

Kaunihera | Council

Kaupapataka Wātea | Open Agenda



Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

Ko te rā | Date: Wednesday 28 June 2023
Wā | Time: 9.00am
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

Ngā Mema | Membership

Manuhuia | Mayor

Adrienne Wilcock, JP (Chair)

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

Waea | Phone: 07-884-0060
Wāhitau | Address: PO Box 266, Te Aroha 3342
Īmēra | Email: governance@mpdc.govt.nz
Kāinga Ipuranga | Website: www.mpdc.govt.nz



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1 Whakatūwheratanga o te hui | Meeting Opening

2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

An apology from Councillor Sue Whiting has been received.

3 Pānui i Ngā Take Ohore Anō | Notification of Urgent/Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

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

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (iii) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

4 Whākī pānga | Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

5 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 7 June 2023

6 Papa ā-iwi whānui | Public Forum

Name	Position/Organisation	Topic
Peter Volker		• Letter on fluoridation

7 Pūrongo me whakatau | Decision Reports

7.1 Adoption of Annual Plan 2023/24

CM No.: 2706947

Rāpopotonga Matua | Executive Summary

Council is required to produce an Annual Plan each year prior to 1 July with the exception of the years when a Long Term Plan (LTP) is produced. The Annual Plan, which has been circulated electronically, outlines any major variation to what was proposed in the Long Term Plan and is Council's budget for the financial year 1 July 2023 to 30 June 2024. 2023/24 represents Year 3 of the 2021-31 LTP.

Council previously discussed the draft Annual Plan budgets in December 2022. Since then there have been changes to government policy timeframes in respect of three waters reform, increased pricing which Council has given consideration to. At its meeting on 3 May 2023, Council resolved to consult on the draft Annual Plan, approving a Consultation Document for this purpose.

The purpose of this report is to seek Council's adoption of the Annual Plan 2023/24 to come into effect 1 July 2023. As part of this, Council needs to confirm it is intending to run an unbalanced budget, and to re-allocate some reserve funding as decided during the budget process.

Tūtohunga | Recommendation

That:

1. **The information be received.**
2. **Council confirms that it considers it prudent to adopt an unbalanced budget for 2023/24 for the reasons set out in the Balanced Budget section of this report.**
3. **Funding of \$354,000 will be reallocated from the Wastewater capital contribution reserve fund to offset increased operating costs in Wastewater for 2023/24.**
4. **The remaining balance of the Covid-19 Recovery reserve fund (of approximately \$1.2m), is transferred back to the "Community Purposes Reserve".**
5. **Council adopts the Annual Plan 2023/24 to come into effect 1 July 2023.**

Horopaki | Background

Council previously discussed the draft Annual Plan budgets in December 2022. Since then there have been changes to government policy timeframes in respect of three waters reform, increased costs in various areas which Council has given consideration to.

At its meeting on 3 May 2023, Council resolved to consult on the draft Annual Plan, approving a Consultation Document for this purpose.

Ngā Take/Kōrerorero | Issues/Discussion

Consultation

Public consultation was undertaken on the draft Annual Plan. 148 total submissions were received, of which 120 were formal submissions and 28 informal. A Council hearing was held on 7 June 2023. At this meeting, Council made some key decisions as follows:

- Uniform Annual General Charge (UAGC) is set at 27.5%.
- Council applies to the Department of Internal Affairs (DIA) for a change in the use of the Better off Funding of \$800,000 to offset the water costs in 2023-24. Should the DIA decline this request, this will be funded by other means such as asset sales, or reserves.
- The proposed total rates increase is 13.79% for 2023-24
- Council is reviewing its Levels of Service as part of the LTP and will be engaging the community on this plan over the coming year.

Balanced Budget

Under section 100 of the LGA 2002 Council must ensure that projected operating revenues are sufficient to cover operating expenses. In other words, Council must balance the budget.

Council may make an exception (by resolution) if satisfied that it is financially prudent to do so, having regard to:

- the estimated expenses of achieving and maintaining desired level of service and the service capacity of assets
- the costs and revenues needed to maintain the capacity and integrity of assets throughout their useful lives
- how these costs will be equitably funded over the life of assets and facilities
- Council's funding and financial policies (e.g. Revenue and Financing Policy)

The Annual Plan statement of comprehensive revenue and expense projects highlights that there will be a \$2.8m deficit for the 2023/24 financial year, and as such the budget is not balanced.

Council has determined that it is prudent to run an unbalanced budget for next year for the following reasons:

Not fully funding depreciation on Roading assets

Council considers that it is prudent to not fully fund depreciation of Roading assets this year for the following reasons:

- The inflationary cost increases seen in the replacement cost of Roading assets have been significant over the past year, and there is potential that these costs may settle as the economic factors that caused them also settle, in which case it would not be prudent to collect this funding in advance from current ratepayers.
- Council assumes it is unlikely that Waka Kotahi will be in a position to increase the level of renewal work it will fund for Council going forward, in which case Council would need to reduce the renewal programme accordingly.
- Affordability for the community is a key concern at a time when costs of living have also increased significantly.

- Rather than fully funding the non-subsidised share of depreciation, Council believes it is prudent to fund only to the level of renewal work council reasonably expects to achieve for the year, leaving \$3.56m un-funded.

Not fully funding depreciation on 3 Waters assets

Council considers that it is prudent to not fully fund depreciation of 3 Waters assets this year for the following reasons:

- The inflationary cost increases seen in the replacement cost of 3 Waters assets have been significant over the past year, and there is potential that these costs may settle as the economic factors that caused them also settle, in which case it would not be prudent to collect this funding in advance from current ratepayers.
- Affordability for the community is a key concern at a time when costs of living have also increased significantly.
- Rather than fully funding depreciation, Council believes it is prudent to only fund to the level of renewal work council reasonably expects to achieve for the year, leaving \$653,000 un-funded.

Consistent with previous years and as set out in the LTP, Council has also made decisions to not fully fund depreciation on some assets that it has deemed would not be replaced in the future (eg Community halls, and historic buildings), and the financial performance of some activities are ring-fenced (i.e. activities that are expected to be self-funding). These decisions contribute to the unbalanced position for 2023/24.

Reallocation of reserve funding

Wastewater

Council collects separate targeted Wastewater rates from two industries in Morrinsville in respect of their contribution to the upgrade of the treatment plant that occurred in 2012. Part of these annual rates are designated to cover the borrowing costs of the arrangement, and the balance has historically (at Council's discretion) been held in reserve to offset future renewal costs. Given the significant increase in operating costs for Wastewater this year (particularly electricity), Council has determined that it is prudent to reallocate \$354,000 of the reserve funds to offset the increased wastewater operating costs.

Covid-19 recovery

At its meeting of 27 May 2020, Council resolved to create a \$2m Covid-19 Recovery Reserve fund, for the purposes of; expanding Council's capacity to complete capital projects, engaging fixed term staff to move forward on Council's digital strategy, and for cultural and socio economic relief for our community as a result of the Covid-19 pandemic. The fund was created by reallocating funding from the existing Community Purposes Reserve. As at June 2023, the balance of the fund stands at \$1.2m (although is currently unadjusted for any 2022/23 spending).

The district is moving on from the pandemic, so Council is asked to consider if the need for the separate Covid-19 Recovery fund still exists. If not, it is recommended that this is tidied up by transferring the remaining balance of the Covid-19 Recovery reserve fund, back to the Community Purposes Reserve where it originally came from.

Mōrearea | Risk



The budget is prepared using the best available information. Council, under normal circumstances faces a certain level of risk when setting its budgets. There are many macro-economic factors that can impact on operating costs, particularly in this current high inflation environment.

There are risks of not fully funding depreciation, particularly if asset replacement costs do not settle or reduce over the coming year. Any shortfalls in depreciation funding would need to be funded from debt if Council were unable to cover the cost of required renewals, or would require Council to slow the rate at which infrastructure can be improved or replaced post 2023-24. Council will maintain a watching brief on asset replacement costs, and may need to look to re-coop any deficits, potentially adding to future rate increases.

Ngā Whiringa | Options

As part of the Annual Plan process Council gave consideration to several options.

The draft Annual Plan Consultation Document presented the following options:

 <h3>What we're proposing</h3> <p>We're proposing to proceed with the 16.9% rates increase for all the reasons outlined in this document. You can also view the draft Annual Plan in full and use our online interactive tool to explore the budget in more detail at mpdc.nz/annualplan.</p> <p>We believe this draft budget strikes a balance - it includes a number of cut backs, as well as some risks in how we manage our finances to keep rates down, but it also means we can continue to deliver all our existing services and make progress on projects that are already under way.</p> <p>We know that 16.9% is a massive increase - but we're also wary of deferring any more costs, as prices only go up.</p>	 <h3>What are the alternatives?</h3> <p>There are a few areas that we could partially fund or take greater risks (we've provided examples of this throughout this document), however, we don't believe these options would be financially responsible. They would only make overall rates increase slightly smaller (lowering it to around 14.6%), and are likely to cause problems or even bigger increases in years to come.</p> <p>If you think that those risks are worth taking and that we should kick these costs to the future for the sake of saving 2.3% this year, then we want to know about it.</p> <p>If you can think of anything else we haven't considered to make significant savings that can be implemented as soon as 1 July (noting that we legally can't make drastic service cuts without a lengthy Long Term Plan review) then we'd also love to hear your ideas.</p>
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Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Council is required under the Local Government Act 2002 (LGA) to adopt the Annual Plan prior to 1 July.

The LGA requires Council to enable democratic decision-making to promote its purpose to enable democratic local decision-making and action by, and on behalf of, communities; and to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses within a framework of accountability and prudent financial management.

In the course of the decision-making process, Council must:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess those options by considering:
 - the benefits and costs of each option in terms of the present and future interests of the district;
 - the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;

- the impact of each option on Council's capacity to meet present and future needs in relation to any statutory responsibility;
- any other matters that, in the opinion of the Council, are relevant; and
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

It is the responsibility of Council to make, in its discretion, judgments about how to achieve compliance with its decision-making obligations that is largely in proportion to the significance of the matter affected by the decision.

Section 95 of the LGA states that if the proposed Annual Plan does not include significant or material differences from the content of the Long Term Plan for the financial year to which the proposed Annual Plan relates then Council does not need to consult.

Any consultation undertaken must be conducted in a manner that gives effect to the requirements of section 82 which are the principles of consultation. Council undertook a consultative process given the proposed change in rating levels from the LTP forecast.

The final Annual Plan for adoption is circulated separately. Any further changes required to that are more than minor would require a review of all of the financials which cannot be achieved prior to the adoption date.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The timeline is set out below:

- Consultation Document and underlying information adopted for consultation - 3 May
- Consultation open 8 - 26 May
- Council Meeting – Hearing 7 June
- Council Meeting – Adoption 28 June

Consultation included newspaper advertising, information on Councils website and facebook page, e-newsletters, elected member presentations/attendance at public sessions held in Morrinsville, Matamata, and Te Aroha.

The Annual Plan must be adopted prior to 1 July each year.






Ngā take ā-lhinga | Consent issues

There are no consent issues.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

The Annual Plan contributes to all Community Outcomes as detailed below:

Our Community outcomes

Connected Infrastructure	Economic Opportunities	Healthy Communities	Environmental Sustainability	Vibrant Cultural Values
				
Infrastructure and services are fit for purpose and affordable, now and in the future.	We are a business friendly Council.	Our community is safe, healthy and connected.	We support environmentally friendly practices and technologies.	We promote and protect our arts, culture, historic, and natural resources.
Quality infrastructure is provided to support community wellbeing.	Our future planning enables sustainable growth in our District.	We encourage the use and development of our facilities.	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs.	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.
We have positive partnerships with external providers of infrastructure to our communities.	We provide leadership and advocacy is provided to enable our communities to grow.	We encourage community engagement and provide sound and visionary decision making.	We engage with our regional and national partners to ensure positive environmental outcomes for our community.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The budget for the Annual Plan preparation and associated communications is \$10,000. This is funded from the Strategies and Plans Activity budget. The main costs incurred were in relation to the public consultation process.

Ngā Tāpiritanga | Attachments

A.  Annual Plan 2023/24 for Adoption (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
	Anne Gummer Policy Advisor	
	Larnia Rushbrooke Finance and Business Services Manager	

Approved by	Niall Baker Policy Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

Setting of Rates 2023/24

CM No.: 2732145

Rāpopotonga Matua | Executive Summary

Council is scheduled to adopt its Annual Plan 2023/24, and having done so, in accordance with Section 23 of the Local Government (Rating) Act 2002, can set the rates for the 2023/24 financial year.

Tūtohunga | Recommendation

That:

1. The report be received;
2. The Matamata-Piako District Council hereby resolves to set the following rates in this report, under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing 1 July 2023 and ending on 30 June 2024, and to state the due dates and authorise penalties on unpaid rates (under section 24 and 57 and 58 respectively of the Local Government (Rating) Act 2002); and
3. The rates shown below are inclusive of fifteen percent (15%) Goods and Services Tax.

Horopaki | Background

Council has adopted the Annual Plan 2023/24 and is required under the Local Government (Rating) Act 2002 to pass a separate resolution to set the rates for the 2023/24 financial year.

Ngā Take/Kōrerorero | Issues/Discussion

The rates to be set are as follows:

Rate	
(A)	General rate A general rate set under Section 13 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, at 0.00130724 per dollar of capital value, for the purposes of funding activities as identified in Council's Annual Plan.
(B)	Uniform annual general charge A uniform annual general charge set under Section 15 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, being \$773.90 per rating unit, for the purposes of funding activities as identified in Council's Annual Plan.
(C)	Stormwater targeted rate A targeted rate for stormwater drainage disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on stormwater disposal activities as identified in Council's Annual Plan: (i) A uniform charge of \$132.26 per rating unit within the townships of Matamata, Morrinsville, Te Aroha and Waharoa.
(D)	Kerbside collection targeted rate A targeted rate for kerbside collection under Section 16 of the Local Government

	(Rating) Act 2002 to fund expenditure on kerbside collection services as identified in Council's Annual Plan:
(i)	A uniform charge of \$286.63 per separately used or inhabited part of a rating unit to which the service is available.
(E)	Wastewater targeted rate Differential targeted rate for wastewater disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on wastewater disposal activities as identified in Council's Annual Plan:
(i)	A uniform charge of \$616.20 per rating unit in respect of each single residential house connected to the service.
(ii)	The following scale of charges will apply for non-single residential and non-residential properties connected to the service: A uniform charge per rating unit for the first pan on all connected properties of \$616.20, and An additional uniform charge per pan (excluding the first pan) of \$616.20, for properties with up to 4 pans, or An additional uniform charge per pan (excluding the first pan) of \$523.77, for properties with up to 10 pans, or An additional uniform charge per pan (excluding the first pan) of \$492.96, for properties with up to 15 pans, or An additional uniform charge per pan (excluding the first pan) of \$462.15, for properties with up to 20 pans, or An additional uniform charge per pan (excluding the first pan) of \$431.34, for properties with more than 20 pans.
(iii)	A uniform charge for properties within 30 metres of Council's wastewater reticulation network of \$308.10 per rating unit to which the service is available (but not connected).
(iv)	A uniform charge per specified rating unit, being 18 Allen Street Morrinsville, of \$594,332.90, in respect of the proprietor's contribution to the Morrinsville wastewater treatment plant upgrade.
(v)	A uniform charge per specified rating unit, being 38 Pickett Place Morrinsville, of \$188,611.25, in respect of the proprietor's contribution to the Morrinsville wastewater treatment plant upgrade.
(F)	Water supply targeted rate Differential targeted rate for water supply under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Council's Annual Plan:
(i)	A uniform charge of \$516.20 per separately used or inhabited part of a rating unit to which the service is connected and provided.
(ii)	A uniform charge for properties within 100 metres of Council's water reticulation network of \$258.10 per separately used or inhabited part of a rating unit to which the service is available (but not connected).
(G)	Water supply targeted rates (metered) In addition to a uniform charge per separately used or inhabited part of a rating unit to which the service is connected and provided, targeted rates for water supply under Section 19 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Council's Annual Plan, as follows:
(i)	A targeted rate for metered water supply of \$2.18 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month (excluding the water supplied as outlined in (ii) – (iv) following).

	(ii)	A targeted rate for metered water supply of \$1.59 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month from the Pohomihi water line.
	(iii)	A targeted rate for metered water supply of \$1.17 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month, for Braeside Aquaria.
	(iv)	A targeted rate for metered water supply of \$2.18 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month, for Matamata farm properties that contain the Matamata trunk main from Tills Road. A 50% discount will be applied to this rate if the invoice is paid by the due date.
(H)	Rural hall targeted rates	
	Targeted rates for rural halls under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on rural halls as identified in Council's Annual Plan, as follows:	
	(i)	Tauhei Hall: a targeted rate of \$0.00012074 per dollar of land value of all rating units within the Tauhei Hall rating area.
	(ii)	Hoe-O-Tainui Hall: a targeted rate of \$0.00002682 per dollar of land value of all rating units within the Hoe-O-Tainui Hall rating area.
	(iii)	Springdale Hall: a targeted rate of \$0.00001481 per dollar of land value of all rating units within the Springdale Hall rating area.
	(iv)	Kiwitahi Hall: a targeted rate of \$0.00001951 per dollar of land value of all rating units within the Kiwitahi Hall rating area.
	(v)	Patetonga Hall: a targeted rate of \$0.00003134 per dollar of land value of all rating units within the Patetonga Hall rating area.
	(vi)	Wardville Hall: a targeted rate of \$0.00002905 per dollar of land value of all rating units within the Wardville Hall rating area.
	(vii)	Tahuna Hall: a targeted rate of \$42.02 per rating unit on all land within the Tahuna Hall rating area
	(viii)	Mangateparu Hall: a targeted rate of \$38.28 per rating unit on all land within the Mangateparu Hall rating area.
	(ix)	Kereone Hall: a targeted rate of \$42.71 per rating unit on all land within the Kereone Hall rating area.
	(x)	Tatuanui Hall: a targeted rate of \$63.60 per rating unit on all land within the Tatuanui Hall rating area.
	(xi)	Walton Hall: a targeted rate of \$30.87 per rating unit on all land within the Walton Hall rating area.
	(xii)	Okauia Hall: a targeted rate of \$0.00001704 per dollar of the capital value of all land within the Okauia Hall rating area.
	(xiii)	Hinuera Hall: a targeted rate of \$0.00001401 per dollar of the capital value of all land within the Hinuera Hall rating area.
	(xiv)	Piarere Hall: a targeted rate of \$0.00001781 per dollar of the capital value of all land within the Piarere Hall rating area.
	(xv)	Mangaiti Hall: a targeted rate of \$13.02 per separately used or inhabited part of a rating unit within the Mangaiti Hall rating area.
	(xvi)	Waihou Hall: a targeted rate of \$28.81 per separately used or inhabited part of a rating unit within the Waihou Hall rating area.
	(xvii)	Elstow Hall: a targeted rate of \$22.23 per separately used or inhabited part of a rating unit within the Elstow Hall rating area.
	(xviii)	Manawaru Hall: a targeted rate of \$33.88 per separately used or inhabited

	part of a rating unit within the Manawaru Hall rating area.		
(I)	Due dates for payment of rates		
	That all rates, except metered water supply targeted rates, will be payable in four instalments on the following dates:		
	(i)	First instalment	25 August 2023
	(ii)	Second instalment	27 November 2023
	(iii)	Third instalment	26 February 2024
	(iv)	Fourth instalment	27 May 2024
	That metered water supply targeted rates will be payable on the following dates:		
	(i)	Ratepayers on quarterly invoicing cycle:	
		Quarter ending 30 September 2023	20 November 2023
		Quarter ending 31 December 2023	20 February 2024
		Quarter ending 31 March 2024	20 May 2024
	(ii)	Ratepayers on monthly invoicing cycle:	
		Month ending 31 July 2023	25 August 2023
		Month ending 31 August 2023	25 September 2023
		Month ending 30 September 2023	25 October 2023
		Month ending 31 October 2023	27 November 2023
Month ending 30 November 2023		27 December 2023	
Month ending 31 December 2023		25 January 2024	
Month ending 31 January 2024		26 February 2024	
Month ending 29 February 2024		25 March 2024	
Month ending 31 March 2024		26 April 2024	
Month ending 30 April 2024		27 May 2024	
Month ending 31 May 2024		25 June 2024	
Month ending 30 June 2024	25 July 2024		
(J)	Penalties (applicable to all rates, except metered water supply targeted rates)		
	That a ten percent (10%) penalty pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002 be added to any amount of rates instalment unpaid by the due date above on the following dates:		
	(i)	First instalment	25 August 2023
	(ii)	Second instalment	27 November 2023
	(iii)	Third instalment	26 February 2024
	(iv)	Fourth instalment	27 May 2024
and that the Group Manager Business Support and the Finance and Business Services Manager be delegated authority to apply the penalty.			

Mōrearea | Risk

Council's exposure to risk with this decision is that due legal process has not been followed, thereby invalidating the rates. The process to set the Annual Plan budgets and associated rates have followed legislated process. In previous years, an independent legal review has been performed over the Rates Calculation in the Funding Impact Statement of the Annual Plan and the Rates Resolution. This year there has been no changes to the Rating Legislation or Local Government Act (as they pertain to the process of setting the rates). Nor has there been any change to these documents or the rates set (other than the amount), so no additional legal review has been obtained as the risk is considered minimal.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Council is required to adopt an Annual Plan and set its rates prior to 1 July 2023 under the Local Government Act 2002 and Local Government (Rating) Act 2002.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Council undertook public consultation on the 2023/24 Draft Annual Plan, including the proposed rates. Following consultation, and during the hearing process, changes were made to the budget so that the total rates to be collected decreased from 16.9% to 13.79%, with some shifts in how the rate increase affects various properties depending on the services that they received.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The setting of the rates allows Council to collect revenue as specified for the 2023/24 Annual Plan.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Larnia Rushbrooke Finance and Business Services Manager	
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Approved by	Manaia Te Wiata Group Manager Business Support	
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7 Pūrongo me whakatau | Decision Reports

7.3 2023 LGNZ Remits

CM No.: 2727837

Rāpopotonga Matua | Executive Summary

This report seeks feedback from Council on the attached Local Government New Zealand (LGNZ) remits for the Annual General Meeting (AGM) on 26 July 2023. The topics covered are:

1. Allocation of risk and liability in the building sector
2. Rates Rebate
3. Roading/Transport Maintenance Funding
4. Local election accessibility
5. Ability for co-chairs at formal meetings
6. Parking infringement penalties
7. Rural and regional public transport
8. Establishing resolution service
9. Earthquake prone buildings
10. KiwiSaver contributions for elected members
11. Audit NZ Fees

Tūtohunga | Recommendation

That:

1. **Council provides its feedback to support/not support the following remits:**
 1. **Allocation of risk and liability in the building sector**
 2. **Rates Rebate**
 3. **Roading/Transport Maintenance Funding**
 4. **Local election accessibility**
 5. **Ability for co-chairs at formal meetings**
 6. **Parking infringement penalties**
 7. **Rural and regional public transport**
 8. **Establishing resolution service**
 9. **Earthquake prone buildings**
 10. **KiwiSaver contributions for elected members**
 11. **Audit NZ Fees**
2. **Council notes these remits will be voted on by the presiding Council Delegate at the 2023 LGNZ AGM, who may duly take into consideration additional information received on the day to inform the final vote on behalf of the Council.**

Horopaki | Background

The remits have been put forward in advance of the 26 July 2023 AGM in order to allow Council representatives to gauge the views of the full Council prior to the meeting.

Ngā Take/Kōrerorero | Issues/Discussion

Staff have provided some comments on the remits as follows:

1. Allocation of risk and liability in the building sector

Council staff are fully supportive of this remit regarding fair allocation of risk and liability. Council to date has had relatively low numbers of claims compared to other Councils but we support proportionate liability.

2. Rates Rebate

For the current year to date (2022/23) staff have processed over 1,000 applications for rebates, totalling over \$700,000. Council staff take a proactive approach to this process by sending reminders to all previous applicants at the start of each financial year letting them know they are able to apply if they are eligible.

Staff note that assessment of the income threshold and rebate amount are undertaken each year and acknowledge the current increased cost of living pressures. Staff agree that having a much more streamlined approach with other agencies including Internal Affairs and Ministry of Social Development would make this process much more efficient and cost effective in terms of processing.

3. Roading/Transport Maintenance Funding

Council supports the actions proposed to lobby the government to increase funding for state highway and local road maintenance and renewal budgets.

The rate of inflation has not been reflected in our approved funding from Waka Kotahi, resulting in less being invested in our road network and reducing the level of service on our roads.

Having input into the GPS and discussing the highlighted issues with relevant Ministers is an action supported by Council.

4. Local election accessibility

The Election Access Fund could help pay for disability related costs during campaigning such as accessible transport to meetings, sign language interpreters etc. If the fund was made available for local government elections as well as central government elections staff agree it may give better access for people with disabilities to stand for local government.

5. Ability for co-chairs at formal meetings

Matamata-Piako District Council currently have co-chairs for the Waharoa (Matamata) Aerodrome Committee as a requirement of the Ngāti Hauā Claims Settlement Act 2014. Staff believe this works well for this Committee and believe adding clarity to enable co-chairs for standing committees and the like could be beneficial.

6. Parking infringement penalties

Matamata-Piako District Council doesn't currently have a parking infringement regime however it is a matter that Council has been investigating within the last couple of years. Notwithstanding this, staff are supportive of enabling each Council's to recover full and actual costs to carry out this

function otherwise this cost is borne by the ratepayer. Setting of individual fees for parking infringement by Council should be made simple yet transparent and as a result staff would promote the option of annual consultation under the Local Government Act 2002 rather than a fee setting bylaw.

7. Rural and regional public transport

Council supports the action for the Government and opposition parties to commit to increasing investment in public transport for rural and regional communities to support access to essential services and amenities, and vibrant rural communities.

There are often barriers in place to provide that connection and access to essential services, and support local economies by connecting residents with local businesses and job opportunities.

This aligns with Council's vision of supporting the wellbeing of our community and a district that's easy to live in, explore and connect.

Noting that the solution being tailored to the needs of the community and could mean a number of different services or partnerships supported to provide this service.

8. Establishing resolution service

This remit suggests complaints regarding Elected Members be assessed by an independent body; rather than by Council. Staff agree there could be some benefits; however should this proceed, standardisation of codes of conduct, clarity around consequences/corrective action and public transparency would need consideration.

9. Earthquake prone buildings

Council staff acknowledge the difficult situation that a number of building owners are in with regard to earthquake prone buildings. We acknowledge some of these buildings may never be repaired and have the potential to become an eyesore for our towns. However, staff feel that allowing more time for these building owners is not going to resolve this issue in the long term.

10. KiwiSaver contributions for elected members

Staff agree advocating for changes to the Employment Relations Act 2002 to allow KiwiSaver deductions to be taken from elected members' remuneration, and for employer contributions to be allocated. This is equitable with Members of Parliament, and contributes to making local governance an attractive role. Staff also note this would need to be budgeted.

11. Audit NZ Fees

Reporting and audit requirements are important for transparency and accountability. The work required by staff to complete audits is increasing, the costs of audits are also rising. The 2020/21 Annual Report audit fee was \$139,773 ex GST. We have been advised the 2021/22 Annual Report audit fee has increased, we are yet to receive the final fee. There is also the Long Term Plan audit fee every three years, the 2021-2031 fee was approximately \$84,000. Council staff agree that the scale and content of reporting and auditing should be reviewed at a national level.

Ngā Whiringa | Options

For each of the remits above Council has the option to support, not support or to remain neutral.

Ngā Tāpiritanga | Attachments

A↓. 2023 LGNZ Remits



Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	



REMITTS

// 2023 Annual General Meeting



Please note that this document is not the full set of papers for this year's AGM. It just includes the remits going forward to the AGM so members can decide how they will vote on them. The full set of AGM papers will be shared no later than 10 working days before the AGM.

// 01

Allocation of risk and liability in the building sector

Remit: *That LGNZ:*

- *Engage directly with the Minister for Building and Construction to advocate for a change to the current joint and several liability framework, including examination of the MBIE policy position statement Risk, Liability and Insurance in the Building Sector.*
- *Make the case for alternatives and changes to joint and several liability through updating policy advice and engaging with industry groups.*

Proposed by: Queenstown-Lakes District Council

Supported by: LGNZ Metro Sector

Why is this remit important?

This remit is important because the current joint and several liability approach to building defects sees councils/Building Consent Authorities (BCAs) often being the only party left to compensate homeowners, known as the 'last party standing'.

Ratepayers are therefore bearing a disproportionate burden, affecting the ability of councils throughout Aotearoa New Zealand to carry out core services. Councils are having to borrow money to pay for significant claims to cover the failures of other parties because they are the last party standing, reducing their ability to invest in other council services (e.g. infrastructure, community services etc). There is a presumption in the current system that ratepayers are able to bear these costs that is not tenable.

Background and Context

What has caused this issue?

When there are claims by property owners relating to weather tightness and other building defects, the existing joint and several liability rule places the risk of insolvency or lack of insurance of one party onto other parties. This arbitrarily increases the liability of remaining parties (defendants) above their proportionate responsibility.

It is Queenstown Lakes District Council's (QLDC) position that requiring ratepayers to pay compensation where defendants are missing is unjust. QLDC is not unsympathetic to the need for losses to be recovered, but risk management is a shared responsibility. It is important that all participants in the system have clear accountabilities and not be able to escape their share of responsibility by ceasing to operate or liquidating.

Weather tightness and other building defect claims are a national problem.

The joint and several liability system has significant impacts including:

1. Rates increases. The settlement of large defective building claims has led to higher borrowing and interest costs for QLDC. The annual cost of the borrowing required to fund the settlements made in the past two years is \$5.3M and the increase in interest costs for

2. 2023-24 is \$4.4M, which has a rates effect of 4.03% for the year. The legal and financial challenges facing councils from these claims are ongoing and more costs can be anticipated in the future; it is not an issue that is diminishing.
3. Reduced ability to invest in community development. The subsequent effects of funding legal claims through the joint and several liability system include a loss in borrowing capacity, that could result in the reduction of investment in community assets such as parks, libraries, performing arts and recreation facilities.
4. A more cautious and demanding building consent function. The risk of being left liable has a negative impact on BCA performance and also creates higher compliance costs for the building sector. It also reduces willingness to consider non-standard solutions which potentially have a higher chance of failure. This negatively affects market performance and innovation that is vital in an era of climate adaptation.

Proposed changes

It is recommended that the liability framework should change to one of proportionate liability. This would reflect the roles and responsibilities of the parties involved and encourage those best placed to manage the risk (building practitioners) to actively manage it. This should be accompanied by a system of compulsory home warranty guarantee (that is effective) and/or insurance products. The homeowner interest would then be protected and there would no longer be an impediment to moving to proportional liability.

In the alternative, if the joint and several approach to liability remains, it is recommended that there should be a cap on BCA liability. A limit of 20% would be proportionate to the supervisory role BCAs perform under the Building Act 2004 and current apportionments underpinned by meaningful warranties and insurance (with a government underwrite if necessary) for residential properties and significant alterations.

What QLDC has already done to address this issue and bring about the proposed change

Alongside a vigorous defense of claims, QLDC is also advocating for a change to the process to address the inequitable outcomes of the current system for rate payers. It is doing this by advocating to central government, partnering with LGNZ in drafting submissions and discussion via the Metro Sector Mayors forum.

MBIE are currently reviewing the building consent process. They have refused to consider or address the impacts of the current liability settings. LGNZ (and QLDC reps in particular) have lobbied to broaden this scope, and the wider industry also seems sympathetic. It is time to escalate the issue with central government beyond officials.

How does this remit relate to LGNZ's current work programme?

LGNZ is engaged in the MBIE Review of the Building Consent System through submissions and participation on the Sector Reference Group but does not have a broader advocacy work programme of its own beyond this. And to date, LGNZ's advocacy to political leaders on the issue has been minimal.

Adopting this remit will give LGNZ a stronger and more specific mandate to progress this issue, particularly at the political level, which may assist with achieving greater traction given MBIE officials

have taken the position that the joint and several liability regime is outside the scope of building consent sector reform programmes.

How will the proposing council help LGNZ to make progress on this remit?

This is an acute issue for QLDC, but it affects any council that has a BCA function. QLDC is committed to advocating for a change to the current regime, and continuing to work alongside LGNZ, providing policy and strategy support and expertise where needed.

Is the remit relevant to local government as a whole?

Yes. This remit is about the BCA function of councils, which includes all unitary and territorial authorities.

Is the remit of a major policy nature?

Yes. This remit deals with joint and several liability within the building sector.

// 02

Rates Rebate

Remit: That LGNZ advocate to Central Government to:

- Raise the income threshold for rates rebate eligibility to enable more low and fixed income property owners access to the rebate
- Adjust the rebate amount in line with inflation and the cost of living
- Investigate options to make rates rebates more accessible for residents by implementing an income data sharing process similar to that of Horowhenua District Council and Levin MSD office. This will enable Councils to obtain benefit income on behalf of the ratepayer and make it easier to apply for the rates rebate
- Investigate options for data sharing between Councils, Internal Affairs and Ministry of Social Development to proactively identify households that qualify for a rates rebate rather than waiting for people to apply.

Proposed by: Horowhenua District Council

Supported by: LGNZ Zone Three

Why is this remit important?

Rates rebates are an important mechanism to assist low- and fixed-income ratepayers to pay their annual rates. In this cost of living crisis we are experiencing, more low and fixed income people are experiencing poverty and extreme hard times.

To support and assist all eligible ratepayers, the process should not be onerous, it should be streamlined, accessible and able to be carried out in a way where applicants' dignity is upheld.

Background and Context

Available from the Department of Internal Affairs, a rates rebate is a partial rebate for eligible, low-income ratepayers who pay rates on their home to a Council.

The Rates Rebates Scheme provides a rebate for eligible applicants who need to apply each year and:

- Provide the total household income, before tax;
- Complete the rates rebate application form;
- If applicable, complete the retirement village or company-share declaration form; and
- Return their application to the relevant Council by 30 June each year.

To apply for the rebate, applicants must be:

- Living in their own home on 1 July of the current rating year
- Listed as the ratepayer in the Council's Rating Information Database (RID).

Looking to streamline the application process for a rates rebate, in 2022, Horowhenua District Council worked with the Levin Ministry of Social Development (MSD) office to implement a 'Rates Rebate MSD Wavier Form'. This form was designed to provide Council with customer income details to assist with the rates rebate application process. Once the form was signed by the property owner, it was lodged with MSD who then confirmed income details with Council. This removed the need for the applicant to travel to the MSD, as well Council, to provide proof of income, which can be a burden to the process and it made the process smarter and less time consuming.

As this is currently a process unique to the Horowhenua District Council and Levin MSD, it is proposed that this process and any income/data sharing initiatives be implemented into the application process country-wide.

It is also proposed that enhancements to data sharing between Councils, the Department of Internal Affairs and MSD be investigated with the aim of streamlining the process and ensuring that those who are eligible, receive the rebate, through using available incomes and rates information.

Further, it is proposed that the threshold for eligibility is lowered to enable more low- and fixed-income property owners access to the rebate. With high inflation and household costs rising over the past two years, more households are struggling including those on low and fixed incomes. An increase in the eligibility for a rates rebate, by lowering the income threshold would assist those who are potentially most vulnerable in our community.

How does this remit relate to LGNZ's current work programme?

This remit is aimed at advancing a similar remit passed at the 2020 AGM:

"That LGNZ works with the Government to lift the level of rates rebates available for low- and fixed-income property owners – with yearly increases taking into account the cost for inputs into local government services."

LGNZ is still to make substantial progress on the 2020 remit.

How will the proposing council help LGNZ to make progress on this remit?

A member of the Horowhenua District Council Executive Leadership Team and members of the Finance Team with rates rebates expertise are open to working with LGNZ to progress this work for the benefit of New Zealand's low-income ratepayers.

Is the remit relevant to local government as a whole?

Yes.

Is the remit of a major policy nature?

Yes: rates rebates are an important mechanism to assist low- and fixed-income ratepayers to pay their annual rates. Due to the cost-of-living crisis, more low- and fixed-income ratepayers are experiencing financial difficulty.

// 03

Roading/Transport Maintenance Funding

Remit: *That LGNZ:*

- *Publicly lobby all political parties to increase Crown funding for state highway and local road maintenance budgets.*
- *Consider and pursue other avenues including the Office of the Auditor General to seek resolution of the issues facing the country in relation to the systemic rundown of our national roading infrastructure.*

Proposed by: New Plymouth District Council

Supported by: Kāpiti Coast District Council, Whanganui District Council, Palmerston North City Council, Grey District Council, Waipā District Council, Matamata-Piako District Council, Rotorua Lakes Council, Thames-Coromandel District Council, Masterton District Council, Whakātane District Council, Far North District Council, South Taranaki District Council, Rangitikei District Council, Tasman District Council, Wairoa District Council, Waimakariri District Council, South Waikato District Council, Kaikōura District Council, Waikato District Council, Hamilton City Council, Mackenzie District Council, Central Hawke's Bay District Council

Why is this remit important?

The current state of national highways is unacceptable. Sufficient increase in funding is required to achieve a national average for remaining seal life of no less than 3.6 years (pre-2010 levels) across the state highway network. This needs to be done within the next 10 years, in partnership with councils, and with corresponding asset health improvements on local roads, to ensure the safety of all New Zealanders. Other avenues to seek resolution from include the Auditor-General, relevant Ministers and the Transport and Infrastructure Select Committee.

Background and Context

Waka Kotahi's maintenance and renewal programme has clearly been insufficient to maintain asset health measured via the average remaining seal life. There are numerous media reports about the issues being faced across New Zealand.

Graph 1 (attached in Appendix #) shows the average remaining seal life of state highways by region. This information was obtained under the Official Information Act 1982 from Waka Kotahi. It shows the significant decline in the average seal life of state highways. Nationally, the average remaining life in 2010 was 3.6 years. In 2018 this declined to around 1.8 years and remains steady. However, at a regional level there are large discrepancies.

In 2010 every region had an average remaining life of between 2.9 and 4.4 years (a range of 1.5 years difference). By 2023 the range was from -0.6 to 3.3 years (a range of 3.9 years) with four regions having a seal age of less than one year, including Hawke's Bay which recorded its seventh year with an average of less than zero.

The issue nationally is predominantly with chipseal roads rather than asphalt mix, with some exceptions. In 2023, across chipseal roads, five regions have an average remaining life of less than one year, with Hawke's Bay's roads again below zero. Within asphalt roads, Southland set an unfortunate record with an average remaining life of -2.5 years. Graph 2 (attached) shows the average remaining life of different surface types by region today.

Last year LGNZ commissioned Infometrics to undertake a report into trends in road transport funding¹. That report noted that funding for roads per kilometre travelled only increased by 0.8% p/a in the five years to 2021, whilst construction costs increased 1.1% p/a in the same five years. That report ended its analysis in 2021. With considerable cost inflation over the past two years and decreased land transport revenue due to Covid, it is almost certain that the funding gap has grown even further. Inflation for Heavy and Civil Engineering Construction peaked at 15.1% pa in the September 2022 quarter².

That increased funding gap to roads is likely to result in even further pressure on state highway maintenance and lifespans. The national stabilisation of the average remaining life of state highways may falter in the coming years, seeing further downward movement. Such a decrease will see more parts of the state highway network fail.

This year the Government is developing its next Government Policy Statement on Land Transport (the GPS). The GPS sets the funding buckets for Waka Kotahi. Influencing the development of the next GPS is one key way in which to ensure regional state highways do not continue to deteriorate. The Land Transport Management Act specifically states the Minister must regard the views of LGNZ. This remit therefore proposes a position for LGNZ.

How does this remit relate to LGNZ's current work programme?

Following the commissioning of the Infometrics report, there is further work to be done to ensure New Zealand's roading infrastructure reaches an acceptable quality level. LGNZ need to have input into the development of the next GPS and undertake a much wider advocacy role by:

- Seeking further investigations from the Auditor-General on state highway maintenance and asset management practices. This will build on the 2020 investigation into the Network Outcomes Contracts³ which highlighted poor performance measures for network performance.
- Meeting with relevant Ministers (including Transport, Infrastructure and Finance) on issues with the funding, renewals and asset management of state highways, to highlight the outlined issues.
- Meeting with the Transport and Infrastructure Select Committee and its members at appropriate times to highlight these issues, such as during the annual review of Waka Kotahi.

Progressing this remit would form part of LGNZ's existing, broader advocacy work on transport.

¹ <https://www.lgnz.co.nz/assets/PDFs/Analysing-trends-in-road-transport-funding-November-2022.pdf?vid=3>

² <https://www.stats.govt.nz/information-releases/business-price-indexes-december-2022-quarter/>

³ <https://oag.parliament.nz/2020/nzta-contracts>

How will the proposing council help LGNZ to make progress on this remit?

New Plymouth District Council would be available in an advocacy/committee member capacity to provide input and feedback as LGNZ undertake the tasks outlined in this remit.

Is the remit relevant to local government as a whole?

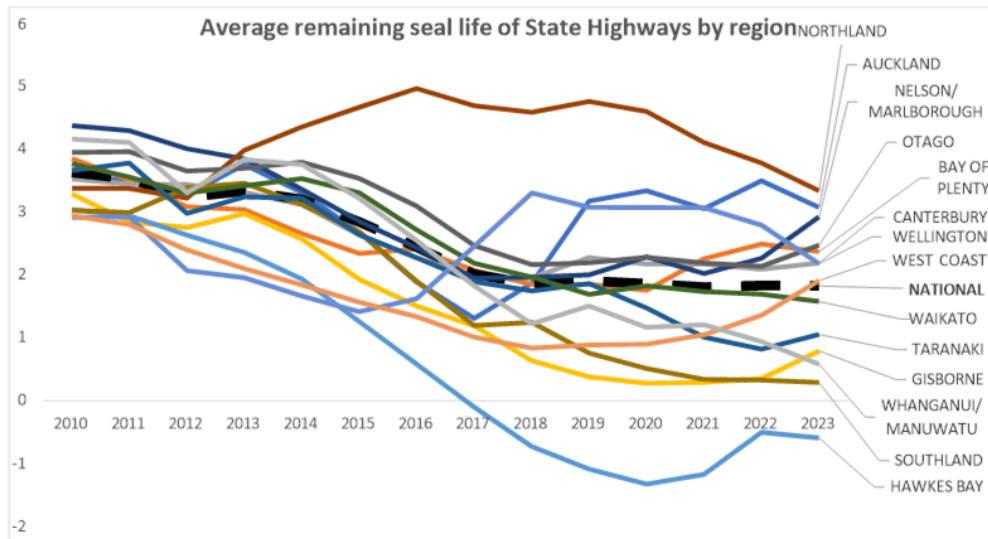
Yes. This remit is about addressing the rundown of our national roading infrastructure and increasing the funding available for the network as a whole. The 23 councils that supported it represent five out of six LGNZ zones, showing it's an issue across local government.

Is the remit of a major policy nature?

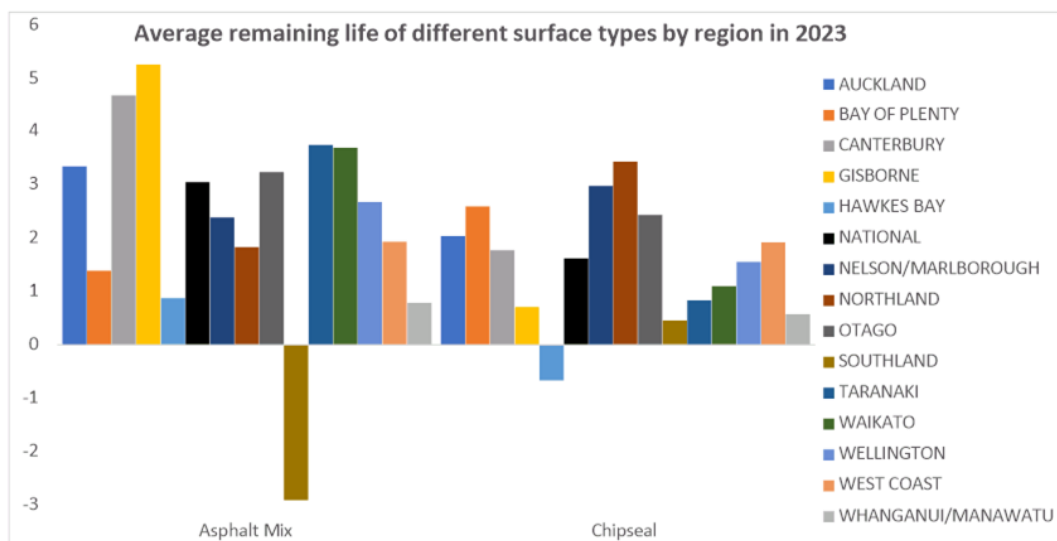
Yes. This remit deals with national funding and a large, system-wide issue that affects the safety of our roads for all New Zealanders.

Supporting Document

Graph 1



Graph 2



// 04

Local election accessibility

Remit: *That LGNZ ensure Local Government Elections are fully accessible by advocating to central government to make local government candidates eligible for the Election Access Fund.*

Proposed by: Whangārei District Council

Supported by: LGNZ Zone 1

Why is this remit important?

This remit aims to ensure Local Government Elections are fully accessible to disabled people who decide to stand as a candidate.

This requires action as disabled people make up 25% of New Zealand's population, which makes it the largest minority group. Yet there is almost no representation of people with disabilities in both central and local government.

Background and Context

Local government elections have been inaccessible to candidates with disabilities.

The Election Access Fund (the Fund) currently operates for disabled people who are standing for parliament in the general elections. At present, the Fund does not extend to disabled people standing for local elections.

The disability community tend to have lower disposable incomes than the rest of the population. This makes access to council positions extremely difficult. It is a non-accessible environment, and the general cost of campaigning and other council-associated expenses are prohibitive.

The Fund can be used to pay for disability related costs during selection or campaigning, such as, accessible transport to events or meetings, or New Zealand Sign Language Interpreters.

At the time of the establishment of the Fund, while there was extensive consultation with disability organisations, the disability community expressed deep disappointment that the fund was limited to general elections. The rationale for the exclusion is unclear.

There is no good reason for such exclusion, and it diminishes the principle of enabling disabled people to stand for political roles and undermines New Zealand's commitment to Article 29 of the United Nations' Convention on the Rights of Persons with Disabilities.

We know that representation is critical for creating change for any group of people. As the largest minority in New Zealand and in the world, disabled people lack political representation, which leads to poor outcomes.

Having a voice in local government provides a different lens on various issues and has the potential to make a significant difference to disabled people and the wider community.

Whangārei District Council feel that this remit is an obvious extension of a provision that is already in place at central government level.

How does this remit relate to LGNZ’s current work programme?

LGNZ's vision is to create the most active and inclusive local democracy in the world. Therefore this proposed remit fits squarely in the space of ensuring inclusive participation in local government. Progressing this work could form part of the work LGNZ is already doing to promote greater diversity, equity and inclusion in local government.

How will the proposing council help LGNZ to make progress on this remit?

Whangārei District Council will support the implementation of the remit to ensure that local accessibility issues are addressed, to enable inclusivity throughout the local government election cycle.

Is the remit relevant to local government as a whole?

Yes.

Is the remit of a major policy nature?

Yes.

Supporting Document



LGNZ Remit – Election Access Fund for Local Elections

Submission: The Disability Advisory Group request that Whangarei District Council (alongside other Northland councils) supports and submits a remit to LGNZ for the Election Access Fund to be extended to local body elections.

Disabled people make up 25% of New Zealand’s population, which makes it the largest minority group. Yet there is almost no representation in both central and local government.

It is important that people with lived experience of disability receive the support they need to run in both general and local body elections. Disabled people have a different lens to many issues and lack representation.

There is no reason why this access fund should not be applicable to local government elections. New Zealand ratified the United Nation Convention on the Rights of Persons with Disability (UNCRPD), in 2008. Article 29 of the Convention is Participation in political and public life. The fund is a direct response to that Article.

Background: The Election Access Fund currently operates for disabled people who are standing for parliament in the general elections. At present, this fund excludes disabled people standing for local elections.

“The purpose of the Fund is to reduce cost barriers faced by disabled people by covering disability-related costs which non-disabled candidates do not face. The Fund covers both seeking selection to be a candidate, and campaigning as a candidate. The Fund will enable the Commission to pay for additional costs that candidates incur because of their disability when organising and preparing to stand for Parliamentary elections.

The Fund does not cover local body elections.”

Retrieved from the Electoral Commission website: [elections.nz](https://www.elections.nz)

The disability community tend to have lower disposable incomes than the rest of the population. This makes access to council positions extremely difficult. It is a non-accessible environment, and the general cost of campaigning and other council-associated expenses are prohibitive.

The Fund can be used to pay for disability related costs during selection or campaigning. For example, accessible transport to events or meetings, or New Zealand Sign Language Interpreters.

At the time of the establishment of the fund, while there was extensive consultation with disability organisations, the disability community expressed deep disappointment that the fund was limited to general elections. The rationale for the exclusion is unclear.

There is no good reason for such exclusion, and it diminishes the principle of enabling disabled people to stand for political roles and undermines NZ's commitment to Article 29 of the UNCRPD.

We know that representation is critical for creating change for any group of people. As the largest minority in NZ and in the world, disabled people lack political representation, which leads to poor outcomes. Northland elected members should also note that their region has the second highest rate of disability at 29% according to the 2013 Disability Stats (which is being conducted again this year).

Having a voice in local government provides a different lens on various issues and has the potential to make a significant difference to disabled people and the wider community.

// 05

Ability for co-chairs at formal meetings

Remit: That LGNZ explores and promotes options that enable councils to make greater use of co-chair arrangements for standing committees, joint committees and sub committees.

Proposed by: Northland Regional Council

Supported by: LGNZ Zone 1

Why is this remit important?

There is currently a lack of clarity around what arrangements councils can adopt to enable co-chairs for standing committees, joint committees and sub-committees. This is despite growing emphasis on increasing diversity in our governing arrangements, including by the Future for Local Government Review. Enabling councils to easily appoint co-chairs is one way to increase diversity and inclusion by providing opportunities for under-represented groups, including Māori, to take a more active role in local governance. More clarity is needed for councils on how to adopt effective co-chairing arrangements.

Background and Context

The Northland Regional Council (NRC), like many councils in New Zealand, has been continually looking at the different ways it can work effectively with its Te Tiriti o Waitangi partners. To deliver on that commitment it has established a number of joint committees and working parties, for example a Joint Climate Change Adaptation Committee. This committee was established in 2021 by the four Northland councils to ensure an effective, efficient, and equitable response to the impacts of climate change. The joint committee has 50/50 membership with each council appointing an elected member and an iwi/hapu representative. It believes that this committee would benefit from a co-chairing arrangement.

There is currently a lack of clarity around whether joint committees, standing committees and sub-committees can have co-chairs. Making it easier for councils to adopt co-chair arrangements would help to increase diversity and inclusion in local government decision-making.

Co-chair arrangements can also be a helpful way of building knowledge and skills amongst new elected members who may have little experience of local government – especially representatives from sectors of communities who are often under-represented, such as youth and migrant communities. Working alongside existing chairs can help to de-mystify council processes and support councils and communities to develop a more diverse and inclusive group of future leaders.

This remit would give LGNZ scope to explore current barriers to co-chair arrangements, find ways to overcome those barriers, and undertake work to support councils to make greater use of co-chair arrangements, for example providing guidance and/or sharing best practice examples.

How does this remit relate to LGNZ’s current work programme?

The particular issue the remit raises is not currently part of LGNZ’s work programme. However, it aligns with two of LGNZ’s goals: that more people value and participate in local government, and stronger Te Tiriti-based partnerships between local government and Māori. The remit also aligns with LGNZ’s focus on increasing diversity and inclusion in local government, and the Future for Local Government Review’s focus on increasing participation in local government. This remit proposes taking action that would enhance that existing work.

How will the proposing council help LGNZ to make progress on this remit?

NRC would be advocates, alongside LGNZ, for any necessary changes in legislation required to provide the ability for Co-Chairs on council standing committees, joint committees and sub committees.

Is the remit relevant to local government as a whole?

Yes

Is the remit of a major policy nature?

Yes: the remit provides an option for increasing diverse and inclusive participation in council decision-making processes. This would also help to ensure local governance practice reflects the content and spirit of Te Tiriti o Waitangi.

// 06

Parking infringement penalties

Remit: *That LGNZ advocate to central government to enable councils to determine penalties for parking infringements.*

Proposed by: Whangārei District Council

Supported by: LGNZ Zone 1

Why is this remit important?

Currently penalties for parking infringements are set by legislation and are not appropriate for the cost of resourcing the infringements, nor set at a level that is appropriate for the infringement.

Background and Context

Currently the Land Transport (Offences and Penalties) Regulations 1999, Schedule 1B Part 1 sets the amount for parking infringements and the Transport (Towage fees) Notice 20204 sets the towage fees.

Whangārei District Council is currently charging the allowable amounts under this legislation but is unable to recover actual public land towing costs from the vehicle owner.

This remit advocates for penalties to be able to be set at a local level so that they are appropriate to the costs, with particular focus on:

- ensuring that clearway towing fees allow councils to recover full costs associated with towing on clear ways, and
- allowing councils to consider increases to infringement fees for misuse of disability parking spaces.

How does this remit relate to LGNZ's current work programme?

LGNZ is not currently working on this particular issue. However, this remit aligns with LGNZ's priority to campaign for greater local decision-making and localism, in that it advocates for councils setting parking infringement penalties at a local level that resonate with the local community - to ensure rate payers are not subsidising these activities and that those misusing services are contributing appropriately.

How will the proposing council help LGNZ to make progress on this remit?

Whangārei District Council will support any proposed changes to the legislation that will allow for parking infringements to be set at a local level, and will also provide support if the preferred approach is to update legislation to ensure parking infringements are in line with current resourcing costs for these infringements.

Is the remit relevant to local government as a whole?

Yes. This remit calls for legislative change to the Land Transport (Offences and Penalties) Regulations 1999 to allow all councils to determine penalties for parking infringements and towage fees appropriate to their local area.

Is the remit of a major policy nature?

In part. This remit is calling for legislative change, but it is a relatively narrow request and we need to test members' level of interest further.

// 07

Rural and regional public transport

Remit: *That LGNZ:*

- *Acknowledges the Government stated support for a major uplift in all urban bus networks nationwide under New Zealand's first emission reduction plan.*
- *Calls on the Government and opposition parties to commit to increasing investment in public transport for rural and regional communities to support access to essential services and amenities, vibrant rural communities and just transition to a low emission transport system.*

Proposed by: Waikato Regional Council

Supported by: Zone 2 Meeting May 2023. Remit discussed and received unanimous support.

Why is this remit important?

Improving public transport is both an opportunity to reduce transport emissions and support a just transition to a low emission economy by providing a cheap alternative to increasing costs of owning and running a conventionally fuelled car.

A lack of explicit support for rural and regional public transport services means these communities will be exposed to the wider suite of policy shifts supporting a transition to a low emission transport system, without any meaningful alternative transport options.

Many of New Zealand's rural and regional communities have high proportions of people on low and fixed incomes and for whom the financial or practical barriers to owning an electric vehicle will be too great.

Sustainable funding for these rural and regional public transport solutions will be important to provide rural and regional communities the confidence that they will not be left behind as New Zealand transitions to a low emission transport system.

Background and Context

The Government's emission reduction plan (2022) and subsequent policy and transport funding opportunities including Climate Emission Reduction Fund opportunities, are targeted at optimising investment in terms of carbon emission reductions.

Meanwhile several policies that were specifically intended to support a just transition have been recently abandoned and investment signals for rural and regional public transport have been muted.

Investing in rural and regional public transport is a strategic and sustainable way to improve the quality of life and economic opportunities for people living outside urban areas. Rural and regional public transport can provide multiple benefits, such as:

- Access for people on fixed incomes: Many rural residents, especially the elderly, disabled, and low-income groups, do not have access to private vehicles or cannot afford to use them frequently. Public transport can offer them a more affordable and reliable way to access essential services, such as health care, education, shopping, and social activities. Public transport can also reduce their isolation and enhance their well-being.
- A just transition to a low carbon transport system: Public transport can help reduce greenhouse gas emissions and air pollution by shifting people away from using private cars. Public transport can also support the development of renewable energy sources, such as biofuels, solar, geothermal, and wind power, by providing the infrastructure and demand for them. Public transport can also contribute to climate change adaptation by improving the resilience of rural communities to extreme weather events and natural disasters.
- Support for local economies: Public transport can link people with essential services such as healthcare. Public transport can also be an important force in supporting local economies by connecting residents (especially non-drivers) with local businesses and job opportunities. Public transport can also attract tourists and visitors to rural areas, creating more income and employment opportunities.

It is important to note public transport does not just mean a 30-seater bus. Public transport authorities like the Waikato Regional Council are becoming increasingly innovative with the services they provide and support – be they community transport services or on-demand mini-bus services, the solutions being increasingly tailored to needs of local communities.

How does this remit relate to LGNZ’s current work programme?

Transport affordability and accessibility is already a part of LGNZ’s policy and advocacy work programme, but there’s no current work to gain cross-party support for better public transport for rural and regional communities. Work to progress this remit could be integrated into LGNZ’s broader transport advocacy work programme.

How will the proposing council help LGNZ to make progress on this remit?

Waikato Regional Council did not specifically outline how it might work with LGNZ on progressing this remit in its application form but noted:

Many public transport authorities such as the Waikato Regional Council are already providing some rural and regional public transport services in the form of Total Mobility (subsidised taxi fares), support for community transport service providers, and some more traditional bus-based public transport.

These have been highly valued by those communities, providing many people with affordable access to essential services and amenities.

Demand for these services is growing, however the ability to afford the council or National Land Transport Fund shares is increasingly constrained.

Is the remit relevant to local government as a whole?

Yes. This remit is most relevant to rural and regional councils but aims to reduce New Zealand's transport emissions overall. Improved regional public transport will also benefit provincial and metropolitan councils.

Is the remit of a major policy nature?

Yes. This remit is dealing with public transport investment and a just transition to a low carbon transport system.

// 08

Establishing resolution service

Remit: *That LGNZ:*

- *Investigates the creation of an LGNZ independent, national process to handle complaints or concerns, ensuring fairness, protection, and accountability in local government.*
- *Works with the Local Government Commission⁴ to implement findings from its September 2021 Report – Local Government Codes of Conduct⁵*

Proposed by: Hutt City Council & YEM

Supported by: Invercargill City Council, Far North District Council, Hauraki District Council, Central Otago District Council, Hutt City Council, Selwyn District Council, Porirua District Council

Why is this remit important?

This remit is critically important as it addresses the pressing issue of a lack of a proportionate, flexible, responsive, and independent process/service for handling complaints and concerns in councils and escalating issues within local government.

Background and Context

The proposing and support councils and the Young Elected Members' Committee acknowledge that issues arise across local government that require a range of interventions – from education, mentoring, support, facilitation, mediation, inquiry, investigation, or review.

The absence of a national, standardised and independent process that triages complaints and concerns provides the right intervention for the issue, and managing escalation for complaints within local government has led to the pressing need for action. Currently, councils oversee their own problems on an ad-hoc basis, leaving many complaints unanswered and individuals hesitant to come forward. This lack of a clear and impartial process undermines transparency, accountability, and public trust in local government. It also fails to provide legal protection for complainants and increases the risk of defamation. The Code of Conduct inquiry is often very expensive and results in sanctions (if approved by a majority of Councillors in some cases) in what can only be called the “wet bus ticket”.

The intense scrutiny placed on local body governance by the community emphasises the need for regular external support to drive positive change. Without such support, unresolved issues can

⁴ Referred to as LCG for the balance of this remit

⁵ *Local Government Codes of Conduct/ Ngā tikanga whanonga Kāwanatanga ā-Rohe, Report to the Minister of Local Government, September 2021, Wellington [report found here](#).*

ultimately lead to the involvement of the DIA and the appointment of a commissioner, representing a worst-case scenario.

Relevant legislation, policy, or practice has not adequately addressed this issue, resulting in gaps and inconsistencies in handling complaints. Code of Conduct process enables the issue to be escalated to the Chief Executive. Informal conduct complaints are to be escalated to the Mayor, however if the Mayor is part of the problem this doesn't provide for a safe environment.

If a councillor is to escalate to a Code of Conduct complaint, often this results in a very public fight which also generally results in a public apology that doesn't really resolve anything.

It appears that where there is no national process or independent forum in which to take these issues, issues have been left to escalate or fester leading to governance breakdowns.

The absence of legal protection for complainants further exacerbates the problem, discouraging individuals from raising legitimate concerns.

We acknowledge that the process of investigation opens local government up to media scrutiny and often fails to protect the complainants coming forward. While this is keenly felt by the communities in which it is occurring, it also does a disservice to local democracy and local government generally.

Given the degree of intense community scrutiny on local body governance, regular and external support is often necessary to shift the dial.

Many terms of reference used to investigate complaints often fail to address the core issues comprehensively. Consequently, the necessary outcomes required to restore confidence in councils or individuals are not adequately addressed, resulting in slow progress and ongoing dissatisfaction.

By establishing a comprehensive framework that includes a complaints/issues/support/mediation forum and a tiered escalation process, this remit aims to promote fairness, protect complainants, restore public confidence, strengthen local democracy, and ensure timely and effective issue resolution as well as being cost effective for councils.

Taking action is crucial to uphold good governance, address grievances, and maintain the integrity of local government institutions.

How does this remit relate to LGNZ's current work programme?

While there have been some conversations about the need for a national service for addressing complaints about member conduct (including with central government), and LGNZ does provide support to councils, including on an "as requested" basis and by providing a model Code of Conduct at the start of each triennium, work to develop a national, independent process/service is not one of LGNZ's current work priorities.

Work on this remit would align with LGNZ's vision of New Zealand being the most active and inclusive local democracy in the world, and LGNZ's goal that more people value and participate in local government.

How will the proposing council help LGNZ to make progress on this remit?

The proposing and supporting councils and Young Elected Members' Committee have all expressed a willingness to support LGNZ with work to progress this remit, including sharing relevant experience and assisting with engaging with Ministers, officials and the Local Government Commission.

Is the remit relevant to local government as a whole?

Yes.

Is the remit of a major policy nature?

Yes: At some stage, virtually all councils will have faced the issue of member misconduct. The tools currently available for dealing with such issues are widely seen as inadequate. There is a need for a proportionate, flexible, responsive, and independent process/service for handling complaints and concerns in councils and an approach that is consistent across all councils.

// 09

Earthquake prone buildings

Remit: That LGNZ investigate and report to members on ways to help councils and communities that are struggling with the time frames in the Earthquake Prone Building (EPB) sections of the Building Act and council policies pertaining to Priority Thoroughfares.

Proposed by: Manawatū District Council

Supported by: LGNZ Zone 3

Why is this remit important?

Timeframes to strengthen or demolish earthquake prone buildings (EPBs) range from 50 years in low earthquake risk zones in New Zealand to 7.5 years in high-risk zones where councils have implemented Priority Thoroughfares. As the clock has been ticking for a while, that 7.5 years is already down to less than 5 years. These building owners have been issued notices under the Building Act to strengthen or demolish by a certain date.

While some strengthening has, and is taking place, it is clear that many EPBs will not be strengthened or redeveloped within the required short timeframes. These communities face the prospect of vacant sites, and worse still, abandoned buildings.

In many cases these EPBs have stood through many earthquakes for 70 – 140 years and they have considerable heritage value, but not necessarily with any real heritage protection, and they add positively to the character and aesthetic quality of towns and cities.

EPB owners have major concerns about what will happen in March 2028 when their 7.5 years is up, and other dates in other communities. In many cases they either can't afford to strengthen in the timeframe, or it is not currently financially viable to do so in the current commercial real estate marketplace. There are many cases where the property value is Land Value only, or Land Value less the cost of demolition. The buildings currently provide no added value to the value of the land.

This remit aims to address the timeframes of Priority Thoroughfares in particular, which were imposed as policy by councils, and which triggered the issuing of Building Act notices to strengthen or demolish by a certain date. The issuing of these notices seems to be more difficult to change than amending Priority Thoroughfare policies.

Manawatū District Council is concerned that town and city centres may be destroyed by legislative and policy decisions, rather than by an actual earthquake.

Background and Context

Some towns and cities with low commercial rents and low commercial property values are struggling with the financial viability and affordability of either earthquake strengthening or redeveloping within the short timeframes. These towns and cities have lower pedestrian counts, and therefore earthquakes are of lower risk to human life than in larger cities with higher rents and values, and where both strengthening and redeveloping is more viable.

The legislation gave no criteria in terms of pedestrian or traffic count for Priority Thoroughfares. It was left for councils to decide, and some councils implemented Priority Thoroughfares and some with similar town centres did not. Communities have building owners who are prepared to make progress with strengthening if a longer timeframe existed but are not prepared to commence strengthening knowing that they can't complete all of the work required within the short timeframe required. This is an unforeseen consequence of the short timeframes of the legislation and Priority Thoroughfare policies. Instead of the buildings becoming safer over time, the short timeframe has meant that no safety improvements are taking place in many cases.

An example of this is a prominent two-storey Hotel in Feilding, being a reasonably large Edwardian building built using unreinforced masonry, as are many of Feilding's EPBs. This is a most attractive building voted by the Manawatū community to be their favourite Feilding town centre building. The rent is circa \$70,000 P/A, and the cost to strengthen is circa \$2,000,000 with likely another \$2,000,000 required for renovation. The current use and rental doesn't justify the investment within 5 years. Another use or uses will be required to justify the investment and this will likely happen in the future, but such changes take time.

This remit hopes that compromise solutions, that remove the risk to human life in a timely manner, but in affordable and viable ways will be explored, such as extending the timeframe for strengthening lower-risk parts of buildings. The proposing council recognises that a range of options may be appropriate – including legislative and policy options – and so is keen that these are looked at.

Manawatū District Council has done a lot to help get EPBs strengthened. It has organised subsidised engineering reports through Heritage Equip, held seminars, sought advice, found a strengthening company that offers a fixed price package deal at a good price and without the need for occupants to vacate the building. Along with a few other councils Manawatū District Council has achieved a change in the regulations that lifted the financial threshold for relatively minor work before the full provisions of the Building Act are triggered. It has advocated to MPs from all political parties.

How does this remit relate to LGNZ's current work programme?

LGNZ is not currently actively working on this issue but has done work around EPB legislative and policy settings in the past. LGNZ has access to political parties, central government officials and other national stakeholder organisations that could help local government to make progress on this issue.

How will the proposing council help LGNZ to make progress on this remit?

Several members of Manawatū District Council will assist in any way possible (including participating in working groups, providing case studies and practical examples and experience when engaging with political parties) and will continue with their own efforts and share any useful information.

Is the remit relevant to local government as a whole?

The problem of EPBs affects many councils and communities throughout New Zealand, and particularly those in high- and medium-risk earthquake zones. With less than five years to go for some councils, there is an urgent need to find a compromise solution.

Is the remit of a major policy nature?

Yes

// 10

KiwiSaver contributions for elected members

Remit: That LGNZ ask the Government to amend the law to enable councils to make contributions to an elected members' KiwiSaver scheme.

Proposed by: Hamilton City Council & promoted by CBEC

Supported by: Queenstown Lakes District Council, Palmerston North City Council, New Plymouth District Council, Kāpiti Coast District Council. Far North District Council

Why is this remit important?

Currently, elected members are treated as independent contractors, with no entitlement to employer KiwiSaver contributions, or KiwiSaver deductions. This could be viewed as a disadvantage and a barrier to people standing for election, as the loss in KiwiSaver employer contributions can be in the tens of thousands by the time someone retires from public politics. This leaves elected members without employer contribution support for their retirements, which is provided to most other New Zealanders.

Background and Context

Currently, elected members are considered independent contractors, rather than employees of Council. As such, they are expected to set aside their own KiwiSaver contributions and do not receive any employer contribution.

Members of Parliament became eligible for KiwiSaver, but local government elected members are not. The Remuneration Authority Report on Members of Parliament Remuneration (July 2021) states 'MPs elected after 1992 are entitled to a superannuation subsidy contribution. The scheme can be KiwiSaver or registered retirement savings...'

Hamilton City Council is advocating for changes to the Employment Relations Act 2002 to allow KiwiSaver deductions to be taken from elected members' remuneration, and for employer contributions to be allocated.

The topic of elected member remuneration has been addressed in the draft report *He mata whāriki, he matawhanui*, prepared as part of the Review into the Future for Local Government, resulting in the key recommendations 17 and 18 as set out below:

- 17 - That central and local government, in conjunction with the Remuneration Authority, review the criteria for setting elected member remuneration to recognise the increasing complexity of the role and enable a more diverse range of people to consider standing for election.
- 18 - That local government develops a mandatory professional development and support programme for elected members; and local and central government develop a

shared executive professional development and secondment programme to achieve greater integration across the two sectors.

Hamilton City Council strongly believe that as a sector we should continue to advocate for changes to remuneration (such as those outlined above) to ensure local governance roles remain attractive.

How does this remit relate to LGNZ's current work programme?

This proposed remit aligns with LGNZ's strategy and policy priorities, including its vision that New Zealand is the most active and inclusive local democracy in the world, and its goal that more people value and participate in local government.

While the issue of KiwiSaver deductions and employer contributions has been highlighted in various submissions LGNZ has made in the past, there has been no official communication to the Minister of Local Government about the implications of elected members not being eligible for KiwiSaver deductions or employer contributions from councils.

How will the proposing council help LGNZ to make progress on this remit?

Hamilton City Council will continue to advocate for these changes.

Is the remit relevant to local government as a whole?

Yes.

Is the remit of a major policy nature?

Yes: remuneration is a critical factor that citizens consider when deciding to stand or not for election.

// 11

Audit NZ Fees

Remit: That LGNZ calls on central government to take action to reduce council audit fees by:

- revisiting the scope and requirements of reporting and auditing on councils
- conducting a review on the practice of audit in councils and work on best practice guidance to streamline this process

This review should examine whether the reporting and audit requirements of councils are consistent with the level of reporting and audit that is required of other public entities.

Proposed by: Whanganui District Council

Supported by: New Plymouth District Council, Horizons Regional Council, Palmerston North City Council, Stratford District Council, Selwyn District Council

Why is this remit important?

While reporting and audit requirements are important for transparency and accountability, the scope of them are constantly inflating as council work programmes and rates intakes increase over time. These costs are then passed back to the ratepayer during a cost-of-living crisis and with food and housing insecurity steadily increasing. The scale and content of reporting and auditing needs to be reviewed to ensure that they are being conducted efficiently, relate to information that is relevant to the community and to council fulfilling its statutory duties, and is not overly onerous on under-resourced councils.

Background and Context

Local authorities have significant reporting requirements under the Local Government Act 2002 (LGA). These include annual reports, which review financial and service performance for the preceding financial year, and Council-Controlled Organisation (CCO) reports, and audits of Long-Term Plans and Long-Term Plan amendments. In the interests of transparency and accuracy, these reports are required to be audited under the LGA.

The Auditor General is the auditor of all public entities and they determine who will audit specific organisations. Council audits are conducted by Audit New Zealand. We understand that some councils' CCOs have permission to seek other audit providers, but for the vast majority of councils Audit New Zealand is the only allowable provider.

Councils are legally required to conduct an audit but do not have the ability to choose between multiple organisations to conduct it, which prevents competition on cost. Further, there are barriers to the timing and efficiency of the annual audit due to only being able to use one provider. While Whanganui District Council (Council) agrees that the audit is a critical function that provides assurance on information contained within our reports, it questions whether the financial and staffing costs of audits are now exceeding the benefit provided to our communities.

Reporting and auditing are a key part of local democracy. Reporting is a necessary factor for transparency and accountability both to central government and to the communities that councils

serve. Audits ensure that the information being reported is full, accurate, and meets all its requirements under legislation.

Whanganui District Council is also aware of the technical difficulty of conducting audits. Even when conducted by organisations with extensive experience, auditing council financial reports involves working through a significant amount of financial information and highly technical analysis and close familiarity with the accounting standards financial reports are held to.

The amount of work needed to complete an audit also increases over time in line with the amount and complexity of information going into council reports. Councils have increasing expenditure and increasing workloads over time, both internally as a result of work undertaken on behalf of their communities, and externally as outside pressures such as economic conditions, legislation and pressing issues like housing require more direct local investment and management.

How does this remit relate to LGNZ's current work programme?

This is an issue for the entire sector, with many councils expressing concern over the extent of fees required for obligatory audits of our reporting. It aligns with responsiveness to the needs of local government by taking action on a mandatory cost that local government bodies have no control over.

Advocacy on this issue aligns with LGNZ's commitment to localism and championing local voice on issues that are having significant impact at the local level.

LGNZ is aware of members' concerns about audit fees and has been having a number of conversations with Audit New Zealand, the Minister and central government officials. However, this remit would add further weight to the importance of the issue.

How will the proposing council help LGNZ to make progress on this remit?

Whanganui District Council will submit on consultations run by either central government or LGNZ.

Is the remit relevant to local government as a whole?

Yes: all councils are currently required to pay audit fees.

Is the remit of a major policy nature?

Yes.

7 Pūrongo me whakatau | Decision Reports

7.4 Te Aroha Cemetery Earthquake Damage

CM No.: 2726893

Rāpopotonga Matua | Executive Summary

A series of earthquakes during January and February-damaged a number of headstones in the historic section of Te Aroha Cemetery.

Damaged headstones were taped off in February 2023 as they were deemed a safety hazard to the public

Under the Burials and Cremations Act 1964, the local authority is responsible for ensuring the safety of the monuments.

Staff engaged Waikato Stonecraft to assess the affected headstones and recommend repair options. They have proposed two potential solutions: (1) Remove headstones and lay them down, or (2) re-fix headstones with adhesives.

There is no dedicated budget for this type of work. If charged to the cemeteries operating budget the additional costs would significantly impact that budget.

Direction is sought on how to proceed with repairing the affected headstones.

Tūtohunga | Recommendation

That:

1. **The report be received;**
2. **Council resolves that, either:**
 - (a) **Headstones are laid down to mitigate safety risk (Option 1 in the report); or**
 - (b) **Stone masons are engaged to re-fix headstones with adhesives (Option 2 in the report);**
3. **Council identifies a funding source for this work.**

Horopaki | Background

The earthquakes of 3 January and 3 February 2023 centered in Te Aroha caused headstones in the historic section of the Te Aroha Cemetery to fall and move, causing damage to a number of stones.

It was initially reported by a member of the public that approximately 10 headstones had damage. Following an inspection by Council staff on 10 February 2023 it was found that approximately 49 headstones were affected. Staff from the Parks operation team assessed and taped off the monuments that are deemed a risk/hazard to the public - this was completed 23 February 2023 (see Attachment). The Te Aroha Museum have offered to help locate family of the damaged monuments 23 February 2023. Six families have made contact to date.

Headstones/monuments at cemeteries are not Council assets and are the responsibility of relatives of the deceased to maintain. Given these are historic graves, relatives of the deceased may no longer be present in the district or might not feel compelled to spend money on repairs. Council has a legal duty to ensure public safety if monuments are deemed to pose a safety risk.

Staff also inspected other cemeteries and there is no apparent damage.

Ngā Take/Kōrerorero | Issues/Discussion

Staff engaged Waikato StoneCraft to provide options on how to deal with the damaged headstones. These are discussed in the Options section of the report.

Headstones are not Council assets and generally it is the responsibility of relatives of the deceased to maintain them. Council does however have responsibilities for health and safety.

There is no dedicated budget to repair the damaged headstones and repairs will significantly impact on the cemeteries operations budget.

Mōrearea | Risk

Health and safety

- If no action is taken, the monuments can pose a risk of hurting staff maintaining the cemetery but also visitors
- While repairing, the confined space between the monuments poses a risk to stone masons repairing headstones.

Precedent

If damage occurs to headstones in other cemeteries of the district there is likely to be an expectation that Council would deal with these in the same manner.

Reputational Risk

There is a reputational risk if Council does nothing.

Ngā Whiringa | Options

There are three potential options:

Option 1 - Lay down headstones on top of existing concrete. This option mitigates immediate safety risks and improves the appearance of the cemetery to some extent (i.e. fallen headstones neatly laid out rather than randomly distributed), and makes maintenance around the graves easier.

Option 2 - Refix headstones with adhesives. This option mitigates immediate safety risks, improves the appearance of the cemetery by reinstating the headstones to their former positions, and makes maintenance around the graves easier. It is also the most expensive option.

Option 3 – Do nothing. This is the cheapest option but does not address safety concerns, improve the appearance of the cemetery, or make maintenance easier around the graves. This option presents the greatest safety and reputational risks and is not recommended.

The options are summarised in Table 1 below:

Table 1: Options

Option No.	Description	Addresses safety concerns	Improves appearance of cemetery	Cost per headstone	Total cost
1	Lay down on top of existing concrete	Yes	To some extent	\$250 excl. GST	\$12,250 excl GST
2	Refix with adhesive	Yes	Yes	\$390 excl. GST	\$19,110 excl GST
3	Do nothing	No	No	\$0	\$0

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Headstones are not Council assets and generally it is the responsibility of relatives of the deceased to maintain them. Council does however have responsibilities for health and safety. Section 9(h) of the Burials & Cremations Act (1964) requires that “where any monument or tablet is, or in the opinion of the local authority is, a danger to persons frequenting or working in the cemetery, the local authority shall make the monument or tablet safe or shall take it down or remove it”.

Clause 4.4.9 of the Public Amenities Bylaw 2014 requires that: “No person shall, without the authority of the Cemetery Manager, remove or take from any grave, any vase, wreath, plant, flower or other object, except where the Council may have cause to remove any neglected or broken material of this nature.”

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

There is no statutory requirement to consult on this matter.

The detail of communication with the public will depend on which option Council chooses.

The timeframe will be based on the availability of contractor if Option 1 or 2 is selected.

Ngā take ā-lhinga | Consent issues

No consent required. Options 1 and 2 involve maintenance to existing headstones and is considered to be in keeping with the cemetery designation.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

Theme: Healthy Communities.

Community Outcome: Our community is safe, healthy and connected.

Theme: Vibrant Cultural Values.

Community Outcome: We promote and protect our arts, culture, historic, and natural resources.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source



There is no dedicated budget for this work. The additional costs would impact on the cemeteries operating budget. Option 1 would use up almost a third of the Cemeteries Operations budget.

Option 2 would use up almost half of the Cemeteries Operations budget.

Council may wish to nominate a special fund to cover the costs of this work.

The Community Facilities and Properties Bulk Fund cannot be used as the headstones are not Council assets and cannot be capitalised.

Ngā Tāpiritanga | Attachments

- A.  Te Aroha Cemetery Monument Earthquake Damage 3 February 2023_Part1 *(Under Separate Cover)*
- B.  Te Aroha Cemetery Monument Earthquake Damage 3 February 2023_Part2 *(Under Separate Cover)*

Ngā waitohu | Signatories

Author(s)	Arshia Tayal Parks and Facilities Advisor	
Approved by	Mark Naudé Parks and Facilities Planning Team Leader	
	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

7.5 Retract/replace an earlier approved road name for Avenue Road Business Park, Morrinsville

CM No.: 2732573

Rāpopotonga Matua | Executive Summary

On the 26 April 2023, Council approved two road names for the Avenue Road Business Park located on Avenue Road North in Morrinsville:

- Road 1: Magistrate Avenue and
- Road 2: Piki Tūranga Place

The following day, the applicant was notified, and then on 1 May 2023 a range of other interested parties were also notified that Council had approved the two preferred road names above (Resolution number CO/2023/0009).

In late May 2023, the applicant contacted staff again, stating that there had been a problem with one of the earlier approved road names (Piki Tūranga Place) and that Ngāti Haua were looking to retract the name and provide a new, replacement name.

On 14 June, the new, replacement road name of Kotahitanga was supplied by Ngāti Hauā's Cultural Advisor to the applicant, who promptly sent it on to Council staff.

The applicant is now requesting Council retract the earlier Piki Tūranga Place road name and approve a suitable replacement road name, per the below recommendation.

Tūtohunga | Recommendation

That:

1. **The report be received**
2. **Council retracts the earlier approved road name Piki Tūranga Place**
3. **Council replaces it with either Alternative 1: Stipulate Place (from the earlier 29 April report) or, the new applicant Preferred: Kotahitanga Place for the Avenue Business Park development in Morrinsville.**

Horopaki | Background

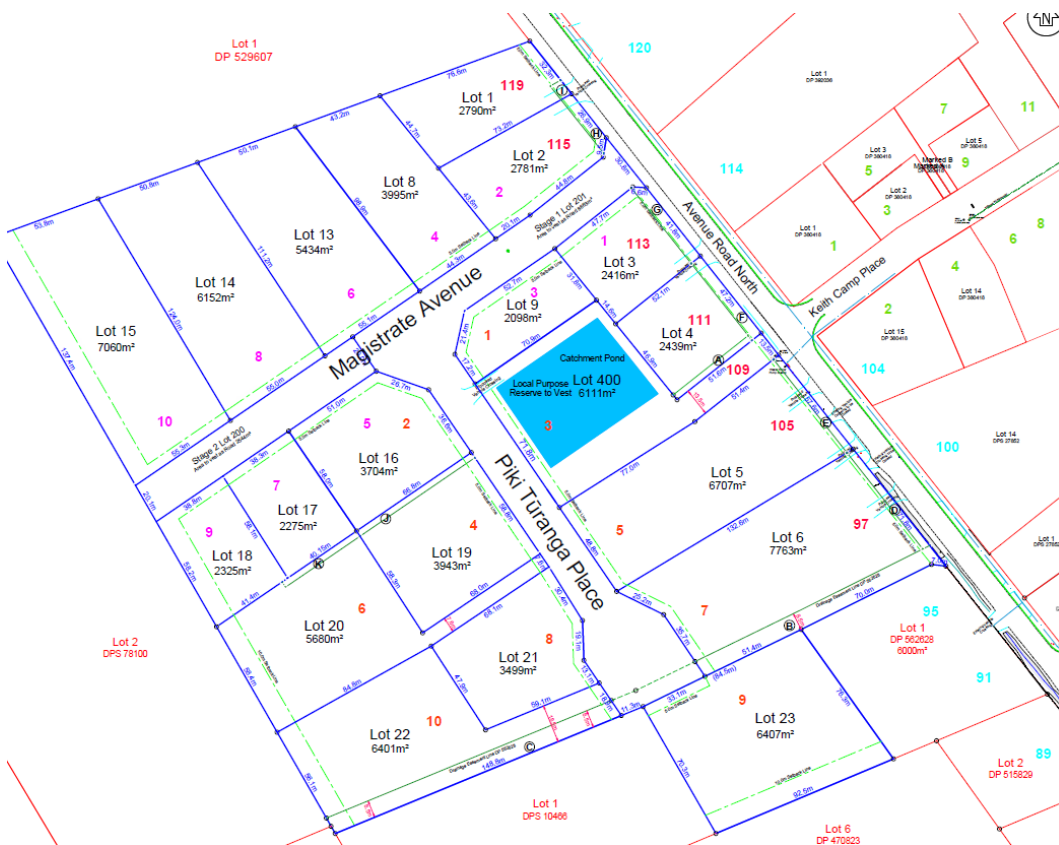
Road names and property numbers are used extensively by a range of individuals and organisations for accurate and efficient identification. Such forms of identification are not limited to emergency services, postal and courier services, visitors and utility providers (water, power telephone, internet) etc. For these reasons, it is both appropriate and necessary that individual properties have a formalised and unique address from which they can be identified.

Council is responsible under sections 319, 319A and 319B of the Local Government Act 1974 for the road naming and numbering of land and buildings.

Important road naming objectives include:

- Ensuring district-wide consistency for the naming of roads and access ways.
- Clarifying the meaning of access ways and rules for their naming.
- Ensuring roads are named so as to reflect the identity of local areas within the district in addition to ease of property identification.

The below road naming and numbering plan was earlier provided by Landform Surveys Ltd of Hamilton (for the 26 April 2023 report) on behalf of the applicant and shows Piki Tūranga Place, which is to be replaced by one-of-two possible road naming options.



Ngā Take/Kōrerorero | Issues/Discussion

Road name checks are performed initially against Council's street register and then against the Land Information New Zealand (LINZ) database. Checks ensure that proposed road names meet policy criteria; specifically throughout our district and neighbouring districts they aren't duplicated or don't sound similar to existing road names.

For public road naming, applicants refer to Council's road naming policy for guidance on consultation with Mana Whenua; obtaining information relating to the cultural identity of select locations/areas within the district.

For private roads and access ways not vested in Council the same consultative requirements don't apply in terms of Mana Whenua involvement and road sign installations and maintenance remain a cost on private land owners.

The applicant has assessed Preferred and Alternative road names against road naming policy Section 6 (Naming considerations) & Section 8 (Criteria), respectively. Below is evidence that each of the names reflect policy.

Retraction of Piki Tūranga Place

The applicant communicated the following to staff, *“The iwi on reflection felt the original name (Piki Tūranga) was too important to be used as a street name, which as developers we want to respect this change in view.”*

In referencing the 26 April 2023 report, Piki Tūranga means (rise in rank). Significant to the Steffert family - at the passing of Anaru Thompson the former Tūmuaki of Ngāti Hauā these words were frequently used at the ascension of his son Hone to the role of Tūmuaki.

Preferred: Kotahitanga Place

As mentioned in the Executive Summary, the applicant recently (mid-June) received from Ngāti Hauā’s Cultural Advisor a new, replacement name – Kotahitanga Place.

About Kotahitanga Place, the applicant informs Council *“this is a generic name which reflects community and iwi working together, which has been at the corner stone of the relationship between Ngati Haua and the Steffert family.”*

Alternative 1: Stipulate Place

Staff note that Alternative road names to the Preferred: Piki Tūranga Place were included as part of the 26 April 2023 report. Alternatives may be used as back-ups when preferred road names aren’t supported. Therefore Council could now reasonably consider Stipulate Place (Alternative 1) as a credible replacement given that Piki Tūranga Place has been retracted.

The name Stipulate refers to a successful racehorse owned by the Steffert family and is evidence of identity with the Matamata-Piako district.

Alternative 2: Ian Place

Ian Steffert is the original family owner of the property. The name has a connection to people important in the history of the area.

Mōrearea | Risk

The applicant’s efforts to select road names presents little if any reputational risk to Council. Also as previously mentioned above, Council’s initial street register checks and the subsequent LINZ database checks of preferred and alternative road names are seen as careful and deliberate risk mitigation steps.

Ngā Whiringa | Options

The two principal options include the previous (26 April 2023) **Alternative 1: Stipulate Place** or the new, replacement applicant **Preferred: Kotahitanga Place**.

Another lesser option is Ian Place should either of the mentioned be deemed unsuitable.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy consideration

Council’s Naming of Roads, Access ways Policy (02 October 2019) is attached. Once this industrial development receives certification road names become vested in Council and road signage (once in place) is also maintained by Council, as public roads.

Staff believe no new road signage is currently in place for this subdivision.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Communications relate to notifications on the outcome of Council's decision-making. Generally the applicant is phoned following Council's decision and then an email is sent confirming it. Subsequently, a range of contacts (LINZ, NZ Post, Core Logic NZ Ltd, internal staff and others) are sent the: "Official Group Email Notification of Committee Resolution (for New Road Names – Council, June 2023)". Council's resolution with the group email follows the release of Council minutes.

Due to the necessity to retract the earlier approved road name, staff will notify all parties once a new, replacement road name has been recommended by Council.

Ngā take ā-Ihinga | Consent issues

Road naming approval is a Council requirement prior to the issuing of 223/224 resource consent completion certificates.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Barry Reid Roading Asset Engineer	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

7.6 Options for the sale of 8 Curragh Place Matamata

CM No.: 2732726

Rāpopotonga Matua | Executive Summary

Council owns an industrial property at 26 Rockford Street Matamata.

Council has an agreement for the sale of the property which is expected to be settled by 1 August 2023.

It is expected that 26 Rockford Street will be subdivided into multiple industrial, lots.

This may trigger an approach to purchase an adjacent Council lot at 8 Curragh place. The inclusion of this lot in the larger industrial subdivision is considered to provide the opportunity for a better development outcome for the town.

Council is requested to consider whether this outcome is sufficient justification to depart from a competitive disposal process.

Tūtohunga | Recommendation

That:

1. Council sell 8 Curragh Place by way of a competitive process (eg tender).

OR

2. Council sell 8 Curragh Place directly to the developer of 26 Rockford Street to facilitate the best development outcome for the town.

OR

3. Council enter into an agreement with the developer of 26 Rockford Street to include 8 Curragh Place in the subdivision plan and determine a basis to apportion sale proceeds.

Horopaki | Background

Council confirmed that land at 26 Rockford Place Matamata was no longer required for the purposes of a traffic by-pass.

An investigation was commissioned into the best options for the disposal of the land.

The first step in the disposal process was to offer the land back to the previous owners as required by the Public Works Act 1981. This offer was exercised by the previous owners and settlement for the sale is expected to occur in August.

Council retains a number of interests in the property relating to infrastructure including a stormwater retention pond and access to the Wastewater treatment plant. These interests have been protected by way of easements.

It is expected that once sold, Council will be approached by the owners in relation to development of the property.



In addition to the property at 26 Rockford Street, Council still owns an adjacent property at 8 Curragh Place (indicated by the “X” in the above map).

The property is approximately 4502 square metres and has a current rating valuation of \$780,000 (as at 01/07/2021)

The property has been considered for the location of the Matamata health shuttle garages. This could occur without requiring a resource consent.

Ngā Take/Kōrerorero | Issues/Discussion

Council intentions for 26 Rockford Street

The divestment strategy report completed for 26 Rockford Street made the following observations:

26 Rockford Street (the Site) is well positioned to act as a future connection between the existing industrial area and adjacent land to the north and the east (if this land was to be rezoned in the future (Future Industrial Land)). The Future Industrial Land has restricted access, noting that the District Plan currently constrains the density of the land to the east if accessed via the State Highway.

Future proofing access via the Rockford Street entrance to the Site (and through the Site) to these land parcels will be key to the future growth of the industrial area. The Site currently provides MPDC the control to do this, but this control would be relinquished if the Site was sold “as is”.

MPDC Critical Success Factors

Defining critical success factors (CSF) at the outset of developing a strategy is critical to ensuring the strategy aligns with the wider vision of the organisation, and the expectations of its stakeholders. MPDC has a responsibility to ensure that it acts in the best interests of the Matamata-Piako community and consistent with its long-term vision for the District.

The CSF's for the Rockford Street 'go to market' strategy were discussed in the initial scoping workshop (Workshop 1) on Wednesday 3 February 2021, and later defined in our memo to MPDC dated 19 February 2021. The CSF's as confirmed by MPDC to inform this strategy are:

- 1. The divestment strategy delivers a robust and fair disposal process aligned with MPDC's procurement principles/requirements.*
- 2. The divestment process maximises value for money outcomes for MPDC.*
- 3. Once disposed of, the Site is activated with a use deemed appropriate/acceptable to MPDC and not simply land banked by the purchaser.*
- 4. The Site is developed in line with optimal development requirements established by MPDC i.e. the inclusion of a spine road to avoid a cul-de-sac within the Site.*



The image is provided to indicate the potential connectivity with adjacent properties. It does not represent any preference as to how the property should be developed.

The report also made reference to the 8 Curragh Place property:

Offer back - further consideration regarding the requirement for land

The potential State Highway 24 roundabout may require land from the Site, as well as the adjacent site owned by MPDC (8 Curragh Place). Given this, it may be prudent to investigate the ability to transfer part of the land (and 8 Curragh Place) for another Public Work to allow for the construction of a roundabout and connection roads - rather than disposing the Site (and 8 Curragh Place at the appropriate time) to then be required for another public work at a later date

These extracts confirm:

1. The divestment strategy was intended to derive best economic value on disposal whilst also facilitating optimal development for the town
2. 8 Curragh Place was a consideration in terms of the optimal development

Disposal of Council owned properties

Council does not have a property disposal policy.

Staff would typically recommend that the sale of Council property is conducted by way of a transparent competitive process eg for sale by auction or on the open market.

An example of where Council has made a decision to sell a property to one party is 115 Anderson Street Morrinsville. In this case Council has decided to sell directly to St John's at a market price determined by valuation. Council clearly considered selling directly to St John's was in the best interests of the community.

Best financial return for Council

A competitive process would normally be considered to ensure the best financial outcome for the sale of a property.

The development of 26 Rockford Street introduces an additional consideration about realising the best value for 8 Curragh Place. It is possible that the property's value as part of the development would exceed the values as a stand alone section.

It may be possible to obtain an opinion from a valuer regarding the relative values.

In a competitive process the owner of 26 Rockford Street could still purchase 8 Curragh Place.

Best Development Outcome for Matamata

The appropriate development of 26 Rockford Street has been a focus of Council's investigations into the divestment of the property.

8 Curragh Place's location adjacent to the state highway creates an opportunity for better connectivity arising from the development of 26 Rockford Street. This may extend to any development that occurs on the southern side of the state highway.

This possibility was also noted in the report on the divestment of 26 Rockford Street.

If 8 Curragh Place is not included in the development of 26 Rockford Street, an industrial subdivision can still occur.

The strategic outcome (ie connectivity) may not be optimal.

Disposal of 8 Curragh Place by competitive process whilst facilitating optimal development

26 Rockford Street could be subdivided incorporating 8 Curragh Place without Council selling the lot at this stage.

This would require an agreement between the property owners including a basis to determine the apportionment of sale proceeds

Mōrearea | Risk

Financial risk – a competitive sale process would normally be expected to determine the true market value of a property. In this case the development of 26 Rockford Street could increase the value of 8 Curragh place if it is included in the development. It may be possible for a valuer to provide advice on the potential difference in values.

If Council decided to sell directly to the developer of 26 Rockford Street, the price would be determined by valuation. It is assumed the valuation would reflect the post-development configuration.

Sub-optimal development – there is a risk that selling 8 Curragh Place as a stand-alone section will result in a sub-optimal development of 26 Rockford Street.

Reputation risk – Council may be criticised if it sells 8 Curragh place through a non-competitive process. The objective of achieving an optimal development of the land would be one justification.

Ngā Whiringa | Options

Option 1 Sell 8 Curragh Place by way of a competitive process (eg tender)

Option 2 Sell 8 Curragh Place directly to the developer of 26 Rockford Street to facilitate the best development outcome for the town

Option 3 Enter into an agreement with the developer of 26 Rockford Street to include 8 Curragh Place in the subdivision plan and determine a basis to apportion sale proceeds

Option 1 would be the process normally recommended unless there was a compelling reason to do otherwise.

Option 2 or 3 should be selected if Council considers that achieving the best development outcome for the industrial subdivision is the most desirable outcome. These options may also result in the best financial return.

Option 3 would be more complex than Option 2 as there would need to be an agreement to apportion post-development sale proceeds. It has the advantage that there would be a competitive sale process (post-development).

Under Option 2, Council could require an option to re-purchase if 26 Rockford Street is not developed within a specified period.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Decision Making

The purpose of local government is to:

- enable democratic local decision making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Council must, in the course of the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess those options by considering:
 - the benefits and costs of each option in terms of the present and future interests of the district;
 - the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;
 - the impact of each option on Council's capacity to meet present and future needs in relation to any statutory responsibility;
- any other matters that, in the opinion of the Council, are relevant; and
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

It is the responsibility of Council to make, in its discretion, judgments about how to achieve compliance with its decision making obligations that is largely in proportion to the significance of the matter affected by the decision.

The sale of 8 Curragh Place is not considered significant as this is consistent with the purpose of the industrial subdivision that established the lot.

This report:

- presents options for the disposal of 8 Curragh Place
- Identifies the potential outcomes of the different options including non-financial benefits ie optimal development of land

The development of 26 Rockford Street will present additional industrial lots to the market. As such it is not considered that there are any particular parties or persons affected by the sale of 8 Curragh place.

Council is not required to sell 8 Curragh Place by way of a complete process. It is prudent that Council determines the sale value by taking appropriate advice i.e. valuation.

On this basis it is considered that Council will meet all of its decision making obligations under the Local Government Act 2002.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

It is expected that Council will be approached about the potential purchase of 8 Curragh Place.

Ngā take ā-lhinga | Consent issues

Any consent issues will be addressed as part of the subdivision.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

Theme: Economic Opportunities

Community Outcome: We are a business friendly Council

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

Any costs associated with this matter are expected to be funded by proceeds of the sale of the section.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Manaia Te Wiata Group Manager Business Support	
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Approved by	Manaia Te Wiata Group Manager Business Support	
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8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Staff Long Service Presentation

CM No.: 2684206

Rāpopotonga Matua | Executive Summary

Kelly Reith to be presented with a Long Service Award in recognition of 20 years' service to Matamata-Piako District Council.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
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8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Chief Executive Officer's Report

CM No.: 2733055

Rāpopotonga Matua | Executive Summary

The Chief Executive Officer's report for the period ending May 2023 is circulated separately to the agenda.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

- A.  CEO report for period ending May 2023 (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Debbie Burge Executive Assistant to the Mayor & CEO	
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Approved by	Don McLeod Chief Executive Officer	
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