



RĀRANGI TAKE AGENDA

Kaunihera | Council Meeting

**I hereby give notice that a Meeting of the Kāpiti Coast District Council
will be held on:**

Te Rā | Date: Thursday, 25 July 2024

Te Wā | Time: 9.30am

**Te Wāhi | Location: Council Chamber
Ground Floor, 175 Rimu Road
Paraparaumu**

**Darren Edwards
Chief Executive**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 25 July 2024, 9.30am.

Kaunihera | Council Members

Mayor Janet Holborow	Chair
Deputy Mayor Lawrence Kirby	Deputy
Cr Glen Cooper	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Rob Kofoed	Member
Cr Liz Koh	Member
Cr Jocelyn Prvanov	Member
Cr Kathy Spiers	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	Member

Te Raupapa Take | Order Of Business

1	Nau Mai Welcome	5
2	Karakia a te Kaunihera Council Blessing	5
3	Whakapāha Apologies	5
4	Te Tauākī o Te Whaitake ki ngā Mea o te Rārangi Take Declarations of Interest Relating to Items on the Agenda	5
5	Te Whakatakoto Petihana Presentation of Petition	5
	Nil	
6	Ngā Whakawā Hearings	5
	Nil	
7	He Wā Kōrero ki te Marea mō ngā Mea e Hāngai ana ki te Rārangi Take Public Speaking Time for Items Relating to the Agenda	5
8	Ngā Take a ngā Mema Members' Business	5
9	Te Pūrongo a te Koromatua Mayor's Report	5
	Nil	
10	Pūrongo Reports	6
	10.1 Amendment to Standing Orders for Meetings of Council	6
	10.2 Reports and Recommendations from Community Boards	13
	10.3 Amendments to Council Delegations to Staff	17
11	Te Whakaū i ngā Āmiki Confirmation of Minutes	32
	11.1 Confirmation of Minutes	32
12	Te Whakaūnga o Ngā Āmiki Kāore e Wātea ki te Marea Confirmation of Public Excluded Minutes	44
13	Purongo Kāore e Wātea ki te Marea Public Excluded Reports	44
	Resolution to Exclude the Public	44
	12.1 Confirmation of Public Excluded Minutes	44
14	Closing Karakia	44

1 NAU MAI | WELCOME

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro *As we deliberate on the issues before us,*

E pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. *We trust that we will reflect positively on the communities we serve.*

Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, *Let us all seek to be effective and just,*

Ā, mā te māia, te tiro whakamua me te hihiri *So that with courage, vision and energy,*

Ka taea te arahi i roto i te kotahitanga me te aroha. *We provide positive leadership in a spirit of harmony and compassion.*

3 WHAKAPĀHA | APOLOGIES

4 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE | DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

5 TE WHAKATAKOTO PETIHANA | PRESENTATION OF PETITION

Nil

6 NGĀ WHAKAWĀ | HEARINGS

Nil

7 HE WĀ KŌRERO KI TE MAREA MŌ NGĀ MEA E HĀNGAI ANA KI TE RĀRANGI TAKE | PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA

8 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

(b) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

9 TE PŪRONGO A TE KOROMATUA | MAYOR'S REPORT

Nil

10 PŪRONGO | REPORTS

10.1 AMENDMENT TO STANDING ORDERS FOR MEETINGS OF COUNCIL

Kaituhi | Author: **Anna Smith, Acting Team Leader Governance**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

TE PŪTAKE | PURPOSE

- 1 This report asks the Council to consider the adoption of an amended set of Standing Orders with the inclusion for remote participants (attending via audio or audiovisual link) to continue to count towards quorum at Council and Committee Meetings once the Severe Weather and Emergency Recovery Legislation Bill provisions lapse on 30 September 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Schedule 7, clauses 23 – 25B of the Local Government Act 2002 (LGA) provide the legislative parameters for the conduct of Council and Committee meetings and outline what constitutes a quorum for the conduct of meetings. Council's current version of Standing Orders is based on these provisions in the LGA, and the current version of Standing Orders (Standing Orders 11.1, 13.8 and 13.9) provides for remote participants at Council and Committee meetings to be able to participate and vote in meetings but not be counted towards quorum.
- 3 During the COVID-19 pandemic and most recently during the Cyclone Gabrielle response, to enable councils to continue to conduct their business when the ability to meet in person and meet this legislative requirement was restricted, the Government enacted temporary provisions in the LGA to allow for remote participants (via audio or audiovisual link) to also count toward quorum.
- 4 On 30 September 2024 the latest temporary provisions enacted by Government during the Cyclone Gabrielle response will expire. However, an amendment to the LGA was enacted on 30 August 2024, which provides for all participants (in person and remote) to count towards quorum if a territorial authority's Standing Orders allow for it.
- 5 A minor amendment to Standing Orders 11.1, 13.8 and 13.9 is therefore proposed in order to maintain the Council's current practice of holding hybrid meetings and lower the risk of meeting cancellation due to lack of quorum once the temporary provisions enabling this have lapsed.

TE TUKU HAEPAPA | DELEGATION

- 6 Under the provisions of schedule 7 clause 27 of the LGA, a local authority must adopt a set of Standing Orders for the conduct of meetings. The adoption of a new or amended set of Standing Orders can only be resolved by the Council and must achieve a vote of not less than 75% of members present (a supermajority).

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Council approve the following amendments to Standing Orders (as attached in Appendix 1):
 - A.1 amend Standing Order 11.1 (Council Meetings) to reflect that a quorum is achieved with a majority of members present (in person or via audio/audiovisual link).
 - A.2 amend Standing Order 13.8 (Member's status: Quorum) to reflect that members who attend meetings by electronic link will be counted as present for the purposes of a quorum.
 - A.3 amend Standing Order 13.9 (Member's status: voting) to reflect that quorum is achieved by members present both in person and via audio/audiovisual link.
 - A.4 amend the definition section to state 'present at the meeting to constitute quorum'.

TŪĀPAPA | BACKGROUND

- 7 Under schedule 7 clause 27 of the LGA, a local authority is required to adopt a set of Standing Orders for the conduct of its meetings. The Council adopted its current version of Standing Orders on 24 November 2022. The Council can only amend its Standing Orders by a vote of not less than 75% of members present (a supermajority).

Current Standing Orders

- 8 The current set of Standing Orders allow for members to attend meetings via electronic (or audio/audiovisual) link provided certain conditions are met. Members who attend meetings by electronic (or audio/audiovisual) link cannot not be counted as present for the purposes of a quorum, but if a quorum has been met by those physically present, then members attending via electronic (or audio/audiovisual) link are able to participate in and vote on any matters raised during the meeting. The current version of Standing Order specifically states:

- 8.1 Standing Order 11.1 – Council meetings:

*“The quorum of a meeting of the council is a majority of the members **physically present**, where the number of members (including vacancies) is odd.”*

- 8.2 Standing Order 13.8 – Member’s status: quorum:

*“Members who attend meeting by **electronic link will not be counted as present** for the purposes of a quorum.”*

- 8.3 Standing Order 13.9 – Member’s status: voting:

*“Where a meeting has a quorum, determine by the number **physically present**, the members attending by electronic link can vote on any matters raised at the meeting.”*

- 9 Further to the above, the definitions section of Standing Orders notes that “Present at the meeting to constitute quorum means the member is to be **physically present** in the room.”

Temporary legislative provisions to count remote participants towards quorum

- 10 During the COVID-19 pandemic, an Epidemic Management – Covid-19 Notice 2020 (the Notice) was in force which made temporary amendments to the Local Government Act 2002 under section 25B to enable councils to hold virtual meetings and count all remote participants towards quorum. The Notice was in force from March 2020 until October 2022.
- 11 The effect of this temporary amendment was to ensure that quorum requirements, which would otherwise require physical attendance by elected members, were met when elected members attended meetings remotely due to adhering to lockdown or isolation requirements set by Government direction. In October 2022, after multiple extensions, the Notice lapsed, which required councils to revert to holding meetings under the standard provisions of the LGA. In practice this meant elected members were required to be present in person at meetings in order to be counted towards quorum. They were still able to attend remotely and vote in these meetings. In March 2023, at the start of the Cyclone Gabrielle response, the Government passed the Severe Weather Emergency Recovery Legislation Bill, which amongst other provisions, brought back the same provisions for councils to allow for remote participants to be counted towards quorum to enable councils to continue to conduct their business when the ability to meet in person was restricted.
- 12 The Council had been holding a combination of in-person and remote meetings (hybrid meetings) to enable Zoom participation if required, but between October 2022 and March 2023 any members deciding to access such meetings remotely were not able to be counted towards quorum.

Changes to legislation

- 13 On 30 August 2023, the Local Government Electoral Legislation Bill received royal assent. Amongst changes to the Local Electoral Act 2001, this Bill also sought permanent amendments to the LGA provisions around quorum requirements in the supplementary order paper dated 18 July 2023 in the Explanatory Note section (as attached in Appendix 2). As a result of the Bill, once the provisions enacted by the Severe Weather and Emergency Recovery Legislation Bill lapse, from 1 October 2024, member attendance by audio link or audio-visual link at council and committee meetings will count towards quorum if a territorial authority’s Standing Orders allow for this.
- 14 The LGA enables councils to manage provisions for remote participation through their Standing Orders themselves and makes the changes enabled throughout the COVID-19 pandemic and the Cyclone Gabriell response permanent.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 15 For the Council to continue to conduct meetings in a hybrid setting and allow for members to attend via audio or audiovisual link and be counted towards quorum from 1 October 2024, Council must amend its Standing Orders to enable this on a permanent basis.
- 16 While there is no legislative requirement for Council to amend its Standing Orders and Council meetings can continue to be conducted in a hybrid setting under the current set of Standing Orders, without an amendment to the relevant Standing Order sections, from 1 October 2024, the Council may risk a lack of quorum and therefore risk a meeting being cancelled in the event that members cannot attend a meeting in person. In the event of an emergency or a force majeure, the Council would not be able to hold fully remote meetings unless the Government passes legislation to allow for this. Considering new legislation is now in place, giving territorial authorities the ability to manage their own provisions, it is considered less likely that Government will pass urgent legislation to enact temporary provisions.

Ngā kōwhiringa | Options

- 17 The Council has the option to retain its current set of Standing Orders or amend its Standing Orders with the proposed changes to allow for remote participation to be counted towards quorum. Council officers recommend the adoption of an amended set of Standing Orders to enable the Council to continue with its current practice of holding hybrid meetings as required and mitigate any risks presented by possible emergencies.

Kōwhiringa Options	Hua Benefits	Tūraru Risks
<p>Option A</p> <p>Do not amend Standing Orders (status quo)</p>	<p>Elected members and staff are familiar with the Standing Orders as adopted in November 2022.</p>	<p>From 1 October 2024, elected members joining a meeting remotely will not count as present for the purpose of quorum following the cessation of the temporary provisions enacted during the Cyclone Gabrielle response.</p> <p>If a quorum is not achieved through physical presence after 1 October 2024, a meeting may need to be cancelled at short notice (e.g. on the day of the meeting).</p>

Kōwhiringa Options	Hua Benefits	Tūraru Risks
		<p>In the event of an emergency, Council would not be able to hold fully remote meetings or hybrid meetings without a quorum achieved through in person attendance unless the Government passes legislation to allow for this. This is considered less likely.</p>
<p>Option B (recommended) Amend Standing Orders to:</p> <p><i>11.1 Ngā hui kaunihera Council meetings</i> The quorum for a meeting of the council is a majority of the members present, where the number of members (including vacancies) is odd.</p> <p><i>13.8 Te tūnga a te mema: kōrama Member’s status: quorum</i> Members who attend meetings by electronic link will be counted as present for the purposes of a quorum.</p> <p><i>13.9 Te tūnga a te mema: te pōti Member’s status: voting</i> Where a meeting has quorum, the members attending by electronic link can vote on any matters raised at the meeting.</p> <p><i>2. Ngā whakamārama Definitions</i> Present at the meeting to constitute quorum</p>	<p>The amended Standing Orders will allow for remote participation to be counted towards quorum in line with the intent of the amended legislation to enable councils to decide to make these provisions permanent.</p> <p>The amendments to Standing Orders will align with the Council’s current practice of holding hybrid meetings as required.</p> <p>There is less risk of a meeting being cancelled due to lack of quorum and in the event of an emergency, the Council would be able to hold fully remote meetings and continue to conduct its business when the ability to meet in person is restricted.</p>	<p>No direct risks have been identified.</p> <p>Increased use of a hybrid (in person and remote) set up for Council and Committee meetings and increased remote attendance could lead to negative community feedback due to more limited face to face interaction at meetings.</p> <p>This can be mitigated by setting expectations that remote attendance should not be the default but the exception.</p>

Mana whenua

18 Mana whenua and tangata whenua have not been consulted for this report.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

19 There are no climate change considerations as part of this report.

Ahumoni me ngā rawa | Financial and resourcing

- 20 The required hardware, implementation, and training to provide the ability to hold hybrid or fully remote meetings was put in place during the Covid lockdown period and the expense was absorbed within the exiting IT budget. The current cost to utilise Zoom software licences for meetings is \$161.86 per month.
- 21 There are no further costs associated with enabling this change to the Council's Standing Orders.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 22 Not implementing the proposed amendments to Standing Orders may present a risk to the Council not being able to continue to conduct its business if a force majeure or emergency event would prevent elected members from attending a Council or committee meeting in person. If such an event occurred after 1 October 2024, non-attendance in person would lead to a lack of quorum resulting in the cancellation of a meeting. Due to the amendments to legislative provisions, after 1 October 2024, Council could no longer depend on Government to enact temporary provisions to allow for remote participation to count towards quorum as was the case during the COVID-19 pandemic and the response to Cyclone Gabrielle.

Ngā pānga ki ngā kaupapa here | Policy impact

- 23 This decision does not have an impact on existing or planned policies.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 24 This matter has a low level of significance under the Council's Significance and Engagement Policy.

Te mahere tūhono | Engagement planning

- 25 An engagement plan is not needed to implement this decision.

Whakatairanga | Publicity

- 26 Once adopted, the amended Standing Orders will be made publicly available on the Council's website.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Amended Standing Orders with highlighted changes (under separate cover) [⇒](#)
2. Local Government Electoral Legislation Bill Supplementary Order Paper [↓](#)

No 367

House of Representatives

Supplementary Order Paper

Tuesday, 18 July 2023

Local Government Electoral Legislation Bill

Proposed amendments

Hon Kieran McNulty, in Committee, to move the following amendments:

Clause 2

In *clause 2(1)*, replace “**subsection (2)**” (page 3, line 5) with “**subsections (1A) and (2)**”.

After *clause 2(1)* (page 3, after line 6), insert:

- (1A) **Section 44(6)** (which relates to local government members attending meetings remotely counting as present) comes into force on **1 October 2024**.

Clause 44

After *clause 44(5)* (page 20, after line 7), insert:

- (6) In Schedule 7, replace clause 25A(4) with:
 - (4) A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.
- (7) In Schedule 7, heading to clause 25B, replace “**1 April 2024**” with “**30 September 2024**”.
- (8) In Schedule 7, clause 25B(7), replace “the close of 1 October 2024” with “1 October 2024”.

1

SOP No 367

**Proposed amendments to
Local Government Electoral Legislation Bill**

Explanatory note

This Supplementary Order Paper amends the Local Government Electoral Legislation Bill.

These amendments provide for members of a local authority or committee who attend meetings remotely to be counted towards a quorum under clause 23 of Schedule 7 of the Local Government Act 2002.

These amendments replace similar temporary measures that were established in response to COVID-19 and severe weather events and that are due to expire at the end of September 2024. However, whereas the temporary measures provide that all members of local authorities and their committees are entitled to attend meetings remotely and that any remote attendance will count towards a meeting's quorum, these amendments would, from the beginning of October 2024, leave it to individual local authorities to decide in their standing orders whether remote attendance is allowed, with remote attendance counting towards a meeting's quorum only if the standing orders allow remote attendance.

Departmental disclosure statement

The Department of Internal Affairs considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

10.2 REPORTS AND RECOMMENDATIONS FROM COMMUNITY BOARDS

Kaituhi | Author: **Kate Coutts, Advisor Democracy Services**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

TE PŪTAKE | PURPOSE

- 1 This report presents items considered and recommendations made to Council by community boards between 30 April 2024 and 18 June 2024.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Council has received recommendations from the Waikanae Community Board to consider:
 - 2.1 exercising its authority to approve funding from the Waikanae Property Fund (the Fund) to the Reikorangi Residents' Association, and
 - 2.2 amending the community board delegations for administering and disbursing the Fund.

TE TUKU HAEPAPA | DELEGATION

- 3 Council has the authority to consider recommendations made by Community Boards and provide direction to Council officers to action these recommendations.
- 4 Council has the authority to disperse funds from the capital sum of the Waikanae Property Fund.
- 5 Council has the authority to set and amend delegations for community boards which includes determining whether the administration and disbursement of the Fund should be delegated to the Waikanae Community Board.

TAUNAKITANGA | RECOMMENDATIONS

- D. That Council **notes** the recommendations from the Waikanae Community Board meeting on 18 June 2024:
 - That the Waikanae Community Board support the application made by the Reikorangi Residents' Association to assist with the cost of installing a playground at the Reikorangi Hall.
 - That the Waikanae Community Board recommends to Council to approve a Waikanae Property Fund grant to the Reikorangi Residents' Association of \$35,000.00 to install a playground at the Reikorangi Hall.
 - That the Waikanae Community Board recommends to Council to delegate to the Waikanae Community Board the authority to administer and disburse the Waikanae Property Fund.
- E. That Council **approves** a Waikanae Property Fund grant to the Reikorangi Residents' Association of \$35,000.00 to assist with the cost of installing a playground at the Reikorangi Hall.
- F. That Council **requests** Council officers investigate the possibility of delegating the authority to administer and disburse the Waikanae Property Fund to the Waikanae Community Board by providing the Mayor with advice on the options.

TŪĀPAPA | BACKGROUND

- 4 During the period of 30 April 2024 to 18 June 2024, Community Board meetings took place on the following dates:

Paekākāriki Community Board	Tuesday, 30 April 2024
Paraparaumu Community Board	Tuesday, 7 May 2024
Raumati Community Board	Tuesday, 14 May 2024
Ōtaki Community Board	Tuesday, 21 May 2024
Waikanae Community Board	Tuesday, 21 May 2024
Paekākāriki Community Board	Tuesday, 11 June 2024
Waikanae Community Board	Tuesday, 18 June 2024
Paraparaumu Community Board	Tuesday, 18 June 2024

- 5 Items discussed at each of the meetings listed in paragraph 4 are noted below:
- 5.1 On Tuesday, 30 April 2024 the Paekākāriki Community Board met to discuss:
- Update on the Transmission Gully Project
 - Review of the Freedom Camping Policy 2012
 - Consideration of Applications for Funding
- 5.2 On Tuesday, 7 May 2024 the Paraparaumu Community Board met to discuss:
- Review of the Freedom Camping Policy 2012
 - Consideration of Applications for Funding
- 5.3 On Tuesday, 14 May 2024 the Raumati Community Board met to discuss:
- Review of the Freedom Camping Policy 2012
 - Deputation of the Coastal Advisory Panel
 - Consideration of Applications for Funding
- 5.4 On Tuesday, 21 May 2024 the Ōtaki Community Board met to discuss:
- Ōtaki Pool Redevelopment
 - Review of the Freedom Camping Policy 2012
 - Consideration of Applications for Funding
- 5.5 On Tuesday, 21 May 2024 the Waikanae Community Board met to discuss:
- Review of the Freedom Camping Policy 2012
 - Consideration of Applications for Funding
- 5.6 On Tuesday, 11 June 2024 the Paekākāriki Community Board met to discuss:
- Consideration of Applications for Funding
- 5.7 On Tuesday, 18 June 2024 the Waikanae Community Board met to discuss:
- Consideration of Applications for Funding

- 5.8 On Tuesday, 18 June 2024 the Paraparaumu Community Board met to discuss:
- Consideration of Applications for Funding

HE KŌRERORERO | DISCUSSION

He take | Issues

- 6 In relation to Council, several recommendations were made at the Waikanae Community Board meeting on 18 June 2024:
- 6.1 That the Waikanae Community Board support the application made by the Reikorangi Residents' Association to assist with the cost of installing a playground at the Reikorangi Hall.
 - 6.2 That the Waikanae Community Board recommends to Council to approve a Waikanae Property Fund grant to the Reikorangi Residents' Association of \$35,000.00 to install a playground at the Reikorangi Hall.
 - 6.3 That the Waikanae Community Board recommends to Council to delegate to the Waikanae Community Board the authority to administer and disburse the Waikanae Property Fund.
- 7 The Waikanae Community Board received nine grant applications for the Waikanae Capital Improvement fund totalling \$133,500. This was more than what the Waikanae Community was able to allocate.
- 8 As a result, the Waikanae Community Board considered options to explore further funding opportunities for the grant application by the Reikorangi Residents' Association which it supported funding. The Waikanae Property Fund is a special purpose equity reserve that would offer a possible funding mechanism for this application. However, only Council has the authority to disperse funds from the capital sum of the Waikanae Property Fund, which currently has a balance of \$187,000.
- 9 The Waikanae Community Board has therefore made a recommendation to Council to approve the request for \$35,000 by the Reikorangi Residents' Association to install a playground on the grounds at the Reikorangi Hall. The association made its application to the Waikanae Community Board for funds from the Waikanae Capital Improvement Fund and the Waikanae Promotion Fund, and the application documents are attached at Attachments 1 and 2 to this report.
- 10 The Waikanae Community Board further recommends that Council delegates authority to the Waikanae Community Board to administer and disburse the Waikanae Property Fund, within eligible criteria.
- 11 Council officers note that:
- 11.1 The Waikanae Property Fund is a restricted equity reserve, and the purpose of the Fund is to fund improvements to Council-owned properties in Waikanae. The source of the Fund is the proceeds from the sale of other Council property in the Waikanae ward (excluding districtwide funded properties).
 - 11.2 The Reikorangi Hall is a council owned asset and sits on Council owned land. The Land adjacent to the Hall in which the playground is planned is Department of Conversation land. The Reikorangi Reserve (the land) is classified as a Local Purpose Reserve (Community Use) and gazetted with Council having full control and management authority.
 - 11.3 There are sufficient funds in the Fund (\$187,000), for Council to approve the \$35,000 requested from the Reikorangi Residents' Association.
 - 11.4 Delegating authority to administer and disburse the Waikanae Property Fund to the Waikanae Community Board requires further investigation.

- 11.5 The establishment of a community asset like a playground (even if only some items of play equipment) requires specific considerations in terms of needs, safety, design, construction, and ongoing maintenance. Council officers will need to work closely with the Reikorangi Residents' Association throughout this process and take the lead on implementing any decisions in order to ensure all standards are met, and Council's management accountability for the site is exercised appropriately.

Ngā kōwhiringa | Options

- 12 There are no options in addition to those already discussed in this report.

Mana whenua

- 13 There are no specific mana whenua considerations arising from this report.

Panonitanga āhuarangi | Climate change and Environment

- 14 There are no climate change and environment considerations in this report.

Ahumoni me ngā rawa | Financial and resourcing

- 15 There are no financial considerations in addition to those already discussed in this report.

Ture me ngā Tūraru | Legal and risk

- 16 There are no legal or risk considerations relevant to this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 17 There are no policy impacts in addition to those already discussed in this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 18 An engagement plan is not required for this report.

Whakatairanga | Publicity

- 19 The decision made in this report will be publicly available through Council's normal communications channel.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Waikanae Capital Improvement Fund Application - Reikorangi Residents' Association - Public Excluded
2. Waikanae Promotion Fund Application - Reikorangi Residents' Association - Public Excluded

10.3 AMENDMENTS TO COUNCIL DELEGATIONS TO STAFF

Kaituhi | Author: **Sarah Wattie, General Counsel**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

TE PŪTAKE | PURPOSE

- 1 This report seeks Council's consideration and approval of amendments to Council delegations to Staff, including changes to the Resource Management Act 1991 delegations.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 Council has the authority to consider this matter. Clause 32, Schedule 7 of the Local Government Act 2002 empowers the Council to delegate its responsibilities, duties and powers in accordance with the restrictions set out in this provision.

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council **Notes** that on 27 June 2024 recommendation C of the "2024 Council Insurance Premium" report was "left to lie on the table until a report is bought to Council on 25 July 2024" and that this matter is resolved by paragraphs 9 and 10 of this report, '*Amendments to Council delegations to Staff*'.
- B. That Council **Adopts** the amended section to '*Council Delegations to Chief Executive and Staff*' as shown in Attachment 1 to the report '*Amendments to relevant sections of Council Delegations to Chief Executive and Staff*'.
- C. That Council **Adopts** the revised Resource Management Act 1991 delegations to staff as shown in Attachment 2 to the report '*Amendments to Council to Staff RMA Delegations*'.

TŪĀPAPA | BACKGROUND

- 4 The purpose of local government under clause 10(1) of the Local Government Act 2002 is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Legislative compliance with central Government's legislative and regulatory programme supports Council to do this in a fair and efficient manner.
- 5 Council has a range of legislative functions, duties and powers. It is not always efficient or practical for elected members to carry out all of these functions, duties and powers, which is reflected in various statutes that provide Council with the legal authority to delegate to Council staff. Delegated authority allows for administrative efficiency and ensures timeliness in the conduct of Council's daily business.
- 6 In particular, Council has the authority to delegate to officers under clause 32 of Schedule 7 of the Local Government Act 2002. Clause 32 of the Local Government Act 2002 also sets out certain powers that cannot be delegated as follows:

"32. Delegations– (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except–

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

- 7 Most legislation provides the Chief Executive with the discretion to sub-delegate to Council staff. However, some Acts prescribe the way delegations must be made. For example, section 34A of the Resource Management Act 1991 (RMA) provides local authorities with the power to delegate to an employee any functions, powers, or duties under these Acts however, they prohibit the power to sub-delegate and therefore these delegations must be approved by Council.
- 8 The Council’s delegations to Chief Executive and staff are monitored on a regular basis and reported back to Council for amendment as required, in response to changes in either staff or legislation.

HE KŌRERORERO | DISCUSSION

- 9 This report proposes amendments to Council delegations to the Chief Executive and Staff and Resource Management Act 1991 delegations to give effect to recommendations from staff.

He take | Issues

AMENDMENT TO DELEGATED FINANCIAL AUTHORITY

- 10 On 27 June 2024 staff sought to increase the Chief Executive Delegated Financial Authority (DFA) in the “2024 Council Insurance Premium” report for contracts that are budgeted for in Council’s Long-Term and Annual Plans. Resolution C of that report was tabled for further discussion at the 25 July 2024 Council meeting on the back of a new “Amendments to Council delegations to Staff” report. Subsequently staff are recommending no amendment to the Chief Executive’s DFA in this report.

CHANGE IN POSITION TITLES

- 11 An amendment is required to the General Legal Counsel title as a result of a recent positional change.
- 12 The above amended sections are set out in Attachment 1.

RESOURCE MANAGEMENT ACT 1991 (RMA) DELEGATIONS

- 13 A number of amendments are required to Council’s delegations to staff under the RMA, which are set out in the table below. These changes relate to the Strategy and Growth Group and the Stormwater and Coastal Assets, Building and Resource Consents and Compliance teams.
- 14 The amended RMA delegations and glossary are in Attachment 2.

Recommended amendments to Council delegations to staff under the Resource Management Act 1991	
Affected Positions	Amendments to RMA delegations
Building Consents Technical Officer	Aligning delegations to Building Technical Officer title. Position includes sections 35, 35A and 332 .
Compliance Officer (Contractor)	Generic replacement title for Compliance Officer – Armourguard and Compliance Officer – Eyes on Security to assist with changing contracts. Position to include sections 22, 35, 35A, 322-324, 327, 328 , and 332 .
Group Manager Strategy and Growth Manager District Planning	Positions to also include section 170 regarding discretion to include requirement in proposed plan and section 180 regarding transfer of rights and responsibilities for designations.
Resource Consents Planner (Graduate, Intermediate, Senior)	Additional titles to allow for movement in team and replacing Senior Resource Consents Planner title. Position to include sections 10, 10B, 22, 32, 35, 35A, 36(5), 36AAB(1), 37, 37A, 41B, 42, 42A, 44A, 55, 80, 87AAD, 87BA-BB, 87E, 87F, 87G, 88, 89A, 91, 91F, 92, 92A, 92B, 95, 95A-E, 95F, 98, 99, 99A, 101, 102, 103, 104, 104A, 104B, 104C, 104D, 105, 106, 108, 108A, 109, 110, 113, 114, 125, 126, 127, 128, 129, 133A, 138, 139, 139A, 168, 168A, 169, 175, 176A, 190, 220, 221, 222, 223, 224, 226(1)(e), 227, 234, 235, 237, 237 B-H, 240, 241, 243, 267(1A)(b), 268A(3)(b), 332, 333, 343C and Sch1 cl3, cl3A, cl3B, cl4 and SCH12 cl39, cl39(3) and cl40(1)(b) .
Manager Resource Consents and Compliance Team Leader Planning Projects Team Leader Resource Consents Principal Resource Consents Planner	Positions to include section 80 regarding preparation, administration and implementation of combined regional and district documents.
Stormwater and Coastal Assets Engineer	Aligning title to activity name 'Stormwater and Coastal Assets'. Position includes sections 35, 35A, 332 and 333 .

Ngā kōwhiringa | Options

15 The proposed options are set in paragraphs 10 through 16 of this paper.

Mana whenua

16 Where responsibilities and powers are delegated to staff, staff will be required to seek early input from Council's Iwi Partnerships Group on matters that are likely to impact on mana whenua or mana whenua interests. What is appropriate in view of Council's partnership with mana whenua and legislative provisions will depend on the nature of the delegated responsibility, duty or power. This report does not have direct implications on Council's partnership with mana whenua.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

17 There are no climate change considerations triggered by this report.

Ahumoni me ngā rawa | Financial and resourcing

18 There is no direct financial impact from these changes to delegations.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

19 This paper has been reviewed by the Council's General Counsel.

20 The exercise of powers and functions by staff must adhere to legislative requirements. Managers are responsible for ensuring legislative compliance in the exercise of statutory powers in their area and are able to seek legal advice where required.

Ngā pānga ki ngā kaupapa here | Policy impact

21 Appropriate delegations facilitate efficiency and effectiveness in the conduct of Council business and assist staff to deliver on Council outcomes.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

22 This decision has a low level of significance under the Council's Significance and Engagement policy.

Te mahere tūhono | Engagement planning

23 No consultation or engagement is required relating to the process of making these amendments.

Whakatairanga | Publicity

24 No publicity is required for these minor amendments.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Amendments to Council Delegations to Chief Executive and Staff [↓](#)
2. Amendments to Council to Staff RMA Delegations [↓](#)

DELEGATIONS MADE BY COUNCIL TO CHIEF EXECUTIVE AND STAFF

The Council makes its delegations under the various powers of delegation referred to in this instrument. In the absence of a reference to a specific power, the Council makes the delegation under clause 32 of Schedule 7 of the Local Government Act 2002.

For the avoidance of doubt:

- a reference in this document to an enactment, regulation or bylaw includes any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw;
- a reference in this document to a Council Committee includes any Committee that replaces or corresponds to that Committee and involves substantially the same duties;
- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties; and
- all financial limits stated in these delegations are GST exclusive.

Note: all delegations are subject to the restriction set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, that the following powers are not included in these delegations:

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

DELEGATIONS MADE BY COUNCIL TO CHIEF EXECUTIVE AND STAFF	
The Deputy Chief Executive is delegated all the following responsibilities, duties and powers of the Chief Executive and may act for the Chief Executive in:	
<ul style="list-style-type: none"> • the formal and recorded absence of the Chief Executive; or • an emergency where the Chief Executive cannot be contacted. 	
When employed, an Interim Chief Executive is delegated all the following responsibilities, duties and powers of the Chief Executive.	
General Delegation of Authority	Powers Delegated
To the Chief Executive with no power of sub-delegation to officers.	Delegation of authority to authorise technical changes to documents adopted by Council, that have no material effect on the decision made by Council with consultation with the Mayor, and Chairperson or in their absence the Deputy Chairperson of the relevant Committee, and General Legal Counsel. Any amendments will be published in the Elected Members Bulletin.

11 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES**11.1 CONFIRMATION OF MINUTES**

Author: Maria Cameron, Advisor Governance

Authoriser: Darren Edwards, Chief Executive

Taunakitanga | Recommendations

That the minutes of the Council meeting of 27 June 2024 be accepted as a true and correct record.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Unconfirmed Minutes of the 27 June 2024 Council Meeting [↓](#)

12 TE WHAKAŪNGA O NGĀ ĀMIKI KĀORE E WĀTEA KI TE MAREA | CONFIRMATION OF PUBLIC EXCLUDED MINUTES

13 PURONGO KĀORE E WĀTEA KI TE MAREA | PUBLIC EXCLUDED REPORTS

RESOLUTION TO EXCLUDE THE PUBLIC

PUBLIC EXCLUDED RESOLUTION

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Confirmation of Public Excluded Minutes	Section 7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

14 CLOSING KARAKIA