Trustee; or
 - (b) the interests or duty of the Trustee in any particular matter conflicts or might conflict with his or her duty to the Trust; or
 - (c) the Trustee is transacting or dealing as Trustee with himself or herself in another capacity.
- 13.3. When a Conflict Transaction exists for a Trustee:
- (a) the Trustee for whom the Conflict Transaction exists must declare the nature of the conflict or the potential conflict at a meeting of the Trustees; and
 - (b) the conflict or potential conflict must be dealt with in accordance with the conflict of interest policy referred to in clause 5.1(d).
- 13.4. When there is a Conflict Transaction and, because of clause 13.3, one or more Trustees are not permitted to vote or decide on the Conflict Transaction, the remaining Trustees shall form the necessary quorum and are permitted to vote or decide on the Conflict Transaction.
- 13.5. In the event that there is a Conflict Transaction and, because of clause 13.3, there are at the time no Trustees who are permitted to vote or decide on the Conflict Transaction, the Independent Trustee shall promptly determine whether the Trustees may still enter into

the Conflict Transaction. The Independent Trustee may seek advice from a material expert to assist in making this determination.

14. Trustees who also act as directors

- 14.1. Any Trustee or Special Trust Adviser may act as a director, officer or employee of any company or its subsidiary company even though the shares or debentures of that company form part of the Trust Assets.
- 14.2. The Trustee or Special Trust Adviser may also retain any payment received for acting as director, officer or employee despite any rule of law or equity to the contrary. This will be the case even if the votes or other rights attached to the shares or debentures may have been instrumental (either alone or in conjunction with other votes or rights) in securing that appointment.

15. Delegation

- 15.1. The Trustees shall have to the extent permitted by law, full power to delegate to any officers or employees of the Trustees; or any attorney, agent or other person nominated or appointed by the Trustees, all or any of the powers, authorities and discretions exercisable by the Trustees under this Deed, but without in any way releasing the Trustees from their obligations under this Deed.
- 15.2. Any Trustee may appoint a delegate, agent or attorney, to exercise the duties, discretions and powers of that Trustee, where permitted by law.
- 15.3. The general duty of care does not apply to any appointment described in the previous two clauses.
- 15.4. No Trustee will be liable for any loss arising from lawful appointment of an agent, attorney, delegate or nominee unless the loss arises from the Trustee's dishonesty, wilful misconduct or gross negligence
- 15.5. Without limiting clause 15.1 above, the Trustees may appoint sub-committees, ad hoc committees or executive committees as they may from time to time think expedient for implementing Trustees' decisions and carrying out the Purposes of the Trust. Any such committee may co-opt any other person, whether a Trustee or not, to be a member of that committee. Subject to this Deed and to any directions that the Trustees might give, each committee may regulate its own procedure.
- 15.6. Despite clause 15.1, each payment from the Trust's bank account shall be authorised by at least two Trustees of which at least one must be a co-chair.

16. Investment Principles

- 16.1. The Trustees have authority to invest any or all of the Trust Assets as they think fit at any time.
- 16.2. Section 29 of the Trusts Act 2019 is modified so that it does not apply to investment of the Trust Assets but the Trustees must invest in good faith in what the Trustees believe to be the most conducive to achieving the Purposes.
- 16.3. Section 30 of the Trusts Act 2019 and other legal provisions and rules of law which constrain Trustees' investment duties do not apply and are excluded by this deed.
- 16.4. The clauses in this Section C which follow are intended only to amplify the previous three sub-clauses and to avoid any doubt, nothing in the following clauses is to be read so as to limit the wide provisions of these investment principles.
- 16.5. The Trustees will not be liable for any loss or liability resulting from investment in accordance with any of these investment principles and the clauses which follow. The

Trustees will be indemnified out of the Trust Assets in each such case. However, this clause does not exclude liability for a Trustee's dishonesty, wilful misconduct or gross negligence.

17. Freedom to invest

- 17.1. The Trustees need not diversify investments or maintain a balanced investment strategy.
- 17.2. The Trustees may retain land or interests in land or bank deposits or bank accounts or any other type of investments as the sole or predominant asset class in the Trust Assets.
- 17.3. The Trustees may adopt a portfolio approach to investment, with or without taking advice.
- 17.4. The Trustees may hold wasting assets or those which produce little or no income.
- 17.5. The Trustees may delegate investment decisions, management or allocation to a professional investment manager or advisor or a Trustee corporation.
- 17.6. The Trustees will not have any duty to insist on payment of dividends or distributions from any company they have an interest in.
- 17.7. The Trustees will at all times be entitled, as of right, to a set off of the type specified in Section 129 of the Trust Act 2019, as if this had already been approved by the court.

SECTION D – ADMINISTRATION OF THE TRUST

18. Accounts and Audit

- 18.1. The Trustees shall keep proper records and accounts relating to the Trust including a record of all sums of money received and expended by or on behalf of the Trust.
- 18.2. At the end of each Financial Year, the Trustees shall cause to be prepared by an independent qualified accountant annual accounts for the Trust and may have those accounts audited by an independent qualified accountant appointed by the Trustees.
- 18.3. The Board shall cause to be prepared or filed with the Inland Revenue Department and Charities Services all necessary tax accounts, annual returns, declarations, notices, certificates, reconciliations, and other information required to be prepared or filed so as to allow the Trust to retain its charitable status for taxation purposes and to meet all of its obligations under the Acts administered by the Inland Revenue Department and Charities Services.
- 18.4. All costs associated with the Trustees' obligations under this clause 18 shall be paid by the Trustees using the Trust Assets.

19. The Board of Trustees

- 19.1. The Board will comprise of no less than three (3) Trustees and no more than nine (9) Trustees, unless clause 19.6 applies then the minimum number of Trustees shall be 5.
- 19.2. At all times there must be at least one Trustee appointed by the First Appointer and one Trustee Appointed by the Second Appointer (representing PFREAG).
- 19.3. The signatories to this Deed will be the first Board. A Secretary and Treasurer will also be appointed from among themselves or from non-Trustee members. An election of office-bearers will be held at the first meeting of the Board following the execution of this Deed and whenever a vacancy occurs. The positions of Secretary and Treasurer may be combined.

- 19.4. The Board may continue to act notwithstanding any vacancy, but if their number is reduced below minimum number of Trustees as stated in this Deed, the continuing Trustee/s may act only for the purpose of increasing the number of Trustees to that minimum but for no other purpose other than essential administrative matters.
- 19.5. For the avoidance of doubt, if at any time there are less than 9 Trustees but not fewer than 3 Trustees, the remaining Trustees shall be entitled to act and exercise all powers conferred under this Deed, unless clause 19.6 applies whereby the minimum number of Trustees shall be 5.
- 19.6. On the appointment to the Board of any person who represents a Local Authority, the minimum number of Trustees on the Board will be five (5), and at no time may those representing Local Authorities on the Board represent 50% or more of the board or those entitled to vote.
- 19.7. The name of the Board will be Te Puka Rakiura Trust Board.

20. Appointment and Removal of Trustees

- 20.1. The power to appoint and remove Trustees shall vest in the Appointers as follows:
- 20.1.1. the First Appointer may appoint, and may remove, up to two (2) Trustees;
- 20.1.2. the Second Appointer may appoint, and may remove, up to seven (7) Trustees who:
- (a) Must include as least one (1) Trustee to represent PFREAG; and
 - (b) May include the following:
 - i. One (1) Trustee to represent Southland District Council;
 - ii. One (1) Trustee to represent Southland Regional Council;
 - iii. Independent Trustees.
- 20.2. The power to appoint and remove Special Trust Advisers shall vest in the Appointers as follows:
- 20.2.1. The First Appointer may appoint, and may remove, a representative of Te Runanga o Ngāi Tahu to be a Special Trust Adviser to the Board.
- 20.2.2. The First Appointer may appoint, and may remove, a representative from the following as Special Trust Advisers:
- (a) The Rakiura Titi Islands Administrating Body;
 - (b) The Rakiura Titi Islands Committee.
- 20.2.3. The Trustees may appoint, and may remove, other Special Trust Advisers to the Board from time to time, as they determine are required.
- 20.2.4. The provisions of sections 74-76 of the Act will apply in relation to Special Trust Advisers.
- 20.3. Each of the Original Trustees of the Trust shall be deemed to be Trustees of the Trust from the date this Deed is executed. For the purpose of clause 20.1:
- (a) Gail Henrietta Maria Thompson shall be deemed to be appointed by the First Appointer; and
 - (b) Paul Gerard Norris, Tane Craig Davis and Stewart Rewiti Bull shall be deemed to be appointed by the Second Appointer.

- 20.4. Any appointment or removal under clause 20.1.1 or 20.1.2 shall be in accordance with clause 22.
- 20.5. Any appointment or removal under clause 20.2.3 shall be by a majority of the Trustees.
- 20.6. The appointment of a Trustee shall be vacated if a Trustee:
- (a) resigns by giving written notice to the Board of Trustees;
 - (b) dies;
 - (c) becomes bankrupt or enters into any composition or scheme or arrangement with his or her creditors;
 - (d) becomes of unsound mind or becomes subject to a personal order or a property order under the Protection of Personal and Property Rights Act 1988;
 - (e) becomes for any reason unable to perform the duties of Trustee (such inability to be determined by a resolution of the Trustees and approved by the Appointer who appointed that Trustee);
 - (f) is convicted of any indictable offence;
 - (g) refuses to act;
 - (h) becomes disqualified from being an officer of a charity under the Charities Act 2005;
 - (i) is absent from 3 consecutive meetings of the Board without being granted written leave of absence by the Board;
 - (j) is removed by the Appointer who appointed them by a majority of the entities that form that Appointer.

21. Senior Liaison Officer

- 21.1. In addition to the Trustees appointed under clause 20.1, there shall also be a Senior Liaison Officer appointed by DOC to represent the interests of DOC as a founding party of the Project and in furtherance of the Purposes set out in clause 4.
- 21.2. The Senior Liaison Officer is to be notified of all Board meetings and may attend all Board meetings but, for the avoidance of doubt, it is acknowledged that the Senior Liaison Officer is not a Trustee or a Special Trust Advisor of the Trust.
- 21.3. The Senior Liaison Officer will be DOC's key contact person and the Trust's first port of call for any strategic or management-level discussions regarding the Project.
- 21.4. On or as soon as practicable after the execution of this Deed, DOC will advise the Trust of the name and contact details of its Senior Liaison Officer. DOC may change its Senior Liaison Officer at any time, but must notify Trust of any such change and new name and contact details as soon as practicable after the change.
- 21.5. The Senior Liaison Officer will also serve as the DOC Senior Liaison Officer as identified in any Project Agreement between DOC and the Trust.

22. Appointers

- 22.1. In appointing Trustees under clause 20.1, the Appointers shall act in accordance with the provisions of this clause 22.
- 22.2. It shall be each Appointer's responsibility to identify and appoint a suitable candidate to fill any vacancy for a Trustee that is to be appointed by that Appointer as they arise.
- 22.3. In the event of any vacancy arising in relation to a Trustee, that Appointer responsible for appointing that Trustee shall by agreement appoint a replacement Trustee within 30

Working Days of the vacancy arising (**Appointment Period**). If at the expiry of the Appointment Period, the Appointer has failed to agree on a replacement Trustee, the appointment process set out in Schedule Two shall apply.

- 22.4. Each Appointer shall notify the Trust in writing of any appointment of a Trustee made by the Appointer as soon as such appointment has been made. The Trustees shall record in the Minute Book of the Trust every appointment, reappointment, removal or cessation of office of any Trustee and shall notify Charities Services of all changes of Trustees in accordance with the Charities Act.
- 22.5. Notwithstanding any other provision in this clause 22, if for any reason an Appointer is unable or unwilling to make an appointment to fill a vacancy of a Trustee of the Trust within the timeframe set out in clause 22.3, the remaining Trustees shall continue to act and exercise all powers conferred under this Deed until a replacement Trustee is appointed (subject to clause 19.4).
- 22.6. In the event that any organisation that is, or whose representative is, an Appointer, ceases to exist for any reason, or is placed into liquidation, receivership, has an administrator appointed or is otherwise dissolved, that Appointer shall cease to be an Appointer under this Deed.

23. Co-Chair

- 23.1. The First Appointer and the Second Appointer shall respectively appoint one (1) of the First Appointer's Trustees and one (1) of the Second Appointer's Trustees to the role of co-chair of meetings of the Trustees and determine the term of his or her office as co-chair. The co-chairs shall jointly if both present take the chair at all meetings of the Trustees. The co-chairs shall not have a casting vote either individually or jointly.

24. Proceedings of Trustees

- 24.1. The Board must meet together for the conduct of the affairs of the Trust from time to time, and:
- 24.1.1. must meet at least bi-monthly throughout each year. Meetings may be held in person or by other electronic means.
- 24.1.2. must hold an annual general meeting of the Trust (preferably within 3 months of the end of the Financial Year).
- 24.1.3. may regulate and conduct their meetings as they think fit.
- 24.1.4. must conduct the business and activities of the Trust in an open and transparent manner.
- 24.1.5. may make any rules and regulations which they consider desirable for the purpose of regulating their meetings, including meetings held by electronic means (for example: telephone or skype).
- 24.1.6. may set policies and resolve on courses of action and means of implementing the same so as to achieve the Purposes.
- 24.1.7. will monitor the activities of the Trust to ensure its assets are used as effectively as possible to achieve the Purposes and to demonstrate to those bodies and agencies which fund and support the Trust's activities that the funding and support provided is being effectively applied and utilised.
- 24.1.8. In the absence of both co-chairs, the Board will elect a person to chair the meeting from among the Trustees present.

- 24.1.9. If a Trustee, including an office-bearer, does not attend three (3) consecutive meetings of the Board without leave of absence that Trustee may, at the discretion and on decision of the Board, be requested to be removed and/or replaced as a Trustee, and/or be removed from any office of the Trust which she or he holds.
- 24.1.10. The Secretary will ensure that all members of the Board are notified of the meeting, either verbally or in writing at least five (5) Working Days prior to a Meeting, unless the meeting is called for a matter determined by the Board to be urgent.
- 24.1.11. A special meeting may be called at any time by three (3) or more Trustees, provided that at least one of those Trustees is a co-chair.
- 24.1.12. The Secretary will ensure that a minute book is maintained which is available to any Trustee and which, for each meeting of the Board, records:
- (a) the names of those present;
 - (b) all decisions made by the Board; and
 - (c) any other matters discussed at the meeting.
- 24.2. The quorum of meetings of the Board:
- 24.2.1. will be comprised of one more than half of the current Trustees of the Board and must include at least one of the Trustees of the First Appointer (subject to clause 24.2.2 and 24.2.3).
- 24.2.2. If no Trustee of the First Appointer is present at a duly called meeting of the Board, a Quorum of one more than half of the current Trustees of the Board will be attained if the Board is notified in writing by the Trustee/s of the First Appointer that no Trustee of the First Appointer can attend that meeting.
- 24.2.3. If clause 19.6 applies, the quorum will be five (5) Trustees, and at no time may those representing Local Authorities on the Board represent 50% or more of those entitled to vote.
- 24.3. All acts done by any meeting of Trustees or by any person acting as Trustee will be as valid and effectual as if that Trustee or those Trustees:
- 24.3.1. had been duly appointed;
 - 24.3.2. were qualified to hold office as Trustee; and
 - 24.3.3. had complied with the rules, even if it is later discovered that:
 - (a) there was some defect in the appointment of any of the Trustees;
 - (b) any of the Trustees were for any reason disqualified from holding office as Trustee; or
 - (c) there was accidental failure to comply with the rules.
- 24.4. The Board must appoint:
- 24.4.1. one of their number or some other person to be Secretary to hold office at the Board's discretion.
 - 24.4.2. one of their number or some other suitably qualified and experienced person to be the Hon. Treasurer, to hold office at the Board's discretion.
- The offices of Secretary and Hon. Treasurer may be held by the same person if the Board so desires

- 24.5. Unless otherwise provided for, all resolutions passed at a meeting of the Board must be passed by a majority of Board members present at that meeting and any such resolution will be binding on the Board.
- 24.6. A resolution in writing signed or assented to by a majority of the Trustees of the time being entitled to receive notice of meetings of the Trustees shall be as valid and effective as if it had been passed at a meeting of Trustees duly called and constituted as long as all Trustees were duly notified of the resolution to be signed or assented to. Any such resolution may be signed in counterpart documents and all together will constitute the same document.
- 24.7. The Board may from time to time rescind or vary any resolution of the Board by the same majority as was necessary to pass the resolution being rescinded or varied.
- 24.8. The Board must provide and keep a minute book. The Secretary must prepare and enter a record of all resolutions of the Board in the minute book. If confirmed by the Board, the co-chairs must sign those minutes as a true and accurate record. Every minute purporting to be so signed will be prima facie evidence of the facts stated in those minutes.
- 24.9. The Board must keep an account at a bank, which they may determine from time to time.
- 24.10. Electronic payments using on-line banking must be created and authorised by the persons whom the Trustees have from time to time authorised in writing.
- 24.11. All documents required to be executed by the Board will be deemed to be validly executed and binding if those documents have been signed by one of the co-chairs and one other Board member, or any other person whom the Board has from time to time authorised in writing.
- 24.12. If the Board become incorporated as a Board under the Charitable Trusts Act 1957 then:
- 24.12.1. The Board will provide a common seal for the Trust, which will be:
- (a) Deposited with the Secretary; and
 - (b) Affixed to any document requiring execution by the Board.
- 24.12.2. Every affixing of the common seal must be performed in the presence of and accompanied by two (2) Trustees' signatures, one of which will be one of the co-chairs (or Trustee acting as chairperson), which will be sufficient evidence of authority to affix the seal.
- 24.13. Any notice to be given to the Secretary under this Deed must be in writing signed by the person giving the notice and served at the office of the Trust. Any notice or document so served will be deemed to be duly given:
- 24.13.1. in the case of personal delivery, when so delivered;
 - 24.13.2. in the case of facsimile transmission, when sent to the facsimile number notified in writing by the Trust; or
 - 24.13.3. in the case of posting by ordinary mail, on the third working day following the date of posting to the address for service notified in writing by the Trust; or
 - 24.13.4. in the case of email, when acknowledged by the recipient verbally or by return email or otherwise in writing, except that return emails generated automatically shall not constitute an acknowledgement.
- 25. Teleconference Meeting of Trustees**
- 25.1. The contemporaneous linking together by telephone, video conference or other means of communication of a number of Trustees not less than the quorum (whether or not any one

or more of the Trustees is out of New Zealand) shall be deemed to constitute a meeting of Trustees and all the provisions of this Deed in respect of such meetings shall apply so long as the following conditions are met:

- 25.1.1. All Trustees for the time being entitled to receive notice of a meeting of the Trustees shall be entitled to notice of the meeting by telephone or other means of communication and to be linked by telephone or other means for the purpose of such meeting.
- 25.1.2. Each Trustee taking part in a meeting by telephone or other means of communication must throughout the meeting be able to hear each of the Trustees taking part in the meeting.
- 25.1.3. At the commencement of the meeting each Trustee must acknowledge the Trustee's presence for the purpose of the meeting to all other Trustees taking part.

26. Confidentiality

- 26.1. The Trustees agree to preserve the confidentiality and secrecy of, and will not directly or indirectly reveal, report, publish, transfer or disclose the existence of any Confidential Information except to agents, consultants, and professional advisers (**Representatives**) in accordance with clause 26.2 or where they are required to do so:
 - 26.1.1. by any statutory or regulatory obligation, body or authority;
 - 26.1.2. any judicial or other arbitration process; or
 - 26.1.3. in order to report to the Settlers as required by the Terms of Reference.
- 26.2. When disclosure to Representatives is necessary, the relevant disclosing party shall ensure that the Representatives and Settlers are bound by equivalent duties of confidentiality and non-use as those set out in this clause 26. The disclosing party shall be liable to the other parties for the actions of their Representatives.

27. Method of contracting

- 27.1. Any contract or other enforceable obligation that may be entered into by the Trustees through the powers conferred upon them in clause 7 must be signed by at least two of the Trustees of which at least one must be a co-chair.

28. Counterparts

- 28.1. This Deed may be executed in 2 or more counterparts (which may include scanned pdf and electronic copies), each of which will be deemed an original, but all of which together will constitute the same instrument.

29. Alteration to the Deed

- 29.1. The Board may from time to time alter, rescind or add to any of the provisions of this Deed, by resolution approved by majority of eligible members of the Board, provided that:
- 29.2. At least 14 days clear notice of the intention to move any amendment to this Deed is given to all Trustees and the PFREAG;
- 29.3. No alteration may prejudice the Purposes or nature of the Trust, or that which would amend the Purposes or have the effect of causing the Trust to cease to be a Charitable Trust;
- 29.4. No alteration can be made without the approval of the PFREAG (which will not be unreasonably withheld).

29.5. No amendment made be made under this clause to clauses 6 (Income, Benefit or Advantage to be applied to Attainment of Purposes), 13.3 (Conflict of Interest), 29.3, 29.5 (Alteration to the Deed), 30 (No Private Pecuniary Profit) and 31 (Winding up of the Trust) of this Deed.

30. No Private Pecuniary Profit

30.1. Nothing expressed or implied in this Deed shall permit the activities of the Trust or any business carried on by or on behalf of or for the benefit of the Trust to be carried on for the private pecuniary profit of any individual.

31. Winding up of the Trust

31.1. The Trust shall terminate and be wound up and dissolved if:

31.1.1. the Trust is wound up by law at any time; or

31.1.2. the Trustees resolve by unanimous resolution in writing that the Trust shall be wound up.

31.2. Every resolution to wind up the Trust shall specify an effective termination date of the Trust and thereafter the Trustees shall realise or dispose of the Trust Assets as soon as reasonably practicable in accordance with this clause 30.

31.3. The Trust Assets or the proceeds resulting from them shall be applied by the Trustees upon a winding up in the following order or priority and manner:

31.3.1. first, in meeting all costs, expenses and liabilities of the Trust including the costs and expenses of winding up of the Trust and setting aside any amount that the Trustees consider necessary or desirable in respect of any contingent liability of the Trust; and

31.3.2. second, in the payment or distribution (by instalments if the Trustees consider appropriate) of the remaining assets of the Trust, at the Trustees' discretion, to such other organisation/s in New Zealand which are exclusively charitable and which have Purposes similar to those of this Trust. The receipt of the treasurer or secretary or other proper officer of such trusts or organisations shall be a sufficient discharge to the Board and the Board will not be bound to further see to the application of those funds and assets. If the Board is unable to make such decisions the Trust Assets shall be disposed of in accordance with the directions of the High Court under section 27 of the Charitable Trusts Act 1957.

32. Mediation & Arbitration

32.1. Any dispute arising out of or relating to this Deed may be referred to mediation, a non-binding dispute resolution process in which an independent mediator facilitates negotiation between parties. Mediation may be initiated by either party writing to the other party and identifying the dispute which is being suggested for mediation. The other party will either agree to proceed with mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances. The parties will agree on a suitable person to act as mediator or will ask the Arbitrators' and Mediators' Institute of New Zealand Inc. to appoint a mediator. The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' institute of New Zealand Inc, and

32.2. Any mediation will be held in the town of the office of the Trust, unless as otherwise agreed to by the parties.

32.3. The mediation shall be terminated by-

- 32.3.1. The signing of a settlement agreement by the parties; or
 - 32.3.2. Notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified; or
 - 32.3.3. Notice by one or more of the parties to the mediation to the effect that further efforts at mediation are no longer justified; or
 - 32.3.4. The expiry of sixty (60) working days from the mediator's appointment, unless the parties expressly consent to an extension of this period.
- 32.4. If the mediation should be terminated as provided in 32.3 (b), 32.3 (c) or 32.3 (d), any dispute or difference arising out of or in connection with this Deed, including any question regarding its existence, validity or termination, shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within twenty -one (21) days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc.
- 32.5. The costs for mediation or any other alternative dispute resolution process will lie where they fall, unless agreed otherwise between the parties.
- 32.6. Nothing in this clause 32 prohibits a party to this Deed from applying to any court if they wish to do so.

33. Governing Law

33.1. The Trust shall be governed by and construed in accordance with the laws of New Zealand.

SIGNED by **Paul Gerard Norris** as Chairperson)
of the Predator Free Rakiura Engagement and)
Advisory Group as Settlor and Appointer in the)
presence of:)



Signature of witness: *M English*
Full name of witness: *Mervyn English*
Occupation: *Club Advisor*
Address: *16th Mill Rd South*
Seawood Bush
Invercargill


SIGNED by **Paul Gerard Norris** as Trustee in)
the presence of:)




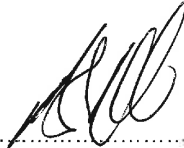
Signature of witness: *M English*
Full name of witness: *Mervyn English*
Occupation: *Club Advisor*
Address: *16th Mill Rd South*
Seawood Bush
Invercargill

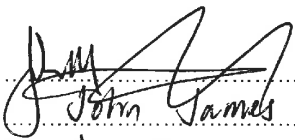
SIGNED by **Gail Henrietta Maria Thompson** as)
Trustee in the presence of:) 

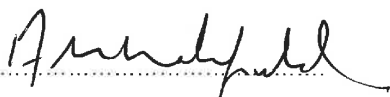
Signature of witness: theask
Full name of witness: Estelle Pera-keask
Occupation: Kaitiaki
Address: 40 Rann St, Bluff

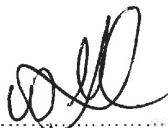
SIGNED by **Tane Craig Davis** as Trustee in)
the presence of:) 


Signature of witness: 
Full name of witness: Aaron Murray Fleming
Occupation: Director operations - DOC
Address: 313 Ramoth Drive, Queenstown


SIGNED by **Stewart Rewiti Bull** as Trustee in)
the presence of:) 

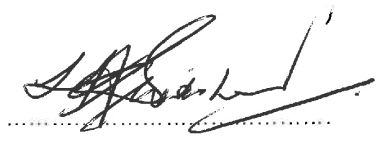
Signature of witness: 
Full name of witness: John James McCarroll
Occupation: Operations Manager - DOC
Address: 78 Chelmsford St, Invercargill

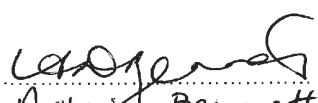
SIGNED by **Anne Wakefield** as Chairperson of)
Te Rūnanga o Ōraka-Aparima as Appointer in)
the presence of:) 

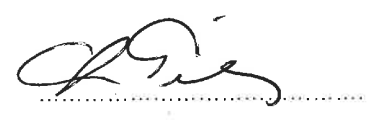
Signature of witness: 
Full name of witness: William (Bubba) Thompson
Occupation: Kaitoko Matauranga
Address: 12 Elizabeth St Bluff

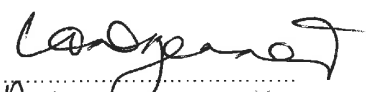
SIGNED by **Dean Whaanga** as Chairperson of)
 Te Rūnanga o Awarua as Appointer in)
 the presence of:) 

Signature of witness: 
 Full name of witness: Stephanie Blair
 Occupation: Manager Te Wai Parera Pa
 Address: 837 Waituna Lagoon Road, BOS Inghill

SIGNED by **Taare Bradshaw** as Chairperson of)
 Hokonui Rūnaka as Appointer in)
 the presence of:) 

Signature of witness: 
 Full name of witness: Arimia Bennett
 Occupation: CEO Te Runanga o Ngai Tahu
 Address: 15 Show Place Cn. Cn.

SIGNED by **Cyril Gilroy** as Chairperson of)
 Waihōpai Rūnaka as Appointer in)
 the presence of:) 

Signature of witness: 
 Full name of witness: Arimia Bennett
 Occupation: CEO Te Runanga o Ngai Tahu
 Address: 15 Show Place Cn. Cn.

Schedule One – Predator Free Rakiura Engagement and Advisory Group

1. Te Rūnanga o Awarua
2. Hokonui Rūnaka
3. Te Rūnanga o Ōraka-Aparima
4. Waihōpai Rūnaka
5. Te Rūnanga o Ngāi Tahu
6. Real Journeys
7. Southland District Council
8. Southland Regional Council
9. Department of Conservation
10. Rakiura Tītī Islands Administration Body
11. Rakiura Tītī Islands Committee
12. Rakiura Māori lands Trust
13. Resident Rakiura Community
14. New Zealand Deerstalkers Association
15. Aquaculture and Commercial Fishing Interests

Schedule Two – Appointment process for Trustees

1. If an Appointer fails to appoint a replacement Trustee in accordance with clause 22.3, the following process shall apply:
 - (a) The Trustees shall call for nominations to fill the vacancy from each entity that forms that Appointer within 15 Working Days of the expiry of the Appointment Period. Each entity shall have the right to nominate the number of candidates that is equal to the number of vacancies. Nominations must be submitted to the Trustees within 15 Working Days of the date on which nominations are called for.
 - (b) The Trustees shall then circulate a list of the nominees to all entities that form that Appointer. Each entity shall be entitled to the number of votes that is equal to the number of vacancies and shall provide to the Trustees in writing by postal vote their vote(s) within 15 Working days of the date on which the list of nominees is circulated.
 - (c) The Trustees shall then calculate the votes and notify the Appointer of the successful candidate(s).
2. In the event of an equality of votes between nominees, the Trustees shall determine, in their sole discretion, which of the tied nominees shall be appointed to fill the vacancy. For the purpose of this clause, in the event of an equality of votes between the Trustees, the co-chairs shall have a casting vote.

10.6 Long-term Accommodation Project Update

Report by: Dominic Rikiti, Special Projects Lead

Approved by: Wilma Falconer, Chief Executive

Report Date: 24 November 2024

Purpose

To provide Council with an update on the Long-term Accommodation Project.

Summary

The following report provides an outline of activity undertaken during the month of October on this project.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report – *Long-term Accommodation Project October Report*

Background

The October monthly project dashboard is included for reference with the key points summarised below:

- all project metrics are continuing to track in line with plan;
- the key deliverables from the Workforce Plan and Workplace Strategy were completed during the month and these are now being used to inform the high-level design options and commercial and financial considerations;
- this information will also support the continuing shared accommodation discussions.

This phase of the Long-term Accommodation project is nearing completion with the indicative business case due to be finalised mid-December for consideration by Council in the new year. The indicative business case is not intended to provide all the information required to 'lock in' a solution such as detailed engineering drawings or soft fit-out requirements but to deliver the necessary information to commit to a solution.

A workshop had been scheduled with Council for 12 December 2024 to provide an overview of the inputs used to complete the indicative business case ahead of consideration in the new year. That workshop is currently being rescheduled, due to a clash of Council commitments on the 12th.

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources	x		
Diverse opportunities to make a living	x		
Communities empowered and resilient	x		
Communities expressing their diversity	x		

Attachments

1. 2024 12 Long term Accommodation Project Dashboa [10.6.1 - 1 page]



Long-term Accommodation – October Monthly Update

Status: This period Last period
 Budget: This period Last period
 Scope: This period Last period
 Time: This period Last period
 Risk: This period Last period

Ref	Milestone	Lead	FY2024/25							
			July	August	September	October	November	December	January	
001	Project Initiation	Dom	◆	◆						
002	Workforce Planning	Gary		◆		◆ ¹			◆ ²	
003	Workplace Strategy	Caroline		◆		◆ ¹		◆ ²		
004	Strategic Accommodation Brief	Dom				◇	◆	◇	◆	
005	Indicative Business Case	Dom		◆						◆

= managed by P&C
 ◆ = planned start
 ◆ = planned finish
 ◆ = complete
 ◇ = changed

Key Achievements This Period

- Studio DB held visioning workshop with Executive
- Workforce strategy workshop held with the leadership group.
- Commencement of Strategic Accommodation Brief
- Council workshop scheduled to update on workplace strategy

Key Actions Next Period

- Meeting with ICC re shared accommodation
- Present key highlights from the workplace strategy
- Continue Strategic Accommodation Brief drafting
- Continue drafting of the indicative business case
- MOU progression with ICC

Budget

Month			Year to Date			FY
Actual	Budget	Var.	Actual	Budget	Var.	Budget
8,186	9,200	1,014	27,250	29,700	2,450	80,000

- Budget reporting does not include the Workforce Planning which is being delivered by the Capability Group. This is being managed and funded through People & Capability

10.7 2025 Councillor Meeting Calendar

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 24 November 2024

Purpose

To have Council consider and adopt the 2025 meeting calendar.

Summary

A draft meeting calendar for the 2025 year is appended for consideration, amendment and formal adoption.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - 2025 Councillor Meeting Calendar.
- 2 adopt the 2025 meeting calendar.

Background

Council is required to develop a meeting schedule for the forthcoming year, for its standing Committees and Council meetings. For the 2025 year, the following matters are noted:

- the office re-opens for business at 8.00 am on Monday, 6 January 2025.
- the first informal session is a strategy workshop scheduled for Wednesday, 29 January 2024.
- the first scheduled meeting of Council is set for Tuesday, 4 February 2025, to deal with any matters that may have arisen over the holiday break, and since the December 2024 meeting.
- scheduled Committee meetings begin in February.
- meetings for the Investment Committee are yet to be scheduled, as these will largely be held on an “as required basis” until such time as they settle into a rhythm. However, meetings for the Appointments Panel have been scheduled to deal with the recruitment of an independent member, and it is anticipated there will need to be meetings held in February to deal with South Port half year result updates.
- the annual round of Catchment Liaison Committee meetings have been held in the month of November this year, and therefore, it is anticipated there will be just the follow-up reporting meeting to the Regional Services Committee to be scheduled.
- the formal workshop schedule is yet to be added to this meeting schedule, but will be developed to assist with progression of the programme of work, and the Annual Plan. The aim would be to hold these on a Wednesday in any week there are not Council meetings, or to follow-on from already scheduled Council or Committee meetings, as time allows.
- the meeting calendar is based around a six weekly meeting cycle for the Strategy & Policy Committee; with the Regional Services and Regulatory Committees meeting quarterly, and the Finance and Performance and Risk & Assurance Committee meetings scheduled to meet relevant reporting timeframes regularly throughout the year.
- where separate/single committee meetings are programmed for a day, it is anticipated the balance of the day will be taken up with either workshop sessions or briefings, to make the best use of Council time and attendance.
- the LGNZ Annual Conference is scheduled to be held on 16 and 17 July 2025, in Otautahi Christchurch, and is likely to have a preconference tour scheduled immediately prior to those dates. This is a month earlier than last year.
- staff have been advised the first meeting for combined Zone 5/6 is to be held in Otautahi Christchurch on 10 and 11 April 2025, but the balance of the meetings for the year are yet to be scheduled.

- dates for the Mayoral Forum, Great South Joint Committee and Te Rōpū Taiao hui are yet to be confirmed. Currently the combined Otago Southland Mayoral Forum and Te Rōpū Taiao scheduled for Wednesday, 5 February 2025 in Queenstown, but that is still subject to confirmation.
- this year the local body elections will be held on 11 October 2025. The intention will be to have this Council adopt the Annual Report for 2024/25 year at the last meeting of Council on 8 October 2025.

It is noted that this calendar is provided based on the best information available at this time, but that it will change regularly throughout the year. Those changes are reported through via the Council agendas on a six weekly basis, and updates will be made to electronic meeting calendars for Councillors.

Risks/Opportunities

This meeting calendar has been established to meet Council’s reporting, Annual Plan and Annual Report requirements. It is noted that changes occur regularly, throughout the year, to meet the needs of Council, and this is therefore largely an indicative look at the year ahead.

Views of affected parties

There are no matters in this report which require consideration under this heading. The calendar will be published on Council’s website

Fit with strategic framework

OUTCOME	CONTRIBUTES	DETRACTS	NOT APPLICABLE
Managed access to quality natural resources	x		
Diverse opportunities to make a living			x
Communities empowered and resilient	x		
Communities expressing their diversity			x

Compliance with Significance and Engagement Policy

There are no issues within this report which trigger matters in this policy.

Considerations

Financial implications

There are no additional financial implications arising from this report.

Legal implications

This report and the associated recommendations comply with the appropriate statutory requirements placed upon Council.

Attachments

1. 2025 Council Calendar (proposed) [10.7.1 - 1 page]

Environment Southland Calendar 2025

	January	February	March	April	May	June	July	August	September	October	November	December		
Monday						2 King's B'day			1			1	Monday	
Tuesday				1		3	1		2			2	Tuesday	
Wednesday	1 NY Day Observ			2 Strat & Pol		4	2 Strat & Pol		3 Council	1		3 Risk & Assur	Wednesday	
Thursday	2 NY Hol Observ			3	1 All LG Mtg	5	3		4	2		4	Thursday	
Friday	3 Office Closed			4	2 RSG	6	4	1	5	3		5	Friday	
Monday	6	3	3	7	5	9	7	4	8	6	3	8	Monday	
Tuesday	7	4 Council	4	8	6	10	8	5	9	7	4	9	Tuesday	
Wednesday	8	5 Te Ropu Talao & MF (OIS)	5 Risk & Assur	9	7	11 Council	9	6	10	8 Council (Adopt)		10 Council	Wednesday	
Thursday	9	6 Waitangi Day	6	10 Zone 5/6 Chch	8	12	10	7	11	9	2025 Local Body Elections 11th Oct		11	Thursday
Friday	10	7	7	11 Zone 5/6 Chch	9	13	11	8	12	10	7	12	Friday	
Monday	13	10	10	14	12	16	14	11	15	13	10	15	Monday	
Tuesday	14	11	11	15	13	17	15	12	16	14	11	16	Tuesday	
Wednesday	15	12	12 Council	16	14	18	16 LGNZ Conf - Chch	13 S&P & Regulatory	17 Strat & Pol	15	12 LGNZ Chairs Induction	17	Wednesday	
Thursday	16	13 SCBCT	13	17	15	19	17 LGNZ Conf - Chch	14 CE Review	16	13 All LG Mtg	18	18	Thursday	
Friday	17	14	14	18 Good Friday	16	20 Matariki	18	15 RSG On-line only	19	17	14 RSG	19	Friday	
Monday	20	17	17	21 Easter Monday	19	23	21	18	22	20	17	22	Monday	
Tuesday	21	18	18	22 Sthland Aniv	20	24	22	19	23	21	18	23	Tuesday	
Wednesday	22	19 S&P & Regulatory	19	23	21 S&P and Regulatory	25 Council Adopt AP/Risk & Assur	23 Council	20 Finan & Perf + Reg Serv	24 Risk and Assur	22	19 S&P and Regulatory	24	Wednesday	
Thursday	23	20	20	24	22 SCBCT	26	24 SCBCT	21	25	23 SCBCT	20	25 - Christmas	Thursday	
Friday	24	21 CE Review	21	25 ANZAC Day	23	27	25	22	26	24	21	26 Boxing Day	Friday	
Monday	27	24	24	28	26	30	28	25	29	27 Labour Day	24	29 - Office Closed	Monday	
Tuesday	28	25 Investment Committee	25	29	27	31	29	26	30	28	25	30 - Office Closed	Tuesday	
Wednesday	29	26 Council Strategy Session	26 Finan & Perf + Reg Serv	26	26 Council	26 Finan & Perf + Reg Serv	30	27	29	27	26 Finan & Perf + Reg Serv	31 - Office Closed	Wednesday	
Thursday	30	27 All LG Mtg	27	30	29	31	28		30	27			Thursday	
Friday	31	28 RSG	28	31	30			29		31 Inaugural Council	28		Friday	
Monday			31										Monday	
Tuesday													Tuesday	

Public Holiday	Regional Sector Group	Committees	Whakamana te Waituna Charitable Trust	Sthland com Strucs Trust
Mayoral Forum	Workshops	LGNZ Conf	Council	
LGNZ Zone mtgs	OSPRI Stakeholders	Ces Forum	South Port Commitments	Liaison Ctes

10.8 Councillors' Meeting Schedule - December 2024

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 24 November 2024

Purpose

The purpose of this item is for Council to consider and approve the meeting schedule as shown on the following pages. It also provides an opportunity for Councillors to seek formal leave of absence from Council activities, if required.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Councillors' Meeting Schedule - December 2024.
- 2 appoint members to represent Council at the meetings as marked on the schedule;
- 3 approve the leave of absence requests as listed in this report or as made verbally at the meeting;
- 4 pay meeting fees and/or allowances in accordance with its policy, and as detailed on the schedule.

Background

This schedule has been prepared in accordance with current Council policy under the remuneration provisions contained in Schedule 7 of the Local Government Act 2002.

Attachments

1. Meeting Calendar - December 2024 Meeting [**10.8.1** - 4 pages]

Councillors Meeting Schedule - December 2024

Leave of Absence Requests (dates inclusive):							
Cr Evans – 23-29 November 2024							
Cr Guyton – 4-14 November 2024							
Cr Ludlow – 14-15 November and 4-6 December 2024							
Cr Morrison – 18-22 November 2024; 27-31 January 2025; 10-14 February 2025; 7-14 March 2025.							
Meeting	Venue	Date	Time	Council Representation	Fees/ Allowances		
					Meeting Fee	Mileage Allowance	Other
Retrospective							
Regional Sector Chairs Online Hui	TEAMS	1 November 2024	9.00 am	Chairman Horrell	-	-	
Local Water Done Well Southland/Otago hui	@ Balclutha	1 November 2024	11.30 am	Cr Ludlow	-	✓	
Great South AGM	@ Great South	12 November 2024	10.00 am	Chairman Horrell	-	-	
Regional Services Committee meeting	@ ES	13 November 2024	9.30 am	RS Committee	-	✓	
Murihiku Slow the Flow Project Update	@ Gore	14 November 2024	2.45 pm	Councillors	-	✓	
Kānoa – Southland Murihiku Growth Summit	@ Invercargill	15 November 2024	8.30 am	Invited Councillors	-	✓	
Councillors online Caucus Session	TEAMS	19 November 2024	5.00 pm	All Councillors	-	-	
Investment Committee meeting	@ ES	20 November 2024	8.00 am	Investment Cte	-	-	
Thriving Southland AGM	@ Otautau	20 November 2024	1.30 pm	Chairman Horrell	-	-	
Regional Transport Committee	@ Balclutha	25 November 2024	9.30 am	Crs McPhail & Morrison	-	✓	
Long-term Accommodation Working Group	@ ES	26 November 2024	10.00 am	Crs McPhail & Morrison	-	✓	
On-site blessing of Mahi Toi cultural elements	@ Stead Street Pump Station	27 November 2024	8.45 am	All Councillors	-	✓	
Council TAMI Workshop – Freshwater	@ ES	27 November 2024	10.00 am	Council and TAMI Board members	-	✓	

Please note, those items with shading or with ~~strikethrough text~~ – indicate changes that have occurred since the last meeting schedule was approved by Council *T = Transport (mileage/air fares/etc) *A = Accommodation costs *R = Course/Conference registration costs E = Expenses incurred in association with visit

Councillors Meeting Schedule - December 2024

Leave of Absence Requests (dates inclusive):							
Cr Evans – 23-29 November 2024							
Cr Guyton – 4-14 November 2024							
Cr Ludlow – 14-15 November and 4-6 December 2024							
Cr Morrison – 18-22 November 2024; 27-31 January 2025; 10-14 February 2025; 7-14 March 2025.							
Meeting	Venue	Date	Time	Council Representation	Fees/ Allowances		
					Meeting Fee	Mileage Allowance	Other
December							
Council caucus session	TEAMS	Tuesday	8.00 am	Councillors	-	✓	
Waiiau Catchment Liaison Committee	Tuatapere	3 December 2024	1.00 pm	Councillors	-	-	
SIT Awards Night	Invercargill		7.30 pm	Chairman Horrell			
Public Meeting with Prime Minister	@ Waimumu	Wednesday 4 December 2024	12.00 noon	Interested Councillors	-	✓	
Chamber of Commerce event – breakfast with PM	@ Langlands	Thursday 5 December 2024	7.30 am	Chairman Horrell	-	✓	
Regional Sector Group online hui	Via TEAMS	Friday 6 December 2024	8.30 am	Chairman Horrell	-	-	
Southland Mayoral Forum	@ GS	Friday	8.30 am	Chairman Horrell	-	✓	
Great South meeting		6 December 2024	9.00 am	Cr McPhail & CE	-		
Southland Mayoral Forum			10.15 am				
Waiiau River Working Party meeting	@ ES	Tuesday 10 December 2024	10.00 am	Crs Evans and Rodway	-	✓	

Please note, those items with shading or with ~~strikethrough text~~ – indicate changes that have occurred since the last meeting schedule was approved by Council *T = Transport (mileage/air fares/etc) *A = Accommodation costs *R = Course/Conference registration costs E = Expenses incurred in association with visit

Councillors Meeting Schedule - December 2024

Leave of Absence Requests (dates inclusive):							
Cr Evans – 23-29 November 2024							
Cr Guyton – 4-14 November 2024							
Cr Ludlow – 14-15 November and 4-6 December 2024							
Cr Morrison – 18-22 November 2024; 27-31 January 2025; 10-14 February 2025; 7-14 March 2025.							
Meeting	Venue	Date	Time	Council Representation	Fees/ Allowances		
					Meeting Fee	Mileage Allowance	Other
Council Caucus Council meet with Executive Ordinary meeting of Council <i>Lunch</i> Risk & Assurance Committee Christmas Function	@ ES @ Invercargill	Wednesday 11 December 2024	9.00 am 9.30 am 10.30 am 12.30 pm 1.00 pm 6.30 pm	All Councillors	-	✓	
Strategy & Policy Committee Council Workshop	@ ES	Thursday 12 December 2024	9.00 am 11.00 am 1.00 pm	All Councillors	-	✓	
Southland Regional Leadership Group meeting	Online	Thursday 12 December 2024	1.30 pm	?	-	✓	
Whakamana te Waituna Charitable Trust meeting	@ ES	Friday 13 December 2024	10.00 am	Chairman Horrell	-	✓	
Te Rōpū Taiao hui	@ TBC	Friday 13 December 2024	1.00 pm	Chairman Horrell Cr Guyton & Rodway	-	✓	

Please note, those items with shading or with ~~strikethrough text~~ – indicate changes that have occurred since the last meeting schedule was approved by Council *T = Transport (mileage/air fares/etc) *A = Accommodation costs *R = Course/Conference registration costs E = Expenses incurred in association with visit

Councillors Meeting Schedule - December 2024

Leave of Absence Requests (dates inclusive): Cr Evans – 23-29 November 2024 Cr Guyton – 4-14 November 2024 Cr Ludlow – 14-15 November and 4-6 December 2024 Cr Morrison – 18-22 November 2024; 27-31 January 2025; 10-14 February 2025; 7-14 March 2025.							
Meeting	Venue	Date	Time	Council Representation	Fees/ Allowances		
					Meeting Fee	Mileage Allowance	Other
Chairman to meet with Janet Copeland Southland Civil Defence Emergency Management Group	@ ES @ ES	Friday 20 December 2024	9.00 am 10.00 am	Chairman Horrell Cr Cook Chairman Horrell	-	✓	

Please note, those items with shading or with ~~struckthrough text~~ – indicate changes that have occurred since the last meeting schedule was approved by Council *T = Transport (mileage/air fares/etc) *A = Accommodation costs *R = Course/Conference registration costs E = Expenses incurred in association with visit

10.9 Common Seal

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 24 November 2024

Purpose

The purpose of this item is for Council to note the documents to which the Common Seal has been placed, under delegated authority, as required by Council's Governance Policies.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Common Seal.
- 2 note the documents to which the Common Seal has been affixed under approved delegation.

Report

The following documents have had the Common Seal applied as provided for under Council's Governance Policies.

22 October 2024

Warrant to Act as Enforcement Officer
Kieran Patrick Geoffrey Young

22 October 2024

Warrant to Act as Enforcement Officer
Christopher Jason Klein

18 November 2024

Deed of Lease of Rural Land between
Southland Regional Council and Christopher James Allan and Phillipa Catherine Pullar

12 Public excluded business | He hui pakihi e hara mo te iwi

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest/s protected by section 7 of that act, that the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of public excluded minutes – Ordinary meeting of Council – 6 November 2024
- Adoption of public excluded committee resolutions – Southland Civil Defence Emergency Management Group meeting – 18 October 2024
- Adoption of public excluded committee resolutions – Finance and Performance Committee – 27 November 2024.
- 12.1 – Southland Heritage & Building Preservation Trust

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

GENERAL SUBJECT MATTER	REASON FOR PASSING THE RESOLUTION	GROUNDS UNDER S.48(1)
Confirmation of public excluded minutes – Ordinary meeting of Council – 6 November 2024	<p>To prevent disclosure or use of official information for improper gain or advantage</p> <p>To carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>S.7(2)(j)</p> <p>S.7(2)(i)</p> <p>S.7(2)(h)</p>
Adoption of public excluded committee resolutions – Southland Civil Defence Emergency Management Group meeting – 18 October 2024.	To prevent disclosure or use of official information for improper gain or advantage	S.7(2)(j)
Adoption of public excluded committee resolutions – Finance and Performance Committee – 27 November 2024	To protection information which is subject to an obligation of confidence where the making available of the information would be likely to (i) prejudice the supply of similar information, or the information from the same source, where it is in the public interest that such information should continue to be supplied, or (ii) would likely otherwise damage the public interest.	S.7(2)(c)

12.1 Southland Heritage Building and Preservation Trust

Report by: Amy Kubrycht, General Manager, People & Governance

Approved by: Wilma Falconer, Chief Executive

Section under the act	The grounds on which part of the Council or committee may be closed to the public are listed in s48(1) of the Local Government Official Information and Meetings Act 1987 (the act)
Sub-clause and reason	S.7(2)(c) - to protect information which is subject to an obligation of confidence where the making available of the information would be likely to (i) prejudice the supply of similar information, or the information from the same source, where it is in the public interest that such information should continue to be supplied, or (ii) would likely otherwise damage the public interest.