

Notice is hereby given of the

Ordinary meeting of Council Te Huinga Tu

Tuesday, 4 February 2025 at 10:30 am

Environment Southland Council Chamber, 220 North Road, Invercargill
2025/C/01

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

Cr Paul Evans is an apology for this meeting, having previously been granted leave of absence from Council business.

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 - Ordinary Meeting of Council - 11 December 2024

Attached are the minutes from the Ordinary meeting of Council held on Wednesday, 11 December 2024, for confirmation.

Minutes of the Ordinary meeting of Council - Te Huinga Tu Held at Environment Southland, 220 North Road, Invercargill Wednesday, 11 December 2024, at 10:30 am



Present:

Chairman Nicol Horrell
Cr Neville Cook
Cr Alastair Gibson
Cr Paul Evans
Cr Jon Pemberton
Cr Robert Guyton
Cr Lyndal Ludlow
Cr Peter McDonald
Cr Jeremy McPhail
Cr Phil Morrison
Cr Maurice Rodway
Cr Eric Roy

Also Present:

Ms Wilma Falconer (Chief Executive)
Mrs Bethia Gibson (Acting General Manager, Corporate Services)
Ms Lucy Hicks (General Manager, Integrated Catchment Management)
Ms Amy Kubrycht (General Manager, People & Governance)
Ms Rachael Millar (General Manager, Strategy Policy & Science)
Mr Sam Rossiter-Stead (General Manager, Community & Engagement)
Mrs Jan Brown (Executive Officer - *Minutes*)

1 Welcome I Haere mai

The Chairman welcomed everyone to the last formal Council meeting for 2024.

2 Apologies I Ngā pa pouri

No apologies were recorded, as all members were present.

3 Declarations of interest

No declarations of interest were received by the meeting.

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

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

Ordinary meeting of Council – Te Huinga Tu – Minutes – 11 December 2024

5 Confirmation of minutes I Whakau korero

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

Resolved:

Moved Cr Ludlow, seconded Cr Roy that the minutes of the Ordinary meeting of Council held on 6 November 2024 be confirmed as a true and correct record.

Carried

6 Adoption of committee resolutions

6.0 Southland Civil Defence Emergency Management Group – 18 October 2024

Resolved:

Moved Cr Cook, seconded Chairman Horrell that the Council adopt the resolutions from the Southland Civil Defence Emergency Management Group meeting held on 18 October 2024.

Carried

6.1 Regional Services Committee - 13 November 2024

In speaking to the record of the meeting, Cr McDonald noted that the Committee was instituting an Ongoing Items register to record and ensure follow-up of Councillor requests made at meetings, going forward.

Resolved:

Moved Cr McDonald, seconded Cr McPhail, that Council adopt the resolutions from the Regional Services Committee meeting held on 13 November 2024.

Carried

6.2 Finance and Performance Committee - 27 November 2024

Resolved:

Moved Cr Rodway, seconded Cr McPhail, that Council adopt the resolutions from the Finance & Performance Committee meeting held on 27 November 2024.

Carried

Ordinary meeting of Council – Te Huinga Tu – Minutes – 11 December 2024

7 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.

8 Questions I Patai

8.1 Questions I Patai

The following responses were posed to the questions raised in the meeting, and recorded in the agenda.

Cr Evans' question re baleage wrap - Cr McDonald undertook to raise these concerns with Federated Farmers. The meeting discussed whether this was the most effective way of addressing the issue, and it was noted that Council also worked with a number of agencies in relation to these concerns.

Cr Rodway's question re making a submission against the Treaty Principles Bill, it was noted that this would be the subject of further discussion at the Strategy & Policy Committee meeting scheduled for the following day. Advice and guidance was being sought from Council's iwi partners as to the best course of action that could be taken.

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

Included in the agenda was a list of activities undertaken by the Chairman on behalf of Council since the last meeting.

In speaking to this report Chairman Horrell highlighted the work being done across the sector by Te Uru Kahika (the regional sector shared service), to ensure submissions were responded to on the sector's behalf, and providing a regional flavour where required. This work ensured a cohesive approach across the country, and would help in saving costs going forward.

The Chairman also outlined meetings he had attended involving the Prime Minister and also Minister McClay, where discussion had focused on Farm Plans and the fact that Council was keen to work with central Government to meet the outcomes it was seeking.

Other matters highlighted in the report that were discussed by the meeting included the Mayoral Forum and discussions around potential amalgamation of the Councils.

In addition to the written reports circulated in the agenda, Cr Evans reported on his involvement in a meeting with the local MP, Catchment Liaison Committee Chair, DOC and Fish & Game representatives to discuss vegetation growth in channels in the Te Anau Basin.

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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. Matters discussed at any length included:

- the Government's RMA reform package progressing, with the RM2 Bill likely to be introduced to the House today, and the water services regulations being before Parliament before Christmas;
- attendance at the Murihiku Regeneration event hosted in Invercargill, which focused on energy generation and the impacts of climate change. This had been a valuable opportunity to meet and network with iwi and regional leaders;
- the launch of DISH - the data collaboration portal being hosted by Great South, which brought together this Council's data along with other agencies data into one area, for developers and interested parties to readily access;
- the Prime Minister's visit to the region;
- the co-government funded infrastructure works occurring in Te Anau and Lumsden;
- the need for improvements to be made to Council's website to allow easier access for the community to information to assist them with the development of their farm plans. The meeting was advised that an upgrade is programmed for the first quarter of the new year.

Resolved:

Moved Cr Cook, seconded Cr Rodway that Council receive the Chief Executive's report.

Carried

10.2 Compliance Monitoring Report 2023-24

The purpose of this item was to receive the Annual Compliance Monitoring Report for the 2023/24 financial year.

[Cr Gibson left the meeting at 11.18 am, Cr McPhail left the meeting at 11.19 am]

Staff spoke to the key messages from the trending down of significant non-compliance matters in the dairy consent monitoring area. There was discussion around a "2" in non-compliance score meant - noting that often farmers did not believe paper work was an issue. It was important that consent holders ensured the information required by Council was up-to-date and supplied in a timely fashion, in the event there was an incident on their property. Also, it was important they ensured their staff were familiar with all the consent requirements they were needing to deal with.

[Cr McPhail returned to the meeting at 11.21 am]

Significant non-compliance in the gravel monitoring tended to relate to stockpiling of gravel in the flood fairways. However staff advised that most consent holders had addressed those issues quickly, when they were raised with them.

In response to questions from the meeting, staff noted that anecdotally there was more awareness in the community about the need for compliance and the potential for things to go wrong, with some good planning being done to prevent same. The reporting of incidents had decreased slightly on previous years, but the gravity of some of the incidents was certainly higher than they used to be.

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Cr Rodway expressed concern at the results for the Alliance Mataka plant, given its previous history, and hoped that the recently opened disinfectant plant would improve things. He also expressed disappointment at the results for Pioneer Energy, given it was a big organisation that should be doing better.

[Cr Gibson returned to the meeting at this time - 11.28 am]

In response to a question from Cr Gibson, staff confirmed that territorial authorities were treated the same as any other consent holder when it came to incidents. The incidents were investigated, and enforcement action was taken as appropriate at the time - be that abatement notices, infringements or prosecutions.

The meeting also discussed the sewage discharges to stormwater involving ICC, which had been reported. It was noted that staff did not have sufficient data to advise whether this was a worsening or improving trend, but were encouraged to contact ICC given self-reporting was occurring, to identify that aspect going forward.

Councillors thanked staff for the comprehensive report.

Resolved:

Moved Cr Cook, seconded Cr Evans that Council receive the report - Compliance Monitoring Report 2023-24.

Carried

10.3 Regional Pest Management Plan Amendment - Velvetleaf

The meeting was advised that the item on a possible Regional Pest Management Plan Amendment involving Velvetleaf was being withdrawn at this time, as legal advice was yet to be received on whether or not Council would have the jurisdiction to deal with this matter.

10.4 Councillor Code of Conduct

The purpose of this item was for Council to consider adopting a revised and updated Councillor Code of Conduct.

The meeting discussed the decisions that were required to be made before formally adopting the new Code of Conduct, in regard to whether there was to be a one-step process or two-step process; and whether or not any recommendations from an investigator would be binding. There was also discussion as to what committees the Code would cover (i.e. did it extend to the Catchment Liaison Committee members).

Following discussion on this latter aspect it was agreed that the adoption of the new Code should not be deferred before that clarity was provided.

Resolved:

Moved Cr Cook, seconded Cr Ludlow that Council:

- 1. receive the report - Councillor Code of Conduct.**

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2. **agree the Policy for dealing with alleged breaches of the code shall be:**
 - a two-step process
 - binding recommendations from an investigator;
3. **adopt a new stand-alone Environment Southland Council Elected Members Code of Conduct.**
4. **direct staff to bring back advice as to whether or not the adopted Code of Conduct covers members of the Catchment Liaison Committees.**

Carried

10.5 Te Puka Rakiura Trust - ES Appointee

The purpose of this item was for Council to decide its nominee as the Environment Southland representative for the position of Trustee on the Te Puka Rakiura Trust. The options in the report were noted and discussed briefly. The meeting was reminded that the current appointee reports to the Regional Services Committee on a quarterly basis. Further, that staff also attend the meetings in support of the Council's appointee.

Resolved:

Moved Cr Ludlow, seconded Cr McDonald that Council:

1. **receive the report - Te Puka Rakiura Trust - ES Appointee.**
2. **appoint Rob Phillips as its representative on the Te Puka Rakiura Trust.**

Carried

10.6 Long-term Accommodation Project Update

The purpose of this item was to provide Council with an update on the Long-term Accommodation project. Dom Rikiti, Special Projects Lead, attended the meeting to speak to this matter. It was noted that the Southland District Council had withdrawn from working with Environment Southland and Invercargill City Council on the long-term project, but that the door remained open for them to join at any time. In the meantime, it was important that progress continued to be made with the willing parties.

Resolved:

Moved Cr Ludlow, seconded Cr McPhail that Council receive the report – *Long-term Accommodation Project October Report*

Carried

10.7 2025 Councillor Meeting Calendar

The purpose of this item was for Council to adopt the proposed 2025 meeting calendar, a copy of which was appended to the agenda.

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Resolved:

Moved Cr Roy, seconded Cr Ludlow that Council receive the report - 2025 Councillor Meeting Calendar, and adopt the 2025 meeting calendar.

Carried

10.8 Councillors' Meeting Schedule - December 2024

The purpose of this item was to consider and approve the meeting schedule for the month of December 2024, and to address any requests for leave of absence from Council activities. The following requests for leave were received:

- Cr Evans - 29 January to 4 February 2025 inclusive;
- Cr Pemberton from 27 January to 31 January 2025 inclusive; and from 10 March to 24 March 2025 inclusive.

The meeting was reminded that a strategy session with Councillors had been proposed for the last week of January 2025, and it was agreed that this should not be deferred, despite two Councillors not being able to attend.

Resolved:

Moved Cr Cook, seconded Cr McPhail that Council:

- 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 received at the meeting;**
- 4. pay meeting fees and/or allowances in accordance with its policy, and as detailed on the schedule.**

Carried

10.9 Common Seal

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

Resolved:

Moved Cr Roy, seconded Cr Rodway that Council:

- 1. receive the report - Common Seal.**
- 2. note the documents to which the Common Seal has been affixed under approved delegation.**

Carried

Ordinary meeting of Council – Te Huinga Tu – Minutes – 11 December 2024

11 Extraordinary/urgent business I Panui autia hei totoia pakihi

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

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

Resolved:

Moved Cr McPhail, seconded Cr McDonald, 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 – 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 | To prevent disclosure or use of official information for improper gain or advantage To carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. | S.7(2)(j) S.7(2)(i) S.7(2)(h) |
| 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 | To protection information which is subject to an obligation of confidence where the making available of the | S.7(2)(c) |

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| GENERAL SUBJECT MATTER | REASON FOR PASSING THE RESOLUTION | GROUNDS UNDER S.48(1) |
|--|--|-----------------------|
| and Performance Committee – 27 November 2024 | 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. | |

Carried

Resumed in Open Meeting

13 Termination

There being no further business, the Chairman closed the meeting at 12.36 pm.

6 Adoption of committee resolutions

6.1 Adoption of Committee Resolutions - Investment Committee - 20 November 2024

Minutes from the Investment Committee meeting held on 20 November 2024 are appended for adoption of the Committee resolutions.



Minutes of the Investment Committee

Held at Environment Southland, 220 North Road, Invercargill
 Wednesday, 20 November 2024 at 8:00 am

Present:

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

Ms Amy Kubrycht (General Manager, People and Governance)
 Mrs Bethia Gibson (Acting General Manager, Corporate Service) via zoom
 Mr Scott Hamilton (Rautaki) via zoom
 Ms Mariette Geldenhuys (Meeting Secretary)

1 Welcome I Haere mai

The chairperson welcomed everyone to the Investment Committee meeting on 20 November 2024.

2 Apologies I Ngā pa pouri

There were no apologies were received for the meeting as all members were present.

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

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

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Chairman Horrell, seconded Cr Rodway that the minutes of the South Port Subcommittee meeting held on 23 July 2024 be confirmed as a true and accurate record.

Carried

Investment Committee - Minutes - 20 November 2024



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

There were no extraordinary items/urgent business presented at the meeting.

7 Questions I Patai

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

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

Neither the Chairman nor any Councillors presented reports at this time.

9 Reports

9.1 Investment Committee independent member appointments

The purpose of this item was for the Investment Committee to:

- agree on the members of the Appointment Panel to be used to recruit an independent member for the new Investment Committee;
- update the Investment Committee on the advertising plan and key dates for the appointment process; and
- confirm the preference that the panel potentially nominate two independent members, rather than just one, as previously agreed.

The independent member is a governance role; the council will sign-off on the final decision. Three council members will be appointed to the panel.

The following were the recommendations considered by the meeting:

- 1 receive the report - Investment Committee independent member appointments.
- 2 agree that the Appointment Panel for the independent members will be Councillors Roy and Ludlow, Council's Strategic Investment Adviser, and a senior member of staff. Councillor McPhail will be the backup, should either Councillor Roy or Ludlow be unavailable.
- 3 note the advertising plan and key dates for the appointment process.
- 4 confirm the preference that the panel potentially nominate two independent members, rather than one, as previously agreed. The final decision as to whether one or two independent members will be appointed will rest with Council.
- 5 agree a revised position description for the Independent Chair, and a new position description for the other member, should the Committee prefer that the panel potentially nominate two independent members.

Resolved:

Moved Chairman Horrell, seconded Cr Gibson that recommendation 2 be amended to read: "agree that the Appointment Panel for the independent members will be Councillor Roy, Ludlow and McPhail, Council's Strategic Investment Adviser, and a senior member of staff."

Carried

Investment Committee - Minutes - 20 November 2024



Resolved:

Moved Cr Pemberton, seconded Cr McPhail that Council:

- 1 receive the report - Investment Committee independent member appointments.**
- 2 agree that the Appointment Panel for the independent members will be Councillors Roy, Ludlow and McPhail, Council’s Strategic Investment Adviser, and a senior member of staff.**
- 3 note the advertising plan and key dates for the appointment process.**

Carried

Resolved:

Moved Cr Evans, seconded Cr Gibson that Council confirm the preference that the panel potentially nominate two independent members, rather than just one, as previously agreed. The final decision as to whether one or two independent members will be appointed will rest with Council.

Carried

Resolved:

Moved Cr Ludlow, seconded Cr Evans that Council agree a revised position description for the Independent Chair, and a new position description for the other member, should the Committee prefer that the panel potentially nominate two independent members.

Carried

10 Extraordinary/urgent business | Panui autia hei totoia pakihi

There were no extraordinary items/urgent business considered by the meeting.

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

Resolved:

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 – South Port Subcommittee meeting of 23 July 2024**
- Preparing for potential Share Sell Down**

Investment Committee - Minutes - 20 November 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 – South Port Subcommittee meeting of 23 July 2024 | To allow Council to carry out commercial activities without prejudice or disadvantage. | S.7(2)(h) |
| Preparing for potential Share Sell Down | To allow Council to carry out commercial activities without prejudice or disadvantage. | S.7(2)(h) |

Carried

Resumed in open meeting

12 Termination

There being no further business, the chairman closed the meeting at 8:30 am.

6.2 Adoption of Committee Resolutions - Risk & Assurance Committee - 11 December 2024

Attached are the minutes of the Risk & Assurance Committee meeting held on 11 December 2024, for adoption of the resolutions.

Minutes of the Risk and Assurance Committee - Komiti tūrar whakaaetanga

Held at Environment Southland, 220 North Road, Invercargill
Wednesday, 11 December 2024 at 1:00 pm



Present:

Mr Andrew Douglas (Independent Chair)
Cr Alastair Gibson
Cr Lyndal Ludlow
Cr Jeremy McPhail
Cr Phil Morrison
Cr Jon Pemberton
Cr Maurice Rodway
Chairman Nicol Horrell (ex officio)

Ms Wilma Falconer (Chief Executive)
Ms Amy Kubrycht (General Manager, People and Customer)
Ms Mariette Geldenhuys (Meeting Secretary)

1 Welcome I Haere mai

The chairperson welcomed everyone to the Risk and Assurance committee meeting for 11 December 2024, and opened the meeting with a karakia.

2 Apologies I Ngā pa pouri

No apologies were received for the meeting.

3 Declarations of interest

No declarations of interest were received at the meeting.

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

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

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr McPhail, seconded Cr Ludlow that the minutes of the Risk and Assurance committee meeting held on 9 October 2024 be confirmed as a true and accurate record.

Carried

Risk and Assurance Committee - Komiti tūraru me te whakaaetanga - Minutes - 11 December 2024



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

There were no items of extraordinary or urgent business notified for the meeting.

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 councillor reports presented to the meeting.

9 Reports

9.1 Risk Management Report

The purpose of this item was to update the committee on organisational risk, the risk management programme, and the business continuity programme.

Resolved:

Moved Chairman Horrell, seconded Cr Morrison that Council receive the report - Risk Management Report.

Carried

9.2 Internal Audit report

The purpose of this item was to update the committee on Council's internal audit programme, and progress and actions arising from two recent internal audits.

Resolved:

Moved Cr Rodway, seconded Cr Gibson that Council receive the report - Internal Audit report.

Carried

9.3 Health and Safety Report

The purpose of this item was to provide a report on the operation of the Health, Safety and Wellbeing (HSW) Management System.

Resolved:

Moved Cr Rodway, seconded Cr Morrison that Council receive the report - Health and Safety Report.

Carried

Risk and Assurance Committee - Komiti tūraru me te whakaaetanga - Minutes - 11 December 2024



9.4 Strategic Risk Deep Dive - We manage H&S risks

The purpose of this item was to provide for a 'deep dive discussion' on the organisational risk topic "we manage health and safety risks that adversely affect staff and the community".

Resolved:

Moved Cr Ludlow, seconded Cr Pemberton that Council receive the report - Strategic Risk Deep Dive - We manage H&S risks.

Carried

9.5 2024-34 Long-term Plan Learnings

The purpose of this item was to provide the Risk and Assurance Committee with a summary of the key learnings from the 2024-34 Long-term Plan project and how these will inform future processes.

The committee highlighted a concern that the process did not enable the identification or noting of matters which may be factually incorrect. Ms Millar (General Manager Strategy, Policy & Science) undertook to contact other councils and seek clarification as to how they deal with this situation, with the aim of resolving the matter.

Resolved:

Moved Cr Morrison, seconded Cr Ludlow that Council receive the report - 2024-34 Long-term Plan Learnings.

Carried

9.6 Insurance update - November 2024

The purpose of this item was to provide an update to the Risk and Assurance Committee on Council's insurance. Mrs Hawkins (Chief Financial Officer) was asked to seek clarification around how the relationship works between Environment Southland and the Lessor, where the Lessor holds building insurance instead of Environment Southland.

Resolved:

Moved Chairman Horrell, seconded Cr Morrison that Council receive the report - Insurance update - November 2024.

Carried

9.7 Changes to postal delivery

The purpose of this item was to update the Risk and Assurance Committee of proposed changes to postal delivery.

Resolved:

Moved Cr McPhail, seconded Cr Gibson that Council receive the report - Changes to postal delivery.

Carried

Risk and Assurance Committee - Komiti tūraru me te whakaaetanga - Minutes - 11 December 2024



9.8 Annual Activity Report

The purpose of this item was to present to the Risk and Assurance Committee the annual plan of items to be delivered on, by the committee, and to obtain ongoing input to the proposed plan.

- Cr Ludlow asked if an update on Government Funded projects could be provided at the next meeting;
- Cr Ludlow asked for the Committee to understand more about climate change risks and risk appetite.

Resolved:

Moved Cr Ludlow, seconded Cr Pemberton that Council:

- 1 receive the report - Annual Activity Report; and
- 2 note the feedback it has provided to shape the programme of work for the coming year.

Carried

10 Extraordinary/urgent business | Panui autia hei totoia pakihī

There were no items of extraordinary or urgent business considered by the meeting.

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

Resolved:

Moved Cr Gibson seconded Chairman Horrell 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 - Risk and Assurance Committee meeting 9 October 2024.

- 11.1 Cybersecurity Risk Report
- 11.2 2023-24 Audit Management Report
- 11.3 LGOIMA - Summary of Enquiries for 1 January to 30 June 2024
- 11.4 Policy Update
- 11.5 Infrastructure Insurance Renewal
- 11.6 Government Funded Projects - Risk Management Report
- 11.7 Governance Level Risk Management Overview

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 | GROUND UNDER S.48(1) |
|--|---|----------------------|
| Confirming of public excluded minutes – Risk and Assurance Committee meetings 9 October 2024 | To prevent disclosure or use of official information for improper gain or advantage. | S.7(2)(j) |
| 11.1 Cybersecurity Risk Report | To prevent disclosure or use of official information for improper gain or advantage. | S.7(2)(j) |
| 11.2 2023-24 Audit Management Report | To carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | S.7(2)(i) |
| 11.3 LGOIMA – Summary of Enquires for 1 January to 30 June 2024 | To protect the privacy of natural persons, including that of deceased natural persons. | S.7(2)(a) |
| 11.4 Policy Update | To maintain professional privilege. | S.7(2)(g) |
| 11.5 Infrastructure Insurance renewal | To maintain the effective conduct of public affairs by protecting members or employees of Council in the course of their duty from improper pressure or harassment. | S.7(2)(f)(ii) |
| 11.6 Government Funded Projects – Risk Management Report | To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial Activities. | S.7.(2)(h) |
| 11.7 Governance Level Risk Management Overview | To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. | S.7.(2)(h) |

Resumed in Open Meeting

12 Termination

There being no further business, the chairman closed the meeting at 4:40 pm.

6.2 Adoption of Committee Resolutions - Strategy & Policy Committee - 12 December 2024

Attached are the minutes of the Strategy & Policy Committee meeting held on 12 December 2024, for adoption of the resolutions.

Minutes of the Strategy and Policy Committee - Rautaki me Mahere

Held at Environment Southland, 220 North Road, Invercargill
Thursday 12 December 2024 at 10:00 am



Present:

Cr Lyndal Ludlow (Chair)
Cr Neville Cook
Cr Paul Evans
Cr Alastair Gibson
Cr Robert Guyton
Cr Peter McDonald
Cr Jeremy McPhail
Cr Jon Pemberton
Cr Maurice Rodway (Deputy)
Chairman Nicol Horrell (ex officio)
Mr Stewart Bull (Mana whenua representative)
Ms Ann Wakefield (Mana whenua representative)

Ms Rachael Millar (General Manager Strategy, Policy and Science)
Mrs Mikayla Wass (Committee Advisor)

1 Welcome I Haere mai

The chairperson welcomed everyone to the Strategy and Policy committee meeting for 12 December 2024, and opened the meeting with a karakia.

2 Apologies I Ngā pa pouri

Resolved:

Moved Cr McPhail, seconded Cr Cook that apologies be accepted on behalf of Cr E Roy and Cr P Morrison.

Carried

3 Declarations of interest

Cr Rodway declared that he had been involved in the development of the Waiau Fisheries and Wildlife Habitat Enhancement Trust, as the Trust was presenting in the Public Forum portion of the meeting.

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

Ms Claire Jordan and Mr Roger Hodson from the Waiau Fisheries and Wildlife Habitat Enhancement Trust attended to present an update on the Trust's annual report and achievements for the year. They highlighted the following key points:

- the Trust had successfully managed the fund for the past 27 years.
- there had been five major habitat restoration projects.

Strategy and Policy Committee - Rautaki me Mahere - Minutes - 12 December 2024



- the Trust had established agreements with private landowners to implement habitat restoration measures, resulting in 250 agreements covering just under 3.5 thousand hectares. This included 4.4 km of fencing around streams and a total of 28 hectares of land incorporated, along with 2.7 km of constructed wetlands.

5 Confirmation of minutes I Whakau korero

Resolved:

Moved Cr Rodway, seconded Chairman Horrell that the minutes of the Strategy and Policy Committee meeting held on 16 October 2024 be confirmed as a true and accurate record.

Carried

6 Adoption of committee resolutions

6.1 Climate Change Subcommittee - 6 November 2024

Resolved:

Moved Cr Rodway, seconded Chairman Horrell that the resolutions from the Climate Change Subcommittee meeting held on 6 November 2024 be adopted.

Carried

7 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.

8 Questions I Patai

Cr Guyton queried the possibility of a climate change portal for Councillors to collaboratively share 'up-to-date' information. Cr Ludlow advised she would investigate this with staff.

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

Cr Rodway spoke to his report that was included in the agenda and highlighted the information discussed at the mid-Ōreti catchment workshop around catchment mapping.

10 Reports

10.1 Land use change to forestry

The purpose of this item was to provide information in response to Councillor queries on the magnitude of land use change with plantation forestry occurring in Southland, and address what impact this may be having on water quality. It was noted that another paper would be presented to the committee in the new year regarding the policy aspects.

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Resolved:

Moved Chairman Horrell, seconded Cr Pemberton that Council receive the report - Land use change to forestry.

Carried

10.2 Government Policy and Legislation Monitor

The purpose of this item was to update the committee on recent national legislation and policy changes that may impact Environment Southland's operations, with the goal of building-up a knowledge base for effective engagement with the central government as well as relevant stakeholders, and for successful implementation of national directives. It was noted that there would be a workshop following the meetings to discuss the Treaty Principles Bill.

A lengthy discussion took place on the Treaty Principles Bill and the desire to oppose this. It was noted that the Regional Sector Group was putting together a submission apposing the bill.

Motion:

Moved Chairman Horrell, seconded Cr McDonald that Council receive the report - Government Policy and Legislation Monitor.

Amendment:

Moved Cr Ludow, seconded Cr McDonald that the following clause be added to the motion

- 1 agree in principle to staff drafting a submission opposing the Treaty Principles bill, based on the content that would be discussed at the workshop following the meeting; which could include support for the Te Uru Kahika submission.**

Carried

The amendment became the motion, and that motion was put as follows.

Resolved:

Moved Chairman Horrell, seconded Cr McDonald that Council:

- 1 receive the report - Government Policy and Legislation Monitor;**
- 2 agree in principle to staff drafting a submission apposing the Treaty Principles bill, based on the content that would be discussed at the workshop following the meeting; which could include support for the Te Uru Kahika submission.**

Carried

10.3 Climate change and community resilience portfolio update

The purpose of this item was to provide an update of progress being made in the climate change and community resilience portfolio. Cr Rodway noted the actions that had come from the Regional Climate Change Governance Working Group (RCCWG) and intentions for 2025. It was noted that a climate hui was to be planned in early 2025, and that it would be a good opportunity to bring in wider groups including youth groups and stakeholders.

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Resolved:

Moved Cr Cook, seconded Cr Rodway that Council receive the report - Climate change and community resilience portfolio update.

Carried

10.4 Group update

This report updated the committee on the work being carried out by the Strategy, Science and Policy Group.

Resolved:

Moved Cr Cook, seconded Cr McPhail that Council receive the report - Group update.

Carried

10.5 Response from Minister Simmonds to Environment Southland's letter supporting PCE's recommendations

The purpose of this item was to update the Committee on the communication between Environment Southland and the Minister for the Environment, Hon. Penny Simmonds regarding the Parliamentary Commissioner for the Environment (PCE)'s recommendations on the use of freshwater models in New Zealand.

Resolved:

Moved Chairman Horrell, seconded Cr McPhail that Council receive the report - Response from Minister Simmonds to Environment Southland's letter supporting PCE's recommendations.

Carried

10.6 Update on Councillor Requests and Actions

This report captured Councillor requests and actions that had occurred during Strategy and Policy Committee meetings and provided an update on how the requests were being responded to.

Cr Ludlow noted that, upon reflection, the letter to the Minister of Resources regarding timeframes for consultation that had been requested at the previous meeting was no longer required. She therefore withdrew the request to send that letter.

Resolved:

Moved Chairman Horrell, seconded Cr Rodway that Council receives the report *Update on Councillor Requests and Actions* and notes the withdrawn request for a letter to the Minister of Resources regarding timeframes.

Carried

Strategy and Policy Committee - Rautaki me Mahere - Minutes - 12 December 2024



11 Extraordinary/urgent business | Panui autia hei totoia pakihi

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

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

There was no public excluded business.

13 Termination

There being no further business, the chairman closed the meeting with a karakia at 10.48 am.

8.1 Questions from Cr Morrison

The following questions have been posed by Cr Morrison:

1. What are the range of impediments or challenges confronting Environment Southland in undertaking **investigation and enforcement action** where loss of wetland is suspected?
2. What key insights and lessons can be learned from recent efforts to **investigate** wetland loss?
3. What key insights and lessons can be learned from recent efforts to **undertake enforcement action** in response to wetland loss?
4. Based on recent insights and lessons, what changes do staff suggest might be needed to enable more **effective investigation and enforcement** action where loss of wetland is suspected?

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

December 2024

- 11 Ordinary meeting of Council
- 12 Strategy & Policy Committee
Council Workshop
- 13 Whakamana te Waituna Charitable Trust meeting
- 20 Meeting with Janet Copeland

January 2025

- 18 Winton A & P Show
- 22 Southland Wet Spring Teams meeting
- 23 Council caucus opportunity
- 25 Edendale Crank
- 31 Southland Civil Defence Emergency Management Group

Also appended to this report is the Local Government New Zealand's latest four-monthly report for member councils, covering the period from July to October, for discussion and any feedback Council may wish to provide.

Councillor Reports

Activities undertaken by Councillors since the last meeting

Waiau River Working Party (WWP) Meeting - December 2024

Report by Cr Rodway – Chair of the Waiau River Working Party

The WWP was established in 1990 to study the effects of hydro-electric power generation in the Waiau catchment. It was instrumental in setting conditions for the current resource consents that enable Meridian Energy Ltd (Meridian) to divert water in the Waiau catchment and the setting-up of trusts to compensate for adverse effects that cannot be avoided by the Manapouri Power Scheme (MPS).

In June 1990 the Resource Management Committee of the Council recommended that the WWP be established to assist the Council in the identification and resolution of conflicts in the Waiau catchment by preparing a resource management plan and the replacement of water rights for hydropower generation.

In 1996 members included the Southland District Council, the Department of Conservation, Iwi, Forest and Bird, Fish and Game, the Conservation Board, Jet Boaters' Association, Lakes Guardians and the Trusts established by the 1996 agreement. In 2010 a memorandum between the WWP and Meridian confirmed this, describing the group as a consultative group made-up of some 30 members from a wide spectrum of the community. It said the WWP has an ongoing role in the review of the resource consent conditions relating to the MPS.

In 2019 the Council conducted an overview of its Council and committee structures and listed the WWP as an "other body". Its role was to review monitoring reports received in relation to the consents and make recommendations to the Council. The members of the WWP now comprise representatives of Fish & Game, the Waiau Catchment Committee, Guardians of the Lakes, Forest and Bird, Waiau Trust and Environment Southland. Iwi and the Department of Conservation are invited but rarely attend. Currently the WWP is serviced by Environment Southland.

Reports have been prepared by Meridian, and over the last 13 years a large amount of information has been gathered, describing the effects of the MPS, and measures taken to mitigate these. Studies on Deep Cove and Doubtful Sound, Erosion in the Upper Waiau, Long finned eel (LFE) trap and transfer operation, hydrology, phytoplankton and periphyton management in the Lower Waiau have been provided. Effects on Doubtful Sound and erosion in the Upper Waiau have been stable over this period and the WWP has no concerns about these. The LFE programme is also providing a good solution to the problem with eel migration and emigration to and from the lakes. However, periphyton and phytoplankton programmes are in a state of annual review and changes to the current programmes to reduce adverse effects are needed.

This year the WWP also received a report on an NREI (Net Rate of Energy Intake) study in the lower Waiau that Environment Southland undertook. This showed that lower flows are more suitable for native fish but higher flows are better for stream insects and adult trout. However, flows modelled were current ones and not flows that existed prior to MPS development. The WWP would like Environment Southland to undertake a similar survey in the Upper Waiau as this is more like what the Lower Waiau was in the past.

The WWP has made six recommendations to ES.

- the Waiau River between the Lake Manapouri outlet just upstream of Pearl Harbour to the Manapouri Lake Control Structure (MLC) should be referred to as the Lower Waiau River upstream of the MLC in all correspondence, monitoring and policy documents.

- the triggers for a flushing flow in the Lower Waiau River upstream of the MLC should be either a Secchi disc reading of less than 3.5 m at any of the monitoring sites, or a chlorophyll a measurement of 5 mg/m³ or more at any site. The monitoring programme should begin on 1 December of each year and continue until March 31 of the next year.
- a programme to determine when *Microcoleus* sp. (Toxic blue green algae) abundance should result in a flushing flow in the Lower Waiau River downstream of the MLC be developed in 2025 so that this can be implemented in the summer of 2025-26 and onwards.
- data from the Join the Dots programme be used to develop a public information document that can be distributed amongst the people of the Waiau Catchment.
- that the monitoring programmes be aligned to enable them to be used to provide an holistic picture of river health, causality and connection over time. This may need to be undertaken during consenting, however steps toward this may be possible sooner.
- that Environment Southland implement a NREI study on the Upper Waiau River (between Lakes Te Anau and Manapouri) to inform the NREI study in the Lower Waiau River to evaluate what optimum flows would be there if the natural flow (mean = 560 cumecs) was the baseline.

We also note a flow of more than 2000 cumecs at Tuatapere occurred in November 2023 and this requires Meridian to undertake a geomorphological survey of the river. This has not yet been done. We expect that this will be completed in 2025.



LGNZ four-monthly report for member councils

// July-October 2024





Ko Tātou LGNZ.

This report summarises LGNZ’s work on behalf of member councils and is produced three times a year. It’s structured around LGNZ’s purpose: to serve local government by **championing**, **connecting** and **supporting** members.

Many councils have found it useful to put this report on the agenda for their next council meeting so that all councillors can review it and provide feedback. Sam and Susan are also happy to join council meetings online to discuss the report or any aspect of it, on request.

This report complements our regular communication channels, including *Keeping it Local* (our fortnightly e-newsletter), providing a more in-depth look at what we do.

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Introduction

This busy four months included our SuperLocal conference in Wellington, which attracted more than 700 people and dominated the news agenda all week. This was partly thanks to headline-grabbing comments from the Prime Minister and Local Government Minister, but also because of the LGNZ team's proactive generation of many other topics in the media spotlight at our conference, from four-year terms and tourism levies to localism and regional deals.

Alongside preparing for and delivering SuperLocal, our small team managed a huge range of other work, which is covered in this report. Highlights include:

- Launching our third rates rise toolkit in July, including NZIER's research uncovering the costs of unfunded mandates for councils. Unfunded mandates are costs that local government ends up carrying as a result of central government legislation.
- In October, launching our Electoral Reform Working Group's issues paper exploring the current state of participation in local election and asking for feedback.
- Local Government Minister Simeon Brown announcing a framework for Regional Deals that aligns with many of the elements LGNZ called for in our May proposal.

As you'll see below, we've had many meetings with Ministers, the Prime Minister and other politicians across a wide range of topics. And we've engaged in a range of policy issues, with our work driven by the high-level advocacy priorities that members and National Council agreed earlier this year:

- Funding and financing
- Water
- Resource management reform
- Transport
- Climate change

Right now, we're preparing for the 21 November Combined Sector meeting, focused on the Government's local government reform programme. It features a strong range of speakers including the Local Government Minister, Regional Development Minister, Opposition Finance Spokesperson, Australian local government speakers on their rates capping experience, and a briefing from the Treasury on New Zealand's fiscal situation.

During the meeting, we'll also be launching a funding and financing toolkit, showcasing a range of tools that could be used (alongside rates) to boost local government's financial position and help councils deliver for ratepayers. Watch out for an email direct to your inbox on 21 November with all the details. We'll be advocating strongly for these tools – and sharing resources so you can too.

Ngā mihi
Sam and Susan



Champion

Local government funding and financing

Rates rise toolkit 3: Unfunded mandates

In July we released work we had commissioned from NZIER on the impacts of unfunded mandates on local government. NZIER's research highlighted:

- that many central government reforms have resulted in increased costs for ratepayers;
- that central government does not adequately estimate or address what its reforms cost councils;
- that constant policy changes lead to high sunk costs for councils with no tangible outcomes; and
- the true costs of government reform are hidden because councils absorb them by reducing other service delivery.

Our third rates rise toolkit packaged this research with slides and key messages that members could use. The release generated significant media interest and engagement from members.

Tourism and cost recovery

From 1 October, the Government raised the International Visitor Conservation and Tourism Levy (IVL) from \$35 to \$100 to ensure visitors contribute to the upkeep of the facilities, services and natural environment they use and enjoy during their stay. LGNZ is advocating for councils to have a greater say in how the additional funding is spent on tourism-related initiatives. We are also continuing to advocate for the Government to enable cost recovery tools (such as a local tourism bed night charge).

Revenue capping and other measures

At SuperLocal, the Government announced that they would investigate performance metrics, benchmarking, and revenue capping for councils modelled on New South Wales and Victoria. The policy team has been engaging with local government experts from New South Wales and Victoria to understand how these policies have worked for them and what the impact has been. We will provide insights from these discussions and research on these policies with members soon, including at the November Combined Sector meeting.

Forthcoming funding and financing toolkit

We are working on a toolkit for release at the November Combined Sector meeting that details a range of 24 funding and financing tools that would benefit councils (but potentially require enabling legislation). This toolkit will include:

- Basic information about each tool, how it can be used and what it might deliver
- Data to support our approach and inform members' conversations
- Messages local government can use



- A draft op ed and draft letter to an MP that can be customised

The toolkit launch will be supported by media and advocacy activity, in the same way that the rates rise toolkits were.

Regional deals

We were pleased that the Government made announcements around its Regional Deals framework at SuperLocal, and that our advocacy has been taken on board with the framework largely reflecting our position. This framework includes partnership, new funding tools and a commitment to long-term planning, and is modelled on LGNZ's proposal released earlier this year.

We know funding tools and regulatory relief will be made available in the regions that secure deals. We have been advocating for those benefits to be available for all of local government (where that makes sense).

Our focus now is on ensuring that the regional deals model has room to evolve and deepen – as it's become clearer that the first iteration will be limited in scope.

Government relations

We appeared before select committees in support of our submissions on the water services preliminary arrangements and fast-track bills.

We've also had productive meetings with Hon Chris Bishop and Hon Casey Costello.

The meeting with Minister Bishop included Hastings District Council Mayor Sandra Hazlehurst and chief executive Nigel Bickle. They were able to provide the Minister with their reflections on the recent Kāinga Ora review and some examples of what they were doing locally to promote better housing outcomes, as part of our effort to position local government as a key partner in resolving the housing crisis.

The meeting with Minister Costello was about what role councils may play in reform of vaping regulations, and resulted in an agreement that LGNZ would further engage with health officials on what a system in which councils have greater control over where vape retailers are located could look like.

In early July we hosted MPs who were former local government elected members or staff for a casual evening function at parliament. Six MPs joined Sam and the LGNZ team for some good conversations and bridge-building across party lines.

We have reached out to ACT leader and Minister of Regulation David Seymour to work with him and his party on streamlining the regulatory burden on councils, and on the ACT commitment in its coalition agreement with National to look at improving housing incentives on councils through GST sharing.

At our July meeting with Minister Brown, we raised concerns regarding NZTA's proposed changes to emergency works funding. We also discussed the Ratepayers' Assistance Scheme (RAS), which is an



innovative financing scheme that LGNZ has been developing with a group of Metro councils, the Local Government Funding Agency and Cameron Partners. The purpose of the RAS is to make local government policies and charges more affordable for ratepayers. RAS would provide ratepayers with:

- Flexibility to decide when to pay local government charges; and/or
- Very competitive finance terms (below standard mortgage rates).

The recess period gave us the opportunity to connect with staff in the Beehive. These conversations have provided insights into the Government's perception of local government and help myth-bust staffers' perceptions (where that's been required).

In late September, we met with the Prime Minister and Local Government Minister together, as part of our series of regular quarterly meetings. Talks took a practical approach to tackle the challenges facing local government. Before the meeting, we asked mayors and chairs for practical cost-cutting ideas to relieve pressure for ratepayers and help councils operate more efficiently. Here's a selection of the ideas you shared:

- Simplify audits with a tiered, risk-based system
- Review Long Term Plans less often
- Let councils set their own fees for things like parking and animal control
- Review District Plans and conduct Representation Reviews less frequently
- Encourage shared services between councils
- Better align local and central government decisions
- Create a "Fast Track" process for land rezoning
- Address the contributors to civil construction price increases.

The Prime Minister and Local Government Minister were interested to hear about possible changes.

In early October, we again met with the Minister for Local Government. The Minister was open to receiving further advice from us on how to cut costs for councils, including a proposal to change Schedule 10 of the Local Government Act to make it less cumbersome and more accessible for the community. The Minister was open to coming to our sector meetings in February and May next year.

The Government announced a raft of proposed changes to the building consents system in late October and we are meeting with Hon Chris Penk in early November.

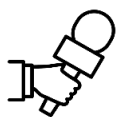
Media

The June Infrastructure Symposium, including Infrastructure Minister Chris Bishop's speech at our networking function the night before, received very strong media coverage, with stories in The Post, BusinessDesk, NBR and RNZ focused on our support for more funding tools to pay for infrastructure. We also used the opportunity of the Infrastructure Symposium to further our advocacy against proposed changes by NZTA to emergency works, which was a lead story on 1News. Other media interactions in July focused on elected members' behaviour and Christchurch City Council's exit from LGNZ.



SuperLocal24 generated widespread national coverage, making it one of the top stories of the week. The Prime Minister’s politically charged speech, rate increases, and large media attendance contributed to the event being so widely covered. The overall media result was the result of significant planning by LGNZ. We developed a range of proactive stories and pre-briefed media on issues important to members, which ensured balance in stories and coverage of our proactive angles.

Feedback from media about the conference experience was very positive.



6 press conferences



33 accredited media



400+ media items



9 proactive story topics

Earlier in August, LGNZ led out positively on the Government’s Local Water Done Well announcement. LGNZ Vice President Campbell Barry spoke to [1News](#) and said while it was a welcome step, we need to temper expectations about the effect on rates short-term. LGNZ National Council members Tim Cadogan and Neil Holdom spoke to [Stuff and Three News](#) about the need for certainty from all sides so councils can get on with business. Concerns still playing out in the media centre around [credit ratings](#) of the LGFA and the new CCOs, which S&P put a statement out about. LGNZ engaged with S&P at the end of last week and will share updates in the coming months.

Confirmation of time-of-use or congestion charging was also announced in August, with LGNZ Transport Forum Chair Neil Holdom putting LGNZ’s support [on the record](#) saying, “it’s a prudent and pragmatic step that LGNZ has long advocated for”.

Coverage of our unfunded mandates research launch included LGNZ Vice President Campbell Barry speaking to [The Post](#), [RNZ](#) and [Newsroom](#) about the report and joining [ZB’s Early Edition](#) to highlight the cost of flip-flops on policies when the government changes. Then in [The Post](#), Ex-Chief Press Secretary for the National Party Janet Wilson reflected on our research, reiterating the impossible situation for councils as “rates as a share of GDP have hovered around 2% for 20 years” and “central government ... have all the power, with local councils forced to carry out its wishes.”

Also in August, rates invoices began to hit letterboxes. LGNZ has consistently raised this as a national issue in the media and ensured there is good data to support these conversations with communities. Infometrics CE and economist Brad Olsen commented in [The Post](#), giving this perspective on rates rises – “if you look at the amount of money that people pay in their rates versus what they pay to central government, you’re talking chalk and cheese.”

In mid-July, in response to the Government’s announcement it would not progress the Future for Local Government report, we issued a media statement saying “LGNZ developed our own response to the FFLG review, in collaboration with members, and that underpins all our advocacy. We won’t give up advocating for these key changes.”



Earlier in July, a disturbing story was front page in the [Herald on Sunday](#) with former Mayor of Nelson Rachel Reese telling her story after an intruder entered her home back in February. This targeting of former and current elected members is rising, and a poll at LGNZ's Combined Sector meeting in April showed 53% of elected members say it's worse than a year ago. LGNZ CE Susan Freeman-Greene spoke to NZ Herald about members' concerns and highlighted the work LGNZ has been doing to support members – including previously championing a removal of candidate addresses from election advertising, and our roundtable zooms with the likes of NZ Police and Netsafe.

Also in July, LGNZ President Sam Broughton joined the [On The Tiles](#) podcast to discuss our city and regional deals framework and what we could learn from the likes of Australia and the UK.

The Government's building consents reform was welcomed by LGNZ: Sam was interviewed on RNZ and Newstalk ZB. A few days later, when the International Visitor Levy went up, we proactively called for the Government to share the increase with councils to support tourism costs. This advocacy was picked up by the radio stations.

In October, LGNZ was in the media spotlight as we advocated for central government funding of emergency responses. This was part of [our response](#) to the Government's announcement following the North Island Severe Weather Events report. Our President Mayor Sam Broughton and National Council member Mayor Rehette Stoltz shared the workload, with Sam speaking to outlets like [Newsroom](#) and Radio NZ, while Rehette had interviews with TVNZ's Breakfast news and Newstalk ZB.

We marked one year until local body elections by [calling](#) for candidates to start thinking about getting prepared. LGNZ Deputy CE Scott Necklen chatted with Newstalk ZB and RNZ on the subject. During our YEM Hui in Christchurch last month we shone the [spotlight](#) on young leaders in local government, pointing to YEM numbers doubling over the past three elections. We used speakers at the YEM hui to tell a breadth of stories about the importance of this network.

With the Electoral Reform issues paper being released this week, we set up an interview with the Electoral Reform Working Group's Chair Mayor Nick Smith and Jack Tame on [Q & A](#). Securing an interview with one of the only longform political news programmes was a crucial part of our work to raise these issues in the political sphere – and to ensure the work helps inform the Government's decisions. Following our Electoral Reform [article](#) on Sunday, we also organised interviews with Mayor Rehette Stoltz (who is also part of the Working Group) on [Hosking Breakfast](#) and Radio NZ to discuss some of the issues.

LGNZ also [spoke out](#) about the Government's proposal for self-certification for building professionals, speaking to [Three News](#) and Newstalk ZB about the issue of long-term security over the indemnity insurance – to ensure that neither councils nor affected homeowners are saddled with costs if an issue occurs.

Amid public calls for tougher booze rules, Sam Broughton also spoke with both [The Press](#) and [Stuff](#) about how Local Alcohol Policies work.



Electoral Reform Working Group

The Electoral Reform Working Group, chaired by Mayor Nick Smith, developed an issues paper that was launched in late October. It sets out the current state of participation in elections. It explores:

- Understanding of local government and why it is important
- How easy it is to vote, especially with the decline of post
- Knowing candidates and what they stand for
- Administration and promotion of elections
- Four-year terms including their implementation and transition

From mid-October to 5 January, we will seek feedback on the paper from members, key stakeholders, and the wider public. This will include presentations at all zone meetings.

Engagement on the issues paper will inform a draft position paper, which will be engaged on from March-May, before a final paper is drafted. National Council will be asked to adopt that final position paper, which will be launched at SuperLocal25.

Remits

This year, to better prioritise resource allocation to remits, National Council adopted a two-step process for remits agreed at LGNZ's AGM. As part of this process, the AGM ranked remits in order of priority, with the following results:

1. Appropriate funding models for central government initiatives
2. GST revenue sharing with local government
3. Local government Māori wards and constituencies should not be subject to a referendum
4. Proactive lever to mitigate the deterioration of unoccupied buildings
5. Representation Reviews
6. Community Services Card
7. Graduated Licensing System

At its September meeting, National Council decided to take the maximum approach for the first four remits. This means commissioning advice or research, or in-depth policy or advocacy work. National Council decided to take a less resource-intensive approach to the remaining remits, which could involve writing a letter to the relevant minister or agency. However, remits may get additional resource if they align with other existing work programmes.

LGNZ's policy team will shortly be in touch with all councils who proposed successful remits to agree on next steps.



Māori wards

Forty-five councils established or resolved to establish Māori wards since the law change in 2021. The Coalition Government enacted legislation that required those 45 councils to make decisions to retain or disestablish their Māori wards by Friday 6 September. If councils chose to keep the wards, they have to fund a poll at next year's local elections.

Two councils decided to disestablish their Māori wards: Upper Hutt City Council and Kaipara District Council. The other 43 decided to retain their wards and a number of these decisions were unanimous, including: Far North, Porirua, South Taranaki, South Wairarapa, Hauraki, Stratford, Marlborough, Whakatāne, Rangitikei, and Ruapehu.

Some councils indicated they would investigate the implications of refusing to hold a binding referendum. Palmerston North City Council will present a report at an upcoming council meeting; Whakatāne District Council has sought legal advice; and Far North District Council has asked the chief executive "to investigate options of not conducting a binding poll at the next local body election in 2025".

LGNZ is supporting councillors affected by this legislation. Connected to this is our work around supporting Iwi Māori to stand for (re)election in 2025 and promoting voter participation.

Water services reform

The passing of the Local Government (Water Services Preliminary Arrangements) Act in August marked the second stage of the Government's *Local Water Done Well* reforms. This Act provides the framework and preliminary arrangements for the new water services system. There is a requirement for councils to develop and adopt Water Services Delivery Plans (WSDPs) by 3 September 2025. Successful elements of [our submission](#) include the expansion of streamlining provisions for water service entity creation, the scope and timeframe for WSDPs, and the Secretary for Local Government's role in making regulations. However, we were unsuccessful in securing a longer timeframe for WSDP development or greater support for councils in implementing this legislation, including funding.

The Government has announced the third stage of these reforms, which will shape the final bill, due to be introduced by the end of 2024. We released an [explainer](#) covering the key elements of this reform in *Keeping it Local*.

We're engaging with the Commerce Commission on how transitional and permanent economic regulation would work under Local Water Done Well. The Commission will be presenting at the November Metro and Rural & Provincial sector meetings to support members to develop a greater understanding of what economic regulation is and how it operates in other sectors.



Resource management reform

RMA Reform Minister Chris Bishop outlined the Government's plans for stage two of its resource management reform at SuperLocal. These will be progressed via a package on national direction and a second piece of legislation amending the RMA. There will be new national direction issued for infrastructure, housing, and natural hazards, as well as amendments to a wide range of existing national direction, with seven new national direction instruments and amendments to fourteen existing ones in total.

The changes cover four areas:

- infrastructure and energy,
- housing,
- farming and the primary sector, and
- emergencies and natural hazards.

Also included are measures to put into effect the Government's Going for Housing Growth and Electrify New Zealand reforms.

The expansion in national direction must be undertaken in close consultation with local government to be workable, and we will raise this with the Minister and officials. We have met with Simon Court to discuss the NPS-Infrastructure, which he is taking responsibility for developing. This was a positive meeting and further engagement with officials is likely to follow.

The Government has announced that two pieces of legislation would be passed to replace the Resource Management Act as part of stage three of their three-stage approach to resource management reform. One piece of legislation will deal with managing "environmental effects arising from activities", while the other one will "enable urban development and infrastructure".

Cabinet has agreed to 10 core design features for the new resource management system. These will guide the work of an Expert Advisory Group (EAG), which was also announced by the Minister. This group will report back to the Minister before the end of the year with a "blueprint" for new legislation.

Resource management lawyer and former Environmental Defence Society director Janette Campbell will chair the EAG, which also features local government experience in Christine Jones (General Manager – Strategy Growth & Governance at Tauranga City Council) and Gillian Crowcroft (former Auckland Council and Auckland Regional Council staffer).

We will be keeping a close eye on how development of the new RM "blueprint" unfolds between now and the end of the year, ahead of our final catch-up of the year with Minister Bishop in December.

Transport

In August, the Government announced that legislation to enable congestion charging schemes would be introduced by the end of the year. This is a significant and long-awaited announcement,



particularly for metro councils. We will submit on the legislation when it makes its way to Select Committee.

We submitted on the Commerce Commission's review of Auckland Airport's pricing decisions for the 2022-2027 period. We expressed concern about the flow-on effects that Auckland Airport's proposed increased charges to airlines could have for ticket prices, regional connectivity, and the competitiveness of New Zealand's aeronautical sector.

In August, Sam and Transport Forum chair Neil Holdom met with the NZTA board just ahead of an in-person meeting of the Transport Forum.

In September, the Government released its 2024-27 National Land Transport Programme, which is largely in line with the Government Policy Statement on Land Transport 2024. It includes significant funding increases for major roading projects and road maintenance, balanced by a decrease in funding for active and public transport initiatives.

Following the release of the National Land Transport Programme 24-27, we have been building a picture of the impact on members, including through a discussion at the in-person meeting of the Transport Forum. While funding decisions were largely as anticipated (based on the signals from the GPS Transport earlier this year), some members were surprised about the extent of funding cuts for safety improvements and public/active transport. The lack of alignment between the NLTP and LTP planning cycles has also created instances in which projects in LTPs no longer have expected co-funding from central government, meaning councils need to find alternative funding sources or scale the project back.

The impact of the reversal of speed limit reductions will be a focus over the coming month, particularly the fiscal impact given the need for new signage around schools. The new Government's speed limit rule includes:

- Reversing Labour's blanket speed limit reductions on local streets, arterial roads, and state highways by 1 July 2025.
- Requiring reduced variable speed limits outside schools during pick up and drop off times by 1 July 2026.
- Enable speed limits up to 120km/h on Roads of National Significance where it is safe.

We will be engaging with councils to get a picture of the overall fiscal impact of these changes.

Climate change

We submitted supporting the intent of the Government's draft Second Emissions Reduction Plan (2026-30). We also highlighted that most of the actions would require direct or indirect contributions from councils.

We sponsored the Aotearoa Climate Adaptation Network's (ACAN) annual hui again this year, which was held in the Bay of Plenty in October. ACAN is a network of council staff working in climate adaptation focused roles. We engage closely with ACAN on all our climate adaptation work.



The Finance and Expenditure Committee has completed its [inquiry into climate adaptation](#). The high-level objectives and principles it set out will inform the development of New Zealand's climate change adaptation policy framework. The report acknowledges the leading role councils will play in climate adaptation, and adopted much of what was proposed in [LGNZ's submission](#). The report does not resolve crucial questions relating to roles and responsibilities or how to decide who pays for adaptation and retreat.

The Department of Internal Affairs is consulting on an exposure draft of regulations for natural hazard information in Land Information Memoranda (LIMs). The regulations have been drafted to support local authorities in implementing changes to the Local Government Official Information and Meetings Act that are due to come into effect on 1 July 2025. LGNZ submitted on the amendment Bill in February 2023. We supported the Bill but said we would like to see a few changes, many of which have now been incorporated into the updated Bill and proposed regulations. These regulations, in conjunction with the legislative changes that are due to come into effect next year, will provide certainty for councils about sharing natural hazard information in LIMs and reduce their risk of legal liability.

Localism

At SuperLocal, Susan launched our Choose Localism guide and research showing public attitudes to councils and localism.

To produce this research, we worked with Curia to poll members of the public. [The data](#) looks at perceptions around the effectiveness of councils, how councils could improve their effectiveness, and who should deliver services.

[Localism: A Practical Guide](#) sets out a wide range of tools and approaches councils can use to make a localist future a reality and apply a localism lens across their day-to-day work. This is a high-quality, comprehensive piece of work featuring many council cases studies. When we launched the guide to members during SuperLocal, this email had a 65% open rate (which is incredibly high by direct-email standards). We will be posting a physical copy of this guide to all Mayors and Chairs later in November.

Other policy issues

Earthquake prone buildings

In August we submitted on the Building (Earthquake-prone Building Deadlines and Other Matters) Amendment Bill, which delivers on the Government's commitment to extend remediation deadlines for earthquake-prone buildings. We expressed strong support for the legislation and outlined local government's expectations for the upcoming wider review of earthquake prone buildings.

We have also engaged with MBIE to make sure there is suitable local government representation in the wider review's steering group, particularly individuals from the South Island and/or medium risk councils.



We understand that decisions on the MBIE steering group for the review of the earthquake strengthening regime are imminent. We put forward a number of names to represent local government on this group, and are following up with MBIE to determine if any of them were ultimately chosen.

Emergency management system improvement

We engaged on the Government's response to the North Island Severe Weather Event Inquiry's report and wider emergency management system improvement as a member of the steering group. We facilitated engagement between the project group and a group of Mayors, Chairs and CEs, to test the group's current proposals. A Cabinet paper will set out a new Emergency Management Bill (to be introduced next year) along with budget bids and other system changes.

The Government's response to the North Island Severe Weather Event Inquiry's report, and wider emergency management system improvement, has been released. We have been contributing to this work as a member of the Steering Group. This response will form the basis for the development of a new Emergency Management Bill to be introduced next year, along with budget bids and other system changes. The key recommendation is to retain the locally led, regionally coordinated approach – but with NEMA taking on a standard setting and assurance role. This could require increased investment by councils, but at this stage there are no additional funding mechanisms proposed.



Connect

Member visits

In June, Susan and Sam visited 14 councils. These visits are vital for connecting with members, helping them understand what LGNZ delivers, and hearing their feedback and ideas. Visits resumed in early September with visits to a range of Zone 2 councils. Susan visited the Chatham Islands in late September, with Susan and Sam's other member visits scheduled for October and November.

NC members and LT members have also appeared at several member council meetings via zoom to support their consideration of the LGNZ four-monthly report.

SuperLocal24

This year's conference was the "place to be" for local government, with the PM, many Ministers and the Leader of Opposition all speaking alongside impressive international and New Zealand keynote speakers. SuperLocal dominated media and public discourse that week.

We had nearly 800 people attend – and generated 394 media mentions across a huge range of topics (bed tax, PM speech, regional deals, localism, women in local government, four-year term, SuperLocal award winners, and much more).

We asked attendees to complete a feedback survey. While feedback was again positive, there were slightly more negative/neutral comments this year, partially driven by the political polarisation prompted by the PM's speech.

We are incorporating feedback into our planning for SuperLocal25, which will be held in Christchurch (supported by the councils in the region). In response to comments about this year's conference length and timing, we will be starting SuperLocal25 on the Wednesday morning (with the AGM prior) and wrapping up the conference by the end of Thursday, with the awards dinner on the Thursday night.

Combined Sector meetings

We received a huge amount of positive feedback on the programme and organisation of the Infrastructure Symposium on 14 June. Nearly 200 people attended, with Peter Nunns of the New Zealand Infrastructure Commission/Te Waihangā and Sir Bill English particularly popular speakers.

Our November Combined Sector meeting will take a deep dive into the Government's local government reform, including benchmarking, efficiencies and rates capping. Confirmed speakers include Local Government Minister Simeon Brown, Regional Development and Assoc Finance Minister Shane Jones, Labour Finance spokesperson Barbara Edmonds, Auckland Mayor Wayne



Brown (via zoom), and New South Wales and Victorian speakers on their experience of rates capping.

We are planning for the 2025 Combined Sector meetings, with the theme for February to be around accountability and demonstrating value, and May to be around delivering infrastructure for growth.

2025 calendar

We released our [calendar of events for 2025](#) in October. This will be updated with Zone 5/6 events shortly.

Te Maruata

Te Maruata Rōpū Whakahaere have met regularly, and also initiated a regular Teams drop-in session Piki te Ora that enables members to come in and kōrero, share thoughts and ideas on their mahi and what is happening in their rohe.

Te Maruata's pre-conference hui was attended by approximately 100 people. The hui is the annual face-to-face event for the wider membership but also welcomes non-members who have a strong connection to LG and Kaupapa Māori. The Rōpū welcomed Green MP Hūhana Lyndon, and MP Willie Jackson and MP Shanana Halbert were also in attendance. The programme included a workshop on sharing issues, ideas and solutions given the current climate, and a panel on "how to move the waka forward" with a particular focus on action on the ground, rangatahi participation and civics education.

YEM

Our Young Elected Members held a successful pre-SuperLocal hui in Wellington attended by around 40 YEM. It included a presentation from Dr Jess Berentson-Shaw on how to communicate effectively to achieve change, and a workshop on how to increase young people's participation in local government.

The annual YEM Hui took place in Christchurch regardless of Christchurch City Council's decision to withdraw from LGNZ. This is because the YEM Committee decided earlier this year to shift away from having a host council, with the Committee taking on full responsibility for hosting. We worked closely with Cr Deon Swiggs (Environment Canterbury and member of the YEM Committee) on planning for the event. Former Christchurch Mayor Lianne Dalziel delivered the keynote address, with the theme of the hui being "mā mua kite a muri, mā muri ka ora a mua" – driving change through community leadership. The programme was about councils empowering community leaders to make real change and equipping YEM with the key skills needed to make good decisions around council tables. Tikanga sessions were organised to support members to prepare for the whakataui at the commencement of their hui.



Women's lunch

Before SuperLocal, we hosted a lunch for women that was attended by more than 100 elected members including nearly every woman Mayor. Finance Minister Nicola Willis was a very effective speaker and the event was well covered by media, with [this local democracy reporter story](#) carried prominently by every major outlet. The lunch also included a workshop. We are now considering next steps for this work.

CBEC

Christchurch City Council's decision to withdraw from LGNZ means that Co-Chair of CBEC Simon Britten stepped down in July, with Sarah Lucas becoming the sole Chair.

CBEC has been focused on the Community Boards Conference which, for the first time, was held in conjunction with the LGNZ SuperLocal Conference. While organising the two conferences at the same time was challenging, the Community Boards Conference went well. At their September meeting CBEC resolved not to hold a community board conference in 2025. Instead, they are investigating the possibility of having a dedicated session at the 2025 Super/Local conference that would attract community board members. They are also looking at facilitating smaller zone or regional-based seminars for community boards.

CBEC is continuing to develop a work plan to implement recommendations around community board members' satisfaction and their relationships with their councils. A key part of the work plan is developing a guide to assist councils and community boards to build effective relationships. This will include a model agreement to enable councils and boards to set out mutual expectations.

Sarah Lucas has been actively assisting community boards going through representation reviews.

Work is progressing on the development of an approach to enable the Remuneration Authority to fairly recognise and compensate those community boards with additional responsibilities.

Metro Sector

The Metro Sector held a workshop in September to discuss metro-specific priorities and agree on actions that will complement and support LGNZ's broader advocacy work programme over the next year. Members agreed that the key priorities for metros are centred around enabling growth and economic prosperity, and achieving these priorities requires removing obstacles and improving things that currently slow us down. This is reflected in the following agreed areas of focus:

1. Improve alignment of central and local government investment cycles to reduce inefficiencies and encourage more bipartisan agreement on key infrastructure decisions.
2. A strategic approach to supporting economic development and growth.
3. Lift governance and accountability in order to improve LGNZ's impact in the Metro space.



Te Uru Kahika/Regional Sector

The online meeting of the Regional Sector in June covered a number of key issues for the sector, including emergency management system improvement, Taumata Arowai's work on wastewater performance standards, and work on the climate adaptation framework. Their October online meeting focused on the Finance and Expenditure Committee's Inquiry on Climate Adaptation, the Regional Sector's views on how Core Services should be defined in upcoming legislative changes, and NZTA's Public Transport programme's priorities.

The Regional Sector's ever-popular Regional Tour prior to SuperLocal explored a range of flood protection, recovery, and biosecurity and biodiversity initiatives across the Hawke's Bay and Wellington regions.



Support

Ākona

Ākona users continue to grow, with another 138 people logging in for the first time since July. We have started a monthly email that highlights new Ākona courses and content. Please let us know if you're not receiving it.

In July we launched a new course on the CE Relationship – featuring the insight of Mayor Sandra Hazelhurst, Nigel Bickle, Nigel Corry and Chair Daran Ponter. This course was developed after receiving multiple requests from members. In August we launched a course on Leading Complex Communities, which will eventually include at least two Ako hours with expert host Jo Cribb.

The Climate Change course (released two months ago) caught the attention of the Aotearoa Council Climate Network, who were impressed with the content and keen to encourage elected members to engage with the learning. To support that mahi, a cloned copy of the Climate Change course was made available to sustainability staff from all member councils two weeks ago.

Five Ako hours were run from June-August, including a session that was arranged in response to the change in Māori ward legislation. Another three Ako hours were scheduled during September/October. These sessions are becoming increasingly popular, whether through attending the live sessions or viewing the recordings later.

We are working to confirm logistics and continue development of materials for Induction 2025 before the end of 2024. A draft design was produced and tested with members across October along with a prototype for an upgraded Ākona platform and programme that delivers a more personalised learning experience. The response from testers was very positive and the tīma have now begun development, starting with the production of pre-elected materials ready for release in March 2025. Existing courses have been reviewed in preparation for the shift in format with their redevelopment due to begin in November.

Roundtable zooms

Our second zoom in this series on sovereign citizens was popular and provoked a lot of conversation and positive feedback. We then held a well-attended zoom for elected members on physical security in early August. Our next zoom on 24 September featured the Security Intelligence Service speaking about the new threat assessment for New Zealand, which contained specific commentary on the vulnerability of local government. The presentation provoked a lot of member questions.

These recordings and all other security-related resources can be found in a [special section of Ākona](#).

Hūtia te Rito – LGNZ Māori Strategy

Work continues on the development of this strategy. Related kaupapa include:

LGNZ four-monthly report for member councils: July-October 2024 // 20



- **Toitū te Reo** – This annual symposium launched in Hastings at the start of August and is a partnership between Heretaunga District Council and Ngāti Kahungunu, with the support of many others. Three LGNZ team members attended.
- **Tangihanga of Kiingi Tuuheitia Pootatau te Wherowhero VII** – The Māori King passed away on 30 August and his tangi was held from 31 August-5 September at Tūrangawaewae. LGNZ acknowledged the King’s passing on social media and issued a media release acknowledging the ascension of the King’s daughter to the throne, to become Te Arikinui Kūiini Ngā wai hono i te po Pootatau te Wherowhero VIII. The team will firm up a plan to connect with the Kiingitanga in the coming months, in support of the Kōtahitanga vision.

Governance guides/support

LGNZ has worked with the Taituarā Democracy and Participation Working Party to update the LGNZ standing orders template. The update will ensure legislative consistency and introduce plain English. A draft has been circulated for member feedback and the final draft is now being legally reviewed. The changes made to the template involve updating it to include legislative amendment from the past three years and introducing plain English where possible. The templates, which include a territorial/unitary council version, a regional council version, and a community board version, are expected to be ready in early 2025.

MTFJ

MTFJ members and networks gathered for the Annual Breakfast meeting at the SuperLocal conference. At this event, Social Development and Employment Minister Louise Upston confirmed \$9 million in funding for the next financial year. Justin Lester of Dot Loves Data launched a revamped youth employment data dashboard, which sets out a council’s local landscape in terms of youth and NEETs.

We would like to acknowledge Mayor Max Baxter’s service and mahi for MTFJ. Max stepped down from the role in early October. MTFJ held a thank-you and farewell afternoon tea in his honour to celebrate his contribution.

Mayor Alex Walker has been elected as the new MTFJ Chair.

Moata Carbon Portal

This month we’ve extended the Moata portal subscription for Queenstown Lakes District Council for another 12 months. We’ve also provided a demo of the portal and had conversations on carbon accounting with Horowhenua District Council.



Mott MacDonald, LGNZ and the Infrastructure Sustainability Council held the 2nd Aotearoa Carbon Crunch event in Auckland on 12 September, with approximately 100 industry players and council staff attending the breakfast event.

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 December through to the end of January 2025. 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*.
- 2 note the delegation of the role of Chief Executive to Amy Kubrycht (General Manager, People & Governance) from midnight on Sunday 22 December 2024 through until 8.00 am on Monday, 20 January 2025.

Office of the Chief Executive

The period of this report covers the lead-up to the Christmas-New Year break. The focus was on ensuring matters were completed, or progressed sufficiently allowing staff to have a good break during this summer period.

I also took a few weeks holiday during this period, and delegated the role of Chief Executive to Amy Kubrycht covering the period of midnight on Sunday 22 December 2024 through until 8.00 am on Monday, 20 January 2025. Matters that arose during that period are discussed further in this report, under the various divisional headings.

Strategy Policy & Science Group

Strategy and partnership

The focus continues to be on the 2025-26 Annual Plan and Phase 2 Rating Review with a reading pack for Councillor feedback circulated in early January.

Representation Review

Last month Council received confirmation that the Local Government Commission (LGC) will hold an online public hearing on Wednesday, 12 February 2025 from 9.30 am to approximately 1.30 pm regarding the Southland Regional Council's (SRC) Representation Review. The purpose of this hearing is to hear the appeals lodged against SRCs final representation proposal, of which two were received.

The hearing follows a standard sequence to allow the local authority to outline its proposal, provide representations from appellants (Invercargill City Council and Lloyd McCallum) to speak to their appeals, and exercise a right of reply of the local authority to matters raised. Typically, the Chair, Chief Executive and key officers will represent the Council at the hearing.

The Local Government Commission will advise media that the hearing is taking place, and the hearing will be live streamed on the Commission's YouTube channel. Following the hearing the Commission will reserve its determination with a decision released by 11 April 2025.

Science strategy and investigations

Aquatic Ecosystems

The summer monitoring programmes are underway, including weekly monitoring of recreational waters, annual riverine biomonitoring surveys and preparation for estuarine monitoring which occurs during February and March. Staff have also been investigating fish deaths and an algal bloom (red tide) in Doubtful Sound/Patea along with taking comparative samples in Milford Sound/Piopiotahi. Results indicate that the bloom is dominated by a species not known to be toxic. On-going monitoring is being undertaken with support from DOC, MPI and local industry, with support from scientists at Cawthron Institute.

The Waituna Lagoon continues to be closely monitored, with January sampling showing the opening cut has widened since the site was last visited in December. The dogleg that was forming around the opening site was no longer present in January.

In December, the Ministry for the Environment released new national guidelines for cyanobacteria in recreational freshwaters: [Link to document](#). Staff are working through implications to the current monitoring programme with any changes to be implemented next summer.

The Net Rate Energy Intake (NREI) study of the lower Waiau River is progressing, with a presentation of preliminary results presented to the Waiau Working Party in December. This study assesses flow requirements for invertebrates, native fish, juvenile and adult trout and eel habitat and will help inform minimum flow setting. The report is due to be completed in February and will be workshopped with Councillors.

Air and terrestrial sciences

The annual soil quality sampling has been completed with laboratory results starting to come through and be analysed. These will be summarised in an annual report later in the year. Staff are continuing work on wetland mapping and prioritisation, contaminated land risk assessment and air quality reporting.

Science strategy and integration

Work is underway on the science climate resilience projects, including appointing a contractor to update the regional climate projections. Staff have also been producing resources to help users with familiarising and understanding the catchment science summaries.

Science informatics and operations

Hydrological response

Following a wet spring, river flows and water levels have largely receded, with some catchments experiencing a fresh late December in response to rainfall across the region. NIWA's January to March climate outlook shows a La Niña watch remaining in effect which typically brings extended dry spells for Southland, although they are predicting increased periods of unsettled conditions from mid-January. Following the wet spring, aquifer levels across the region are generally normal to above normal for this time of year. Staff will continue to collect flow data to confirm and re-establish rating curves as flows recede.

Work is progressing on establishing a new snowpack monitoring network for the upper Maitai, Ōreti and Aparima catchments. Historic records have been used to assess what impact snow melt has on flood flows in these catchments and to help determine the type of monitoring network required. Quotes for different

monitoring options are being obtained, and it is anticipated that at least one snow depth monitoring site will be operational prior to winter.

Data Ecosystems

Land Air Water Aotearoa (LAWA) has recently released a new 'Actions for Healthy Waterways' module. [Link to information is here.](#) This module allows users to record actions occurring in catchments to restore or protect freshwater and aims to better link actions to changes in water quality outcomes. The module was developed from a tool produced in the Our Land and Water National Science Challenge.

Work is on-going to improve automation of data processing. The first stage will improve efficiency by automating the import of water quality readings from hand-held field meters. Staff also continue to respond to data requests, with over 20 having been processed since the last report. These were predominately a mix of research and resource consent related.

Monitoring and Evaluation

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. Summer monitoring programmes are underway in conjunction with the science team.

Regional planning

Proposed Southland Water and Land Plan

The remaining outstanding appeals on the proposed Southland Water and Land Plan are still to be resolved. Environment Southland applied 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. This request was opposed by one party to the appeal. The next steps involve us liaising with those parties who wish to be heard to prepare and file a Joint Memorandum of Counsel, with a proposed hearing timetable, availability and proposed location for the hearing, by 24 January 2025.

A working group representing the different appeal parties on Rule 78 – Weed and Sediment Removal for Drainage Maintenance, has met a number of times and draft provisions have been circulated to the different organisations for feedback, before the next Court reporting date in February.

Due to the Resource Management (Freshwater and Other Matters) Amendment Act enacted in October that 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 changes, the Regional Planning staff have been reviewing options around what a 2025 plan change may look like.

The focus of freshwater management work is on the implementation of the proposed Southland Water and Land Plan provisions that are now operative and in effect. Opportunities to address freshwater management issues through action on the ground are being developed. Communications on farm plans have commenced. Supporting the farming community, including rural industry, through the current regulatory uncertainties has been prioritised. Farm plans play a strong role in Southland's local approach to managing environmental risk and staff are continuing to encourage farmers to start pulling together relevant information

Regional Coastal Plan for Southland

Progress continues to be made towards a revised Regional Coastal Plan for Southland to ensure it is relevant to the community and in step with current legislation. While the legislative framework is currently being

refreshed, Environment Southland will continue to work in partnership with Te Ao Māramānc. (TAMI), to set direction for resource management in the Southland region in a new Regional Coastal Plan. Engagement with the community on their values relating to the Southland coastal environment has commenced, online and through local events. More specific stakeholder engagement on targeted areas of the plan is underway. Scientific reports are also being compiled to guide and support provision drafting.

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. A follow-up meeting between TSIG and the Ministry of Transport is proposed to progress discussions and next steps.

Community & Engagement

Communications

Over the summer holiday period our 'top tips for summer' promotion focused on social media and alerts were issued as required – one spill at Edendale and toxic algae alerts. The promotion is continuing and is supported with a webpage. It covers a range of topics with a particularly strong push for boating safety; clean, check, dry; LAWA; and toxic algae awareness. Signs about toxic algae were also erected at sites across Southland prior to Christmas.

In the summer period to date we have had a huge lift in people signing on for Antenno (1031), compared to this time last summer (74). Contributing factors will be the regular promotion of Antenno and the fact that all Southland councils are now using Antenno, making it one source for council information.

During December support was provided for the catchment conversations, the science summaries, the oil spill response exercise at Bluff and the removal of trees on the Waihopai stop banks. The new funds aimed at enhancing water quality were promoted.

An edition of the regulatory e-newsletter, Te Matairangi, was sent to subscribers with a strong response, opening rate of 61%. Topics included farm plans, winter grazing cultivation, ENV data, the compliance monitoring report, summer maritime activities, prosecutions and investigations.

Media releases in December – new funds, compliance monitoring report; in January – investigation into reports of an algal bloom in Doubtful Sound, toxic algae signs. Topics of media enquiries were toxic algae, disposal of dead birds, spills.

Planning is well advanced for community engagement at A&P shows and events from January to March, focused on rates, climate and the coast.

Catchment Integration

Catchment Plans – The Waihopai Integrated Catchment Management Plan (ICMP) has now been finalised, following final feedback from members of the public who were involved throughout the development of the plan. An end-of-funding report for MBIE is due in February to outline learnings from the Waihopai plan development, and the future approach for Catchment Planning across Southland.

Work is underway to secure funding to support the local community to complete actions outlined in the Waikawa ICMP.

Collaboration with the Biodiversity team and the Mataura Catchment Liaison Committee will ensure alignment of projects with the ICMP through engagement with key stakeholders. Staff look forward to

further collaboration with the Waikawa community on the draft work plan, which highlights three key initiatives for implementation:

1. Biodiversity Enhancement through the establishment of a Community Nursery,
2. Pest Animal Control measures, and
3. Strategies to 'slow the flow', and erosion mitigation.

Grant Schemes – A new grant scheme, the 'Catchment Improvement Fund', was launched in December to support landowners to undertake actions that will improve water quality, including mitigations such as constructed wetlands, native planting, land retirement and sediment traps. The Catchment Integration team is now working alongside landowners to develop their ideas, and submit applications prior to the deadline of 15 February 2025.

Engagement and outreach – Catchment Integration staff were interviewed for 'The Muster' show on Radio Hokonui in January, to raise the profile of the Catchment Improvement Fund and encourage applications from members of the public.

A collaboration with Fish & Game will support the Catchment Improvement Funding, by providing technical support on wetland development.

Staff will be supporting a wide range of community events throughout the remainder of the summer, including local A&P shows. Support of Catchment Groups and the New Zealand Farm Assurance Programme (NZFAP) stream studies are ongoing.

Education – Waikaka school undertook its Enviroschools Bronze reflection in December, which showcased the enthusiasm and dedication of their students towards managing a range of student-led environmental projects, including a vegetable garden that provides produce to the school and community, and pest management initiatives to help their native wildlife thrive. Alongside these projects, the students showed excellent knowledge of the Enviroschools kaupapa and Guiding Principles, and commitment to their long-term journey towards sustainability.

Final preparation is underway ahead of the Aquavan tour in March, which will offer students the rare opportunity to get 'hands on' with marine life and learn about marine species and ecosystems from experts from the University of Otago.

General educational requests have slowed down due to school holidays, but are expected to pick up again in February. The education team are focussed on planning and preparation ahead of the 2025 school year, including working with WasteNet on potential collaborations to minimise waste at local schools.

Integrated Catchment Management Group

Catchment operations

Flood Resilience Programme

In May 2024, central government announced \$200 million for flood resilience infrastructure through the Regional Infrastructure Fund of which \$101.1 million was committed to 42 projects nationwide, three of which are in Southland.

The three projects that were agreed (on 26 September 2024) totalling \$6 million to upgrade and improve Environment Southland's flood protection infrastructure, are in the Aparima, Ōreti and Te Anau catchments. These projects are 60% funded by MBIE and 40% by Environment Southland. On 26 September 2024,

Environment Southland entered into a contract with MBIE to deliver a programme of work totalling \$6 million to upgrade and improve Environment Southland’s flood protection infrastructure in the Aparima, Ōreti and Te Anau catchments. Of this \$6 million, 60% is funded by MBIE and 40% Environment Southland.

Aparima Flood Resilience Project

This project will improve the flood resilience of the Otautau community and surrounding rural areas through remediation of stop banks and clearance of unwanted vegetation to improve hydraulic efficiency in the channel.

Stage 1 of the project focusing on the Otautau Stream was completed at the end of December 2024. This involved the placement of approximately 3,600 tonnes of rock for edge protection to prevent further erosion toward the flood protection structures. About two hectares of willows were cleared from the flood channel to improve hydraulic efficiency and flood carrying capacity.

Stage 2 is scheduled to commence in late January 2025. This work involves the remediation of low sections of the true left stop bank crest and clearance of unwanted vegetation approximately one km upstream of the Yellow Bluffs Bridge and 1.3 km downstream on the Aparima River.

The final Stage is currently in the procurement phase.

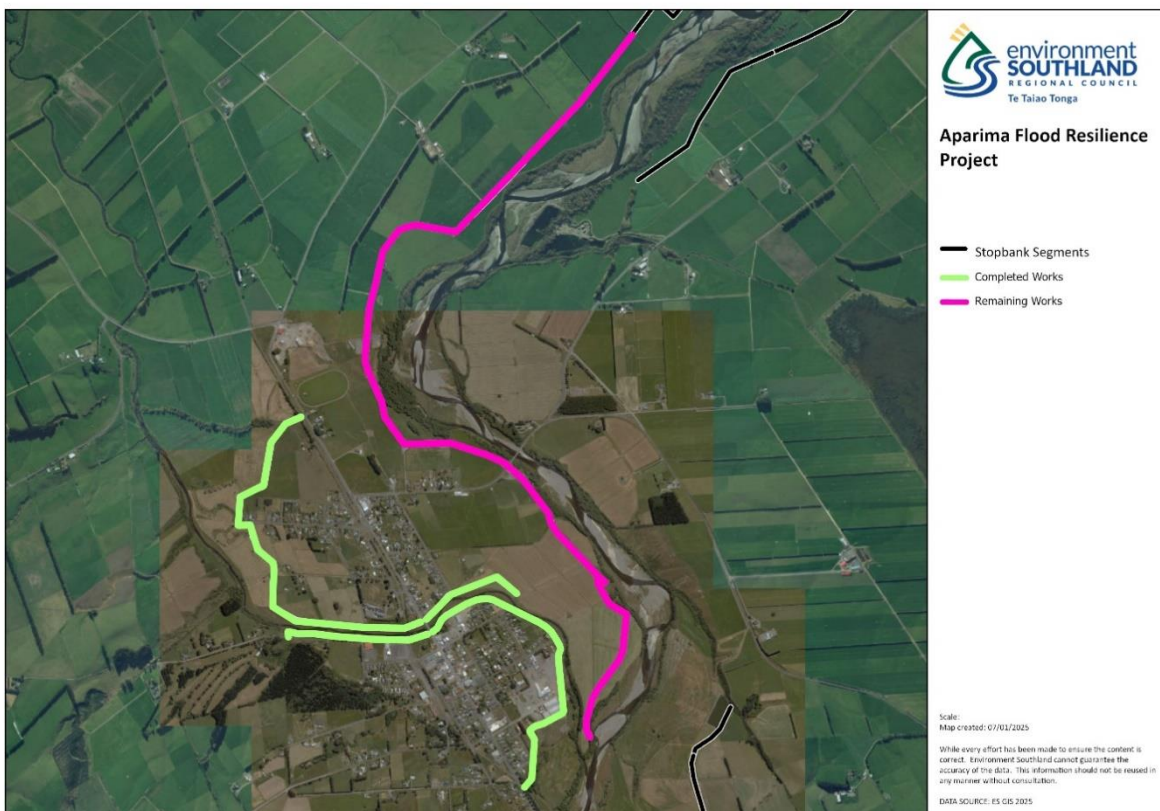


Figure 1 Map showing completed and planned works for the Aparima Flood Resilience Project

Ōreti Flood Resilience Project

This project addresses improved flood resilience for communities along the Ōreti River, including Dipton and Winton, along with critical infrastructure and lifelines. This project is spread over three years.

The initial focus for this construction season and next, is the reinstatement of stop banks to design standard and improving the flood carrying capacity of the flood fairway, protecting the communities of Dipton West and from Dipton downstream to Winton.

Initial preparation works for Dipton West have been completed, including willow clearance and removal of minor defects. The next phase of this is returning the four kilometers of the true right stop bank upstream of the bridge to design standard and relocating fencing to the stop bank toe to ensure prevention of future stock damage.

The next two stages of the project, Dipton to Fernhill stop bank remediation and South Hillend willow clearance, are both in the procurement phase. The stop bank remediation work from Dipton to Fernhill will focus on removing defects and strengthening the integrity of the stop bank. This section of stop bank is of particular importance as it protects the downstream communities of Centre Bush and Winton.

The willow clearance at South Hillend focuses on improving the channel's hydraulic efficiency and increasing flood capacity through the removal of about 30 hectares of willows.

Te Anau Flood Resilience Project

This project addresses stop bank defects and vegetation removal on the Whitestone River over a two-year period.

Stage 1 of this project focuses on a 10 km section of the true left stop bank, stretching 2.6 km upstream of the State Highway 94 bridge and 7.5 km downstream. In this initial stage, works are to include mulching the stop bank so it can be surveyed accurately to determine uniformity of the crest levels and gradients of the batters. Most works for this stage will focus on willow removal over three sites, totaling approximately 6.6 hectares. Contractors have been appointed, and work is expected to commence in mid-January.

Defect Programme Update

The 24-25 Maintenance, Repair and Renewal Schedule has been developed based on the criticality of the stop banks the defects are on. Work on these defects will progress throughout the construction season. Any defects not resolved will be addressed in next year's schedule.

Progress updates will be shared through the Regional Services Committee and will include an annual stop bank inspection.

A portion of the Aparima and Ōreti defects on critical banks will be addressed through the respective Flood Resilience projects.

Murihiku Slow the Flow – Upper Mataura Pilot Update

Murihiku Slow the Flow is a collaborative approach to evaluate the feasibility of nature-based climate adaptation solutions. These will complement the existing flood protection schemes for reducing flood risks. This initiative addresses high flood-risk areas while enhancing environmental and cultural wellbeing (hauora). This will inform Environment Southland's future integrated river and floodplain management strategy.

Achievements to date

- With Environment Southland staff, iwi partners, regional stakeholders, and nationally socialising and exploring the use of nature-based solutions (green infrastructure) to complement conventional hard infrastructure to increase our region's resilience to flooding.
- High-level assessments for five nature-based solutions—detention bunds, reconstructed wetlands, native vegetation planting (woody vegetation and tussock) and floodplain re-establishment—are nearly complete.

- Hydrological data integrated into the Mataura flood risk model to better understand flood dynamics.
- Successful Waikaia Slow the Flow Hikoi with 30 participants, including farmers, Te Ao Mārama staff, and project stakeholders, fostering critical insights and collaboration.

Biosecurity and biodiversity operations

Marine update

The marine team completed the first Fiordland joint-agency compliance trip in November 2024, patrolling the southern fiords. No marine pests were found during hull inspections, however, two vessels did not have a current clean vessel pass. Fewer vessels meant more mooring, line and structure inspections were completed (102 in total). Undaria was found and removed from one mooring within the Breaksea Sound Undaria Exemption Area, and no other marine pests were found.



Divers inspecting the hull of the Stella shipwreck in Fiordland

Monthly inspections of vessels bound for Fiordland and southern Rakiura commenced in September 2024. These inspections continue to

be an effective way of identifying fouled vessels and ensuring they are appropriately cleaned before heading to pristine waters. Approximately 100 vessels are inspected in Bluff and Rakiura each month.

The Fiordland Marine Biosecurity Strategy 2024–2034 between Environment Southland, the Department of Conservation, Biosecurity New Zealand and the Fiordland Marine Guardians, was finalised in December 2024. Staff are now progressing a revised Collaboration Agreement for joint-agency operational activities, alongside a discussion document regarding the future management of Undaria in Fiordland, for senior leaders to consider in 2025.

Pest Plants

Two properties have had their *Pinus contorta*/*Pinus mugo* exemption removed as per Rule 14 of the SRPMP as the infestation levels of these species are at a level that the landowner should be able to control these species within their farming activities. This is in alignment with the Environment Southland Mid Dome transition plan for the Mid Dome area/national programme and the Mid Dome Wilding Trees Charitable Trust's strategy.

A large Old Man's Beard infestation was found in the Waiau river/Tuatapere area following a combined aerial flight with the Catchment Operations team. We will continue to work with the Catchment Operations team to look at various control options. This was a disappointing discovery and is near some existing sites, but should be contained this season.

A delineation survey was undertaken at the only known site of Parrots feather (an eradication species) in Southland and confirmed Parrots feather has now been eliminated.



Parrots feather – eliminated from only known site in Southland

Regional Pest Management Plan 2029

Impact assessments have been completed for 15 species. A process for doing these assessments has been established which is ensuring consistency across the different species. The information collected for the

assessments includes Environment Canterbury climate modelling predictions, observation data from the public, and management options from other places that have found the species to be a pest.

Pest Animals

We have two new Possum Control Areas (PCA) confirmed with good buy-in from the landowners. These two areas recently dropped off the TB programme and there is good support to keep possum numbers low. Both areas are in the Western Southland area and adjoin existing PCAs.

A new possum monitoring contractor has been brought into our contracting pool and will hopefully start two PCA monitoring projects over the next two to three months.

Rabbit monitoring planning has been completed and monitoring will be undertaken largely at high risk or historical sites over the next three-to-four months.

Biodiversity

The biodiversity team has continued to support Environmental Enhancement Fund recipients with site visits, many of which happened in December, having been delayed due to earlier bad weather. Staff also reconnected with community groups. It is exciting to see them getting reinspired to continue their work. Other community events included supporting the Southland Ecological Restoration Network spring field trip and hosting a local Mutuku Muster event. Both events received good attendance.

Two staff members attended the New Zealand Ecological Society conference. This was a great opportunity to learn new skills, update on new research and connect with peers across the country.

Over 600 plants were planted at the lower Matura restoration area where we are also undertaking a plant guard trial with the new Gratto guards.

ICM Partnerships

Whakamana te Waituna Update

The Trust had its final Meeting for 2024 on 13 December 2024. The trustees were pleased to receive the letter from Environment Southland confirming Council's support and long-term commitment to the Trust's work around the Webster Block. The 2023-2024 Annual Report was also tabled at the Trust meeting (note: this will be included as part of a more detailed update at the next Regional Service Committee meeting).



Bluff Haul Out

The Needs Analysis report for this project has now been completed. Staff are currently reviewing the findings of that report and considering the next step options. A report with options and recommendations will be provided to the Regional Services Committee.

Water Shortage Protocol

In the past few years at this time of year we have been initiating our Water Shortage protocol, and increased monitoring and communications relating to dry weather and lowering water levels. Given the reasonably wet weather experienced through December and early January there is no indication that the region will be facing any water shortage this season. However, the team is still keeping an eye on the situation through normal monitoring, and discussions have remained open with other agencies, including Ministry for the Environment and Rural Support Trust, to ensure everyone is prepared should the situation change.

Regulatory Services

Compliance

It is acknowledged that this year has been challenging for farmers and staff are aware some have applied additional fertiliser to promote grass growth following the high spring rainfall. While the submission of the synthetic nitrogen data is part of national regulations, individual councils can determine how that data is monitored and non-compliance managed. Environment Southland decided it was important to establish why a synthetic nitrogen limit of 190 kg/h/year might be exceeded, so that is a key step in our process.

Consent holders can email escompliance@es.govt.nz with the subject line "Synthetic nitrogen exceedance" to let us know they believe they will be over the limit and their reasons for this, either before, or at the time of submitting data into the central portal, and that will be taken into account at the time of assessment.

Last year where the farmer explanation was accepted, the exceedance was minor and there was previous good history to support the exceedance as a one-off event. Staff simply noted the submission for the 2023-2024 year as non-compliant with no further action taken.

It is recommended farmers talk to their fertiliser advisor about their on-farm practice to see if it can be improved and synthetic nitrogen use can be reduced and to develop a plan to prevent this occurring in future years.

Consents

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. A prehearing meeting is to be scheduled for early 2025.

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. The EPA Panel issued Minutes 13 and 14 in late December 2024, seeking further information from the Applicant and experts, and extending the timeframe for an application decision to 19 February 2025. The detailed information can be found at this link:

<https://www.epa.govt.nz/fasttrack-consenting/referredprojects/southland-wind-farm/reports-and-advice/>

A hearing was held 30 June 2024 for the Environment Southland catchment operations division consent application for the Titiroa tide gates. The hearing closed on 13 December 2024. Independent Commissioner Allan Cubitt has granted consent with a 5 year term for the continued operation of the tidegates on 27 January 2025. The consent conditions includes various monitoring requirements such as habitat enhancement, inanga spawning surveys and fish passage monitoring. The decision documents can be found here: <https://www.es.govt.nz/environment/consents/notified-consents/2023/es-catchment-management-division-app-20211135>

Applications in progress - there are 199 (including 31 Maitua Water Conservation Order review) applications currently in progress. Compliance with statutory processing timeframes for resource consent applications for the period 20 November 2024-6 January 2025 was 100%. This includes instances where the applicant has agreed to a timeframe extension.

Harbour management

The Marine Services team has two summer students onboard and after the first few days of induction and orientation, they were provided with the tools to assist the team with hitting the local boat ramps to conduct safer boating surveys and pass on the safe boating message to the public.

The team has been working with Southland District Council, the Department of Conservation and the Te Anau community group to develop new signage that highlights a non-motorised vessel area in and around Steamers Beach. The signage also displays additional boating safety information, and staff have received positive feedback on this from the public.

Staff also created a new boating safety information pamphlet aimed at safe navigation around float planes landing and taking off on Lake Te Anau. These will be distributed amongst boaties in the Te Anau and Manapouri areas this boating season.

As usual the team has had a strong focus on boating safety this summer season with the “Come Home Safe” message being used in both hand-out material and radio adverts.

The team has managed to secure extra funding from Maritime NZ for remote areas on-water compliance for areas such as Fiordland. This stream of work will be undertaken during the January Joint Agency Compliance trip aboard the DOC vessel “*Southern Winds*”.

IT has rolled-out an online application system for event organisers wishing to apply for on-water events. The new system will allow event organisers to submit Safety Plans and other relevant information.

There have been 23 scheduled cruise ship visits to date with three cancellations due to adverse weather making it unsafe to enter Fiordland waters. There are sixty three scheduled visits remaining until the season ends on 8 April 2025.

People and Governance Group

People and capability

The second of the three General Manager and Tier 3 training sessions was held over two days in December with this session focusing on leadership and processes. The training was delivered by Karen Clarke of the Capability Collective, who has also been delivering coaching sessions between training to ensure that participants are able to discuss training outcomes and their implementation.

The Workforce Strategy project is nearing its completion, with the final draft document being shared with the project team early in the New Year. The output of this project will be used to inform both the people strategy and the ongoing accommodation project.

Health, safety, and risk

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

- *Risk Management:*
Staff drafted a risk management guideline document and accompanying tools to support the ongoing implementation of risk management practices throughout the organisation. This guideline offers staff a clear and practical understanding of risk management concepts and the techniques required to apply the risk management framework in their respective areas or projects. The tools provided include risk register templates, risk assessment tools (such as a risk matrix and consequence table), and bowtie templates. Training on how to use the guideline and tools will be offered to all divisional managers in the third quarter.

➤ *Health and Safety:*

Staff continue to review the health and safety manual to identify any changes and gaps. This manual serves as the foundational document for Environment Southland's health and safety management system. The review is also part of a broader continuous improvement programme. In addition, staff have been working on enhancing internal reporting by utilising Power BI technology to present health and safety data. This initiative has been supported by the Information Systems team.

Corporate Services Group

Finance

With the rates due date now past, the rates team is busy with overdue reminder letters and rates database maintenance. The rates season went well, particularly considering the number of changes to the rates levies that occurred because of the rates review. Improvements in the process, particularly the automatic receipting of bank payments, was of real benefit this year. A temporary, part-time staff member for six weeks was employed through to the end of November. This year is the second year for this staff member and having that experience and knowledge of our systems and processes also helped enormously.

The work undertaken during the year with ratepayers who have outstanding debt was noted as also helping with the number of enquiries and the tone of the enquiries. For those who have payment arrangements with the council, having a familiar person to work with, someone who understands their account and situation, makes a difference to the experience of the ratepayer.

Work begins now on updating the database with all the new subdivisions and property changes that have occurred over the last six months. Typically, Council will add 600+ properties to the rates database each year. The Team Leader Finance Operations met up with colleagues from the three other councils during December. There is much to share and learn from each other, and the focus of the meeting was rates this time. Monthly reports and business plan reporting continues to be the focus for the Corporate Reporting Team as well as preparation and updating of the LTP Year Two budget as part of the Annual Plan process.

The investment into Magiq, our budgeting and modelling system, continues to pay dividends. The system is key to the finance team's work and ability to create new budgets and reports in a timely manner. The product has more features and capabilities yet and staff look forward to being able to roll those out in time. Rates modeling, the creation of new scenarios for various options, is well underway. Processes developed during the past year have helped reduce the time taken to create new models and rate samples.

Information systems

The new EnvData Portal went live on 12 December 2024 and has improved environmental monitoring and data accessibility. This project is now considered business as usual.

Key achievements are:

- Enhanced Data Collection: EnvData has expanded its network of sensors and monitoring stations, providing real-time data on air quality, groundwater levels, rainfall, soil moisture, and temperature and webcams.
- mobile responsive and user-friendly interface offers a more intuitive way for users to easily access and interpret environmental data through maps, tables and graphs.
- additional enhancements and improvements through customer feedback.

Continuing with Bringing Data to Life projects, the team has started developing South Maps, which replaces Council's public-facing Beacon and will integrate into the DISH (Data Insights Southland Hub).

Some of the new features that South Maps will include:

- modern mapping capabilities will maximise advanced GIS technologies, enabling more detailed and accurate environmental and infrastructural data mapping.
- collaboration with local authorities will allow for aggregated data to ensure that the data provided is relevant and supports regional planning and development.
- South Maps will improve public access to its data, providing a one-stop-shop for the region and making it easier for customers and stakeholders to utilise the information for various applications, including environmental management and urban planning.

It is anticipated that South Maps will be live by 30 June 2025.

Information Management/Organisational Support

Information Management

The team is currently working on integrating Objective EDRMS with Doc Assembler. This integration will simplify the retention of Council and Committee Agendas and Minutes, ensuring compliance with best practices under the Public Records Act. By retaining these records in Objective, the Council's official records system, we will uphold the necessary standards for record protection.

In December, care was taken to ensure that physical records across the organisation were properly stored before the organisation closed for the Christmas break. This included a full audit and tracking and tracing of physical records not held in the strong room or archives, ensuring compliance with the Information Management Policy and Public Records Act.

Organisational Support

The team's primary objective has been to provide support for the Catchment Liaison Committee meetings. In addition, they have been diligently managing various routine business tasks. These tasks have encompassed the coordination of several extensive mailouts and the preparation of detailed systems and calendars for the Committee and Council meetings scheduled for 2025. Furthermore, the Personal Assistants are actively engaged in strengthening their relationships with the new General Managers who have recently stepped into their positions, fostering collaboration and effective communication within the organisation.

10.2 Rating Review - Confirmation of options for consultation

Report by: Dave Gibbs, Strategy & Partnership Manager

Approved by: Rachael Millar, General Manager Strategy, Policy & Science

Report Date: 14 January 2024

Purpose

The purpose of this item is to confirm the options for river management rating for engagement with the community over the coming months.

Summary

A review of how Council fund's flood protection and management activities (known as the Phase 1 Rating Review) was undertaken alongside the development of the 2024-34 Long-term Plan.

As a result of community feedback, it was agreed that there would be further consultation during the 2024/25 year on whether the river management rate is a local or regional rate (this is known as the Phase 2 Rating Review).

This item sets out the options that have been developed.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Rating Review - Confirmation of options for consultation.
- 2 approve the three options for river management rating for community engagement as a regional rate, Freshwater Management Unit (FMU rate) and current rate.

Background

A review of how Council fund's flood protection and management activities (known as the Phase 1 Rating Review) was undertaken alongside the development of the 2024-34 Long-term Plan. This was because the previous rating approach was too narrowly focused on perceived direct benefit, overly complex (i.e. 140 catchment rates), and no longer fit for purpose in the face of a changing climate and the need for flexibility of investment across the region. Ultimately the proposed changes were to achieve more efficient, effective and equitable investment in flood protection and management assets and activities.

As a result of community feedback, it was agreed that there would be further consultation during the 2024/25 year on whether the river management rate is a local or regional rate (this is known as the Phase 2 Rating Review).

Council has discussed the Phase 2 Rating Review at workshops on 2 October 2024 and 12 November 2024 and reviewed materials over the summer.

2024 Decisions

The key decisions made during the LTP process that relate to how Council rates some of its activities are as follows:


- Catchment Planning rate (excluding Waiau) moving to 100% general rate (capital value) in year one.

- introducing a new Flood Infrastructure Investment rate that is 100% targeted rate (capital value) in year one.
- Land Sustainability Rate and the Biosecurity Rate in year one be based 50% targeted rate (land value) and 50% general rate (capital value); and in year two move to 100% general rate (capital value).
- there will be a two-year transition for the River Management Rate (excluding Waiau) to step towards a 100% new targeted rate (capital value) and allow for further consultation during 2024-2025 on whether this is a local or regional rate. Year one 50% targeted rate (land value), 50% general rate; Year two 100% new targeted rate (capital value).

2025 Decisions


The outstanding decision to be made following Phase 1 of the rating review is how the river management rate¹ is to be collected, and therefore how it is used. The 2023-24 LTP budget for river management activity is \$3.4m which is currently funded 50% general (capital value) and 50% targeted (land value) using 140 rates.

The three river management rating options that have been developed for community engagement are:




Regional Rate

- As per 2024-34 LTP – year 2
- 100% general rate (capital value)
- Excluding Waiau



FMU Rate

- 70% general : 30% targeted FMU (capital value)
- Excluding Waiau



Current – deferral option

- LTP Year 1 transition
- 50% targeted (land value) : 50% general (capital value)
- Delay for a further year
- Excluding Waiau

Risks/Opportunities

The high-level pros and cons of each option are shown in the table below:

| | Regional Rate | FMU Rate | Current Rate |
|--|---------------|----------|---|
| Level of complexity – to understand and administer | Simple | Moderate | Complex |
| Local contribution | None | Some | Highest of three options (but some areas are not rated) |
| Alignment with | Fully | Partly | Least |

¹ The River Management Rate funds activity to deliver a range of river operations services designed to maintain rivers to protect people, property and livelihoods. These services include routine maintenance to ensure adequate fairway width, enhancement work to improve access, monitoring stability and alignment of rivers, and through river cross section surveys, gravel surveys etc. This activity does not include flood protection infrastructure maintenance.

| | Regional Rate | FMU Rate | Current Rate |
|--------------------------------------|--|--|---------------------------|
| region-wide approach | | | |
| Impact on ratepayers (affordability) | Reduces rates increases for rural properties and increases for commercial and high value residential | Reduces rates increases for rural properties and increases for commercial and high value residential | Maintenance of status quo |
| Equity – based on economic benefit | Most equitable | Equitable | Least equitable |

Views of affected parties

The purpose of this item is to seek formal approval to proceed to seek the views of affected parties.

Catchment Liaison Committees were provided with a recap and update on the rating review and Phase 2 next steps at the AGMs held from 23 November to 6 December 2024.

The initial high-level engagement plan for the March to April period is:

- Face-to-face – information, questions and feedback (A&P Shows and other events)
- Digital advertising
- Social media
- Media releases
- Enviroweek
- Chairman’s Column
- Chief Executive’s Column

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

All consultation and engagement on the rating review is being undertaken in accordance with this policy.

Considerations

Financial implications

There would be no impact on the total rates received by Council as the rating option determines the distribution of who pays what proportion of the River Management Rate. The rating option selected will impact on operational management of the river management and maintenance activity, and therefore expenditure, due to where (geographically) the rating income has been collected for. A Council decision on a rating option would come into effect on 1 July 2025.

Legal implications

Phase 2 of the rating review is being undertaken in accordance with the requirements of the Local Government Act 2002, Local Government Rating Act 2002, and Rating Valuations Act 1998.

Attachments

Nil

10.3 Enhancing Informal Representation for Stewart Island/Rakiura

Report by: Robyn Koehler, Principal Advisor - Partnership

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 30 January 2025

Purpose

To provide the Council with potential solutions and a proposed approach to enhancing Councillor informal representation and voice for the Stewart Island/Rakiura community.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Enhancing Informal Representation for Stewart Island/Rakiura.
- 2 provide direction to staff as to the approach it wishes to pursue.

Background

Through the Representation review process Southland District Council's Stewart Island/Rakiura Community Board submitted on Council's Initial Proposal. The submission sought more effective representation for the Stewart Island/Rakiura community (as a community of interest), either through increasing the number of councillors if Stewart Island/Rakiura is represented or through creating a Stewart Island/Rakiura constituency. The submission noted that if this was not possible, then Stewart Island/Rakiura identified more closely with Environment Southland's Western than Invercargill/Rakiura constituency.

Council considered the submission and rejected it for the following reasons:

- *Council considers that dividing the Invercargill-Rakiura Constituency into two to establish a specific Stewart Island-Rakiura Constituency would not be suitable as it would lead to significant non-compliance with the fair representation criteria and would require either increasing the total number of councillors to 13 or reducing the number of councillors to an existing constituency. Functionally the only transport link between Stewart Island/Rakiura and the Southland region is via Invercargill, therefore Council considered that a boundary change to combine Stewart Island/Rakiura with the Western Constituency would not provide effective representation.*
- *Council did not consider increasing the number of councillors was necessary to provide for better representation for the Stewart Island/Rakiura community.*

As part of the deliberations Council agreed to explore, outside of the representation review, opportunities to enhance Councillor informal representation and voice for the Stewart Island/Rakiura community.

Problem definition

The Stewart Island/Rakiura community board, representing 450 residents, believes the island is not adequately represented by current Council representation arrangements, with little access to decision makers (councillors), resulting in dissatisfaction, a lack of understanding of Council activities and decreased voice and democratic involvement.

Analysis

Stewart Island/Rakiura covering 1,747.72 km² (including the offshore islands, Ruapuke Island, Codfish Island/Whenua Hou and Taukihepa/Big South Cape Island) has a resident population of 450 and forms part of Environment Southland's Invercargill/Rakiura constituency. The constituency is currently represented by six councillors, of which four are based in Invercargill, one in Otatara and one in Riverton.

At the 2022 Local Body Elections no candidates stood from the Stewart Island/Rakiura community.

Stewart Island/Rakiura is one of Southland District Council's (SDC) five wards, with one SDC councillor representing the ward. Stewart Island/Rakiura is also one of nine SDC community boards which acts as a local liaison between the community and Southland District Council.

Stewart Island/Rakiura is regionally (and nationally) significant including: being part of NZ's conservation estate Rakiura National Park (85% of the Island) and featuring one of New Zealand's 11 great walks. It is the southernmost International Dark Sky Sanctuary, home to aquaculture (including salmon, paua and mussel farming), an important tourism destination (and increasingly eco-tourism) and based on the 2024-25 Cruise Ship Schedule is expecting 23 ships to visit the island this season.

Key projects on the island include Predator Free Rakiura and Environment Southland delivers a range of services and activities on and around Stewart Island/Rakiura including Biodiversity, Biosecurity Plants & Animals, Land Sustainability, Aquatic Ecosystems, Bio Marine, Bio Monitoring, Marine, Catchment Integration, Catchment Operations, Compliance and Consents.

Preferred solution

An attached Solutions Matrix outlines the range of solutions identified and assessed against a set of criteria relevant to the issue, out of which a preferred solution was identified. The range of solutions and criteria included:

- i. Solutions: Status quo/Do nothing, Increase formal representation, Enhanced communication, Increased staff engagement, Dedicated Liaison Councillor.
- ii. Criteria: Minimises costs to ratepayers, Effective in improving access to decision-makers, Easily implemented and sustainable, Accepted and supported by community/stakeholders.

The identified preferred solution is the establishment of a dedicated Liaison Councillor role (for which a Draft Terms of Reference is attached). This preferred solution provides improved access to decision makers and while it would not fully respond to the submission feedback received from the Stewart Island/Rakiura Community Board, it does show that Council has listened and identified a way to respond to the issue. It is also the solution that is more likely to be accepted by the island community as it is not the status quo. It can be relatively easily implemented within existing Council structures, practices and resourcing, and is likely to be sustainable over the longer term, with only minor additional cost to ratepayers through Councillor expenses (i.e. travel to the island) however this could also be offset against some engagement occurring online.

From desktop research and conversations with other Councils across Aotearoa New Zealand it is noted that several also have liaison councillor type roles for specific purposes. Examples include:

- Nelson City Council had Liaison Councillors for specific communities of place and interest (e.g. Pacific and Ethnic Communities).
- Westland District Council has elected member liaison roles with specific community organisations. These are predominantly community of place associations given they do not have community boards.
- Auckland City has a Chief liaison councillor and liaison councillors appointed to demographic advisory panels (e.g. disability, pacific peoples, rainbow, ethnic youth and senior advisory panels). They also have Liaison Councillors for council-controlled organisations.

While the current issue relates specifically to Stewart Island/Rakiura, the approach has been developed to enable the appointment of Liaison Councillors to other designated communities of place or interest (i.e. where individuals share a common identity, interest or experience regardless of their geographic location e.g.

multicultural communities, disabled people, Pacific Peoples or for time bound specific issues being dealt with by Council).

Should other Liaison Councillor roles be considered, this should be done on a case-by-case basis taking into account a clear problem definition, and considering factors related to representation, council priorities, community engagement gaps, governance and other specific needs. Key considerations are outlined in the attached Draft Terms of Reference.

Proposed process

Currently, at its inaugural meeting following the triennial local body elections Council, as part of its procedures, appoints elected members to Council standing committees and special committees as well as making appointments to other Committees, Co-opted Members and appointments to other Bodies. It is proposed that going forward the appointment of Liaison Councillors would form part of this procedure. However, in the interim Council could agree to appoint an existing Invercargill/Rakiura constituency councillor as a Liaison Councillor for Stewart Island/Rakiura.

As stated below, in an extract from the Environment Southland's Meeting Fees, Mileage Allowances and Expenses Policy, a Councillor undertaking an appointed Liaison Councillor role would be eligible for the following:

- where mileage allowances are payable, they shall be payable to Councillors in respect of attendance at all Council meetings and meetings of Committees of which the Councillor is a member, or where the Council resolves, for any Councillor to attend any meeting or conference of another body, as a representative of the Council.
- expenses, which may be paid or reimbursed, shall include travel costs (other than mileage allowance) and accommodation where the member is appointed by Council to attend a meeting or event. Approval of any hospitality expense shall be in accordance with the Council's policy on the use of credit cards. Councillors' reimbursements will be subject to the prevailing taxation provisions.

Scope and mandate

A Liaison Councillor role would initially be limited to the Stewart Island/Rakiura community and is supplementary to the primary role of the councillor. The role aims to improve the relationship and communication between the island community and Environment Southland. Intended as a two-way engagement, the Councillor would be a point of contact for community issues, and the Councillor also being a conduit for communicating the Council's perspective and policies.

It is suggested that Council engage with the Stewart Island/Rakiura Community Board in the first instance to identify their preferred opportunities for engagement utilising this approach. There are also further opportunities to liaise with the SDC councillor representing the ward, SDC staff, identified key stakeholders and the community.

Regular reporting to either a Council Committee or Council should be required, so that all Councillors have an opportunity to understand the information and perspectives a Liaison Councillor has obtained. To provide clarity to both the community and for any councillor undertaking the role, a draft Terms of Reference has been developed and is attached.

Risks/Opportunities

While the proposed role can enhance representation, engagement and responsiveness, these benefits need to be carefully balanced with safeguards against unrealistic community expectations, community confusion,

conflicts and resource strain. Addressing these risks requires clear role definitions, good governance practices and strong communication channels.

| Risk | Mitigation |
|--|--|
| <p>Community expectations: Public might expect quicker or more personal responses from liaison councillors, leading to unrealistic expectations and potential dissatisfaction if demands are not met. More communities of place/interest may seek to have liaison councillors.</p> | <p>Publicly available terms of reference helps manage community expectations and relationships.</p> <p>The need for Liaison Councillor roles considered on a case-by-case basis and based on clear criteria.</p> |
| <p>Resource drain: Councillors may become overburdened by the demands of the role, especially if expected to represent the council on multiple issues or on other Council committees or appointments. This could lead to inefficiency, burnout, or reduced attention to other important council responsibilities.</p> | <p>Workload management, staff support and clearly defined expectations.</p> <p>Feedback processes in place to understand what is working well and what is not.</p> |
| <p>Reduced collaboration among councillors: Could encourage siloed working, where councillors focus too narrowly on their assigned community of place/interest, leading to a reduction in collective decision-making and holistic policy development.</p> | <p>The role would not be an exclusive role and will not prevent any other elected member meeting or engaging with the community of place/interest. Implementing robust conflict of interest policies, clear roles and responsibilities and regular reviews can help ensure councillors maintain objectivity.</p> |
| <p>Potential for bias: Such roles may occasionally carry a risk of being influenced by personal or political interest rather than reflecting the interests of the wider community or stakeholders.</p> | <p>Adherence to Council code of conduct, conflict of interest policies and clarity on responsibilities relating to representing the interest of the people, residents and ratepayers of the region.</p> <p>Role review and transparency through regular reporting.</p> |

Next Steps

Council is asked to provide feedback on the proposed preferred solution, guidance on next steps and the order in which these should occur, and responsibilities for progressing.

Potential next steps could include discussing and seeking feedback on the proposed approach with Southland District Council Stewart Island/Rakiura Ward Councillor (Appointee to Community Board), Southland District Council staff including Community Partnership Leader for Stewart Island/Rakiura, Aaron Conner Chair of Southland District Council’s Stewart Island/Rakiura Community Board.

Establishment of such a role has the potential to build better relationships between Environment Southland and specific communities of place/interest. However, it may take time for the benefits to be fully realised and therefore it is important that a process for obtaining feedback is established to understand what is working well and what is not, both for a Liaison Councillor, the community of place/interest and Council.

Views of affected parties

As discussed in the report, some views of affected parties have already been received via Council’s Representation Review process. It is intended to further liaise with key stakeholders should this approach find favour with Council.

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 requirements of Council's Significance and Engagement Policy are not triggered by this report.

Considerations

Financial implications

The financial implications of this approach are not assessed as being large, and can be managed within existing budgets.

Legal implications

There are no legal implications arising from this report.

Attachments

1. Solutions and Criteria Matrix

Solutions and Criteria Matrix

| | Solution 1: <i>Status Quo (Do nothing)</i> | Solution 2: <i>Increased formal representation</i> | Solution 3: <i>Enhanced communication</i> | Solution 4: <i>Increased staff engagement</i> | Solution 5: <i>Dedicated Liaison Councillor</i> |
|---|---|---|---|--|--|
| Criteria 1: Minimises costs to ratepayers | Yes. No additional cost to ratepayers. | Yes. No additional cost to ratepayers in increasing number of Councillors. | Yes. If digital formats are leveraged effectively. Minor additional cost to ratepayers. | Partially. Minor additional cost to ratepayers through increased staff expenses i.e. travel to island. | Partially. Minor additional cost to ratepayers through Councillor expenses i.e. travel to island. |
| Criteria 2: Effective in enhancing access to decision makers | No. Does not specifically provide improved access to decision makers for the island community or address community concerns. | Partially. Would strongly improve representation if a dedicated representative for the island. Would require representation to be determined by LGC (current representation review awaiting determination by April 2025) given Act requirements. Given no appeals to the latest representation review relating specifically to Stewart Island/Rakiura submission would need to wait, up to 6 years, for another representation review to occur. | No. Would not provide improved access to decision makers. | No. Would not provide improved access to decision makers. | Yes. Provides more direct access to decision makers. |
| Criteria 3: Easily implemented and sustainable | Yes. Requires no changes, additional resources or implementation efforts. However, community trust and satisfaction with council may decline. | No. Not able to be implemented in the short term. Would need to wait, up to 6 years, for another representation review to be carried out and would require determination by LGC. | Yes. Feasible within existing resources; but requires potentially more targeted digital or print material and would require ongoing monitoring. | Yes. Easily implemented within existing resources and sustainable. | Yes. Easily implemented through a mix of online/virtual sessions and in person engagement, with a well-planned frequency of visits. |
| Criteria 4: Accepted and supported by community/stakeholders | No. Does nothing to address representation concerns and lack of access to decision-makers. Current issues will remain unaddressed, community will continue to feel disconnected from council leading to reduced trust in council. | Partially. Would be supported by community who feel currently underrepresented however would need to wait, up to 6 years, for another representation review to occur and would require LGC determination. | Partially. Provides greater accessibility to information if information is relevant and timely; however evident communities preference would be for direct engagement with decision makers. | No. Does not provide increased access to decision makers. | Yes. Likely to be reasonably well received as provides more accessibility to decision makers, responsiveness and timely action compared to some other solutions. |
| Criteria 5: Alignment with Council Goals and Legal requirements | Partially. Limited alignment with engagement goals, meets legal requirements but | Partially. Given size of island community would require LGC determination as outside of Act's +/-10% rule. | Yes. Aligns with improved transparency and communication. | Partially. Aligns with improved transparency and communication but fails to improve | Yes. Supports engagement and transparency effectively. |

| | | | | | |
|--|------------------------------|--|--|------------------------------|--|
| | fails to improve engagement. | | | engagement with Councillors. | |
|--|------------------------------|--|--|------------------------------|--|

| | Solution 1: <i>Status Quo (Do nothing)</i> | Solution 2: <i>Increased formal representation</i> | Solution 3: <i>Enhanced communication</i> | Solution 4: <i>Increased staff engagement</i> | Solution 5: <i>Dedicated Liaison Councillor</i> |
|--|--|--|---|---|---|
| Criteria 1: Minimises costs to ratepayers | 2 | 2 | 2 | 1 | 1 |
| Criteria 2: Effective in improving access to decision makers | 0 | 1 | 0 | 0 | 2 |
| Criteria 3: Easily implemented and sustainable | 2 | 0 | 2 | 2 | 2 |
| Criteria 4: Accepted and supported by community/stakeholders | 0 | 1 | 1 | 0 | 2 |
| Criteria 5: Alignment with Council Goals and Legal requirements | 1 | 1 | 2 | 1 | 2 |
| | 5 | 5 | 7 | 4 | 9 |

10.4 Appointment and Remuneration of Directors or Trustees for Council Organisations

Report by: Bethia Gibson, General Manager Corporate Services

Approved by: Bethia Gibson, General Manager Corporate Services

Report Date: 4 February 2024

Purpose

For Council to consider and agree a policy on the Appointment and Remuneration of Directors or Trustees to Council Organisations.

Summary

Council's current policy on the Appointment and Remuneration of Directors for Council Organisations (attachment 2) was last reviewed in February 2019 and is overdue for review. A replacement policy is now presented for consideration and adoption by Council.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Appointment and Remuneration of Directors or Trustees for Council Organisations.
- 2 adopt the draft policy on the Appointment and Remuneration of Directors or Trustees to Council Organisations.

Background

The current policy has been reviewed and a new draft prepared. Significant changes are proposed, so the new draft policy is included as attachment one, with the current policy included as attachment two.

Key changes are:

- the title has been changed to make it clearer that at times Council will be appointing Trustees, not just Directors.
- the introductory section has been updated to explicitly set out and explain the legislative requirements that underpin this policy.
- the current policy starts with a Policy on Director Appointments to South Port New Zealand Limited (South Port). This section has been deleted as it is no longer necessary.
- the general policy statement has been updated and streamlined. It now also:
 - recognises that in some situations Council may wish to appoint someone other than a Councillor or member of the Executive to a council organisation (more details on this below); and
 - requires appointees to seek a formal direction from Council before voting on any matters on behalf of Council; and
 - sets an expectation that appointees will report formally to Council at least annually on the activities of the relevant council organisation.
- a new section has been added to set out the process when Council decides to appoint an external person to a council organisation. This is not expected to occur very often but might be relevant for South Port. This section draws on the Policy that Council recently adopted in relation to the

Appointment of Independent Members to Council Committees, which is being used to appoint a person to the Investment Committee, and is relevant because Council has agreed that person will also be appointed as a non-independent director onto the South Port Board.

- the schedule of Council Organisations has been updated to include more information about each organisation, and its relationship with Environment Southland. Council-controlled organisations are shown separately from other Council organisations.

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. Draft revised Policy Appointment and Remuneratio [10.4.1 - 6 pages]
2. Current Policy Appointment and Remuneration of D [10.4.2 - 5 pages]



ATTACHMENT 1: DRAFT PROPOSED POLICY

Policy – Appointment and Remuneration of Directors or Trustees to Council Organisations

Section 57 (1) of the Local Government Act 2002 requires that Council have a policy that contains an objective and transparent process for the appointment of Directors to council organisations.

Council organisations are either:

- companies in which equity securities carrying voting rights at a meeting of the shareholders are held or controlled (directly or indirectly) by one or more local authorities; or
- entities in which one or more local authorities have control (directly or indirectly) of one or more votes at any meetings of the members or controlling body, or the right (directly or indirectly) to appoint one or more of the trustees, directors, or managers of the entity.

Council organisations can include council-controlled organisations, council-controlled trading organisations, and other entities such as Trusts.

Environment Southland has an interest in a range of council organisations. These are shown in Schedule 1.

Additions and deletions to Schedule 1 may be undertaken without reference to the full policy, by ordinary resolution of Council to recognise changing circumstances from time-to-time.

1. Contents

1. Contents
2. General Policy on Appointments
3. Process when an External Appointee is required
4. Review
5. Schedule One: Council Organisations

| Policy No. | Policy Sponsor | Approval Date and Date of Next Scheduled Review | Approved By | MORF Reference | Related Standards |
|------------|----------------|---|-------------|----------------|-------------------|
| CP B7.2 | Executive | Approved – 26 March 2003 Reviewed – 20 February 2019 | Council | A33384 | - |



2. General Policy on Appointments

Legislative requirements

Section 57 (2) of the Local Government Act 2002 says that a local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge and experience to:

- a) guide the organisation given the nature and scope of its activities; and
- b) contribute to the achievement of the objectives of the organisation.

Section 57 (3) says that when identifying the skills, knowledge, and experience required of directors of a council-controlled organisation, the local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of that council-controlled organisation.

For the purposes of this policy, the word Director also includes trustees for those council organisations that require trustees rather than Directors.

Personal Attributes

The Council considers that any person that it appoints to a council organisation should, as a minimum, have the following attributes:

- an interest in the objects of the organisation;
- an understanding of governance;
- business experience or other experience that is relevant to the activities of the organisation;
- the ability to represent the Council's stewardship interest in any assets deployed or funds applied;
- sound judgment;
- the ability to work as a member of a team; and
- the time to devote to the role.

Appointment Process

Council will generally make its appointments to each council organisation at the inaugural meeting following each triennial election of the Council or, failing that, as soon as practicable after a vacancy arises.

Council will generally first seek to appoint from within its own ranks, which could be the appointment of a Councillor, the Chief Executive, or a member of the executive (senior management team).

In some situations, where specialist expertise or knowledge is required but not held by a Councillor, the Chief Executive, or a member of the executive (for example, to make an appointment to the Board of South Port New Zealand Limited - SPNZ), Council might consider it more appropriate to run a selection process to find a suitable external appointee who can represent their interests.

The Council will decide in open meeting whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the Council will consider:

- the availability of suitably qualified candidates;
- the costs of any advertisement and time required to undertake such a process; and
- the urgency of the appointment.

Remuneration

Council shall pay no remuneration to Councillors for service as a director or trustee on any council



organisation.

In the case of the appointment of a member of staff, no additional remuneration will be paid.

Conflicts of Interest

Council expects that its appointees to council organisations will avoid situations where their actions could give rise to a conflict of interest.

To minimise these situations, the Council requires appointees to follow the provisions of the New Zealand Institute of Directors’ Code of Ethics, insofar as is practical having regard for the nature and scope of the organisation.

Appointees will be required to complete an Interests declaration annually. This should be updated through the year if the member’s interests change.

Voting

If an appointee is required to vote on any matters on behalf of Council, they must seek a formal direction from Council before doing so.

Reporting to Council

Appointees need to ensure Council are kept informed about relevant matters and need to report formally (in writing) to Council at least annually on the activities of the council organisation to which they have been appointed.

Council staff will also undertake formal monitoring of each council organisation, and report to Council (or the relevant Committee) as soon as practical after the release of relevant publicly available information such as Statements of Intent and Annual reports (or other similar documents).

3. Process when an External Appointee is required

In situations where Council decides specialist expertise or knowledge is required, Council needs to ensure they use an objective and transparent process for:

- the identification and consideration of the skills, knowledge and experience required of the external appointee to that council organisation; and
- the appointment of any person to any such role.

Appointment Process

Appointments will be made by the Council upon the recommendation of an Appointment Panel which is convened for the purpose of each appointment.

Each Appointment Panel will comprise at least three people. They will include at least two Councillors and may include a member of staff and/or an independent member with relevant knowledge and expertise in the area being recruited for.

Positions will be advertised externally, unless the Appointment Panel recommends, and Council agrees, in open meeting to make an appointment without advertisement. When making this decision the Council will need to justify the reasons for its decision.

Council staff will support the appointment process by preparing a position description and advertising proposal, for Council’s consideration, managing applications, supporting the Appointment Panel and undertaking due diligence and reference checks.

Council Policy B7.1 – Policy – Appointment and Remuneration of Directors for Council Organisations

The Appointment Panel will be responsible for shortlisting and interviewing candidates and making a formal recommendation to Council. This will include the term of the appointment.

Remuneration

Remuneration of external appointees to any council organisation is a matter of public interest.

The level of remuneration needs to be appropriate to attract suitably qualified people to support Council in achieving the objectives of the appointment to the council organisation. Consideration will also be given to whether the appointee will receive fees from the council organisation, in which case Council might decide no additional remuneration will be paid.

The decision on whether to pay remuneration or not (and the amount) shall be a matter for resolution of Council in each case and shall be determined at the time of appointment.

Contractual arrangements

The Appointee will be asked to enter a formal contract, setting out the terms and conditions of their appointment.

Conflicts of Interest

Council expects that its appointees to council organisations will avoid situations where their actions could give rise to a conflict of interest.

To minimise these situations, the Council requires appointees to follow the provisions of the New Zealand Institute of Directors' Code of Ethics, insofar as is practical having regard for the nature and scope of the organisation.

Appointees will be required to complete an Interests declaration annually. This should be updated through the year if the member's interests change.

4 Review

This policy shall be reviewed every three years, or as otherwise required.



Schedule 1: Council Organisations

Council-controlled organisations

Great South (Southland Regional Development Agency) is a Council-controlled organisation, funded by four shareholder Councils, including Environment Southland, which is a Class A shareholder. This provides the right to elect the Chairperson and vote at meetings of Shareholders. Additionally, a shareholder representative from the Class A shareholders is required to be on the Appointment Panel for director appointments.

Regional Software Holdings Limited (RSHL) is a Council-controlled organisation, and a public limited liability company owned by ten regional and unitary councils, including Environment Southland, which is a Class A shareholder. This provides the right to vote on resolutions to appoint Directors.

Other Council organisations

Bluff Maritime Museum Trust Board is a trust that was established by the Bluff Borough Council to control the property and assets of the Bluff Maritime Museum. Under the Trust Deed, the Board includes the Mayor and Chief Executive Officer of Southland Regional Council. They may appoint another person to act as an alternate member of the Board.

Civic Financial Services Limited is a limited liability company. Prior to 1 March 2017 it was known as the New Zealand Local Government Insurance Corporation Limited. Civic supplies local government with a range of financial services. Environment Southland owns 10,000 shares (0.09%). Directors are appointed by resolution at the annual meeting of shareholders.

Mid Dome Wilding Trees Charitable Trust is a charitable trust that was established to promote and protect the natural values, including, but not limited to, recreation, landscape and biodiversity values, of New Zealand's country tussock lands particularly at Mid Dome. Under the Trust Deed, trustees are appointed by Environment Southland, the Department of Conservation and Land Information New Zealand.

Te Puka Rakiura Trust is a charitable trust that was established 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 for environmental, economic, social and cultural purposes. Environment Southland is a permanent member of the Predator Free Rakiura Engagement and Advisory Group (PFREAG), which is in turn a settlor of the Trust. The PFREAG has certain responsibilities to the Trust, including appointing up to seven Trustees, one of whom may represent Southland Regional Council.

South Port New Zealand Limited (SPNZ) is a Port Company, and operates the commercial port at Bluff. Environment Southland has an equity interest in SPNZ (with voting rights) and is the majority shareholder. Under the Port Companies Act 1988, Environment Southland may appoint not more than two members to be directors of SPNZ.

Southland Community Broadcasters Charitable Trust exists to promote educational and community broadcasting stations providing community, educational and access programmes. Southland Regional Council is a Trustee and is required to appoint one person onto the Trust Board.

Whakamana te Waituna Charitable Trust exists to promote the wellbeing of the people, the land, the waters, the ecosystems and the life-force of the Waituna Catchment and the surrounding area,

Council Policy B7.1 – Policy – Appointment and Remuneration of Directors for Council Organisations



now and for the benefit of future generations. Under the Trust Deed, two trustees are to be appointed by Environment Southland. Additionally, one of the Environment Southland trustees is to be a Co-chair of the Trust.



ATTACHMENT 2: CURRENT POLICY

Policy – Appointment and Remuneration of Directors for Council Organisations

The Local Government Act 2002 requires that Council have a policy that contains an objective and transparent process for the appointment of Directors to council organisations and council-controlled organisations. Environment Southland either owns or has an interest in a number of council organisations and council-controlled organisations. These include the organisations listed on Schedule 1. Additions and deletions to the list may be undertaken without reference to the full policy, by ordinary resolution of Council to recognise changing circumstances from time-to-time.

These organisations deliver services, provide advice, or in some way support the achievement of the Council’s long-term objectives. In the case of South Port New Zealand Ltd (SPNZ), the company operates a strategic infrastructural asset and the Council has a policy of majority ownership retention. By virtue of S6(4)(c) of the Act, SPNZ is not a council-controlled organisation but is a council organisation.

The Local Government Act 2002 requires that the Council may appoint a person to a directorship of council organisations only if the Council considers the person has the skills, knowledge and experience to:

- guide the organisation given the nature and scope of its activities
- contribute to the achievement of the objectives of the organisation.

1. Contents

1. Contents
2. Policy on Director Appointments to South Port New Zealand Limited
3. General Policy on Appointments
4. Review
5. Schedule One

| Policy No. | Policy Sponsor | Approval Date and Date of Next Scheduled Review | Approved By | MORF Reference | Related Standards |
|------------|----------------|---|-------------|----------------|-------------------|
| CP B7.2 | Executive | Approved – 26 March 2003 Reviewed – 20 February 2019 | Council | A33384 | - |



2. Policy on Director Appointments to South Port New Zealand Limited

1. As a first step, the availability for re-election of the incumbent Directors, who retire by rotation, should be determined. The necessary enquiry is to be made by the Council Chairman/Chairman of the South Port New Zealand Sub-Committee, of the individuals concerned and report to the Council. This step to be completed by not later than 31 March in any year.

2. As a second step, at the first available meeting, and no later than the April meeting in any year, the Council will decide whether it will:
 - (i) consider supporting the re-election of any of the retiring Directors and not seek additional candidates;
 - (ii) consider supporting the re-election of any of the retiring Directors, along with considering potential new candidates;
 - (iii) not support the re-election of any of the retiring Directors and commence a recruitment process.

Council’s decision will be made on the basis of:

- (1) its members own knowledge,
- (2) reasonable enquiry of the Board Chairman, or
- (3) a meeting with the retiring Directors;

whichever is deemed necessary in the circumstances.

The Council Chairman/Chairman of the South Port New Zealand Sub-Committee will advise the individuals concerned of Council’s decision, and, if it is to consider retiring Directors for re-election (i.e. option (ii)), invite them to offer themselves for selection along with other candidates Council may wish to recruit.

3. As a third step, as necessary or agreed, the Council will recruit candidates for election to the Board using the following process, which it will manage:
 - SPNZ will provide ES staff with a company profile and a list of the key skills, experiences and attributes desired of a Director/s;
 - ES will develop a candidate package and recruitment advertisement (with input from SPNZ);
 - ES will advertise the role as deemed appropriate to obtain the necessary skills. This may include with the Institute of Directors and through South Port NZ Ltd Board;
 - shortlisting of candidates for interview will be completed jointly by the South Port Subcommittee and the Chairman of the Board of South Port New Zealand;
 - shortlisted candidates will be interviewed by a panel of all ES Councillors and the Chairman of South Port NZ Ltd; this panel will make a recommendation on the preferred candidate to the full Council.
 - Environment Southland will advise the unsuccessful candidates of the outcome of the process.

4. A decision on the election of Directors will occur during the South Port NZ Ltd Annual Meeting and will be a decision for the whole Council.

5. Council will undertake this process in private and in accordance with the provisions of the



Local Government Official Information and Meetings Act.

- 6 Council accepts that it must allow sufficient time for retiring Directors to consider their positions, meet Council, and/or review their availability, and to this end will make a decision on step 3 at its April meeting each year.
- 7 For the purpose of steps 2 and 3, the Chairman of South Port is to be included in the process except where he or she is a Director seeking re-election.
- 8 The remuneration of directors will be market related reflecting the payment levels payable in other similar sized listed public companies and the success of directors’ stewardship of the company.

3. General Policy on Appointments

Personal Attributes

The Council considers that any person that it appoints to be a director, trustee or manager of a council organisation or council-controlled organisation should, as a minimum, have the following attributes:

- an interest in the objects of the organisation
- an understanding of governance issues
- business experience or other experience that is relevant to the activities of the organisation
- the ability to represent the Council’s stewardship interest in any assets deployed or funds applied
- sound judgment
- the ability to work as a member of a team
- the time to devote to the role.

Appointment Process

Council will generally make its appointments at the inaugural meeting following each triennial election of the Council or, failing that, as soon as practicable. The Council will decide in open meeting whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the Council will consider:

- the costs of any advertisement and process
- the availability of qualified candidates
- the urgency of the appointment.

Given the limited scope of its involvement with council organisations and council-controlled organisations, except for appointments to the Board of SPNZ, Council will first seek to appoint from within its own ranks. Where an external appointment is required, the general approach will be to follow the process for recruitment and selection in the Policy on Director Appointments to South Port New Zealand Limited.

Appointments may be made to organisations that are trusts within the meaning of the Trustees Act and/or an incorporated society within the meaning of the Incorporated Societies Act and which have their purpose, objects or statement of intent approved by the Council. Where appointments are sought from Council for organisations which are less formally constituted, consideration of any risk factors for the Council or the appointee must be undertaken prior to the appointment.



Conflicts of Interest

Council expects that directors of council organisations will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations, the Council requires directors to follow the provisions of the New Zealand Institute of Directors' Code of Ethics, insofar as is practical having regard for the nature and scope of the organisation.

Remuneration

Remuneration of directors of council organisations is a matter of public interest. The payments of meeting fees for Councillor appointees shall be a matter for resolution of Council in each case and shall be determined at the time of appointment. Except as provided in the foregoing and in relation to SPNZ Directors, the Council shall pay no remuneration for service as a director or trustee of the organisation listed in this policy as a council organisation or council-controlled organisation. In the case of the appointment of a member of staff, no additional remuneration will be paid.

Monitoring and Reporting

In monitoring the performance of the organisations listed in this policy, the Council shall, for:

SPNZ, rely on:

- briefings by the company carried out in accordance with the company's communications policy and NZ Stock Exchange listing rules
- forward earnings forecasts
- published half yearly and yearly reports

the other organisations, rely on:

- interim and annual reports on achievements and financial performance
- reports to funders such as NZ On Air
- reports from appointees
- reports from Fund Manager.

4 General

This policy shall be reviewed every three years, or as otherwise required.

5 Schedule 1

South Port New Zealand Limited (SPNZ) - a 66.48% equity interest in the company that operates the port facilities at Bluff

Bluff Maritime Trust Board – the right to appoint two trustees to the Board that governs a maritime museum at Bluff

Southland Heritage Building Preservation Trust – the right to appoint one trustee, an establishment funder and current administrator of a Trust that funds the retention, preservation and maintenance of historic and heritage buildings within Southland

Wastebusters' Trust – the right to appoint two representatives to a Trust with the objects of promoting waste minimisation and recycling initiatives

Council Policy B7.1 – Policy – Appointment and Remuneration of Directors for Council Organisations



Southland Rural Heritage Trust – the right to appoint one Trustee to an organisation with the objects of protecting, promoting and developing a home for Southland’s mid 20th century rural heritage

Southland Broadcasters Charitable Trust – the right to appoint one Trustee to the Board that governs Southland’s community access radio and has obligations under S36C of the Broadcasting Act

10.5 Retrospective Approval of Past Submissions

Report by: Marcus Roy, Policy and Government Reform Manager
Approved by: Rachael Millar, General Manager Strategy, Policy & Science
Report Date: 21 January 2025

Purpose

To seek formal approval of Environment Southland's recent submissions.

Summary

Environment Southland has recently lodged submissions and feedback on amendments to the Biosecurity Act 1993, Principles of the Treaty of Waitangi Bill and the proposed Regulatory Standards Bill. Formal approval of these submissions is required as Councillor input was obtained via workshops and email over the Christmas break.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Retrospective Approval of Past Submissions.
- 2 formally approve Environment Southland's submission on the proposed amendments to the Biosecurity Act 1993.
- 3 formally approve the content of the submission on the Principles of the Treaty of Waitangi Bill.
- 4 formally approve Environment Southland's feedback on the Proposed Regulatory Standards Bill.

Background

In December 2024, Council workshopped three Government reform topics relating to the Biosecurity Act 1993, Principles of the Treaty of Waitangi Bill and the proposed Regulatory Standards Bill. Council's views on these topics have been compiled into submissions and lodged within the consultation timeframes. The submissions are appended to this report and are recommended for Council approval. Summaries of the submissions seeking approval are outlined below.

Amendments to the Biosecurity Act 1991

The consultation package contained seven discussion documents with specific questions about a range of technical components of the Biosecurity Act. Environment Southland's submission was drafted in two parts, being high level comments at the start and detailed answers to the individual questions in the second half.

Council expressed general support for the proposed changes while requesting further discussion and clarification regarding some areas that are not sufficiently clear. The submission supported the package of proposals that seeks to provide greater flexibility for regional councils in carrying out long-term management activities, including simplifying the process for developing and amending Regional Pest Management and Regional Pathways Plans.

The submission suggested that the proposed amendments could be strengthened by incorporating measures to promote a more equitable cost distribution system and ensuring that those responsible for exacerbating biosecurity risks bear a fair share of the associated costs. Additionally, the funding framework for pest management activities in coastal marine areas should be clarified to guarantee the continuity of operations in these areas. It is also crucial that regional decision-making powers are not diminished in a way that undermines the effectiveness, efficiency and transparency of the system.

Principles of the Treaty of Waitangi Bill

At the Council meeting on 12 December 2024 Council resolved to submit on the Treaty Principles Bill. At the subsequent workshop, Councillors and Mana Whenua representatives collaboratively revised the draft submission prepared by staff, resulting in the completion of the final copy that was lodged on 7 January 2025.

Environment Southland’s submission opposed the Bill and recommended that the Bill be abandoned. It also outlined that any proposals to amend New Zealand’s constitutional arrangements be initiated through the agreement of both Treaty partners.

Proposed Regulatory Standards Bill

During the workshop held on 12 December 2024, Councillors and Mana Whenua representatives were introduced to the proposed Regulatory Standards Bill which is expected to be introduced to the house this year. Public feedback was sought on the principles of a future Regulatory Standards Bill with submissions closing on 13 January.

Environment Southland’s submission supported the intent of the Bill to improve the quality of regulation in New Zealand. It also outlined several matters of concern, being the balancing of principles away from private property rights towards environmental and treaty aspects, the importance of political neutrality in the Regulatory Standards Board and the scope of the ministry’s regulatory reviews.

Risks/Opportunities

There are no significant risks or opportunities identified in this report.

Views of affected parties

Staff are unaware of any disapprovals or concerns expressed by relevant stakeholders.

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

This work does not trigger the requirements of this policy.

Considerations

Financial implications

Staff have not identified any direct financial implications associated with the submissions or the delegation.

Legal implications

Staff have not identified any direct legal implications arising out of this matter.

Attachments

1. 2024 12 13 Environment Southland Submission on Amendments to the Biosecurity Act e Nd 89 R Rq R E-w [10.5.1 - 37 pages]
2. 2024 12 03 FINAL Submission on the Principles of the Treaty of Waitangi Bill [10.5.2 - 2 pages]
3. Submission on proposed Regulatory Standards Bill [10.5.3 - 4 pages]

13 December 2024

Ministry for Primary Industries
By email: BiosecurityBill@mpi.govt.nz



Environment Southland's submission on *Proposed amendments to the Biosecurity Act*

1. Environment Southland thanks the Ministry for the opportunity to comment on the *Proposed amendments to the Biosecurity Act*. Environment Southland strongly supports the objectives of the proposals and the desire to improve the effectiveness of New Zealand's biosecurity system.
2. The proposed amendments to the Biosecurity Act present significant opportunities for improving the legal framework underpinning national and regional biosecurity operations in New Zealand. As bodies responsible for implementing the national framework on the ground, regional councils are well positioned to provide crucial input for improving the system.
3. Environment Southland registers its support of the Te Uru Kahika submission, prepared by the Regional Sector Biomanagers special interest group, which represents the views of the sector at large. This submission focuses on matters of particular interest and relevance to the Southland region and should be read as being in addition to the matters raised there. On matters where the Environment Southland submission is not aligned with Te Uru Kahika, the views expressed within this submission take precedence as our position.
4. This submission strongly supports proposals to enable:
 - a. Improved processes for pest, pathway, and small-scale management plans;
 - b. Access to infringement offences for regional councils; and
 - c. Enabling the Biosecurity Act to take precedence over sports fishing benefits.
5. This submission also highlights key topics of particular interest to the Council, and we recommend that MPI give further consideration and explore these areas in more depth. These include:
 - a. Facilitating effective long-term management;
 - b. Supporting regional decision making;
 - c. Enhancing accountability of exacerbators; and
 - d. Improving funding of marine biosecurity management.

For **now**
 & **our future**

Facilitating effective long-term management

6. Recognising the importance of a strong biosecurity system in protecting the communities from the harmful impacts of pest species, Environment Southland actively supports measures that facilitate more effective long-term management.
7. One of the major gaps in the regulatory framework arises during the transition from national to regional responses. Establishing and implementing regional responses is complicated and slower compared to the relatively swift national response. As a result, some species identified as pests or unwanted organisms may spread unchecked if the national response is lifted before the regional response is adequately developed.
8. Therefore, Council strongly supports streamlining the processes for developing and revising regional pest and pathway management plans, with a particular emphasis on simplifying the addition of new species to these plans. This will significantly enhance the agility of the system and ensure long-term effectiveness. For more details, please refer to our answers in Appendix 1 responding to the questions posed in discussion document 6.

Supporting regional decision making

9. Environment Southland underscores the necessity of maintaining an appropriate level of local autonomy in the establishment and operation of the biosecurity system. While systemic and financial support from the central government is instrumental in running effective regional biosecurity operations, excessive limitations on local decision-making authority may inadvertently compromise the ability of the system to run effective processes tailored to the regional context.
10. Council recommends that preserving local decision-making authority be prioritised during the revision of the Act, ensuring that local knowledge is effectively used, and key regional stakeholders are encouraged to actively participate in the decision-making process.

Enhancing accountability for exacerbators

11. Environment Southland highlights the need for the revised biosecurity system to better reflect the 'Polluter Pays' principle by holding the exacerbators accountable for their actions. Such a shift will likely send a clearer message to the public and relevant commercial entities that actions undermining biosecurity efforts will not be tolerated, thereby improving public education outcomes. It would also address issues at their source while broadening the funding base for biosecurity management.
12. The lack of appropriate accountability mechanisms within the regulatory system has long been identified as a key factor contributing to the spread of wilding pines in the Southland region. Battling wilding pines has been costing our region approximately \$2 million annually in biosecurity efforts, in addition to the unquantified costs arising from the reduction in biodiversity. Since landowners with seed sources are generally not required to compensate for their spread, the substantial costs are passed on to neighbouring landowners who may undertake control measures, or ultimately to ratepayers if controls are needed in the future.

Funding of marine biosecurity management operations

13. Council would also like to note the uncertainty surrounding the interpretation of section 100T of the Act. It is not clear whether it allows the use of rates for supporting pest management operations in the marine environment.

14. Given the close interconnections between different domains within the ecosystem, it would be counterproductive to limit the use of rates to one domain. Council requests that the section be amended to clarify that regional councils can use rates to fund biosecurity activities in the marine environment.

Yours sincerely



Wilma Falconer
Chief Executive

Appendix 1 - Responses to discussion document questions

| Question number | Question | Context and proposal | Environment Southland's comments |
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| Discussion Document 1 - Overview | | | |
| 6 | What impacts do you expect to see considered in the full cost-benefit analysis? | Discussion Document 1 | The Council recommends that the comprehensive cost-benefit analysis consider the wide array of benefits provided by protected biodiversity, alongside the costs associated with biodiversity loss. Key impacts to include are resilience to natural hazards, food security, disease regulation, and effects on human health and well-being. |
| 7 | Do you agree with the objectives of the proposed amendments? Please explain in detail. | Discussion Document 1 | Yes. Council strongly agrees with the objectives of the reviews, which are 'to ensure biosecurity measures continue to protect our environment and support our economy' and 'to provide all users of the Act with a fit-for-purpose toolbox that is complete, effective, efficient and future-proof'. A well-functioning biosecurity system is essential for protecting New Zealand's unique biodiversity and the many businesses that rely on it. |
| Discussion Document 2 – System wide issues | | | |
| 8 | Do you agree with our preferred approach to progress proposal 2? Why, or why not? | <p>Proposal 1 – Insert an overarching purpose clause in the Biosecurity Act</p> <p>Proposal 2 – Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act.</p> <p>Providing an overarching purpose clause could provide a clearer line of sight to those impacted by decisions made under the Biosecurity Act. It could support greater consistency in decision-making. However, retrofitting a</p> | Council supports proposal 1. We acknowledge that an overarching purpose with potentially conflicting elements can create challenges for decision-makers operating under the Act. However, the value of improving consistency in decision-making across all aspects of biosecurity management in New Zealand will likely bring significant long-term benefits that may outweigh the costs of addressing such challenges. |

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| | | purpose clause into an existing Biosecurity Act could have unintended consequences. | |
| 9 | To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes? | Discussion Document 2 | Council believes that a purpose clause in the Act will likely improve biosecurity outcomes over the long term by improving transparency and consistency in the framework. |
| 10 | What do you think the purpose of the biosecurity system should be? Do you agree with the elements we have set out for proposal one? Is there something that should not be included? | Discussion Document 2 | Council supports the elements of the purpose outlined in the consultation document but notes further that it should also highlight the importance of effective long-term management of biosecurity risks, in addition to ensuring a strong initial response. |
| 11 | Do you agree with our preferred approach to progress option 3A? Why, or why not? | <p>Proposal 3 - Vest a Minister with a 'call-in' power</p> <p><u>Option 3A</u> - Vest the Minister responsible for the Biosecurity Act with a 'call-in' power Under this option, only the Minister responsible for the Biosecurity Act would have the 'call-in' power.</p> <p><u>Option 3B</u> - Vest the Minister of the portfolio the chief technical officer works in with a 'call in' power</p> | Yes. Council agrees with option 3A. |
| 12 | Do you agree with the threshold that we have set? Have we missed anything? | <p>The criteria are outlined below:</p> <ul style="list-style-type: none"> • The decision is likely to have significant environmental risk, national security risk, fiscal risk, trade risk, or risk to property rights. • The decision is likely to pose significant risk to social and cultural values. • The decision is likely to involve issues that increase risk to, or complexity for, the liability of the Crown. • The decision is likely to involve issues that have the potential to seriously affect the Crown's reputation. | Council agrees with the threshold in principle but requests clarification regarding whether an issue with regional coverage, but potentially of national significance - such as Undaria management in Fiordland- can qualify for the exercise of 'call-in' power. |

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| <p>13</p> | <p>What factors suggest that a power is better exercised by an elected official? What factors suggest a power is better exercised by a non-elected official?</p> | <p>Discussion Document 2</p> | <p>The exercise of power by elected officials is likely more appropriate in situations involving significant political factors or a high degree of uncertainty in the technical evidence. It may also be helpful when a coordinated response from multiple public agencies is needed. Balancing competing elements is crucial in this context.</p> <p>Non-elected officials (i.e. technical experts) are better placed than elected officials to make decisions when technical evidence supports a particular course of action.</p> |
| <p>14</p> | <p>How could local knowledge make decision-making more effective?</p> | <p>Proposal 4 – Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act Proposal 4 would see Parts 3 and 4 of the Biosecurity Act amended as follows:</p> <ul style="list-style-type: none"> • Part 3: Importation of risk goods – the Biosecurity Act could explicitly enable an officer to consider local knowledge when developing an import health standard. • Part 4: Surveillance and prevention – the Biosecurity Act could explicitly enable a chief technical officer to seek local knowledge regarding the incidence, prevalence, or distribution of specified organisms. An example could be an amendment to section 48(1). • <p>For other parts of the Biosecurity Act, we consider that there is sufficient accommodation of local knowledge input in decision-making. Where there are differences between local and scientific knowledge, the chief technical officer would use their expertise and discretion to analyse and assess the information provided.</p> | <p>Local knowledge, including matauranga Maori, can provide useful resource to improve the effectiveness of the biosecurity system. Council agrees with amending part 3 as proposed because consideration of local knowledge may be beneficial when developing an import health standard, provided that a clear definition is available within the Act.</p> <p>For the most part, Council believes that the inclusion of local decision making in the Act is already adequate for the purposes of the regional council. Section 43 appears to be adequate as it is, and Council does not have an opinion on Section 48(1).</p> |

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| <p>15</p> | <p>How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?</p> | <p>Discussion Document 2</p> | <p>Council recommends incorporating necessary guidelines in the National Policy to address the need to balance conflicting knowledge sources. It also recommends that amendments to the Act are made to establish appropriate deadlines for the relevant decision-making process.</p> |
| <p>16</p> | <p>Do you agree with proposal 5? Why, or why not?</p> | <p>Proposal 5 - This proposal would change the Biosecurity Act to clearly specify that biometric information is included where information (including personal information) is collected, used, or stored throughout the Biosecurity Act. This would be worded in a manner that does not exclude other forms of information. A definition for biometric information could also be included in the Biosecurity Act, however, no such provision is currently proposed.</p> | <p>The Council does not have any agreed views on this.</p> |
| <p>17</p> | <p>Are there any additional legislative safeguards that should be included for MPI's use of biometric information?</p> | <p>Discussion Document 2</p> | <p>The Council does not have any agreed views on this.</p> |
| <p>18</p> | <p>What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?</p> | <p>Proposal 6 - Introduce a power of arrest for obstruction during searches. Under this proposal, a new section would be created in the Biosecurity Act to enable a biosecurity inspector to arrest a person who has threatened, assaulted, or intentionally obstructed an official (an offence under the Biosecurity Act). No new criminal offences would be needed to proceed with the power of arrest.</p> | <p>Council does not have an agreed view on whether there is a need to expand the power of inspectors to arrest.</p> <p>Additionally, the Council requests clarification regarding a potential error in the discussion document. Bullet point 3 on Page 14 of Discussion Document 2 refers only to regional councils' ability to enforce their regional pest management plans. This limited reference may lead to misconceptions. It is important to note that regional councils also have the authority to enforce regional pathway management plans.</p> |
| <p>19</p> | <p>Do you prefer a blanket approach to infringements</p> | <p>Discussion Document 2</p> | <p>The Council does not have any agreed views on this.</p> |

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| | for erroneous declarations at the border, or a scaled approach? | | |
| 20 | Do you think the infringement fee in this proposal is set at the right level? | Discussion Document 2 | The Council does not have any agreed views on this. |
| 21 | Do you agree with our preferred approach to progress proposal 8? Why, or why not? | <p>Proposal 8 – Introduce the ability for regional councils to establish infringement offences in regional pest management plans.</p> <p>Under this option, before a regional council could specify that breaching a rule in a pest management plan is an infringement offence, it would need to meet specific criteria. These criteria would be in an amended National Policy Direction for Pest Management. The criteria would include:</p> <ul style="list-style-type: none"> • the conduct the rule addresses is a minor contravention of the law; • contravention of the rule is straightforward and easily identifiable; • contravention of the rule is likely to occur in high volumes; and • an infringement is likely to have a deterrent effect from future contravention. <p>When developing pest management plans, regional councils would need to determine which rules would be appropriate for an infringement offence, using the criteria specified in the National Policy Direction for Pest Management. Regional councils would be required to consult MPI (which in turn would consult the Ministry of Justice) on any rules within its pest management plans where breaking that rule would result in an infringement offence. We are proposing that the infringement fee be set at \$300.</p> | <p>Council supports the intention of the proposal and recommends that:</p> <ul style="list-style-type: none"> - The coverage is extended to include regional pathway management plans; - Guidelines are provided to clarify what would be considered a ‘minor’ contravention and ‘high volumes’; - The infringement fee is increased to \$1,000.00; and - Regional councils are provided with the discretion to determine the level of infringement fee up to a certain amount to reflect the seriousness of the relevant risk. It should also increase with inflation as provided in other parts of the Biosecurity Act. <p>Further, Council disagrees that it should consult MPI on where an infringement is required and would prefer to have guidelines to work to. This would improve the efficiency of the decision-making process and retain the desirable level of local control.</p> |

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| 22 | Do you think councils should have the ability to designate infringements for pest and pathway management plans? Why, or why not? | Discussion Document 2 | Yes. Regional councils are best placed to designate infringements for pest and pathway management plans in a way that maximises gains given their knowledge of local context and operations on the ground. |
| 23 | Do you think the proposed infringement fee is set at the right level? Why, or why not? | Discussion Document 2 | No. A limit of \$300 is too low. Regional councils should be provided with the discretion to determine the level of infringement fee up to a certain amount to reflect the seriousness of the relevant risk. |
| 24 | Do you think the safeguard requiring MPI consultation is sufficient? Why, or why not? | Discussion Document 2 | No. Council disagrees that it should consult MPI on where an infringement is required and would prefer to have guidelines to work to. There are too many councils and too many rules for everything to be considered by MPI and it reduces councils' decision making ability. |
| 25 | Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient? Why, or why not? | Discussion Document 2 | No. Council believes the criteria is unclear. Clarifications are needed regarding what would be considered a 'minor' contravention and what 'high volume' means |
| 26 | Do you agree with our preferred approach to progress proposal 9? Why, or why not? | <p>Proposal 9 - Amend an existing offence, establish a new offence and corresponding infringement.</p> <ul style="list-style-type: none"> • Include 'intention' reference for serious offending. • Add medium-level strict liability offence. <p>Add new infringement for low-level offending (issued by biosecurity officer operating to enforce the Controlled Area Notices)</p> | Council agrees with the proposal in part. Adding additional types of offence will likely improve the effectiveness of the system by providing compliance officers with more tools to suit varying circumstances. On the other hand, incorporating the requirement of intention into the serious offending may reduce the deterrent effect. |

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| | | | Council also questions whether similar amendments would be made to the regime for Council-administered Controlled Area Notices. |
| 27 | Do you think compliance officers enforcing Controlled Area Notices should be able to issue an infringement against an individual breaching a rule in a Notice? | Discussion Document 2 | Yes. Councils' Authorised Persons should be able to issue infringements for breaching a Council's Controlled Area Notices. |
| 28 | Do you think the infringement fee in this proposal is set at the right level? | Discussion Document 2 | No. It is too low. Regional councils are provided with the discretion to determine the level of infringement fee up to a certain amount to reflect the seriousness of the relevant risk. |
| 29 | To what extent are these proposals likely to incentivise better compliance? | Discussion Document 2 | Council does not have an agreed view on this. |
| 30 | What alternative tools could be used to incentivise compliance? | Discussion Document 2 | Council does not have an agreed view on this. |
| 31 | Do you agree with our preferred approach to progress proposal 13? Why, or why not? | Discussion Document 2 | Council supports this proposal, as having sentencing guidance as part of the Biosecurity Act would align this Act with many others and modernise the Act. |

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| 32 | What advantages and disadvantages might there be in including sentencing guidelines in the Biosecurity Act? | Discussion Document 2 | Council believes that sentencing guidelines go a long way to creating consistency in sentencing outcomes and it allows for some good examples of case law which can be used as part of finding a starting point for sentencing. |
| 33 | What specific considerations relevant to the biosecurity system do you think should be given weight in sentencing decisions? | Discussion Document 2 | <p>Based on the Council’s experience from conducting compliance operations under both the Resource Management Act 1991 and the Biosecurity Act 1993, Council believes that the factors listed below should be given appropriate consideration in sentencing decisions.</p> <ul style="list-style-type: none"> a. the intent of the offender when the offending occurred (where intent is relevant) b. the impact on the receiving environment of the offending c. any cultural values that the offending has impacted d. the duration of the effects of the offending on the receiving environment e. history of previous offending |
| Discussion Document 3 – Funding and compensation | | | |
| 34 | Do you agree with our preferred approach to | Proposal 14 – Amending cost-sharing in the Government Industry Agreement | Council agrees with the approach to progress option 14B. Securing sufficient funding is crucial for carrying out effective |

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| | progress option 14B? Why, or why not? | Option 14A - mandating a periodic review of the cost-shares in the GIA Deed Option 14B - Set out a cost-share framework in legislation to guide cost-share arrangements with GIA partners | biosecurity operations within New Zealand. A legal mandate and framework would provide a helpful drive to progress cost sharing. For example, forestry companies should be required to make a higher contribution towards the cost of wilding conifer controls. |
| 35 | What benefits do you see with having a cost share framework in legislation? Do you think this should be set out in the Biosecurity Act or in regulations? | Discussion Document 3 | Council notes that developing an appropriate framework which could replace schedule 1 of the Biosecurity Incursion Response Services Agreement (15 th August 2019) would enhance operational effectiveness and efficiency by ensuring that all parties were confident of their role and associated costs. This is especially important during a major incursion such as Foot and Mouth Disease |
| 36 | How do you think having a cost share framework might impact the GIA Deed? What impacts do you think it might have on GIA negotiations and reconfirming the GIA Deed? | Discussion Document 3 | Council does not have an agreed view on this. |
| 37 | What risks do you see with adopting this approach? How will it impact on your participation in the GIA? How would it affect your business? | Discussion Document 3 | Council does not have an agreed view on this. |

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| 38 | For industry readers, how would the options impact your business? For other readers, how would the options affect balance/fairness in cost recovery? | Discussion Document 3 | N/A |
| 39 | If you are a GIA partner, which option to you think is better aligned with the existing GIA cost share arrangement? What benefits do you see with the options? | Discussion Document 3 | N/A |
| 40 | Do you agree with our preferred approach to progress proposals 16, 17, and 18? Why, or why not? | <p>Compensation</p> <p>Proposal 16 - Refining how non-compliance would make a person ineligible for compensation</p> <p>Proposal 17 - Enabling more detailed compensation entitlements and requirements via regulations</p> <p>Proposal 18 - Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred</p> <p>Proposal 19 - Codify the operational dispute resolution process</p> <p>MPI prefer progressing 16, 17 and 18.</p> | <p>Council strongly supports proposal 16 and recommends that the Ministry considers how such an approach can be applied regarding non-compliance with the draft Aquaculture Biosecurity Programme.</p> <p>It is not clear whether regional councils will also be required to fund compensation. Since most councils lack resources, it should be clarified whether the amendments entail any financial consequences for regional councils.</p> <p>Council does not have an agreed view on proposals 17 and 18.</p> |
| 41 | Do you agree with our proposed definition of biosecurity law? Is there anything we should include or should be taken out? | Discussion Document 3 | Council does not have an agreed view on this. |

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| 42 | Do you think our proposed suite of changes (proposals 16-19) are adaptable enough to cater to different situations and scenarios? Can you think of any situation where the options in this suite may be inadequate? | Discussion Document 3 | Council does not have an agreed view on this. |
| 43 | When considering compensation, how much value should be placed on certainty of compensation payments versus the flexibility of the compensation scheme? | Discussion Document 3 | Council does not have an agreed view on this. |
| 44 | Is there anything else you would like to provide comments on regarding improvements to the compensation scheme? | Discussion Document 3 | Council does not have an agreed view on this. |
| 45 | What impact would proposal 19 have on dispute resolution? | Discussion Document 3 | Council does not have an agreed view on this matter. |
| 46 | How do you currently protect against loss? | Discussion Document 3 | Council does not have an agreed view on this matter. |
| 47 | If compensation was limited what alternative would you | Discussion Document 3 | Council does not have an agreed view on this matter. |

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| | use to protect yourself or your business? | | |
| 48 | How do you think people's behaviour might change if less compensation was available? | Discussion Document 3 | Council does not have an agreed view on this matter. |
| 49 | What role does compensation play in helping you recover from an incursion? | Discussion Document 3 | Council does not have an agreed view on this matter. |
| 50 | How critical is it for you to know you could be compensated for something when you are making biosecurity decisions? | Discussion Document 3 | Council does not have an agreed view on this matter. |
| 51 | What impacts could it have on you if you were dealing with different compensation requirements for pest, and for pathway management plans? How will it affect your understanding if you must deal with different compensation pathways? | Discussion Document 3 | Council believes that different compensation requirements will not have any substantial impact on regional biosecurity operations. |
| Discussion Document 4 – Border and imports | | | |
| 52 | If each proposal was implemented, how would it | Proposal 22 – Enable technical amendments to an Import Health Standard(HIS) without consultation | Council does not have an agreed view on this matter. |

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| | impact you or your business? | <p>Proposal 23 - Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation</p> <p>Proposal 24 - Enable the ability to issue one-off or ad hoc permits for goods being imported as a one-off or on a sporadic basis</p> <p>Proposal 25 - Enable use of permits to allow trade to continue while a suspended IHS is being reviewed</p> <p>Proposal 26 - Enable consultation on a risk management proposal for a good, rather than on the draft IHS itself</p> | |
| 53 | Do you think these proposals would make importing easier? Why, or why not? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 54 | On what grounds (if any) do you think one-off permits to import goods should be issued? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 55 | Are you aware of any additional barriers to importing contained in the Biosecurity Act? How might these be addressed? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 56 | Do you agree with our preference for option 27D, followed by option 27B? Why, or why not? | <p>Proposal 27 - Improving efficiency in the import health standard Review</p> <p><u>Option 27A</u> – Amend the Biosecurity (Process for Establishing Independent Review Panel) Notice 2015 and work on cost recovery</p> <p><u>Option 27B</u> - Amend section 24 so the review is undertaken by a senior public official rather than by establishing an independent review panel</p> | Council does not have an agreed view on this matter. |

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| | | <p><u>Option 27C</u> - Amend section 24 so that the review must only be about new evidence</p> <p><u>Option 27D</u> – Remove section 24 from the Biosecurity Act</p> | |
| 57 | What impacts would removing section 24 have on the efficiency of the imports system? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 58 | Are there other ways to provide checks and balances on MPI’s decision-making that would promote an efficient import system? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 59 | Do you agree with our preferred approach to progress proposal 28? Why, or why not? | <p>Proposal 28 – Create additional powers and duties in the Biosecurity Act enabling biosecurity inspectors to process passengers disembarking a vessel but who have already arrived in New Zealand</p> | Council does not have an agreed view on this matter. |
| 60 | Do you agree with our preferred approach to progress proposal 29A? Why, or why not? | <p>Proposal 29A – Amend the Biosecurity Act to clarify that MPI has the power to regulate biofouling removal in relation to all vessels’ arrival in the EEZ with a clearly stated intention of arriving in New Zealand.</p> <p>Under this proposal, the Biosecurity Act would be amended to make it clear that New Zealand has the power to regulate biofouling removal in relation to all vessels arriving in the EEZ with a clearly stated intention of arriving in New Zealand.</p> | The Council supports this proposal in principle but cautions that MPI must collaborate with regional councils in cases where activities may lead to discharges into territorial waters managed by those councils. |
| 61 | Are there any reasons that our preferred approach | Discussion Document 4 | Council does not have an agreed view on this matter. |

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| | would not be an efficient tool to manage biofouling removal in New Zealand? If so, what are they? | | |
| 62 | Should “operational efficiencies” justify the limitation of food in the air passenger pathway? Why, or why not? | Proposal 30 - Amend the purpose section of Part 3 (Importation of risk goods) of the Biosecurity Act to include improving operational Efficiencies Proposal 31 - Enable the Director-General to impose a limit on the volume of a class of food moving through the air passenger pathway | Council does not have an agreed view on this matter. |
| 63 | If this proposal proceeds, what sort of exemptions might be required and why? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 64 | Do you agree with our preferred approach to progress proposal 32? Why, or why not? | Proposal 32 – Streamline the legislative framework for transitional and containment facilities This proposal would remove the requirement for facility operators to have legislative approval under the Biosecurity Act. Instead, the requirements for operators would be specified within the standard(s) under which the facility is approved. | Council does not have an agreed view on this matter. |
| 65 | Do you think this proposal would deliver a more enduring and efficient system for regulating and approving facilities? Why, or why not? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 66 | If you are a facility owner or operator, how do you | Discussion Document 4 | N/A |

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| | anticipate this option would impact your business? | | |
| 67 | Do you agree with our preferred approach to progress proposal 33B? Why, or why not? | <p>Proposal 33 - Enabling third-party verification at transitional facilities</p> <p><u>Option 33A</u> - Amend the Biosecurity Act to include the ability for an authorised third-party to undertake verification activities at transitional facilities</p> <p><u>Option 33B</u> – Enable the Director-General of MPI to recognise third-parties to undertake specified roles and functions</p> | Council does not have an agreed view on this matter. |
| 68 | What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 69 | Are there any areas of the Biosecurity Act where third-party verification should not take place? Why? | Discussion Document 4 | Council does not have an agreed view on this matter. |
| 70 | Do you think the duty established under section 17AA and its associated regulations is effective or necessary? Why, or why not? | <p>Proposal 34 – Providing biosecurity information to incoming passengers</p> <p><u>Option 34A</u> – Remove the general duty under section 17AA of the Biosecurity Act and its supporting regulations to provide biosecurity information to incoming passengers</p> <p><u>Option 34B</u> – Include a requirement for carriers of a commercial craft to provide notice to the Director-General of MPI that biosecurity information has been provided to incoming passengers</p> | Council does not have an agreed view on this matter. |

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| <p>71</p> | <p>Do you think that the regulations should include a requirement for carriers of commercial craft to notify the Director-General of MPI that biosecurity information has been provided to passengers? If so, how do you think this notification should be verified and communicated to the Director-General?</p> | <p>Discussion Document 4</p> | <p>Council does not have an agreed view on this.</p> |
| <p>Discussion Document 5 – Readiness and response</p> | | | |
| <p>72</p> | <p>To what extent is intervention from MPI is required to grow and develop the GIA?</p> | <p>Proposal 36 - Modify and grow the Government Industry Agreement</p> <ul style="list-style-type: none"> • Enabling the Deed to cover other areas of biosecurity in New Zealand such as pest management • Aligning response and pest management levying provisions • Enabling the creation of more than one deed <p>Enabling other participants in the biosecurity system to become more active in GIA decision-making</p> <p>Proposal 37 – Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience</p> <p>This proposal would enable the creation of one or more industry organisations responsible for looking after elements of New Zealand’s biosecurity.</p> <p>These organisations would have several functions including to:</p> | <p>Council does not have an agreed view on this.</p> |

- develop cross-industry strategies for post-border biosecurity;
 - invest and coordinate investment in readiness, prevention, surveillance, and research;
 - provide leadership on operational best practices;
 - build industry skills and communicate best practices;
- and
develop pest and pathway regulations.

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| 73 | Do you think the current scope of the GIA is fit-for-purpose and working? Why? | Discussion Document 5 | Council does not have an agreed view on this. |
| 74 | What role do you see industry organisations playing in New Zealand's biosecurity system? | Discussion Document 5 | Council does not have an agreed view on this. |
| 75 | Which options do you think would be most useful to grow and develop the GIA? | Discussion Document 5 | Council does not have an agreed view on this. |
| 76 | Do you anticipate any problems with establishing industry organisations? | Discussion Document 5 | Council does not have an agreed view on this. |
| 77 | Do you agree with our preferred approach to progress proposal 38? Why, or why not? | Proposal 38 – Amend Part 5A to state that this confers functions on GIA Signatories to make joint decisions under the Deed and Operational Agreements | Council does not have an agreed view on this. |

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| <p>78</p> | <p>To protect GIA partners from legal liability, which do you think is the better option – amending the Biosecurity Act or the existing Crown indemnity? Why?</p> | <p>Discussion Document 5</p> | <p>Council does not have an agreed view on this.</p> |
| <p>79</p> | <p>Do you agree that the Minister for Biosecurity should be the decision maker for an emergency response under the Biosecurity Act? If not, who do you think would be the best decision maker?</p> | <p>Proposal 39 – Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity This proposal would amend the Biosecurity Act to enable the Minister for Biosecurity to declare a biosecurity emergency. The Minister would no longer need to recommend to the Governor-General that they declare a biosecurity emergency. This process matches that used in Part 4 of the Civil Defence and Emergency Management Act 2022 to declare a state of national emergency.</p> | <p>Council supports this proposal, as it would enable necessary biosecurity actions to take place more swiftly.</p> |
| <p>80</p> | <p>How might a general biosecurity duty improve biosecurity system outcomes?</p> | <p>Proposal 40 – Add a general biosecurity duty in the Biosecurity Act. The duty would state what is expected of people who are dealing with risk goods or engaged in activities that may pose biosecurity risks. This duty would not be directly enforced itself but could form the basis of interventions to address poor biosecurity practices under other areas of the Act.</p> <p>Proposal 41 – Expand the range of specific risk management requirements that can be set up through regulations under the Act. This proposal would amend the Act to expand regulation-making powers to allow for specific risk management rules to be put in place to promote good biosecurity practices.</p> | <p>Council supports stipulating a general biosecurity duty in the Biosecurity Act, as it would explicitly capture the expectation that every person has a duty to maintain good biosecurity practices. However, it is unclear how this would be applied in practice to improve biosecurity system outcomes and whether it would result in better outcomes than the current non-legislative practices which seek to achieve the same.</p> |

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| | | Proposal 42 – Add provisions in the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan. | |
| 81 | Should we enhance legislation’s role in improving biosecurity practices, or is it better to rely on non-legislative approaches like information and education? | Discussion Document 5 | It should not be one or the other. Both a strong legislative framework and effective information and education are essential for sustainably managing a successful biosecurity system in New Zealand. |
| 82 | How might we incentivise businesses to improve management of biosecurity risk? | Discussion Document 5 | Council supports using a wide array of tools, including strong and clear regulations, effective education and information sharing on an ongoing basis, and rewarding best practices. |
| 83 | To what extent might it be costly and difficult to develop a risk management plan for your business? | Discussion Document 5 | N/A |
| Discussion Document 6 – Long term management | | | |
| 84 | Do you agree with our preferred approach to progress proposals 44-51? Why, or why not? | <p>Proposal 44 – Simplify the process to create national or regional pest and pathway management plans</p> <p>Proposal 45 – Enable (but not require) integrated national or regional pest and pathway management plans</p> <p>Proposal 46 – Enable (but not require) the ability to have consolidated levies for national pest and pathway management plans</p> <p>Proposal 47 – Make it easier for regional councils to create small-scale management programmes</p> | <p>Proposal 44) Council supports the intention of proposal 44, which aims to simplify the process of creating national or regional pest and pathway management plans. However, it is important to clarify that the minister will not be involved in the development of regional pest and pathway management plans. The content in the consultation document was somewhat unclear on this point.</p> <p>Council also supports a process for regional and unitary councils to collectively create a national plan without the need for involvement of the central government ministry.</p> |

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| | | <p>Proposal 48 – Enable management agencies to provide exemptions from rules in national pest or pathway management plans</p> <p>Proposal 49 – Enable more than one entity to share management agency responsibilities</p> <p>Proposal 50 – Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans</p> <p>Proposal 51 – Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original timeframe</p> | <p>Proposal 45) Council supports the proposal to enable integrated regional pest and pathways but questions if anything in the Act prevents this from happening already. Such integration appears to have taken place in various regions already, including Northland.</p> <p>Council does not support the proposal to enable integration of Council-led regional and MPI-lead national plans as they have a different decision making framework.</p> <p>Proposal 46) Council supports the proposal in principle but Council needs a better understanding of the economics to provide more informed input.</p> <p>Proposal 47) Council supports in principle. It also suggests that provision is made to enable regional councils to add new ‘pests’ to regional plans so that plans can adapt to the changing situations, including when transitioning from national response to long term management. (e.g. velvet leaf) Such change will significantly improve biosecurity outcomes for New Zealand. A potential solution is to amend 100G of the Act to clarify that regional councils are permitted to use the procedure outlined in 100G for this purpose.</p> <p>Proposal 48) Council does not have an agreed view on this.</p> <p>Proposal 49) Council supports this proposal, as it seems to enhance engagement and foster collaboration among diverse stakeholders.</p> <p>Proposal 50) Council supports this proposal. Currently, regional councils do not have the power to issue permissions for an activity that contravenes sections 52 and 53 of the Act. It would improve operational efficiencies and reduce public confusion at present applicants may need both an MPI and Council</p> |
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| | | | <p>exemption. Councils should be the decision maker where the requested activity relates to regional pest management plans.</p> <p>Proposal 51) Council supports this proposal. Current terms of section 78 and section 98 of the Act do not provide sufficient details on the legal authority for power or the relevant process, which may lead to legal challenges by dissatisfied parties. Amending the sections to improve clarity will help mitigate such a legal risk.</p> |
| <p>85</p> | <p>Are there additional areas in long-term management that could be streamlined, removed, or changed?</p> | <p>Discussion Document 6</p> | <p>As briefly mentioned above, to facilitate effective long-term management, there is a need to introduce greater agility into the process. This can be achieved by providing a more streamlined process for major reviews of regional pest and pathway management plans, as well as for adding new species to the list of pest species in these plans.</p> <p>Furthermore, biosecurity outcomes and process efficiency will significantly improve if 'Polluter Pays' principles are integrated into the system to fund long-term management of biosecurity risks. This approach would hold those responsible for exacerbating issues, such as the spread of wilding conifers, accountable for their impacts across property boundaries.</p> |
| <p>86</p> | <p>How much of a difference might these proposals make to more efficient and effective long-term management?</p> | <p>Discussion Document 6</p> | <p>The Council believes that while the proposals may offer some improvement in long-term management efficiency and effectiveness, their impact will be limited due to the primary constraint of insufficient resources.</p> |
| <p>87</p> | <p>What will be the impacts of enabling pest and pathway management plans to be</p> | <p>Discussion Document 6</p> | <p>Council supports combining pest and pathway management plans, as it would streamline relevant processes while making the plans more accessible to the public. We also believe that the current regime does not prevent it. Northland Regional Council</p> |

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| | combined? What risks do you anticipate? | | <p>appears to have a combined plan. Environment Southland is not aware of any risks.</p> <p>However, Council does not support the integration of council-led regional plans with MPI-led national plans, as it could create confusion and inefficiencies stemming from the differing decision making frameworks involved.</p> |
| 88 | Do you think the right checks and balances for decision-making are in place with respect to the changes we are proposing? Why or why not? | Discussion Document 6 | Council is unable to comment on this point as limited information is being provided on the actual changes and the process that would have to be followed. |
| 89 | Do you agree with our preferred approach to progress proposals 52, 53 and 54B? Why, or why not? | <p>Proposal 52 – Enable multiple National Policy Directions(NPD) for pest management to be made This change would enable the creation of more than one NPD. The Biosecurity Act currently allows for one NPD, which has been in place since 2015.</p> <p>Proposal 53 – Enable new regulations to be made to create nationally consistent baseline objectives, policies or rules for pest management</p> <p>Proposal 54 – Amend section 55 of the Biosecurity Act and its associated regulations (Responsible Minister may assign responsibility for decisions on a harmful organism or pathway)</p> <ul style="list-style-type: none"> • Option 54A - Strengthen section 55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway • Option 54B - Streamline the process set out in regulations to remove unnecessary steps or duplication | <p>Proposal 52) Council supports this proposal, as such a move will improve the flexibility of the system.</p> <p>Proposal 53) Council supports this proposal in part.</p> <p>Council believes that assistance with baseline objectives, policies, and rules would be beneficial, similar to the support received during the last round of Southland Regional Pest Management Plan (SRPMP) reviews for wilding conifers. However, it is essential for councils to maintain the flexibility to adapt these baselines to suit regional circumstances and differences in programs where they serve as the Management Agency. For example, SRPMP includes a rule on wilding conifers based on national guidance, but an exemption was added (Rule 14) to accommodate the efforts of the local Mid Dome Wilding Tree Trust.</p> <p>Proposal 54) Council supports option 54B but strongly disagrees with 54A. Proposal 54A could result in Councils being directed to</p> |

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| | | Option 54C - Repeal section 55 of the Act and revoke its associated regulations | manage a species or pathway without any regional decision making or local considerations. |
| 90 | Do you think nationally consistent baseline objectives, policies or rules for long-term management would be helpful? Why, or why not? | Discussion Document 6 | <p>The Council supports the necessity of national consistency regarding certain species and pathways. This consistency is particularly crucial for issues that are too extensive for individual regions to manage effectively, such as wilding conifers and Predator Free initiatives. Additionally, it is vital for scenarios where cross-regional movement and pathways present significant risks, such as with the clean hull plan.</p> <p>However, councils need to be able to retain the ability to adapt the baseline to regional circumstances where councils are acting as the management agency. For example, the Southland Regional Pest Management Plan includes a rule on wilding conifers based on national guidance, but an exemption was added (Rule 14) to support the efforts of the local Mid Dome Wilding Tree Trust.</p> |
| 91 | What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management? | Discussion Document 6 | <p>Council supports an increased use of national pest and pathways management plans.</p> <p>Council also supports the use of MPI guidelines for regionally led programmes that require a cross regional baseline such as transport controls.</p> |
| 92 | Do you agree with our preferred approach to progress proposals 55-60? Why, or why not? | <p>Proposal 55 – Amend section 52 to define “communicate” in relation to a pest or unwanted organism</p> <p>Proposal 56 – Enable a chief technical officer to tailor the application of sections 52 and 53 when declaring an unwanted organism</p> <p>Proposal 57 – Align the permissions for exemptions in section 53(2) with the exemptions in section 52</p> | <p>Proposal 55) Council supports this proposal as the clarification is likely to make implementation easier.</p> <p>Proposal 56) Council agrees in part a tailored application of section 52 and 53 has benefits however it would also create operational challenges for regional councils where certain pest species are being managed under ss 52 and 53. Such challenges include the need to identify and apply the ‘tailored’ rules on a pest-by-pest basis, and the need to keep RPMP updated accordingly. For instance, the Southland RPMP currently states:</p> |

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| | | <p>Proposal 58 – Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient</p> <p>Proposal 59 - Include a new transitional provision for all unwanted organisms to expire after five years</p> <p>Proposal 60 – Improve the management of notifiable organisms</p> | <p><i>Advice note: Sections 52 and 53 of the Biosecurity Act 1993, which prevent the communication, release, spread, sale and propagation of pests, must be complied with. These sections should be referred to in full in the Biosecurity Act 1993.</i></p> <p>If ss 52 and 53 were tailored to each species, the generic wording would have to be replaced with the tailored wording for each affected species creating a large administrative burden and a risk of RPMP becoming out of date.</p> <p>Proposal 57) Council agrees with this proposal, as it will likely improve consistency within the Act.</p> <p>Proposal 58) Council agrees with this proposal since such changes will likely improve efficiency of the relevant process.</p> <p>Proposal 59) Council disagrees with this proposal, as it poses a risk of unwanted organisms losing their status due to administrative inefficiencies or errors. Some unwanted organisms can inflict significant harm beyond the initial five years; therefore, precaution is needed to ensure that the responsibility to manage them transfers to regional councils by adding these species to the list of pests in RPMPs in a timely manner.</p> <p>Proposal 60) Council agrees with this proposal, which appears to bring efficiency gains.</p> |
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| <p>93</p> | <p>If the term “communicate” is retained in section 52 of the Biosecurity Act, should it have a very broad meaning (i.e., to include moving a single specimen of the organism from one place to another) or a narrower meaning focussed on transmitting a disease or pest from one organism to another? Why?</p> | <p>Discussion Document 6</p> | <p>The term “communicate” should be given a broad meaning to cover a wide range of future scenarios.</p> |
| <p>94</p> | <p>What impacts do you anticipate from the proposed process of enabling a chief technical officer to tailor the application of sections 52 and 53 for unwanted organisms?</p> | <p>Discussion Document 6</p> | <p>Council believes that it would assist in the effective management of the actual risk associated with unwanted organisms. However, it would also create operational challenges for regional councils where certain pest species are being managed under ss 52 and 53. Such challenges include the need to identify and apply the ‘tailored’ rules on a pest-by-pest basis, and the need to keep RPMP updated accordingly. For instance, the Southland RPMP currently states:</p> <p><i>‘Advice note: Sections 52 and 53 of the Biosecurity Act 1993, which prevent the communication, release, spread, sale and propagation of pests, must be complied with. These sections should be referred to in full in the Biosecurity Act 1993’.</i></p> <p>If ss 52 and 53 were tailored to each species, the generic wording would have to be replaced with the tailored wording for each affected species creating a large administrative burden and a risk of RPMP becoming out of date.</p> <p>The most significant issue with the use of section 52 and section 53 is the difficulty of proving intent. Council suggests that the requirement of intent is removed from these sections so that they will apply as strict liabilities given the high economic and</p> |

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| | | | <p>societal costs associated with the potential spread of a pest or unwanted organism.</p> |
| 95 | <p>What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status?</p> | <p>Discussion Document 6</p> | <p>Council is concerned that the proposed process for removing unwanted organism status may result in an unsustainable amount of workload for regional councils.</p> <p>The proposed process stipulates that unwanted organisms will automatically be removed from the list after five years unless additional steps are taken to retain their status. However, the consultation document lacks sufficient details to evaluate the robustness of this process.</p> <p>If numerous species are removed from the list but still require management as pests, they will need to be reintroduced into regional pest management plans, placing further strain on already limited resources for regional councils.</p> |
| 96 | <p>Do you think the transitional provision with a one-off five-year transitional period to remove unwanted organisms is an appropriate mechanism to refine the unwanted organism register?</p> | <p>Discussion Document 6</p> | <p>No. Please refer to our answer to question 95 above.</p> |
| 97 | <p>Do you think the right checks and balances are in place in the process for removing and monitoring unwanted organism status? Are there any ways this process could be improved?</p> | <p>Discussion Document 6</p> | <p>Council views that insufficient information has been provided to determine if the checks and balances are appropriate.</p> |

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| <p>98</p> | <p>Is the current definition of an unwanted organism fit-for-purpose? What improvements can be made to ensure that designating an organism as unwanted is proportionate to the potential harm it may cause?</p> | <p>Discussion Document 6</p> | <p>Council does not have an agreed view on this.</p> |
| <p>99</p> | <p>Do you have a view on changing the name “unwanted organism” to “controlled organism”? If so, let us know why.</p> | <p>Discussion Document 6</p> | <p>Council does not support the change of name due to the risk of confusion. However we consider that ‘controlled organism’ may be a better term than ‘pest’ for species listed in regional pest management plans. The term ‘pest’ has a different meaning in common usage to its use in the Act which creates significant confusion.</p> |
| <p>100</p> | <p>Are there any other term/s in the Biosecurity Act that are problematic? If so, tell us the term/s, what the issue is, and how a change might solve the issue.</p> | <p>Discussion Document 6</p> | <p>Pest: We suggest using ‘controlled organism’ instead of ‘pest’ for species in regional pest management plans. The term ‘pest’ has a different meaning in common usage to its use in the Act which creates significant confusion for the public and creates operational challenges for Council. Such as explaining to the public why we will act for one species and not another when both a commonly called “pests”. Another example of the confusion caused is the common language usage of ‘pest’ throughout the discussion document even though the document is about the Act that gives Pest a different legal meaning. If MPI are unable to use the correct legal term to clearly explain the biosecurity act then how can council’s be expected to use it for enforcement purposes?</p> <p>Knowingly: The use of term ‘Knowingly’ in sections 52 and 53 requires Council to prove intent before powers under the Biosecurity Act can be used against people engaging in risky activities. Proving intent is rarely possible and reduces the ability</p> |

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| | | | <p>to effectively manage biosecurity risks. Council suggests removing the requirement for proving intent.</p> <p>Section 106: the section requires non-Authorised Person operating under the direction of an Authorised Person to be under ‘immediate direction and control’. It is unclear how this can be applied underwater or when verbal communication is not physically possible.</p> <p>Section 112: s 112 outlines duties that apply when exercising power of entry. Council suggests that the section is amended to clarify that the requirements in s 112 do not apply regarding boat hull inspections, as touching the hull is not ‘entering’ a place. Such clarification will enhance effectiveness of our biosecurity system by addressing a legal uncertainty.</p> <p>Dwellings: the power of inspection is limited as an inspector or authorised person may not enter a dwellinghouse unless they have obtained a search warrant (or consent of the occupier). It is not clear how the rule should be applied to boats, which often have sleeping quarters on them, and sometimes, in small boats, the sleeping quarters and wheelhouse are in the same area. Clarification is needed as to what a dwellinghouse is in relation to a boat.</p> |
| <p>101</p> | <p>Do you agree with our preferred approach to progress proposals 62A, B and D? Why, or why not?</p> | <ul style="list-style-type: none"> • Proposal 62A would provide a definition for ‘New Zealand-born progeny’ in section 2 of the Biosecurity Act. This definition would specify that ‘New Zealand-born progeny’ refers to an organism’s offspring or descendant that is born within New Zealand. • Proposal 62B would amend the definition of “goods” in section 2 of the Biosecurity Act to include planted trees or plants alongside moveable personal property. • Proposals 62C and 62D are mutually exclusive: | <p>The proposal is to refine definitions for ‘New Zealand progeny’ and “goods” and classifying New Zealand-born progeny as unauthorised goods.</p> <p>The proposal is unclear on how this corresponds to definitions for unwanted organisms and pest definitions and why an additional definition is needed. Designating the species in question as an unwanted organism or pest would include all progeny.</p> |

- Proposal 62C would amend the definition of “risk goods” in section 2 of the Biosecurity Act to include the New Zealand-born progeny of unauthorised goods.
- Proposal 62D would amend the definition of “unauthorised goods” to include the New Zealand-born progeny of unauthorised goods.

Option one - Refining definitions for “New Zealand progeny” and “goods” and classifying New Zealand-born progeny as risk goods.

This would bundle together proposals 62A, 62B and 62C.

Option two - Refining definitions for “New Zealand progeny” and “goods” and classifying New Zealand-born progeny as unauthorised goods.

This would bundle together proposals 62A, 62B and 62D.

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| 102 | Would a definition for “New Zealand-born progeny” be useful for you? Why, or why not? | Discussion Document 6 | Council is unlikely to utilise this approach. |
| 103 | If the proposal to define “New Zealand-born progeny” was progressed, how should it be defined? Should there be a ‘cut-off’ in terms of the number of generations of progeny it applies to? | Discussion Document 6 | Council does not have an agreed view on this. |
| 104 | Do you currently deal with progeny goods? What impact would classifying | Discussion Document 6 | We currently do not deal with progeny goods. |

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| | progeny goods as either risk goods or unauthorised goods have on you? | | |
| | Proposal 63 | | Council supports proposal 63, which makes a technical improvement to section 115. |
| Discussion Document 7 – Surveillance and legislative interfaces | | | |
| 105 | Do you think it is appropriate for biosecurity outcomes to take priority over sports fishing benefits? When should one outweigh the other, and what might cause the priority to change? | Discussion Document 7 | <p>Yes. Biosecurity measures are aimed at protecting the health of indigenous ecosystems as well as primary sector businesses whereas sports fishing benefits cater for recreational needs and support tourism industries.</p> <p>The default setting should prioritise biosecurity concerns, permitting sports fishing benefits only when it can be clearly demonstrated that their impact on biosecurity is minimal.</p> |
| 106 | What decision-making criteria for proposals 64 and 67 do you think should be included in the Biosecurity Act? How can these best reflect the importance of biosecurity as well as sports fishing benefits? | <p>Proposal 64 - Enabling the Biosecurity Act to take precedence over sports fishing benefits.</p> <p>Under this proposal the Biosecurity Act would take precedence over the relevant sports fishing provisions in the Conservation Act and its Freshwater Fisheries Regulations, in instances where biosecurity objectives and sports fishing priorities do not align.</p> <p>Under this proposal, regional councils would still be required to consult under the Biosecurity Act. This consultation requirement provides an opportunity for the benefits of sports fishing to be taken into consideration. This would enable better biosecurity outcomes, while retaining regional council's ability to manage their regional pest management plans.</p> | <p>Proposal 64) Council strongly supports this proposal, as it would ensure biosecurity concerns are addressed.</p> <p>Proposal 65) Council disagrees with this proposal.</p> <p>Proposal 66) Council agrees in part with this proposal. However, Council believes proposal 64 would result in better outcomes overall.</p> <p>Proposal 67) Council does not support Proposal 67, as ministerial involvement removes decision-making from local decision-makers reducing the ability of regional councils to produce solutions tailored to the local conditions.</p> |

Proposal 65 - Enabling the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer.

Regional councils would need to get approval from a CTO to designate a pest fish if that fish has already been designated as a sports fish.

However, this proposal would create an additional consultation requirement for regional councils looking to establish future regional pest management plans. This would require regional councils to escalate regional biosecurity concerns associated with sports fish to a national level.

Proposal 66 - Enabling biosecurity powers, functions or duties to take precedence over other provisions where a fish is also an unwanted organism.

This would allow biosecurity needs to outweigh sports fishing benefits, enabling the management of sports fish where those fish have been identified as posing significant biosecurity risk.

This supports better biosecurity outcomes for the management of recognised pest species. However, this proposal would reduce flexibility. Regional councils would be reliant on a fish species already being designated as an unwanted organism before they can undertake pest management activities.

Proposal 67 – Amending the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree.

This proposal would require agreement from Fish and Game for a regional council to include a sports fish in their regional pest management plan. If agreement could not be reached,

| | | | |
|-----|--|--|--|
| | | <p>the regional council could request a decision from the Minister responsible for sports fishing.</p> <p>This would limit regional councils' decision-making ability. It creates a new requirement for an additional step in the regulatory process. This would reduce efficiency and require additional resource from regional councils and central government agencies advising the Minister. However, it ensures the statutory functions regarding sports fish remain.</p> | |
| 107 | Do you agree with our preferred approach to progress proposals 68 and 69? Why, or why not? | <p>Proposal 68 - Change the purpose of Part 4 by enabling monitoring for pests, notifiable organisms, unwanted organisms, and other organisms that may cause infections, diseases, or unwanted harm.</p> <p>Proposal 69 – Include a reference to the Marine Mammals Protection Act in the Biosecurity Act</p> | Council does not have an agreed view on this matter. |
| 108 | What other changes could be made to ensure that the surveillance system is robust and delivers information quickly? | Discussion Document 7 | Council does not have an agreed view on this matter. |
| 109 | What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection? | Discussion Document 7 | Council does not have an agreed view on this matter. |
| 110 | What alternatives are there to the proposals above that | Discussion Document 7 | Council does not have an agreed view on this matter. |

| | | | |
|-----|---|---|---|
| | could deliver the same, or better outcomes? | | |
| 111 | How do we best get a balance between the needs of the biosecurity and biodiversity systems? | Discussion Document 7 | Council does not have an agreed view on this matter. |
| 112 | Do you agree with our preferred approach to progress proposals 70 and 71? Why, or why not? | <p>Proposal 70 – Clarify that regional councils can enter private land to control wild animals. During the legislative process we are also proposing a minor technical amendment to the Wild Animal Control Act (which is administered by DOC), to clarify the powers available to regional councils to carry out pest management activities on private land under their regional pest management plans. This would involve amending section 8(2) of the Wild Animal Control Act 1977 to clarify regional council’s power to enter private land to control wild animals, by replacing the phrase “section 56 of the Agricultural Pests Destruction Act 1967” with the phrase “section 109(1)b and section 114 of the Biosecurity Act”.</p> <p>Proposal 71 - Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land</p> | Council supports these proposals, as they are likely to enhance operational efficiency. |

20 December 2024

Committee Secretariat
 Justice Committee
 Parliament Buildings
 Wellington

Submission on the Principles of the Treaty of Waitangi Bill

Introduction

Environment Southland welcomes the opportunity to submit on the Principles of the Treaty of Waitangi Bill (the Bill). Council requests an opportunity to be heard in support of this submission.

Council’s position

1. Environment Southland opposes the Principles of the Treaty of Waitangi Bill because:
 - a. Environment Southland acknowledges the importance of the Treaty of Waitangi as New Zealand’s founding constitutional document. It also endorses the significance of the jurisprudence surrounding its principles;
 - b. the Bill presents the risk of undermining the Treaty of Waitangi itself by altering its meaning to something fundamentally different;
 - c. Council is concerned that the proposed principles do not align with the interpretation of the Treaty of Waitangi, as recognised by many prominent experts in legal, constitutional, and indigenous matters; and
 - d. Council anticipates adverse impacts on our operations, and the existing partnership with our treaty partners.

2. Considering the constitutional significance of the Treaty, any national conversation about the meaning and the role of its principles should be initiated through the agreement of both treaty partners.

3. Council opposes the Bill, as it views that both the current select committee process and the proposed referendum fail to meet the required standard of proper process. This is due to the limited scope for discussion, the short consultation timeframe, and the absence of engagement with mana whenua.

4. The public resistance to the Bill, highlighted by the Hīkoi recently held across New Zealand, underscores the absence of a proper process befitting the significance of this matter.

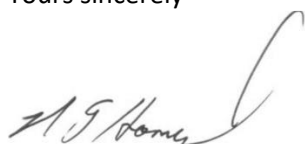
5. Over the past few decades, a strong partnership has been developed and formalised between Environment Southland and Ngāi Tahu ki Murihiku, who exercise mana whenua over the region, through the dedicated efforts of Iwi and Rūnanga, as well as political representatives and council staff.
6. Such partnership has been integral in improving outcomes for the Southland community. Their ongoing involvement ensures that the views and rights of mana whenua are embedded in key decision-making processes, helping to shape policies that promote sustainable growth and inclusivity in Southland.
7. For example, the collaboration has played an immensely important role in the development of regional policies and strategies, including the Southland Land and Water Plan, as well as implementation of various on-the-ground projects for improving environmental practices.
8. If enacted, the Bill runs the risk of compromising the ability of Council and mana whenua to effectively collaborate, potentially leading to adverse outcomes for the Southland region.
9. Furthermore, as the Treaty principles are deeply embedded in both the regulatory and operational frameworks, the proposals in the Bill are likely to introduce legal uncertainty and operational complexity.
10. If enacted, the Bill would diminish the existing relationship between Council and mana whenua. Currently the relationship in Southland is a partnership with a genuine desire to work together for agreed outcomes.
11. This Bill relegates mana whenua to a transactional relationship where mana whenua will be considered as another stakeholder.

Recommendations

Environment Southland recommends that:

- a) The Principles of the Treaty of Waitangi Bill be abandoned; and
- b) Any proposals to amend New Zealand's current constitutional arrangements be initiated through the agreement of both treaty partners.

Yours sincerely



Nicol Horrell

Councillor - Chairperson

13 January 2024

Ministry for Regulation
Parliament Buildings
Wellington



Environment Southland’s Submission on the Regulatory Standards Bill

Introduction

1. Environment Southland welcomes the opportunity to participate in the consultation on the Regulatory Standards Bill (the Bill).
2. This submission is based on discussions held during a Council workshop, but it has not yet received formal endorsement from the Council. As such, it is provided on a without prejudice basis, with the understanding that amendments may be made in the future if necessary.

Council’s position

3. Overall, Environment Southland supports the intent of the Bill to improve the quality of regulation in New Zealand. Establishing a systematic support and monitoring system for regulatory stewardship would bring significant benefits.
4. Council agrees that there is room for improving the quality of regulations in New Zealand. Local government often experiences challenges in implementing national regulations, particularly when the implementation of these regulations has been given insufficient consideration. This can result in additional costs for local government and frustration for local ratepayers.
5. Council also acknowledges the importance of enhancing the quality of local regulations and remains committed to improving related processes to ensure these are efficient and effective.
6. Environment Southland has identified the following areas of potential concern:
 - Balancing of principles
 - Regulatory Standards Board
 - Oversight by Ministry for Regulation in upholding regulatory stewardship
7. We offer recommendations at the end of each section, which we believe would assist the Ministry in addressing these concerns effectively.

For now
& our future



General support for improving existing arrangements

- 8. Council agrees that there is a need to improve existing legislative drafting arrangements, including the Regulatory Impact Statements and Disclosure Statements.
- 9. Council uses Regulatory Impact Statements as a valuable resource to analyse the impacts of national policies (where available) and views them as an essential tool that adds transparency and legitimacy to the national policy development process. They offer insight into the political, social, environmental and technical foundations, and thinking that underpins the agency’s policy decisions, enabling a critical analysis of the proposed regulation.
- 10. Their importance is made greater by the recent reduction in the legal requirements for central government to publish evaluation reports, as outlined in the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Balancing of principles

- 11. While Council acknowledges the merits of the proposal to establish regulatory quality requirements in legislation, we suggest that the principles need greater balancing.
- 12. The proposed list of principles outlined in the discussion document does not appear balanced. Three of the seven types of principles relate to individual liberties and rights to protection of private property.
- 13. While these are legitimate legal rights deserving protection, the issue is that their exclusive emphasis in the proposed bill appear to grant them a legal status above other legal rights the bill is silent on. For example, the list does not refer to the rights arising under the Treaty of Waitangi, environment and many other rights protected under the Bill of Rights Act 1986.
- 14. A lack of balanced principles in the proposed bill raises concerns regarding fairness, equity and how the allocation of emphasis may disadvantage minority parties for all future legislative drafting moving forward.
- 15. Additionally, several of the descriptions of the principles, including the principles explaining rule of law, appear to be vague and open to multiple interpretations. We are concerned that this lack of clarity could result in legal disputes, potentially leading to significant costs for all parties involved.

Recommendation:

a) That the Ministry balance the principles by removing references to individual rights and freedoms as well as rule of law to focus on 'good law making process' and 'regulatory stewardship' as the core objectives.

Regulatory Standards Board

- 16. It is proposed that a Regulatory Standards Board be established, which is supported. Environment Southland is of the view that achieving the maximum degree of political separation for the proposed Board is desirable to ensure objectivity and maximise positive outcomes.
- 17. The current proposal to have the Board composed of members appointed by the Minister for Regulation lacks transparency and risks not being objective during decision making. Moreover, the discussion document only mentions legal and economic expertise as examples of the skills required on the board, which limits the scope of potential board members.

Recommendations:

b) That the Ministry further consider how the proposed Regulatory Standards Board might be established with the political separation with an emphasis on objectivity
c) That the Bill specify that the Board needs to have a broad range of expertise, including that in implementation and evaluation, and Te ao Māori.

Oversight by Ministry for Regulation in upholding regulatory stewardship

- 18. The Bill proposes providing the Ministry for Regulation with broad powers to refine the framework for applying the principles outlined in the Bill, as well as to conduct reviews of entities involved in formulating or implementing national and secondary legislation. Environment Southland has concerns about the broad powers and the operational and implementation challenges that may be encountered from these powers.
- 19. If the scope of the principles remains as proposed, the exercise of the proposed powers by the Ministry could create significant challenges for local government in fulfilling their statutory responsibilities. The elevation of individual freedoms and property rights above all other rights does not align well with the priorities of local government and the development and implementation of policies to balance both the long-term well-being of the community and short-term interests.
- 20. The expanded role of the Ministry may increase both the workload and costs for local government, as they would be required to meet the Ministry's

requests for information, regular system reviews, and reporting. This could impact local government's ability to effectively carry out their other responsibilities and/or increase costs, with resulting impacts on ratepayers.

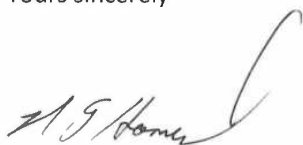
21. We believe that robust safeguards should be established to ensure that the Ministry's information-gathering and other powers are used appropriately and limited in scope to ensure that request remain focused on specific matters.
22. We do not agree that the local government should be subject to the review by the Ministry for regulation unless sufficient resources are allocated to local government to support its efforts in maintaining regulatory stewardship.

Recommendations:

- d) That an independent body be responsible for both defining the terms of reference for each review the Ministry will conduct and setting the boundaries for the information-gathering powers, ensuring transparency and accountability throughout the process.*
- e) That the Ministry be legally obligated to transparently outline and disclose the process it will follow when conducting the relevant reviews.*
- f) That the Ministry be responsible for providing comprehensive support, including resources and practice guidelines, to organisations responsible for administering regulatory systems.*

23. We thank the Ministry for considering this submission and look forward to future opportunities for collaboration.

Yours sincerely



Nicol Horrell
Councillor - Chairperson

10.6 Local Elections 2025 - Timetable, Order of Candidate Names and Other Matters

Report by: Paula Burke, Information & Support Manager

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 4 February 2025

Purpose

This report's purpose is to highlight matters of significance in relation to the 2025 local triennial elections, including the election timetable and the order of candidates' names.

Summary

The 2025 triennial local government elections will occur on Saturday, 11 October 2025. An update on preliminary matters relating to the election is provided to Council via this report, including consideration of the order of candidate names to appear on the voting documents.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Local Elections 2025 - Timetable, Order of Candidate Names and Other Matters.
- 2 for the 2025 triennial elections, resolve to adopt either:
 - (a) the alphabetical order of candidate names; or
 - (b) the pseudo-random order of candidate names; or
 - (c) the random order of candidate names;as permitted under Regulation 31 of the Local Electoral Regulation 2001

Background

The 2025 triennial elections for local authorities are due to occur on Saturday, 11 October 2025, and are required to be undertaken according to the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and, to a limited extent, the Local Government Act 2022. Certain pre-election information and tasks are outlined in this report for Council's information and attention.

The Local Election Regulations 2001 provide for council to resolve the order of candidate names to appear on voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

Current Situation

We are waiting for the outcome of the Representation Review to determine the appeals lodged against Council's decision to retain the current constituencies and number of Councillors. The Local Government Commission hearing for the representation review is scheduled for 12 February 2025, with their determination expected in April 2025.

Order of Candidate Names

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order of candidate names appearing on the voting documents from three options – alphabetical, pseudo-random (names drawn out of a hat in random with all voting documents printed in this order) or random order (names randomly allocated by a computer programme at the time of printing with each voting document different).

Council may determine in which order the names of candidates are to appear on the voting documents, but if no decision is made, the order of names defaults to alphabetical. For the 2022 triennial elections, Council resolved to adopt the random order. Prior to that, all election voting papers had been in alphabetical order.

For the Council's information, statistics gathered by our Elections provider show that there has been a change across recent elections, with more councils moving to a random order of candidate names. The table below shows the information gathered.

| Election Year | Random | Alpha | Pseudo Random |
|-----------------|--------|-------|---------------|
| 2019 – TAs | 48% | 33% | 10% |
| 2019 – Regional | 55% | 45% | 0% |
| 2022 – TAs | 73% | 24% | 3% |
| 2022 – Regional | 73% | 27% | 0% |

Locally, both Invercargill City Council and Southland District Council resolved to order their candidates in random order for their 2022 elections, and Gore District Council opted to order theirs in pseudo-random order. Invercargill City Council and Southland District Council have indicated they will use random order in 2025, and Gore District Council is yet to decide.

Below is an explanation of the options available.

Alphabetical Order is simply listing candidate surnames alphabetically and is the order traditionally used in local and parliamentary elections. Comments regarding alphabetical order are:

- voters are easily able to find names of candidates for whom they wish to vote. Some candidates and voters over the years have argued that alphabetical order may tend to favour candidates with names in the first part of the alphabet, but in practice this is generally not the case – most voters tend to look for name recognition, regardless of where in the alphabet the surname lies;
- the order of candidate names on the voting document matches the order listed in the candidate directory (candidate profile statements).

Pseudo-Random Order – is where candidate surnames are randomly selected, and the same order is used on all voting documents for that position. The names are randomly selected by a method such as drawing names out of a hat. Comments regarding pseudo-random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;
- the order of candidate names on the voting document does not match the order in the candidate directory (candidate profile statements).

Random Order – is where all candidate surnames are randomly selected and are listed in a different order on every voting document. The names are randomly selected by computer at the time the voting papers are printed so that the order is different. Random order enables names to be listed in a completely unique order on each voting document. Comments regarding random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;

- the order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

In summary the table below details the pros and cons of each order for consideration:

| Order | Pros | Cons |
|-----------------------------|--|--|
| <i>Alphabetical</i> | <ul style="list-style-type: none"> Voters can easily find candidates' names on the form. This order may favour candidates with names in the first part of the alphabet Matches the order of names in the candidate directory (candidate profiles) | <ul style="list-style-type: none"> This order may favour candidates with names in the first part of the alphabet. |
| <i>Pseudo-Random</i> | <ul style="list-style-type: none"> Removes the perceived bias of alphabetical order | <ul style="list-style-type: none"> Possible voter confusion as specific candidate names are not easily found (particularly when there are a lot of candidates) The order on the voting paper does not match the candidate directory (candidate profile statements) |
| <i>Random</i> | <ul style="list-style-type: none"> Every voting paper has a unique order The candidates' names are mixed or and again removes the perceived bias of alphabetical order | <ul style="list-style-type: none"> Possible voter confusion as specific candidate names are not easily found (particularly when there are a lot of candidates) The order on the voting paper does not match the candidate directory (candidate profile statements) |

There is no price differential in printing costs between the three orders of candidate names.

The decision over which option to select is one for Council. The order of candidate names will be specified on the public notice calling for nominations.

2025 Election Update Information

With an election date of Saturday, 11 October 2025, the following key functions and dates will apply:

| | |
|--------------------------------------|------------------------------------|
| Nominations open/roll open | Friday, 4 July 2025 |
| Nominations close/roll closes | Friday, 1 August 2025 at noon |
| Public Notice of Candidates | Wednesday, 6 August 2025 |
| Delivery of voting papers | Begins from 9 September 2025 |
| Close of Voting | Saturday, 11 October 2025, at noon |

Electoral System— in August 2023, the Council held a workshop to discuss the electoral system. It was noted that the decision made on 12 August 2020 to adopt the First Past the Post (FPP) electoral system for the 2022 triennial election remained unchanged. The Council confirmed this arrangement for the 2025 triennial election, and this was publicly notified on 18 September 2023.

Compilation of non-resident Ratepayer Roll - the compilation of the 2025 non-resident Ratepayer Roll is required to commence in early-mid 2025 by the three constituent territorial authorities. This will include an insert detailing the qualifications and procedures for enrolment as a ratepayer elector to be included with an insert in the April 2025 constituent territorial authority rates instalment notice;

The above must be undertaken by the constituent territorial authorities and not the regional council.

Duty to Foster Representative and Elector Participation - a requirement of legislation is the duty placed on the Chief Executive of the local authority to facilitate and foster representative and substantial elector participation. This necessitates staff promoting the election process, particularly encouraging greater public participation.

Locally, there is a joint approach being taken to this with the Southland Electoral officers group working with the communications teams of the Councils to develop this programme. As progress is made, Council will be kept apprised of developments.

Pre-election Report - Section 99A of the Local Government Act 2002 requires each local authority to prepare a pre-election report, which purpose is to provide information to promote public discussion about the issues facing the local authority. The pre-election report is prepared by the Chief Executive, must contain financial and major project information, and must be completed by 18 July 2025 (two weeks before the close of nominations). This task is about to be commenced.

Risks/Opportunities

There is an opportunity for elected members to influence the order of names on voting papers. The risk of not establishing a preferred order is that it will default to alphabetical order.

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 or resource implications arising from decisions to be made on this report.

Legal implications

This report and the associated recommendations comply with the appropriate statutory requirements placed upon Council.

Attachments

Nil

10.7 Reporting of Expenditure Incurred above Delegated Authority

Report by: Jan Brown, Executive Officer

Approved by: Bethia Gibson, General Manager Corporate Services

Report Date: 31 January 2025

Purpose

The purpose of this item is to advise Council of invoices that have been paid on behalf of Council, that are above the delegated authority provided to staff, as required by Council's Delegations Manual.

Summary

Council is advised that invoices have been paid above the delegated authority of the Chief Executive and a General Manager jointly. Those invoices relate to payments associated with the climate resilience projects being undertaken in the region. In accordance with Council's delegations manual, Council is being advised of that expenditure.

Recommendation

It is recommended that Council resolve to:

- 1 note the report - Reporting of Expenditure Incurred above Delegated Authority, as at 30 November 2024.

Background

Climate resilience projects

Council has been kept apprised of the climate resilience projects progress through various committees. Significant funding contributions to the projects have been made by central government through Kānoa, and the work has been budgeted and is progressing as programmed.

Following on from the report to Council in May 2024, Council is advised that the following payments, in excess of the delegation provided to the Chief Executive with a General Manager, have been made:

Claim 18 - \$302,902.10 to Linton Contracting

Claim 19 - \$401,669.45 – to Fulton Hogan

Claim 20 - \$1,416,439.82 – to Fulton Hogan

Claim 21 - \$391,573.59 – to Fulton Hogan

Claim 22 - \$604,660.51 – to Fulton Hogan

Council's Delegations Manual provides, at page 32, that the Chief Executive and a general manager jointly, may commit Council to a course of expenditure that totals up to \$300,000.

For amounts in excess of that sum "to implement programmes approved by or decisions made by Council may be signed by them but the amount of the contract must be reported to the next meeting of the relevant committee or of Council". It is noted that these payments have been made in the period from May through to November 2024.

Risks/Opportunities

All claims were received and checked as to validity by the Project Manager and Finance team before being submitted for consideration and approval by the relevant Executive staff.

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 that trigger matters in this policy.

Considerations

Financial implications

A significant funding contribution has been received from central government via Kānoa for the climate resilience projects. These sums are all provided for within budgets.

Legal implications

This report meets Council's governance policies, procurement policies and the Delegations Manual obligations.

Attachments

Nil

10.8 Councillor Attendance at NZ Planning Institute National Conference - Elected Representatives Workshop

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 31 January 2025

Purpose

For Council to consider supporting Councillor participation in an Elected Representatives workshop being run by the NZ Planning institute as part of its national conference.

Summary

Council has been advised that the NZ Planning Institute is holding its national conference in Invercargill in March 2025, and as part of that conference is holding an Elected Representatives workshop. Details of the programme are appended, and Council is invited to consider supporting attendance at the workshop.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Councillor Attendance at NZ Planning Institute National Conference - Elected Representatives Workshop.
- 2 seek indications of interest from Councillors to attend the Elected Representatives workshop on 26 March 2025;
- 3 meet the registration and associated costs of attendance of its members at the workshop.

Background

The New Zealand Planning Institute's national conference is being held in Invercargill from 26-28 March 2025.

On 26 March 2025, a full-day workshop specifically for elected representatives has been developed. The programme ([appended](#)) includes decision-making in a world of dis- and mis-information, resource management reform, tools to help work through change and general networking. Registration costs to attend the session are \$200 for non-members.

Councillors are asked to indicate their interest in attending either the workshop described above, or other parts of the conference (outlined below, which will be subject to separate registration costs), and for the meeting to provide the appropriate approvals for same.

On the other days of the conference (which requires separate registration from the elected representative workshop) speakers will include Hon Chris Bishop, Judge David Kirkpatrick, Wayne Langford (Fed Farmers) and more. Keynote sessions will be held at the Civic Theatre Invercargill, with other breakout sessions being held in a range of venues. The detailed programme can be viewed at this link. [Speakers : New Zealand Planning Institute](#).

Risks/Opportunities

There are no identified risks arising from this item. The opportunity is here for Councillors to attend a workshop of interest, locally, and to hear from a range of speakers.

Views of affected parties

Not Applicable.

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 matters within this report that trigger the Significance and Engagement Policy requirements.

Considerations

Financial implications

The cost of attendance at this conference would be met from within existing budgets.

Legal implications

There are no legal implications arising from this report.

Attachments

1. 2025- NZP I- Elected- Reprs- Programme-v 2 [**10.8.1** - 1 page]



Invercargill 2025

ELECTED REPRESENTATIVES WORKSHOP

Decision making in a world of change

PROGRAMME

Wednesday 26 March 2025 – The Victoria Room at Civic Theatre

| | |
|---------------|---|
| 9.30- 10.00 | Refreshments and general networking – Civic Theatre & Corinthians Convention Centre |
| 10.00 - 10.10 | Welcome/Karakia – MC outlines agenda, health & safety requirements. |
| 10.10 - 11.20 | Decision making in a world of dis- and mis-information – <i>In making decisions for their communities, elected representatives are often faced with submissions that are increasingly extreme in their points of view. More often than not, the "middle" is not represented in the feedback received. What is leading to this? How can we make robust decisions for the wider community in the face of this?</i> |
| 11.20 - 12.30 | The changing face of resource management legislation – <i>Update on Resource Management reform.</i> |
| 12.30 - 1.30 | Lunch - Corinthian Conventions Centre |
| 1.30 - 1.35 | Welcome back – MC. |
| 1.35 - 2.30 | Tools to help work through change – <i>Sean Audain (WCC). Evolution of technology offers opportunities to capture and present information and can be particularly valuable in helping to guide decision making.</i> |
| 2.30 - 3.00 | Break out session – <i>Title and speaker TBC.</i> |
| 3.00 - 3.05 | Closing karakia – MC. |
| 3.05 - 4.00 | Refreshments and general networking – Corinthian Conventions Centre. |

10.9 Attendance at Local Government NZ Zone 5-6 Meeting - April 2025

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 31 January 2025

Purpose

This item seeks Council approval for the attendance of Council representatives at the Local Government New Zealand Zone 5 and 6 meeting, scheduled to be held in Otautahi Christchurch on 10 and 11 April 2025.

Summary

Council has been advised that the next LGNZ Zone 5 and 6 meeting will be held in Otautahi Christchurch, hosted by Zone 5, from 10 to 11 April 2025. The agenda is yet to be compiled, but will be circulated closer to the meeting. In the meantime, Council is asked to appoint its delegates to attend, to ensure best price accommodation and air fares can be obtained.

Recommendation

It is recommended that Council resolve to:

- 1 receive the report - Attendance at Local Government NZ Zone 5-6 Meeting - April 2025.
- 2 appoint Cr/s xxx to attend the Combined Zone 5/6 meeting to be held in Otautahi Christchurch from 10 to 11 April 2025.
- 3 meet the associated costs of travel, accommodation and meals for appointed delegates.

Background

Local Government New Zealand holds quarterly combined Zone meetings, which are open to attendance by each of the councils within the relevant zones. These combined meetings are shared between the zones, and on this occasion, Zone 5 is the hosting region, and Otautahi Christchurch has been selected as the meeting venue.

Past experience has been that such meetings held closer to home, have been attended by up to four Councillors and the Chief Executive, but those which require air travel have had a smaller number of delegates attend.

On this occasion, the conference is being held at the Novotel Christchurch Airport, and the two-day programme will be finalised in the coming months. Councillors are welcome to provide input to topics or themes they wish to have discussed. Any such matters should be advised to staff as soon as possible.

The two day event will comprise a full day on the Thursday, with the programme to be concluded by lunch time on the Friday, to assist with travel arrangements.

Councillors interested in attending are invited to indicate this to the meeting. Early advice of attendance will ensure that optimal air fares and accommodation costs are able to be obtained.

Views of affected parties

There are no parties affected by the recommendations in this report.

Compliance with Significance and Engagement Policy

There are no issues within this report which trigger matters in this policy.

Considerations

Financial implications

Attendance at Zone meetings is budgeted for on an annual basis.

Legal implications

There are no legal implications arising from the recommendations within this report.

Attachments

Nil

10.10 Council Diary Update to February

Report by: Jan Brown, Executive Officer

Approved by: Amy Kubrycht, General Manager People & Governance

Report Date: 31 January 2025

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 - Council Diary Update to February.
- 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.

Report

Leave of absence requests may be lodged by Councillors either verbally at the meeting, or in advance, via this report. As this agenda was prepared, the following leave of absence requests have been lodged:

Cr L Ludlow – 18 February 2025

Cr P McDonald – 10-20 June 2025 (inclusive)

Cr N Cook – 10-21 August 2025

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 - February 2025 Meeting [**10.10.1** - 8 pages]

Councillors Meeting Schedule - February 2025

| Leave of Absence Requests (dates inclusive): | | | | | | | |
|---|----------------------|------------------------------|---------|---------------------------|------------------|-------------------|-------|
| Cr N Cook – 10-21 August 2025 | | | | | | | |
| Cr Evans – 29 January to 4 February 2025 | | | | | | | |
| Chairman Horrell – 9-17 March 2025 | | | | | | | |
| Cr L Ludlow – 18 February 2025 | | | | | | | |
| Cr P McDonald – 10-20 June 2025 | | | | | | | |
| Cr Morrison – 27-31 January 2025; 10-14 February 2025; 7-14 March 2025. | | | | | | | |
| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Retrospective | | | | | | | |
| Whakamana te Waituna Co-chairs Briefing | @ ES | Tuesday 10 December 2024 | 1.00 pm | Chairman Horrell | - | - | |
| EMS – Mayoral Forum Filming | @ ES | Tuesday 10 December 2024 | 2.00 pm | Chairman Horrell | - | - | |
| January 2025 | | | | | | | |
| Winton A&P Show | @ Winton Showgrounds | Saturday 18 January 2025 | 9.00 am | Interested Councillors | - | ✓ | |
| Southland Wet Spring Teams meeting | Via Teams | Wednesday 22 January 2025 | 1.00 pm | Chairman Horrell | - | - | |
| Investment Committee Appointment Panel Meeting | @ ES | Friday 24 January 2025 | 9.00 am | Crs Roy, Ludlow & McPhail | - | ✓ | |

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 - February 2025

| Leave of Absence Requests (dates inclusive): | | | | | | | |
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| Cr Evans – 29 January to 4 February 2025 | | | | | | | |
| Chairman Horrell – 9-17 March 2025 | | | | | | | |
| Cr L Ludlow – 18 February 2025 | | | | | | | |
| Cr P McDonald – 10-20 June 2025 | | | | | | | |
| Cr Morrison – 27-31 January 2025; 10-14 February 2025; 7-14 March 2025. | | | | | | | |
| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Crank-up Day | @ Edendale | Saturday 25 January 2025 | All day | Interested Councillors | - | ✓ | |
| Council On-line Caucus Opportunity | Via Teams | Tuesday 28 January 2025 | 5.00 pm | All Councillors | - | - | |
| Bluff Maritime Museum Trust Board meeting | @ Bluff | Thursday 30 January 2025 | 3.00 pm | Cr Cook | - | ✓ | |
| Investment Committee Appointment Panel Interviews commence | Via Teams | Thursday 30 January 2025 | 2.00 pm (meet) 2.30 pm (interview) | Crs Roy, Ludlow & McPhail | - | ✓ | |
| Southland Civil Defence Emergency Management Group | @ ES | Friday 31 January 2025 | 10.00 am | Chairman Horrell Cr Cook | - | ✓ | |
| February | | | | | | | |
| Gore A&P Show | @ Gore Showgrounds | Saturday 1 February 2025 | 9.00 am | Interested Councillors | - | ✓ | |

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Councillors Meeting Schedule - February 2025

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| Chairman Horrell – 9-17 March 2025 | | | | | | | |
| Cr L Ludlow – 18 February 2025 | | | | | | | |
| Cr P McDonald – 10-20 June 2025 | | | | | | | |
| Cr Morrison – 27-31 January 2025; 10-14 February 2025; 7-14 March 2025. | | | | | | | |
| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Investment Committee Interviews (Back-up day) | @ ES | Monday 3 February 2025 | 1.00 pm to 5.00 pm | Crs Roy, Ludlow and McPhail | - | ✓ | |
| Council caucus opportunity Councillors meet with Executive team <i>Morning tea break</i> Ordinary meeting of Council <i>Lunch break</i> Investment Committee Interview (main day) | @ ES | Tuesday 4 February 2025 | 9.00 am 9.30 am 10.15 am 10.30 am 12.30 pm 1.30 pm | All Councillors Crs Roy, Ludlow & McPhail | - | ✓ | |
| Regional Climate Change Working Group | | | 2.00 pm | Crs Rodway & Morrison | | | |
| Joint Otago Southland Mayoral Forum Te Ropu Taiao (Otakou and Murihiku) | @ Queenstown | Wednesday 5 February 2025 | 10.00 am 1.00 pm | Chairman Horrell, Crs McPhail, & Guyton | - | ✓ | Accom |

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Councillors Meeting Schedule - February 2025

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| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Waitangi Day Event and Public Holiday [ES Office closed] | @ Queenstown | Thursday 6 February 2025 | All day | Chairman Horrell, Crs Guyton and McDonald attending All Councillors invited | - | ✓ | |
| Waiiau A&P Show | @ Showgrounds Tuatapere | Saturday 8 February 2025 | 9.00 am | Cr McDonald attending - Interested Councillors | - | ✓ | |
| Council On-line caucus opportunity | Via Teams | Tuesday 11 February 2025 | 5.00 pm | All Councillors | - | ✓ | |
| Local Government Commission Hearing re Representation Review | @ ES | Wednesday 12 February 2025 | 9.00 am | Chairman Horrell | - | ✓ | |
| Southland Community Broadcasters Charitable Trust meeting | @ Findex | Thursday 13 February 2025 | 3.15 pm | Cr Cook | - | ✓ | |
| Great South Joint Shareholders Committee | @ Great South | Friday 14 February 2025 | 9.00 am | Chairman Horrell | - | - | |

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Councillors Meeting Schedule - February 2025

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| Cr L Ludlow – 18 February 2025 | | | | | | | |
| Cr P McDonald – 10-20 June 2025 | | | | | | | |
| Cr Morrison – 27-31 January 2025; 10-14 February 2025; 7-14 March 2025. | | | | | | | |
| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Strategy & Policy Committee Regulatory Committee | @ ES | Wednesday 19 February 2025 | 10.00 am 1.30 pm | All Councillors [Cr Cook apology] | - | ✓ | |
| Investment Committee Appointment Panel Meeting | @ ES | Thursday 20 February 2025 | 10.00 am | Crs Roy, Ludlow & McPhail | - | ✓ | |
| “On the Fly” Maitaia River Festival | @ Maitaia | Sunday 23 February 2025 | All day | Interested Councillors | - | ✓ | |
| Investment Committee | @ ES | Tuesday 25 February 2025 | 9.00 am | Crs Roy, Evans, Gibson, Ludlow, McDonald, McPhail, Pemberton, Rodway, Chairman Horrell | - | ✓ | |
| Councillor Online Caucus Opportunity | Via Teams | Tuesday 25 February 2025 | 5.00 pm | All Councillors | - | ✓ | |

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| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Finance and Performance Committee Regional Services Committee Chair’s Business Support Meeting | @ ES | Wednesday 26 February 2025 | 10.00 am 1.30 pm 3.00 pm | All Councillors All Councillors Chairman, Crs McPhail & Ludlow | - | ✓ | |
| All of Local Government Meeting | @ Wellington | Thursday 27 February 2025 | 9.00 am | Chairman Horrell | - | ✓ | |
| Regional Sector Group Meeting | @ Wellington | Friday 28 February 2025 | 9.00 am | Chairman Horrell | - | ✓ | |
| March | | | | | | | |
| Southland A & P Show | @ Donovan Park | Saturday 1 March 2025 | 9.00 am | Cr McDonald attending - Interested Councillors | - | ✓ | |

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| Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Risk & Assurance Committee | @ ES | Wednesday 5 March 2025 | 10.00 am | Crs Gibson, Ludlow, McPhail, Morrison, Pemberton, Rodway & Horrell | - | ✓ | |
| Regional Climate Change Working Group | @ ES | Thursday 6 March 2025 | 9.00 am | Crs Rodway & Morrison | - | ✓ | |
| Chief Executive’s Review Committee | @ ES | Thursday 6 March 2025 | 2.00 pm | Chairman & Committee Chairs | - | ✓ | |
| Southland Mayoral Forum | @ ES | Friday 7 March 2025 | 8.00 am | Chairman Horrell Cr McPhail | - | ✓ | |
| Great South Joint Shareholders Committee | @ Great South | Friday 7 March 2025 | 9.00 am | Chairman Horrell | - | ✓ | |
| Councillor on-line caucus opportunity | Via Teams | Tuesday 11 March 2025 | 5.00 pm | All Councillors | - | ✓ | |

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 - February 2025

| Leave of Absence Requests (dates inclusive): Cr N Cook – 10-21 August 2025 Cr Evans – 29 January to 4 February 2025 Chairman Horrell – 9-17 March 2025 Cr L Ludlow – 18 February 2025 Cr P McDonald – 10-20 June 2025 Cr Morrison – 27-31 January 2025; 10-14 February 2025; 7-14 March 2025. Cr Pemberton – 27-31 January 2025; 10-24 March 2025 | | | | | | | |
|---|-------|----------------------------|---|------------------------|------------------|-------------------|-------|
| Meeting | Venue | Date | Time | Council Representation | Fees/ Allowances | | |
| | | | | | Meeting Fee | Mileage Allowance | Other |
| Council caucus opportunity Councillors meet with Executive team <i>Morning tea break</i> Ordinary meeting of Council <i>Lunch break</i> | @ ES | Wednesday 12 March 2025 | 9.00 am 9.30 am 10.15 am 10.30 am 1.00 pm | All Councillors | - | ✓ | |

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

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 – 11 December 2024
- Adoption of public excluded committee resolutions – Investment Committee – 20 November 2024
- Adoption of public excluded committee resolutions – Risk and Assurance Committee – 11 December 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 Maatter | Reason for Passing the Resolution | Grounds under Section 48(1) |
|---|---|-----------------------------|
| Confirmation of public excluded minutes – Ordinary meeting of Council – 11 December 2024. | 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) |
| Adoption of public excluded committee resolutions – Investment Committee – 20 November 2024 | To allow Council to carry out commercial activities without prejudice or disadvantage. | S.7(2)(h) |
| Adoption of public excluded committee resolutions – Risk and Assurance Committee – 11 December 2024 | To prevent disclosure or use of official information for improper gain or advantage. | S.7(2)(j) |
| | To carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | S.7(2)(i) |
| | To protect the privacy of natural persons, including that of deceased natural persons. | S.7(2)(a) |
| | To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. | S.7(2)(h) |
| | To maintain legal professional privilege. | S.7(2)(g) |

12.1 Delegation to the Chief Executive to lodge submissions on Government reform and Fast-track consent applications

| | |
|------------------------------|--|
| 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)(g) - to maintain legal professional privilege. S.7(2)(f)(ii) - maintain the effective conduct of public affairs by protecting members or employees of Council in the course of their duty from improper pressure or harassment |