



## **Dannevirke Community Board**

### **Notice of Meeting**

A meeting of the Dannevirke Community Board will be held in the Council Chamber, 26 Gordon Street, Dannevirke on **Monday 19 February 2024** commencing at **9:00am**.

Bryan Nicholson  
Chief Executive

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### **Agenda**

- 1. Welcome and Meeting Opening**
- 2. Apologies**
- 3. Public Forum**

A period of up to 30 minutes shall be set aside for a public forum. Each speaker during the public forum section of a meeting may speak for up to 5 minutes.

Standing Orders may be suspended on a vote of three-quarters of those present to extend the period of public participation or the period any speaker is allowed to speak.

With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

#### **3.1 Public Forum - Adrian Corlett re Use of Park for Radio Controlled Vehicles**

Adrian Corlett will be in attendance to present to the Board about their proposal to use a Council reserve for Radio Controlled vehicle racing.

#### **4. Notification of Items Not on the Agenda**

Major items not on the agenda may be dealt with at this meeting if so resolved by the Board and the chairperson explains at the meeting at a time when it is

open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the Board may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

<b>5.</b>	<b>Declarations of Conflicts of Interest in Relation to this Meeting's Items of Business</b>	
<b>6.</b>	<b>Confirmation of Minutes</b>	<b>5</b>
	<i>Recommendation</i>	
	<i>That the minutes of the Dannevirke Community Board meeting held on 18 December 2023 (as circulated) be confirmed as a true and accurate record of the meeting.</i>	
<b>7.</b>	<b>Tararua District Council Report</b>	
<b>7.1</b>	<b>Tararua District Council Report</b>	<b>10</b>
	<i>Recommendation</i>	
	<i>That the report from the Tararua District Council meetings held 20 December 2023 and 31 January 2024 be received.</i>	
<b>8.</b>	<b>Reports</b>	
<b>8.1</b>	<b>Consultation on Draft Urban Growth Strategy</b>	<b>23</b>
<b>8.2</b>	<b>Dannevirke Community Board - General Assistance Grants Scheme 2024</b>	<b>27</b>
<b>8.3</b>	<b>Application for Funding</b>	<b>39</b>
<b>8.4</b>	<b>Roading decision making process</b>	<b>51</b>
<b>8.5</b>	<b>Updated Code of Conduct for Elected Members</b>	<b>55</b>
<b>9.</b>	<b>Reports from Board Representatives Appointed to Organisations and Assigned Responsibilities</b>	
<b>10.</b>	<b>Correspondence</b>	
<b>10.1</b>	<b>Correspondence</b>	<b>91</b>
<b>11.</b>	<b>Discussion Items</b>	
	Anzac Day Concert Planning	

Dannevirke Christmas Lights  
Christmas message from Community Board  
Water saving incentives e.g. Water tanks and metering  
Signage for heavy vehicle bypass in Dannevirke  
Norsewood water  
Skate Park at Cenotaph  
Fountain upgrade  
Dannevirke water update and town leaks  
Umutaoroa Domain Update  
Lamason Memorial site  
Consenting

- 12. Chairperson's Remarks**
- 13. Items not on the Agenda**
- 14. Closure**







## **Dannevirke Community Board**

Minutes of a meeting of the Dannevirke Community Board held in the Council Chamber, 26 Gordon Street, Dannevirke on Monday 18 December 2023 commencing at 9.00am.

### **1. Present**

Board Members: P F Walshe (Chairperson), T J Hynes (Deputy Chairperson), E J Christison, R T Wallace; and Crs E L Peeti-Webber and S M Wards

#### **In Attendance**

Her Worship The Mayor, Mrs T H Collis  
Councillor S A Wallace

Mrs A Small	-	Group Manager – Strategy and Community Wellbeing
Mr H Featonby	-	Group Manager – Infrastructure
Mr M Allingham	-	Transport Manager – Infrastructure
Ms F Chase	-	Manager – Facilities
Mr A Desmond	-	Capital Projects Manager
Mrs A Dunn	-	Manager – Democracy Services
Ms G Wingfield-Smith	-	Democracy Support Officer

### **2. Apologies**

There were no apologies.

### **3. Public Forum**

Gavin Welsh, Chair of Board of Trustees for Totara College, expressed concern about the way the Community Board's discussion about trees overhanging the footpath outside Totara College had been portrayed in the newspaper, and noted that any concerns held by the Community Board should have been raised with the School Board rather than publicly discussed.

#### **4. Notification of Items Not on the Agenda**

Board Member Hynes - Umutaoroa Road seal damage

Board Member Wallace - acknowledgement for Board members

#### **5. Confirmation of Minutes**

*That the minutes of the Dannevirke Community Board meeting held on 20 November 2023 (as circulated) be confirmed as a true and accurate record of the meeting.*

*Wallace/Christison*

*Carried*

#### **6. Tararua District Council Report**

##### **6.1 Report from Tararua District Council**

*That the report from the Tararua District Council meeting held 29 November 2023 be received.*

*Wallace/Hynes*

*Carried*

#### **7. Reports**

##### **7.1 Otanga Road - Roading Recovery Works Update**

The Dannevirke Community Board considered the report of the Transport Manager dated 12 December 2023 that sought information and noted proposed next steps.

*That the report from the Transport Manager dated 12 December 2023 concerning the Otanga Road - Roading Recovery Works Update be received.*

*Christison/Wallace*

*Carried*

##### **7.2 Applications for funding**

The Dannevirke Community Board considered the report of the Manager – Democracy Services dated 12 December 2023 that presented to the board applications received for funding under the General Assistance Grants Scheme, for consideration and decision.

*That the report from the Manager - Democracy Services dated 16 November 2023 concerning the Applications for funding be received.*

*That the Dannevirke Community Board grant \$2,000 to the Dannevirke Fantasy Cave Charitable Trust Inc towards the cost of providing the Christmas Pop-up*

***Cave in the Fountain Theatre.***

***Hynes/Christison***

***Carried***

### **7.3 Management Report**

The Dannevirke Community Board considered the report of Manager – Democracy Services dated 8 December 2023 that provided an update to the Board on key activities and items of interest as reported to the meeting of the Finance and Performance Committee on 22 November 2023, the Community Development and Wellbeing Committee on 5 December 2023 and the Infrastructure, Climate Change and Emergency Management Committee on 13 December 2023.

***That the report from the Manager - Democracy Services dated 08 December 2023 concerning the Management Report be received.***

***Hynes/Wallace***

***Carried***

### **7.4 Capital Programme Update**

The Dannevirke Community Board considered the report of Manager – Democracy Services dated 13 December 2023 that provided an update on the capital programme and key project statuses as reported to the Infrastructure, Climate Change and Emergency Management Committee on 15 December 2023, and the Community Development and Wellbeing Committee on 5 December 2023

***That the report from the Manager - Democracy Services dated 13 December 2023 concerning the Capital Programme Update be received.***

***Peeti-Webber/Wallace***

***Carried***

## **8. Reports from Board Representatives Appointed to Organisations and Assigned Responsibilities**

**Chamber of Commerce** – Board member Hynes reported on the success of the Christmas Parade, with 41 entrants. He noted that the After Fives event in February was scheduled to be held at Tararua REAP offices.

**Dannevirke Community Vehicle Trust** – Board member Hynes reported that the last day of service for the community vehicle would be 22 December 2023, and the service would resume on 15 January 2024. He noted that Tararua REAP had been appointed as the service provider for bookings for the vehicle.

Board member Christison noted he had picked up the loose curbing from the State Highway at the north end of Dannevirke.

**Dannevirke Information Centre** – Board member Wallace spoke about the change in booking agency for the community vehicle, and how that had been communicated to the information centre.

**Dannevirke Brass Band** – Board member Wallace reported on recent performances of the band, including at the Christmas Parade.

**Road Safety Committee** – Chairperson Walshe reported on the Road Safety meeting held on 28 November 2023, noting that a speed reduction and installing of traffic calming on Easton Street had been approved. An additional two digital speed signs had also been purchased, bringing the total number for the Tararua District to four. He noted the Police reported on accident statistics, and also reported on the high speeds being recorded in the vicinity of the Queen Street Roundabouts. With regard to the pedestrian crossings on High Street in Dannevirke, Cr Peeti-Webber sought advice on process for recommending to Waka Kotahi that these be re-coloured to a red background, similar to the treatment on some other state highways. In response it was advised that the Board could write to Waka Kotahi and ask that consideration be given to giving prominence to the pedestrian crossings across High Street in Dannevirke, through giving these a red background treatment on the seal.

***That the Dannevirke Community Board write to Waka Kotahi New Zealand Transport Agency requesting that the pedestrian crossings on the State Highway through Dannevirke be given more prominence by using a red background treatment on the road surface.***

***Wallace/Peeti-Webber***

***Carried***

## **9. Correspondence**

### **9.1 Correspondence**

***That the correspondence as listed be received:***

***☐ Message of thanks from Tararua Riding for the Disabled***

***Hynes/Peeti-Webber***

***Carried***

## **10. Items not on the Agenda**

**Seal repairs on Umuatoaroa Road** - Board Member Hynes noted the recent seal repairs on a section of Umuatoaroa Road, and questioned whether this would need to be redone in future. In response it was noted that it was a temporary repair, and generally as the District heats up in the summer sections of road seal will be affected with tar bleeds. The Group Manager – Infrastructure undertook to follow up and provide more information to the Board.

**Acknowledgement of the Community Board** – Board Member Wallace noted the Christmas message in the Bush Telegraph from the Mayor and Councillors, and sought clarification as to whether community board should be included in the acknowledgement. In response the Mayor noted that there were a number of Community Committees as well as the two Community Boards, and there was a need to treat all equitably.

## **11. Chairperson's Remarks**

In closing the Chairperson wished everyone a happy Christmas, and thanked everyone for their efforts over the year.

There being no further business the Chairperson thanked those present for their attendance and contributions, and declared the meeting closed at 10:28am.

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Chairperson



Minutes of a meeting of the Tararua District Council held in the Council Chamber, 26 Gordon Street, Dannevirke on Wednesday 20 December 2023 commencing at 9:30am.

## 1. Present

Her Worship the Mayor - Mrs T H Collis, Crs E L Peeti-Webber (Deputy Mayor), N L Chase, A K Franklin, S M Gilmore, P A Johns, M F Long, K A Sutherland, S A Wallace and S M Wards

### In Attendance

Mr D Batley	- Evergreen Consulting (via Teams)
Mr B Nicholson	- Chief Executive
Mr R Suppiah	- Group Manager – Corporate and Regulatory
Mrs A Small	- Group Manager – Strategy and Community Wellbeing
Mr H Featonby	- Group Manager - Infrastructure
Ms G Nock	- Strategy and Corporate Planning Manager
Ms J Smith	- Legal Counsel and Procurement Manager
Mr P Wimsett	- 3-Waters Transition Manager
Mr M Dunn	- Manager – Programmes and Projects
Mrs S Walshe	- Finance Manager
Ms A Charmley	- Team Leader Planning Services
Mrs A Dunn	- Manager – Democracy Services
Ms G Wingfield-Smith	- Democracy Support Officer

## 2. Council Prayer

The Mayor opened the meeting with the Council Prayer.

## 3. Apologies

There were no apologies.

**4. Public Forum**

Nil

**5. Notification of Items Not on the Agenda**

Nil

**6. Declarations of Conflicts of Interest in Relation to this Meeting's Items of Business**

Cr S Gilmore – District Licensing Committee

Cr K Sutherland – Dannevirke Impound Supply item in public excluded

Mayor Collis – Response to Code of Conduct review in public excluded

Cr P Johns – Response to Code of Conduct review in public excluded

**7. Confirmation of Minutes**

***Recommendation***

***That the minutes of the Council meeting held on 29 November 2023 (as circulated) be confirmed as a true and accurate record of the meeting.***

***Crs Sutherland/Wallace***

***Carried***

**8. Community Boards and Community Committees Reports**

**8.1 Minutes Dannevirke Community Board**

***That the minutes of the Dannevirke Community Board meeting held 20 November 2023 be received.***

***Crs Wards/Peeti-Webber***

***Carried***

**8.2 Minutes Explore Pahiatua Inc**

***That the minutes of the Explore Pahiatua Inc meeting held 05 December 2023, be received.***

***Crs Gilmore/Collis***

***Carried***

**8.3 Minutes Positively Woodville Community Committee**

***That the minutes of the Positively Woodville Community Committee meetings***

*held 07 November 2023, and 05 December 2023, be received.*

*Crs Gilmore/Johns*

*Carried*

8.4 **Minutes Eketahuna Community Board**

*That the minutes of the Eketāhuna Community Board meeting held 11 December 2023 be received.*

*Crs Long/Gilmore*

*Carried*

9. **Reports**

9.1 **Recommendation from Audit and Risk Committee re Adoption of Annual Report 2022-23**

The Tararua District Council considered the report of the Manager – Democracy Services dated 24 November 2023 that presented a recommendation from the extraordinary Audit and Risk Committee meeting held 22 November 2023, that sought adoption of the draft Annual Report for the year ending 30 June 2023.

It was noted that Audit New Zealand were still completing their Audit, and therefore the matter would need to be left lying on the table, for consideration at the 31 January 2024 meeting of Council.

*That the item “recommendation from Audit and Risk Committee re Adoption of Annual Report 2022-23” be left lying on the table, for consideration at the 31 January 2024 meeting of the Tararua District Council.*

*Mayor Collis/Long*

*Carried*

9.2 **Draft Urban Growth Strategy**

The Tararua District Council considered the report of the Team Leader Planning Services dated 13 December 2023 that sought the Council review and feedback on the draft Urban Growth Strategy, outlined the intended consultation process and sought adoption of the draft Urban Growth Strategy for public consultation in February 2024.

Daniel Batley of Evergreen Consulting was in attendance via Teams, and gave a presentation that outlined the key points around the development of the draft Strategy. He noted the ongoing engagement with Iwi partners, further internal review against infrastructure strategies in preparation for the District Plan Review, and will be encouraging people to have their say on the draft Urban Growth Strategy. Following consideration of feedback, and review and amendment of the Strategy, the final document would be submitted to Council for adoption in early April 2024.

*That the report from the Team Leader Planning Services dated 13 December*



***2023 concerning the Draft Urban Growth Strategy be received.***

***That the Council adopt the Draft Urban Growth Strategy for the purposes of public consultation in February 2024.***

***Crs Wards/Johns***

***Carried***

9.3 **Woodville Womens Institute - Proposed Sheltered Seating at Fountaine Square**

The Tararua District Council considered the report of the Group Manager – Strategy and Community Wellbeing dated 14 December 2023 that sought approval for the Woodville Women’s Institute to build a sheltered seating area in Fountaine Square, Woodville, and approval for the structure once built, to be gifted to Tararua District Council.

***That the report from the Group Manager - Strategy & Community Wellbeing dated 14 December 2023 concerning the Woodville Womens Institute - Proposed Sheltered Seating at Fountaine Square be received.***

***That the Council approves the request from Woodville Women’s Institute to build a sheltered seating area within the southern end of Fountaine Square, Suburban Sections 1 & 2 Woodville, pending a discussion with Woodville Women’s Institute regarding position and final design.***

***That the Council approves the request from Woodville Women’s Institute to gift the structure, once built, to Tararua District Council. The Council would then be responsible for the ownership and management of the asset.***

***Crs Gilmore/Johns***

***Carried***

9.4 **Capital Expenditure Carry Forwards from 2022-23**

The Tararua District Council considered the report of the Manager – Programmes and Projects dated 15 December 2023 that outlined the capital expenditure performance for the 2022/23 financial year and sought approval for carry forwards of unspent budgets to the 2023/24 financial year.

***That the report from the Manager - Programmes & Projects dated 15 December 2023 concerning the Capital Expenditure Carry Forwards from 2022-23 be received.***

***That the Council approves the carry forwards as outlined in section 5.1 of the report of the Manager – Programmes & Projects dated 15 December 2023 for addition into the 2023-24 year’s capital budget.***

***Crs Johns/Wards***

***Carried***

9.5 **Appointment of Additional List Member for the District Licensing Committee.**

The Tararua District Council considered the report of the Regulatory Services Manager dated 08 December 2023 that sought Council approval to appoint an additional member to the District Licensing Committee list.

Councillor S Gilmore, having declared an interest took no part in the discussion and did not vote.

***That the report from the Regulatory Services Manager dated 08 December 2023 concerning the Appointment of Additional List Member for the District Licensing Committee. be received.***

***That the Council appoints Scott Gilmore as a member to the list of the Tararua District Licensing Committee.***

***Crs Wards/Franklin***

***Carried***

9.6 **Requests for Information Processed Under Local Government Official Information and Meetings Act 1987**

The Tararua District Council considered the report of the Manager – Democracy Services dated 12 December 2023 that provided information on the requests for information received under the Local Government Official Information and Meetings Act 1987.

***That the report from the Manager - Democracy Services dated 12 December 2023 concerning the Requests for Information Processed Under Local Government Official Information and Meetings Act 1987 be received.***

***Mayor Collis/Long***

***Carried***

**10. Correspondence**

10.1 **Correspondence**

***That the letter of thanks from Caley McNair, recipient of International Representative Grant, be received.***

***Crs Sutherland/Chase***

***Carried***

**11. Portfolio Reports**

- 11.1 Positively Woodville – Councillor Gilmore expressed pleasure at seeing the Positively Woodville meeting minutes included in the Council agenda, and for the agreement for service delivery between the Council and Positively Woodville being formalised. He thanked Positively Woodville for the work they were doing

for the community.

- 11.2 Pongaroa Way to Go – Councillor Wards noted that she attended the final meeting of the year for Pongaroa Way to Go, where they discussed the impact of Cyclone Gabrielle and conveyed thanks to Council members, staff and contractors for their support through the year.
- 11.3 Woodville Lions Club – Councillor Johns thanked Council for its support for the Walk the New Highway event, noting all tickets had sold out. He asked that thanks be passed on to the staff at the iSite for the work they had put in to supporting this event.
- 11.4 Norsewood Cemetery – Councillor Wallace sought information on ground investigations.

## 12. Mayoral Matters

- 12.1 Her Worship the Mayor noted that it had been an incredibly tough year, with inflation and insurance cost rises, the impact from Cyclone Gabrielle, long term plan work, and hoped everyone was looking forward to a break. She thanked and acknowledged everyone for their hard work this year. She spoke about the success of the Christmas parades in the towns and how fantastic the towns looked with their festive Christmas light displays. She noted that in 2024 a report would be brought to Council with regarding to Cyclone Gabrielle funding support.

## 13. Items not on the Agenda

Nil

## 14. Public Excluded Items of Business

*That the public be excluded from the following parts of the proceedings of this meeting, namely:*

***Dannevirke Impounded Supply - Public Works Act Compensation for Land Access***

***Response to Code of Conduct Investigation***

***Chief Executive's Annual Review***

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

<b><i>General subject matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under section 48(1) for the passing of this resolution</i></b>

<b><i>Dannevirke Impounded Supply - Public Works Act Compensation for Land Access</i></b>	<b><i>To protect commercial and industrial negotiations</i></b>	<b><i>&lt;Section (1)(a)(i)</i></b>
<b><i>Response to Code of Conduct Investigation</i></b>	<b><i>To protect the privacy of natural persons</i></b>	<b><i>&lt;Section (1)(a)(i)</i></b>
<b><i>Chief Executive's Annual Review</i></b>	<b><i>To protect the privacy of natural persons</i></b>	<b><i>&lt;Section (1)(a)(i)</i></b>

***This resolution is made in reliance on Section 48 (1) (a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:***

- s7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).***
- s7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.***

***Mayor Collis/Chase***

***Carried***

The meeting went into public excluded session at 10:47am and resumed open business at 2:14pm.

There being no further business the Mayor thanked those present for their attendance and contributions, and declared the meeting closed at 2:15pm.

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Mayor



Minutes of a meeting of the Tararua District Council held in the Council Chamber, 26 Gordon Street, Dannevirke on Wednesday 31 January 2024 commencing at 1:00pm.

**1. Present**

Her Worship the Mayor - Mrs T H Collis, Crs E L Peeti-Webber (Deputy Mayor), N L Chase, A K Franklin, S M Gilmore, M F Long, K A Sutherland, S A Wallace and S M Wards

**In Attendance**

Mr B Nicholson	- Chief Executive
Mr R Suppiah	- Group Manager – Corporate and Regulatory
Mrs A Small	- Group Manager – Strategy and Community Wellbeing
Mr H Featonby	- Group Manager – Infrastructure
Ms F Chase	- Manager – Facilities
Ms T Hales	- Communications & Engagement Advisor – Recovery
Mrs A Dunn	- Manager – Democracy Services
Ms G Wingfield-Smith	- Democracy Support Officer

**2. Council Prayer**

The Mayor opened the meeting with the Council Prayer.

**3. Apologies**

*That the apology from Councillor P A Johns be accepted and leave of absence granted for the meeting.*

*Mayor Collis/Cr Wards*

*Carried*

**4. Notification of Items Not on the Agenda**

Nil

**5. Declarations of Conflicts of Interest in Relation to this Meeting's Items of Business**

Nil

**6. Confirmation of Minutes**

*That the minutes of the Council meeting held on 20 December 2023 (as circulated) be confirmed as a true and accurate record of the meeting.*

*Crs Peeti-Webber/Franklin*

*Carried*

**7. Community Boards and Community Committees Reports**

**7.1 Dannevirke Community Board Minutes**

*That the minutes of the Dannevirke Community Board meeting held 18 December 2023 be received.*

*Crs Wards/Peeti-Webber*

*Carried*

**8. Reports**

**8.1 Tararua District Council - Code of Conduct for Elected Members**

The Tararua District Council considered the report of the Manager – Democracy services dated 21 January 2024 that presented an updated Code of Conduct to elected members for consideration and adoption.

Members discussed whether to include in the Code of Conduct the requirement for any recommendation from an independent investigator to be binding upon the Council and proposed amending the Code so that any actions proposed by an independent investigator in response to a breach of the Code of Conduct would be recommended to Council for discussion and agreement on next steps to be taken.

*That the Tararua District Council adopts the Code of Conduct appended to the report of the Manager – Democracy Services dated 21 December 2023 with an amendment to change references to requirements for any recommendations made by an Independent Investigator to be binding on the Council, to recommendations made by an Independent Investigator to be reported to Council for formal consideration.*

*Crs Gilmore/Wards*

*Carried*

*Councillor S A Wallace abstained from voting*

***That the report from the Manager - Democracy Services dated 21 December 2023 concerning the Tararua District Council - Code of Conduct for Elected Members be received.***

***That the Tararua District Council agrees to include the requirement for elected members who are undischarged bankrupts to disclose that fact, as set out in Clause 15(5) of Schedule 7 of the Local Government Act 2002.***

***Crs Franklin/Chase***

***Carried***

## **9. Public Forum – James Beard**

- 9.1 Mr James Beard spoke to the Council about transportation matters. He suggested that passenger rail be made available from Masterton to Dannevirke. He spoke about the distance to travel from Alfredton to Castlepoint, and noted it was a 40km shorter journey to travel via Castle Hill Road. He proposed that the Council work with the Masterton District Council and Waka Kotahi to have the unsealed portions of that road sealed. He circulated a copy of a map of the area he was speaking about.

## **10. Reports - Continued**

### **10.2 Requests for Information Processed Under Local Government Official Information and Meetings Act 1987**

The Tararua District Council considered the report of the Manager – Democracy Services dated 10 January 2024 that provided information on the requests for information received under the Local Government Official Information and Meetings Act 1987.

***That the report from the Manager - Democracy Services dated 10 January 2024 concerning the Requests for Information Processed Under Local Government Official Information and Meetings Act 1987 be received.***

***Crs Wallace/Gilmore***

***Carried***

### **10.3 Mayoral Relief Fund - Criteria**

The Tararua District Council considered the report of the Chief Executive dated 24 January 2024 that discussed changes to the Mayoral Relief Fund criteria.

***That the report from the Chief Executive dated 24 January 2024 concerning the Mayoral Relief Fund - Criteria be received.***

***That the Council note the change in the grant criteria to allow for grants up to the following limits:***

***\$10,000 for individuals; and***

***\$30,000 for Community Groups, farmers, businesses including sole-entrepreneurs, and marae.***

***Crs Wards/Wallace***

***Carried***

## **11. Portfolio Reports**

- 11.1 Akitio / Pongaroa: Councillor Wards noted the attendance of officers over the Christmas / New Year period to address the water supply issues at Akitio, and thanked all that were involved in assisting to address the issues, including the local residents and the Akitio Ratepayers Association. She asked that a report be provided to the Infrastructure, Climate Change and Emergency Management Committee on a review of the matter. She also noted the repairs made to the roading in Pongaroa.
- 11.2 Woodville: Councillor Gilmore spoke about the Walk the New Highway event held in January that had over 1,500 people walking Te Ahu a Turanga route. He asked that thanks be passed to the iSite officers for their work in handling the ticketing for the event. He spoke about the exhibition at Rinitawa, showcasing young artists, and also the Woodville Motorcross event, noting this event was in its 61<sup>st</sup> year.
- 11.3 Norsewood: Councillor Wallace noted he was working with a group on improving communications in Norsewood. He noted the upcoming A&P Show in Dannevirke, and the Viking Festival in Norsewood, scheduled for 3 and 4 February 2024. He acknowledged the success of the radio controlled vehicles event held recently.
- 11.4 Passenger Transport: Councillor Franklin advised she was arranging a meeting with Horizons Regional Councillor Benbow. She spoke about the organising for the event to commemorate the 80<sup>th</sup> anniversary of the Polish Children being sent to Pahiatua during World War II that was currently underway.

## **12. Mayoral Matters**

- 12.1 Her Worship the Mayor noted the shearing successes with the World Records set in the District.

## **13. Items not on the Agenda**

Nil

## **14. Public Excluded Items of Business**

***That the public be excluded from the following parts of the proceedings of this meeting, namely:***



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

<i>General subject matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>Confirmation of minutes – Council meeting held 20 December 2023</i>	<i>To protect the privacy of natural persons; and To protect commercial and industrial negotiations</i>	<i>&lt;Section (1)(a)(i)</i>
<i>Revocation and Replacement of Resolution re Chief Executive's Annual Review</i>	<i>To protect the privacy of natural persons</i>	<i>As above</i>

*This resolution is made in reliance on Section 48 (1) (a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:*

- s7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.*
- s7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).*

*Crs Chase/Peeti-Webber*

*Carried*

The meeting went into public excluded session at 2:12pm and resumed open session at 2:45pm.

There being no further business the Mayor thanked those present for their attendance and contributions, and declared the meeting closed at 2:45pm.

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Mayor





## Report

Date : 13 February 2024

To : Chairperson and Board Members  
Dannevirke Community Board

From : Allie Dunn  
Manager - Democracy Services

Subject : **Consultation on Draft Urban Growth Strategy**

Item No : **8.1**

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### 1. Recommendation

- 1.1 *That the report from the Manager - Democracy Services dated 07 February 2024 concerning the Consultation on Draft Urban Growth Strategy be received.*

### 2. Reason for the Report

- 2.1 To inform the Dannevirke Community Board about the draft Urban Growth Strategy that is open for public comment from Monday 5 February 2024 until Tuesday 5 March 2024 and seek their assistance in obtaining feedback from the community.

### 3. Background

- 3.1 At its meeting in December 2023, the Council adopted the draft Urban Growth Strategy for the purpose of public consultation.
- 3.2 The draft Urban Growth Strategy is available to download from Council's website, along with feedback forms, and hardcopies are available to view at Council's service centres and libraries.

### 4. Discussion

- 4.1 Tararua has begun to experience increased population growth, with an increased demand for land for development. Therefore, Council have developed a Draft Urban Growth Strategy to establish clear, effective direction for the management

of projected residential, commercial and industrial growth within the Tararua District over the next 30 years.

- 4.2 Until now, growth has been largely opportunistic, with a lack of clear direction. Many opportunities to improve infrastructure and community wellbeing aren't easily obtained, and there's a risk of the district being made up of disconnected and poorly integrated development. We've also seen the loss of rural land to ad-hoc subdivision, with little focus on connected communities or sustainable environmental outcomes.
- 4.3 Therefore, the Draft Urban Growth Strategy has been developed to help Council understand the district's growth requirements, outline the challenges faced with increased housing demand, and provide recommendations for how these demands can be met efficiently and effectively.
- 4.4 The Draft Urban Growth Strategy is open for public comment from Monday 5 February 2024 until Tuesday 5 March 2024.
- 4.5 The Council will be hosting feedback sessions at each town centre over February (Dannevirke's on Thursday 15 February at the Dannevirke Library in Station Street, from 5:00pm to 7:00pm).
- 4.6 For anyone not able to attend the Dannevirke feedback session, they can call the Council on 06 374 4080 and let the team know that they wish to speak to someone regarding the Draft Urban Growth Strategy 2024-54. Alternatively they can email [growthstrategy@tararua.govt.nz](mailto:growthstrategy@tararua.govt.nz) to find out more.
- 4.7 Further information can also be read on the Council's website, where the answers to "Frequently Asked Questions" about the draft Urban Growth Strategy are provided. We encourage Board members to familiarise themselves with this information to assist in responding to questions you'll receive from the community. You'll find this information under the "Have Your Say" tab on the home page, and follow the link to Draft Urban Growth Strategy 2024-54.

## **5. Conclusion**

- 5.1 Following the close of feedback in early March, all comments received will be considered prior to finalising the Urban Growth Strategy for adoption by Council in April 2024. Once adopted, the recommendations from the Urban Growth Strategy will be taken through the District Plan review process.
- 5.2 The Board is asked to assist with encouraging community involvement in providing comment on the draft Urban Growth Strategy.

## **Attachments**

Nil.





## Report

Date : 13 February 2024

To : Chairperson and Board Members  
Dannevirke Community Board

From : Allie Dunn  
Manager - Democracy Services

Subject : **Dannevirke Community Board - General Assistance Grants Scheme 2024**

Item No : **8.2**

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### **1. Recommendation**

- 1.1 *That the report from the Manager - Democracy Services dated 10 January 2024 concerning the Dannevirke Community Board - General Assistance Grants Scheme 2024 be received.*
- 1.2 *That the Dannevirke Community Board advertises the availability of the General Assistance Grants Scheme for 2024 and invites applications for funding.*
- 1.3 *That the closing date for applications for funding be 25 March 2024.*

### **2. Reason for the Report**

- 2.1 To seek a decision of the Board to advertise the availability of its General Assistance Grants Scheme and invite applications for funding from the community.

### **3. Background**

- 3.1 The Community Board has a discretionary funding budget, from which the Board operates a General Assistance Grants Scheme.
- 3.2 Each February the Board reviews its criteria for the grants scheme, and advertises the availability of the scheme, inviting applications for funding.
- 3.3 Applications for discretionary funds can be submitted to the Board all year round for projects and events, maintenance of a facility, and to offset fixed operational costs.

- 3.4 Assistance through the Grants Scheme is available for up to 50% of project or maintenance/fixed operational costs.
- 3.5 In the Guidelines it is noted that the Board reserves the right to adjust the guidelines for any specific application.
- 3.6 A copy of the current General Assistance Grants Scheme guidelines for applicants is attached for information.

#### **4. Description**

- 4.1 Prior to advertising the scheme and inviting applications, a review of the grants scheme is sought.
- 4.2 Funding for the General Assistance Grants Scheme is budgeted for through the Long-term Plan process, and is rate funded.
- 4.3 In the 2023 General Assistance Grants Scheme round, the Board received fifteen applications for funding, approving a total of \$19,553.63 in funding.
- 4.4 The budget from which the General Assistance Grants Scheme is funded also covers annual operational grants for some community organisations, the annual Wackrow Youth Awards, the annual cost of maintaining the community sign on the Dannevirke Town Hall, and support for printing and delivering flyers for the annual Spring Festival. The estimated costs are set out in the tables below.

<b>Annual Operational Grants Made</b>		
<b>Organisation</b>	<b>Purpose of grant</b>	<b>Amount granted</b>
Dannevirke Community Patrol	Annual operational grant (paid April 2023)	\$700.00
<b>Total</b>		\$700.00

- 4.5 The annual costs of the Wackrow Youth Awards include the prize money awarded, the hire of the event venue, catering and engraving of the Trophy.

<b>Wackrow Youth Awards</b>	
<b>Item</b>	<b>Cost</b>
Prize money: First, second and third	\$1,000.00
Catering - estimate	\$400.00
Engraving of Trophy	\$100.00



<b>Wackrow Youth Awards</b>	
<b>Item</b>	<b>Cost</b>
Venue and equipment hire	\$500.00
Certificate frames	\$30.00
<b>Total</b>	<b>\$2,030.00</b>

- 4.6 The estimated annual costs for power and administration costs for the community information sign on the Dannevirke Town Hall are:

<b>Community Information Sign on Dannevirke Town Hall</b>	
<b>Item</b>	<b>Cost</b>
Estimated power and administration costs – electronic sign	\$650.00
<b>Total</b>	<b>\$650.00</b>

- 4.7 The estimated annual costs for printing and delivery of flyers for the Spring Festival are:

<b>Spring Festival</b>	
<b>Item</b>	<b>Cost</b>
Spring Festival flyers	\$700.00
Flyer deliveries	\$500.00
<b>Total</b>	<b>\$1,200.00</b>

- 4.8 The Dannevirke Community Board also provides support for the installation of the Christmas Lights in High Street, Dannevirke, and the traffic management and road closures for the annual Dannevirke Christmas Parade, these costs are funded through a separate budget, not from the Board's discretionary funds.

- 4.9 Following is reconciliation of the discretionary fund account:

	\$	\$
Approved budget 2023-24		\$29,100.00
Less expenditure 1 July 2023 to 31 December 2023	\$18,884.39	
Balance available for allocation		\$10,215.61

The following tables provide an overview of the grants approved by the Board along with payments made from its discretionary fund over the 2023 calendar year.

Grants paid:

Date	Paid to	Purpose	Amount
31/07/2023	Tararua Aquatic Community Trust	Grant towards learn to swim costs	\$295.13
31/08/2023	Dannevirke Combined Indoor Bowling Club	Grant	\$138.00
31/10/2023	Ruahine School Parents for Kids Committee	Grant	\$434.78
31/10/2023	Dannevirke Regent Cinema Incorporated	Grant towards movie license fees	\$3,043.47
31/10/2023	Rua Roa Community Hall Soc Inc	Grant	\$3,478.26
30/11/2023	Dannevirke Sports Club	Grant	\$753.50
30/11/2023	Tararua Riding For The Disabled	Grant	\$3,478.26
30/11/2023	Dannevirke and Districts Association A&P	Grant	\$2,251.49
31/12/2023	Dannevirke Fantasy Cave Charitable Trust	Grant	\$1739.13
31/01/2024	Central & Southern Hawkes Bay	Grant for 2024 Equestrian Event`	\$434.78

Date	Paid to	Purpose	Amount
	Showjumping Group		

Payments/reimbursements:

Date	Purpose	Amount
July 2023 – September 2023	Wackrow costs	\$2,453.03
30/11/2023	Armistice Day Wreath	\$156.52

## 5. Significance Assessment

- 5.1 The Council's Significance and Engagement Policy is not triggered by matters raised in this report.

## 6. Assessment of Options

- 6.1 This report is brought before the Board to provide general background to the discretionary fund and the General Assistance Scheme that has been operated from that budget, and to seek a decision from the Board to advertise the availability of the grants scheme and seek applications for funding from the community.
- 6.2 Prior to advertising the availability of the grants scheme and inviting applicants, the Board is asked to consider the General Assistance Grants Scheme criteria and decide whether it wishes to make any changes to the criteria against which applications for funding are assessed.
- 6.3 Once reviewed and confirmed, the availability of the grants scheme would be publicly notified and applications for funding sought from members of the community.
- 6.4 It is proposed that closing date for applications for funding be 25 March 2024 and applications that are received be considered by the Board at its 15 April 2024 meeting.

## 7. Consultation

- 7.1 There are no community consultation requirements associated with matters addressed in this report. The availability of the General Assistance Grants scheme is intended to be publicly notified as part of seeking applications for funding from the community.

## **8. Conclusion**

- 8.1 The Board is asked to note the balance available in the discretionary funding budget, and that any applications for funding would be discussed with the Community Development Team to assess whether any external funding agency could fund the request, and for organisations applying for funding, whether there were wider funding needs for that organisation that assistance could be sought for.

## **Attachments**

- 1 [!\[\]\(633dd45d48d71eb51a85c6dd83ee51e9\_img.jpg\)](#). Application Form and Guidelines - General Assistance Grants Scheme - 2022-23 - Dannevirke Community Board



## **DANNEVIRKE COMMUNITY BOARD**

### **General Assistance Grants Scheme**

### **Application Form**

Send Your Application to:

The Manager – Democracy Services, Tararua District Council

Post: P O Box 115, Dannevirke 4942

Deliver: 26 Gordon Street, Dannevirke

Or scan and email to: [governance@tararua.govt.nz](mailto:governance@tararua.govt.nz)

**Applications Close: 31 March 2023 at 5.00pm**



**DANNEVIRKE COMMUNITY BOARD**  
**General Assistance Grants Scheme**  
**Application Form**

1. Name of organisation:  
\_\_\_\_\_
2. Contact Person:  
\_\_\_\_\_ Phone No. \_\_\_\_\_
3. Postal and Email Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Number of members in your organisation: \_\_\_\_\_
5. Objectives of your organisation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Is your organisation a legally constituted society or trust? Yes / No
7. If your club/organisation is registered for GST, please supply your GST number:  
\_\_\_\_\_

8. Describe the project for which you are seeking financial assistance:

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9. Please detail complete cost of the project and attach written quotes where the project involves either labour and/or material costs.

	\$
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
Total Cost:	\$ <hr/>

10. How much are you applying to this fund for? \$ 

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11. Please show where the remainder will come from: \$

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

12. Have you received any funding from the Creative Communities Scheme or other Government Agency in the past three years? Yes / No

Please give details:	\$
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

13. Outline how your project will benefit the community:

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14. Please add any further information you consider may assist your application:

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15. Please enclose your latest Balance Sheet or Statement of Income and Expenditure that has been reviewed independently, and attach a deposit slip or verification from your bank regarding the details of your account for payment of any funding that may be granted:

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16. I hereby declare the above information is correct and if our application is successful, agree to complete a certificate stating how the money has been spent:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Designation: \_\_\_\_\_

Check List (To Be Completed By The Applicant)

To ensure that this application is eligible for consideration the following must be provided:

1) All questions have been answered	(tick) <input type="checkbox"/>
2) Requests for funding do not exceed half of the project's total cost	<input type="checkbox"/>
3) Written quotes for labour and/or material costs are attached	<input type="checkbox"/>
4) Latest Balance Sheet or Statement of Income and Expenditure is enclosed that has been reviewed independently, and a bank deposit slip or verification from your bank of account details for payment of any funding granted is attached	<input type="checkbox"/>





## **DANNEVIRKE COMMUNITY BOARD**

### **GENERAL ASSISTANCE GRANTS SCHEME**

#### **GUIDELINES FOR APPLICANTS**

1. Assistance will only be available for locally recognised organisations whose principal functions and/or activities are of a community or charitable nature.
2. Financial assistance will only be available for a specific project or projects, or for the maintenance of a facility.
3. Only one grant per organisation will be available in any financial year.
4. Funding will **not** be available for the following:
  - \* subsidise subscriptions or rents
  - \* wages and salaries
  - \* reduce debt load i.e. debts already incurred
  - \* schools and early childhood educational facilities
5. No assistance is to exceed half of project or maintenance costs.
6. Applications will not be considered unless accompanied by a balance sheet or statement of income and expenditure for the current financial year that has been reviewed independently.
7. Applications must be made on the form available.
8. Applications will be considered on merit.
9. The Community Board reserves the right to adjust the guidelines for any specific application.
10. Late applications will not be considered or carried forward.
11. Written quotes **must** be provided from suppliers to support any application seeking financial assistance for a project that involves either labour and/or material costs.
12. All funds granted from this Scheme must be uplifted within twelve months of the date of the approval being advised. After this time the offer of funding shall lapse unless the Board gives its consent to a request from the applicant to carry forward for a specified period the amount allocated.



## **CERTIFICATE**

Please complete and return to:

The Manager – Democracy Services  
Tararua District Council

Post: P O Box 115, Dannevirke 4942  
Deliver: 26 Gordon Street, Dannevirke  
Email: governance@taruadc.govt.nz

I hereby certify that the amount of \$\_\_\_\_\_ received under the Dannevirke Community Board's General Assistance Grants Scheme for the 2022-2023 financial year.

☐

Has been expended - Receipt(s) of payment or an invoice  
detailing the items purchased must  
be attached

\_\_\_\_\_  
(state project)

NAME OF ORGANISATION; \_\_\_\_\_

SIGNATORIES;

\_\_\_\_\_  
(Chairperson)

\_\_\_\_\_  
(Secretary)

DATE

\_\_\_\_\_



## Report

Date : 13 February 2024  
To : Chairperson and Board Members  
Dannevirke Community Board  
From : Allie Dunn  
Manager - Democracy Services  
Subject : **Application for Funding**  
Item No : **8.3**

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### 1. Recommendation

1.1 *That the report from the Manager - Democracy Services dated 18 January 2024 concerning the Application for Funding be received.*

#### ***EITHER***

1.2 *That the Dannevirke Community Board hold consideration of the application from the Makotuku Progressive Association until the end of the advertised funding round in March 2024, and consider the application alongside other applications for funding made through that process.*

#### ***OR***

1.3 *That the Dannevirke Community Board grant \$..... to the Makotuku Progression Association towards the costs of upgrading the ladies' bathroom in the Makotuku Hall.*

#### ***OR***

1.4 *That the Dannevirke Community Board decline to make a grant to the Makotuku Progression Association towards the costs of upgrading the ladies bathroom in the Makotuku Hall.*

## **2. Reason for the Report**

- 2.1 To present to the Board an application received for funding under the General Assistance Grants Scheme, for consideration and decision.

## **3. Background**

- 3.1 The Community Board has a discretionary funding budget, from which the Board operates a General Assistance Grants Scheme.
- 3.2 Each February the Board advertises the availability of the scheme, inviting applications for funding. In 2023 the Dannevirke Community Board received fifteen applications for funding, approving a total of \$19,553.63 in grants.
- 3.3 In addition to the February/March funding round, applications for discretionary funds can be submitted all year round for projects and events, maintenance of a facility and to offset fixed operational costs.

## **4. Assessment of options**

- 4.1 Funding for the General Assistance Grants Scheme is budgeted for through the Long-term Plan process, and is rate funded. As well as being used as a fund from which the Board makes community grants, this budget is also used for general costs in administering the Board's business. For example, costs such as purchase of a wreath for Anzac Day and administering the Wackrow Memorial Youth Awards.
- 4.2 The Dannevirke Community Board has for consideration on this agenda an item seeking the Board's agreement to advertising of the availability of the grants fund for its annual General Assistance Grants scheme funding round.
- 4.3 The Board has the option of holding the grant application from Makotuku Progressive Association over for consideration with applications that will be made through the advertised funding round.

## **5. Applications Received**

### **5.1 Application for Funding – Makotuku Progressive Association**

- 5.1.1 An application for funding has been received from the Makotuku Progressive Association seeking a contribution towards upgrading the ladies' toilets in the Makotuku Hall including changing internal partitions to allow wheelchair access.
- 5.1.2 Makotuku Progressive Association advise they are continuously working towards keeping the Hall in good condition for the benefit of the whole community.
- 5.1.3 The association are seeking a contribution of \$1,000.

## **6. Significance Assessment**

- 6.1 The Council's Significance and Engagement Policy is not triggered by matters raised in this report.

## **7. Consultation**

- 7.1 There are no community consultation requirements associated with matters addressed in this report.

## **8. Conclusion**

- 8.1 The Board is asked to note the balance available in the discretionary funding budget and give consideration to whether to make a decision on the application before it at this meeting, or to hold over consideration of the application until the advertised funding round closes.

## **Attachments**

1. [Guidelines - General Assistance Grants Fund Dannevirke Community Board 2023-24](#)
2. [Application for funding - Makotuku Progressive Association](#)
3. [Annual accounts - Makotuku Progressive Association - January 2024](#)
4. [Makotuku Application for funding documentation - January 2024](#)



## DANNEVIRKE COMMUNITY BOARD

### GENERAL ASSISTANCE GRANTS SCHEME

#### GUIDELINES FOR APPLICANTS

1. Assistance will only be available for locally recognised organisations whose principal functions and/or activities are of a community or charitable nature.
2. Financial assistance will only be available for a specific project or projects, or for the maintenance of a facility.
3. Only one grant per organisation will be available in any financial year.
4. Funding will **not** be available for the following:
  - \* subsidise subscriptions or rents
  - \* wages and salaries
  - \* reduce debt load i.e. debts already incurred
  - \* schools and early childhood educational facilities
5. No assistance is to exceed half of project or maintenance costs.
6. Applications will not be considered unless accompanied by a balance sheet or statement of income and expenditure for the current financial year that has been reviewed independently.
7. Applications must be made on the form available.
8. Applications will be considered on merit.
9. The Community Board reserves the right to adjust the guidelines for any specific application.
10. Late applications will not be considered or carried forward.
11. Written quotes **must** be provided from suppliers to support any application seeking financial assistance for a project that involves either labour and/or material costs.
12. All funds granted from this Scheme must be uplifted within twelve months of the date of the approval being advised. After this time the offer of funding shall lapse unless the Board gives its consent to a request from the applicant to carry forward for a specified period the amount allocated.

13. In the event a grant recipient is unable to use the funds for the purpose agreed, the grant recipient is to advise in writing of the reason for not being able to utilise the funds for the purpose granted and return the funds to the Council for crediting to the Community Board's grants fund. The recipient could then apply for funding from the Board for a different purpose.



**DANNEVIRKE  
COMMUNITY BOARD**

**General Assistance Grants Scheme**

**Application Form**

Send Your Application to:

The Manager – Democracy Services, Tararua District Council

Post: P O Box 115, Dannevirke 4942

Deliver: 26 Gordon Street, Dannevirke

Or scan and email to: [governance@tararua.govt.nz](mailto:governance@tararua.govt.nz)





**DANNEVIRKE COMMUNITY BOARD**  
**General Assistance Grants Scheme**  
**Application Form**

1. Name of organisation:  
Makotuku Progressive Association
2. Contact Person:  
Margaret Streater Phone No. 06 3741762  
(Treasurer) or 027 682 5820
3. Postal and Email Address  
c/- 35 Newling Road, R.D.7, Dannevirke, 4977  
makotukuhall@gmail.com  
or streaterm2@gmail.com
4. Number of members in your organisation: approx 100 residents
5. Objectives of your organisation:  
The operation and maintenance of the  
Makotuku Hall.
6. Is your organisation a legally constituted society or trust? ~~Yes~~ / No
7. If your club/organisation is registered for GST, please supply your GST number:  
not registered

8. Describe the project for which you are seeking financial assistance:

We are intending to upgrade the ladies toilets in the hall including changing internal partitions to allow wheel chair access

9. Please detail complete cost of the project and attach written quotes where the project involves either labour and/or material costs.

Mitre 10 quote	\$
2x toilet suites handbasins	
o grab rails	1154.16
Internd wall boards, paint + plumbing	3000.00
Total Cost:	\$4,154.16

10. How much are you applying to this fund for?

\$1,000.00

11. Please show where the remainder will come from:

\$3,000.00

We have qualified tradesmen donating some labour. The materials will come from donations and hall funds

12. Have you received any funding from the Creative Communities Scheme or other Government Agency in the past three years? Yes / No

Please give details:

\$


13. Outline how your project will benefit the community:

We are continuously working towards keeping the Makotuku Hall in good condition for the benefit of the whole community

14. Please add any further information you consider may assist your application:

The hall is currently used fortnightly by a pool & darts group and a 'mens' group also has a weekly get together in the hall - men from the wider district - Ormondville, Matamau - Norsewold also join in.

15. Please enclose your latest Balance Sheet or Statement of Income and Expenditure that has been reviewed independently, and attach a deposit slip or verification from your bank regarding the details of your account for payment of any funding that may be granted: ✓

\_\_\_\_\_  
\_\_\_\_\_

16. I hereby declare the above information is correct and if our application is successful, agree to complete a certificate stating how the money has been spent:

Signed: M. D. Treaster

Date: 18/1/2024

Designation: Treasurer

Check List (To Be Completed By The Applicant)

To ensure that this application is eligible for consideration the following must be provided:

- |   |          |
|---|----------|
| 1) All questions have been answered   | (tick) ✓ |
| 2) Requests for funding do not exceed half of the project's total cost  | ✓        |
| 3) Written quotes for labour and/or material costs are attached   | ✓        |
| 4) Latest Balance Sheet or Statement of Income and Expenditure is enclosed that has been reviewed independently, and a bank deposit slip or verification from your bank of account details for payment of any funding granted is attached | ✓        |

Makotuku Progressive Association									
Annual Financial Statements:									
1st October 2020 - 30th September 2021			1st October 2021 - 30th September 2022			1st October 2022-30th September 2023			
OPERATING ACCOUNT			OPERATING ACCOUNT			OPERATING ACCOUNT			
Opening balance		\$1,282.06	Opening balance		\$1,140.01	Opening balance	1/10/2022		\$3,794.08
<b>Plus DEPOSITS</b>			<b>Plus DEPOSITS</b>			<b>Plus DEPOSITS</b>			
Social Club	\$679.00		Social Club	\$701.00		Social Club	\$645.00		
Friends of the Hall	\$800.00		Friends of the Hall	\$750.00		Cardi Club	\$52.00		
Raffles	\$130.00		Raffles (firewood)	\$149.00		Hall hire	\$150.00	\$847.00	
Donations	\$150.00		Donations	\$1,200.00		Raffle		\$105.00	
Hall hire	\$876.00		Hall hire	\$265.00		E & C grant		\$1,000.00	
Dinner	\$1,365.00		Dinner	\$1,145.00		Mid winter dinner		\$1,130.00	
Interest	\$75.91	\$4,075.91	Interest	\$1.76		Interest		\$58.19	
			Car Rally luncheon	\$1,110.00		Friends of the hall		\$50.00	
		\$5,357.97	Social evening	\$150.00	\$5,471.76	Car boot sale		\$258.00	\$3,448.19
					\$6,611.77				\$7,242.27
<b>Less EXPENSES</b>			<b>Less Expenses</b>			<b>Less Expenses</b>			
Meridian	\$1,410.89		Meridian	\$923.55		Meridian		\$1,479.01	
Caterers - Dinner	\$1,040.00		Firewatch	\$148.35		Firewatch		\$216.20	
Bank fees	\$0.60		Bank fees	\$1.30		Bank fee		\$0.40	
Rates	\$158.75		Rates	\$173.57		Rates		\$186.40	
Insurance	\$1,607.72	\$4,217.96	Insurance	\$1,570.92	<b>-\$2,817.69</b>	Insurance		\$1,585.60	
<b>Closing balance</b>		<b>\$1,140.01</b>	Closing balance		<b>\$3,794.08</b>	Cutlery		\$350.00	<b>-\$3,817.61</b>
									\$3,424.66
<b>LONG TERM MAINTENANCE A/C</b>	<b>\$8,204.69</b>	<b>LONG TERM MAINTENANCE A/C</b>	<b>\$8,299.36</b>	<b>LONG TERM MAINTENANCE A/C</b>	<b>\$8,578.42</b>				

MITRE 10





## Report

Date : 13 February 2024

To : Chairperson and Board Members  
Dannevirke Community Board

From : Allie Dunn  
Manager - Democracy Services

Subject : **Roading decision making process**

Item No : **8.4**

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### 1. Recommendation

- 1.1 ***That the report from the Manager - Democracy Services dated 31 January 2024 concerning the Roothing decision making process be received.***

### 2. Reason for the Report

- 2.1 To inform the Board of the process for setting Council's roading programme and funding, in order to assist Board Members with responding to enquiries from the community.

### 3. Background

- 3.1 The current Long Term Plan runs from 1 July 2021 to 30 June 2024. The next Long Term Plan is being developed for public consultation, and will take effect from 1 July 2024. The Long Term Plan sets the basis for the Council's work programme, and funding requirements, for the coming three years.
- 3.2 For years 2 and 3 of the Long Term Plan the Council develops an Annual Plan to check the budgetary requirements for the levels of service and outcomes set during the Long Term Plan process. If significant changes from what had been agreed through the Long Term Plan had arisen in the Annual Plan, then the Council engages and consults with the community on those changes.
- 3.3 For year 2 of the Long Term Plan, 1 July 2022 to 30 June 2023, there were no significant change, therefore the Council did not consult. However, for year 3 of



the Long Term Plan, 1 July 2023 to 30 June 2024, there were significant changes which saw Council consulting with the community, prior to adopting the Annual Plan for that year. The final version of the Annual Plan for the 2023-24 year included changes that were made based on submissions received on the draft Annual Plan.

#### **4. Discussion**

- 4.1 Tararua District Council manages 1,971 kms of local roads which includes almost 500 bridges and large culverts and tens of thousands of other assets through the subsidised funding supplied by Waka Kotahi – NZTA.
- 4.2 Over two-thirds of the costs are paid by Waka Kotahi – NZTA, with rates funding local share of the remainder.
- 4.3 The budgets are locked in three yearly with Waka Kotahi and via Council's Long Term Plan, and at a more detailed level each year through the Annual Plan.
- 4.4 The decision making on the specifics of what, where, when and how much work is performed on our roads is done on our behalf by the Tararua Alliance. They use industry best practice asset management to assess network need to prioritise the spend of the available budgets in accordance with Waka Kotahi guidelines and rules, and plan their activities to achieve the outcomes and expectations given to them through the Long Term Plan and Annual Plan processes.
- 4.5 Work programmes are generally on either a planned or reactive basis. The major works are planned out for at least an entire year in advance and follow the lifecycle management principles for each asset class. There is a cyclic maintenance programme for things like grading, mowing, spraying, street sweeping etc, and a small portion of reactive funding. That small amount is reserved for very minor issues such as significant safety or imminent failure issues as assessed by the Tararua Alliance roading engineers.
- 4.6 Whenever issues are identified by the public via a CRM the issue is assessed to determine whether it is part of a major planned workflow, whether it fits as part of a cyclic programme or whether it is a safety / imminent failure reactive problem.
- 4.7 If it doesn't fit within those criteria, it means it is work that has not reached the threshold the roading engineers require to action and is unbudgeted. This doesn't mean the work cannot be done, it just means the Tararua Alliance and Council do not have the mandate to do the work based on the current Annual Plan and Long Term Plan.
- 4.8 We encourage anybody who has a roading issue end up in this space to put a submission into the Long Term Plan and/or the Annual Plan to encourage Elected Members to endorse and approve extra rate payer funding for that project.
- 4.9 Example:



A scout group committee requests that a speed bump be installed outside their hall because they believe there are people speeding in the area and so they put in a CRM request. As it is a project not budgeted for in the Annual Plan or Long Term Plan, it does not meet Waka Kotahi requirements for safety funding and as the Road Engineering Engineers have deemed no imminent failure or significant safety risk through the data they have on that section of road, the project is not actioned. The scout group committee decide to put in a submission to the Long Term Plan, they talk to it during the submissions process and get support from local residents through a petition in support and Councillors decide to allocate rate payer funding to the speed bump instead of other projects. It goes into the Long Term Plan and the entire community is consulted on it and subsequently following the adoption of the Long Term Plan the speed bump is constructed.

## **5. Conclusion**

- 5.1 The Community Board is asked to note the process involved to set roading work programmes and receive funding from Waka Kotahi – NZTA.
- 5.2 The Community Board is encouraged and asked to encourage others, to report issues by putting in a CRM and for changes in levels of service, to put in a submission to the Long Term Plan.

## **Attachments**

Nil.





## Report

Date : 13 February 2024

To : Chairperson and Board Members  
Dannevirke Community Board

From : Grace Wingfield-Smith  
Democracy Support Officer

Subject : **Updated Code of Conduct for Elected Members**

Item No : **8.5**

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### 1. Recommendation

- 1.1 *That the report from the Democracy Support Officer dated 01 February 2024 concerning the Updated Code of Conduct for Elected Members be received.*
- 1.2 *That the Eketāhuna Community Board adopt the updated Code of Conduct for Elected Members, as amended by the Tararua District Council at its meeting held 31 January 2024.*

### 2. Reason for the Report

- 2.1 To present an updated Code of Conduct to the Board.

### 3. Background

- 3.1 The overall aim of a Code of Conduct is to set out the understandings and expectations adopted by the local authority about the manner in which its members may conduct themselves while acting in their capacity as elected representatives, including behaviour toward one another, staff and the public, and the disclosure of information by or in the possession of elected members.
- 3.2 The Dannevirke Community Board adopted its current Code of Conduct in November 2019. It is usual practice for elected members to review their Code of Conduct on a triennial basis and undertaking this review a few months after the election allows time for induction and briefing of newly elected members beforehand. However, the severe weather event in early 2023 impacted on the

availability of resources to undertake the work necessary to bring the proposed updated Code to elected members.

- 3.3 The updated template code includes an additional assessment process (involving an initial assessor), and the recommendations of an independent investigator would come back to the Board for consideration.
- 3.4 During a recent Code of Conduct review and investigation, a recommendation was made that a full and formal review of the elected members Code of Conduct be undertaken. As part of that recommendation, it was asked that elected members give consideration to the Chief Executive's role in determining the materiality of any complaint being undertaken. The reviewer believed that this should not be the role of the Chief Executive as the sole employee of the elected Council members.
- 3.5 The updated template produced by Local Government New Zealand in 2022 includes a process for assessing the Code of Conduct complaints via an independent assessor. In developing the updated Code of Conduct for elected members, a review was undertaken of other Councils' Code of Conduct and it was noted that Councils that had reviewed their Code of Conduct after the 2022 election, had mostly adopted the process proposed in the 2022 template for complaints to be assessed by an independent assessor.
- 3.6 At its 31 January 2024 meeting, the Tararua District Council agreed to the changed process for assessing Code of Conduct complaints, and proposed that a list of suitable assessors be developed for approval by the Chief Executive and Mayor.
- 3.7 It is also a requirement of the Local Government Act 2002 that members must consider whether or not its Code of Conduct will require its elected members who are undischarged bankrupts to disclose that fact (refer Clause 15(5), Schedule 7, Local Government Act 2002). The current Code of Conduct adopted November 2019 contains this requirement and the Council agreed to continue to require members who are undischarged bankrupts to make this disclosure.
- 3.8 Attached to this report is a proposed updated Code of Conduct, incorporating the following changes agreed to by Council:
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focussed on serious rather than minor or trivial complaints.
  - An updated Register of Interests section to reflect the legislative changes that came into effect from 20 November 2022; and
  - An updated Appendix B: Legislation bearing on the role and conduct of elected members to include information about the changes made to the Local Government Act 2002 by the Pecuniary Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act

1990, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

- 3.9 A provision has also been included in the draft Code of Conduct (section 8) for requiring members that have declared a pecuniary interest in an item to leave the meeting room during deliberations and voting on that item. This reflects good practice and ensures the decision-making process can be seen to be free from potential influence from any related pecuniary interest.

#### **4. Financial Implications**

- 4.1 There are no financial implications associated with this matter.

#### **5. Statutory Requirements**

- 5.1 There is no statutory requirement for Community Boards to adopt the Code of Conduct, but the option is available and recommended by Local Government New Zealand.

#### **6. Delegations**

- 6.1 Elected members have the authority to decide this matter, noting that a vote of at least 75% of the members present in support is required to replace the current Code of Conduct.

#### **7. Consultation**

- 7.1 There are no community consultation requirements associated with this matter.

#### **8. Conclusion**

- 8.1 An updated Code of Conduct has been developed to replace the code adopted for the 2019-2022 triennium.

- 8.2 The Dannevirke Community Board has three options before it:

- Adopt the proposed Code of Conduct for the 2022-2025 triennium as appended to this report; or
- Adopt the proposed Code of Conduct for the 2022-2025 triennium with changes agreed to following discussion and resolution; or
- Not adopt the proposed Code of Conduct and therefore retain the 2019 Code of Conduct, noting that the 2022 Code of Conduct includes the best practice updates since 2019.

## Attachments

1 [↓](#). Elected Members Code of Conduct



## Elected Members Code of Conduct



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Change register:

Date	Status	Update made
31 January 2024	Adopted by Council	



## 1 Introduction

The Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the Council and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the Council to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the Council and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the code.

## 2 Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (Local Government Act 2002) and applies to all members, including any non-elected members appointed to committees or subcommittees, and the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the Council to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

## 3 Values

The code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.

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2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** members will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all the legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the Local Government Act 2002 and the governance principles of s39 of the Local Government Act 2002.

## 4 Role and Responsibilities

The Code of Conduct is designed to strengthen the good governance of the Tararua District. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

### 4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the district;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its Long-term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

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## 4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the Council;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the Council, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 Local Government Act 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

## 5 Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

### 5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

### 5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its Chief Executive, and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

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- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor or the Chairperson of the Chief Executive performance review committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee, and;
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

### 5.3 Relationship with the public

Given the vital role that the democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council, members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the Council.

## 6 Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media, elected members must clarify whether they are communicating a view endorsed by their Council, committee, or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:

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- Comments shall be consistent with the Code;
- Comments must not purposefully misrepresent the views of the Council or the views of other members;
- Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
- Social media posts about other members, council staff or the public must be consistent with section 5 of this Code. (See Appendix A for guidelines on the personal use of social media).

## 7 Information

Access to information is critical to the trust in which a Council is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

### 7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

### 7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

## 8 Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

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If a member has declared a pecuniary interest in an item, they must leave the meeting room during deliberations and voting on that item.

If a member is in any doubt as to whether a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

**Please note:** Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction elected members can be ousted from office.

## 9 Register of Interests

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a Council must now keep a register of pecuniary interests of their members, including community board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- The name of each company of which the member is a director, or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies,
- The name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- If the member is employed, the name of each employer and a description of the main business activities of each of those employers,
- The name of each trust in which the member has a beneficial interest,
- The name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the Council, or community board to which the member has been elected,
- The title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- The location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,

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The location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each Council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

## 10 Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly, members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$500 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

### 10.1 Undischarged bankrupt

- In accordance with clause 15(5) of Schedule 7 (Local Government Act 2002) any member who is an "undischarged bankrupt" will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

## 11 Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

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- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfil their Declaration of Office (the Oath) and contribute to the good governance of the district.

## 12 Breaches of the Code

Members must comply with the provisions of the code (Local Government Act 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### 12.1 Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- The complaints will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members have a right to seek independent advice, be represented and, if they choose, be accompanied by a support person throughout the process.
- Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution.

### 12.2 Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the Chief Executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the Chief Executive must forward the complaint to an independent person, whether an independent investigator or an initial assessor, for an assessment.

### 12.3 Role of the initial assessor

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process

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that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may recommend one of the following:

#### **Refer to the Mayor**

In the case of a breach that is not serious or amenable to mediation, the initial assessor may refer the person responsible for the alleged breach to the Mayor for their advice and guidance. These will not be reported to the Council. A meeting or meetings with the Mayor will be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the Mayor's consideration:

- That the member attends a relevant training course
- That the member work with a mentor for a period
- That the member tenders an apology

#### **Mediation**

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the Council unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

#### **Refer to Independent Investigator**

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the Council's independent investigators' panel assembled by the Chief Executive, or an independent investigator service that is contracted to the Council. Complaints that involve a chairperson or Chief Executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the Council.

### **12.4 Role of the independent investigator**

The independent investigator will:

- Determine whether a breach has occurred;
- If so, determine the seriousness of the breach; and

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- Recommend actions that a Council should take in response to the breach.

Any recommended actions made in response to a complaint that has been upheld will be considered by the Council.

### **Determining the significance of an alleged breach**

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the Chief Executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- Was the breach intentional or unintentional?
- Did it occur once or is there a pattern of recurring behaviour?
- Does the breach have legal or financial ramifications for the Council?
- What is the impact of the breach on the other elected members, on officers and on the community in general?

On completing their investigation, an independent investigator may dismiss a complaint or make a recommendation to the governing body. The independent investigator's recommendation will be contained in a report to the Council Chief Executive which will form the basis of a consequent report to the governing body to recommend to them the decision and the actions that they may be required to take.

**Please note:** All actions taken in the implementation of a policy must be consistent with the Bill of Rights Act 1990. No appeal right is included in the Code of Conduct. Members who are unhappy with an independent investigator's decision have access to judicial review and/or the Ombudsman's office.

## **12.5 Costs and support**

The Council must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

## **12.6 Process for determining and investigating complaints**

### **Step 1: Chief Executive receives complaint**

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All complaints made under this Code of Conduct must be made in writing and forwarded to the Chief Executive who will refer the complaint to the initial assessor. A complaint does not need to explicitly refer to the Code of Conduct to be a valid complaint, provided it is clear that it relates to the Code of Conduct. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- Inform the respondent that a complaint has been made against them and the name of the independent investigator overseeing the process, and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

A complaint by the Chief Executive, or implicating the Chief Executive, must be forwarded to the Mayor who will refer the complaint to the initial assessor and delegate other steps to Council Officers.

### **Step 2: Initial assessor makes an assessment and arranges mediation**

1. The initial assessor will undertake an assessment of the merits of the complaint. If they consider it is not valid, the complaint will be dismissed. The complainant will have no recourse or appeal. Grounds for concluding that a complaint has no merit include that it is trivial, vexatious, frivolous, or politically motivated.
2. The initial assessor may refer the person responsible for the alleged breach to the chair or Mayor or Deputy Mayor for their advice and guidance. These will not be reported to the Council. A meeting or meetings with the chair may be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair's consideration.
3. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
4. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the Chief Executive at the start of the triennium, or service contracted to the Council. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the independent investigator.

### **Step 3: Independent investigator to inquire and conclude on the matter**

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a

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report for the Council on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

- Consult with the complainant, respondent, and any affected parties;
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report, the Chief Executive, or initial assessor, will prepare a report for the Council, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

#### **Step 4: Process for considering the investigators report – recommendations are not binding**

Council's process for determining and investigating complaints give an independent investigator the power to make recommendations to the Council, then:

- The Chief Executive's report, containing the independent investigators recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints;
- The Governing body, or community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations;
- The report will be received in public meeting unless grounds, such as those set out in s.48 LGOIMA, exist for the exclusion of the public;
- The Chief Executives report may also outline the plan for the report's public release, for the governing body's information and comment;
- The governing body, community board, or committee/sub-committee with delegated authority, may accept the investigators recommendations or, if they believe it is justified, amend the independent investigators recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members;
- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Attachment Three.

## **12.7 Selecting the initial assessor and independent investigator**

### **Selecting an initial assessor**

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The Chief Executive is responsible for this. In selecting the initial assessor, the Chief Executive will consult with the Council.

The initial assessor should be a person, or a position, that is independent of a Council's political governance, which also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- The external appointee on Council's Audit and Risk Committee;
- A member of staff, such as an internal ombudsman or ethics adviser, as long as they have operational independence from the Chief Executive (similar to the independence afforded an Electoral Officer);
- A retired Council chief executive;
- A retired Council politician;
- A member of the public with relevant experience and competency.

#### **Selecting an independent investigator**

The Chief Executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the Chief Executive, in consultation with the Council, will compile list of independent investigators. In selecting them, a Chief Executive may consider:

- The council's legal advisers;
- A national service specialising in public sector integrity;
- A national service providing assessment and investigation services; or
- An individual with relevant skills and competencies.

**Please note:** Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provided on their own behalf or by the Council. The Chief Executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

### **12.8 Actions that may be applied when a breach has been confirmed**

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles:

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the Council by focusing on constructive mediation, learning, and member improvement.

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In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

1. That no action is required.
2. That the member meets with the mayor/chair for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the Council sends a letter of censure to the member.
9. That the Council passes a vote of no confidence in the member.
10. That the member loses certain Council-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as a committee chair, deputy committee chair or portfolio holder.
12. That the member be subject to restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed).
13. That the member be subject to limitations on their dealings with Council staff, other than the Chief Executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the council.

**Please note:** Actions 1-6 will typically not be reported to the Council. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.

## 12.9 Responses to statutory breaches

In cases where a breach of the Code of Conduct is found to involve regulatory or legislative requirements, the Chief Executive will refer the complaint to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor General under LAMIA).
- Breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under section 44 LGA 2002 which may result in the member having to make good the loss or damage).
- Breaches relating to the commission of a criminal offense which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

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Failure to observe the provisions of the Code of Conduct may also result in the following:

- Expose the Council to litigation;
- Invalidate insurance of indemnity for members;
- Expose individual members to responsibility for loss under section 46 of the Local Government Act.

## 13 Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

### 13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

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### 13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor General may make a report on the loss or damage under s.44 Local Government Act 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

## 14 Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered. Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

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## Appendix A: Guidelines on the personal use of social media<sup>5</sup>

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in personal or unofficial online communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 2020, apply in any public setting where you may be referring to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the Council no members should represent themselves falsely via aliases or differing account names. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

<sup>5</sup>Based on the Ruapehu District Council Code of Conduct.

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## Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

### The Local Government Act 2002

The Local Government Act 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning Council decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the Chief Executive.

The Local Government Act also details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a Council where, following a report from the Auditor General under s44 Local Government Act 2002, it is found that one of the following applies:

- Money belonging to, or administered by, a Council has been unlawfully expended; or
- An asset has been unlawfully sold or otherwise disposed of by the Council; or
- A liability has been unlawfully incurred by the Council; or
- A Council has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- Without the member's knowledge;
- With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- Contrary to the manner in which the member voted on the issue; and
- In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 Local Government Act 2002).

### Pecuniary Interests

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, the Local Government Act 2002 was amended to now require Councils to keep a

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register of the pecuniary interests of their members, including community board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the Council, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

### **The Local Authorities (Members' Interests) Act 1968**

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary

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interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be “concerned or interested” in a contract or interested “directly or indirectly” in a decision when:

- A person, or spouse/partner, is “concerned or interested” in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is “concerned or interested” in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially “concerned or interested” in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members’ family trust and the Council.

### **Determining whether a pecuniary interest exists**

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

“...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned.” (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The member will then leave the room during the consideration of the item. The declaration, abstention and departure of the member

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needs to be recorded in the meeting minutes. (Refer to requirements set out in the Council's Standing Orders).

### **The contracting rule**

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

### **Non-pecuniary conflicts of interest**

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to

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considering new information (this may not apply to decisions made in Quasi judicial settings, such as Resource Management Act hearing).

### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 (LGOIMA) sets rules for ensuring the public are able to access official information unless there is valid reason for withholding it. All information should be considered public and released accordingly, unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in section 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

- Prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial; or
- Endanger the safety of any person.

Other reasons for withholding – where withholding the information is necessary to:

- Protect the privacy of natural persons, including that of deceased natural persons;
- Protection information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- In the case of an application for resource consents or certain orders under the Resource Management Act 1992, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- Protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- Avoid prejudice to measures protection the health or safety of members of the public;
- Avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- Maintain the effective conduct of public affairs through the free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- Maintain legal professional privilege;
- Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

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- Prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these “other” reasons, a public interest balancing test applies. In these cases the Council must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each Council, and elected members must work within the rules adopted by each Council.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

**The role of the Ombudsman**

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman’s primary role under the Ombudsmen At 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a Council may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the Chief Executive of the Council involved, or any other party. The Ombudsman’s decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the Council takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the Council under this Act will, in general, become binding unless the Council resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

**Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

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### Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain, or advantage.

Elected members convicted of these offences will automatically cease to be members.

### Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

### Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

- an offence
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government

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Council needs to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

### **The Serious Fraud Office Act 1990**

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.
- Risk mitigation to manage risks that can’t be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

### **The Health and Safety Act at Work Act 2015**

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and

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- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members' role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,
- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

#### **The Harmful Digital Communications Act 2015**

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist, and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual.
- be threatening, intimidating, or menacing.
- be grossly offensive to a reasonable person in the position of the affected individual.
- be indecent or obscene.
- be used to harass an individual.
- make a false allegation.
- contain a matter that is published in breach of confidence.
- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual.
- incite or encourage an individual to commit suicide.
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability.

More information about the Act can be found at [Netsafe](https://www.netsafe.org.nz/).

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17 January 2024

**Keith Pollock**

Private Bag 11777  
Manawatu Mail Centre  
Palmerston North 4442  
New Zealand

Dear Keith,

**Surface Treatments on pedestrian crossings**

At their recent meeting, the Dannevirke Community Board discussed the prominence of the pedestrian crossings on Dannevirke's High Street. The Board felt more visibility is needed on these crossings and are seeking consideration and approval for red surface treatment (as described in "Zebra Crossings" on the NZTA website), to be applied on the vehicle approaches, to complement and enhance the white zebra markings.

Many have noticed when trying to cross this road the crossings are often disregarded by cars not noticing the crossing when there is traffic. This is a very busy street being Dannevirke's main road and having these surface treatments will provide more safety for pedestrians and drivers.

I appreciate your time of consideration.

Kind Regards,

Pat Walshe

**Dannevirke Community Board Chairperson**

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Tararua District Council · Dannevirke · Woodville · Pahiatua · Eketahuna

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