



Order Paper for an ordinary meeting of the

**QUEENSTOWN LAKES DISTRICT COUNCIL**

to be held on

Thursday, 15 December 2016

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

## ITEMS NOT ON THE AGENDA

### 3.7.5

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

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

### 3.7.6

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

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

### 3.7.7

For the avoidance of doubt in the interpretation of Standing Orders 3.7.5 and 3.7.6, the Council will, when matters of urgent business that are not minor arise, deal with these matters at an extraordinary meeting called in accordance with Standing Order 2.14.

### 3.7.8

That Standing Orders 3.7.5 and 3.7.7 do not apply to meetings of the Council's Property Subcommittee which may consider relevant items (being items that are not on the agenda and are not minor) in order to resolve property matters in a timely manner if –

- a) The subcommittee by resolution so decides; and
- b) The presiding member explains at the meeting:
  - i) The reason why the item is not on the agenda; and
  - ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

### 3.7.9

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting.

## REFERENCES:

New Zealand Model Standing Orders NZS 9202:2003 (Incorporating Amendment No. 1) as amended and adopted by the Queenstown Lakes District Council on 27 October 2007 (and additional amendments clause 3.7.8, 3.7.9, 2.12.4A and 2.5.1(4) adopted 22 May 2012).

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 15 December 2016 commencing at 1.00pm

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# Confirmation of minutes

24 November 2016

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 6 October 2016 commencing at 1.04pm**

**Present:**

Mayor Boulton; Councillors Clark, Ferguson, Forbes, Hill, Lawton, MacDonald, MacLeod, McRobie, Miller and Stevens

**In attendance:**

Mr Mike Theelen (Chief Executive), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Ms Meaghan Miller (General Manager, Corporate Services), Mr Blair Devlin (Manager, Planning Practice), Ms Kim Banks (Senior Planner – Policy), Mr Lee Webster (Manager, Regulatory), Mr Tony Pickard (Principal Planner, Infrastructure), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Ulrich Glasner (Chief Engineer), Mrs Joanne Conroy (Property Advisor, APL Property Ltd), Mr Michael Walker (Senior Solicitor), Mrs Meghan Pagey (HR Manager), Mr Craig Barr (Acting Planning Policy Manager), Ms Michelle Morss (Corporate Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and four members of the public

**Apologies/Requests for Leave of Absence**

There were no apologies or requests for leave of absence.

**Declarations of Conflicts of Interest**

No declarations were made.

**Matters Lying on the Table**

There were no matters lying on the table.

**Confirmation of agenda**

Mayor Boulton signalled that representatives of the Citizens' Advice Bureau wished to know the outcome of their lease renewal early in the meeting. Accordingly, he proposed that the report be moved up the agenda to item 1.

**On the motion of the Mayor and Councillor McRobie the Council resolved that the agenda be confirmed with item 5 moving to become item 1.**

**Public Forum**

1. Basil Walker

Mr Walker spoke to the agenda item: 'Review of the Council Lead Policy on Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines'. He questioned whether the report was a clumsy way of protecting

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Ladies Mile, expressing support for protecting both sides of Ladies Mile from intensive construction forever. He believed that housing unaffordability was due to inadequate land supply and high construction costs and it was not a local government issue. He asked the Council to reject the proposed policy.

Clarification was sought on what new law Mr Walker was referring to.

2. Keri Lemaire-Sicre

Mrs Lemaire-Sicre stated that she and her husband owned Ladies Mile Pet Lodge. She was grateful that the Council had slowed down SHA activity in this area as high density housing developments on Ladies Mile would have a significant adverse effect on the pet lodge. It was the only pet boarding facility in the area and they had tried to place requirements over adjacent developments to reduce the effects on their operation. She asked the Council to think carefully about future development of this area.

5. **New Lease – Citizens Advice Bureau**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application for a new lease to the Citizens Advice Bureau over part of the historic Malaghan building. The report observed that the Citizens Advice Bureau had occupied the building for a number of years and had proved to be a careful and considerate lessee. The report recommended that a new lease be approved, subject to conditions similar to the existing lease.

The report was presented by Mr Cruickshank.

Councillor Lawton stated that she had raised questions about the amount of use the service received, as it occupied a very strategic location in Queenstown. In response she had received valuable information about the services provided by the Citizens Advice Bureau and the number of clients supported.

**On the motion of Councillors MacLeod and Lawton it was resolved that the Council:**

**1. Note the contents of this report;**

**2. Approve granting a lease to the Queenstown Citizens Advice Bureau Incorporated over part of the Malaghan Building at 44 Stanley Street Queenstown, and described as Section 7 Block XXXI Town of Queenstown, subject to the following terms and conditions:**

<b>Commencement</b>	<b>19 December 2016</b>
<b>Term</b>	<b>3 years</b>
<b>Renewals</b>	<b>2 of 3 years each by agreement of both parties</b>
<b>Rent</b>	<b>Pursuant to Community Facility Pricing Policy</b>

<b>Early Termination</b>	<b>1 year (but not in the first 3 years), if required for core infrastructure purposes</b>
<b>Use</b>	<b>Community support services housed in the historic portion of the Malaghan building. Shared use of boardroom only.</b>
<b>Reviews</b>	<b>19 December 2021 (subject to renewal)</b>
<b>Insurance</b>	<b>Requirement to hold public liability insurance of \$2 million</b>
<b>OPEX</b>	<b>Paid for by lessee excluding building insurance and exterior maintenance.</b>

- 3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a lease over Section 7 Block XXXI Town of Queenstown.**
- 4. Delegate signing authority for the lease to the General Manager, Property and Infrastructure.**

**1. Review of the Council Lead Policy on Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy)**

A report from Anita Vanstone (Senior Planner – Policy) proposed a new Lead Policy to replace the Council Lead Policy on Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines which had been adopted on 30 April 2015. The report discussed why a number of changes were desirable and presented the updated policy for adoption.

This report and that following were presented by Mr Devlin and Mr Avery.

Mr Devlin noted the following changes to the report recommendations:

- Correction to part 1: 'three ~~four~~ key areas...'
- Additional recommendation (6): 'Delegates to Councillors Hill and Lawton the authority to make minor editorial changes to finalise the Lead Policy.'

Councillor MacLeod extended thanks to staff for the work that had gone into the policy development.

Mr Devlin confirmed that the proposed categories detailing those areas potentially suitable for SHAs and areas unsuitable were not currently populated and a further report assessing these areas would be prepared for the Council's consideration. The timeframe was dependent upon completion of the Wakatipu Basin Land Use Study which was not due until January 2017. He also agreed it was likely that the targets set in the Housing Accord would be increased.

Consideration was given to an amended version of the policy prepared by Councillor Lawton. Discussion focussed on the suggested changes to part 5 of the policy 'Community Housing' which would require 5% of the residential lots created through the SHA to be contributed to community housing and a statement that 'The Queenstown Lakes Community Housing Trust (QLCHT) is the Council's preferred supplier of community housing (freehold or rental)'.

Some concern was expressed that specifying QLCHT as a preferred supplier was too limiting and would preclude consideration of other options. Others considered that whilst it conveyed a strong message, it still provided leeway for an alternative mechanism.

The Chief Executive suggested replacement text for all of part 5 of the policy to address these concerns:

*Housing affordability is a key issue for the Queenstown Lakes District. The Council is committed to ensuring that as development takes place across the District, the provision for affordable housing is incorporated as part of each development. The Council is particularly interested in ensuring that affordability is retained over time.*

*As a guidance the Council considers that at least 5% of any development, by value or by area (depending on the nature of development), is identified for affordable development in the Queenstown Lakes context.*

*The Queenstown Lakes Community Housing Trust has been established to assist with the design and delivery of affordable housing in the District. The Council will require proposed developers to engage with the trust to agree how development affordability outcomes will be met.*

*The Council is open to proposals that address affordability through other mechanisms that are consistent with the policy objectives, but retains a preference for the Trust's involvement.*

*The Council will not enter into any deed that fails to address issues of affordability to the satisfaction of Council.*

Councillor Lawton expressed concern that the suggested text did not differentiate between affordable and community housing. She quoted the definition provided by QLCHT for community housing, noting that the key difference was the inclusion of a retention mechanism for community housing. Discussion ensued and the following changes to the Chief Executive's text were agreed:

*As a guidance the Council considers that at least 5% of any development, by value or by area (depending on the nature of development), is identified for ~~affordable development~~ community housing in the Queenstown Lakes context.*



*The Queenstown Lakes Community Housing Trust has been established to assist with the design and delivery of affordable community housing in the District. The Council will require proposed developers to engage with the trust to agree how development affordability outcomes will be met.*

*The Council is open to proposals that address affordable community housing through other mechanisms that are consistent with the policy objectives, but retains a preference for the Trust's involvement.*

*The Council will not enter into any deed that fails to address issues of affordability including community housing to the satisfaction of Council.*

**On the motion of Councillors Lawton and Hill it was resolved that the Council:**

- 1. Note the contents of this report and the recommended changes to the Council Lead Policy dated 30 April 2015 covering the three key areas of:
  - a. Amended location criteria including three categories identifying areas suitable for Special Housing Areas (SHA), potentially suitable and unsuitable;**
  - b. Amended affordability criteria; and**
  - c. Changes in the layout and structure of the Housing Accords and Special Housing Areas Act 2013 Implementation Policy (Lead Policy);****
- 2. Note a further agenda item will be forthcoming identifying areas for inclusion in Category 2 (areas potentially suitable for SHA proposals) and Category 3 (areas unsuitable for SHA proposals) following the completion of the Wakatipu Basin Land Use Study as part of the Proposed District Plan, including consideration of Wanaka and the wider district;**
- 3. Adopt the Housing Accords and Special Housing Areas Act 2013 Implementation Policy as amended at the meeting;**
- 4. Agree that Expression of Interests can now be accepted and progressed by the Council only for Category 1 land that is consistent with the adopted Lead Policy;**
- 5. Resolve that all Council staff time and other costs of considering EOIs and preparing, reviewing and negotiating SHA agreements will**

be on-charged to the landowner or developer in line with hourly rates specified in the adopted 'Resource Consent and Engineering Fees and other Charges' schedule adopted 1 July 2016; and

6. Delegates to Councillors Hill and Lawton the authority to make minor editorial changes to finalise the Lead Policy.

## 2. The National Policy Statement on Urban Development Capacity Local

A report from Blair Devlin (Manager, Planning Practice) provided an overview of the National Policy Statement on Urban Development Capacity (NPS-UDC) and how it would affect Council, particularly the key deliverables and the implications for workload and resourcing.

Ms Banks also joined the table.

Mr Devlin noted that resourcing implications would be reported on as part of the 2017/18 Annual Plan.

Councillor Lawton sought clarification on whether the district as a whole was considered a high growth area or whether it only applied to Queenstown. Mr Devlin stated that the information was based Stats NZ urban growth boundaries which were being updated at present. Currently, the status was based on the Queenstown urban area but Stats NZ information showed that the status should be based on other areas and this could be altered under the policy statement.

**On the motion of Councillors MacLeod and Stevens it was resolved that the Council:**

- 1 Note the contents of this report, in particular the key required deliverables and timeframes to give effect to the National Policy Statement – Urban Development Capacity;
- 2 Note the relationship between this agenda item, the Proposed District Plan and the review of Council's Lead Policy for Special Housing Areas, both of which provide a mechanism to deliver additional land supply; and
- 3 Note the required deliverables will have resourcing implications that will be determined and reported for consideration as part of the 2017/18 Annual Plan.

### 3. **Easter Sunday Shop Trading Policy**

A report from Lee Webster (Manager, Regulatory) presented Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation.

The report was presented by Mr Webster. He confirmed that the opportunity had arisen as a result of a change of legislation which would allow businesses themselves to determine if they wished to open on Easter Sunday.

**On the motion of Councillors MacLeod and Clark it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Adopt the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation; and**
- 3. Appoint Councillors Clark, Lawton and McRobie to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy.**

### 4. **Queenstown Town Centre Transport Strategy – Public Car-Pooling**

A report from Tony Pickard (Principal Planner, Infrastructure) requested a review of the existing public car-pooling scheme and the immediate implementation of a revised scheme, the details of which were outlined in the report.

The report was presented by Mr Pickard and Mr Hansby.

Mr Pickard stated that the initiative was intended to encourage a mode shift away from single occupancy cars, which would serve both to reduce the volume of traffic on the roads and the vehicles needing parking spaces. He considered that the existing car-pooling parking spaces were sufficient at the moment but could easily be expanded to other areas if the scheme was successful. He confirmed that a minimum of three permits was required to be displayed to qualify to park in car-pool parking space and the permits would be issued individually.

**On the motion of Councillors Forbes and Stevens it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Agree to revise the existing scheme, including:**
  - a. Incorporation of amended rules,**
  - b. Introduction of an administrative fee, and**

c. **Retention of the existing parking provision (spaces) for the scheme.**

**3. Authorise officers to implement the changes without further recourse to Council.**

*It was noted that Item 5 had been dealt with earlier in the meeting.*

## **6. QLDC Water Supply Boundary Adjustment Policy**

A report from Ulrich Glasner (Chief Engineer) presented a new Water Supply Boundary Extension Policy for Council approval. The policy would serve to guide future applications to extend water supply schemes beyond their current boundaries.

This report and that following were presented by Mr Glasner.

Mr Glasner noted that the water meter trial had shown that many houses were using a lot more water than the national average and Queenstown Lakes District was the highest use council in New Zealand. The trial had also revealed that much was being used for irrigation. Councillor Lawton suggested that part 5 of the policy ('Principles') should include reference to irrigation use and asked the policy to be amended thus:

*'6. The agreement with QLDC shall define the level of service to be provided and any landowner requirements, eg. restricted flow supply, private storage for fire-fighting purposes and irrigation.'*

There was also discussion about a reasonable allocation for daily use for each dwelling. Mr Glasner stated that the daily allocation had been reduced to 250 litres/person/day in the new Land Development Subdivision Code of Practice. He suggested that there was value in making the Water Supply Boundary Adjustment Policy consistent with this at 750 litres per household per day. Following further discussion it was agreed to amend point 7 under 'Principles':

*'7. The agreement with QLDC shall acknowledge the use of the public supply for large scale irrigation by private landowners is not viable in the long term. The water use of the public supply shall not exceed 750 ~~4,100~~ litres/day per dwelling. This is based on the residential average daily consumption identified throughout the water meter trial 2015/16.'*

**On the motion of Councillor Forbes and McRobie it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Adopt the QLDC Water Supply Boundary Adjustment Policy as amended as a Council policy document.**

3. **Authorise the Chief Engineer to make further changes to the QLDC Water Supply Boundary Adjustment Policy without further recourse to the Council, where this is necessary to:**
  - a. **Fix identified minor errors and/or omissions.**
  - b. **Ensure continuity with other proposed provisions**

7. **Supply Boundary Adjustment – Subdivision McDonnell Road, Arrowtown**

A report from Ulrich Glasner (Chief Engineer) sought Council approval to extend the water supply and wastewater service boundaries for a proposed subdivision along McDonnell Road, Arrowtown.

Mr Glasner observed that subdivision had occurred some time ago and there was ample water supply in this area. Accordingly, he was happy to recommend approval of the supply boundary adjustment.

Councillor Stevens noted that the report referred to a local unnamed creek. He observed there had been ongoing concerns about the quality of water in the creek and asked if there was anything that could be done to improve it. Mr Glasner confirmed that stormwater from the subdivision would be fed through a retention/filtration wetland prior to discharge into the creek.

**On the motion of Councillors Stevens and Ferguson it was resolved that Council:**

1. **Note the content of this report;**
2. **Agree that the water supply and wastewater service boundaries be extended to cover the proposed subdivision along McDonnell Road, Arrowtown – Lot 29 DP 369201**

8. **2016/17 Capital Works Programme – First Re-forecast**

A report from Peter Hansby (General Manager Property and Infrastructure) proposed amendments to the 2017/18 capital works programme for property and infrastructure projects.

The report was presented by Mr Hansby.

**On the motion of the Mayor and Councillor Lawton it was resolved that Council:**

1. **Note the contents of this report;**
2. **Approve the budget changes proposed and detailed in Attachment A [attached to these minutes].**

*Councillor MacLeod abstained from voting because he had not reviewed the correct information.*

**9. Proposed new licence for Fork and Pedal Limited**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) assessed a proposed new licence and Affected Person Approval ('APA') for Fork and Pedal Limited to operate a commercial walking tour through various reserves in the Queenstown CBD. The report recommended that a new licence be approved (subject to conditions) and that Affected Person Approval be granted.

The report was presented by Mrs Conroy.

**On the motion of Councillors Stevens and Clark it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Approve a licence over Section 6 Blk LI TN of Queenstown, Part Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown to Fork and Pedal Limited for guided commercial walking tours subject to the follow terms:**

<b>Commencement</b>	<b>1 November 2016</b>
<b>Term</b>	<b>1 year</b>
<b>Renewals</b>	<b>3 of 3 years each by agreement of both parties</b>
	<b>Rent \$500 + GST per annum base rent, or 7.5% of gross revenue, whichever is the greater</b>
<b>Reviews</b>	<b>Upon renewal</b>
<b>Insurance</b>	<b>Requirement to have public liability insurance of \$2 million</b>
<b>Other</b>	<b>Must have resource consent and permit pursuant to obstructions in public places by-law.</b>
	<b>Must avoid blocking paths and give way to other path users.</b>
	<b>Council to retain ability to suspend the licence for safety purposes or to avoid large public events.</b>
	<b>Health and Safety plan to be provided.</b>

**Must not congregate in front of, or around the Moa statue, as the grass in this area is easily affected/damaged.**

- 3. Approve the Affected Person Approval for the Fork and Pedal operation and delegate signing authority to the Manager Parks and Reserves.**
- 4. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a licence over Section 6 Blk LI TN of Queenstown, Part Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown to Fork and Pedal Limited for guided commercial walking tours.**
- 5. Delegate signing authority for the licence to the General Manager, Property and Infrastructure.**

**10. Reappointment of Directors to Queenstown Airport Corporation (QAC)**

A report from Michael Walker (Senior Solicitor) sought to:

- a. Reappoint John Gilks as chairman of the QAC board of directors for a period of 6 months;
- b. Reappoint Grant Lilly as a director for another 3 year term; and
- c. Approve the continuation of the Governance Subcommittee ('GSC') on the same terms as the previous GSC.

The report was presented by Mr Walker.

There was discussion about membership of the Governance Subcommittee. It was agreed that the Councillor position would be filled by Councillor Hill.

**On the motion of Councillors MacDonald and McRobie it was resolved that Council:**

- 1. Note the contents of this report;**
- 2. Delegate to the Mayor/Chief Executive jointly, to exercise the Council's power to vote at the 2016 Annual General Meeting of the QAC;**
- 3. Direct the Mayor/Chief Executive to vote in favour of the reappointment of John Gilks as chairman of the QAC board of directors for a causal vacancy basis to 30 June 2017;**

4. Direct the Mayor/Chief Executive to vote in favour of the reappointment of Grant Lilly as a director of the Board of QAC for a further 3 year term; and
5. Appoint the Mayor, Councillor Hill and the Chief Executive to continue the Governance Subcommittee previously established on the same terms.

#### 11. Council Appointments to Community Organisations

A report from Meaghan Miller (General Manager, Corporate Services) sought to appoint elected members to various external societies, trusts and community groups.

The Mayor advised that the 'Social Services Strategy Group, Wakatipu' no longer existed under that name but was now known as the Local Management Group – Social Services, Wakatipu. It was also agreed that no delegate was needed for Wanaka Airport Liaison as the Wanaka Community Board had already appointed Ed Taylor to the Wanaka Airport User Group.

Councillor Lawton asked for these appointments to be added to Councillor Profiles on the QLDC website.

**On the motion of Councillors MacDonald and Lawton it was resolved that Council:**

1. Note the contents of this report;
2. Approve the appointments to the following trusts and societies:

<b>Aspiring Arts and Culture Trust</b>	<b>Ruth Harrison (WCB) Councillor McRobie</b>
<b>Arrowtown Heritage Trust</b>	<b>Councillor Stevens</b>
<b>Arrowtown Heritage Advisory Panel</b>	<b>Councillor Stevens</b>
<b>Arrowtown Museum and Post Office Trust</b>	<b>Councillor Stevens</b>
<b>Arrowtown Promotion and Business Association</b>	<b>Councillor Stevens</b>
<b>Creative Communities Queenstown</b>	<b>Councillor Hill</b>
<b>Destination Queenstown</b>	<b>Councillor Clark Councillor MacDonald</b>
<b>Lake Wanaka Tourism</b>	<b>Councillor Lawton</b>
<b>Local Management Group – Social Services, Wakatipu</b>	<b>Councillor Miller</b>
<b>Management of tracks on Coronet Peak and Glencoe Stations – Governance Group</b>	<b>Councillor Stevens</b>
<b>Otago Conservation Board</b>	<b>Councillor Ferguson</b>
<b>Otago Wilding Trust</b>	<b>Councillor Stevens</b>
<b>Queenstown Trails Trust</b>	<b>Councillor Forbes</b>



<b>SPARC Rural Travel Fund</b>	<b>Councillor Ferguson</b>
<b>Wanaka Chamber of Commerce</b>	<b>Councillor MacLeod</b>
<b>Wakatipu Heritage Trust</b>	<b>Councillor Ferguson</b>
<b>Wakatipu Interagency Group</b>	<b>Councillor Hill</b>
<b>Wakatipu District Youth Trust</b>	<b>Councillor Clark</b>

**3. Approve the designation of Councillors to Community Associations in the Queenstown-Wakatipu and Arrowtown Wards as follows:**

<b>Arrowtown Village Association</b>	<b>Councillor Stevens</b>
<b>Arthurs Point Community Association</b>	<b>Councillor Ferguson</b>
<b>Fernhill/Sunshine Bay Community Association</b>	<b>Councillor Clark</b>
<b>Frankton Community Association</b>	<b>Councillor Forbes</b>
<b>Gibbston Community Association</b>	<b>Councillor MacDonald</b>
<b>Glenorchy Community Association</b>	<b>Councillor Ferguson</b>
<b>Kelvin Peninsula Community Association</b>	<b>Councillor Hill</b>
<b>Kingston Community Association</b>	<b>Councillor Clark</b>
<b>Lake Hayes Estate Residents Association</b>	<b>Councillor Miller</b>

**12. QLDC Organisational Health Safety and Wellbeing Performance**

A report from Meghan Pagey (Manager, Human Resources) presented information detailing how the Council was fulfilling its statutory health and safety responsibilities.

Mrs Pagey presented the report and responded to various questions.

**On the motion of MacLeod and Stevens it was resolved that Council note the report.**

**13. Chief Executive's Monthly Report**

A report from the Chief Executive:

- Sought the extension of the former Property Subcommittee delegations to the Chief Executive from the date of the Council's inauguration until adoption of the new committee Terms of Reference;
- Sought appointments to various hearings panels;
- Sought approval of the date of the next ordinary Council meeting;
- Sought a delegation to the Mayor to vote on behalf of the Council as a full member of the Otago Civil Defence Emergency Management Group; and
- Presented updates on progress with the Council Work Programme.

*Councillor MacDonald left the meeting at 2.45pm.*

Some concern was expressed about the possible impact of extending the former Property Subcommittee's delegations. The Chief Executive noted that much of its business was routine but he would notify elected members of any contentious issues.

The membership of the Development Contributions Policy hearings panel was increased to four with the addition of Councillor Stevens, with the quorum being three. The remaining hearings panels were populated.

*Councillor MacDonald returned to the meeting at 2.47pm.*

**On the motion of the Mayor and Councillor Forbes it was resolved that Council:**

- 1. Note the contents of this report;**
- 2. Delegate to the Chief Executive all of the functions, duties and powers of the Council with respect to matters that were formerly considered by the Property Subcommittee during the previous triennium (2013 – 2016), without limitation, except for those powers set down in legislation that cannot be delegated, from the date of inauguration of the Council on 25 October 2016 to the date that the Council adopts Terms of Reference and delegations for the new triennium;**
- 3. Agree that Councillors McRobie, Hill, Forbes and Stevens be appointed to hear submissions on the Amendment to the Development Contributions Policy and make a recommendation to Council;**
- 4. Agree that a hearings panel of two, being Councillors MacLeod and McRobie, be formed to hear submissions on the Reserve Management Plan for the Wanaka Recreation Reserve and make a recommendation to the Wanaka Community Board;**
- 5. Agree that a hearing panel of three, being Councillors Hill, Lawton and MacLeod be formed to hear submissions on Wanaka Airport Governance Options and make a recommendation to Council;**
- 6. Agree that a hearings panel of three, being Councillors Clark, Ferguson and MacDonald, be formed to hear submissions on the trial of pedestrianising Upper Beach Street and make a recommendation to Council.**
- 7. Agree to hold an ordinary meeting of the Queenstown Lakes District Council on Thursday 15 December 2016 beginning at 1pm.**

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8. Delegate authority to the Mayor to vote on behalf of the Queenstown Lakes District Council as a full member of the Otago Civil Defence Emergency Management Group in the fulfilment of the function, obligation and powers of the Group under the Civil Defence Emergency Management Act 2002.

**Confirmation of minutes**First meeting following the election, 25 October 2016

On the motion of Councillors Stevens and Forbes the Council resolved that the minutes of the meeting of the Queenstown Lakes District Council held on 25 October 2016 be confirmed as a true and correct record.

**Resolution to Exclude the Public**

On the motion of Councillors Forbes and Stevens the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

- Item 14 Appointment of Commissioners to hear and determine resource consent applications
- Item 15: Review and update of Commissioners appointments for Resource Management Act hearings
- Item 16: Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991
- Item 17: Film Otago Southland Trust

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.

## QUEENSTOWN LAKES DISTRICT COUNCIL

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Appointment of Commissioners to hear and determine resource consent applications	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
15. Review and update of Commissioners appointments for Resource Management Act hearings	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
16. Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
17. Film Otago Southland Trust	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

**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 shown above with respect to each item.**

*The meeting went into public excluded at 2.51pm at which point it adjourned.*

*The meeting reconvened in public excluded at 2.57pm.*

*The meeting came out of public excluded and concluded at 3.27pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

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**D A T E**

**QLDC Council  
15 December 2016**

**Report for Agenda Item: 1**

**Department: Corporate Services**

**QLDC Committee Terms of Reference, Appointments and Meeting Schedule**

**Purpose**

The purpose of this report is to formally adopt the new QLDC Terms of Reference, to confirm appointments to various subcommittees and to adopt the 2017 meeting schedule.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Adopt** the new committee structure, namely the introduction of the following committees: Community and Services Committee; Infrastructure Committee; Strategy and Planning Committee; and Audit, Risk and Finance Committee;
3. **Adopt** [as referenced in this report]:
  - a. the new Terms of Reference for the committees;
  - b. the Wanaka Community Board revised Terms of Reference and Governance Protocol Statement;
  - c. the continued Terms of Reference for all subordinate committees; and
  - d. the new Terms of Reference for the Appeals Subcommittee;
4. **Note** that the new structure will be subject to review after 12 months;
5. **Confirm** the membership of committees, subcommittees and other official appointments;
6. **Confirm** the Chief Executive and Resource Management Act 1991 delegations.
7. **Adopt** the Meeting Schedule for 2017.

Prepared by:



Meaghan Miller  
GM Corporate Services

30/11/2016

Reviewed and Authorised by:



Mike Theelen  
Chief Executive

30/11/2016

## Background

- 1 A revised committee structure reducing standing committees to one and changing full Council to meet monthly was introduced in October 2013. Under section 41A of the Local Government Act 2002 the Mayor is authorised to establish committees and appoint the chairpersons of those committees.
- 2 Early in his tenure, Mayor Jim Boulton signalled that a new committee-based structure would be re-introduced at QLDC with a goal to enable Council to operate more transparently, more efficiently and more effectively.
- 3 The Local Government Act 2002 and other legislation that applies to local authorities enables the Council to delegate all of its responsibilities, duties or powers, except for certain fundamental decisions that cannot be delegated.
- 4 Council engaged Simpson Grierson to revise the Terms of Reference (TOR) for both the committees (Attachment A) and the Wanaka Community Board (Attachment B) as one impacts the other, in compliance with the Local Government Act 2002 (Part 4). This piece of work also presented an opportunity to review what was known as the Governance Agreement (Attachment B). This has been re-named to better represent what is effectively a protocol for communications between the Board and Council.
- 5 The TORs contain: the objective; activities relating to the particular committee; responsibilities and key projects and delegations.

## Comment

- 6 The committee structure and membership established by the Mayor is as follows:

Infrastructure	Councillor Forbes (Chair) Councillor MacLeod (Deputy) Councillor Ferguson Councillor Clark Councillor MacDonald
Planning and Strategy	Councillor Hill (Chair) Councillor Lawton (Deputy) Councillor McRobie Councillor Miller Councillor MacDonald



Community and Services	Councillor Stevens (Chair) Councillor Ferguson (Deputy) Councillor Clark Councillor Miller Councillor McRobie
Finance, Audit and Risk	Councillor McRobie (Chair) Councillor Hill (Deputy) + 2 external members

- 7 The Terms of Reference note that the recommendations of each committee will be reported at the subsequent full Council meeting to enable elected members to be informed of 'other' committee business.
- 8 The Mayor is deemed to be a member of all committees under section 41A(5) of the Local Government Act 2002.

### Subordinate Council Structures for 2013-16 Triennium

- 9 All democratic structures which existed prior to the recent triennial election are deemed to have been discharged upon the coming into office of the new Council.
- 10 The Council needs to establish a number of subordinate committees which fulfill a specific function and to make appointments to committees whose constitution only requires the appointment of a smaller number of elected members. They are as follows:

Name	Purpose	Constitution
Chief Executive Performance Review Committee	To monitor, review and report back to the full Council on the CEO's Performance Objectives and Performance Review.	Mayor Boulton Councillor Forbes Councillor McRobie
Dog Control Subcommittee	To hear appeals lodged under the Dog Control Act 1996	All elected members of which any three may form a hearings panel:
QLDC/CODC Coronet Forest Joint Committee	To receive, consider and approve management and operating plans for the Coronet Forest in conjunction with other committee members appointed by the Central Otago District Council.	Councillor Ferguson Councillor Stevens
Otago Civil Defence Emergency Management Group Joint Committee	To ensure regional liaison on civil defence matters.	Mayor Boulton Councillor MacLeod as alternate
Regional Land Transport Committee	Ensure regional integration of land transport activities throughout the region.	Councillor Forbes Councillor MacLeod as alternate.

Name	Purpose	Constitution
Event Funding Panel	To determine allocations under Events Strategy funding framework, with amounts greater than \$30,000 recommended to Council.	Councillor Stevens (Chair) Councillor Lawton Councillor Clark Councillor Ferguson General Manager Corporate Services
Elected Member Conduct Committee	To monitor compliance with the Code of Conduct and the QLDC Standing Orders; To conduct an inquiry into any matters which may be referred to it by the CE or the Mayor; Conduct an inquiry and determine whether or not any complaint is to be upheld and make recommendations to Council.	All elected members of the Council and an independent person to be appointed by Council. The quorum is three, one of whom must be the independent person.  The independent person is the Chair. No appointment to this position has been made.
Appeals Subcommittee	To guide the resolution of appeals and mediations under the Resource Management Act 1991	The Chairperson of the Planning and Strategy Committee and any two other members of that Committee.

11 It is recommended that the terms of reference for the above subordinate committees remain the same as those in place at the end of the 2013-16 Triennium. The Appeals Subcommittee is a new Subcommittee recommended to enable Resource Management Act appeals and mediations to be resolved efficiently and effectively. The proposed Terms of Reference for the Appeals Subcommittee are set out in Attachment C.

12 It is noted that the Governance Subcommittee with a membership of Mayor Boulton, Councillor Hill and the Chief Executive was established at the 24 November Council meeting, with the 2013-16 terms of reference continuing, and appointments to the District Licensing Committee, a statutory committee, were made on 6 October 2016.

### 2017 Meeting Schedule

13 Clause 19 in Schedule 7 of the *Local Government Act 2002* contains the following general provisions with respect to meetings:

(1) *A local authority must hold the meetings that are necessary for the good government of its region or district.*

(4) *A local authority must hold meetings at the times and places that it appoints.*

(6) *If a local authority adopts a schedule of meetings,—*

(a) *the schedule—*

- (i) may cover any future period that the local authority considers appropriate;  
and  
(ii) may be amended;

- 14 The proposed meeting schedule for 2017 is set out in Attachment D. The schedule is planned around a six-week cycle and contains standing committee, Wanaka Community Board and full Council meetings.
- 15 There are some variations to the regularity of the cycle. An additional Council meeting has been scheduled on 24 March to adopt the draft Annual Plan for 2017/18 and the Community and Services Committee and the Council meeting dates for the end of June and the end of October have been swapped to accommodate the adoption of the Annual Plan for 2017/18 and Annual Report 2016/17 by their respective statutory deadlines.
- 16 It is recommended that the ordinary Council meetings scheduled for April and September be held in Wanaka.

### **Chief Executive Delegations and Resource Management Delegations**

- 17 It is necessary to delegate functions to the Chief Executive and officers to ensure efficient, effective and timely delivery of services. The delegations to the Chief Executive are largely unchanged from the 2013-16 Triennium (Attachment E). The Chief Executive can sub-delegate functions to officers as necessary.
- 18 Resource Management Act delegations cannot be sub-delegated and therefore must be delegated direct from the Council rather than via the Chief Executive. There are some changes to reflect the new committee structure, changes in job titles and to ensure more operational matters are addressed at the most efficient level (Attachment F).

### **Options**

- 19 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 20 Option 1 Decline the recommendations as outlined and continue with the status quo.

#### *Advantages:*

- 21 All matters will be considered by all elected members

#### *Disadvantages:*

- 22 This does not enable elected members the opportunity to meaningfully engage at a strategic level on key projects in specific activity areas, and will not ensure that decisions are made efficiently.
- 23 Option 2 Adopt the recommendations as outlined.

*Advantages:*

- 24 The opportunity for elected members to specialise in activity areas, enabling a more strategic, efficient and effective level of governance.

*Disadvantages:*

- 25 Some adjustment will be required to take advantage of the 'right' level of delegation to officers.
- 26 It will be important that all parties manage the potential for duplication and potentially increased workload for officers.
- 27 This report recommends **Option 2** for addressing the matter because it is in keeping with the intent of the governance principles set out in the Local Government Act 2002 (Part 4). It has the potential to give greater transparency and be more effective and efficient from a governance perspective. It also empowers officers to more efficiently and effectively operate in accordance with their expertise, knowledge and delegation.

***Significance and Engagement***

- 28 This matter is not significant, as determined by reference to the Council's Significance and Engagement Policy because it relates to a mechanism to enable decision making.

***Risk***

- 29 This matter relates to the strategic risk SR2: 'Business capability planning - delegation ownership and business continuity' and is classed as moderate.
- 30 The recommended option (adopting the new committee structure and terms of reference) mitigates the risk by 'treating the risk – putting measures in place which directly impact the risk.'

**Financial Implications**

- 31 There will be some additional (minor) public notification costs and the potential for increased resourcing (yet to be determined) in governance resourcing. It is anticipated the previous remuneration of Portfolio Leaders and Deputies will translate directly to the newly created Chair and Deputy Chair roles – with the exception of the Audit, Risk and Finance Committee, the previous chair of Audit and Risk having operated on a pro bono basis. The additional remuneration will be moderate and in accordance with the recommended Remuneration Authority funding.

**Council Policies, Strategies and Bylaws**

- 32 The following Council policies, strategies and bylaws were considered:

- 10 Year Plan

## **Local Government Act 2002 Purpose Provisions**

33 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses through strategic governance. And:
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

## **Attachments**

- A Terms of Reference Committees
- B Wanaka Community Board Terms of Reference and Governance Protocol Statement
- C Terms of Reference Appeals Subcommittee
- D 2017 Schedule of Meetings
- E Delegations from Council to the Chief Executive
- F Delegations from Council under the Resource Management Act 1991

# Queenstown Lakes District Council

## Community & Services Committee Terms of Reference

### MEMBERSHIP

#### Chairperson

Cr Scott Stevens

#### Deputy-Chairperson

Cr Craig Ferguson

#### Members

Cr Penny Clark  
Cr Valerie Miller  
Cr Ross McRobie

#### Quorum

The quorum for every meeting shall be 3 members.

#### Frequency of Meetings

Six weekly.

#### Parent Body

The Committee reports to the Queenstown Lakes District Council.

#### Objectives of the Committee

The objectives of the Community & Services Committee are to review strategy and policy essential to the development of resilient, successful, healthy and safe communities.

In fulfilling their role on the Community & Services Committee, members shall be impartial and independent at all times.

### TERMS OF REFERENCE

#### Activity Areas

- Venues and events
- Sporting facilities
- Emergency management
- Economic development
- Community development
- Harbour master
- Regulatory services
- Forests
- Trails, cycleways, walkways and bridleways
- Foreshores, lake edges and esplanades
- Parks and reserves (including reserve management planning)
- Sport and recreation planning
- Swimming pools
- Cemeteries
- Public toilets
- Community housing
- Libraries
- Communication and customer services

## Responsibilities and key projects

1. Delivery of Annual Work Programme.
2. Oversee provision of capital and maintenance programmes to deliver effective:
  - a. Development and presentation of parks and reserves.
  - b. Sport and recreation planning, including the planning of new facilities included in the Council's Annual Plan/Long Term Plan.
  - c. Development and maintenance of services and facilities that contribute to community social and physical wellbeing, (including libraries, cemeteries, public toilets, community housing, gardens and parks, trails, cycleways, walkways and bridleways, sporting and recreation facilities)
  - d. Development and maintenance of foreshores, lake edges, esplanades (including marinas, jetties and navigation aids).
3. Facilitating communication between the Council and the communities that make up the District.
4. Facilitating new economic development initiatives.
5. Oversee preparation of reserve management plans and other master plans and policies for Council's community facilities and services (including master plans and policies relating to arts and culture, sport and recreation (including swimming pools and stadia), facilities and services for youth, the eradication of pests, weeds and wilding trees, heritage features and buildings).
6. Oversee preparation and review of the Council's Trees Policy.

## Delegated Authority

The Community & Services Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

### Power to Act

1. The Community & Services Committee will:
  - a. approve the adoptions of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
  - b. lodge and present submissions to external bodies on policies and legislation relevant to the Community & Services Committee's Terms of Reference and any activity area listed above (*Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval*);
  - c. approve the review of bylaws under the Community & Services Committee's jurisdiction and consider submissions;
  - d. initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002, related to any activity area listed above;

### Power to Recommend:

1. The Community & Services Committee will:
  - a. recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;

- b. consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, and to make recommendations to the Council as appropriate;
- c. recommend adoption of any new or amended bylaw related to any activity area listed above;
- d. recommend any reserve management plan for adoption by the Council under the Reserves Act 1977.

### **Delegation Limitations**

The Community & Services Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

### **Procedure**

The Chairperson will report back to the Council with recommendations of the Community & Services Committee at the next Council meeting following each committee meeting



# Queenstown Lakes District Council

## Infrastructure Committee Terms of Reference

### **MEMBERSHIP**

#### **Chairperson**

Cr Alexa Forbes

#### **Deputy-Chairperson**

Cr Calum MacLeod

#### **Members**

Cr Craig Ferguson  
Cr Penny Clark  
Cr John Macdonald

#### **Quorum**

The quorum for every meeting shall be 3 members.

#### **Frequency of Meetings**

Six weekly

#### **Parent Body**

The Committee reports to the Queenstown Lakes District Council.

#### **Objectives of the Committee**

The objectives of the Infrastructure Committee are to review strategy and policy for the Council's infrastructure.

In fulfilling their role on the Infrastructure Committee, members shall be impartial and independent at all times.

### **TERMS OF REFERENCE**

#### **Activity Areas**

- Water, wastewater and stormwater
- Road network
- Solid waste
- Transportation planning
- Public transport
- Road safety
- Parking

- Infrastructure planning
- Property

### Responsibilities and key projects

1. Delivery of Annual Work Programme.
2. Overseeing provision of capital and maintenance programmes to deliver effective:
  - a. Water, wastewater and stormwater networks (including collection, treatment, reticulation and disposal).
  - b. Road network (including streets, bridges, footpaths, landscaping and ancillary services and facilities, areas of public amenity and street lighting).
3. Overseeing provision of solid waste services (including kerbside solid waste and recycling collection services, landfills and transfer stations).
4. Overseeing provision of transportation planning, public transport and road safety.
5. Development and maintenance of policy for the effective management of the built form of streets in the CBD (Queenstown, Wanaka, Arrowtown and Frankton) including signs, furniture, areas of public amenity and street names.

### Delegated Authority

The Infrastructure Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

#### Power to Act

1. The Infrastructure Committee will:
  - a. approve the adoptions of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
  - b. maintain the Council's strategic relationship with NZ Transport Agency;
  - c. lodge and present submissions to external bodies on policies and legislation relevant to the Infrastructure Committee's Terms of Reference and any activity area listed above (*Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval*);
  - d. approve the review of bylaws under the Infrastructure Committee's jurisdiction and consider submissions;
  - e. initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002, related to any activity area listed above;

#### Power to Recommend:

1. The Infrastructure Committee will:
  - a. recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
  - b. consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, and to make recommendations to the Council as appropriate;
  - c. recommend adoption of any new or amended bylaw related to any activity area listed above;
  - d. prepare a draft Infrastructure Strategy and recommend it for approval by the Council as part of

the Long Term Plan;

### **Delegation Limitations**

The Infrastructure Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

### **Procedure**

The Chairperson will report back to the Council with recommendations of the Infrastructure Committee at the next Council meeting following each committee meeting.

# Queenstown Lakes District Council

## Planning & Strategy Committee Terms of Reference

### **MEMBERSHIP**

#### **Chairperson**

Cr Tony Hill

#### **Deputy-Chairperson**

Cr Ella Lawton

#### **Members**

Cr Ross McRobie  
Cr Valerie Miller  
Cr John Macdonald

#### **Quorum**

The quorum for every meeting shall be 3 Members.

#### **Frequency of Meetings**

Six weekly

#### **Parent Body**

The Committee reports to the Queenstown Lakes District Council.

#### **Objectives of the Committee**

The objectives of the Planning & Strategy Committee are to recommend strategies, plans and policies that advance the Council's vision and goals for the District and ensure integrated and sustainable management of the natural and physical resources of the District in accordance with the Resource Management Act 1991.

In fulfilling their role on the Planning & Strategy Committee, members shall be impartial and independent at all times.

### **TERMS OF REFERENCE**

#### **Activity Areas**

- District Plan
- District Plan review
- Private Plan changes
- RMA appeals
- Growth management
- Environmental sustainability
- Affordable housing
- Building control

- Monitoring of Resource Consents

## Key Projects

1. Delivery of Annual Work Programme.

## Delegated Authority

The Planning & Strategy Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

### Power to Act

1. The Planning & Strategy Committee will:
  - a. approve the adoption of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
  - b. exercise all of the Council's functions, powers and duties pursuant to section 34(1) of the Resource Management Act 1991 in relation to the consideration of Council-initiated Plan Changes and Variations. *(Note: To avoid doubt, a Council-initiated Plan Change includes a private request for a Plan change under clause 22 of Schedule 1 of the Resource Management Act 1991 that has been adopted by the Council under clause 25(2) of that Schedule);*
  - c. consider, make determinations and notify variations to the Queenstown Lakes Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991.
  - d. maintain the Council strategic relationships with Government and non-Government agencies and funding bodies (excluding NZ Transport Agency) with respect to any of the activity areas listed above;
  - e. lodge and present submissions to external bodies on policies and legislation relevant to the Planning & Strategy Committee's Terms of Reference and any activity area listed above. *(Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval);*
  - f. approve the review of bylaws under the Planning & Strategy Committee's jurisdiction and consider submissions;
  - g. initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above.

### Power to Recommend:

1. The Planning & Strategy Committee will:
  - a. recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
  - b. consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, other than a consultative process pursuant to the Resource Management Act 1991. and to make recommendations to the Council as appropriate;
  - c. consider any strategic planning or development matter, including matters related to planning for and managing growth in the District and make recommendations to the Council as appropriate. *(Note: this responsibility should be exercised in partnership with any other committee responsible for a particular activity area impacted by specific proposals.)*

- d. recommend adoption of any new or amended bylaw related to any activity area listed above.

### **Delegation Limitations**

The Planning & Strategy Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

### **Procedure**

The Chairperson will report back to the Council with recommendations of the Planning & Strategy Committee at the next Council meeting following each committee meeting.

# Queenstown Lakes District Council

## Audit, Finance & Risk Committee Terms of Reference

### **MEMBERSHIP**

#### **Chairperson**

Cr Ross McRobie

#### **Deputy-Chairperson**

Cr Tony Hill

#### **Members**

**2 x external members**

#### **Quorum**

The quorum for every meeting shall be 3 members.

#### **Frequency of Meetings**

Quarterly

#### **Parent Body**

The Committee reports to the Queenstown Lakes District Council.

#### **Objectives of the Committee**

The objectives of the Audit, Finance & Risk Committee are to assist the Council to discharge its responsibilities for:

- a. the robustness of the internal control framework and financial management practices;
- b. the integrity and appropriateness of internal and external reporting and accountability arrangements;
- c. the robustness of risk management systems, processes and practices;
- d. compliance with applicable laws, regulations, standards and best practice guidelines; and
- e. the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.

In fulfilling their role on the Audit, Finance & Risk Committee, members shall be impartial and independent at all times.

### **TERMS OF REFERENCE**

#### **Activity Areas**

- Overall financial performance of the Council
- Financial performance of CCO's and other Council related entities
- Council investments

- Internal and External Audit
- Risk Management

## **Responsibilities and key projects**

1. Delivery of Annual Work Programme.

## **Delegated Authority**

The Audit, Finance & Risk Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

## **Power to Act**

1. The Audit, Finance & Risk Committee will:

### ***Financial systems and performance***

- a. oversee and review the Council's financial and non-financial performance against the Long Term Plan and Annual Plan.
- b. oversee and review financial mechanisms (including rates, financial contributions and fees/charges and evaluate development of funding tools).
- c. oversee and review corporate (SOI) and contractual performance of subsidiary organisations and organisations obtaining financial support from the Council (including CCO's and Trusts).
- d. oversee and review Council investments to ensure they achieve their stated objectives (including CCO's and CCTO's, trusts, incorporated societies, internal business units, subdivision, forestry, motor parks, commercial leases).
- e. oversee and review Council financial statements and accounting policies and principles and recommend the adoption of completed financial statements.

### ***Internal Control Framework***

- a. review whether management's approach to maintaining an effective internal control framework is sound and effective,
- b. review whether management has taken steps to embed a culture that is committed to ethical and lawful behaviour.
- c. review whether management has in place relevant policies and procedures and how these are reviewed and monitored.
- d. review whether there are appropriate processes or systems in place to capture and effectively investigate bribery and/or fraud.

### ***Internal reporting***

- a. To consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council.
- b. To seek advice periodically from Council employees and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.

### ***External Reporting and Accountability***

- a. consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes.



- b. satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal controls.
- c. confirm that processes are in place to ensure that financial information included in the Council's annual report is consistent with the signed financial statements.

#### ***Risk Management***

- a. review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's financial and business risks, including fraud.
- b. review whether a sound and effective approach has been followed in developing risk management plans (including relevant insurance) for major projects, undertakings and other significant risks.
- c. at least annually assess the effectiveness of the implementation of the risk management framework/plans.

#### ***External Audit***

- a. at the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor.
- b. oversee the coordination of audit programmes conducted by the external auditors.

#### ***Compliance with Legislation and Council's Policies***

- a. review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated Government policies) and Council's policies.

#### ***Insurance***

- a. review the level of insurance on an annual basis to ensure that it is appropriate and implement any changes.

#### ***Miscellaneous***

- a. lodge and present submissions to external bodies on policies and legislation relevant to the Committee's Terms of Reference and any activity area listed above (*Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval*).
- b. approve the review of bylaws under the Infrastructure Committee's jurisdiction and consider submissions.
- a. Approve risk management programmes;
- b. Review insurance arrangements annually.

#### **Power to Recommend:**

1. The Audit, Finance & Risk Committee will:

#### ***Financial systems and performance***

- a. recommend to the Council the adoption, or non-adoption of completed financial and non-financial performance statements;
- b. report to the Council on the performance of subsidiary organisations and Council investments;

#### ***External Reporting and Accountability***

- a. review the Council's financial statements and provide advice to the Council (including whether appropriate action has been taken in response to the audit recommendations and adjustments) and recommend their signing.
- b. report to the Council on the effectiveness of the Council's external accountability reporting (including non-financial performance);

**External Audit**

- a. make recommendations to the Council on the appointment of auditors, and audit fees;
- b. receive the external audit report(s) and review action to be taken by management on, and provide advice to the Council in relation to, significant issues and audit recommendations raised in the reports.

**Miscellaneous**

- a. Consider and recommend to the Council the adoption of fees and charges for Council's activities and services.

**Delegation Limitations**

The Audit, Finance & Risk Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

**Procedure**

The Chairperson will report back to the Council with recommendations of the Audit, Finance & Risk Committee at the next Council meeting following each committee meeting.

## **WANAKA COMMUNITY BOARD**

### **TERMS OF REFERENCE**

#### **MEMBERSHIP**

##### **Chairperson**

Rachel Brown

##### **Deputy Chairperson**

Quentin Smith

##### **Members**

Councillor Ella Lawton

Councillor Ross McRobie

Councillor Calum MacLeod

Ruth Harrison

Ed Taylor

##### **Quorum**

The quorum for every meeting shall be four members.

##### **Frequency of Meetings**

Every six weeks.

##### **Parent Body**

The Board reports to the Queenstown Lakes District Council.

##### **Objectives of the Wanaka Community Board**

The objectives of the Wanaka Community Board are to carry out its role as set out in section 52 of the Local Government Act 2002 to give effect to the purpose of local government in section 10 of the Local Government Act 2002, as set out in the Appendix.

### **TERMS OF REFERENCE**

#### **Responsibilities and Key Projects**

- a) Represent and act as an advocate for, the interests of its community; and
- b) Consider and report on all matters referred to it by the Council, or any matters of interest or concern to the Wanaka Community Board; and
- c) Maintain an overview of services provided by the Council within the community; and
- d) Prepare an annual submission to the Council for expenditure within the community; and
- e) Communicate with community organisations and special interest groups within the community; and

- f) Undertake any other responsibilities that are delegated to it by the Council.

#### Delegated Authority

The Wanaka Community Board will have authority to carry out activities within its Terms of Reference (excluding all powers reserved to the Council by law, or by resolution of the Council).

#### **Power to Act:**

The Wanaka Community Board will:

- a) prepare submissions to the draft TYP or annual plan relating to the Wanaka Ward (including the prioritisation of proposals from community groups);
- b) lodge and present submissions to external bodies on policies and legislation relevant to the Board's Terms of Reference;
- c) make decisions, subject to such general policies as are determined by the Council and having regard to the duties and powers set out in these Terms of Reference, on the following Council activities within the Wanaka Ward:
  1. Car Parking
  2. Cemetery
  3. Council owned buildings and property
  4. Footpaths
  5. Temporary road closures for non-arterial roads, over 13 hours duration in the Wanaka Ward
  6. Legislation relating to –
    - Street names, parades, collections and special uses;
    - Waterways and waterfront special cases and concessions except for formal regulatory functions;
  7. Public toilets
  8. Recreation and reserve areas
  9. Sports fields
  10. Swimming pool
  11. Public information signage
  12. Street lighting
  13. Trees on Council owned land
  14. Elderly persons housing; and
  15. Other items not specified above that fall within the same general local interest category of Council activities within the Wanaka Ward.

#### **Power to Recommend:**

The Wanaka Community Board will recommend:

- a) rates and charges to be levied in the Wanaka Ward (in particular, those related to water, sewerage, roading, tourism promotion and parking);
- b) other revenues to be collected in the Wanaka Ward which relate to the areas listed in (a) above;
- c) any bylaws required for the safety or good governance of the Wanaka Ward;
- d) the use of borrowing to fund works or facilities in the Wanaka Ward;

- e) any decision involving the use of the Public Works Act 1981 within the Wanaka Ward;
- f) setting policy on the leasing or licensing of use of Council property;
- g) the development of the district plan, long term financial strategy, funding policy, treasury policies and borrowing policies;

### **Delegation Limitations**

These delegations MUST BE read subject to the following qualifications. The Wanaka Community Board's jurisdiction and authority will be limited in regard to the following decisions:

- Any decision delegated to an officer or contractor under Council delegations including sub-delegations to an officer or contractor from the Chief Executive;
- Any services or facilities funded by any rate, charge or other revenue collected on a district wide basis;
- Any contract entered in by the Council for the good of the District as a whole;
- Any work, service, facility or payment that is not funded fully from revenue raised in the Wanaka Ward;
- The power to employ staff;
- Any decision where the Mayor records concerns about the authority of the Wanaka Community Board to make that decision;
- Any decisions involving the development of the Proposed District Plan which shall be in the hands of the Planning & Strategy Committee;
- Any matter where any Board member, or members, considering the issue could be seen to have an interest or bias;
- Financial contributions set in the District Plan or Long Term Plan or imposed in any resource consent application;
- Any decision that is contrary to policy set by the Council. Where the Wanaka Community Board considers that a policy is wrong or requires amendment to provide for circumstances which are not catered for, the Board will submit a proposal for amendment to the policy to the Council.

11.1 WCB DELEGATION SCHEDULE<sup>1</sup>

	Decision by: <sup>2</sup>			
	Officer	WCB	Committee	Council
<b>Artwork</b>				
• locations		✓		
<b>Buildings and Property</b>				
• sale and purchase		✓	✓	✓
• service and operation		✓		✓
• maintenance	✓			
<b>Bylaws</b>		✓	✓	✓
<b>Council Policy</b>		✓	✓	✓
<b>Cemetery Plan</b>				
• development and approval		✓		
• implementation	✓			
<b>District Plan</b>				
• development and approval		✓	✓	✓
• implementation	✓			
<b>Elderly persons housing</b>				
• policy		✓	✓	✓
• design		✓		
• location		✓	✓	✓
• purchase and sale				✓
• maintenance	✓	✓		
<b>Footpaths and walkways</b>				
• locations/priorities		✓		
• specification / LoS		✓		✓
• maintenance	✓			
• trails trust		✓		
<b>Infrastructure</b>				
Capital				
• scoping		✓		
• funding		✓	✓	✓
• planning		✓	✓	✓
Operational				
• location		✓		✓
• specifications/LoS		✓		✓
• maintenance	✓			
• design and build	✓			
<b>Land vesting as reserve</b>		✓		✓

1 This schedule is designed to clarify decision making powers by subject matter. If there is any inconsistency between this schedule and the Terms of Reference and Delegations, the Terms of Reference and Delegations will prevail.

2 Ticks appear in each column where approval is required before the final decision is reached. The final decision is made by the body with the last tick (reading left to right along each row).

	Decision by: <sup>2</sup>			
	Officer	WCB	Committee	Council
<b>Lagarosiphon Control</b>				
• management plan		✓		
• implementation	✓			
<b>TYP</b>				
• preparation		✓	✓	✓
• adoption				✓
• implementation	✓			
<b>Memorials</b>				
• design		✓		
• location		✓		
<b>Operational matters</b>				
• emergency works	✓			
<b>Parking</b>				
• strategic planning		✓		✓
• time restrictions		✓		✓
• no stopping areas		✓		
• location of areas		✓		
• enforcement	✓			
• implement payment		✓		
• fund payment option		✓		✓
<b>Public information signage</b>				
• location		✓		
• specification				✓
• installation	✓			
<b>Public toilets</b>				
• locations		✓		
• specification/LoS		✓		✓
• maintenance and cleaning	✓			
<b>Reserve and recreation areas</b>				
• management plans		✓		✓
• locations		✓		✓
• specification / LoS		✓		✓
• LoS trade-offs		✓		
• maintenance	✓			
• conditions of hire		✓		
• concessions	↗			
• decision to notify long term land leases (lease period greater than 5 years)	↗			
• Lease renewal where Council has discretion	↗			
• Granting of subleases	↗			

	Decision by: <sup>2</sup>			
	Officer	WCB	Committee	Council
• Table and chair licences	✓✓			
• Decision to notify the intention to grant any approvals for events in excess of 6 days	✓✓			
• Decision to notify right of way (ROW) easement	✓✓			
• Affected Party Approval for permanent private development encroaching on Council land	✓✓			
<b>Rivers and Lakes</b>				
• speed limits		✓		✓
• enforcement	✓			
• concessions		✓		
• charges		✓		
• navigation aids	✓			
• structure design and location		✓		
• Commercial activity permit for activity from a jetty		✓		
<b>Roads</b>				
Capital				
• strategic planning		✓		✓
• funding		✓	✓	✓
• new seals		✓		
• re-seals	✓			
Operational				
• policy		✓		✓
• LoS trade-offs		✓		
• maintenance	✓			
• naming	✓			
• stopping		✓		✓
• temporary closure pursuant to policy		✓✓		
Minor safety works				
• implement projects	✓			
• change priority of projects		✓		
• approve new projects		✓		✓
<b>Service Delivery</b>				
• specification / LoS		✓		✓
• delivery	✓			
• monitoring		✓		
<b>Staff issues</b>				



	Decision by: <sup>2</sup>			
	Officer	WCB	Committee	Council
• employment	✓			
• performance	✓			
• dismissal	✓			
<b>Street furniture and paving</b>				
• policy and palette		✓		✓
• location		✓		
• purchase	✓			
• Installation/removal	✓			
<b>Street lighting</b>				
• policy		✓	✓	✓
• location		✓		
• style		✓		
• purchase	✓			
• Installation/removal	✓			
• under-grounding priorities		✓		
<b>Swimming Pool</b>				
• location		✓		
• design		✓		
• operation	✓			
• funding		✓	✓	✓
<b>Trees on Council Land</b>				
• location		✓		
• species		✓		
• planting	✓			

- ◆ Note: delegation to be exercised by officers following prior consultation with the Community Board Chairperson, or other nominated representative(s) of the Community Board where practicable.
- ◆ For temporary road closures over 13 hours.  
Under 13 hours CEO

## APPENDIX

### 10 Purpose of local government

- (1) The purpose of local government is—
- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
- (a) efficient; and
  - (b) effective; and
  - (c) appropriate to present and anticipated future circumstances.

Section 10(1)(b): replaced, on 5 December 2012, by [section 7\(1\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 10(2): inserted, on 5 December 2012, by [section 7\(2\)](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

### 52 Role of community boards

The role of a community board is to—

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

Compare: 1974 No 66 s [101ZY](#)

## **Wanaka Community Board**

### **GOVERNANCE PROTOCOL STATEMENT**

#### **Purpose**

This protocol statement aims to document best practice protocols to:

- Encourage communication, coordination and cooperation between the Queenstown Lakes District Council ("Council") and the Wanaka Community Board ("Board").
- Provide a mechanism for the Council and the Board to:
  - a) enable democratic local decision-making and action by, and on behalf of, communities; and
  - b) meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses

#### **Protocols for Governance, Communication and Coordination**

- The Council and Board have a joint responsibility for the good governance of the district and that the best interests of the communities of the district are served when the Council and Board work cooperatively.
- The Board will be consulted on significant policy and planning documents that impact on the Wanaka Ward before the policies or plans are adopted as draft documents and notified for public comment. It is acknowledged that in some special circumstances, urgency may limit the applicability of this protocol.
- The Board and the Council will agree on levels of service to be provided in the Wanaka Ward. Where the agreed service levels differ from the district-wide service level adopted by Council then a rate differential may be applied to the Wanaka Ward to equalise the different level of service.
- Board concerns regarding operational performance will be communicated to the relevant General Manager in the first instance and subsequently to the Council's Chief Executive if not resolved.
- The Council's Chief Executive will ensure that the Board is provided with complete, timely and robust information, support and advice to enable the Board to carry out its role as prescribed in the Local Government Act 2002 (as

set out in the attached Appendix) and exercise its delegations. This includes the provision of adequate staff support for Board activities.

- Appropriately qualified members of the Board may be appointed to any Hearings Panel to consider resource consent applications. This will require that the Board maintain an impartial position on resource consent applications at all times.
- The Council and the Board will ensure that appropriate training and development is provided for Councillors and Board Members to ensure they have the necessary skills to undertake their governance and policy making responsibilities within local government.
- The Council and the Board acknowledge that good governance requires them to consider community views and provide a balance of the different views and the trade-offs necessary.
- As far as is practicable the Council will delegate powers to the Board over matters concerning the Wanaka ward that are necessary to enable the Board to fulfill its role as prescribed in the Local Government Act 2002. The Board will be consulted over any changes the Council proposes to make to delegations to the Board.
- Delegations to the Board underlie the spirit of partnership between the Council and the Board and any changes to delegations and this Governance Protocol Statement should be considered in tandem with each other.
- Where the Board is exercising its powers (either mandated or delegated) to make binding decisions where the Council considers there is a high degree of significance (as defined in Council's Significance and Engagement Policy) to the community it must follow the special consultative procedure under the Local Government Act 2002 in reaching its decision.
- The Council and the Board will act consistently with the Code of Conduct. Where the Board has been involved in reaching decisions made by the Council then it will not publicly criticise those decisions.

### **Process**

The Mayor and Chief Executive may attend meetings of the Board to report on Council issues impacting on the Board. Members of the senior management team will regularly attend Board meetings for this purpose. The Chair of the Board may attend Council meetings and report on Board issues impacting on the Council.

**Review of Protocol Statement**

The Council and the Board may consider and review this protocol statement at any time. Any proposal for change must be presented for consideration at the next available meetings of the Council and the Board upon the request of either of them. The request must be made in writing to the Chief Executive at least two weeks before the next meeting date.

The Council and the Board must ratify any proposed changes to this protocol statement prior to them coming into effect.

This protocol statement will be placed on the agenda of the final meetings of the Council and the Board prior to the triennial election for the purpose of reviewing the document and recommending changes (if any) to the incoming Council and Board.

**SIGNATURES**

Jim Boulton (Mayor)

\_\_\_\_\_

Rachel Brown (Chairperson  
Wanaka Community Board)

\_\_\_\_\_

## APPENDIX

### 10 Purpose of local government

- (1) The purpose of local government is—
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  - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
- (a) efficient; and
  - (b) effective; and
  - (c) appropriate to present and anticipated future circumstances.

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- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

Compare: 1974 No 66 s 101ZY

# Queenstown Lakes District Council

## Appeals Sub-Committee Terms of Reference

### **MEMBERSHIP**

#### **Chairperson**

Chairperson of the Planning & Strategy Committee

#### **Members**

Any two members of the Planning & Strategy Committee

#### **Quorum**

The quorum for every meeting shall be 3 Members.

#### **Frequency of Meetings**

As required

#### **Parent Body**

The Committee reports to the Planning & Strategy Committee.

#### **Objectives of the Committee**

The objectives of the Appeals Sub-Committee are to guide the resolution of appeals and mediations under the Resource Management Act 1991.

In fulfilling their role on the Appeals Sub-Committee, members shall be impartial and independent at all times.

### **TERMS OF REFERENCE**

#### **Activity Areas**

- RMA appeals

#### **Delegated Authority**

The Appeals Sub-Committee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

#### **Power to Act**

1. The Appeals Sub-Committee will approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991, including resolving or withdrawing from any proceedings and providing guidelines and settlement parameters to officers responsible for participating in mediations.

**Delegation Limitations**

The Appeals Sub-Committee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

**Procedure**

The Chairperson will report back to the Planning & Strategy Committee at the next Planning & Strategy Committee meeting following each sub-committee meeting.



## ATTACHMENT C

## QUEENSTOWN LAKES DISTRICT COUNCIL 2017 MEETING SCHEDULE

<b>Committee Name</b>	<b>Meeting Day/Date</b>	<b>Time</b>
Council	Thursday 26 January 2017	1.00pm
Planning & Strategy Committee	Thursday 2 February 2017	10.00 am
Infrastructure Committee	Thursday 9 February 2017	10.00 am
Wanaka Community Board	Thursday 16 February 2017	10.00am
Community & Services Committee	Thursday 23 February 2017	10.00 am
Finance, Audit & Risk Committee	Thursday 2 March 2017	10.00 am
Council	Thursday 9 March 2017	1.00pm
Planning & Strategy Committee	Thursday 16 March 2017	10.00 am
Infrastructure Committee	Thursday 23 March 2017	10.00 am
Council	Friday 24 March 2017	1.00pm
Wanaka Community Board	Thursday 30 March 2017	10.00am
Community & Services Committee	Thursday 6 April 2017	10.00am
Council	Thursday 20 April 2017	1.00pm
Planning & Strategy Committee	Thursday 27 April 2017	10.00 am
Infrastructure Committee	Thursday 4 May 2017	10.00 am
Wanaka Community Board	Thursday 11 May 2017	10.00am
Community & Services Committee	Thursday 18 May 2017	10.00 am
Council	Thursday 25 May 2017	1.00pm
Planning & Strategy Committee	Thursday 8 June 2017	10.00 am
Finance, Audit & Risk Committee	Thursday 8 June 2017	10.00am
Infrastructure Committee	Thursday 15 June 2017	10.00 am
Wanaka Community Board	Thursday 22 June 2017	10.00am
Council	Thursday 29 June 2017	1.00pm
Community & Services Committee (from previous meeting round)	Thursday 6 July 2017	10.00 am
Planning & Strategy Committee	Thursday 20 July 2017	10.00 am
Infrastructure Committee	Thursday 27 July 2017	10.00 am
Wanaka Community Board	Thursday 3 August 2017	10.00am
Community & Services Committee	Thursday 10 August 2017	10.00 am
Council	Thursday 17 August 2017	1.00pm
Planning & Strategy Committee	Thursday 31 August 2017	10.00 am
Infrastructure Committee	Thursday 7 September 2017	10.00 am
Wanaka Community Board	Thursday 14 September 2017	10.00am
Community & Services Committee	Thursday 21 September 2017	10.00 am
Council	Thursday 28 September 2017	1.00pm
Finance, Audit & Risk Committee	Thursday 5 October 2017	10.00am
Planning & Strategy Committee	Thursday 12 October 2017	10.00 am
Infrastructure Committee	Thursday 19 October 2017	10.00 am
Wanaka Community Board	Wednesday 25 October 2017	10.00am
Council	Thursday 26 October 2017	1.00pm
Community & Services Committee (from previous meeting round)	Thursday 2 November 2017	10.00 am
Planning & Strategy Committee	Thursday 16 November 2017	10.00 am
Infrastructure Committee	Thursday 23 November 2017	10.00 am
Wanaka Community Board	Thursday 30 November 2017	10.00am
Community & Services Committee	Thursday 7 December 2017	10.00 am
Finance, Audit & Risk Committee	Tuesday 12 December 2017	10.00 am
Council	Thursday 14 December 2017	1.00pm

# Delegations from Council to the Chief Executive Officer

The Council delegates to the Chief Executive Officer:

1. Any and all of its responsibilities, duties and powers to act on any matter, subject to the limits and conditions below and excluding those matters in respect of which delegation is prohibited by any Act or Regulation. This power includes the authority to sub-delegate such powers as the Chief Executive determines necessary.

## Limits and Conditions

- a. The power of the Chief Executive Officer alone to commit the Council to borrowing which has been approved in the Ten Year Plan or Annual Plan is limited to instruments for a maximum of \$30,000,000 of principal plus the associated interest payments and where the borrowing complies with the Treasury Management Policy.
- b. In the case of other transactions the power of the Chief Executive Officer together with the Mayor or Deputy Mayor to commit the Council to a transaction (or to terminate or vary any transaction) is limited to a maximum of \$7,500,000 for capital expenditure and a maximum of \$5,000,000 for operational expenditure.
- c. In the case of other transactions the power of the Chief Executive Officer alone to commit the Council to a transaction (or to terminate or vary any transaction) is limited to:
  - i. a maximum of \$4,000,000 for capital expenditure; and
  - ii. a maximum of \$1,000,000 for operating expenditure; and
  - iii. a maximum of \$4,000,000 for grants to Destination Queenstown which are approved by Council in an Annual Plan or Ten Year Plan.
- d. A transaction (including termination or variation of any transaction) must be for the efficient conduct of Council affairs, and be consistent with the Ten Year Plan and/or Annual Plan.
- e. The rules set out in the General rules applying to all delegations – Queenstown Lakes District Council, attached as Schedule 2 must be complied with.
- f. The value of a series of repeat, related or ancillary transactions must be aggregated for the purpose of determining if they exceed the capital expenditure or operational expenditure limit specified in this delegation.
- g. The value of a transaction must be calculated as the total value of the transaction over the full term of the contract and shall include any rights of renewal unless such rights of renewal are at the absolute discretion of the Council.
- h. In regard to the borrowing of money or the acquisition and disposal of assets, the transaction being in accordance with the Ten Year Plan.

TERMS OF  
REFERENCE FOR  
COMMITTEES

DELEGATIONS  
FROM COUNCIL  
TO THE CHIEF  
EXECUTIVE  
OFFICER

DELEGATIONS TO  
OFFICERS UNDER  
RESOURCE  
MANAGEMENT  
ACT 1991

SUB-  
DELEGATIONS  
FINANCIAL

SUB-  
DELEGATIONS  
STATUTORY

SUB-DELEGATIONS  
NON-STATUTORY

SCHEDULE 1

SCHEDULE 2

The officers specified in "Delegate" column of tables in this section are delegated to perform the powers, functions and duties specified in the "Description" column. Every exercise of this sub-delegation must comply with **Schedule 2 "General Rules Applying to all Delegations – Queenstown Lakes District Council"**

2. The power to sub-delegate any of the Chief Executive’s responsibilities, duties and powers on any matter, including:
  - a. Section 43, Local Government (Official Information and Meetings) Act 1987;
  - b. Section 125, Privacy Act 1993;
  - c. Section 198, Sale and Supply of Alcohol Act 2012.
3. The Council’s power to bring or withdraw prosecution or infringement proceedings for any offence, including but not limited to:
  - a. Resource Management Act 1991;
  - b. Building Act 2004;
  - c. Local Government Act 2002;
  - d. any Queenstown Lakes District Council Bylaw.
4. The Council’s power, pursuant to Part 6 of the Criminal Procedure Act 2011, to decide to appeal against any sentence passed upon the conviction of any person for proceedings by the Council. Such appeals only to be lodged on solicitor’s recommendation.

**Reporting**

A quarterly report on the Chief Executive’s exercise of delegated powers on material matters will be provided for the information of the Audit, Finance & Risk Committee.

Failure to report the exercise of powers under this delegation shall not invalidate the exercise of the delegation.

**Explanatory Notes:**

The specified expenditure limits do not include GST.

These delegations do not preclude the Chief Executive Officer from referring any matter to the Council or a committee (including a subcommittee) of the Council or to the Wanaka Community Board, as appropriate, for a decision for any reason.

TERMS OF REFERENCE FOR COMMITTEES

DELEGATIONS FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER

DELEGATIONS TO OFFICERS UNDER RESOURCE MANAGEMENT ACT 1991

SUB-DELEGATIONS FINANCIAL

SUB-DELEGATIONS STATUTORY

SUB-DELEGATIONS NON-STATUTORY

SCHEDULE 1

SCHEDULE 2

The officers specified in “Delegate” column of tables in this section are delegated to perform the powers, functions and duties specified in the “Description” column. Every exercise of this sub-delegation must comply with **Schedule 2 “General Rules Applying to all Delegations – Queenstown Lakes District Council”**

# Delegations from Council Under the Resource Management Act 1991

Resource Management Act 1991		
Section	Description	Delegated to
10	Extension of existing use rights	Manager Planning Practice
10A	Authority to allow certain existing activities (now made unlawful/not permitted) to continue while application for resource consent is pending	Manager Planning Practice
10B	Authority to allow certain building work to continue where it has been subsequently made unlawful by a district plan	Manager Planning Practice
32	Duty to meet requirements for preparing s 32 reports and evaluations.	Planning Policy Manager
36(3) 36(3A) 36(5)	Authority to make decisions about additional administrative charges	Manager Planning Practice Team Leader, Resource Consents
37	Power to extend time periods as provided in this section	Manager Planning Practice Team Leader, Resource Consents Hearings Commissioner(s)
37A	Requirement to consider matters before extending a time limit.	Manager Planning Practice Team Leader, Resource Consents Hearings Commissioner(s)
39B	Selection of commissioners for specific hearings from pool of commissioners appointed by the Council.	General Manager, Planning and Development
41B 41C	Power to direct applicant to provide evidence before hearings; power to make directions about conduct of hearings	Manager Planning Practice Planning Policy Manager Team Leader, Resource Consents Hearings Commissioner(s)

The officers specified in "Delegate" column of tables in this section are delegated to perform the powers, functions and duties specified in the "Description" column. Every exercise of this sub-delegation must comply with **Schedule 2 "General Rules Applying to all Delegations – Queenstown Lakes District Council"**

TERMS OF  
REFERENCE FOR  
COMMITTEES

DELEGATIONS  
FROM COUNCIL  
TO THE CHIEF  
EXECUTIVE  
OFFICER

DELEGATIONS TO  
OFFICERS UNDER  
RESOURCE  
MANAGEMENT  
ACT 1991

SUB-  
DELEGATIONS  
FINANCIAL

SUB-  
DELEGATIONS  
STATUTORY

SUB-DELEGATIONS  
NON-STATUTORY

SCHEDULE 1

SCHEDULE 2

42	Power to make directions about hearings to protect sensitive information.	Hearing Commissioner(s)
42A	Powers regarding the preparation, commissioning and provision of reports	Manager Planning Practice Planning Policy Manager Team Leader, Resource Consents Senior Planner
44A	Power to amend plans to address national environmental standards	Planning Policy Manager
55(2)	Duty to amend plan or proposed plan if directed by national policy statement.	Planning Policy Manager
86D	Ability to apply to Environment Court for a rule to have legal effect.	General Manager, Planning and Development
87E 87F 87G	Power to determine Council position on a request for direct referral (87E), prepare reports (87F) and provide information to Environment Court (87G).	87E: Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.  87F and 87G: GM Planning & Development
88	Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.	General Manager Property and Infrastructure  General Manager Planning and Development  General Manager Corporate Services
88(1)	Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
88(3) & 3A	Power to determine an application is incomplete	Manager Planning Practice  Team Leader, Resource Consents  Senior Planner  Planner

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DELEGATIONS TO OFFICERS UNDER RESOURCE MANAGEMENT ACT 1991

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SCHEDULE 2

The officers specified in "Delegate" column of tables in this section are delegated to perform the powers, functions and duties specified in the "Description" column. Every exercise of this sub-delegation must comply with **Schedule 2 "General Rules Applying to all Delegations – Queenstown Lakes District Council"**

91	Power to determine not to proceed with a resource consent application on certain grounds	Manager Planning Practice
92 92A 23	Authority to request further information to be provided, or to commission a report	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
95 95A 95B 95C 95D	Requirement to comply with time limit on notification. Authority to determine whether the adverse effects on the environment of an application will be minor. Requirement for notification or limited notification of the application where applicable.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
95E	Duty to determine which persons may be adversely affected by an application and to serve notice of the application on them if required.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner
99	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting.	Manager Planning Practice Team Leader, Resource Consents
99A	Power to refer parties who have made a resource consent application or submissions on the application to mediation	Manager Planning Practice Team Leader, Resource Consents
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent	Manager Planning Practice
101	Authority to decide when and where a hearing is to be held within the constraints of section 37	Manager Planning Practice Team Leader, Resource Consents Team Leader Planning
102	Authority to determine issues concerning joint considerations by two or more consent applications in relation to the same proposal.	Manager Planning Practice Team Leader, Resource Consents

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103	Authority to determine issues concerning two or more consent authorities.	Manager Planning Practice Team Leader, Resource Consents
104	Duty to take matters into consideration and to exclude other matters when considering an application	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)
104A 104B 104C 104D 105 106	Power to determine resource consent applications and impose conditions     Power to decline subdivision consent	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
108 108A	Power to impose conditions on resource consent. Power to impose a bond as one of the conditions.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
108 108A	Power to execute documents to register a bond (whether cash or by registered guarantee) or covenant together with all ancillary administrative tasks	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)

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109	Power to execute documents to discharge, cancel or vary bonds (in part or whole), together with all ancillary administrative tasks including certification and online registration of certificates as authorised officer.  Power to register a land charge (or remove a land charge) on the land for costs of performing works where costs exceed funds secured.	Manager Planning Practice Team Leader, Resource Consents Senior Planner
110	Power to refund financial contribution to consent holder where consent has lapsed.	Manager Planning Practice
113	Recording reasons for decisions on resource consent applications in writing.	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
114	Authority to serve consent applicant and submitters with notice of the decision on an application	Team Leader, Resource Consents Planning Support
116	Authority to consent to commencement of consent which is subject to Environment Court appeal	Manager Planning Practice
120	Authority to lodge appeal on Council's behalf in Environment Court	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
124(2)	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent	Manager Planning Practice
125	Power to grant extension of period after which a consent will lapse	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
126	Power to cancel a resource consent by written notice	Manager Planning Practice Team Leader, Resource Consents

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<sup>1</sup> See also powers to execute instruments for the Property Law Act 2007 in the QLDC Register of Sub-delegations

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127	Power to change or cancel conditions imposed on a resource consent	Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
128 129	Power to review a resource consent and to give notice of review.	Manager Planning Practice
132	Power to change the conditions of a resource consent on a review under s128, or to cancel resource consent	Manager Planning Practice Hearings Commissioner(s)
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	Manager Planning Practice Team Leader, Resource Consents Senior Planner
138	Authority to issue a notice of acceptance of surrender of consent	Manager Planning Practice Senior Planner
139 139A	Authority to issue certificate of compliance, other powers and existing use certificates.	Manager Planning Practice Team Leader, Resource Consents Senior Planner
149B	Duty of local authority to provide EPA with all related information to a matter (where the Minister has called in a matter and the local authority has been served with a direction under s149A).	General Manager, Planning and Development
149E	Power to make a submission on behalf of Council on a matter of national importance.  Duty to prepare	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
149G	Duty to prepare a report commissioned by the EPA.	General Manager, Planning and Development
149Q	Authority to receive report from EPA and to make comments on it.	General Manager, Planning and Development
149T	Power to give notice on Council's behalf under s274 of matter referred directly to the Environment Court.	General Manager, Planning and Development
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
149ZD	Power to recover costs incurred by the Council from the applicant.	General Manager, Planning and Development
149V 149ZD	a report commissioned by the EPA.  Authority to receive report from EPA and to make comments on it	Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy

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149W(2) (a) and (4)	Power to implement decision of Board or Court about proposed plan or change or variation.	General Manager, Planning and Development
168 168A	Duty to receive notice of requirement	Manager Planning Practice Team Leader, Resource Consents Senior Planner
168A	Authority to lodge notice of requirement on behalf of Council	Chief Executive Officer General Manager Planning and Development General Manager Property and Infrastructure
168A	Power to determine whether to publicly notify Council's notice of requirement for a designation	Hearings Commissioner(s) Manager Planning Practice Team Leader, Resource Consents
168A	Power to make decision on Council's notice of requirement for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Hearings Commissioner(s)
169	Power to request further information and determine whether to publicly notify notice of requirement for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Senior Planner
171	Power to consider and make recommendations on requirements for a designation	Manager Planning Practice Manager Planning Policy Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
173	Power to give notice of requiring authority's decision on designation	Team Leader, Planning Support Planning Support
174	Power to appeal to Environment Court against requiring authority's decision on designation	General Manager, Planning and Development
175	Authority to include a designation in district plan	Policy Planning Manager

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176	Power to give written consent in relation to land subject to Council designation  NOTE: (this is where Council has designated the land, and another party seeks to undertake an activity within Council's designation)	General Manager Property and Infrastructure  General Manager Planning and Development  Parks and Reserves Planning Manager
176A	Power to lodge an outline plan  Power to request changes & to waive requirement for an outline plan	General Manager Property and Infrastructure Parks and Reserves Planning Manager Manager Planning Practice Team Leader, Resource Consents Senior Planner ( <i>to request changes or waive requirement only</i> )
181	Power to receive application for alterations to designations  Power to determine applications for alteration of designations	Manager Planning Practice Team Leader, Resource Consents Senior Planner  Manager Planning Practice Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
182	Authority to receive withdrawals of designations and to amend the District Plan accordingly	Planning Policy Manager
184	Power to extend designation which has not been given effect to	Planning Policy Manager
189	Duty to receive notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
189A	Authority to lodge notice of requirement for a heritage order on behalf of Council	General Manager, Planning and Development
189A	Power to determine whether to publicly notify Council's notice of requirement for a heritage order	Hearings Commissioner(s)
189A	Power to make decision on Council's notice of requirement for a heritage order	Hearings Commissioner(s)
190	Power to request further information and determine notification of notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
191	Power to make recommendations on notice of requirement for heritage order	Manager Planning Practice Team Leader, Resource Consents

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193	Authority to give written consent in relation to land protected by Council's heritage order	General Manager, Planning and Development
195	Power to appeal to Environment Court against heritage protection authority's decisions under sections 193 or 194	General Manager, Planning and Development
195A	Power to receive application for alterations to heritage order	Manager Planning Practice Team Leader, Resource Consents Senior Planner
	Power to determine applications for alteration of heritage order	Hearings Commissioner(s)
196	Power to receive withdrawals of heritage orders and to amend the District Plan accordingly	Manager Planning Practice Team Leader, Resource Consents Policy Planning Manager
220	Power to impose conditions on subdivision consents	Manager Planning Practice Team Leader, Resource Consents Senior Planner Subdivision and Property Supervisor Hearings Commissioner(s)
220(1)(a) and(2)(b)	Authority to undertake registration of certificates as authorised officer	Manager Planning Practice Team Leader, Resource Consents Subdivision and Property Supervisor
221(2)	Authority to issue and sign a consent notice	Manager Planning Practice
221(3)	Authority to vary or cancel a condition specified in a consent notice	Manager Planning Practice Team Leader, Resource Consents Senior Planner Subdivision and Property Supervisor Hearings Commissioner(s)

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222	Powers related to the issues of completion certificates enabling the deposit of survey plan	Manager Planning Practice Subdivision and Property Supervisor
223	Powers related to approval of survey plan as authorised officer	Manager Planning Practice Subdivision and Property Supervisor
224 (c), (f)	Authority to certify compliance of survey plan as authorised officer (includes circumstances where a bond is registered)  Authority to issue certificate of approval as authorised officer, and all ancillary tasks including the execution of documents for consent notices, bonds and completion certificates.	Manager Planning Practice Subdivision and Property Supervisor
226(1)(e)	Authority to certify any plans of subdivision or copy thereof, which has not had a previous statutory approval.  Authority to issue a certificate for cancellation of an amalgamation condition  Authority to confirm compliance with relevant district plan rules.  Authority to execute all documents (as authorised officer) for registration  Authority to undertake online deregistration of certificates as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor
234	Power to vary or cancel esplanade strips on application	Manager Planning Practice Subdivision and Property Supervisor  <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will be escalated to full Council where appropriate.
235	Power to agree on Council's behalf to creation of esplanade strip	Manager Planning Practice Subdivision Planner  <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will

<sup>2</sup> See also powers to execute instruments for the Property Law Act 2007 in "QLDC Register of Sub-delegations"

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237B	Power to acquire an easement for access strip	Manager Planning Practice Subdivision and Property Supervisor
237C	Authority to close access strips and give notice of closure	Manager Planning Practice Subdivision and Property Supervisor
237D	Authority to agree to transfer of access strip to Crown or regional council	Manager Planning Practice Subdivision and Property Supervisor
237H	Authority to object to compensation valuation determination	Manager Planning Practice Subdivision and Property Supervisor
239	Authority to certify survey plans subject to specified interests and undertake online registration of certificates as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor
240	Authority to cancel an existing amalgamation condition (in whole or part) and undertake online de-registration of certificates as authorised officer	Manager Planning Practice Subdivision and Property Supervisor
240(3) and (4)	Authority to certify survey plans subject to an amalgamation covenant against transfer of allotments and execute as authorised officer all documents (includes online de-registration of certificates).	Manager Planning Practice Subdivision and Property Supervisor
241(1) and (3)	Authority to deal with amalgamation conditions and undertake online registration of certificates as authorised officer.  Authority to issue a certificate for cancellation of an amalgamation condition and execute all necessary documents (including online deregistration of certificates) as authorised officer.	Manager Planning Practice Subdivision and Property Supervisor Manager Planning Practice Subdivision Planner Hearings Commissioner(s)

TERMS OF REFERENCE FOR COMMITTEES

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Manager Planning Practice  
Subdivision Planner

292	Authority to seek that Environment Court remedy defect in plan	Planning Policy Manager
294	Authority to seek that Environment Court review a decision or rehear proceedings	General Manager, Planning and Development
299 - 308	Authority to determine and direct Council involvement in High Court and Court of Appeal proceedings	General Manager, Planning and Development
311 312	Authority to initiate declaration proceedings and take other necessary steps	General Manager, Planning and Development
314 - 321	Authority to initiate enforcement order and interim enforcement order proceedings and take other necessary steps	Chief Financial Officer Regulatory Manager
325	Authority to consent to a stay of abatement notice	Regulatory Manager
325A	Power to cancel abatement notice	Regulatory Manager
330	Power to take preventative or remedial action in emergency circumstances	General Manager, Property and Infrastructure
331	Power to seek reimbursement of Council's costs for emergency works	General Manager, Property and Infrastructure
336	Duty to return property seized under warrant or otherwise dispose of property if not claimed	Principal Enforcement Officer
338	Authority to commence prosecution for breach of the Act	Chief Financial Officer Regulatory Manager
357D	Power to consider and determine objections	Hearings Commissioner
Sch 1 Cl 3, 3B	Duty to consult on proposed plan, including consultation with local iwi	Planning Policy Manager
Sch 1 Cl 3C	Authority to determine whether consultation has already occurred under other enactments	Planning Policy Manager
Sch 1 Cl 4	Duty to invite requiring authorities by written request on designations in proposed plans.	Planning Policy Manager

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Sch 1 CI 5	Authority to prepare s32 report and publicly notify proposed plan	Planning Policy Manager – but subject to authority of Planning & Strategy Committee Planning
Sch 1 CI 6	Authority to make submissions on Council's behalf	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 7	Duty to give public notice of submissions on proposed plan	Planning Policy Manager
Sch 1 CI 8, 8A	Authority to make further submissions on Council's behalf	General Manager, Planning and Development
Sch 1 CI 8AA	Authority to invite submitters to meetings or refer matters to mediation	Planning Policy Manager
Sch 1 CI 8B	Duty to give notice of hearings	District Plan Administrator
Sch 1 CI 8C	Authority to determine whether hearing is required	Planning Policy Manager
Sch 1 CI 8D	Authority to withdraw proposed plan	General Manager, Planning and Development
Sch 1 CI 9	Power to hear and make recommendations and decisions on requirements	Hearings Commissioner(s)
Sch 1 CI 10	Power to hear and make recommendations on provisions and matters raised in submissions	Hearings Commissioner(s)
Sch 1 CI 11	Duty to give notice of decisions	District Plan Administrator
Sch 1 CI 14	Authority to lodge appeal with Environment Court	General Manager, Planning and Development

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Sch 1 CI 16(1)	Duty to amend proposed plan if directed by Court	Planning Policy Manager
Sch 1 CI 16(2)	Authority to amend proposed plan to correct minor errors	Planning Policy Manager
Sch 1 CI 16A	Authority to initiate variation to proposed plan	General Manager, Planning and Development
Sch 1 CI 20	Duty to give notice of plan becoming operative	Planning Policy Manager
Sch 1 CI 20A	Authority to amend operative plan to correct minor errors	Planning Policy Manager
Sch 1 CI 21	Authority to request change to regional plan or regional policy statement	General Manager, Planning and Development
Sch 1 CI 23	Power to seek further information relating to private plan change requests	Planning Policy Manager Senior Policy Planner Policy Planner Hearings Commissioner(s)
Sch 1 CI 24	Power to modify plan change request	General Manager, Planning and Development
Sch 1 CI 25	Power to determine how to proceed with plan change request, including power to reject request	General Manager, Planning and Development, subject to authority of Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 26	Authority to prepare and notify plan change request	Planning Policy Manager

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Sch 1 CI 28	Power to withdraw plan change request	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 29(4)	Power to hear and make recommendations on plan change request	Hearings Commissioner(s)
Sch 1 CI 29(2) and (5)	Duty to send submissions to person who made plan change request and serve copy of its decision	District Plan Administrator
Sch 1 CI 29(9)	Power to vary plan change request	Planning Policy Manager
Sch 1 CI 32	Authority to certify material incorporated by reference	Planning Policy Manager
Sch 1 CI 34	Duty to consult on incorporation of material by reference	Planning Policy Manager
Sch 1 CI 35	Duty to make information available and give public notice regarding material incorporated by reference	District Plan Administrator
MISCELLANEOUS		
Alternative dispute resolution	Authority to enter into and participate in mediation for appeals under the Resource Management Act 1991 and to reach a mediated agreement within guidelines and parameters set by the Appeals Subcommittee.	Manager, Planning Practice Team Leader, Resource Consents

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**QLDC Council  
15 December 2016**

**Report for Agenda Item: 2**

**Department: Corporate Services**

**Standing Orders**

**Purpose**

To introduce new Standing Orders for Council and Standing Committee meetings for adoption.

**Recommendation**

That Council:

1. **Note** the contents of this report; and
2. **Adopt** the new Queenstown Lakes District Council Standing Orders.

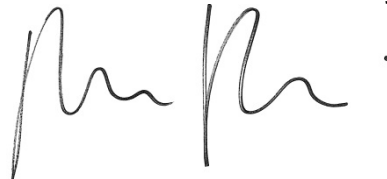
Prepared by:



Shelley Dawson  
Senior Governance Advisor

29/11/2016

Reviewed and Authorised by:



Meaghan Miller  
GM Corporate Services

30/11/2016

**Background**

- 1 Standing Orders enable the orderly conduct of local authority meetings and incorporate the legislative provisions relating to meetings, decision-making and transparency.
- 2 The current Standing Orders in use by QLDC were adopted on 27 October 2007 and are based on the NZS 9202:2003 *Model Standing Orders for Meetings of Local Authorities and Community Boards*. Minor amendments were adopted in 2009 and 2012 around the Property Subcommittee and Resource Consent Commissioner Appointment Subcommittee. No further amendments have been made since 2012.

## Comment

- 3 Local Government New Zealand in conjunction with governance officers has produced an up to date Standing Orders template for Territorial Local Authorities that incorporates changes in legislation since 2003.
- 4 The major change from the Standing Orders currently in use is the ordering of the document in three parts being: general matters, pre-meeting procedures and meeting procedures. The orders flow in a more logical format than previously and are written less formally, making them easier to read.
- 5 Other major changes include the introduction of the Mayor's powers to appoint under section 41A of the Local Government Act 2002 (*Section 5 and Appendix 7* in the proposed Standing Orders) which is also summarised in an appendix. New sections include protocols for recording and webcasting meetings (*Sections 4.4, 11.3 and Appendix 4*), and new sections 12.7 to 12.16 cover off points such as quorum and voting when members attend meetings by audio-visual link.
- 6 In its existing Standing Orders, QLDC has adopted the following variation from the standard to take account of local wishes:

### **9.10 Distribution of the Agenda**

The chief executive must send the agenda to every member of a meeting at least ~~two~~ four clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

This change has also been made in the Standing Orders proposed for adoption.

- 7 The new Standing Orders have proposed some changes to the Public Forum provisions but it is recommended that the current arrangements be largely retained:

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. ~~Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.~~

Speakers can speak for up to ~~5~~ 3 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

- 8 QLDC has in the past been flexible in its use of Standing Orders. They have been used during meetings more as a guideline rather than been followed prescriptively, and the changes to the model standing orders will not necessarily change current behaviour. The Standing Orders provide a framework through which to ensure decision-making takes place should that be needed at any time.

## Options

9 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

10 Option 1 Adopt the Standing Orders as proposed

*Advantages:*

11 Using best practice standing orders will make it easier for QLDC Council and Standing Committees to understand current legislative requirements and achieve orderly and transparent decision making.

*Disadvantages:*

12 None identified.

13 Option 2 Adopt an amended version of the Standing Orders proposed

*Advantages:*

14 Similar advantages as above.

*Disadvantages:*

15 None identified.

16 Option 3 Not adopt the Standing Orders as proposed and remain with the current Standing Orders

*Advantages:*

17 None identified.

*Disadvantages:*

18 Standing Committees and Council meetings may not meet current legislative requirements.

19 This report recommends Option 1 for addressing the matter because the proposed standing orders represent current best practice.

### ***Significance and Engagement***

20 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While it is important that Council uses best practice under current legislation, the major effect of the proposed Standing Orders is to provide better clarity rather than introduce processes that are vastly different from what is currently used.

### ***Risk***

- 21 This matter relates to the strategic risk SR3 Management Practice – working within legislation, as documented in the Council’s risk register. The risk is classed as low. This matter relates to this risk because Standing Orders incorporate current legislation.
- 22 The recommended option considered above mitigates the risk as the proposed standing orders meet current legislation.

### **Financial Implications**

- 23 There are no operational or capital expenditure requirements or other budget or cost implications resulting from the decision.

### **Council Policies, Strategies and Bylaws**

- 24 The following Council policies, strategies and bylaws were considered:
- Councils must adopt Standing Orders and fulfil requirements under the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.
- 25 The recommended option is consistent with the principles set out in the named policy/policies.
- 26 This matter is operational and is therefore not included in the 10-Year Plan/Annual Plan

### **Local Government Act 2002 Purpose Provisions**

- 27 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling democratic decision making;
  - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
  - Is consistent with the Council's plans and policies; and
  - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

- 28 There are no external persons who are affected by this matter.

### **Legal Considerations and Statutory Responsibilities**

- 29 The proposed Standing Orders fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

**Attachments**

A Proposed new Standing Orders





QUEENSTOWN  
LAKES DISTRICT  
COUNCIL

## **Standing Orders**

Adopted [15 December 2016]

## Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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## 1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

### 1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

### 1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

### 1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

### 1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

## 2. Definitions

**Adjournment** means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

**Advisory group** means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

**Agenda** means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

**Amendment** means any change of proposed change to the original or substantive motion.

**Audio link** means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

**Audio visual link** means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

**Chairperson** means the person presiding at a meeting – the presiding member.

**Chief executive** means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

**Clear working days** means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

**Committee** includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

**Community board** means a community board established under s.49 of the LGA 2002.

**Contempt** means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

**Council** means, in the context of these standing orders, the governing body of a local authority.

**Deputation** means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

**Electronic link** means both an audio and audio visual link.

**Extraordinary meeting** has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

**Foreshadowed motion** means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

**Joint committee** means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

**Lawfully excluded** means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

**Local authority** means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

**Mayor** means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

**Meeting** means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

**Member** means any person elected or appointed to the local authority.

**Mihi whakatau** means a brief welcome typically delivered by one person without any further formalities.

**Minutes** means the record of the proceedings of any meeting of the local authority.

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

**Newspaper** means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

**Notice of motion** means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

**Open voting** means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

**Order paper** means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

**Ordinary meeting** means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

**Petition** means a request to a local authority which contains at least 20 signatures.

**Powhiri** means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

**Presiding member** means the person chairing a meeting.

**Procedural motion** means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

**Public excluded information** refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- any other information which has not been released by the local authority as publicly available information.

**Public excluded session**, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

**Public forum** refers to a period set aside usually at the start of a meeting for the purpose of public input.

**Publicly notified** means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

**Qualified privilege** means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

**Quasi-judicial** means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

**Quorum** means the minimum number of members required to be present in order to constitute a valid meeting.

**Regional Council Chairperson** means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

**Resolution** means a motion that has been adopted by the meeting.

**Right of reply** means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

**Secunder** means the member who seconds a motion.

**Sub judice** means under judicial consideration and therefore prohibited from public discussion elsewhere.

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

**Substantive motion** means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

**Substantive resolution** means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

**Subcommittee means** a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

**Working party** means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

**Workshop**, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

*cl. 27(1) & (2), Schedule 7, LGA 2002.*

#### 3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

*cl. 27(3) Schedule 7, LGA 2002.*

#### 3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

*cl. 16(1) Schedule 7, LGA 2002.*

#### 3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

#### 3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

*cl. 27(4), Schedule 7, LGA 2002.*



A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

### **3.6 Quasi-judicial proceedings**

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

### **3.7 Physical address of members**

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

## **4. Meetings**

### **4.1 Legal requirement to hold meetings**

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

### **4.2 Meeting duration**

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

### **4.3 Language**

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

#### **4.4 Webcasting meetings**

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

#### **4.5 First meeting (inaugural)**

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

*cl. 21(1) - (4), Schedule 7, LGA 2002.*

#### **4.6 Requirements for the first meeting**

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
  - i. LGOIMA; and
  - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

*cl. 21(5), Schedule 7, LGA 2002.*

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

## **5. Appointments and elections**

### **5.1 Mayoral appointment of deputy Mayor, committee chairs and members**

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

*s. 41A (3) LGA 2002.*

### **5.2 Council Discharge of a Mayoral Appointment**

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

*cl. 31, Schedule 7 LGA 2002*

### **5.3 Establishment of committees by the Mayor**

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

*s. 41A (3) and (4) LGA 2002.*

## 5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

*cl. 25 Schedule 7, LGA 2002.*

## 5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

*cl. 18, Schedule 7, LGA 2002.*

## 5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

### System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

## System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

*cl. 25 Schedule 7, LGA 2002.*

## 6. Delegations

### 6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

*cl. 32 (1) Schedule 7, LGA 2002.*

### 6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

*cl. (2) & (3), Schedule 7, LGA 2002.*

### **6.3 Use of delegated powers**

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

*cl. 32(2) & (3)(4) Schedule 7, LGA 2002.*

### **6.4 Decisions made under delegated authority cannot be rescinded or amended**

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

*cl. 30 (6), Schedule 7, LGA 2002.*

### **6.5 Committees and sub committees subject to the direction of the local authority**

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

*cl. 30 (3) & (4), Schedule 7, LGA 2002.*

### **6.6 Duty to consider delegations to community boards**

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

*cl. 32(6) Schedule 7, LGA 2002.*

## **7. Committees**

### **7.1 Appointment of committees and subcommittees**

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

*cl. 30(1) & (2), Schedule 7, LGA 2002.*

### **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

- (a) a local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

*cl. 30 (5) & (7), Schedule 7, LGA 2002.*

**Please note:** s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

### **7.3 Appointment or discharge of committee members and subcommittee members**

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

*cl. 31 (1) & (2), Schedule 7, LGA 2002*

### **7.4 Elected members on committees and subcommittees**

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

*cl. 31(4) Schedule 7, LGA 2002.*

## **7.5 Local authority may replace members if committee not discharged**

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

*cl. 31(5) Schedule 7, LGA 2002.*

## **7.6 Membership of Mayor**

The Mayor is a member of every committee of the local authority.

*s. 41A (5), LGA 2002.*

## **7.7 Decision not invalid despite irregularity in membership**

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

*cl. 29, Schedule 7, LGA 2002.*

## **7.8 Appointment of joint committees**

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.



The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

*cl. 30A (1) & (2), Schedule 7, LGA 2002.*

## **7.9 Status of joint committees**

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

*cl. 30A (5), Schedule 7, LGA 2002.*

## **7.10 Power to appoint or discharge individual members of a joint committee**

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

*cl. 30A (6)(a), Schedule 7, LGA 2002.*

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## Pre-meeting

### 8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

#### 8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

*s. 46, LGOIMA.*

#### 8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

*cl. 19 (5), Schedule 7, LGA 2002.*

#### 8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
  - i. the Mayor or Chairperson, or
  - ii. no less than one third of the total membership of the council (including vacancies).

*cl. 22 (1) Schedule 7, LGA 2002.*

#### 8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

*cl. 22 (3), Schedule 7, LGA 2002.*

## **8.5 Public notice - extraordinary meetings**

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

*s. 46 (3) & (4), LGOIMA.*

## **8.6 Process for calling an extraordinary meeting at an earlier time**

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

*cl. 22 (2) Schedule 7, LGA 2002.*

## **8.7 Notification of extraordinary meetings held at an earlier time**

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

*cl. 22 (4), Schedule 7 LGA 2002.*

## **8.8 Chief executive may make other arrangements**

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

*s. 46(5) LGOIMA.*

## **8.9 Meetings not invalid**

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

*s. 46 (6), LGOIMA.*

## **8.10 Resolutions passed at an extraordinary meeting**

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

*s. 51A, LGOIMA.*

## **8.11 Meeting schedules**

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

*cl. 19 (6) Schedule 7, LGA 2002.*

## **8.12 Non-receipt of notice to members**

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

*cl. 20 (1) & (2) Schedule 7, LGA 2002.*

## **8.13 Meeting cancellations**

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

## **9. Meeting agenda**

### **9.1 Preparation of the agenda**

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

### **9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

### **9.3 Chief executive may delay or refuse request**

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

### **9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

### **9.5 Chairperson's recommendation**

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

### **9.6 Chairperson's report**

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

## 9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

*s. 5 & 46A, LGOIMA.*

## 9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) must be accompanied by either:
  - i. the associated reports; or
  - ii. a notice specifying the places at which the associated reports may be inspected.

*s. 46A (1), LGOIMA.*

## 9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

## 9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least ~~two~~ four clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

## 9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

## 9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

*s. 46A (7), LGOIMA*

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

**Please note** that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

## 9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

*s. 46A (7A), LGOIMA.*

## 9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

*s. 46A (9), LGOIMA.*

## 9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

*s. 52, LGOIMA.*

## Meeting Procedures

### Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

## 10. Quorum

### 10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

*cl. 23 (3)(a) Schedule 7, LGA 2002.*

### 10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

*cl. 23 (3)(b) Schedule 7, LGA 2002.*

### 10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

*cl. 30A (6)(c) Schedule 7, LGA 2002.*



## **10.4 Requirement for a quorum**

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

*cl. 23(1) & (2) Schedule 7, LGA 2002.*

## **10.5 Meeting lapses where no quorum**

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

## **10.6 Business from lapsed meetings**

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

# **11. Public access and recording**

## **11.1 Meetings open to the public**

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

*s.47 & 49(a), LGOIMA.*

## **11.2 Grounds for removing the public**

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

## **11.3 Local authority may record meetings**

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

## **11.4 Public may record meetings**

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

## **12. Attendance**

### **12.1 Members right to attend meetings**

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

*cl. 19(2), Schedule 7, LGA 2002.*

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

### **12.2 Attendance when a committee is performing judicial or quasi-judicial functions**

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

### **12.3 Leave of absence**

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

## **12.4 Apologies**

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

## **12.5 Recording apologies**

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

## **12.6 Absent without leave**

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

*cl. 5 (d) Schedule 7, LGA 2002.*

## **12.7 Right to attend by audio or audio visual link**

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

## **12.8 Member's status: quorum**

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

## **12.9 Member's status: voting**

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

## **12.10 Chairperson's duties**

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
  - i. everyone participating in the meeting can hear each other;

- ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
- iii. the requirements of Part 7 of LGOIMA are met; and
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

*cl. 25A (3) schedule 7, LGA 2002.*

### **12.11 Conditions for attending by audio or audio visual link**

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) where a member is unwell; and
- (c) where a member is unable to attend due to an emergency.

### **12.12 Request to attend by audio or audio visual link**

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

### **12.13 Chairperson may terminate link**

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

### **12.14 Giving or showing a document**

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;

- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

*cl. 25(A) (6) schedule 7, LGA 2002.*

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### **12.15 Link failure**

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

### **12.16 Confidentiality**

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

## **13. Chairperson's role in meetings**

### **13.1 Council meetings**

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

*cl. 26(1), (5) & (6) Schedule 7, LGA 2002.*

### **13.2 Committee meetings**

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

*cl. 26(2), (5) & (6), schedule 7 LGA 2002.*

### **13.3 Addressing the Chairperson**

Members will address the Chairperson in a manner that the Chairperson has determined.

### 13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

### 13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

### 13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

### 13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

## 14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

### 14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. **Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.**

**Speakers can speak for up to 5 3 minutes.** No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum

exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

### **14.15 Restrictions**

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### **14.16 Questions at public forums**

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

### **14.17 No resolutions**

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

## **15. Deputations**

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

### **15.1 Time limits**

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

### **15.2 Restrictions**

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;



- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### **15.3 Questions of a deputation**

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

### **15.4 Resolutions**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

## **16. Petitions**

### **16.1 Form of petitions**

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

### **16.2 Petition presented by petitioner**

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

### **16.3 Petition presented by member**

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

## **17. Exclusion of public**

### **17.1 Motions and resolutions to exclude the public**

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

*s. 48 LGOIMA.*

### **17.2 Specified people may remain**

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

*s.48 (6) LGOIMA.*

### **17.3 Public excluded items**

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

## **17.4 Non-disclosure of information**

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

## **17.5 Release of information from public excluded session**

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

## **18. Voting**

### **18.1 Decisions by majority vote**

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

*cl. 24 (1), Schedule 7, LGA 2002.*

### **18.2 Open voting**

An act or question coming before the local authority must be done or decided by open voting.

*cl. 24 (3) Schedule 7, LGA 2002.*

### **18.3 Chairperson has a casting vote**

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

*cl. 24 (2) Schedule 7, LGA 2002.*

## **18.4 Method of voting**

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

## **18.5 Calling for a division**

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

## **18.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

## **18.7 Members may abstain**

Any member may abstain from voting.

## **19. Conduct**

### **19.1 Calling to order**

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

### **19.2 Disrespect**

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

### **19.3 Retractions and apologies**

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

### **19.4 Disorderly conduct**

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

### **19.5 Contempt**

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

### **19.6 Removal from meeting**

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

## **19.7 Financial conflicts of interests**

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

*s. 6 & 7 LAMIA.*

## **19.8 Non-financial conflicts of interests**

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

## **19.9 Qualified privilege for meeting proceedings**

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

*s. 53, LGOIMA.*

## **19.10 Qualified privilege additional to any other provisions**

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

*s. 53, LGOIMA.*

### **19.11 Electronic devices at meetings**

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

## **20. General rules of debate**

### **20.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

### **20.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

### **20.3 Questions to staff**

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

### **20.4 Questions of clarification**

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

### **20.5 Members may speak only once**

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

## **20.6 Limits on number of speakers**

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

## **20.7 Secunder may reserve speech**

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

## **20.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

## **20.9 Restating motions**

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

## **20.10 Criticism of resolutions**

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

## **20.11 Objecting to words**

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

## **20.12 Right of reply**

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.



However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

### **20.13 No other member may speak**

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

### **20.14 Adjournment motions**

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

### **20.15 Chairperson's acceptance of closure motions**

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

## **21. General procedures for speaking and moving motions**

### **21.1 Options for speaking and moving**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

## 21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## 21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## 21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **21.5 Procedure if no resolution reached**

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

## **22. Motions and amendments**

### **22.1 Proposing and seconding motions**

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

### **22.2 Motions in writing**

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

### **22.3 Motions expressed in parts**

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

### **22.4 Substituted motion**

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

### **22.5 Amendments to be relevant and not direct negatives**

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

### **22.6 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

### **22.7 Lost amendments**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

## **22.8 Carried amendments**

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

## **22.9 Where a motion is lost**

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

## **22.10 Withdrawal of motions and amendments**

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

## **22.11 No speakers after reply or motion has been put**

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

## **23. Revocation or alteration of resolutions**

### **23.1 Member may move revocation of a decision**

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

### **23.2 Revocation must be made by the body responsible for the decision**

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

*cl. 32 (2)4 Schedule 7, LGA 2002.*

### **23.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

### **23.4 Restrictions on actions under the affected resolution**

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

### **23.5 Revocation or alteration by resolution at same meeting**

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

### **23.6 Revocation or alteration by recommendation in report**

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

*cl. 30 (6) Schedule 7, LGA 2002.*

## **24. Procedural motions**

### **24.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

### **24.2 Procedural motions to close or adjourn a debate**

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

### **24.3 Voting on procedural motions**

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

### **24.4 Debate on adjourned items**

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

### **24.5 Remaining business at adjourned meetings**

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

## **24.6 Business referred to the council, committee or local or community board**

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

## **24.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

## **25. Points of order**

### **25.1 Members may raise points of order**

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

### **25.2 Subjects for points of order**

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

### **25.3 Contradictions**

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

### **25.4 Point of order during division**

A member may not raise a point of order during a division, except with the permission of the Chairperson.

## **25.5 Chairperson's decision on points of order**

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

## **26. Notices of motion**

### **26.1 Notice of intended motion to be in writing**

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

### **26.2 Refusal of notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

### **26.3 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.



## **26.4 Alteration of notice of motion**

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

## **26.5 When notices of motion lapse**

Notices of motion that are not put when called by the Chairperson must lapse.

## **26.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

## **26.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

# **27. Minutes**

## **27.1 Minutes to be evidence of proceedings**

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

*cl. 28 Schedule 7, LGA 2002.*

## 27.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

**Please Note:** hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

## 27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

## 27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

## 28. Minute books

### 28.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

*s. 51 LGOIMA.*

### 28.2 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

## Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

## Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information would:
    - i. disclose a trade secret; or
    - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
  - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
  - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
    - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. be likely otherwise to damage the public interest; or
  - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (h) Maintain legal professional privilege; or
  - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

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

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
  - (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where
    - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
    - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

## Appendix 2: Sample resolution to exclude the public

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

- *Name of report(s)* .....

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 are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

<p>4 <i>Hearings Committee</i></p>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</p> <p>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

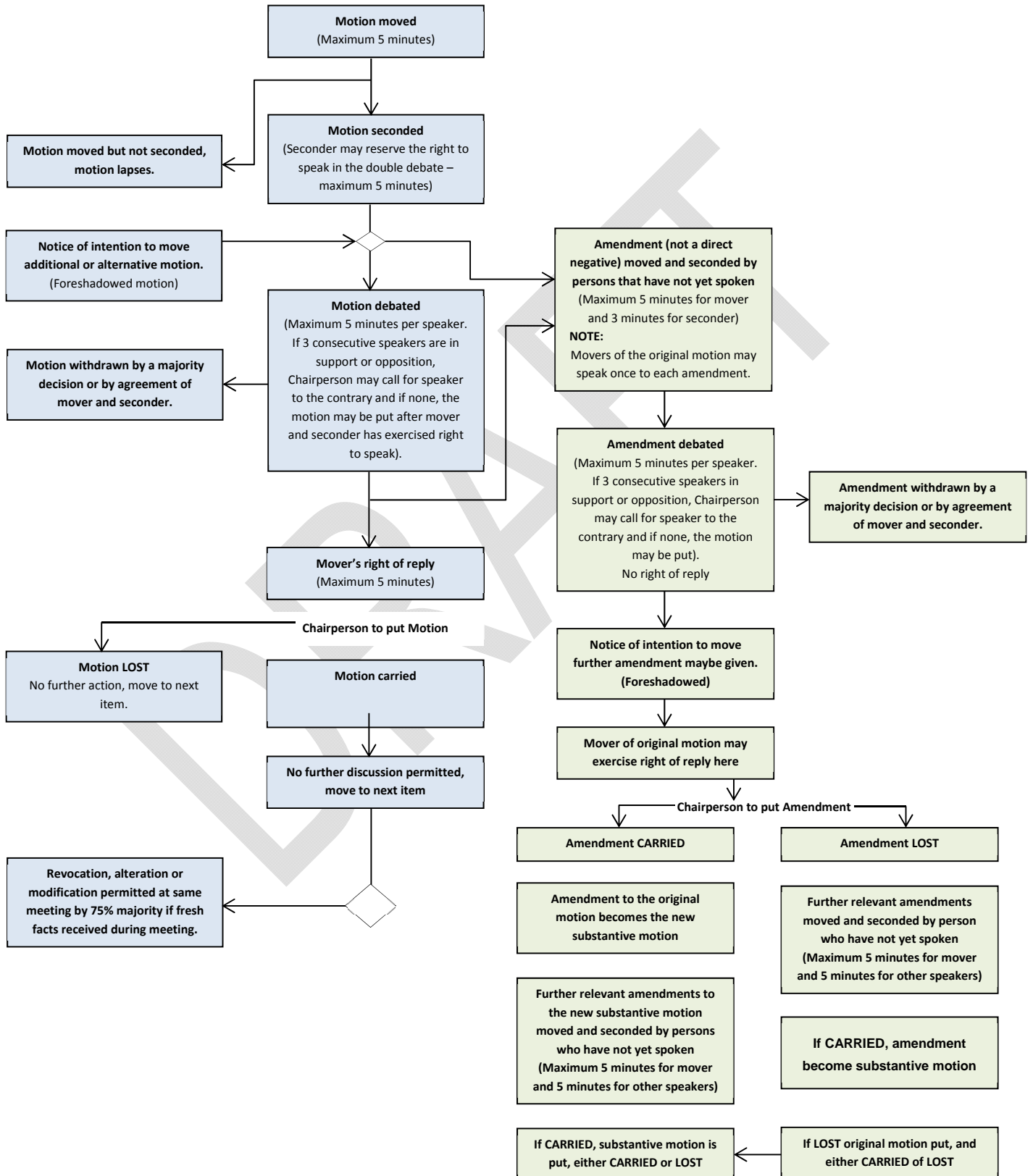
**THAT** XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.



## Appendix 3: Motions and amendments (option A)

### Motions without amendments

### Motions with amendments



### Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

## Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

## **Appendix 6: Powers of a Chairperson**

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

### **Chairperson to decide all questions**

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

### **Chairperson to decide points of order**

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

### **Items not on the agenda**

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority 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 local authority 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.

### **Chairperson's report**

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

### **Chairperson's recommendation**

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

### **Chairperson's voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

**Motion in writing**

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

**Motion in parts**

The Chairperson may require any motion expressed in parts to be decided part by part.

**Notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

**Action on previous resolutions**

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

**Repeat notice of motion**

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

**Revocation or alteration of previous resolution**

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

**Chairperson may call a meeting**

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

**Irrelevant matter and needless repetition**

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

**Taking down words**

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

**Explanations**

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

**Chairperson rising**

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

**Members may leave places**

The Chairperson may permit members to leave their place while speaking.

**Priority of speakers**

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

**Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

**Questions of speakers**

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

**Withdrawal of offensive or malicious expressions**

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

**Chairperson's rulings**

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

**Disorderly behaviour**

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

**Failure to leave meeting**

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.



**Audio or audio visual attendance**

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
  - i. everyone participating in the meeting can hear each other
  - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
  - iii. the requirements of Part 7 of LGOIMA are met
  - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

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## **Appendix 7: Mayors' powers to appoint under s.41A**

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

## **Appendix 8: Process for removing a Chairperson and deputy Mayor from office**

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
  - (a) a resolution of the territorial authority or regional council; or
  - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
  - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
  - (b) indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

*cl. 18 Schedule 7, LGA 2002.*

## Appendix 9: Workshops

### Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

### Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

## Appendix 10: Sample order of business

### Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

### Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

## Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

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**QLDC Council  
15 December 2016**

**Report for Agenda Item: 3**

**Department: Planning & Development**

**Private Plan Change 51: – Ratification of Commissioner recommendation**

**Purpose**

The purpose of this report is to provide the Commissioners recommendation on Plan Change 51 – Peninsula Bay North and to seek ratification as a Council decision for notification.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Adopts** the Commissioners recommendation as a Council decision to decline Private Plan Change 51 for the reasons set out in the Commissioners report;
3. **Direct** staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991; and
4. **Note** the status of the land subject to Private Plan Change 51 was not part of Stage 1 of the District Plan Review and that Council resolved to exclude the land from the next stage of the District Plan review at its meeting on 29 September 2016.

Prepared by:



Craig Barr  
Acting Planning Policy  
Manager

30/11/2016

Reviewed and Authorised by:



Tony Avery  
General Manager, Planning  
and Development

30/11/2016

## Private Plan Change 51 to the Operative District Plan

- 1 **Private** Plan Change 51 (**PC 51**) is a proposal by Peninsula Bay Joint Venture Limited to rezone 6.11 hectares of land zoned Open Space – Landscape Protection, to Low Density Residential Zone under the Operative District plan.
- 2 The site is shown in Figures 1 and 2 below. It is located at the northern end of Peninsula Bay in Wanaka. As originally notified the rezoning involved 6.11 hectares of land and would enable the development of 26 residential lots. This was subsequently modified at the hearing by the applicant such that 4.37 hectares would be rezoned, with 24 residential lots being proposed within the smaller area. Closing submissions of the applicant further modified the proposal, with 21 lots on 3.5 hectares of re-zoned land were proposed.



Figure 1. Wanaka and the general location of the application site located to the north of Peninsula Bay and to the south of the Lake Wanaka Outlet.





**Figure 2.** Illustration taken from the application documents showing the PC 51 area and surrounding Operative District Plan zones. The red area is the land subject to PC 51. The dark green area is the Open Space Landscape Protection Zone. The yellow area is the Low Density Residential Zone.

- 3 PC 51 was notified on 9 December 2015. The submission period closed on 28 January 2016 and summaries of submissions were notified on 17 March and 22 April 2016. 205 original submissions and 2 further submissions were received on the plan change. All original submissions except one, opposed the plan change or various components of it.
- 4 Commissioners David Mead (Chair), Andrew Henderson and Mel Gazzard were appointed to hear and make recommendations on the plan change request. A hearing was held at the Lake Wanaka Centre on 8 to 10 August 2016. The hearing was then adjourned for the purpose of receiving further information from the applicant and the hearing closed on 14 September 2016.

### Comment

- 5 The Commissioners' recommendation is that the plan change be declined.
- 6 The reasons are summarised by the Commissioners in paragraph 105 of the report (Attachment 1) as follows:

*105. The reasons for our recommendation (in summary only as the decision records our detailed reasons) are:*

- a) *The plan change will have a negative impact on recreational values through the loss of open space zoned land. While the active recreational values that will be forgone by the plan change are not large, passive recreational opportunities will be lost. These effects are not off-set by the*

*proposed financial contribution. We can have no certainty that the money collected will be spent in a manner that will compensate for the lost opportunity.*

- b) The land to be rezoned has landscape value in its relationship with the northern extent of the Peninsula Bay residential area. The southern slopes of the land help to contain and define the urban area, imparting a strong sense of the urban development being settled into the landscape. That landscape value will be weakened, to the detriment of the wider area.*
- c) The claimed ecological benefits of the plan change are marginal at best, while the ability to re-vegetate a larger area will be lost.*

*106. Overall, we do not consider that the plan change will enable the Council to better manage the resources present, compared to the status quo. There are no advantages in terms of part 2 of the RMA and the sustainable management of natural and physical resources present, compared to the current zoning, and in our view, there are a number of disadvantages, as outlined above.*

- 7 It is recommended that Council adopt the recommendation of the Commissioners to decline PC 51. If the Commissioners recommendation is not chosen to be adopted, the application, submissions, further submissions and Council officer recommendations will need to be reheard.

### **Implications for the Proposed District Plan**

- 8 The Open Space – Landscape Protection Zone, the zone that PC51 is located in, was not included as part of Stage 1 of the Proposed District Plan.
- 9 The area was included in the Proposed District Plan Maps for information purposes only, and this matter was identified on the legend to the Planning Maps that identifies this land as operative District Plan Zoning. Despite this, the applicants, Peninsula Bay Joint Venture made a submission on Stage 1 of the Proposed District Plan to rezone the land from Open Space landscape Protection to Low Density Residential in the same form as that in the notified plan change (PC 51).
- 10 It is intended that this land would be included as part of the review of open space areas and the respective chapter and provisions would be included for notification as part of Stage 2 of the Proposed District Plan.
- 11 A report to Council on Stage 2 of the District Plan Review presented at the September 29 2016 meeting confirmed by resolution that identified geographic areas are to be excluded from the District Plan Review. The areas excluded relate to recent plan changes to the Operative District Plan.
- 12 This has resulted in two volumes of the District Plan. **Volume A** comprises the land subject to Stage 1 and Stage 2 reviewed components. **Volume B** will be the ODP as it relates to the geographic areas that have been the subject of recent plan changes and PC 51 is included as one of these.

13 The resolution states:

**7. Confirm the exclusion of the land covered by the following from the District Plan Review:**

- a. Plan Change 19: Frankton Flats B Zone.**
- b. Plan Change 45: Northlake Special Zone.**
- c. Plan Change 46: Ballantyne Road Industrial and Residential extension.**
- d. Plan Change 50: Queenstown Town Centre extension.**
- e. Plan Change 51: Peninsula Bay North.**
- f. Remarkables Park Zone.**
- g. Any subsequent plan changes to the Operative District Plan.**

14 The reasons for separating these land areas into a separate volume are to reduce complexity associated with plan changes that have recently been made operative (e.g. PC 45 Northlake), or to show that these areas not able to be reviewed (e.g. the Remarkables Park Zone and Frankton Flats B Zone).

15 The applicant has now had the opportunity to fully present a case to rezone this land as part of the PC51 application and it is not considered appropriate or sound resource management practice to revisit this through the Proposed District Plan hearings. An example of the complexities that could arise if the land is not excluded is that the applicant could appeal the PC 51 decision to the Environment Court, while the rezoning hearings are underway. This process would be a significant process, resource management and financial inefficiency for the Council to be party to.

16 The 29 September 2016 Council resolution agreed to exclude this land from the Proposed District Plan. It is also noted that the Open Space – Landscape Protection Zone is scheduled for Stage 2 of the District Plan Review and the land and zoning annotation has been included in the PDP maps for information purposes only, as expressed in the legend to the PDP Planning Maps. It is therefore Council officers' view that this submission is not within scope of Stage 1 of the District Plan Review.

## **Options**

17 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

18 The first step is to identify all "reasonably practicable" options. If an option is not reasonably practicable, then it will not require consultation. One option that should always be considered is the option of doing nothing – the status quo, however in this instance the status quo is not considered a viable option because a decision to either decline or re-hear the plan change request is required.

19 Option 1 - Accept the Commissioners recommendation to decline PC 51.

*Advantages:*

20 The plan change has been through a thorough process. Experienced Commissioners had the benefit of submissions and further submissions as well as professional assistance (in the form of an officer's recommendation) and have arrived at their recommended decision based on well informed and considered consideration.

21 The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions.

*Disadvantages:*

22 None. Council appointed the three Commissioners to hear and make recommendations on the submissions received.

23 Option 2 Reject the Commission's recommendation.

*Advantages:*

24 Would allow Council to appoint new Commissioners to re-hear submissions on any aspects of the Commissioner decision it was unhappy with.

*Disadvantages:*

25 Council have not heard the evidence presented at the hearing or read all the submissions. To change the recommendations would not demonstrate fairness or natural justice to applicant or submitters.

26 All submitters, Council officer recommendations and the applicants' case will need to be re-heard at another hearing.

27 Additional Council, applicant and submitter resources will be required to rehear the Plan Change.

28 This report recommends Option 1 for addressing the matter because the recommendation of the commissioners is considered well informed and robust.

***Significance and Engagement***

29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts on the environment and people of the district, has a degree of community interest and is not entirely consistent with the Operative District Plan.

***Risk***

30 This matter relates to the strategic risk SR1 "Current and future development needs of the community (including environmental protection)", as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because PC51 relates to residential and recreational land supply and providing for the future needs of the community.

31 The recommended option considered above mitigates the risk by adopting the decision of the experienced Commissioners who heard all the evidence before them and made a decision based upon that evidence.

### **Financial Implications**

32 There is no budget or cost implications resulting from the decision.

### **Council Policies, Strategies and Bylaws**

33 The following Council policies, strategies and bylaws were considered:

- Operative District Plan
- Proposed District Plan

34 The recommended option is consistent with the principles set out in the named policies. Specifically, the decision references and has regard to the District Wide provisions of the Operative District Plan.

35 This matter is not included in the 10-Year Plan/Annual Plan

### **Local Government Act 2002 Purpose Provisions**

36 The recommended option:

37 Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by making the decision on PC51 in a timely fashion;

38 Can be implemented through current funding under the 10-Year Plan and Annual Plan;

39 Is consistent with the Council's plans and policies; and

40 Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

41 The persons who are affected by or interested in this matter are the applicants; Peninsula Bay Joint Venture Limited, submitters on PC51 and the immediate Peninsula Bay, and wider Wanaka community. Submissions were considered by the appointed Commissioners.

### **Legal Considerations and Statutory Responsibilities**

42 The process for dealing with Plan Change requests and withdrawing land is set out in the First Schedule of the Resource Management Act.

**Attachments**

- A Commissioners' recommendation on PC 51
- B List of Submitters

**QUEENSTOWN LAKES DISTRICT  
COUNCIL**

**Recommendations following the hearing of submissions and  
further submissions on proposed Private Plan Change 51 –  
Peninsula Bay North**

**PURSUANT TO CLAUSE 10 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT  
ACT 1991, PRIVATE PLAN CHANGE 51 IS RECOMMENDED TO BE DECLINED**

**THE FULL RECOMMENDATION IS SET OUT BELOW**

<b>Hearing Panel:</b>	The plan change request, submissions and further submissions were heard by Hearings Commissioners consisting of:
	David Mead (Chairperson)
	Andrew Henderson
	Mel Gazzard

<b>Queenstown Lakes District Council:</b>	Vicki Jones (Reporting planner)
	Dr Marion Read (Landscape)
	Dawn Palmer (Ecology)
	Jeannie Galavazi (Parks and reserves)
	Julia Chalmers (Administrator)

<b>Appearances:</b>	
<b>Applicant / Requestor:</b>	Lauren Semple (Counsel)
	Paul Croft (Managing Director, Infinity Investments Limited)
	Mike Botting (Surveyor)
	Ben Espie (Landscape architect)
	Gary Bramley (Ecology)
	Robert Greenway (Recreation)
	Louise Taylor (Planner)
	<b>Submitters:</b>
Doug Hamilton	
Jaime Greenway, Bike Wanaka	
Julian Haworth, Upper Clutha Environmental Society (Inc)	
Evan Altey, Central Otago Lakes Branch Royal Forest & Bird Protection Society (Inc)	
Elizabeth Steven (Landscape)	
Dr Ella Lawton, Aspiring Tracks Network	

<b>PP51 Notification Date:</b>	9 December 2015
<b>Hearing:</b>	8 to 10 August 2016
<b>Hearing Closed:</b>	14 September 2016



## RECOMMENDATIONS OF THE COMMISSIONERS

### INTRODUCTION

1. Under section 34A of the Resource Management Act 1991 (RMA) Queenstown Lakes District Council has appointed David Mead (Chair), Andrew Henderson and Mel Gazzard as the hearings commissioner panel to hear and make a recommendation on Peninsula Bay Joint Venture's proposed Private Plan Change 51 (PPC 51) to the Operative Queenstown Lakes District Plan.
2. A hearing was held at the Lake Wanaka Centre on 8 to 10 August 2016. The hearing was then adjourned for the purpose of receiving further information from the Requestor, with the hearing closed on 14 September 2016.

### SUMMARY OF DECISION / RECOMMENDATION

3. After hearing from the Requestor (Peninsula Bay Joint Venture), Council and submitters, the Commissioners have determined as follows:

Private Plan Change 51 to the Queenstown Lakes District Plan is recommended to be **declined**, with the submissions and further submissions accepted or rejected in whole or in part as indicated in Appendix 2.

4. We set out our reasons below.

### BACKGROUND

5. PPC 51 seeks to rezone an area of land at the northern end of Peninsula Bay from Open Space zone to Low Density Residential (LDR) zone. As originally notified the rezoning involved 6.11 hectares of land and would enable the development of 26 residential lots. This was subsequently modified at the hearing by the Requestor such that 4.37 hectares would be rezoned, with 24 residential lots being proposed within the smaller area. Closing submissions further modified the proposal, with 21 lots on 3.5 hectares of re-zoned land now proposed.
6. The land subject to the plan change request is the southern face of a low rounded ridge that runs roughly east-west, parallel and to the north of Infinity Drive. The area is immediately adjacent to the northern extent of the Peninsula Bay residential area. It is described in the plan change request as having a relatively high degree of naturalness through its glacially rounded landform and widespread remnant kanuka<sup>1</sup>. The western part of the plan change area has been extensively earth worked. The refinement presented through closing generally results in a single row of additional houses immediately adjoining the existing largely developed LDR zoned land.
7. We were told that part of the plan change area is within an identified Outstanding Natural Landscape (ONL), and there was a difference in opinion between the expert landscape evidence as to where this line should sit.
8. The area of land in question is owned by the Requestor and is part of a larger block of land zoned Open Space. This land borders a Department of Conservation reserve that

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<sup>1</sup> Para 33, Landscape and Visual Effects Assessment Report, Vivan and Espie, 22 September 2015.

follows the shore of Lake Wanaka. The land has a number of informal walking and biking trails running through it, and offers extensive views to the north, east and west. While zoned Open Space, the land is not vested in the Council.

9. The existing Open Space zoning of the land was confirmed through Variation 25. That variation identified a range of open space areas in the Peninsula Bay North area as part of the structure plan for the urbanisation of the area. Resource consent conditions require the identified open space land to be vested as the Peninsula Bay residential area is subdivided, with the relevant consent condition allowing for the open spaces to be vested in stages<sup>2</sup>. The Requestor has a small balance area remaining (Stage 6c) and once those lots are subdivided, then the intention was for the remaining Open Space zoned land to be vested. However, as pointed out by the Requestor, it is not certain that the land in question will be vested. Infinity Investments may not proceed with the final stages of the residential subdivision, in which case the land subject to PPC 51 would remain in private ownership, but subject to an Open Space zoning<sup>3</sup>.
10. The plan change proposes a suite of area-specific objectives, policies and controls that would apply to the residential lots to be created, as well as the remaining open space land. The controls include identified building platforms, limited building heights, site landscaping requirements and controls on reflectivity of buildings. The plan change would also require the Requestor to commit to re-vegetation of some of the lots to be created, as well as part of the remaining open space land. A new walking track would be built, the existing mountain bike track upgraded, and a toilet and car park provided. A financial contribution would also apply to the future lots, requiring a contribution towards track building within the Wanaka area. A structure plan is proposed to be inserted into the Queenstown Lakes District Plan. This plan would show building platforms, access ways, areas of re-vegetation and enhancement and new tracks and trails.
11. The plan change request was notified on 9 December 2015
12. 205 submissions and two further submissions were received. These are detailed in the section 42A report prepared for Council by Ms Vicki Jones (consultant planner) and were included as an attachment to that report. 115 of the submissions were pro forma. No late submissions were received.
13. The submissions in opposition raised a range of issues relating to landscape, ecological and recreational issues. Numerous submissions also questioned the implications for the integrity of the district plan should the rezoning of open space land occur. These issues are all further identified in the section 42A report.

## STATUTORY FRAMEWORK

14. The relevant statutory tests when assessing the merits of the provisions of a plan change are derived from sections 31, 32, 72, 74, 75 and 76 of the RMA. These tests have been summarised by the Environment Court in decisions such as *Long Bay-Okura Great Park Society Incorporated v North Shore City Council*, and more recently in *Appealing Wanaka Incorporated v QLDC*.
15. In summary form the tests are:

<sup>2</sup> As set out in footnote 8 to para 8.1, QLDC Peninsula Bay North plan change, S42A report.

<sup>3</sup> Para 50, Peninsula Bay Joint Venture Closing Submissions

- a) The change should accord with the Council's functions under section 31 of the RMA, to manage the effects of development; use and protection of natural and physical resources in an integrated way;
  - b) give proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and section 75; and
  - c) to evaluate the proposed plan change under section 32 of the RMA.
16. There was no debate between the parties as to whether other tests should apply, and so we base our decision on the above matters.
  17. As originally notified PPC 51 did not propose any new objective. It did propose new policies and methods. Subsequently, the Requestor proposed a new objective. As such, as required by Section 32 of the RMA, we must consider whether the objective is the most appropriate means of achieving the purpose of the RMA, and then whether the policies and methods are the more appropriate means of implementing the objective.
  18. As is the case with many resource management issues, we are required to consider future conditions, both in terms of what may transpire under the current operative zoning, as well as in terms of the proposed zoning. To make predictions as to future conditions we must understand current conditions and the factors and variables that may lead to different outcomes in the future. There are no certainties and inevitably the analysis of what may happen strays into non-RMA matters. For example, would the Council commit to the enhancement of the open space zoned land and undertake a re-vegetation and enhancement programme?
  19. In undertaking this task, we were presented with a considerable volume of evidence by the Requestor and the Council and we appreciate the effort that went into this evidence and analysis provided. We were also assisted by the comments and points made by the submitters.
  20. We note that although the Proposed Queenstown Lakes District Plan was notified for public submission on 26 August 2015, it is only the provisions of the Operative District Plan that must be had regard to under section 74(2)(a)(i) of the RMA when assessing PPC 51. A number of submitters referred to the proposed plan, while Dr Read spent some time discussing how the proposed district plan classified the landscape of the land affected by the plan change. In this decision, we have not dwelled on the proposed plan. As its contents are not settled it is not a matter that we need to refer to.

## **EVIDENCE HEARD**

### **For the Requestor**

21. Ms Semple outlined the (amended) plan change request. In her view the plan change would result in a win: win for Wanaka. More housing would be able to be built, helping to meet people's needs, while the remaining open space zoned area would be upgraded through managed re-vegetation and improved walking and cycling tracks. In considering the merits of the proposal, the future of the open space area without the plan change needed to be assessed. It was likely that ecological and recreational values would decline due to lack of maintenance and investment. In contrast, the plan change offered certainty over enhancement of ecological and recreational values that off-set the reduced land area. The rezoning would not create any form of precedent.

22. Mr Paul Croft is the Managing Director of Infinity Investment Group Holdings Limited. He outlined Infinity Investments' development of the Peninsula Bay area and how demand for sections has been strong. He described the steps taken by Infinity to look at how the subject land might be developed, the consultation undertaken and the commitment to enhancement of the remaining open space area. In his view, the plan change would lead to an improvement of the remaining open space area. He noted that the intention to reconsider the zoning of the land had been signalled to lot owners as they purchased in the area, and so the zone change would not be a shock to them.
23. Mike Botting is a registered surveyor. He set out how the proposed lots would be provided with the necessary infrastructure. Earthwork profiles are proposed in the structure plan to help ensure that building platforms and road extensions minimised the amount of landform modification. He presented figures on the amount of land identified as open space in the Peninsula Bay area in comparison to the number of dwellings enabled by Variation 25. The rate of open space provision is considerably in excess of Council's standards.
24. Dr Gary Bramley addressed ecological issues. He stated that the plan change area contains areas of kanuka shrubland and depleted tussock grassland that meet some of the criteria for significance in the Operative District Plan. He is concerned that left unmanaged, these species are at risk due to their small size, isolation, the presence of exotic plant species, the presence of exotic animal species, and regular disturbance.
25. The plan change requires removal of vegetation, improvements to existing vegetation and new vegetation to be planted. He presented figures for the amount of kanuka and tussock vegetation to be removed; retained and enhanced as well as new planting. These figures were revised through the closing statement by which stage the following figures apply:
  - In terms of kanuka 5,440m<sup>2</sup> will be removed, and 10,995m<sup>2</sup> of new planting proposed, leading to a net gain of 5,555m<sup>2</sup>. In addition 2,045m<sup>2</sup> will be enhanced.
  - For tussock, there is a net gain of 3,345m<sup>2</sup>. Of the total existing area of tussock in the plan change area of 2,470m<sup>2</sup>, 1,650m<sup>2</sup> will be removed, 820m<sup>2</sup> retained and enhanced and 4,995m<sup>2</sup> of new planting will be established.
26. The majority of the new planting will be in the open space zoned area that will remain, adjacent to the proposed new housing.
27. In his opinion the new planting and an associated maintenance regime will result in a significantly increased area of indigenous vegetation and improved ecological integrity, diversity, function and connection between patches of habitat, compared to the current environment. Species of conservation significance identified by submitters, such as cushion pimelea (*Pimelea sericeovillosa* subsp. *pulvinaris*), prostrate bluegrass (*Connorochloa tenuis*) and Beauverd's scabweed (*Raoulia beauverdii*) and the possibly present *Coprosma brunnea* could be included in the replanting proposal.
28. Rob Greenway is a recreational specialist. He noted that the rezoning would not remove any existing tracks and trails, while the improvements proposed to tracks and facilities would result in enhancement of the recreational values of the (reduced) open space area. He considered that the land to be rezoned would be unlikely to be used for trails. To off-set any lost opportunity, he proposed that the plan change include a requirement for a financial contribution from the new lots to be paid to the Council. This contribution would be tagged to new and upgraded trails in the Wanaka area.

29. Mr Ben Espie addressed landscape issues. He is a landscape architect and has extensive involvement in the previous assessments and zoning decisions affecting the land. He stated that most of the land subject to the rezoning (as finally proposed through closing) was not within an ONL. In his opinion, the ONL classification should be along the top of the east-west ridgeline, to the north of most of the proposed lots, consistent with the findings of the Environment Court's decision on Variation 15. Only one lot is proposed in the ONL, and a building on that lot would not be inappropriate. The south facing slopes subject to the plan change were more akin to a Visual Amenity Landscape.
30. He agreed that the land to be rezoned had a role to play in providing a visual buffer to the urban development to the south. The plan change would see this buffer role maintained, albeit in a narrower form. While there would be an adverse effect on the visual amenity enjoyed by residents directly to the south, this effect was confined to a relatively small number of people. The proposed conditions relating to re-vegetation, building heights, building platforms and reflectivity would all combine to ensure that the visual effects of houses on the slope would be substantially mitigated.

### **From Submitters**

31. Mr Doug Hamilton is a local resident. He is a keen mountain biker. He stressed that the land in question had a wide range of recreational and amenity values associated with it and that the land was not just used by mountain bikers. People walked and jogged across the land, took dogs for walks and children could play amongst the vegetation. The recreational and amenity values of the land would steadily grow over time.
32. Mr Jamie Greenway represented Bike Wanaka. He agreed with the points made by Mr Hamilton. The land had important amenity and recreational values that could not be replaced. He felt that the maintenance issues were over stated and there was considerable potential for community groups and interest groups to help build tracks and trails and undertake restoration works. This opportunity would be reduced if the land was rezoned.
33. Mr Julian Haworth is a member of the Upper Clutha Environmental Society (Inc). Mr Haworth read from a written submission. He noted the involvement of the Society in Variation 25 and their agreement to the open space zoning determined through that process. He was very concerned that the plan change, if successful, would undermine the previous decisions made about the balance between open space and development in the northern part of Peninsula Bay. The plan change proposed an irreversible change, in that once rezoned for low density residential development, the open space zone would be lost. He did not consider that the rezoning would lead to an overall net gain.
34. The Central Otago-Lakes Branch of Royal Forest and Bird Protection Society was represented by the Branch Chairperson, Mr Evan Alty. Mr Alty read a statement. The Society are concerned that the rezoning would overturn a decision reached in the mid 2000s as to the value of the land in question and that those values were best managed by way of an open space zone (that is, the position reached through Variation 25).
35. The Society's concerns cover landscape and ecological issues. In terms of ecological issues, the Society's view is that the plan change will see the loss of short tussock grassland. This is a significant negative aspect of the plan change. They challenge the Requestor's contention that the existing fescue tussock grassland will disappear without proper management. They also doubt the proposed viability and value of the re planting proposed.

36. In terms of landscape issues, the Society raised two issues - the location of ONL and the effect of the plan change on the overall landscape. The ONL issues were specifically addressed by Ms Stevens (addressed below). In terms of overall landscape effects, they submitted that the proposed development would breach the strong containment by natural landscapes, of the residential area that now exists.
37. Ms Stevens presented expert evidence on landscape issues. She is a landscape architect and has worked on defining an ONL line incorporated into the Proposed District Plan. She concurred with Dr Read's assessment that the ONL encompasses most of the land subject to the rezoning. Part of the western end of the south facing slope may fall outside the ONL, due to the extent of landform modification in this area. Her assessment of the ONL boundary is on the basis that the south facing slopes of the land currently zoned open space have very similar characteristics to the north facing land. She noted that just because the south facing slopes were not part of the "lake landscape", this did not mean they could not have ONL qualities.
38. Dr Ella Laughton represented the Aspiring Tracks Network (ATN). ATN was neutral on the acceptance of the plan change, preferring track users to submit as individuals. However, Dr Lawton put forward a list of ten requests for improvements to the track network in the plan change area that ATN would like to be undertaken should the plan change be approved.

#### **For Council**

39. Ms Vicki Jones, planning consultant, had prepared the Council's section 42A report. That report recommended that the panel recommend declining the plan change request. Attached to the Hearing Agenda with Ms Jones' s42A Report were the following technical expert reviews:
  - (i) Dr Marion Read, Landscape;
  - (ii) Dawn Palmer, ecologist; and
  - (iii) Ms Jennifer Galavazi, Council recreation planner.
40. After hearing from the Requestor and the submitters, the Council witnesses circulated and spoke to supplementary statements.
41. Dr Read's pre-circulated evidence set out her approach to landscape classification of the area. In her opinion, the ONL should run along the open space zone boundary, at the southern foot of the rounded ridgeline. After hearing from the Requestor, she remained of the opinion that the ONL should be located to the south of the ridgeline; and that the development proposed was not appropriate within the ONL. She stated that even if the ONL remained along the east-west ridgeline as proposed by Mr Espie, the land to the south still had landscape values.
42. Dawn Palmer noted that in ecological terms, development of lots 13 to 26 at the eastern end would have much more of an impact than lots 1 to 11. In her opinion the native vegetation present towards the eastern end was of significance due to its 'at risk' rating and it was more appropriate to retain and enhance what exists, rather than seek to replace the vegetation. She particularly questioned the proposed Beech trees as replacements for the kanuka. She raised concerns over the sustainability of the re-vegetation.

43. Ms Galavazi stressed that while the land in question may not appear to have high recreational values, over time as the population of the wider area increases, then its value will grow. Once the land is vested, then Council could commence plans to upgrade and enhance the recreational and ecological values of the area. This would require funding.
44. Ms Jones addressed the various statutory tests that need to be applied to the plan change. Her opinion was that the plan change would not assist with the sustainable management of the land and the wider area. There were few benefits from the rezoning and these were easily outweighed by the costs in terms of landscape effects, risks associated with the re-vegetation and lost recreational opportunities.

#### **Requestor's right of reply**

45. Additional evidence was received from Mr Espie and Mr Bramley. Further refinements to the structure plan were set out in the closing submissions. The number of lots was reduced to 21 with three lots removed from the north-eastern end of the proposed development.
46. The amount of vegetation to be removed is reduced, while the area of re-vegetation remains as per the proposal presented at the hearing. 7,090m<sup>2</sup> of tussock and kanuka is to be removed, and 15,990m<sup>2</sup> will be re-vegetated in tussock and kanuka. As a result the net increase in vegetation cover is 8,900m<sup>2</sup>, as opposed to 5,680m<sup>2</sup> as presented at the hearing.
47. In his additional evidence, Mr Espie further outlined his assessment that the ONL should be placed on the ridgeline. To the south, he reiterated that the housing development would mean:
- The rounded ridgeline that currently forms the foreground to the Peninsula Bay development will become partially obscured by buildings whether PPC 51 proceeds or not; and
  - The additional buildings that will be enabled by PPC 51 will not entirely obscure the rounded ridgeline. It will continue to read as a foreground ridge to the Peninsula Bay area, albeit that it will be more modified.
48. Dr Bramley clarified that the proposed kanuka planting is intended to create a shrubland dominated by kanuka, but with more diversity than occurs currently. He was not proposing a Beech tree forest. He stressed that the costs to Council (and hence the community) of carrying out management of the existing open space area to enhance and extend the vegetation present would be significant. While the re-vegetation proposed by the plan change may be challenging, the risks were able to be managed and overall, a better ecological outcome would arise.

#### **PRINCIPAL MATTERS RAISED**

49. Having heard the evidence, in our opinion, the principal matters raised in the plan change request, submissions and/or by Council review came down to three themes:
- (i) The values of the land to be rezoned;

- (ii) The effects (positive and negative) of the earthworks, roads, housing, re-vegetation and enhancement and track upgrades proposed by the plan change; and
- (iii) Whether the rezoning would result in 'better' (or improved) management of the northern Peninsula Bay area in terms of Part 2 of the RMA.

### Values

- 50. There was agreement amongst the experts that there were three main values provided by the land to be re-zoned, being recreation, landscape and ecological values.
- 51. We note that these values accord with the purpose of the Open Space zone as stated in section 20 of the QLDC plan:

*The purpose of the Open Space Zone is to protect landscape values, natural character and informal open space of the area. It is intended to keep such areas in a natural state and free of buildings and structures. Such areas may however, be utilised for types of passive recreation that do not require intrusive buildings or structures, such as walking, running and biking.*

- 52. The listed permitted and controlled activities reinforce the purpose of the zone. Permitted activities cover:
  - i Passive or informal recreation (e.g. walking, running, biking, picnics);
  - ii Maintenance activities associated with permitted activities, or those activities that have a resource consent;
  - iii Removal/control of weeds and wilding trees;
  - iv Fencing of ecologically valued areas; and
  - v Fencing on the boundary of the Zone where it bounds privately owned land.
- 53. Light stock grazing is a controlled activity. The matters of control relate to the location of grazing areas, the type of stock to be grazed, and the intensity and duration of grazing activity.

### Recreation values

- 54. Starting with recreational values, the main area in contention related to the future recreational attributes of the land to be rezoned. Mr Greenway for the Requestor was of the opinion that the open space values of the land to be rezoned were confined to passive recreational activities, with tracks and trails a possible activity. Any lost opportunity in terms of tracks or trails could be addressed by way of upgrades to the tracks in the balance of the open space land and a financial contribution towards upgrades elsewhere. There was also an offer of an additional car park and toilets in the amendment received from the submitter on 8 July 2016.
- 55. In contrast, Ms Galavazi and submitters pointed to the long term recreational potential of the land. This potential is currently not well articulated in any plan or strategy, a point made by the Requestor. However in the Council's defence the land is not yet vested in



the Council and so there is little impetus for the Council to develop a meaningful picture of the future development of the land. Ms Galavazi's opinion was that the character of the land offered informal recreational opportunities that are not available elsewhere in such close proximity to Wanaka urban area.

56. The land in question is zoned as Open Space and was identified as such through a previous planning exercise. We can see no matters that suggest that the decisions made then as to recreational needs of the wider area are any different today, or indeed that the land identified as Open Space zone is no longer required for that purpose. In fact if anything, we consider that the urban development that was planned to occur under Variation 25 has occurred as anticipated, and as such, recreation demands will also have increased in tandem with that growth.
57. Our finding on this point is that the subject land's recreational values are not significant, but equally they are not absent. Informal tracks and trails are apparent and indicate that the area is used by walkers and bikers and no doubt the area is used by local children for informal play and adventure.
58. We also find that under the 'status quo' option, there is a reasonable expectation that the open space zoned land will be vested in the Council, at some point as a recreation reserve. We are not persuaded by arguments presented by the Requestor that it will hold onto the land and the land will not be made available for public use.
59. On this point, the Bike Wanaka submission referred us to the following passage of the Council decision on the Peninsula Bay Plan Change (Variation 25)<sup>4</sup>:

*Mr Thorn suggests that the Open Space Zone could be changed through the private plan change process in the future. It is recognised that zoning provides less guarantee than vesting as reserve. However, given the strong provisions of Part 4 of the Plan relating to ONL, and the objectives and policies of the Open Space Zone a successful plan change to enable development is considered highly unlikely. It is anticipated that once the Open Space Zoning has been confirmed and subdivision consents lodged, the vesting of the land as reserve will be addressed by the Council.*

60. The above passage and a plain reading of the relevant consent condition pertaining to the vesting of the open space land indicates to us that we must have some confidence that the open space land was always intended to be, and will be, vested.

### **Landscape Values**

61. A focus of debate amongst the relevant experts during the hearing was the location of the ONL, with Mr Espie maintaining that the ONL ran along the ridgeline, with Dr Read and Ms Stevens maintaining it ran along the edge of the current open space zone (that is, to the south of the ridgeline).
62. Changes made by the Requestor, post hearing, remove all of the more elevated lots that would be close to, or north of, the crest of the rounded ridgeline, except for Lot 4 at the western end.
63. We are not required by the District Plan to determine where an ONL shall lie as part of this plan change proposal. However we accept that consideration of whether all the subject land would meet the criteria for being within an ONL does have bearing on the determination of effects. If the whole of the land is within an ONL, then the adverse

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<sup>4</sup> Bike Wanaka Submission, 51/205, page 3.

effects of the proposed housing on the landscape have to be given due weight under Section 6 of the RMA. Equally though, if part of the site is not within the ONL, this does not mean that landscape effects from housing on this portion of the land are not at issue. There are still amenity issues to consider.

64. Having said that, the focus of the ONL debate appears to us to overstate the importance of the ONL classification to the determination of whether the plan change will lead to a better outcome than the present zoning. Our impression is that apart from the lots near the ridgeline (an issue now confined to Lot 4, after the removal of Lots 20, 21 and 22); the landscape impacts of the proposed zoning are confined to the Peninsula Bay North area. In other words, ONL or not, the impacts of development relate to the interface of the landscape with the urban development. As such we do not see the need to make a determination on the location of the ONL.
65. Mr Espie acknowledged that the land in question had a role as a 'book end' to the Peninsula Bay North residential area. It also provides a buffer or transition area to the lakeside environment on the north side of the ridge. We agree with these roles being important, a view confirmed to us when we observed the Peninsula Bay residential area from the track leading up to the Sticky Forest. We are of the opinion that the Open Space zone usefully frames the Peninsula Bay urban area, and to enable further development into this area will have adverse effects on the amenity of the area and on the ability of landscape itself to act as a transition area to the lakeside environment.
66. The need for, and benefits of, the open space ring around the Peninsula Bay residential area identified in Variation 25 remains unchanged in our opinion. Having viewed the PPC 51 area and other open space areas in the vicinity, we consider that the Open Space zone that surrounds the now largely established Peninsula Bay residential area does not 'over provide' for open space, in landscape terms.
67. We accept that landscape values differ between the western and eastern ends of the southern slope. The western end of the slope is devoid of vegetation and appears to have been earth worked. The eastern end has a more natural form and contains vegetation that in our view adds significantly to the visual amenity values of the area. To the west, the currently more barren slopes could re-vegetate either naturally or as part of a specific programme.

### **Ecological Values**

68. By the end of the Hearing it was apparent to us that the debate over ecological values was more related to the long term health of the species present under the status quo option and the risks of the replanting strategy proposed by the Requestor, rather than a debate as to existing value of the vegetation present. Generally the vegetation present is seen to have value.
69. The changes made post Hearing by the Requestor to the proposed development pattern further reduce the extent of differences over the effects of vegetation to be removed and replanted. The changes retain some of the best quality tussock grassland present on the site and the cushion pimelea which is located in proposed Lot 20.
70. In both the future without the plan change and the future with the plan change, we have to make predictions as to future conditions in respect of ecological conditions. This is not an easy task, as both scenarios involve actions of others. Dr Bramley's opinion was that the risks to the current health of the tussock grasslands were significant, while the risks during replanting were manageable. Council's expert was of the reverse opinion.

71. With regard to the future without the project we have to assume that the Council will take reasonable steps to manage the ecological values present, once the land is vested and therefore the differences between the future with and without the plan change are not as stark as they are made out to be. Equally, we have to assume that if required by conditions of the structure plan, that the Requestor will undertake the necessary re-vegetation programme to a high standard. While not directly broached during the Hearing, concerns over the Requestor 'going out of business' once the plan change is in place (and therefore not fulfilling their on-going duties) could be addressed by a bond or similar.

### **Anticipated Effects**

72. A range of evidence on the environmental effects of PPC 51 was presented to us at the hearing, and the matter was addressed appropriately in the various s32 reports presented. We have discussed the values above. In this section we make findings as to the likely effects of the plan change on those values, both negative and positive.
73. As discussed above, in our opinion, the main landscape effect relates to the impact on what may termed the local landscape of the Peninsula Bay area. Mr Espie acknowledged the impacts on this landscape, but does not see these effects as being large or significant. In our view, the landscape effects will be more prominent than he has stated. We are satisfied that the rationale adopted in Variation 25 as to the point at which the urban development should stop at the northern end of Peninsula Bay still holds today. We do not agree that extending residential development as sought in PPC 51 into either the eastern or western sections of the southern slope is appropriate. Houses in the vegetated eastern area would significantly detract from the landscape values it offers, while to the west, houses would preclude a much more natural break to the urban development being formed by the change in landform in this area.
74. In terms of effects on recreational values, there is a negative effect through a lost opportunity for informal play and use of the land for what may be called 'rambling'. We accept that this effect is not a large scale effect, but it is nevertheless a consequence. We understand the intent of the proposal to 'off-set' this effect through a financial contribution for the development of tracks and trails elsewhere. However we cannot have any certainty that such an off-set is reasonable or indeed considered useful by Peninsula Bay residents. Apart from the suggestions from the Aspiring Tracks Network there is no specific project that the Requestor or the Council could point to as being the off-set, and such we cannot be sure that a like-for-like exchange will occur. We do not accept that market pressure for additional land in Peninsula Bay is sufficient justification to erode the open space that was created to support the wider residential development.
75. Turning to ecological effects, here our findings are less clear cut due to the uncertainties present over the future, with and without the project. Generally we accept the point made by Ms Palmer that as a starting point, it is better to manage and enhance what currently exists, rather than try to recreate those values through re-vegetation. This starting point should not preclude the option of re-vegetation to off-set the removal of vegetation, but any decision to re-create should be based on some wider benefit from enabling development in the areas to be cleared.
76. In summary we see some benefits from the proposed re-vegetation and management proposed by the Requestor, flowing from the certainty that the plan change presents. However, those benefits seem marginal over the 'without project' future. The amended proposal as submitted at the close of the hearing would result in a larger amount of

replanting compared to the area to be cleared, than as first proposed. It would normally be expected that the area of re-vegetation is to exceed the area to be removed. This is to cover the costs of removing the intrinsic values of established vegetation, the time taken for new vegetation to get to a height and coverage that matches what is being removed, and to cover the risks involved in replanting. In our view, there is little net gain from the re-vegetation proposed. What is being removed is being off-set, so the end result is a neutral outcome at best, in our opinion.

77. What is an 'absolute' loss is the potential to re-vegetate in whole or in part the 3.5 hectares of land to rezoned to LDR. That is, under the status quo option, the existing vegetation can be retained, and new plantings established in the area to be rezoned, as well as elsewhere. This potential to re-vegetate the land to be re-zoned is largely lost through the plan change.
78. Finally, the other effect of the plan change is to enable more housing. This has social and economic benefits. However this effect does not appear to be a large or strong benefit of the plan change. We were not presented with any evidence that Wanaka faces a shortage of land for housing and that as a result there were strong reasons to support a rezoning. The Requestor said that demand for housing in the Peninsula Bay had been constant, and we accept that it is a desirable residential area. However the benefit of providing space for 20 more houses seems very small in the total context of the area.

### **Statutory Assessment**

79. In sections 13 to 15 above we outlined the tests that must apply to our consideration of a plan change request. In this section we address each test in turn.
80. But before doing so, we briefly address the issue of plan integrity. Some submitters raised the concern that an undesirable precedent would be set if the plan change was approved. That is, a previous planning decision that had broad agreement would be over turned. Here, we agree with the advice of the section 42A report that precedent and integrity issues are not ones that are identified in the RMA as matters to be addressed in the consideration of any plan change. We also agree with the Requestor that Variation 25 is not 'set in stone'; that is, it is not determinative as to this plan change request. Planning is a dynamic process and planning frameworks should adjust as circumstances change. Having said that, changes to planning frameworks need to be based on sound reasons. Integrity issues arise from poor decisions, not changes to plans, per se.

#### **Does PPC 51 accord with the Council's functions under section 31 to manage the effects of development, use and protection of natural and physical resources in an integrated way?**

81. PPC 51 proposes a new objective, as follows:

##### ***New Objective 22 Peninsula Bay North Low Density Residential Zone***

*Low density residential development at Peninsula Bay North:*

- a) enhances and where appropriate, protects areas of significant indigenous biodiversity;*
- b) protects the visual amenity values associated with the Outstanding Natural Landscape.*
- c) enables people to access land for passive and active recreation.*

82. The Requestors' (amended) section 32 report states that the new objective seeks to balance the provision for residential development with the enhancement and, where

appropriate, protection of indigenous biodiversity and landscape values of the land<sup>5</sup>. Retaining the existing zoning at this site is seen to be a lost opportunity for the community to provide for their social and economic wellbeing.

83. The Requestor's section 32 assessment further states that the existing Open Space zone is inefficient in achieving the objectives of the existing District Plan as it largely prevents development and use of the Open Space zone, and thus any corresponding conservation gains that may result<sup>6</sup>.
84. Council's assessment was that the objective would not assist in managing resources of the land in question, in part due to the classification of the land as an outstanding natural landscape and a conclusion that the removal and re-vegetation proposed would result in a net ecological loss.
85. As discussed above in terms of values and effects, we have not made a finding as to whether the land in question is within an ONL, while our findings on the ecological issues are that there is not net gain or loss. Nevertheless, these findings do not mean that the objective will assist the Council.
86. In our view, the objective proposed in PPC 51 does not accord with all of Council's functions under the RMA. It places too much emphasis on enabling well-being through more housing and insufficient attention to the maintenance and enhancement of amenity values. We are also of the view that there is no need to 'balance' the provision of residential development with enhancement in the case of the subject land. The current open space zone is the outcome of a larger, more widespread 'balancing' exercise. It protects the existing values of the land and retains opportunities for enhancement in the future. That is its primary role and a role that is still relevant today.
87. Turning to the policies as proposed, they clearly help the Council to fulfil its duties under the RMA, should the land be rezoned. During the course of the hearing a number of matters of detail as to the methods proposed were identified, and in closing the Requestor proposed amendments. These amendments appear helpful. However there remains the fundamental issue as to the appropriateness or not of the proposed rezoning of the land.

**Does PPC 51 give proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and section 75?**

88. PPC 51 must "give effect to" any National Policy Statements and the Otago Regional Policy Statement (ORPS).
89. After the close of the Hearing and during the course of our deliberations, a National Policy Statement on Urban Development Capacity (NPS UDC) was issued by the Minister of the Environment. The NPS-UDC will come into effect on 1 December 2016. We do not see any conflict with this NPS. Development capacity issues were not the driver of the plan change, although some extra housing capacity is a (small) benefit of the plan change.
90. The relevant provisions of the ORPS were reviewed in both the plan change request documents, evidence and the s42A report. Council's evidence was that the plan change will not give effect to the RPS, as required by section 75 of the RMA. This was in relation to the land being within an ONL. Given our reluctance to enter into a landscape

<sup>5</sup> Page 5, Amendments to Plan Change 51 and Associated Section 32AA Evaluation, Mitchell partnerships, 7 July 2016.

<sup>6</sup> Page 7, Ibid

classification process we do not make a finding that the plan change does not give effect to the ORPS.

91. We note that a number of the ORPS policies refer to maintenance of amenity values<sup>7</sup> (which are variously described to include open spaces, recreational resources, greenbelts and landscapes) as an issue. This concern does not rely on whether or not an area is considered to be an ONL.
92. We are required to have regard to the proposed regional policy statement, the relevant provisions of which were also discussed in the application documents, evidence and s42A report. A decisions version was released on 1 October 2016. Having reviewed the notified and decisions version provisions, we find no inconsistency with respect to PPC 51.
93. More importantly, is PPC 51 in accordance with the provisions of Part 2 of the RMA? Here we take the broad judgement approach to Part 2 of the RMA, given that higher order documents like the operative Regional Policy Statement are not directive in their provisions as to appropriate outcomes for the northern Peninsula Bay area, while no national policy statements are relevant.
94. In our opinion, PPC 51 will not lead to a better outcome than the current zoning, in terms of sustainable management. If anything, the plan change will result in poorer outcomes. The reasons for this finding are based on our overall evaluation of the plan change request. The broad judgement required by Section 5 of the RMA requires us to weigh up the benefits to people and the environment from developing and using resources while considering the nature and extent of impacts on the environment. Section 6 and 7 provide guidance on the importance of various environmental factors, including amenity and the quality of the environment. We must also take into account the foreseeable needs of future generations.
95. In short, we do not see the benefits of the plan change (more housing, proposed re-vegetation, contribution towards recreational facilities) as being of sufficient value to outweigh the costs in terms of landscape and amenity, and lost ecology and recreational opportunities. In our view, existing and future generations will derive more benefits from access to the amenity and landscape values of the open space land identified by Variation 25, than if the plan change proceeds. No evidence suggests that those values have been lessened or replaced by other open space area since Variation 25. With the plan change in place, the longer term ecological and recreational opportunities of the land will be reduced, even taking into account the certainty of the re-vegetation proposed, due to the reduction in area.

### **Evaluation under Sec 32**

96. We were presented with substantive assessments by the Requestor and Council's reporting officer.
97. The Requestor provided an assessment with the plan change request. That assessment was updated on 7 July 2016.
98. These assessments assessed the proposed rezoning under sections 32(1)(b)(ii) and (2)(a). The new provisions were assessed in terms of their appropriateness in achieving the objective of the proposal and against the existing relevant District Plan objectives (sections 32(3)). A comparative assessment of costs and benefits was

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<sup>7</sup> Such as Policy 9.5.4 and 9.5.5.

provided that compared modifying the zoning to enable (controlled) residential development plus re-vegetation, with the status quo.

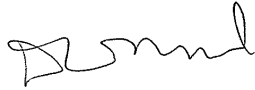
99. In short, the Requestor's assessment was that while changes to the landscape were seen as a cost (in terms of impacts on the landscape character of the local Peninsula Bay area), these costs are to be outweighed by the housing enabled and the re-vegetation proposed. Recreational benefits are anticipated, but no recreational costs are identified.
100. Council's section 42A report provided an assessment of three options. These were the status quo, the plan change option and the option of a scaled back plan change. This assessment placed more weight on the lost recreational opportunities, the effects on ONL landscape values and potential ecological losses.
101. The evaluations provided to us have identified relevant positive and negative effects.
102. The amended proposal submitted by the Requestor at the end of the hearing reduced some of the 'costs' of the proposal. Three house lots were removed, lessening some landscape effects and reducing the amount of vegetation to be removed. The area of open space land to be rezoned was also reduced. While beneficial, we do not consider that these changes tip the balance in favour of the plan change.
103. We also considered an option whereby only the western lots were rezoned (Lots 1 to 11). These lots did not have any existing ecological values, while recreational attributes were also limited. We did not pursue this option. The Requestor had not sought such an option, while there will still be amenity and landscape effects, as well as lost opportunities for enhancement.

## **RECOMMENDATION**

104. Pursuant to our delegation under s34A of the Resource Management Act 1991, we recommend that Private Plan Change 51 to the Queenstown Lakes District Plan is declined, with the submissions and further submissions accepted or rejected in whole or in part as indicated in Appendix 2.
105. The reasons for our recommendation (in summary only as the decision records our detailed reasons) are:
  - a) The plan change will have a negative impact on recreational values through the loss of open space zoned land. While the active recreational values that will be forgone by the plan change are not large, passive recreational opportunities will be lost. These effects are not off-set by the proposed financial contribution. We can have no certainty that the money collected will be spent in a manner that will compensate for the lost opportunity.
  - b) The land to be rezoned has landscape value in its relationship with the northern extent of the Peninsula Bay residential area. The southern slopes of the land help to contain and define the urban area, imparting a strong sense of the urban development being settled into the landscape. That landscape value will be weakened, to the detriment of the wider area.
  - c) The claimed ecological benefits of the plan change are marginal at best, while the ability to re-vegetate a larger area will be lost.

106. Overall, we do not consider that the plan change will enable the Council to better manage the resources present, compared to the status quo. There are no advantages in terms of part 2 of the RMA and the sustainable management of natural and physical resources present, compared to the current zoning, and in our view, there are a number of disadvantages, as outlined above.
107. Our recommendations on submissions are included as Appendix 2. We adopt and confirm the reasons for those recommendations as stated in the s42A report.

David Mead  
Chairperson



Date:

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22 November 2016

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## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions

185

Original Submission Number	Name	Position	Decision Requested
51/01	Richard and Katherine Geeves	Oppose	Not consider any encroachment into untouched lakeside land as part of any residential expansion in/ around Wanaka
FS51/206-2	Peninsula Bay Joint Venture		Oppose this submission. Approve the plan change.
51/02	Raewyn Calhaem	Oppose	Reject the Plan Change in its entirety
FS51/206-3	Peninsula Bay Joint Venture		Oppose this submission. Approve the plan change.
51/03	Raymi Hurtado Stuart	Oppose	Turn these areas into protected public parks and oppose the development of this 6 ha of land
51/04	Karen Eadie	Oppose	Not approve the proposed Plan Change Require the developer to abide by the original conditions of consent
51/05	Joanna Ashe	Oppose	Preserve the ONL areas and require Infinity to respect their previous engagement to preserve Lot 920 DP 486039 as a buffer between development and the lake
51/06	P Marasti	Oppose	Preserve the ONL areas and require Infinity to respect their previous engagement to preserve Lot 920 DP 486039 as a buffer between development and the lake
51/07	Andrew Cornish	Oppose	That council look at the long term and realise that mountain biking brings visitors to towns.
51/08	Eddie Spearing	Oppose	Reduce the area of land being requested to be rezoned to exclude any area already identified in Plan Change 15 (in order to protect the whole section overlooking the lake) and make the whole north end of Peninsula bay a reserve to stop
51/09	Jen Cornish	Oppose	Oppose Plan Change 51 and not allow it
51/10	Jamie Greenway	Oppose	Say "no" to the developer, grow the asset, and listen to the community
51/11	Oliver William Young	Oppose	Reject Plan Change 51 due to the lack of integrity of the developer and adverse effects on an area of natural beauty
FS51/206-4	Peninsula Bay Joint Venture		Oppose this submission. Approve the plan change.
51/12/01	Julian Hayworth	Oppose	Decline Plan Change 51 in its entirety and the POS zone and retain its boundaries as per the Operative District Plan
FS51/207-1	Richard Leslie Hutchison		Support the submission in totality. The whole plan change should be disallowed
FS51/206-5	Peninsula Bay Joint Venture		Oppose this submission.
51/12/02	Julian Hayworth	Oppose	Resolve the issue as part of the Proposed District Plan process
FS51/207-2	Richard Leslie Hutchison		Support the submission in totality. The whole plan change should be disallowed
FS51/206-6	Peninsula Bay Joint Venture		Oppose this submission.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>186</sup>

Original Submission Number	Name	Position	Decision Requested
51/13	Krystyna Glavinovic	Oppose	Deny the Plan Change and retain the open space zoning
51/14	Caroline Cavanagh	Oppose	Retain the open space zoning of the Sticky Forest area
51/15	Richard Johnston	Oppose	Reject Plan Change 51
51/16	John Cruickshank	Oppose	Against Plan Change 51
51/17	David Jongsma	Oppose	Decline Plan Change 51 and leave as open space; Council could purchase and use as reserve land
51/18	Paul Symon	Oppose	Not authorise Plan Change 51; now or in the future
51/19	Rachael Moore	Oppose	Deny the Plan Change
51/20	Dyanna Smith	Oppose	Stop the changes to the original plan; support the original plan
51/21	Jervis Turner	Oppose	Stop the change
51/22	Lisa Tsai	Oppose	Stop the area proposed from becoming a Low density residential area and to preserve the trails and land for all to enjoy.
51/23	Chris Robertson	Oppose	Prevent the re-zoning to residential; retain the natural habitat; and retain the area for all to enjoy
51/24	Michelle Harrison	Oppose	Prevent the area becoming low density housing and preserve the tracks and landscape
51/25	Dr W A N Brown	Oppose	Decline the application in its entirety and retain the original residential boundary
51/26	Jason Locker	Oppose	Not authorise Plan Change 51; now or in the future
51/27	Dan O'Regan	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/28	Randolf and Muriel A Holst	Oppose	Disallow Plan Change 51
51/29	Jolene Goodwin	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/30	Mike Hohnston	Oppose	Proceed with option 2, which is no change to the existing plan
51/31	Geoffrey Marks	Oppose	Decline Plan Change 51
51/32	Sally Law	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>187</sup>

Original Submission Number	Name	Position	Decision Requested
51/33	Nicola McGregor	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/34	Matthew Quirk	Oppose	Not authorise Plan Change 51; now or in the future
51/35	Barbara Blatt	Oppose	Not authorise Plan Change 51; now or in the future
51/36	Janet Young	Oppose	Do not amend the plan as per Plan Change 51 but, rather; retain the open space zoning; vest the land as per the previous agreement; and retain as reserve for the community
51/37	Sandra McTavish	Oppose	Opposed to the Plan Change
51/38	Raymong Miller	Oppose	Decline the Plan Change in its entirety.
51/39	Suze Kelly	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/40	Amy Hall	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/41	Jenny Grace	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/42	Tiffany Shervell	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/43	Danielle Ozich	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/44	Guy Cotter	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/45	William Lauren Ogle	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/46	Caroline Blaikie	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/47	Aaron Whitehead	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/48	Steven Moffat	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/49	Franck Bocamy	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/50	Tom Akass	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/51	Calvin Lee	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/52	Gus Leen	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>188</sup>

Original Submission Number	Name	Position	Decision Requested
51/53	Niall Sutherland	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/54	Nicola Campbell	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/55	Marcel Hagener	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/56	Matt Beazley	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/57	Katharine Eustace	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/58	Rochelle Richardson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/59	Simone Maier	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/60	Jessica Griffin	Oppose	Not authorise Plan Change 51; now or in the future
51/61	Simon Bowden	Oppose	Protect, increase, and maintain the tracks
51/62	Louise Carney	Oppose	Opposed to the building of houses as intrudes on the recreation reserve.
51/63	Mark Goodwin	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/64	Kirsten Rabe	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/65	Julie Newell	Oppose	Object to the change of land in sticky forest and request it remain in public ownership and not sold off
51/66	Matthew Davidson	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/67	Shaun Baker	Oppose	Refuse Plan Change 51
51/68	Sarah Berger	Oppose	Refuse Plan Change 51
51/69	Mary Russell	Oppose	Do not allow Plan Change 51
51/70	Ella Hardman	Oppose	Reject Plan Change 51 in its entirety and uphold the Open space provisions.
51/71	Adrian Knowles	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/72	T Dennis	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>189</sup>

Original Submission Number	Name	Position	Decision Requested
51/73	Jo Guest	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/74	Perryn Lydford	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/75	Cathy Price	Oppose	Not authorise any building in the open space zone through Plan Change 51
51/76	Kim Merran Onesti	Oppose	Not authorise Plan Change 51; now or in the future
51/77	Yvonne Maria Laukens	Oppose	Not authorise Plan Change 51; now or in the future
51/78	Sarah Ferguson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/79	Christien Smeja	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/80	Jody Blatchley	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/81	Bruno Geldermans	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/82	Jessica Flair Bradbury-McKay	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/83	Greg Inwood	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/84	Bill Brooker	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/85	Grant Fyfe	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/86	Fiona Blair	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/87	Elaine Smith	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/88	Jenn Shelton	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/89	Rebecca Bredehoft	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/90	Cade Palmer	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/91	Lucy Waters	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/92	Veronica Howes	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions

Original Submission Number	Name	Position	Decision Requested
51/93	Wayne Casey	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/94	Julie Tessier	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/95	Bastien Tessier	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/96	Mark Hook	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/97	Angela Hook	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/98	Reece Cameron	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/99	Richard R Jeans	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/100	Pip Clearwater	Oppose	Reject the Plan Change in its entirety; uphold the open space zone provisions; and vest the land in council as reserve.
51/101	I Tisashi Sasaki	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/102	Eliska Lewis	Oppose	Decline Plan Change 51
51/103	Matthew Lewis	Oppose	Decline Plan Change 51
51/104	Steve Schikker	Oppose	Decline Plan Change 51, in its entirety
51/105	Chris Chalk	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/106	Toby Hague	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/107	Alycia Walker	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/108	Martin Galley	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/109	Alex Poyser	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/110	Gabrielle Vermunt	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/111	Daniel McKenzie	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/112	Wayne Moss	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions

Original Submission Number	Name	Position	Decision Requested
51/113	Brent Millar	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/114	Gwen Hendry	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/115	Willem Groenen	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/116	Jason Kum	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/117	Tasha Lahood	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/118	Nichola Shaw	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/119	Peter Thomson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/120	Cassy Phatouros	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/121	Jo-Anne Stock	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/122	Amanda Tipton	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/123	Gordon Path	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/124	Harriet Gibson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/125	Louise Brown	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/126	Meghan Merryfield	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/127	Sam Chapman-Molloy	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/128	Jason Woolf	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/129	Stuart McCann	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/130	Kerri Hillis	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/131	Kristal Tall	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/132	Emily Wilson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>192</sup>

Original Submission Number	Name	Position	Decision Requested
51/133	Diana Schikker	Oppose	Decline Plan Change 51 in its entirety
51/134	Chris Tubb	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/135	Tony Culshaw	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/136	Olly Lewis	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/137	Tom Dupont	Support	Support the subdivision of the land as proposed
FS51/206-1	Peninsula Bay Joint Venture		Support this submission. Approve the plan change.
51/138	Richard Birkby	Oppose	Do not approve Plan Change 51
51/139	Karen Birkby	Oppose	Not allow Plan Change 51.
51/140	Jenny Ferguson	Oppose	Stop proposed Plan Change to low density housing
51/141	David Balls	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/142	Matt Carr	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/143	Gwilym Griffith-Jones	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/144	Merle Schluter	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/145	Julia Le	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/146	Lori Balls	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/147	Bridget Irving - Gallaway Cook Allan	Oppose	Decline Plan Change 51 and retain the operative plan.
FS51/206-7	Peninsula Bay Joint Venture		Oppose this submission. Approve the plan change.
51/148	Matt Proctor	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/149	Bridget Irving - Gallaway Cook Allan	Oppose	Decline Plan Change 51 and retain the operative plan.
FS51/206-8	Peninsula Bay Joint Venture		Oppose this submission.



## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions

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Original Submission Number	Name	Position	Decision Requested
51/150	Philip Vitesnik	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/151	Jason and Samantha Parrant	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/152	Dr Ella Lawton	Other	Should the Plan Change proceed, in order to be successful points 1 - 10 of the submission should be incorporated into the proposed plan/ decision, Points 1 - 10 relate to ensuring that any changes to the recreational area and track network
FS51/206-9	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/153	John Wellington	Oppose	Decline Plan Change 51 in its entirety and retain the operative open space zone provisions.
51/154	Scott Edgar - Southern Land	Oppose	Reject Plan Change 51 in its entirety
51/155/01	Craig Barr	Other	Reject Plan Change 51 unless the Plan change satisfactorily a) addresses the impact on the future treatment of staged subdivisions and vesting of assets and b) ensures the open space provided remains commensurate with the scale of the
FS51/206-10	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/155/02	Craig Barr	Other	Reject Plan Change 51 unless the Plan change satisfactorily resolves concerns regarding a) whether the LDR zoning is appropriate given the landscape sensitivity and proposed management of such effects; b) the effectiveness of the
FS51/206-11	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/155/03	Craig Barr	Other	Apply the LDR zoning only to those areas that are suited to this form of development without the need for bespoke provisions, in order to avoid further extending the already lengthy rules
FS51/206-12	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/155/04	Craig Barr	Other	Reject Plan Change 51 unless the Plan change satisfactorily resolves concerns regarding a) whether the northern-most lots are located such that the remaining open space is able to provide viable and practical trails (the panel may wish to
FS51/206-13	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/155/05	Craig Barr	Other	Reject Plan Change 51 unless the panel is assured that the proposed planting and ecological restoration a) will provide indigenous biodiversity benefits that compensate or offset the proposed loss of indigenous vegetation, and b) is viable,
FS51/206-14	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/155/06	Craig Barr	Other	Reject Plan Change 51 unless the panel is assured that a) the effects of the proposed earthworks associated with the subdivision and establishment of the building platforms are acceptable in terms of adverse effects on the ONL, and b) the
FS51/206-15	Peninsula Bay Joint Venture		Support this submission in part/ oppose this submission in part. Approve the plan change
51/156	Jodie Rainsford	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/157	Mark Strang	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>194</sup>

Original Submission Number	Name	Position	Decision Requested
51/158	Simon Williams	Oppose	Reject Plan Change 51 and suggest to the applicant that it carry out regeneration of this land with native trees as a way of apologising for taking up the community's time with this process
51/159	Quintin Smith	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/160	Simon and Vickie Moses	Oppose	Reject Plan Change 51 in its entirety, uphold the Open space provisions, and vest the land in council as initially intended
51/161	Linda Baker	Oppose	Refuse Plan Change 51
51/162/01	Denise Bruns	Oppose in part	Not approve the proposed zone change and scheme plan
51/162/02	Denise Bruns	Oppose in part	That only the zoning of proposed lots 7 -12 be changed to allow residential development and strict controls added to keep all buildings below the ridgeline and strict controls/ checks imposed to ensure topsoil and other items are not stored in any
51/162/03	Denise Bruns	Oppose in part	Impose strict controls on what plants are approved for any re-planting/ buffer areas (i.e. allowing only those that would occur naturally in this area).
51/162/04	Denise Bruns	Oppose in part	Vest all remaining ONL and Open space land with the Queenstown Lakes District Council to ensure its protection in perpetuity
51/162/05	Denise Bruns	Oppose in part	Complete the original carparks and walking track access as per the original 2004/5 subdivisions
51/163	Seb Thursby	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/164	Tobias Wadeson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/165	Bryony Illsley	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/166	Richard Beven	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/167	Alex Kingsley	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/168	Corban Taylor	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/169	Kyle Taylor	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/170	John-Jo Ritson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/171	Emily Warne	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/172	Calum O'Dwyer	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/173	Edd Cole	Oppose	Do not allow Plan Change 51 but, instead, protect the area.

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions <sup>195</sup>

Original Submission Number	Name	Position	Decision Requested
51/174	Scott Sharpe	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/175	Jess Brown	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/176	Krystle Theunissen	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/177	Natasha Dawes	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/178	Andrea Beryl	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/179	Christina Brockie	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/180	Charles Burford	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/181	Ling Wei Chiang	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/182	Georgina Pearson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/183	Zeph Wadsworth	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/184	Jane Zwerrenz	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/185	Michelle Chave	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/186	H Gilbertson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/187	Whitney Dagg	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/188	Kimberley Rissman	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/189	Leah Miller	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/190	Laura Davidson	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/191	L Barrett	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/192	Tanja Schwindt	Oppose	Not authorise Plan Change 51; now or in the future
51/193	Doug Hamilton	Oppose	Deny Plan Change 51

## Plan Change 51 - Summary of Decisions Requested - Including Further Submissions

Original Submission Number	Name	Position	Decision Requested
51/194	Hayley Furze	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/195	Kate Schmelz	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/196	Andrew Cochrane	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/197	Elliot Ryan	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/198	Brett Jenkins	Oppose	Stop the proposed area from becoming an area of housing and leave the land and tracks available for all to use
51/199	Joanna Williams	Oppose	Keep this part of the tracks in tack (sic).
51/200	S Dickinson	Oppose	Stop the proposed area from becoming low density housing and leave the land and tracks for all to enjoy.
51/201	Margrethe Helles and Bruce Dowrich	Oppose	Do not allow Plan Change 51 but, instead, protect the area.
51/202	Tess and Paul Hellebrekers	Oppose	Decline the Plan Change and vest the open space as reserve
51/203	Robert Palmer and Judy Clarke	Oppose	Oppose Plan Change 51
51/204	Andrea Murray	Oppose	Keep the open space land for future generations
51/205	Bike Wanaka Inc.	Oppose	Reject the Plan Change in its entirety and vest the land in Council as initially intended

**QLDC Council  
15 December 2016**

**Report for Agenda Item: 4**

**Department: Property & Infrastructure**

**Cemeteries Bylaw 2016**

**Purpose**

To consider the proposed Queenstown Lakes Cemeteries Bylaw 2016 for public consultation using the special consultative procedure.

**Recommendation**

That Council:

1. **Note** the contents of this report.
2. **Approve** the proposed Queenstown Lakes District Cemeteries Bylaw 2016 for public consultation using the special consultative procedure.
3. **Appoint** Councillors Clark, Ferguson and McRobie to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Cemeteries Bylaw 2016.

Prepared by:



Maddy Jones  
Parks & Reserves Officer

25/11/2016

Reviewed and Authorised by:



Lee Webster  
Manager, Regulatory

25/11/2016

**Background**

- 1 Council regulates the operation of Council cemeteries within the District through the Queenstown Lakes District Cemeteries Bylaw 2010. The current Bylaw does not apply to cemeteries that are not Council owned or operated.
- 2 The current Bylaw is due to expire 20 March 2017 and the proposed Queenstown Lakes District Council Cemeteries Bylaw 2016 would replace this.
- 3 Key objectives of the new Bylaw are:
  - To simplify and modernise the existing regulation of Council cemeteries.

- Implementation of the Cemeteries Handbook. This document would be adopted by the Council if the bylaw goes to effect.
- This document will improve public understanding of services offered at Council cemeteries and the rules applicable to accessing those services.
- Provide relevant information to the public in an accessible format.
- To retain corporate knowledge, provide simple information for customers at a difficult time and to ensure Council can rely less on institutional knowledge which is a potential risk.

### **Comment**

- 4 Section 146(b)(v) of the Local Government Act 2002 enables the Council to make a Bylaw for the purposes of managing cemeteries. The Council also has power under section 16 of the Burial and Cremation Act 1964 to make a Bylaw in respect of a cemetery under Council control for the following:
- a) Set standards to maintain and preserve Council owned or operated cemeteries;
  - b) Prohibit and regulate the interment and disinterment of burial and ash remains in any grave.
  - c) Regulate and control the use of, and any activities undertaken at Council owned or operated cemeteries; in order to protect land, structures and infrastructure associated with cemeteries from damage, misuse, or loss.

### **Options**

- 5 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

#### Option 1: Do nothing

##### *Advantages:*

- 6 If the Council does nothing the current Bylaw will expire in March 2017, with no replacement. The Council would have to rely on legal property rights as the owner / occupier of Council cemeteries, and the Council's powers under the Burial and Cremation Act 1964, which relate to the management, maintenance and preservation of cemeteries. Some members of the public may approve of less regulation by the Council.

##### *Disadvantages:*

- 7 In the absence of a Bylaw, the Council will be more limited in its ability to enforce prohibitions on potentially harmful activities in Council cemeteries (for example, unauthorised use of burial equipment), and rules and conditions for the use and

access to Council cemeteries. The lack of legal protections could undermine the effective management and operation of Council cemeteries.

Option 2 Re-adopt the current Bylaw (status quo)

*Advantages:*

- 8 This would provide continuity of the regulation of Council cemeteries, which is already known to the public. The Council would not have to update any internal systems or staff training to continue implementing the existing Bylaw.

*Disadvantages:*

- 9 The current Bylaw would continue to regulate Council cemeteries through a combination of documents, which are less user friendly compared with consolidating key information in a single document. Existing requirements within the current Bylaw will require modernisation and updating to meet procedural changes. The current Bylaw regulates crematoriums owned by the Council, even though there are none in existence.

Option 3 Revoke the current Bylaw, and replace with the proposed Bylaw

*Advantages:*

- 10 A Bylaw that meets our community needs. Adopting the proposed Bylaw will allow Council to implement a Cemeteries Handbook which will consolidate key information regarding the rules and conditions applicable to Council cemeteries. The Cemeteries Handbook can also be amended by Council resolution, from time to time, to implement operational changes.

*Disadvantages:*

- 11 Council will need use resources to update its internal systems and train staff to give effect to the proposed Bylaw and Cemeteries Handbook. Some members of the public may prefer some existing rules and specifications under the current Bylaw that are not continued in the Cemeteries Handbook.
- 12 This report recommends Option 3 for addressing the matter as this provides a more appropriate Bylaw that meets our community needs, along with information to assist the community in a difficult and sensitive time

***Significance and Engagement***

- 13 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because of the nature and sensitivity of this topic and the impacts on our community if not addressed appropriately.

***Risk***

- 14 **SR1** - Current and future development needs of the community (including environmental protection) as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the provision of cemeteries and their operation is a critical need of the community.

15 Management practice - working within legislation as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because cemeteries are required to be operational in accordance with legislation including The Bill of Rights Act 1990 and the Burial and Cremation Act 1964.

16 The recommended option considered above mitigates the risk by treating the risk – putting measures in place which directly impact the risk.

### **Financial Implications**

17 There are minimal operational cost implications resulting from the decision regarding the review of the Bylaw, which will be met through existing budgets.

### **Council Policies, Strategies and Bylaws**

18 The following Council policies, strategies and bylaws were considered:

- Current QLDC Cemeteries Bylaw 2010
- Current Cemetery Operating Procedures
- QLDC Dog Control Bylaw 2014
- QLDC Significance and Engagement Policy

19 The recommended option is consistent with the principles set out in the named policy/policies.

20 This matter is included in the 10-Year Plan/Annual Plan as budget is included for growth of cemeteries and cemetery operations.

### **Local Government Act 2002 Purpose Provisions**

21 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by continuing to prohibit harmful activities (such as unauthorised interments) in Council cemeteries through the proposed Bylaw.
- The Council considers that the proposed Bylaw should clarify the role of sextons and cemetery administrators who are responsible for key functions associated with the operation of Council cemeteries, and to identify what activities require permission from Council. Council will continue to require an application for permission to undertake monumental masonry work, with technical specifications to be set out in the Cemeteries Handbook.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, or transfer the ownership or control of a strategic asset to or from Council.



### **Consultation: Community Views and Preferences**

- 22 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community as a whole.
- 23 Council has a proposed timeline to undertake public consultation between December and January 2017.

### **Legal Considerations and Statutory Responsibilities**

- 24 The New Zealand Bill of Rights Act 1990 (NZBORA) has been considered and the proposed Bylaw is not inconsistent with the NZBORA 1990. The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

*Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

- 25 The Council has power under section 16 of the Burial and Cremation Act 1964 to make a Bylaw in respect of a cemetery under Council control.

### **Attachments**

- A Cemeteries Bylaw 2010
- B Cemeteries Bylaw 2016
- C Statement of Proposal
- D Summary of Statement of Proposal
- E Proposed Cemeteries Handbook

## QUEENSTOWN LAKES DISTRICT CEMETERIES BYLAW 2010

This Bylaw of the Queenstown Lakes District Council is made pursuant to the Local Government Act 2002 and the Burial and Cremation Act 1964.

### 1. SHORT TITLE

The short title of this Bylaw shall be the "*Queenstown Lakes District Cemeteries Bylaw 2010*".

The Bylaw shall come into operation on the 7<sup>th</sup> day following the date of the giving of public notification pursuant to Section 157(1) of the Local Government Act 2002 of the making of this Bylaw. 20 March 2010

### 2. REPEAL

Any previous Cemetery Bylaws (and subsequent amendments hereto) made by the Queenstown Lakes District Council or any Local Authority previously existing in the Queenstown Lakes District are hereby repealed.

### 3. SCOPE

3.1. The scope of this Bylaw is to enable the Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by the Council's responsibility or ownership.

3.2. This Bylaw is made pursuant to the provisions of Part 8 of the Local Government Act 2002 and the Burial and Cremation Act 1964.

### 4. DEFINITIONS AND INTERPRETATIONS

4.1. For the purposes of this Bylaw, the following definitions shall apply:

"Cemetery"	Means any land for the time being vested in or under the control of the Council from time to time and dedicated as a cemetery but excludes any closed cemetery.
"Council"	Means the Queenstown Lakes District Council.
"Crematorium" or "Crematoria"	Means any crematorium maintained by the Council.
"Manager"	Means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Bylaw and shall include the Council-appointed Parks Manager.

“Sexton” Means any person appointed by the Council as Sexton to manage the day-to-day activities of any cemetery and crematorium under its jurisdiction and the term “Sexton” includes any person authorised by the Manager or Council to undertake any of the Sexton’s functions; (activities including arranging for the provision of plots for burials).

4.2. Nothing in this Bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- (a) Burial and Cremation Act 1964;
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
- (c) Cremation Regulations 1973;
- (d) Health (Burial) Regulations 1946.

## 5. BURIALS AND PURCHASE OF EXCLUSIVE RIGHTS OF BURIAL

5.1.

- (a) Burials may be made in any cemetery vested in the Council or under its control (as long as that cemetery is not closed) in a manner provided by law, and subject to the conditions outlined in this Bylaw.
- (b) Exclusive Rights of Burial may be sold subject to terms and conditions decided by the Council and may be granted for such a limited period as the Council decides by resolution.
- (c) Where a person is to be buried in a plot where exclusive right of burial has not been purchased, the personal representative of that person will be required to pay the prescribed fee for the purchase of an exclusive right of burial or sign an indemnity accepting liability for the payment to the Council of the prescribed fee for the purchase of an exclusive right of burial in that plot.
- (d) Any such burial will take place in a plot as determined by the Manager or his delegate and no memorial will be erected on the plot unless the exclusive right of burial has been paid for and all interment and other fees incurred at that time have been paid.
- (e) No person other than those appointed by, or given permission by the Council, shall dig any grave in, or open the ground for burial in, any part of the cemetery.
- (f) The minimum depth of grave for a first interment shall be 1.8m.
- (g) On the application of any purchaser of the exclusive right of burial in any lot, the Council may permit a second burial in such lot provided there shall be at least 1.2m of covering at the average surface level of the ground over the coffin last buried.
- (h) A fee may be charged for the re-opening of a grave for a second interment.

5.2.

- (a) Every application for the purchase of an exclusive right of burial for the period resolved by the Council must be made on the standard application

form, and the purchaser shall pay to the Council the fee for an exclusive right of burial.

- (b) An application to purchase an exclusive right of burial in a plot in a cemetery as described herein shall only be processed by Council and such right shall only be available for purchase from Council immediately prior to the proposed interment PROVIDED THAT an immediate living relative of the deceased person who is being interred in a plot may purchase the exclusive right of burial in the next adjacent plot, such right to be exercisable only at the time of the purchase of the first exclusive right of burial.
- (c) The Council, on the receipt of the prescribed fee, may issue a Plot Purchase Certificate on request.
- (d) On receiving satisfactory proof of the original certificate being lost, and on the payment of the fee, the Council may issue to the entitled person a duplicate of the certificate. Should the original subsequently be found, any person holding the duplicate shall immediately return it to the Council for cancellation.
- (e) No person will be buried in any plot where that person does not hold the exclusive right of burial unless the holder of the exclusive right of burial of that plot has consented to such burial on the Right of Burial Authorisation form issued by the Council. Where doubt of ownership of a plot exists, the Council will satisfy itself as far as practicable the identity of the owner(s) of that plot.

5.3. Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial having been first had and obtained.

#### 5.4. Application for Burial Warrants

- (a) No burial will be made in any cemetery without a burial warrant for that purpose being first obtained from or under the hand of the Manager.
- (b) For all burials, the person having the management or control of the burial will apply for the burial on the Burial Application form issued by the Council, and will provide appropriate evidence of the death. Upon receipt of the Burial Application form, the Manager will issue a burial warrant.
- (c) No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made in writing for the payment of fees.
- (d) Notification of an intended full burial will be given to the Manager at least eight (8) working hours prior to the time fixed for the funeral, or for an ashes burial at least eight (8) working hours; and no burial will take place until the Sexton has received a burial warrant.
- (e) The burial warrant will be sufficient authority for the Sexton to carry out a burial and after the burial the Sexton will sign the said warrant.

## 6. FEES AND CHARGES

- 6.1.
- (a) The Council may by resolution publicly notify prescribed fees and charges for burials and disinterment's, cremations, the purchase of plots for exclusive right of burial, headstone erections and other services and may by resolution publicly notify, revoke or alter these fees and charges.
  - (b) The scale of fees and charges will be available from the Council website, Council Office or any Customer Service Centre.
  - (c) Plot purchase fees cover the plot and exclusive right of burial, the provision of Council services to the cemetery and the maintenance of cemetery grounds, excluding any memorial or plaque.
  - (d) No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.
  - (e) All headstones, plaques and memorials require a permit prior to being erected and no memorial permit will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.
- 6.2. The fees do not include payment for any work required to be done beyond the actual digging of an ordinary grave and, after burial, filling in the grave.
- 6.3. A fee may be charged for cemetery record searches.
- 6.4. "*Out of District*" fees may be payable in the case of a Burial or Cremation interment of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by the Council. For the purposes of this Bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 6 months. The Cemetery Manager appointed by the Council shall determine in each case whether an "*out of district*" fee is applicable.

## **7. MONUMENTS, HEADSTONES AND PLAQUES**

No person shall in any cemetery construct, erect or place any tombstone, headstone or other monument or any vault or any tablet or plaque or any fence kerb or other enclosure or any covering over a grave or lot unless:

- (a) A plan and a copy of the proposed headstone, monument, vault or memorial has been previously submitted to the Council with the Memorial Application form and approved by the Council in writing.
- (b) A memorial permit has been issued and the prescribed Council burial and cremation fees and charges paid.

### **7.1.**

- (a) All foundations for kerbs, tombstones, headstones, monuments, vaults and any other above-ground structure, will be constructed to the satisfaction of the Council and in compliance with the New Zealand Headstones and Cemetery

Monuments (NZS 4242:1995 or its subsequent amendments) and subject to the following restrictions:

- i) No fence or enclosure will exceed 1000mm in height;
  - ii) In any areas that may be designated as Services Cemetery – all monuments and headstones must be constructed in accordance with the requirements of the Veterans' Affairs New Zealand.
  - iii) In any areas that may be designated as Lawn Cemetery – fences and monuments may not be constructed,
  - iv) In any areas that may be designated as a Cremation Cemetery – memorials may be constructed in accordance with the memorial strip provided by the Council.
- (b) Any headstone or other monument, which in the opinion of the Council is offensive, may be removed by the direction of the Council.

7.2. All kerbs, enclosures, tombstones, headstones, and other monuments will be kept in proper order or repair by the purchasers of lots or their representatives or assignee. All monuments, tablets and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of the Council subject to Section 9 or the Burial and Cremation Act 1964 and the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.

7.3.

(a) Wreaths

No person shall place anything in any plot or garden except during the period of five (5) days, or such other period as the Council decides, following interment or scattering of ashes. Any wreath or other floral tribute may be placed but shall be removed at the completion of such period.

(b) Vases or Containers

- i) Floral tributes will be restricted to containers that can be housed on the memorial or concrete berm;
- ii) The Council may remove vases and planters not on the concrete berm, or neglected, unsafe or broken containers;
- iii) The Council may provide a vase holder in all new cremation plaque beams for vases to be inserted.

7.4.

(a) No monumental mason or other person will without the permission of the Council remove from any cemetery any kerb, headstone, monument or tablet.

(b) No person shall, without the permission of the Council, remove or take from any cemetery any vase, wreath, plant, flower, or any other thing, but the Council may remove any neglected or broken material for reasons of public safety.

- (c) Any mason, block layer or stone smith erecting or repairing any headstone or monument shall remove from the cemetery all excess materials and detritus, tools and equipment on completion of the work.

## 8. SHRUBS, TREES AND FLOWERS

- 8.1. No person shall plant shrubs, trees or flowers in any cemetery except with the written permission of the Manager.
- 8.2. Shrubs planted in any portion of any cemetery may at any time be trimmed, removed or cut down at the discretion of the Council.

## 9. DEPOSIT OF MATERIALS AND LEVELLING

- 9.1. No person erecting or repairing any headstone, monument, fence or other work in, on or around any grave, or constructing or repairing any vault, in any cemetery shall make use of any footpath or other part of that cemetery for placing or depositing any tools, planks, or materials in connection with the work of the erection, construction, or repair for a longer time than is reasonably necessary for completing this work. If this situation does occur, the Manager may serve a notice in writing on the person requiring the removal of the items and material within the period specified in the notice.
- 9.2. No person may make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than on a proper mixing board or in a manner approved by the Manager.
- 9.3. A person who encloses any plot of ground shall do all levelling required at his or her own cost and in accordance with the requirements of the Council.
- 9.4. Removal from the cemetery of all rubbish and earth not required in the filling in of the grave, or in connection with such levelling and maintenance, and reinstatement of the area shall occur without delay following the burial to the satisfaction of the manager.

## 10. HOURS FOR INTERMENTS

- 10.1. Interments may take place between the hours of 8.00am and 3.30pm on Mondays to Fridays inclusive, and between 8.00am and 3.00pm on Saturdays.

Sundays, Council and Public Holidays, **Closed for all interments.**

## 11. RECORDS

- 11.1. Every plot in the cemetery will be identified by a number, which shall be recorded on a plan to be kept in the Council Offices. In addition a record will be kept of all burial plots for which exclusive rights of burial have been purchased and all burials. These records will be held electronically by the Council who will make them available upon request or via Council's website. Council may charge for this information as it sees fit.
- 11.2. Cemetery plans and records are held in electronic form only.

- 11.3. Cemetery registers will be open for inspection at all reasonable times and may be subject to payment of the appropriate fee set by the Council.

## **12. DISINTERMENT**

Where an application for a disinterment is received by the Council, the disinterment will be conducted in accordance with Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of the appropriate fees as fixed by the Council.

## **13. VEHICLES**

- 13.1. No person shall take any vehicle of any kind into a cemetery or the crematorium except between the hours of 7.00am and 8.30pm during daylight saving time and 8.00am and 5.00pm during standard time.
- 13.2. No person shall permit any vehicle under his or her control to remain in a cemetery or the crematorium when the gates are locked without the permission of the Manager.
- 13.3. No person in control of any vehicle shall drive or allow the vehicle to be driven on any part of a cemetery or the crematorium except the roads open for vehicular traffic without the permission in writing of the Manager. Any person doing so shall be liable for the repair of any resulting damage.
- 13.4. No person shall drive or operate any vehicle of any kind in a cemetery at a speed greater than 20km/hr, or that indicated on any road within any cemetery.
- 13.5. All vehicles shall give unconditional right of way to any funeral procession.
- 13.6. Every person driving, operating or parking any vehicle in a cemetery or the crematorium shall comply with all instructions issued by or on behalf of the Manager, or the Sexton.
- 13.7. No person shall drive or operate any vehicle other than a car in a cemetery or the crematorium except with the permission of the Manager.

## **14. MISCONDUCT**

- 14.1. No person shall, in or near any part of a cemetery or the crematorium, prevent, interrupt or delay the decent and solemn burial or cremation of any deceased person.
- 14.2. No person shall, in or near any part of a cemetery or the crematorium, cause a nuisance or annoyance to people lawfully within a cemetery or the crematorium, or approaching a cemetery or the crematorium for a lawful purpose.
- 14.3. Any person engaged in installing or tending a memorial or monument in a cemetery shall withdraw for the duration of an adjoining interment.

## **15. SOLICITING OF ORDERS**



- 15.1. No person shall, within any cemetery advertise or solicit any order or custom from any other person for any work in connection with a cemetery or for the sale preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in a cemetery.
- 15.2. No commercial photographer or media enterprise will attend any funeral held in a cemetery for the purpose of taking photographs, without a special permit in writing for the occasion obtained from the Manager who, before any such permission is given, shall consult with the Funeral Director managing the interment in question.

## **16. BURIAL OF POOR PERSONS**

- 16.1. Where application is made to the Council for the interment or cremation of any deceased poor person, such applicant may, on behalf of such deceased poor person, complete a declaration that such deceased poor person has not left sufficient means to pay the ordinary costs and charges fixed for an exclusive right of burial; and that the cost of burial is not covered by the Accident Compensation Corporation; and that the deceased poor person's immediate family are unable to pay such costs and charges.
- 16.2. Any such declaration made pursuant to Clause 17.1. shall be considered by the Manager and the Mayor of the Council at the relevant time and the Manager and the Mayor together may in their unfettered discretion decide to waive all or part of the fees, costs and expenses normally charged by the Council for such exclusive right of burial.

## **17. DECEASED SERVICEMEN DISINTERMENT**

The fees, costs and charges payable to the Council for any disinterment of any deceased serviceman (or woman), upon application by Veterans Affairs New Zealand shall be as agreed upon between the parties at the time.

## **18. SAFETY**

- 18.1. All persons, whether Council employees or staff of Funeral Directors, shall take all necessary steps to maintain any cemetery as a safe site at all times but particularly during any funeral or interment.
- 18.2. All such necessary warning signs, protective barriers and protections shall be put in place prior to any funeral or interment commencing.
- 18.3. No person, other than the Manager or Sexton, or persons duly authorised by either person, shall fill in any grave.

**THIS BYLAW** was passed following the Special Consultative Process as required by Section 156 of the Local Government Act 2002, by Resolution of the Queenstown Lakes District Council on the 2 March 2010

The required public notification of the Bylaw (and its commencement date) was made in the Otago Daily Times and Southland Times newspapers on the 10<sup>th</sup> day of March 2010.



## Cemeteries Bylaw 2016

Queenstown Lakes District Council

Date of making:  
Commencement:

This bylaw is adopted pursuant to the Burial and Cremation Act 1964 and Local Government Act 2002, by Resolution of the Queenstown Lakes District Council on [ ].

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## Part 1 – Preliminary

### 1 Title

- 1.1 This Bylaw shall be the “Queenstown Lakes District Cemeteries Bylaw 2016”.

### 2 Commencement

- 2.1 The Bylaw shall come into effect on [REDACTED].

### 3 Purpose

- 3.1 The purpose of this Bylaw is to:
- (a) set standards to maintain and preserve cemeteries.
  - (b) direct the positions and depths of all graves within a cemetery.
  - (c) protect buildings, monuments, lawns, shrubberies, plantations, and enclosures in a cemetery from destruction or damage.
  - (d) prescribe conditions subject to which more than 1 deceased person, including the ashes of more than 1 deceased person, may be interred in any grave.
  - (e) control or restrict the times at which or between which burials may be carried out.
  - (f) regulate burial in a cemetery of the ashes of the dead.
  - (g) subject to section 51 of the Act, regulate and restrict the disinterment and removal of bodies.
  - (h) regulate the use of, and any activities undertaken at cemeteries, in order to protect land, structures and infrastructure associated with cemeteries from damage, misuse, or loss.
  - (i) prescribe fees payable in respect of goods or services provided by Council in relation to cemeteries.

### 4 Scope

- 4.1 This bylaw does not apply to any cemetery that is not owned or operated by the Council.

### 5 Interpretation

- 5.1 For the purposes of this Bylaw, the following definitions shall apply,-

**Act** means the Burial and Cremation Act 1964 or any superseding legislation.

**Cemetery** or **cemeteries** means any land owned or operated by the Council as a cemetery but excludes any closed cemetery.

**Cemeteries administrator** means the person appointed under **clause 11**.

**Cemeteries Handbook** means the document governing the operational standards for cemeteries adopted by the Council under clause 7.

**Closed cemetery** means a cemetery that has been closed in accordance with the Act.

**Council** means the Queenstown Lakes District Council.

**Disinter** or **disinterment** means the removal of a human body or ash remains from the earth or any vault.

**Inter** or **interment** means the placement of a human body or ash remains in a grave or any vault.

**Monument** includes a headstone, plaque, panel, or other memorial to a deceased person.

**Monumental masonry work** includes the establishment, repair, or modification of a monument.

**Sexton** means any person appointed under **clause 10**.

## Part 2 – Standards of conduct and maintenance within cemeteries

### 6 Activities and conduct in cemeteries

- 6.1 The following activities may take place in cemeteries provided the activity is carried out in accordance with the Act, this bylaw, and the Cemeteries Handbook:
- (a) interment and disinterment;
  - (b) the installation and maintenance of memorials, monuments, headstones & plaques; and
  - (c) maintenance and construction of all park features by Council approved contractors.
- 6.2 Persons in cemeteries must conduct themselves in accordance with the Act, this bylaw, and any standards for behaviour set out in the Cemeteries Handbook.

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**7 Cemeteries Handbook**

- 7.1 The Council may from time to time adopt by resolution, and may also amend by resolution, the Cemeteries Handbook that set out rules and conditions, relating to activities and behaviour in cemeteries or otherwise relating to cemeteries, about, but not limited to, the following:
- (a) the location and availability of burial and ashes plots, and the purchase of exclusive rights on burial plots;
  - (b) the manner of burial, including the depth, preparation and testing of graves, size of caskets;
  - (c) requirements for notification and application to the Council to carry out interments, disinterments, re-interments, grave maintenance, monumental masonry work, purchase burial rights, and in relation to any other good or service provided in a cemetery;
  - (d) hours of access to cemeteries, when funerals can be held, and when maintenance and other work is allowed in cemeteries;
  - (e) the burial of poor persons, still born children and operational service personnel and their partners;
  - (f) the health & safety of persons visiting and working in cemeteries;
  - (g) requirements for disinterments;
  - (h) requirements concerning monuments, fences, signs, trees and shrubs, and other things that may be installed or kept on graves in, cemeteries, including what things are not allowed;
  - (i) the type of maintenance and other work that can be carried out in cemeteries, and who is responsible for carrying out maintenance or other work;
  - (j) standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries and under what conditions;
  - (k) special conditions related to particular cemeteries or types of cemeteries;
  - (l) prescribing fees associated with interments, disinterments, re-interments, grave maintenance, monumental masonry work, burial rights, and in relation to any other good or service provided in a cemetery; and
  - (m) stating the forms that must be used by any person to apply to the Council in relation to services provided at cemeteries.

- 7.2 If a person carries out an activity, or works in a cemetery that does not comply with any clause in the Cemeteries Handbook, the Council or the Cemeteries Administrator may do any of the following:
- (a) direct the person to comply with the relevant clause in the Cemeteries Handbook.
  - (b) direct Council employees, the Sexton, or a contractor to carry out work in the cemetery to achieve compliance with the Cemeteries Handbook.
  - (c) recover from the person who breached the Cemeteries Handbook the costs of any work undertaken to rectify the breach as a debt due to the Council.

## **8 Prohibited Activities**

- 8.1 No person, other than a Sexton or person(s) authorised by a Sexton, shall in or near any part of a cemetery:
- (a) engage in interment or disinterment.
  - (b) operate any burial machinery or equipment
- 8.2 No person shall in or near any part of a cemetery:
- (a) prevent, interrupt or delay the decent and solemn burial of any deceased person, or human remains.
  - (b) cause a nuisance or annoyance to people lawfully within a cemetery, or approaching a cemetery for a lawful purpose.
  - (c) cause any damage to land, buildings or chattels located in a cemetery, including but not limited to lawns, shrubberies, plantations, enclosures, monuments, and graves.
- 8.3 No person shall engage in installing or tending a memorial or monument in a cemetery while an interment is happening at an adjoining plot.

## **9 Promotional activities**

- 9.1 No person shall within any cemetery promote, advertise or tout any goods or services for sale or supply, without permission in writing from the Council.
- 9.2 No person, including a person affiliated or contracted with a media organisation, shall attend any funeral held in a cemetery for the purpose of filming, taking photographs, or recording unless either:
- (a) it is solely for a private purpose; or

- (b) permission in writing for the occasion is obtained from the Council under clause 9.3.

9.3 The Council may grant permission to conduct the activities prohibited in clause 9.1 and 9.2, after consulting with the Funeral Director managing the interment in question.

## Part 3 – Cemetery administration

### 10 Appointment of Sextons

- 10.1 The Council or may appoint a person in the role of Sexton for any cemetery or cemeteries within the District.
- 10.2 Any person appointed by the Council as a Sexton prior to the commencement of this bylaw through an agreement between the Sexton and the Council, shall be deemed to be validly appointed in accordance with clause 10.1 of this bylaw.
- 10.3 The appointment of a Sexton shall continue until the expiry of the agreement between the Sexton and the Council, unless revoked at the discretion of the Council.
- 10.4 The functions of a Sexton shall include the following:
  - (a) the burial of human remains (caskets and ashes) and interment.
  - (b) disinterment and exhumation of human remains in accordance with section 51 of the Act.
  - (c) preparing, excavating and filling in graves.
  - (d) supplying and safely operating burial equipment and machinery.
- 10.5 The Sexton must not undertake an interment at a cemetery unless requested by the Council or a cemeteries administrator.
- 10.6 The Sexton must act in accordance with all relevant New Zealand standards, the Cemeteries Handbook, Council policies and bylaws, and any other professional and legal requirements applicable to their role.

### 11 Cemeteries Administrator

- 11.1 The Council may appoint any person to be a cemeteries administrator, and may revoke that appointment at any time.
- 11.2 The functions of a cemeteries administrator shall include maintaining cemetery records, making requests to the Sexton regarding a new burial of a deceased person or preparation for a new burial.



**12 Permission to carry out monumental masonry work**

- 12.1 No person may carry out any monumental masonry work at a cemetery unless in accordance with permission issued by the Council under clause 12.2.
- 12.2 The Council may grant permission to allow a person to carry out monumental masonry work at a cemetery subject to the following conditions:
- (a) the monumental masonry work is authorised by the owner of the plot or next of kin.
  - (b) the monumental masonry work satisfies all applicable requirements in the Cemeteries Handbook.
- 12.3 The Council may require any person who has undertaken monumental masonry work other than in accordance with clause 12.2 to remove or carry out repairs on the monumental masonry work to meet requirements of the Cemeteries Handbook.
- 12.4 If a person fails without reasonable excuse to comply with a direction from the Council under clause 12.3 within 30 days, the Council may remove the monumental masonry work or carry out the repairs, and any costs incurred by the Council shall be a debt payable by that person to the Council.

**13 Delegations**

- 13.1 Any of the powers and functions of the Council set out in this bylaw may be delegated by it to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any other person deemed to be suitably qualified in the opinion of the Chief Executive Officer.

**Part 4 – Enforcement****14 Offence**

- 14.1 A person who contravenes clause 6.2, 8.1, 8.2, 8.3, 9.1, 9.2, 10.5, 10.6, 12.1, or 12.3 of this bylaw commits a breach of this bylaw and is liable to the penalty under the Local Government Act 2002 and/or the Burial and Cremation Act 1964.

**15 Revocations**

- 15.1 The Queenstown Lakes District Council Cemeteries Bylaw 2010 is revoked.

**16 Savings**

- 16.1 Any exclusive right of burial, permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District

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Council Cemeteries Bylaw 2010 continues in force as if the former bylaw had not been revoked, and expires on the date specified (if any).

- 16.2 Any application for a permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District Council Cemeteries Bylaw 2010 that was filed before the day on which this bylaw commences must be dealt with by the Council as if it had been made under this bylaw.



**PROPOSED QUEENSTOWN LAKES DISTRICT  
CEMETERIES BYLAW 2016**

**STATEMENT OF PROPOSAL**

## INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) owns or operates 11 open cemeteries (together referred to as **Council cemeteries**) within the Queenstown Lakes District (**District**):
  - a. Queenstown Cemetery
  - b. Cardrona Cemetery
  - c. Lower Shotover Cemetery
  - d. Makarora Cemetery
  - e. Kingston Cemetery
  - f. Frankton Cemetery
  - g. Glenorchy Cemetery
  - h. Skippers Cemetery
  - i. Arrowtown Cemetery
  - j. Wanaka Cemetery
  - k. Hawea Cemetery
- 2 The Council currently regulates the operation of Council cemeteries within the District through the Council's Cemeteries Bylaw 2010 (**the current bylaw**). The current bylaw does not apply to cemeteries that are not Council owned or operated.
- 3 Section 146(b)(v) of the Local Government Act 2002 (**LGA**) enables the Council to make a bylaw for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with cemeteries. The Council also has power under section 16 of the Burial and Cremation Act 1964 (**the Act**) to make a bylaw in respect of a cemetery under Council control for a variety of purposes, including specifications for graves and vaults; protection of buildings, monuments, lawns, shrubberies from damage; controlling or restricting the times for burials to be carried out; regulating the burial of ashes; and prescribing fees.
- 4 The Council has undertaken a review of the current bylaw to determine whether a replacement bylaw is required, and what regulatory / operational matters would be regulated. The review has involved Council staff attending operational meetings and discussions regarding the current bylaw, considering operational feedback from contractors, and researching how other local authorities operationally manage and share information regarding cemeteries in their districts.

## PROPOSAL

- 5 The Council has determined that the current bylaw should be revoked, and replaced with the proposed Queenstown Lakes District Council Cemeteries Bylaw 2016 (**the proposed bylaw**). Key objectives of the proposal include: to simplify and modernise the existing regulation of Council cemeteries, to improve public understanding of

services offered at Council cemeteries and the rules applicable to accessing those services, and to provide relevant information to the public in an accessible format.

- 6 Key components of the proposed bylaw include:
  - a. The power for the Council to adopt a Cemeteries Handbook detailing key information, including operational requirements and technical standards for Council cemeteries.
  - b. Prohibit certain potentially harmful activities within Council cemeteries (eg. preventing persons from carrying out unauthorised interments, interrupting funeral processions, or causing nuisances).
  - c. Require permission from Council to be sought to authorise particular activities in Council cemeteries, such as promotional activities or commercial photography of funeral processions.
  - d. Clarifying the role and appointment of sextons and cemetery administrators, who are involved in operating Council cemeteries.
  - e. Require permission from Council to be sought to authorise monumental masonry work at Council cemeteries.
  
- 7 During the review, Council officers have prepared a draft Cemeteries Handbook, which could be adopted by the Council if the proposed bylaw goes into effect. The Council is also seeking public feedback on a draft proposed Cemeteries Handbook as part of this consultation.
  
- 8 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:
  - a. The reason for the proposal;
  - b. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
  - c. Consideration of whether the proposed bylaw is the most appropriate form of bylaw;
  - d. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
  - e. A statement that the current bylaw is to be revoked;
  - f. A draft of the proposed bylaw; and
  - g. A draft of the proposed Cemeteries Handbook.

## **REASON FOR PROPOSAL**

- 9 The current bylaw is due to expire on 20 March 2017. The Council has undertaken a review of the current bylaw to consider the making of a replacement bylaw once the current bylaw expires. The review has involved Council staff attending operational meetings and discussions regarding the current bylaw, conversations with contractors, and research as to how other local authorities operationally manage and share information regarding cemeteries.

## **CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA2002**

### **Problem definition**

- 10 Council staff have concluded that the publicly available information regarding Council cemeteries is not comprehensive and is distributed between several sources (eg. Council cemetery operating procedures, cemetery application forms, and other information posted on the Council's website). The information that is available does not contain sufficient detail to fully inform members of the public regarding the services offered, and lacks information regarding important operational matters. At present, Council staff are required to explain detailed information on sensitive topics with family and friends of the deceased, which can be difficult to deliver at a time when people are grieving. The Council's reliance on the institutional knowledge of staff and contractors as the only source of key information can also cause operational challenges when there are personnel changes at Council.
- 11 The current bylaw also contains a number of technical specifications (eg grave depth), which may require updating from time to time, without necessitating an amendment to the bylaw. The Council considers that it is preferable to present key information regarding Council cemeteries in a single document, which is straightforward to interpret and amend where necessary to implement operational changes.
- 12 Under the proposed bylaw the Council has the power to adopt a Cemeteries Handbook, which is intended to consolidate the key information and rules affecting the operation of Council cemeteries into a user friendly document. It is anticipated that the Cemeteries Handbook will contain basic operational information (eg. opening hours), rules and conditions for use of Council cemeteries, and technical requirements (eg. specifications for monument installation and burials). A key objective of the development of the Handbook is to allow important information to be accessed at the convenience of members of the public, with less reliance on Council staff to provide that information over the phone, or by email.
- 13 The Council will continue to prohibit harmful activities (such as unauthorised interments) in Council cemeteries through the proposed bylaw. The Council considers that the proposed bylaw should clarify the role of sextons and cemetery administrators who are responsible for key functions associated with the operation of Council cemeteries, and to identify what activities require permission from Council. The Council will continue to require an application for permission for certain activities, such as to undertaking monumental masonry work, with technical specifications to be set out in the Cemeteries Handbook.

#### **IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?**

- 14 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the proposed bylaw is the most appropriate means for addressing the issues.
- 15 In considering whether a bylaw is the most appropriate, Council has considered the following options:
  - a. Option 1 - Do nothing.
  - b. Option 2 – Re-adopt the current bylaw.
  - c. Option 3 – Revoke the current bylaw, and replace with the proposed bylaw.

#### **Option 1 – Do nothing**

- 16 If the Council does nothing the currently bylaw will expire in March 2017, with no replacement. The Council would have to instead rely on legal property rights as the owner / occupier of Council cemeteries, and the Council's powers under the Burial and Cremation Act 1964, which relate to the management, maintenance and preservation of cemeteries. Some members of the public may approve of less regulation by the Council.
- 17 In the absence of a bylaw, the Council will be more limited in its ability to enforce prohibitions on potentially harmful activities in Council cemeteries (eg. unauthorised use of burial equipment), and rules and conditions for the use and access to Council cemeteries. The lack of legal protections could undermine the effective management and operation of Council cemeteries.

### **Option 2 – Re-adopt the current bylaw**

- 18 The advantage of this option is that it would continue the same system of regulation of Council cemeteries that is already known to the public. The Council would not have to update any internal systems or staff training to continue implementing the existing bylaw.
- 19 The current bylaw would continue to regulate Council cemeteries through a combination of documents, which are less user friendly compared with consolidating key information in a single document. Existing requirements within the current bylaw that are out of date would remain in effect. Council staff would also be relied on to maintain up to date knowledge of Council cemetery operational requirements from the different sources of operational information, and to provide detailed responses to requests for information from members of the public.

### **Option 3 – Adopt proposed bylaw**

- 20 Adopting the proposed bylaw will allow the Council to adopt a Cemeteries Handbook which will consolidate key information regarding the rules and conditions applicable to Council cemeteries. The development of a Cemeteries Handbook, following consultation with the public, will create greater certainty as to the rules and conditions for using Council cemeteries (eg. current procedures for interments and purchasing burial plots), and technical standards. The Cemeteries Handbook can also be amended by Council resolution, from time to time, to implement operational changes.
- 21 The proposed bylaw will also improve certainty by clarifying the responsibilities of sextons and cemetery administrators for key functions associated with the operation of Council cemeteries, and to identify what activities require permission from the Council. The Council will continue to require an application for permission to undertake monumental masonry work, with technical specifications to be set out in the Cemeteries Handbook.
- 22 The Council will need to use some resources to update its internal systems and train staff to give effect to the proposed bylaw and Cemeteries Handbook, if they are adopted by the Council. Some members of the public may prefer certain existing rules and specifications under the current bylaw that are not continued or changed in the Cemeteries Handbook.

### **ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?**

- 23 The proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

*Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

- 24 The controls within the proposed bylaw potentially engage the following right to freedom of expression under section 14 of NZBORA.
- 25 The proposed bylaw prohibits anyone from interrupting a burial of a deceased person, or causing a nuisance or annoyance to persons lawfully within a Council cemetery. This could affect freedom of expression to the extent that individuals would be limited in their ability to protest or otherwise express opinions in a Council cemetery while a burial is taking place. The Council considers this is a reasonable limit to impose to protect persons involved in a funeral ceremony from harmful interference.
- 26 It is also a requirement under the proposed bylaw that persons who wish to carry out promotional activities or commercial photography within a Council cemetery must obtain Council permission. The Council may grant permission after consulting with the Funeral Director who is managing the interment in question. These are modest limits that a majority of the public would consider reasonable and appropriate.

#### **TIMETABLE FOR CONSULTATION**

- 27 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposed bylaw– 15 December 2016.
  - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 21 and 24 December 2016.
  - c. Submissions close on at 5pm on 3 February 2017.
  - d. Submissions heard by a subcommittee of Councillors and a copy of the bylaw sent to the Minister of Health in accordance with s17(1) of the Act (between 13-17 February 2017).
  - e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District Cemeteries Bylaw 2016 – 9 March 2017.
  - f. Public notice of final decision (if Council resolves to adopt the bylaw) – 15 March 2017

- 28 The Bylaw comes into effect subject to the above.

#### **INSPECTION OF DOCUMENTS AND OBTAINING COPIES**

- 29 Copies of this Statement of Proposal and the proposed Bylaw may be inspected, and a copy obtained, at no cost, from:
- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;



- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – [www.qldc.govt.nz](http://www.qldc.govt.nz)

### **RIGHT TO MAKE A SUBMISSION AND BE HEARD**

- 30 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.
- 31 The Council would prefer that all parties intending to make a submission:
- a. go to the Queenstown Lakes District Council Website: [www.qldc.govt.nz](http://www.qldc.govt.nz) or
  - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 32 Submissions must be received by **5pm on Friday 3 February**. The Council will then convene a hearing, which it intends to hold between **Monday 13 February and Friday 17 February 2017** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 33 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 34 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 35 Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

### **MAKING AN EFFECTIVE SUBMISSION**

- 36 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
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Mike Theelen  
CHIEF EXECUTIVE

**APPENDIX 1** - Proposed Queenstown Lakes District Council Cemeteries Bylaw 2016

**APPENDIX 2** - Proposed Cemeteries Handbook

**APPENDIX 3** - Current Queenstown Lakes District Council Cemeteries Bylaw 2010



**PROPOSED QUEENSTOWN LAKES DISTRICT  
CEMETERIES BYLAW 2016**

**SUMMARY OF STATEMENT OF PROPOSAL**

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Mike Theelen  
CHIEF EXECUTIVE

**APPENDIX 1** - Proposed Queenstown Lakes District Council Cemeteries Bylaw 2016

**APPENDIX 2** - Proposed Cemeteries Handbook

**APPENDIX 3** - Current Queenstown Lakes District Council Cemeteries Bylaw 2010



# Queenstown Lakes District Council

## Cemeteries Handbook

November 2016

**IMAGE**



## **Queenstown Lakes District Council** **Cemeteries Handbook**

**Queenstown Lakes District Council**  
**Private Bag 50072**  
**Queenstown 9348**  
**New Zealand**

**QUEENSTOWN 10 Gorge Road**  
**PHONE: +64 3 441 0499**

**WANAKA 47 Ardmore Street**  
**PHONE: +64 3 443 0024**

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# Introduction

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The Queenstown Lakes District Cemeteries Handbook (**the Handbook**) contains the rules and conditions that apply to provision of services, operational requirements, and acceptable conduct in cemeteries owned by, or operated by the Queenstown Lakes District Council (**the Council**). The Handbook also provides information to assist the smooth running, operation, and provision of information to the public about Council cemeteries.

The rules and conditions applicable to Council cemeteries contained in the Handbook were made in accordance with the Queenstown Lakes District Council Cemeteries Bylaw 2016 (**the Bylaw**).

## Operational Cemeteries

The operational cemeteries within the Queenstown District include:

- Arrowtown Cemetery
- Cardrona Cemetery
- Frankton Cemetery
- Glenorchy Cemetery
- Kingston Cemetery
- Lower Shotover Cemetery (when open)
- Makarora Cemetery
- Queenstown Cemetery
- Skippers Cemetery
- Wanaka Cemetery

For interments in these cemeteries contact Queenstown Lakes District Council Cemeteries Administrator, phone 03 441 0499 Monday to Friday 8am to 5pm

Email: [services@qldc.govt.nz](mailto:services@qldc.govt.nz)

Web: [www.qldc.govt.nz](http://www.qldc.govt.nz)

## Other Cemeteries

Albert Town Cemetery is closed and interments are no longer allowed.

Hawea Cemetery is managed by the Hawea Cemetery Trust. All enquiries to do with this cemetery should be referred to:

Donald Urquhart

Phone: (03) 443 1426

Address: 440 Camp Hill Rd, RD2, Wanaka.

# Definitions

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**Act** means the Burial and Cremation Act 1964 or any superseding legislation.

**Burial Right** means the exclusive right to a burial in a particular plot.

**Cemetery** or **cemeteries** means any land owned or operated by the Council as a cemetery but excludes any closed cemetery.

**Cemetery administrator** means the person appointed under clause 11 of the Cemetery Bylaw.

**Cemeteries Handbook** means the document governing the operational standards for cemeteries adopted by the Council under clause 7 of the Cemetery Bylaw.

**Closed cemetery** means a cemetery that has been closed in accordance with the Act.

**Council** means the Queenstown Lakes District Council.

**Disinter** or **disinterment** means the removal of a human body or ash remains from the earth or any vault.

**Inter** or **interment** means the placement of a human body or ash remains in a grave or any vault.

**Monument** includes a headstone, plaque, panel, or other memorial to a deceased person.

**Monumental masonry work** includes the establishment, repair, or modification of a monument.

**Sexton** means any person appointed under clause 10 of the Cemetery Bylaw.

# 1.0 General Information

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## 1.1 Opening Hours

Cemeteries operated by the Council are open for public visiting seven days a week.

Cemeteries are open for interments Monday to Saturday, 9am – 4pm, and Cemeteries are closed on Sundays and public holidays.

## 1.2 Cemetery Fees and Forms

A table showing applicable Council Cemetery fees can be found at clause 12 of this handbook, followed by application forms for accessing cemetery related services, in clause 13.

The applicable fees must be paid in full prior to the event (eg. burial right, interment, disinterment, maintenance) taking place.

The person requesting an interment or disinterment will need to submit the appropriate forms to the Council's Cemetery Administrator, along with the applicable fee, prior to the interment taking place. A copy of the Medical Certificate of Cause of Death or Coroner's Authorisation for Release of Body must accompany the application. Any original documents provided will be returned to the applicant.

The forms referred to in this handbook available in electronic form from the Council's website [www.qldc.govt.nz](http://www.qldc.govt.nz) or from the Cemetery Administrator are:

- Application for Burial or Interment
- Authority to Open a Plot
- Application for Adjacent Plot Purchase (Burial Right)
- Application for Monument Permit

## 1.3 Booking Procedure

The Cemetery Administrator is to be notified by telephone or email of an intended burial. The minimum notice for an Application for Burial or Interment to be processed by the Cemeteries Administrator is at least **three working days** prior to interment if proposed for Skippers Cemetery, and **two working days** prior to the time of interment for any other Council cemetery.

The funeral director, or person requesting the interment, must submit applicable forms (**attached** to this Handbook). The forms can also be requested from the Cemetery Administrator.

## 1.4 Pet Burials

No animal(s), including birds or fish, either as ashes or as a body, may be interred in a Council cemetery unless placed in a sealed casket with the deceased.

## 2.0 Interments

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### 2.1 Application for interment

The person arranging the interment must lodge the following relevant applications with the Cemeteries Administrator:

- Application for burial or ash interment (for each and every interment)
- Authority to open a plot (additional to application for interment, if an interment of a deceased person or human remains is to take place in an occupied plot)

No interments (of a deceased person or other human remains) can take place in a Council cemetery until the Cemeteries Administrator has approved the application(s) referred above, and the applicable fee(s) has been paid (refer section 12.0).

### 2.2 Allocation of plots

The Cemeteries Administrator has responsibility for allocating plots for burials. If an applicant requests that an interment occur in a particular area of a Council cemetery, the request will be considered provided there are vacant, unsold plots available in that area, and the request is consistent with any requirements in this Handbook and the effective management of the cemetery.

No burial or ash interment may take place without the approval of the person holding burial rights to that plot. If that person is deceased or debilitated, the immediate next of kin or the person acting on behalf of the deceased or the deceased's estate may give approval for a burial in the plot or placement of a monument.

### 2.3 Hours for interments

Monday to Saturday between the hours of 9am to 4pm.

The expected time of arrival in the cemetery must be specified on the application for interment or authority to open a plot form. If the expected arrival time is going to change by more than 15 minutes of the original notified time the Cemeteries Administrator or Sexton must be notified of the new time.

A Saturday fee will be charged for interments, including ash interments, taking place on a Saturday.

No interments will be scheduled on Sundays and public holidays (including Council holidays).

### 2.4 Notification of Interment

Notification of all burials shall be submitted to the Council at least **2 working days** before the proposed burial (except for Skippers Cemetery which requires **3 working days** notice).

Applications involving shorter notice may, as an exception, be considered by the Cemeteries Administrator in consultation with the Sexton and a late fee may apply. Applications must be made using the application for burial or ash interment form along with the authority to open a plot form if required (both are available in section 13.0 of this Handbook, the QLDC website [www.qldc.govt.nz](http://www.qldc.govt.nz)) or from the Cemeteries Administrator.

### 2.5 Ash interments

The bookings and forms required for ash interments are managed in the same way as a casket interment, although different fees apply (refer section 12.0).

### 2.6 Grave Preparation

Only a Sexton appointed by the Council in accordance with the Bylaw may dig and prepare the grave (for ashes or a casket) in a Council cemetery.

For burials in graves covered by a concrete cap, only the Sexton or an approved Monument Mason can break the concrete. A fee will apply (refer section 12.0). It is the responsibility of the owner of burial rights to that plot to reinstate the concrete cover after burial provided an approved monument permit is obtained. If that person is deceased or debilitated, that person's estate or the person who gave approval on their behalf is responsible for reinstating the cover after burial.

If the person who owns burial rights to the plot does not reinstate the concrete within a reasonable time, the Council may remove the concrete completely, and replace with lawn, or cover over with stones.

A request may be made to the Cemeteries Administrator for friends and family of the deceased to fill in the grave, subject to the conditions set out in section 6.3 of this Handbook.

### **2.7 Interment equipment**

Equipment for carrying out interments is supplied and removed by the Sexton, who is responsible for ensuring all safety procedures are complied with while on site.

### **2.8 Dis-interment/ Re-interment**

Any application received by Queenstown Lakes District Council shall be conducted pursuant to sections 51 and 55 of the Burial and Cremations Act 1964 (or superseding legislation), and subject to the payment of fees referred to in section 12.0 of this Handbook. This application relates to disinterment / re-interment of the deceased or ashes of the deceased.

All requests for disinterment or re-interment must be directed to the Council.

### **2.9 Poor person's burial**

The Burial and Cremation Act 1964 requires the Council to bury the bodies of poor persons, and persons from any hospital, penal institution, or other public institution free of charge upon an order from a Justice of the Peace. An application for interment form must still be completed before the burial takes place.

### **2.10 Wanaka Returned Serviceman area (in association with the RSA)**

Ex-Service Personnel who have had war service or service that is defined equivalent to war service, and their spouses or partners, may be buried in the service area.

If the interment of a deceased veteran is to be in the Service area, a standard ex-service plaque is available at a subsidized rate through Veterans' Affairs New Zealand. In the service area, only the standard ex-service memorial plaque is permitted. The plaques are of uniform style and there is no provision for personal messages or photographs.

If the interment is to be outside the Service area of the Council cemetery, the next of kin can order a standard ex-Service memorial at a subsidized rate.

Details of war service need to be supplied on the Application for Interment form. Failure to provide this information may result in the application being declined.

*Specifications for Service Person's interment:*

Only Service Personal and their spouse or partner may be interred in the Service area

Double depth interments are permitted in the Service area to allow for the spouse or partner of the deceased veteran to be interred in the same plot. A double plaque commemorating both deceased persons is provided at a subsidized rate

If the spouse or partner wishes to be interred to the side of the Service Person, they can purchase the burial right for the adjoining plot subject to the standard fee (refer section 12.0).

Children cannot be interred in a Service Person's plot unless they are eligible for interment in the Service area in their own right.

*War Service Eligibility & Contacts:*

Please refer to Veterans' Affairs New Zealand website for information regarding eligibility [www.veteransaffairs.mil.nz](http://www.veteransaffairs.mil.nz)

Free phone (NZ): 0800 483 8372 (0800 4 VETERAN)

## 3.0 Pre-purchase of burial rights

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### 3.1 Pre-purchase of burial rights

The Council only permits the purchase of burial rights when burial or ash interment is imminent, unless the following conditions are satisfied:

- The purchaser is a relative of a deceased person who is being interred at a Council cemetery, and wishes to purchase a burial right to an adjacent plot.
- The adjacent plot is vacant and not subject to another burial right.
- A completed adjacent plot purchase form is submitted to the Cemeteries Administrator no later than 10 working days after the initial burial / interment.

Unless the above conditions are satisfied, there is no ability to pre-purchase a burial right.

### 3.2 Application for adjacent plot purchase

In order to pre-purchase burial rights, a person must lodge a completed application for adjacent plot purchase form with the Cemeteries Administrator in accordance with the requirements in section 3.1, and pay the applicable fee (refer section 12.0).

### 3.3 Duration of burial rights

Sometimes burial rights are never used, and thus take up valuable space in cemeteries. If no interment occurs within 60 years of the burial rights being purchased, then the Council will attempt to locate the purchaser or next of kin to confirm if the plot is still required. If the purchaser and next of kin are unable to be located, then the plot ownership reverts back to the Council in accordance with section 10 of the Burial and Cremation Act 1964.

### 3.3 Transferring burial rights

Should a plot no longer be required, the holder of the burial rights may transfer their interest in the plot to another party. The current burial right holder and purchaser must email the change of ownership details to the Council.

The Council will not re-purchase burial rights after they have been sold.

## 4.0 Burial and ash plots

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### 4.1 Size of plots

Unless otherwise specified by the Cemeteries Administrator, the standard size for all new burial plots is as follows:

- Full burial plot: 1200mm x 2700mm
- Ash plot: 600mm x 300mm

If a larger plot is required, arrangements can be made at the time of booking and confirmed with the Cemeteries Administrator.

### 4.2 Depths of interments

The standard depth of interments below the surrounding ground level shall be:

- Single interment: 1400mm
- Double interment: 1830mm
- Ash interment: 600mm

### 4.3 Burial plots

No more than two deceased persons can be interred in each burial plot.

### 4.4 Ash plots

All new ash plots can hold up to a maximum of four ash interments depending on urn size:

- Two in front of the headstone.
- Two under the headstone.

### 4.5 Locating graves

Please contact the Cemeteries Administrator or alternatively visit the Council website [www.qldc.govt.nz](http://www.qldc.govt.nz) for further information.

### 4.6 Grave testing

A testing service is available at no cost to the applicant to obtain the availability of sufficient space for a second interment in an existing grave.



## 5.0 Monuments

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### 5.1 Installation of monuments and plaques

Only monumental masons or suitably qualified trades people recognised by the Council will be permitted to erect monuments within any Council cemetery.

No monumental masonry work may commence until the Council has granted permission for the work under the Bylaw. A monument permit is required for any monumental work being undertaken in a Council cemetery, to ensure the headstone is placed on the correct plot and also to ensure adherence to specifications in this Handbook.

Owners of burial rights, or if deceased, the immediate next of kin, may give permission for a monument to be erected, or an additional inscription to be added to an existing monument. Typically, a monumental mason applies for the permit on behalf of the burial rights owner/ next of kin.

### 5.2 Specifications for monuments and plaques

All monuments including headstones and plaques are to be constructed in accordance with NZS 4242:1995 Headstones & Cemetery Monuments, sound engineering principles, and to the satisfaction of the Council.

Concrete base work for all monuments shall:

- not stand higher than 150mm above the highest point of the concrete beam or ground level, whichever is the higher.
- be laid to the satisfaction of the Council and in accordance with sound engineering principles as set out in NZS 4242:1995 Headstones and Cemetery Monuments.
- not be wider than 1 metre and stand no higher than 1.5 metres.

Plaques must have a minimum clearance of 10mm from the edge of the plaque to the edge of the plot on any ashes beam and be no more than 10mm thick. It is the responsibility of the plot owner to ensure that the plaque is of the correct dimensions for the particular plot concerned.

No person may mix cement or mortar anywhere in the cemetery otherwise than on a watertight platform.

All necessary precautions shall be taken to ensure that no damage is done to footpaths, roads, plots or grass.

### 5.3 Monument maintenance

Maintenance of monuments is the responsibility of the burial rights owner or their representative. Monuments must be kept in good repair. The Council does not take any responsibility for damage or vandalism to any monument.

The Council may remove from the cemetery any monuments that have fallen into a state of disrepair, if the Sexton or Cemeteries Administrator determines that a monument is a health and safety risk. If the risk is not significant, the Cemeteries Administrator may give the person responsible (the owner or next of kin) written notice to repair or remove the item in disrepair. Failure to comply with the notice will result in the monument being removed at the cost to the person who owns the burial rights to that plot.

If a monument poses a significant health and safety risk or there is no owner or representative available to affect repairs or permit removal, the Sexton may lay the monument flat within the grave surround or remove it from the cemetery if there is no grave surround. A photographic record of the monument will be taken and filed with the cemetery records if the monument is removed.

**5.4 Removal**

No person shall remove from any cemetery or grave, any headstone, monument or plaque, without permission from the Council.

If the Council is asked to remove a memorial, no responsibility will be taken for any damage done in the process of removal.

## 6.0 Health and safety

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### 6.1 Caskets

The casket size, shape, including the type and size of the handles are to be recorded on the application for interment. The Council retains discretion to determine the appropriate of a suitable casket.

### 6.2 Shoring boards

Graves must be shored up in cemeteries for safety reasons. The shoring boards will be removed at the conclusion of the burial unless the family or friends wish to hand fill the grave. A request to hand fill a grave must be made in the application for interment form.

### 6.3 Request to fill grave

Friends and family of the deceased can request that the Sexton allow them to fill in the grave. There are two options available:

- Only fill the grave to cover the casket. No heavy machinery is required to remove the shoring boards.
- Fill the complete grave by hand only. The Council must be advised of this request before the interment takes place and is to be outlined under 'special instructions' on the 'Application for interment' form. If this option is requested the Sexton will be required to remove the shoring boards with the appropriate equipment to allow the grave to be filled. Families will need to follow the directions of the Sexton during this process.

### 6.4 Site safety at gravesite

The funeral director will advise the Sexton upon arrival of the deceased person or other human remains to the gravesite, and at that time the site will be handed over to the funeral director. The funeral director is then responsible for the safety of the members of the public at the gravesite until the funeral director formally hands the site back to the Sexton and members of the public must follow the direction of the Sexton.

Any persons in attendance and/or involved in a burial or interment procedure in a Council cemetery, must adhere to all directions given by the Sexton at all times.

## 7.0 Behavior in cemeteries

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### 7.1 Vehicles in Cemeteries

Vehicles are only permitted to use designated roadways and car parks whilst in the cemetery. Vehicles may only access cemeteries from:

- 7.00 am to 8.30pm between October and March
- 8.00am to 5.00pm between April and September

The speed limit in all cemeteries shall not exceed 20km/hr unless a different speed limit is specified, and ordinary traffic rules are to be observed at all times.

The drivers of all vehicles must yield right of way to any funeral procession (cortege) in any cemetery. If the Sexton indicates that a vehicle should stop or move, the driver must respond as directed.

The Sexton or Cemeteries Administrator may temporarily close the cemetery to vehicles, provided the closure is clearly displayed using appropriate signage. No private vehicle is to be left or taken into any cemetery when the cemetery is closed.

### 7.2 Control of dogs within cemeteries

Dogs are permitted in cemeteries subject to clause 4(2) of the Council's Dog Control Bylaw 2014:

- (2) The owner of a dog must keep their dog under control on a leash in -  
(a) all cemeteries; [...]*

### 7.3 Horses and other animals

No horses or other animals are permitted in any cemeteries.

### 7.4 Promotional activities

The promotion or advertising of goods or services within a cemetery is not permitted unless in accordance with permission granted by the Council under the bylaw.

### 7.5 Photography or filming

No commercial photography, filming or recording is permitted in a Council cemetery unless it is solely for a private purpose, or it is in accordance with permission granted by the Council under the bylaw.

### 7.6 Misconduct

No one may disturb or interrupt a funeral, or cause an annoyance or nuisance within a cemetery, or cause damage to land, buildings or chattels in a cemetery.

### 7.7 Authorisation to conduct certain activities

No one other than a Sexton or person authorized by a Sexton may engage in interment or disinterment or operate any burial machinery or equipment in a cemetery.

No person may carry out monumental masonry work without permission from Council under the bylaw.

## 8.0 Tributes

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### 8.1 Wreaths and other tributes

Wreaths, food items, and other floral tributes or ornaments not permanently fixed to the monument may be placed on the plot for a period of ten days following the interment. After ten days items must be removed or relocated to the concrete beam.

If items are not claimed after 10 days, the Council may remove and dispose of the items. The Council may also remove any neglected or broken items.

No ceremonial fires are permitted.

### 8.2 Temporary markers

A temporary marker must be removed once a permanent monument is erected.

If the Sexton, or other person authorized by the Sexton, considers that a temporary marker has fallen into a state of disrepair, they may remove it.

## 9.0 Maintenance of plots and graves

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### 9.1 Lawn areas

The Council maintains plots and graves in lawn areas including mowing.

Any plants (including trees and shrubs) planted on a grave following an interment will be removed after ten days and the area sown with grass seed. The grave will be maintained as lawn.

### 9.2 Areas with planting

No new plants or shrubs are to be planted on graves without Council permission.

Existing plants may remain providing family or friends maintain them. If any plants are not being maintained, the Council will remove them. Any plant identified in the Council's Operational Pest Plan, and found growing on a plot or grave, will be removed.

## 10.0 Disinterment

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### 10.1 Disinterment

Any requests to disinter either a body or ashes must be made in the first instance to a funeral director, who must apply to the Council for the disinterment.

Any application received by the Council shall be conducted pursuant to sections 51 and 55 of the Burial and Cremations Act 1964 (or superseding legislation), and subject to the payment of fees as the Council may determine from time to time. This application relates to disinterment / re-interment of the deceased or ashes of the deceased.

## 11.0 Genealogical information

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The Council is currently developing a database which will provide public access to cemetery records on the QLDC website. For updates check the Council's website: [www.qldc.govt.nz](http://www.qldc.govt.nz)



## 12.0 Cemetery Fees

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<b>Burial Rights</b>	<b>Fees</b>
Baby under 18 months	\$85.00
Single Burial plot (2.7m x 1.2m) with right to purchase next adjoining plot only at time of death	\$1200.00

### **Ashes Plot Purchase**

Bronze plaque cremation beam (60cm x 60cm)	\$250.00
Family – Lawn	\$250.00
Cremation Rock Queenstown Cemetery	\$150.00
Serviceman's section – plot purchase	No charge

### **Burials Interment Fees (Monday to Friday only)**

Child up to 10 years old, at single depth	\$85.00
Single Interment / Re-interment	\$875.50
Double depth interment (single plot)	\$978.50
Ashes / casket	\$875.50
Ashes Interment Fees	\$290.00
Double interment (Single Plot)	\$310.00
Out of district fee burial (less than 6 months in district)	\$500.00
Out of district fee Cremation (less than 6 months in district)	\$150.00
Call out fee Glenorchy, Kingston, Makarora, Skippers	\$495.00
Break concrete	\$105.00
Burial exhumation fee	\$1600.00
Ashes exhumation fee	\$200.00
Casket larger than standard (7'0" x 30" x 20")	\$100.00

### **Cemetery Maintenance Fees**

Maintenance Fee (payable for each burial interment for persons above the age of 10)	\$300.00
Maintenance Fee (payable for each ashes interment for persons above the age of 10)	\$150.00

### **Weekend Fees**

Saturday morning only extra fee (plus normal fee)	\$278.00
Saturday afternoon extra fee (plus normal fee)	\$330.00

## 13.0 Cemetery Forms

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DRAFT

**QLDC Council  
15 December 2016**

**Report for Agenda Item: 5**

**Department: Property & Infrastructure**

**New Right of Way Easement to replace an existing easement on a Malaghans Road Esplanade Reserve**

**Purpose**

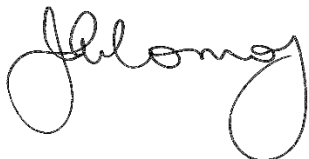
The purpose of this report is to consider whether to grant a new right of way easement and to consider whether to waive the easement fee, given the circumstances.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a new right of way easement over Lot 4 DP 460171 in favour of proposed Lot 1 DP 502810;
3. **Agree** that notification of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report;
4. **Delegate** authority to approve final terms and conditions, and execution authority to the General Manager – Property and Infrastructure;
5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement over Lot 4 DP 46071 in favour of proposed Lot 1 DP 502810; and
6. **Approve** waiving the easement fee in this instance.

Prepared by:



Joanne Conroy  
Property Advisor - APL

17/11/2016

Reviewed and Authorised by:



Aaron Burt  
Planner: Parks & Reserves

21/11/2016

## Background

- 1 The applicant, Mr Fletcher, is agent for the owner R & H Trust Co (NZ) Ltd. The R & H Trust owns a rural lot on Malaghans Road. Several years ago, the lot was subdivided and triggered the requirement for the owner to vest an esplanade reserve in Council over a stream. The reserve is known as Lot 4 DP 460171 and is shown on the attached title plan shaded in orange. The driveway servicing the house passed over the new reserve and therefore a right of way easement was registered on the reserve title. The drive is shown (approximately) as a blue line.
- 2 Mr Fletcher is purchasing the land shown as lot 2. The parties have been working on a boundary adjustment so that lot 1 will increase from the area shaded green, to the area outlined in pink.
- 3 If the lot that benefits from an easement is subdivided, the easements automatically transfer to the new title(s). However, as the lot is being extended, the additional area is not subject to those rights (only the area shaded in green that was granted the original rights). The parties must now apply for a new right of way easement.
- 4 An easement over a reserve is granted pursuant to the Reserves Act 1977, however, such an easement must be publicly notified in accordance with Section 48(2) unless it can be shown that people's ability to enjoy the reserve is not affected and that there is no long-term effect on the land. These matters are considered below.
- 5 Note that the land to be granted an easement is the proposed Lot 1 DP 502810, which does not currently exist, but is the anticipated result of subdivision consent RM160328.

### Does the easement affect the ability of people to use and enjoy the reserve?

- 6 The driveway was in place prior to the reserve being vested in Council and although the existing easement remains, there are no additional users and there is no additional impact on the reserve by granting a new easement.

### Does the easement create any long term permanent effect on the reserve?

- 7 The right of way easement is existing and does not have any additional permanent effects on the reserve.
- 8 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve any more than the existing situation. Consequently, public notification is not required.

## Comment

- 9 Use of the right of way will not change. Lot 2 has access from Mooney Road and will not use the right of way. There are no physical works proposed. Resource Consent, 224C and 223 have been granted.

- 10 Council has an easement policy that enables Council to charge an easement fee to compensate for the loss in land value that would result from registering an easement on the title. In accordance with the policy, a right of way easement value is generally assessed by a Valuer. In this, by way of an example, the rateable land value is used below:

Land value of property	= \$55,000
Size of property	= 28,069 m <sup>2</sup>
Value per m <sup>2</sup>	= \$1.96/m <sup>2</sup>
Easement area (approx.)	= 315 m <sup>2</sup>

Calculation:  
 $\$1.96/\text{m}^2 \times 315 \text{ m}^2 = \$588 \text{ plus GST}$

- 11 The rateable value is very low because the land is reserve. A Valuer would likely assess the value much higher, but still have to take the reserve status into account. The assessed easement fee would likely be several thousand dollars.
- 12 While Council could seek the fee pursuant to the easement policy, it is not only likely to be of low value, but seems unreasonable given that the right of way is already in place and the requirement to seek a new one is merely a technicality. There is no additional use proposed because Lot 2 will be accessed from Mooney Road.
- 13 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 14 If the easement is declined, then the applicant would either have to find an alternative access to his dwelling, or to cancel the proposed boundary adjustment. If he was to subdivide the land to create a new title for the extended part of lot 1, then the easement would automatically transfer to the two new titles.

## Options

- 15 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 16 Option 1 Approve a new right of way easement through Lot 4 DP 460171 in favour of proposed Lot 1 DP 502810, including delegated approval of the Minister of Conservation, and agree to waive the easement fee.

### *Advantages:*

- 17 Will enable to applicant to retain access to his dwelling following the boundary adjustment, without incurring any additional cost.

### *Disadvantages:*

- 18 Council would forego an easement fee, albeit reasonably low.

20 Option 2 Approve a new right of way easement through Lot 4 DP 460171 in favour of proposed Lot 1 DP 502810, including delegated approval of the Minister of Conservation, and to charge the easement fee (to be assessed by valuation).

*Advantages:*

20 Will enable the applicant to retain access to his dwelling following the boundary adjustment.

21 Will result in a fee paid to Council.

*Disadvantages:*

22 Charging a fee to the applicant could be seen as unfair given the circumstances.

23 Option 3 Decline the new right of way easement.

*Advantages:*

24 The driveway through the reserve might be removed or more likely the boundary adjustment will be cancelled, in which case there is no advantage.

*Disadvantages:*

25 The applicant will either have to find an alternative drive way or more likely will cancel the boundary adjustment as proposed.

26 This report recommends **Option 1** for addressing the matter because it ensures the applicant can carry on with the boundary adjustment without incurring additional costs and it will not have any impact on Council's reserve.

***Significance and Engagement***

27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because although it involves a reserve, the impact of this decision is minor.

***Risk***

28 This matter relates to operation risk OR011A Decision making. The risk is classed as low. While a perpetual property right contained in the recreational reserve does carry risk to Council for any future development, the right of way easement already exists.

**Financial Implications**

29 Any costs incurred in granting this easement will be met by the applicant.

**Council Policies, Strategies and Bylaws**

30 The following Council policies, strategies and bylaws were considered:

- Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
- Easement Policy 2008 – the application is consistent with the policy.

31 The recommended option is consistent with the principles set out in the named policy/policies.

32 This matter does not have any impact on the 10-Year Plan/Annual Plan

### **Local Government Act 2002 Purpose Provisions**

33 The recommended option:

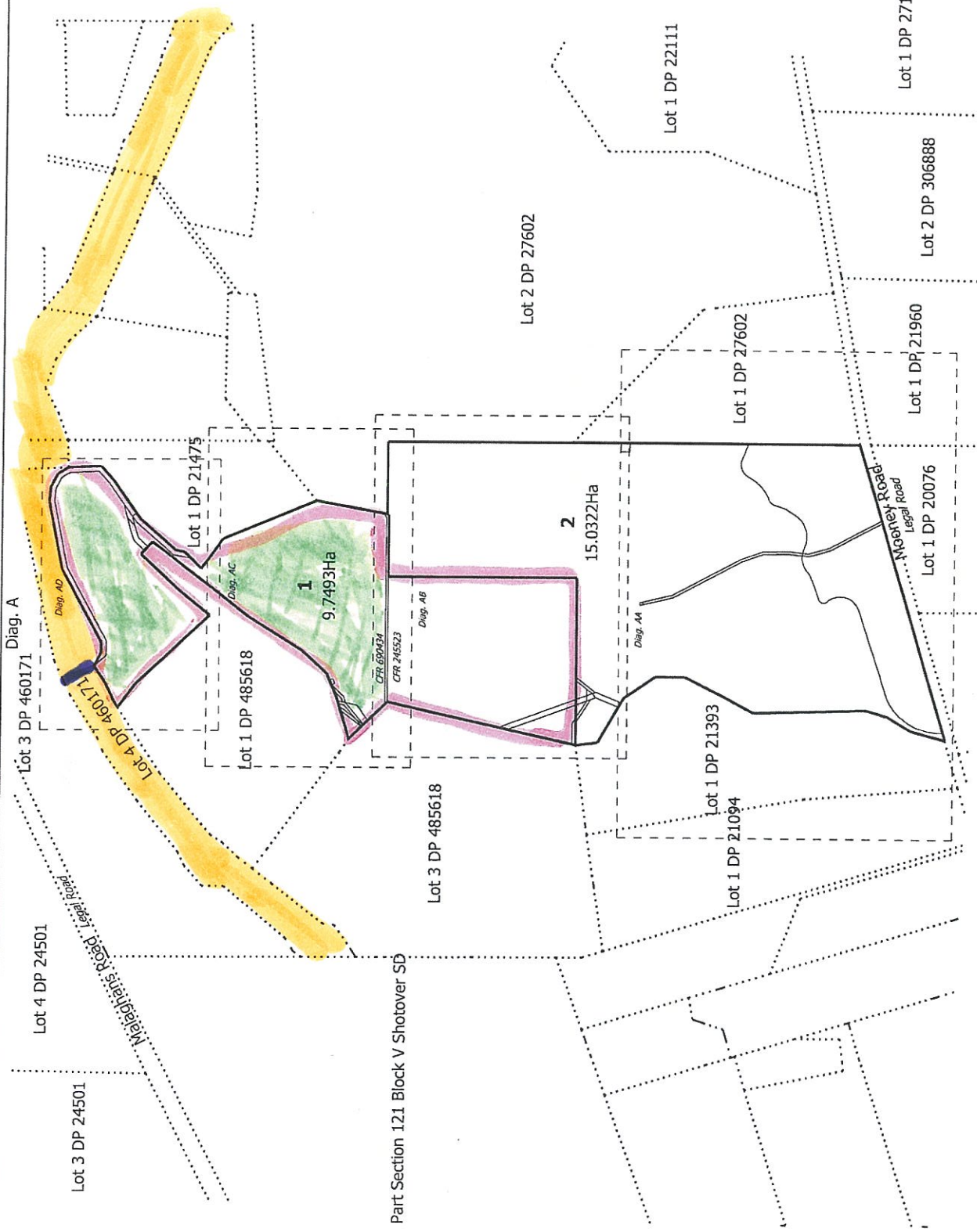
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by allowing a resident to complete a boundary adjustment and correct an anomaly that results in the existing easement being cancelled.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

34 No consultation is anticipated because the proposal does not change the existing situation on the reserve.

### **Attachments**

- A Marked up Title Plan
- B Aerial photograph



T 1/7

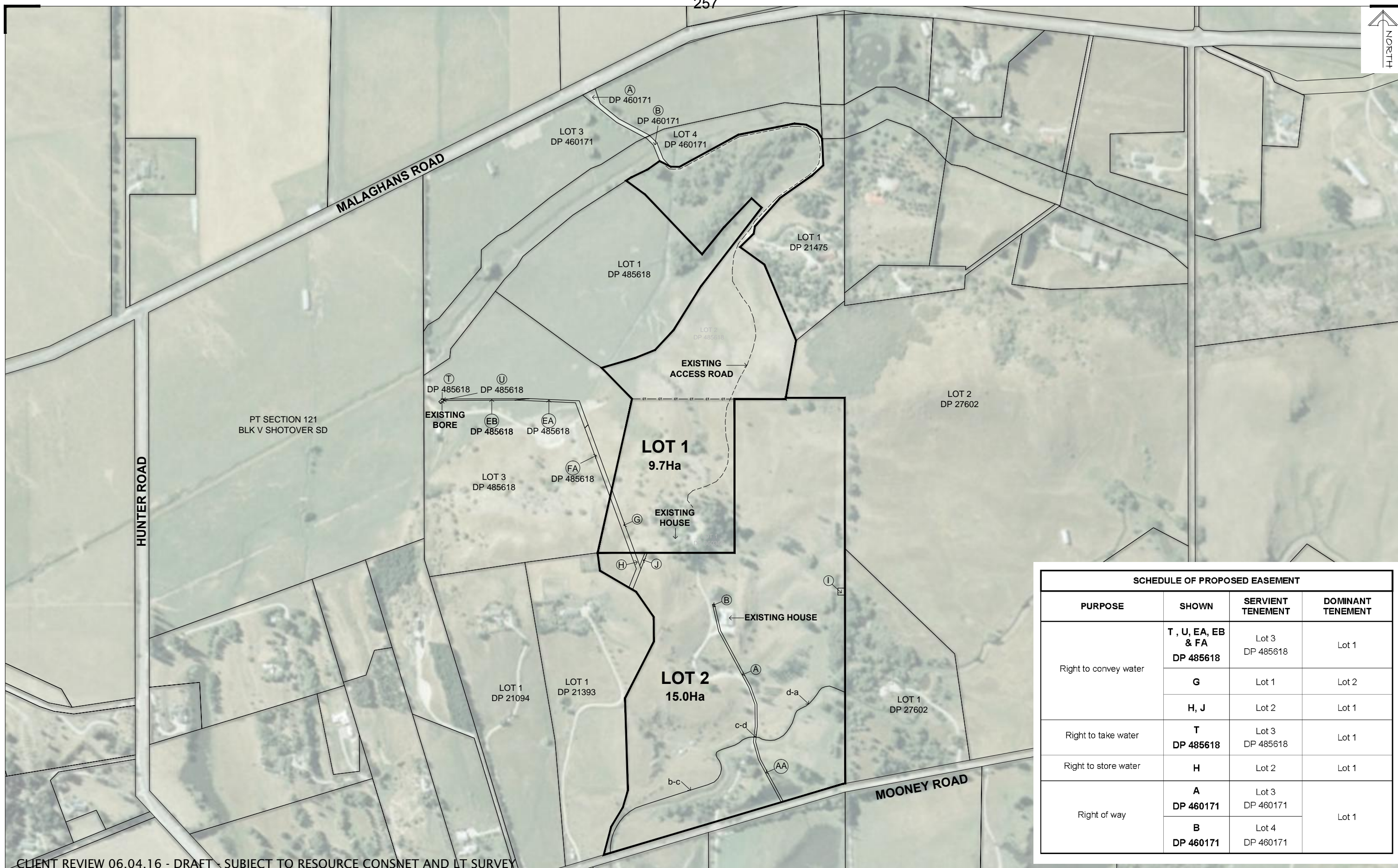
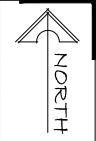
Title Plan  
LT 502810  
DRAFT

Surveyor: Edward John McGregor Murray  
Firm: Clark Fortune McDonald & Associate

Lots 1 & 2 being a subdivision of Lot 3 DP 360366 and Lot 2 DP 485618

Land District: Otago  
Digitally Generated Plan  
Generated on: 11/11/2016 3:05pm Page 5 of 11





SCHEDULE OF PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right to convey water	T, U, EA, EB & FA DP 485618	Lot 3 DP 485618	Lot 1
	G	Lot 1	Lot 2
	H, J	Lot 2	Lot 1
Right to take water	T DP 485618	Lot 3 DP 485618	Lot 1
Right to store water	H	Lot 2	Lot 1
Right of way	A DP 460171	Lot 3 DP 460171	Lot 1
	B DP 460171	Lot 4 DP 460171	

CLIENT REVIEW 06.04.16 - DRAFT - SUBJECT TO RESOURCE CONSNET AND LT SURVEY

LOTS 1 AND 2 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 360366 AND LOT 2 DP 485618

**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
 21 Reece Crescent, P.O.Box 550, Wanaka  
 Tel. (03)443-4448, Fax (03)443-4445, Email admin@cfma.co.nz  
 Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM160325**

**Tuesday, 26 July 2016**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
DON FLETCHER				10390	05
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	Signed	Date	Scale	
	HK		06.04.16	1:2500 @ A1 1:5000 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
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**QLDC Council  
15 December 2016**

**Report for Agenda Item: 6**

**Department: Property & Infrastructure**

**New lease and Affected Person Approval for Wakatipu Rowing Club's existing building and proposed extension**

**Purpose**

The purpose of this report is to consider a new lease to the Wakatipu Rowing Club over Section 65 Block IX Shotover survey district, to accommodate their existing building and a proposed extension.

**Recommendation**

That Council:

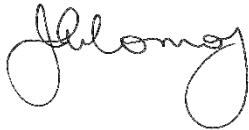
1. **Note** the contents of this report;
2. **Approve** a lease to the Wakatipu Rowing Club over part of Section 65, Block IX Shotover SD subject to the following terms:

Commencement	1 November 2016
Term	33 years
Rent	Pursuant to the Community Facility Pricing Policy. Commencement rent \$1 per annum (if demanded)
Early Termination	5 years notice for core infrastructure projects (but not in the first 5 years)
Assignment and Sublease	With Lessor's prior written approval
Reviews	5 Yearly or when the pricing Policy is reviewed
Use	Clubrooms, gym, meeting space and storage facilities associated with Rowing.
Other	At expiry, improvements to be removed or revert to Council ownership (Lessee choice, compensation payable if lease terminated early) Public liability Insurance required

Health and Safety plan to be provided for approval

3. **Approve** an Affected Person's Approval as part of the Resource Consent application for the Rowing Club's proposed building extension.
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the Shotover survey district.
5. **Delegate** signing authority to the General Manager, Property and Infrastructure.

Prepared by:



Joanne Conroy APL Property  
Property Advisor

23/11/2016

Reviewed and Authorised by:



Aaron Burt  
Planner: Parks & Reserves

30/11/2016

## Background

- 1 The Wakatipu Rowing Club has had a building on the shores of Lake Hayes for many years. The legal description of the land is section 65 Block IX Shotover survey district. The Club was granted a lease from the Crown in 2006 for ten years. That lease expired 31 October 2016 and the reserve vested in Council in 2010.
- 2 The Club is seeking a new lease for their existing building and to cover a proposed extension of the building. As resource consent is also required, they are seeking an Affected Person's Approval for the extension from Council as the landowner. Please see Attachment A – proposed building extension.

## Comment

- 3 The Arrowtown – Lake Hayes Reserve Management Plan contemplates the existence of the current facility and proposed extension. Section 8 (Buildings) requires any new buildings to be notified, but section 17.7 will “permit the expansion of the Wakatipu Rowing Club and associated storage facilities to facilitate the sport of rowing on Lake Hayes.”
- 4 Pursuant to section 54 1A (c) of the Reserves Act 1977 (the Act), because the lease and expansion are contemplated by the management plan, there is no requirement to publicly notify the intention to grant a new lease and approval for the expansion. The Act requires any new lease over a recreation reserve to be approved by the Minister of Conservation. That approval has been delegated to Council.

- 5 The club is a not-for-profit incorporated society and therefore is eligible for rent pursuant to the Community Facility Pricing Policy. Pursuant to that policy the rent will be set at \$1 per annum (if demanded).
- 6 The term will be 33 years, pursuant to the community lease terms guidelines approved by Council earlier this year. The lease will allow Council to give five years notice of early termination if the land is required for core infrastructure projects, but not in the first five years of the lease. Compensation would be payable by Council if the lease is terminated early, based on the depreciated value of the building.
- 7 Suggested terms of the lease are as follows:

Commencement	1 November 2016
Term	33 years
Rent	Pursuant to the Community Facility Pricing Policy. Commencement rent \$1 per annum (if demanded)
Early Termination	5 years notice for core infrastructure projects (but not in the first 5 years)
Assignment and Sublease	With Lessor's prior written approval
Reviews	5 Yearly or when the pricing policy is reviewed
Use	Clubrooms, gym, meeting space and storage facilities associated with Rowing.
Other	At expiry, improvements to be removed or revert to Council ownership (Lessee choice, compensation payable if lease terminated early) Public liability Insurance required Health and Safety plan to be provided for approval

### Options

- 8 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 9 Option 1 Approve a lease and Affected Person Approval (APA) for the current and proposed building platforms to Wakatipu Rowing Club over Section 65 Block IX Shotover SD subject to the terms outlined above.

#### Advantages:

- 10 The Club can continue to operate and undertake the proposed extension of their building to promote rowing on Lake Hayes.
- 11 The resource consent process will be simpler if Council decides to give an APA.

*Disadvantages:*

13 Will result in an enlarged building on the shores of Lake Hayes.

12 Option 2 Approve a lease and Affected Person Approval for the current and proposed building platforms to Wakatipu Rowing Club over Section 65 Block IX Shotover SD subject to different terms from those outlined above.

*Advantages:*

12 Similar to above.

*Disadvantages:*

13 Similar to above

15 Option 3 Have the intention to grant a lease and Affected Person Approval for the current and proposed building platforms to Wakatipu Rowing Club over Section 65 Block IX Shotover SD publicly notified seeking submissions.

*Advantages:*

16 The public will have a further opportunity to comment

17 May result in the lease being granted, facilitating the ongoing operation of the club.

*Disadvantages:*

18 Will increase the time, cost and uncertainty incurred by the club.

19 The resource consent process will be more complex because without the approval of the land owner the consent application would be publicly notified.

20 Option 4 Decline the new lease to the Wakatipu Rowing Club.

*Advantages:*

21 Will free up an area of public reserve.

*Disadvantages:*

22 The club would likely have to cease operations.

23 This report recommends **Option 1** for addressing the matter because it will enable the club to continue and grow, facilitating the sport of rowing on Lake Hayes.

***Significance and Engagement***

24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a Recreation

Reserve. However, the intention to grant the lease and extension are already contemplated by the management plan so the significance is not high.

### ***Risk***

- 25 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate.
- 26 The recommended option considered above mitigates the risk by ensuring the process of granting a new lease is commenced in a timely and legally compliant manner.

### **Financial Implications**

- 27 There are no financial implications from this report. All costs incurred in granting and preparing a lease will be met by the applicant. Ongoing lease administration will be met from existing property budgets.

### **Council Policies, Strategies and Bylaws**

- 28 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy
- Community Facility Pricing Policy
- Community Lease and Licence Terms

- 29 The recommended option is consistent with the principles set out in the named policy/policies.

- 30 This matter is not included in the 10-Year Plan/Annual Plan and does not have any impact on the plan.

### **Local Government Act 2002 Purpose Provisions**

- 31 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring a community recreation club can continue to operate and develop;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

**Consultation: Community Views and Preferences**

32 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes district community. The public were given the opportunity to submit when the lease and proposed extension were included in the draft management plan.

**Attachments**

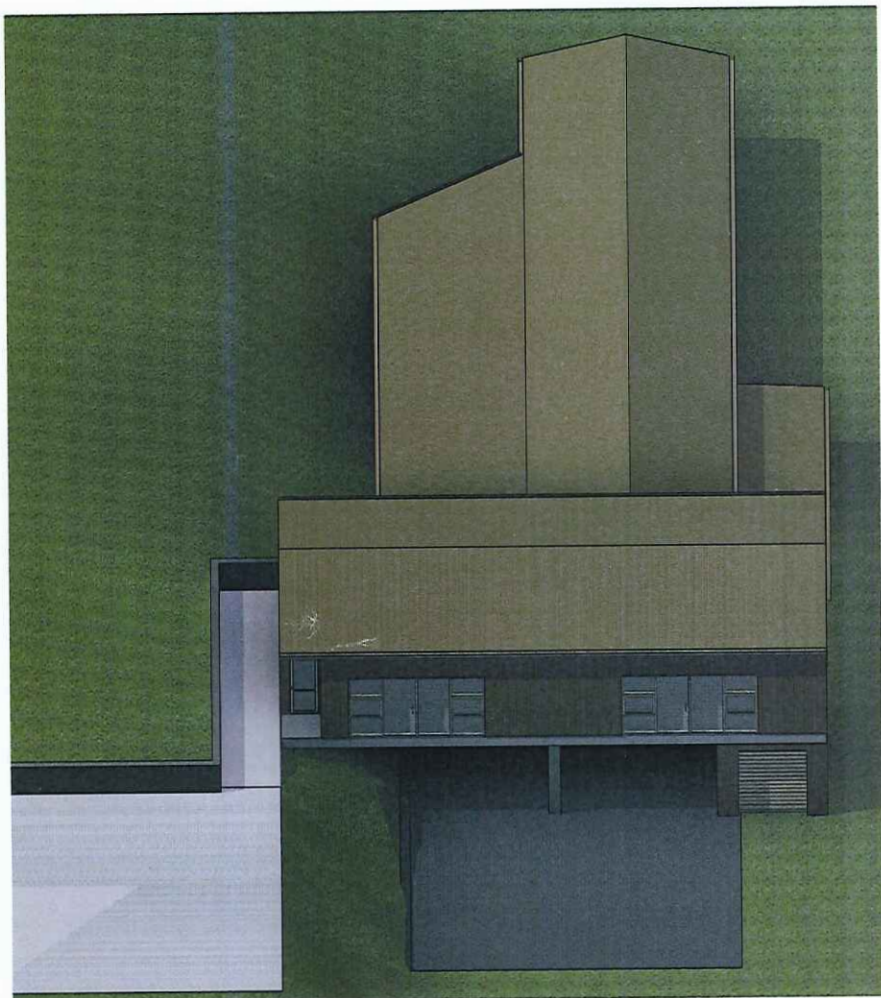
- A Plans of the proposed building extension
- B Aerial photograph and plan of the current building and proposed extension. The lease would be over the area outlined in red.

# Attachment A: Plans of the proposed building extension

## SHEET INDEX

CLIENT - WAKATIPU ROWING CLUB  
 LOCATION - SECTIONS 49-50, 65, 68, 87 BLOCK IX SHOTOVER SD  
 LOCAL AUTHORITY - QUEENSTOWN LAKES DISTRICT COUNCIL  
 TOPOGRAPHY - REASONABLY FLAT (T1)  
 EXPOSURE ZONE - ZONE B  
 EARTHQUAKE ZONE - ZONE 3  
 WIND ZONE - HIGH (REG. A, OPEN, EXPOSED)  
 WIND SPEED - 45.0 M/S  
 LEE ZONE - NO  
 SNOW LOADING - 1.2 KPA

NUMBER	NAME	ISSUE DATE	ISSUE	REASON
A2.2	FLOOR PLAN - GROUND FLOOR	22/08/16	C	CLIENT REVIEW - 3
A2.3	FLOOR PLAN - FIRST FLOOR	22/08/16	C	CLIENT REVIEW - 3
A2.4	ELEVATIONS	22/08/16	C	CLIENT REVIEW - 3

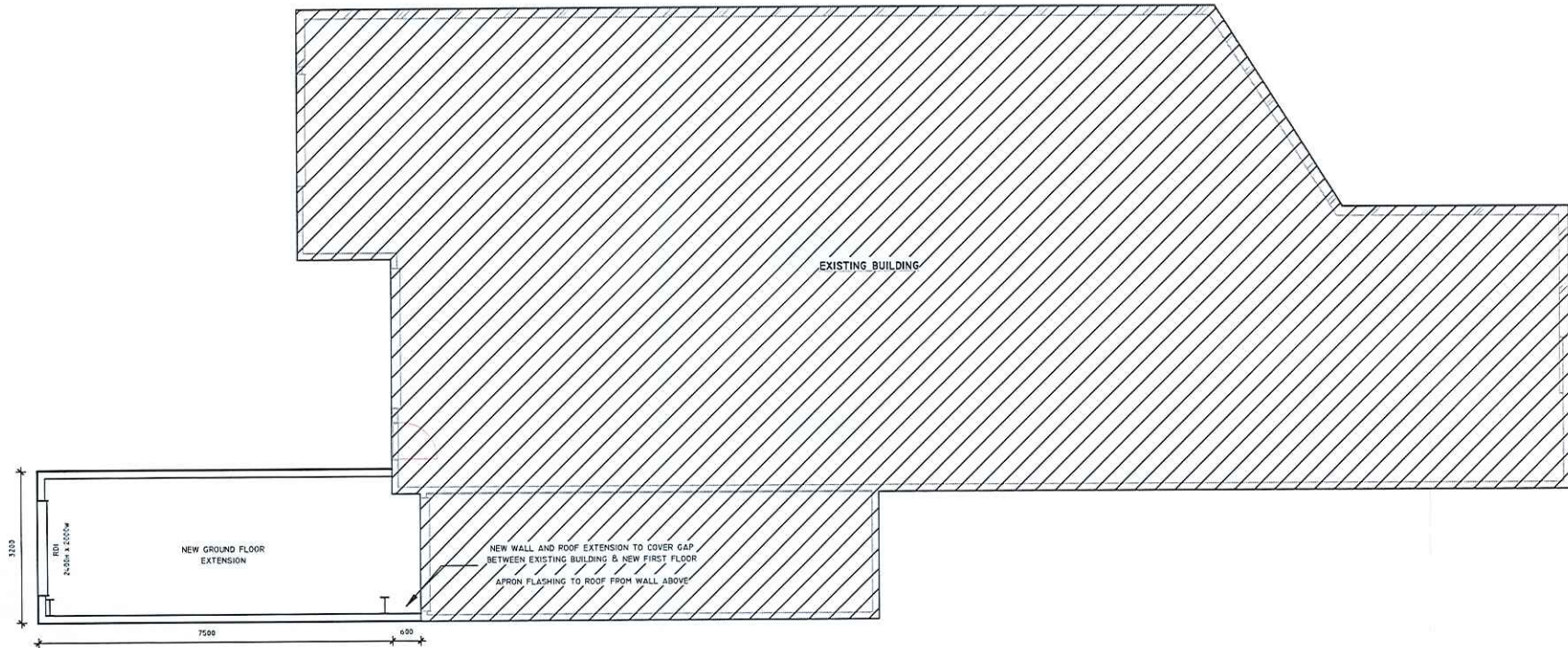


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PROPOSED BUILDING

WAKATIPU ROWING CLUB





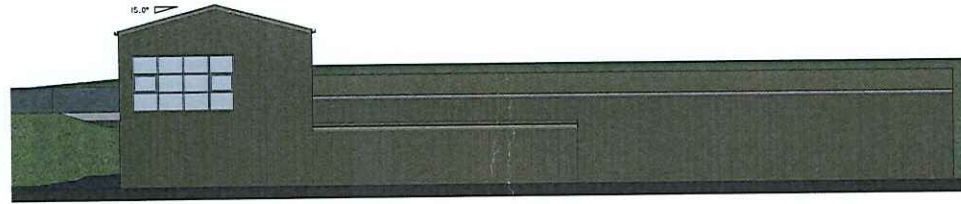
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7 HUGHES CRESCENT, CROMWELL  
0800 489 940  
WWW.ULTRASPAN.NET.NZ

PROJECT NAME: PROPOSED BUILDING	SCALE @ A3: 1 : 100 ISSUE DATE: 22/08/16	ISSUE: C
DRAWING: FLOOR PLAN - GROUND FLOOR	PROJECT STATUS: CONCEPT DRAWINGS	SHEET: A2.2





NORTH

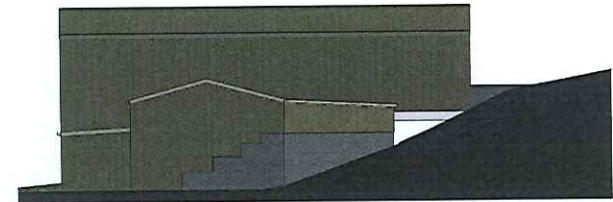


EAST

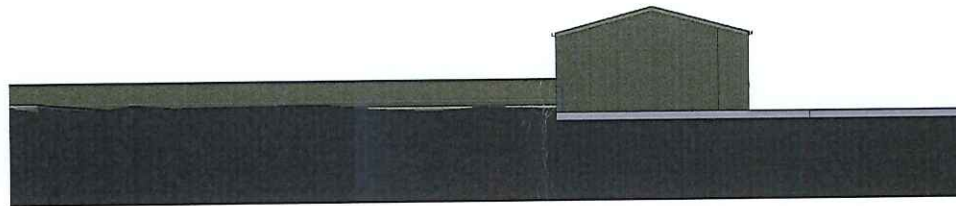
ROOF CLADDING  
15° 0.40MM CORRUGATE PROFILED COLORSTEEL IN SELECTED COLOUR

WALL CLADDING  
0.40MM CORRUGATE PROFILED COLORSTEEL IN SELECTED COLOUR

JOINERY  
ALTHERM METRO SERIES  
DOUBLE GLAZED WINDOWS AND DOORS IN SELECTED COLOUR

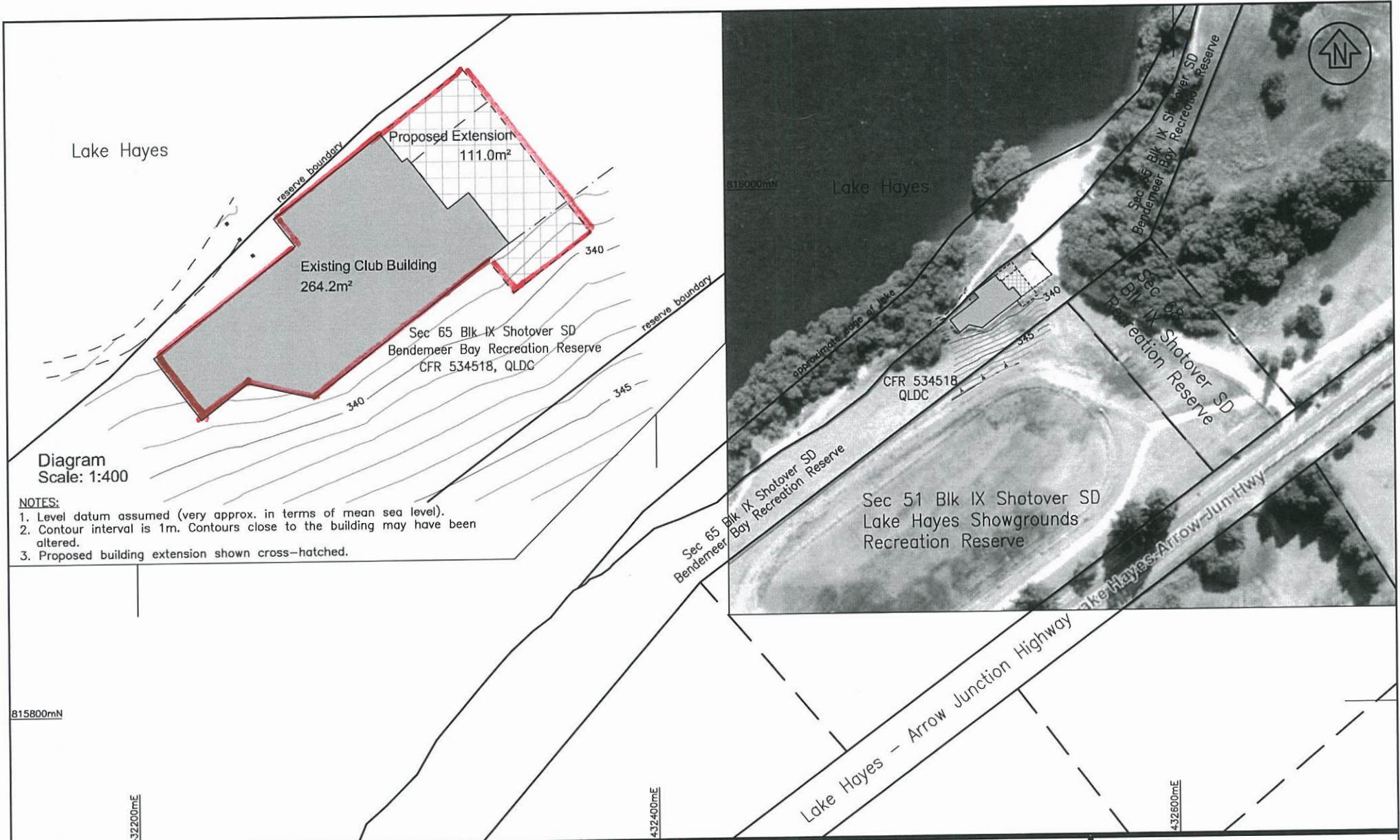


WEST



SOUTH

Attachment B: Aerial photograph and plan of the current building and proposed extension



Surveyed by:  
John Alexander Surveying  
P.O.Box 13 Arrowtown  
t. 03 4421988 m. 027 6027575  
e. jasurveying@xtra.co.nz

Site Plan - Wakatipu Rowing Club, Lake Hayes.

AMENDMENTS:

DATUM:  
Geodetic 2000  
LEVEL DATUM:  
MSL approx.

SCALE 1:2000 @ A4  
DATE 5 Oct 2016  
JOB REF. 1484a

**QLDC Council****15 December 2016****Report for Agenda Item: 7****Corporate Services****Economic Development****Purpose**

To respond to the community desire for investment by the Queenstown Lakes District Council in economic development - in keeping with the objectives of the QLDC Economic Development Strategy 2015.

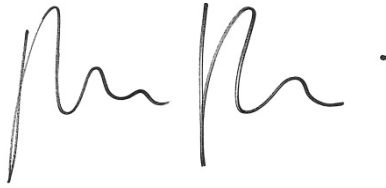
**Recommendation**

That Council:

- a. **Agree** to grant the Queenstown Chamber of Commerce funds of \$50,000 for the balance of the 2016/17 financial year, and \$100,000 for the 2017/18 financial year subject to a Memorandum of Understanding (MOU) to support business development in the Wakatipu Basin (in keeping with \$100,000 per annum funding granted with the Wanaka Chamber of Commerce).
- b. **Agree** to grant Study Queenstown the sum of \$50,000 for the 2016/17 year to support its Tertiary Education promotion activities.
- c. **Note** that initially (a) and (b) will be funded from monies included in the 2016/17 Annual Plan for Economic Development.
- d. **Delegate** the final terms of the MOU and agreement with the Queenstown Chamber of Commerce to the General Manager Corporate Services.
- e. **Agree** to the creation of a new Council resource (FTE) dedicated to delivering the objectives of the Economic Development Strategy 2015.
- f. **Note** that initially this role and resources will be funded from monies included in the 2016/17 Annual Plan for Economic Development.
- g. **Agree** that Council will consult with our communities through the 2017/18 Annual Plan to establish a contestable Economic Development Funding Round.

Prepared by: Meaghan Miller

Reviewed and Authorised by:  
Mike Theelen




General Manager Corporate Chief Executive  
Services

6/12/2016

6/12/2016

## Background

- 1 In 2012 the Lakes District community participated in the Shaping Our Future Forums on 'Economic Future'. This was the catalyst for the Council's commitment to consult the community through the 2013/14 Annual Plan to fund an Economic Development Study.
- 2 After a lengthy consultation process the Council adopted a final Economic Development Strategy in 2015.
- 3 During the 2015/16 Annual Plan round the Council agreed to fund a number of Economic Development initiatives, including the Wanaka Chamber of Commerce initiative 'The Cube', the Film Office and Downtown Queenstown.
- 4 In addition to this the Council received requests through submissions for an additional \$630,000 in economic development initiatives.
- 5 The Council decided to set aside \$200,000 for the purposes of economic development.
- 6 In September 2016 Seath Consulting was engaged to facilitate a workshop with some representatives of the community to consider economic development opportunities. This workshop reinforced the objectives of the strategy, in particular in relation to business diversification and the desire to protect and enhance the district's unique environment.
- 7 One clear statement resulting from the workshop was that Council was seen as the 'one' organisation to lead the economic development work. There was also some caution to building on existing structures (i.e. the Chambers).

## Comment

- 8 The Economic Development Strategy was the direct result of recognition by this community and Council of a need to understand and influence the district's economic future. In particular the strategy considers the sustainability of the district's dependence on tourism, retail and construction industries. It explores potential industry diversification and the concept of a shift within traditional

industries to higher value activities and it draws together vital information including consideration of the district's enviable growth rates.

- 9 The driving principle behind the strategy is to improve the ability of organisations and people either in our district or considering relocating or establishing business in our district to more productively and effectively respond to opportunities. The aim is an enhanced quality of life for all residents and improved business confidence.
- 10 Given the district's growth and continued business investment, Council has found itself in the enviable position of receiving numerous proposals to support business innovative and diversity. Unlike many communities of a similar size, the district has no lack of employment, nor a lack of business innovation and growth. What it does have however is a perceived dependency on tourism or visitor related industries, making it particularly vulnerable to a downturn in that sector. This lack of diversity also has an indirect impact on the perception of the district to provide a wider range and depth of employment opportunities. One of the key areas that both the strategy and the workshop identified was the opportunity to actively support new and different business initiatives from a wider variety of sources.
- 11 To enable leadership from Council in this context, it is therefore proposed that Council will establish a contestable economic development fund to be contested annually and an in-house resource to: manage the round; administer the funding and accountability; liaise with existing business bodies and build on Council's business stakeholder relationships; build a robust economic database; deliver against strategy objectives and contribute to the development of the future direction and form of economic development in the Queenstown Lakes District.
- 12 This resource will be able to further the associated work streams identified through the workshop process as key areas, namely: education, health and culture. The fourth strand relating to growing Iwi relations will be ongoing and developed at both a governance level and culturally at an organisation level.
- 13 While a number of these initiatives require further consideration, a broader role for education has come through both the strategy and workshops as a major industrial opportunity.
- 14 Study Queenstown is a joint initiative to promote Queenstown as a premium education destination for both international and domestic students, utilising both local and international education providers. Study Queenstown employs one full time person and is actively engaged in co-ordinating education providers across the district and working to promote education opportunities internationally. It has a goal of raising the economic contribution of education from \$25m pa to \$67m pa by 2020. At the same time it is looking to increase full time students to 1500 by that date. It is also increasingly looking to target Queenstown as an Executive Education market.
- 15 As part of the Annual Plan, Study Queenstown applied for a grant of up to \$70k to support this work. Study Queenstown currently receives funding from

Education NZ both for core and project funding, as well as \$20k in membership. Part of the work being undertaken this year is to promote the Study Queenstown concept, explore Executive Education opportunities, and increase the breadth of its funding options. It is proposed that \$50,000 be allocated to Study Queenstown for the 2016/17 financial year. This will be funded from the budget established but unallocated as part of the 2016/17 Annual Plan.

- 16 The other area that Council immediately needs to respond to is the ongoing liaison with potential investors, and direct business support to the local community.
- 17 In the Queenstown context, it is proposed to provide funding to the Chamber for two key but related areas of support. The first recognises the role that the Chamber plays in receiving, hosting and facilitating business enquiries on behalf of the district, including the management of a range of businesses and other economic delegations. This is and remains a key element in maintaining the district's 'availability for investment'. The second is to identify and provide these support services for the myriad of small but enterprising businesses in the Wakatipu area. This is similar to the relationships Council has already established with the Wanaka Chamber of Commerce. Funding of \$50k for the balance of this financial year, and \$100k for the next financial year, will parallel the commitment already made by the Council to the Wanaka Chamber. Funding will be dependent on a suitable MOU being reached with the Chamber.
- 18 It is intended that this will be complemented by a new in-house role that will be established to provide a point of contact for Council and a gateway for investors and businesses needing to engage with Council as part of testing business opportunities in the district.
- 19 In the event the proposal to establish a contestable fund meets approval through the Annual Plan 2017/18, it is proposed the round could be held as early as August 2017.

### **Financial Implications**

- 20 The recommendation has no financial implication as the funding has already been set aside. The Council will need to decide how much money it proposes to commit to an annual contestable fund. The proposed business development role will need to be factored into the salary budget in the 2017/18 Annual Plan.

### **Local Government Act 2002 Purpose Provisions**

- 21 Economic development falls within the purpose of Local Government under 10 (1) (b): to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

### **Council Policies**

- 22 The following Council Policies were considered:



- 2015/16 Annual Plan
- Economic Development Strategy 2015

### **Consultation**

23 The Council consulted on the inclusion of funding for an Economic Development Study in the 2013/14 Annual Plan (72% supported the study, 28% opposed). This saw \$80,000 included in the budget which was carried through in subsequent years. This figure was increased to \$200,000 in 2016/17 Annual Plan, based on submissions from the business community. Inclusion of a contestable fund in the Annual Plan 2017/18 will be subject to community consultation.

**QLDC Council  
15 December 2016**

**Report for Agenda Item: 8**

**Department: Corporate Services**

**QLDC Organisational Health Safety and Wellbeing Performance**

**Purpose**

The purpose of this report is to provide Councillors with a regular update on the Health & Safety performance of the organisation.

**Recommendation**

That Council:

1. **Note** the contents of this report.

Prepared by:



Glyn Roberts  
Health & Safety Officer

1/12/2016

Reviewed and Authorised by:



Peter Hansby  
GM Property & Infrastructure

1/12/2016

**Background**

- 1 Queenstown Lakes District Council (QLDC) has duties under the Health and Safety at Work Act and subsequent regulations to ensure the safety of employees, and all other persons, at, or in, the vicinity of work or subsequently affected by the work. This duty is upheld through QLDC's safety management system, which is guided by best practice and designed to address operational risks and workforce behaviour.
- 2 As officers under the Health and Safety at Work Act, elected members have duties to ensure the organisation is fulfilling its Health and Safety requirements and therefore need an understanding of the functioning and ongoing effectiveness of the QLDC safety management system. Elected members have requested such information to be provided in this report.

**Comment**

- 3 On 30 October 2015 Council's safety management system was externally audited by the nationally recognised ACC Workplace Safety Management Practices

(WSMP) standards and achieved the highest possible rating (Tertiary). The WSMP audit examines ten robust elements critical to good health and safety management systems;

- a. Employer Commitment. The employer demonstrates active and consultative commitments to health and safety in the workplace.
  - b. Planning, Review & Evaluation. The employer demonstrates a focus on continuous and systematic improvement of health and safety in the workplace.
  - c. Hazard Identification, Assessment and Management. The employer actively and systematically identifies, assesses and manages controllable hazards in the workplace.
  - d. Information, Training & Supervision. The employer and employees are informed of their responsibilities for health and safety in the workplace and have specific knowledge concerning the management of hazards and risks.
  - e. Incident & Injury Reporting, Recording & Investigation. The employer has an active reporting, recording and investigation system that ensures incidents appropriate investigation and corrective actions are taken.
  - f. Employee Participation. The employer will ensure that all employees have ongoing opportunities to be involved in the development, implementation and evaluation of safe workplace.
  - g. Emergency Planning. The employer has the capacity to manage emergencies likely to occur within any part of the organisation's operation.
  - h. Management of work undertaken by contractors and sub-contractors. The employer has a systematic approach to ensure that contractors, subcontractors and their employees do not cause harm.
  - i. Workplace Observation. On-site review of the employers systems in action.
  - j. Employee Verification. Employee focus group conducted to confirm and validate safety management systems and safety culture.
- 4 Council's tertiary achievement indicates a good level of compliance with safety management practices legislated in the Health and Safety at Work Act. In order to maintain compliance with the Health and Safety at Work Act and the ACC WSMP audit standards, a process of 'continuous improvement' is required. Accordingly, QLDC regularly reports safety performance measures to ensure the safety management system is assessed and improved. The following report outlines key measures.

**Health and Safety Committee Chair: Monthly Summary**

There have been a number of changes to the H&S Committee members over the last month. The Committee has a good balance of experience and new energetic members keen to make a difference within the organisation. A focus for the Committee going forward will be setting goals for the new calendar year and raising the profile of safety as staff return to work in January.

### Key Risks:

- 5 Key organisational health and safety risk themes that require continuous or improved management, are outlined below:
  - a. **Contractor Activities**  
Refers to contract workers and work, engaged by or on behalf of QLDC
  - b. **Fleet Operations**  
Refers to all QLDC work related vehicle and mobile plant use
  - c. **Public Interaction**  
Refers to all direct engagement with the general public for work purposes
  - d. **Fitness for Work**  
Refers to workers physical & mental capacity to perform work safely
  - e. **Isolated Workers**  
Refers to workers operating alone or from remote locations
  - f. **Volunteer Activities**  
Refers to volunteer workers and work, engaged by or on behalf of QLDC

### Lead Indicators:

- 6 Steps Council employees have taken to prevent harm.
  - a. Improvement Reports: Any pro-active reporting which generate a safety improvement action.

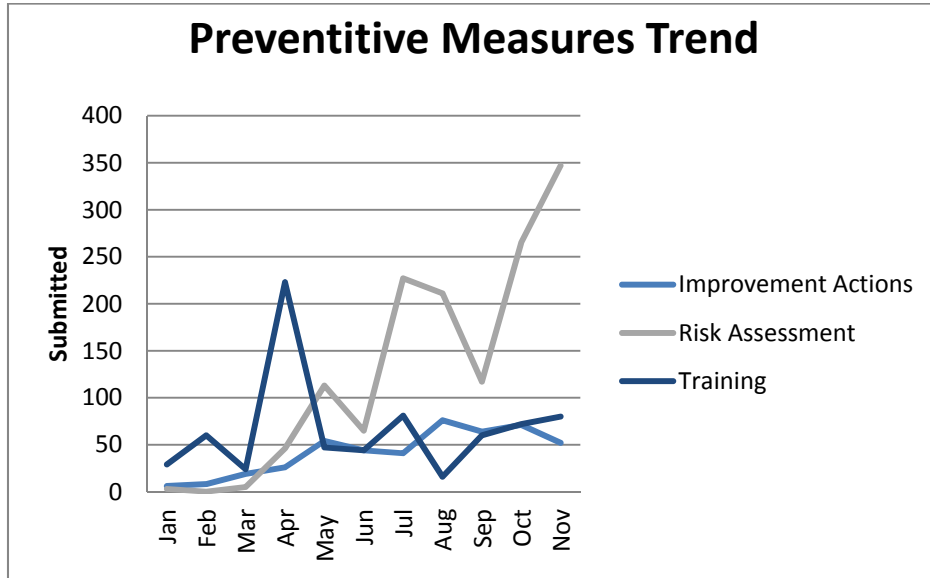
Hazards	Audits	That Was Lucky
19	21	12

- b. Training-Education: Any sessions conducted with employees that provide skills and knowledge to perform work safely.

Inductions	Other
5	75

- c. Risk Analysis. Any assessments that identify the risks and control measures associated with a work process or situation.

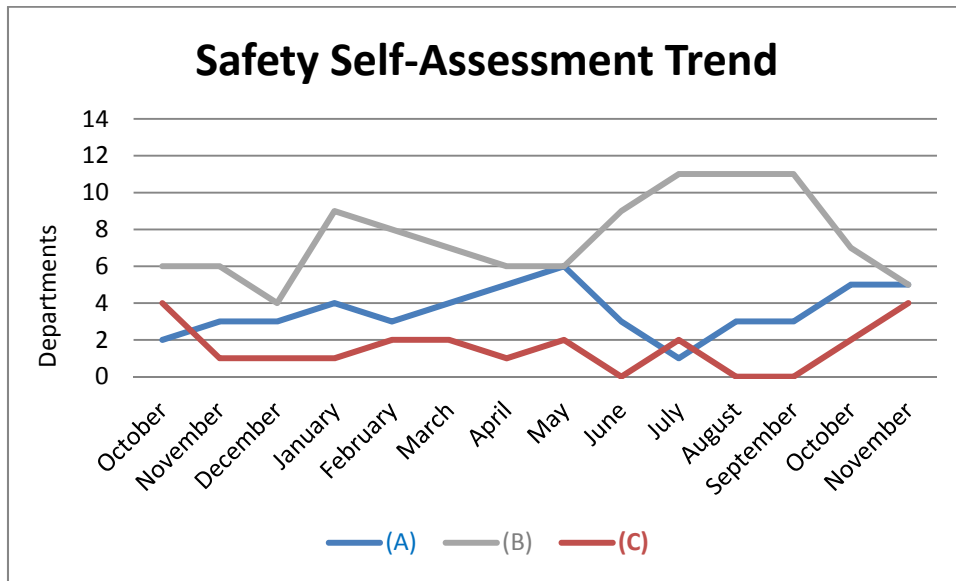
Take 5	Safe Work Plans	Other
347	0	0



d. Department Safety Performances: Council departments are required to rate their monthly safety performance based on a simple question; Have they improved safety (A score) or has it been business as usual (B score)? A department is usually expected to rate themselves a C in response to a significant accident or incident or where they consider their performance is in need of improvement.

A	B	C
5	5	4

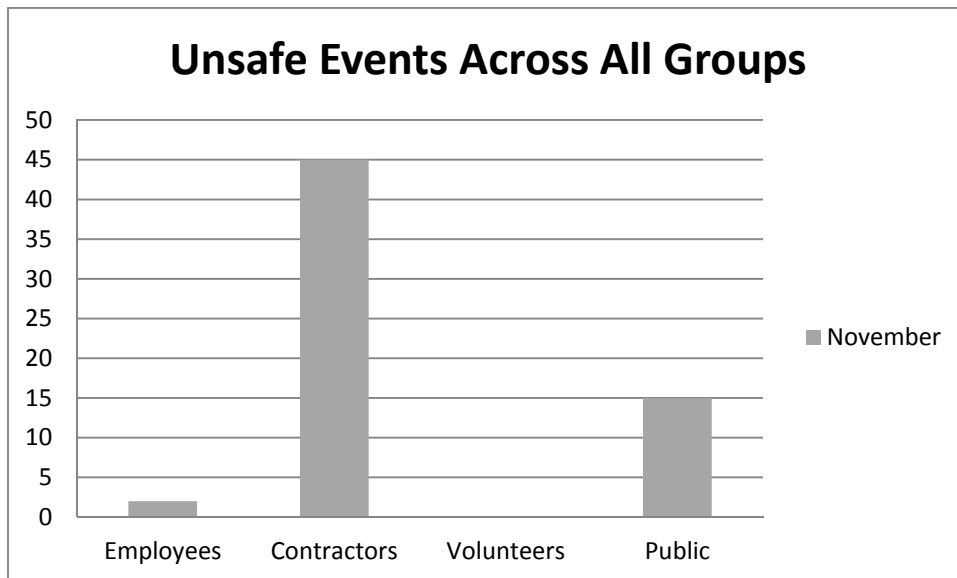
Reflects self reported department safety performances since measuring began in September 2015.



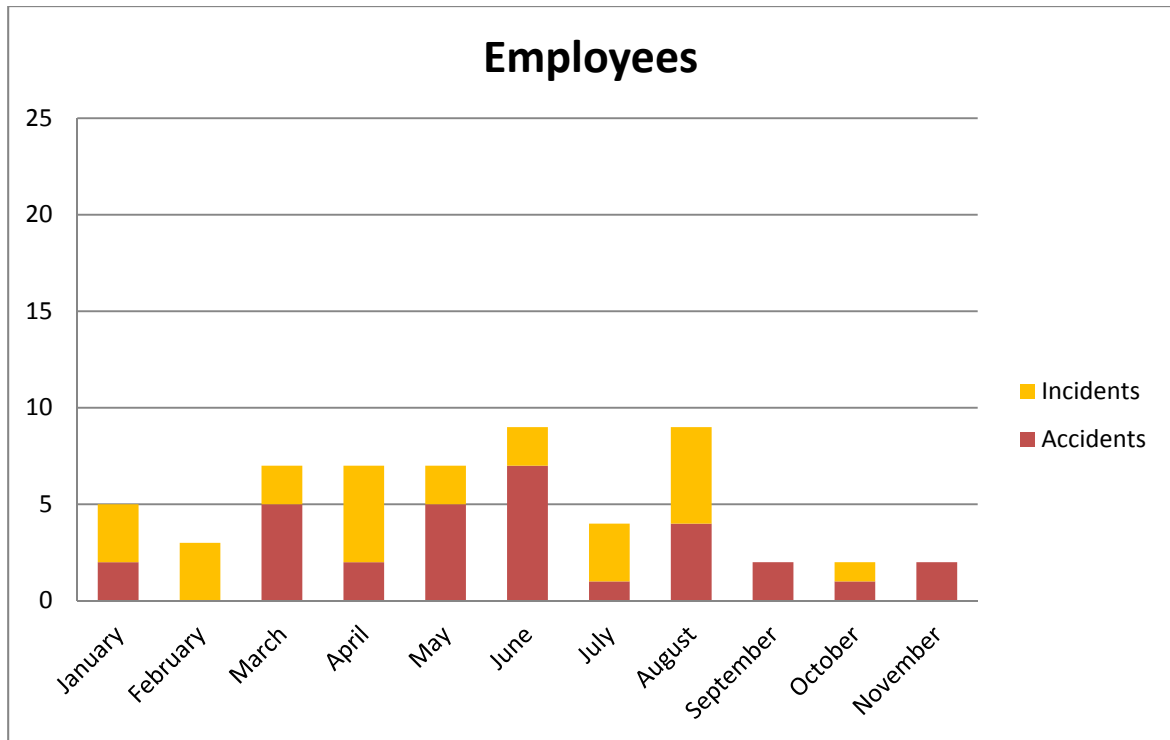
7 **Lag indicators; Unsafe Events:** Reflects unplanned work situations or occurrences that have (or could have) resulted in harm to the workforce or public.

Key unsafe events are noted at item 8.

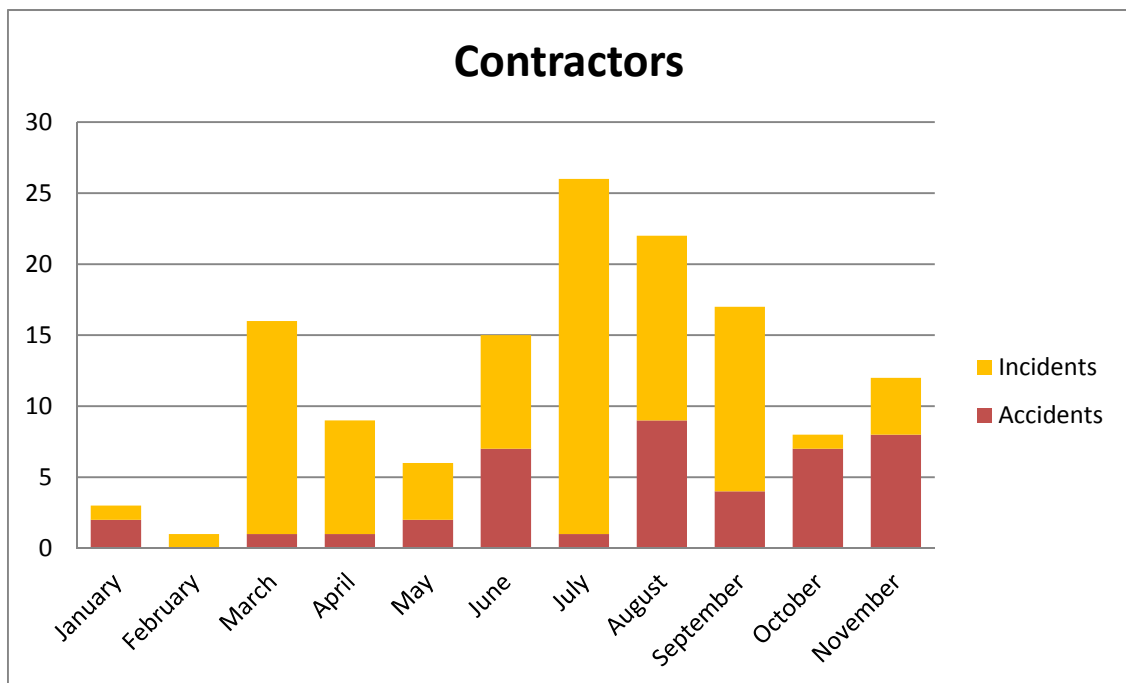
a. All Council related Accidents & Incidents



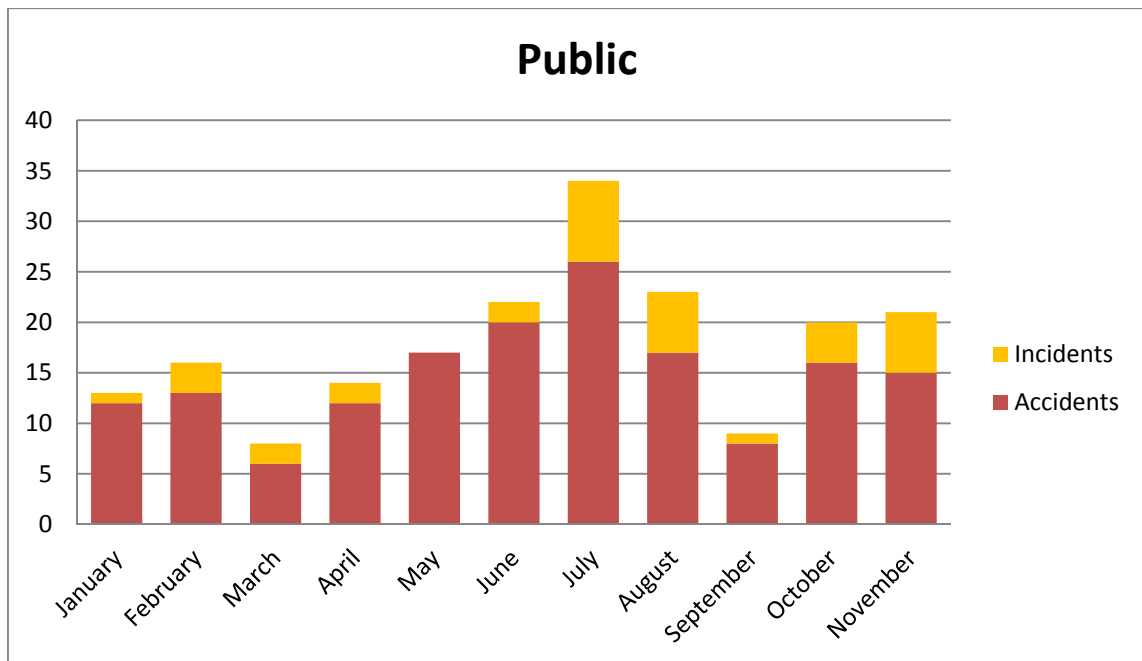
b. Breakdown of Employee Accidents & Incidents



c. Breakdown of Contractor Accidents & Incidents



## d. Breakdown of Public Accidents &amp; Incidents




### 8 Key Unsafe Events: Details about significant Accidents, Incidents and Near-Misses.

Unsafe Event	Details	Corrective Actions
Accidents	Ambulance called for member of public who fainted at Alpine Aqualand.	Careful monitoring of Spa Pool. Reminders to customers to take regular break and drink plenty of water.
	Employee Lost Time Injury (LTI) – Sprained Achilles tendon whilst replacing bollard at Beach Street.	Device implemented to assist with task of removing and replacing bollards at Beach Street. Return to work plan in place for employee



9 **WorkSafe Notification:** Unsafe events/tasks that required notification to regulator.

		
Notifiable Event Type	#	Description
Death	0	N/A
Injury	0	N/A
Illness	0	N/A
Incident	0	N/A
Work	0	N/A

10 **Training:** Courses that have been prepared to ensure employees perform work safely.

Month	Type
November	<ul style="list-style-type: none"> <li>○ Site Safe training</li> <li>○ ICAM (Incident Causation Analysis Method: Accident Investigations) training</li> <li>○ Online emergency evacuation training for building wardens</li> <li>○ Bullying &amp; Harassment training for contact people</li> <li>○ First Aid</li> <li>○ Emergency Management CIMS course</li> </ul>
December	<ul style="list-style-type: none"> <li>○ First Aid courses Dec 15<sup>th</sup> &amp; 16<sup>th</sup></li> </ul>

### ***Significance and Engagement***

11 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is purely operational in matter and does not directly affect Council's level of service to the community.

### ***Risk***

12 Some matters connected with this report are (or could be), with varying degrees of classification (from low to moderate) related to strategic risk items listed below.

- a. SR3 Management Practice - Working within legislation; and

- b. SR7 Planning, training and capacity for Emergency Response.

Some matters connected with this report are (or could be), with varying degrees of classification (from low to high) related to operational risk items listed below.

- a. OR004 Serious Injury to members of the community,
- b. OR005 Death to members of the community,
- c. OR006 Child missing from Council holiday program,
- d. OR010 Damage or loss to third party property or asset,
- e. OR015 Staff not fit for work,
- f. OR016 Staff not adequately resourced,
- g. OR017 Sufficient , qualified or capable staff,
- h. OR018 Serious injury to member of staff,
- i. OR019 Serious injury to a contractor,
- j. OR020 Serious injury to a volunteer.

### **Consultation: Community Views and Preferences**

13 The persons who are affected by or interested in this matter are: Employees, contractors, volunteers and public persons engaged with council for the purposes of work or directly influenced by the councils work process.

14 The Council has not consulted directly on this matter in the past.

15 This matter is of low significance and does not require community consultation

### **Legal Considerations and Statutory Responsibilities**

Queenstown Lakes District Council has legal duties owed under the Health and Safety in Employment Act and/or incoming Health and Safety at Work Act that must be considered in all Council health, safety and wellbeing matters

**QLDC Council**  
**15 December 2016**

**Report for Agenda Item: 9**

**Department: CEO Office**

**Chief Executive's Monthly Report**

**Purpose**

- 1 To advise Council of a matter that has arisen with the proposed Cardrona Valley Pipeline, and also to bring forward for Council consideration two recommendations from the Wanaka Community Board.

The report does not contain an update on the 2016/17 Work Programme which was reported to Council less than a month ago. Progress on the Work Programme will be fully reported to the first Council meeting in January 2017.

**Recommendation**

That Council:

- a. **Note** the contents of this report;
- b. **Adopt** the recommendations of the Wanaka Community Board:
  - i. That the process for preparing a Reserve Management Plan to cover Lismore Park, Allenby Park, Kelly's Flat and Faulks Terrace Recreation Reserves is undertaken.
  - ii. That the lease to Wanaka Firewood Limited over approximately 5,000 square metres of section 37 Block III Lower Wanaka SD to operate a firewood yard be extended on the same terms until June 2017.

Prepared by:



Mike Theelen  
Chief Executive

07/12/2016

## **1. Cardrona Wastewater**

Following a Better Business Case approval last year, the Council adopted a proposed pipeline solution which would have seen wastewater piped from a Cardrona community back to Project Pure. The proposed concept has now been further examined in detail and this has raised serious doubt about both the feasibility and cost effectiveness of such an option. As a result progress on this solution has been halted. Staff will now go back to the Business Case process to identify an alternative option, which will be reconsidered by the community and Council next year.

## **2. Wanaka Community Board Matters**

Two matters were considered and recommended to Council by the Wanaka Community Board. The first relates to commencing a Reserve Management Plan for a collection of reserves in the Upper Clutha area, and the second is extension of a lease for Wanaka Firewood Ltd. Both were reported to the Community Board. It is recommended that the recommendations made to Council by the Wanaka Community Board be adopted.

## **3. Gearing up for Summer**

As part of the anticipated summer influx of visitors and holidaymakers, the organisation has been reviewing some of the key services across the district, in anticipation of increased demand. Council will be responding to this additional demand in the following ways:

- Introduction of extended wastebin clearances, including agreed call-back facilities to deal with peak rubbish demand.
- Employing additional custodial hours to keep the central town clean and suitable for visitors and residents.
- The trialling of new automated 'compression' rubbish bins around the Queenstown foreshore for a period over summer.
- The introduction of additional temporary carparking (subject to resource consent) to provide additional overflow capacity.
- An information campaign for local and visitors alike to assist them with getting to, and around Queenstown, and how to anticipate and deal with parking and summer congestion.
- Investigating additional parking management staff to ensure a good turnover of capacity in the towns during times of peak demand.

Council will also be undertaking a communication campaign to alert residents and visitors to the changes to be introduced, with the intent of ensuring that people can continue to enjoy their visit to the district. We will continue to monitor service levels throughout the summer period, and be prepared to adjust levels of service as required. The increased service levels will result in some additional minor cost, which will be managed within Council's overall budget provision.

## Recommendation to Exclude the Public

It is recommended that the Council resolve that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

### Confirmation of minutes of ordinary meeting held on 24 November 2016

- Item 14 Appointment of Commissioners to hear and determine resource consent applications
- Item 15: Review and update of Commissioners appointments for Resource Management Act hearings
- Item 16: Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991
- Item 17: Film Otago Southland Trust

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Appointment of Commissioners to hear and determine resource consent applications	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
15. Review and update of Commissioners appointments for Resource Management Act hearings	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
16. Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
17. Film Otago Southland Trust	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

**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 shown above with respect to each item.**

# Public Excluded minutes

Confirmation of minutes:

24 November 2016