

## Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

**Date:** Thursday 30 May 2019  
**Time:** 9.30am  
**Meeting Room:** Council Chamber  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Council OPEN AGENDA

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### Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

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Lee-Ann Jordan  
Governance Manager

**23 May 2019**

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## **Purpose**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - 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 or 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 Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

**Oversight of Policies:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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**1 Apologies**

**2 Confirmation of Agenda**

The Council to confirm the agenda.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**4 Public Forum**

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

# Council Report

**Committee:** Council **Date:** 30 May 2019  
**Author:** Amy Viggers **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation of the Extraordinary Council Open Minutes 9 April 2019

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 9 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Extraordinary Council Open Unconfirmed Minutes - 9 April 2019

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## Extraordinary Council

### OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 9 April 2019 at 2.46pm.

#### PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting Cr J R Casson Cr S Henry Cr D Macpherson Cr G Mallett Cr A O'Leary Cr R Pascoe Cr G Taylor Cr L Tooman Cr R Hamilton

In Attendance: Richard Briggs – Chief Executive

David Wilson (retired District Court Judge) – External Presenter  
James McGillvray – City Solicitor – Tompkins Wake

Governance Staff: Becca Brooke – Governance Team Leader  
Amy Viggers and Rebecca Watson – Committee Advisors

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#### 1. Apologies

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the apology for absence from Cr Southgate is accepted.

#### 1. Confirmation of Agenda

**Resolved:** (Mayor King/Deputy Mayor Gallagher)  
That the Council approves the agenda.

#### 2. Declarations of Interest

Crs Taylor, Bunting and Henry each declared a pecuniary conflict of interest in relation to item 5 (Proposed changes to SKYCITY submissions process). They would not take part in the discussion or vote on the matter and left the meeting following their declarations.

### 3. Public Forum

**Sir David John Moxon** - Sir Moxon spoke to item 5 (Proposed changes to SKYCITY's Submission process). He noted that he was in support of Hamilton City Council's submission to oppose SKYCITY's proposal to exchange 3 blackjack tables for 60 gaming machines. He outlined the reasons for this being the harm that gambling, particularly with these types of gaming machines, did to the wider community and at risk groups.

### 4. Proposed changes to SKYCITY submission process

Mr David Wilson (retired District Court Judge) provided a presentation to Elected Members concerning his recommendation that the Council engage appropriate Queens Counsel representation and expert witnesses to create, manage and deliver a submission opposing the application by SKYCITY Hamilton. The Mayor outlined the process the Council had followed to date. Council's Solicitor then outlined the options the Council could employ with regards to a representative opposing the proposal at the hearing. Along with staff, Mr Wilson responded to questions from Elected Members concerning the application, the submissions and hearings process, and options available to lessen the cost to Council.

**Resolved:** (Mayor King/Cr Casson)

That the Council:

- a) receives the report;
- b) delegates authority to the CE to engage Tompkins Wake, appropriate Queens Counsel representation and expert witnesses to create, manage and deliver a submission opposing the application by SKYCITY Hamilton to exchange three blackjack tables for sixty gaming machines and to provide a reply and rebuttal submission on behalf of Hamilton City Council, up to a value of \$150,000;
- c) notes the legal and expert costs of preparing the submission will be funded from existing budget in the Mayor's Office;
- d) notes that the CE will approach other parties to contribute up to 50% of the funding; and
- e) delegates authority to the CE to finalise the submission on behalf of Council regardless of any external funding being received.

**Cr Mallet Dissenting.**

**The meeting was declared closed at 3.57pm.**

# Council Report

Item 6

**Committee:** Council

**Date:** 30 May 2019

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Council Open Minutes 18 April 2019

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<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 18 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Council Open Unconfirmed Minutes - 18 April 2019

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## Council

### OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 18 April 2019 at 9.33am.

#### PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:	Richard Briggs – Chief Executive
	Chris Allen – General Manager Development
	Jen Baird – General Manager City Growth
	Sean Hickey - General Manager Strategy and Communication
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	David Bryant – General Manager Corporate
	Julie Clausen – Programme Manager
	Robyn Denton – Operations Team Leader
	Jen Parlane – Parks Planner
	Nick Chester – Social Development Advisor

Governance Staff:	Lee-Ann Jordan – Governance Manager
	Becca Brooke – Governance Team Leader
	Amy Viggers – Committee Advisor

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*Tame Pokaia opened the meeting with a Karakia and then Reverend Stephen Black opened the meeting with a reading.*

*Cr Southgate was not present at the start of the meeting.*

#### 1. Apologies

There were no apologies.

**2. Confirmation of Agenda**

**Resolved:** (Mayor King/Cr Casson)

That the agenda is confirmed noting the following:

- a) Item 13 (Westtown Belt Masterplan – Approval for Public Consultation) attachment 1 (draft Hamilton West Town Belt Masterplan) has been circulated under separate cover and would be attached to the minutes as appendix 1;
- b) Item 16 (103 London St Encroachment License) has been circulated prior to the meeting as a late report. This item is unable to be taken to the following meeting of Council due to the timing of the development; and
- c) notes that that the order of items is to be flexible to accommodate members of public and Elected Member availability.

**3. Declarations of Interest**

Crs Bunting and Taylor noted that they had a conflict of interest in relation to item 16 (103 London St Encroachment License) and would not take part in the discussion or vote on the matter.

**4. Public Forum**

**Roger Stratford** spoke to item 14 (Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Hamilton City Council Remits for Consideration). Mr Stratford noted that he was in support of the phasing out the use of glyphosate due to environmental concerns.

**Grant Edwards of Edwards White Architects (Representing Urban Homes)** spoke to item 16 (103 London St Encroachment License). Mr Edwards noted that there was already an encroachment of 200mm at the site and that the current proposal was for that encroachment to increase to 500mm. He responded to questions from Elected Members concerning the three encroachment proposals.

*Cr Southgate joined the meeting (9.58am) during the public forum.*

*Crs Taylor and Bunting did not take part in the discussion or vote of the below item due to a previously declared conflict of interest.*

**16. Request for Encroachment Licence for 103 London Street**

The General Manager Infrastructure Operations introduced the report and noted that there was an updated staff recommendation for this item (*which was the motion below*). Staff responded to questions from Elected Members concerning the status of a draft Encroachment Licence Policy, the difference between the three proposals, and the potential effect the billboard could have on drivers and residents.

**Resolved:** (Mayor King/Cr Casson)

That the Council:

- a) receives the report;
- b) notes that in the absence of an approved Encroachment Policy, the following draft principles will be used in determining encroachment and airspace licence applications:
  - i. an encroachment request should not reduce the ability of the public to enjoy public spaces (e.g. it cannot allow only private or commercial uses).
  - ii. encroachments with greater public benefits than detriments should generally be accepted; those with greater public detriments than benefits generally should

not.

- iii. the structure over the road or encroaching should not cause any safety issues to other road or reserve users.
  - iv. people who are materially affected by a proposed encroachment should be consulted and their views considered when decisions are made.
  - v. encroachment does not interfere with the maintenance or utility carrying needs of the road reserve.
  - vi. the encroachment enables for an optimal economic outcome where an existing building is required to meet reasonable modern standards (e.g. recladding an existing building).
  - vii. the encroachment does not restrict Council's ability to make decisions in respect of the likely use of the affected public land, including air space, in the future.
  - viii. multiple encroachment's affecting the same site must be considered in their entirety, however, where an aspect of the encroachment is to meet reasonable modern standards as outlined in vi), further encroachments must be allowed where they do not materially change the impact of the encroachment to meet reasonable modern standards.
  - ix. where an encroachment and air space licence application does not meet the principles (i) to (viii), the licence application is to be considered by Council.
- c) endorses the staff position that an encroachment and air space licence for the existing cladding and building footprint of 103 London Street is approved;
  - d) approves the application for an encroachment and air space licence from Urban Homes for the redevelopment at 103 London Street including new cladding and a billboard in addition to the existing building footprint;
  - e) notes the Urban Homes encroachment application approval is made on the provision that the application meets the draft principles as outlined in b) above; specifically that the billboard encroachment does not materially alter the impact of the overall encroachment when considering the allowance for new cladding;
  - f) notes that the draft principles as outlined in b) above, will be used in the preparation of the draft 'encroachment policy report' to be considered at the 18 June 2019 Growth and Infrastructure Committee; and
  - g) delegates the Chief Executive to give effect to this resolution.

**14. Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Hamilton City Council Remits for Consideration**

The General Manager Strategy introduced the report noting that there was an error in the attachment which meant that the LGNZ Remit Policy was not attached to the report. It was circulated to Elected Members at the meeting and would be attached as **appendix 2** to these minutes. Staff responded to questions from Elected Members concerning Council's current policy regarding the use of glyphosate, the potential cost increase if Council was to change to other weed control methods, and the purpose the Local Government Official Information and Meetings Act (1987) request remit which was to seek a sector-wide best practice approach to the management of Local Government Official Information and Meetings requests.

**Resolved:** (Cr Macpherson/Cr O'Leary)

That the Council approves the submission of the following remit to the 10 May 2019 LGNZ Metropolitan Group meeting, proposing:

- i. LGNZ initiates a national review of Local Government Official Information and Meetings Act (1987) request management

**Cr Mallett Dissenting.**

**Motion:** (Mayor King/Cr O'Leary)

That the Council approves the submission of the following remit to the 10 May 2019 LGNZ Metropolitan Group meeting, proposing:

- i. LGNZ encourages member councils to consider using environmentally friendly weed control methods and requests the Chief Executive to develop a remit aligned to this.

**Amendment:** (Cr Henry/Cr Macpherson)

That the Council approves the submission of the following remit to the 10 May 2019 LGNZ Metropolitan Group meeting, proposing:

- i. LGNZ encourages member councils to commit to phasing out the use of glyphosate by 2025.

**The Amendment was put.**

**Those for the Amendment:** Deputy Mayor Gallagher, Crs Macpherson, Henry, Taylor and Hamilton.

**Those against the Amendment:** Mayor King, Crs Pascoe, Mallett, Tooman, O'Leary, Bunting, Casson and Southgate

**The Amendment was declared LOST.**

**The Motion was then put and declared CARRIED.**

**Resolved:** (Mayor King/Cr O'Leary)

That the Council approves the submission of the following remit to the 10 May 2019 LGNZ Metropolitan Group meeting, proposing:

- i. LGNZ encourages member councils to consider using environmentally friendly weed control methods and requests the Chief Executive to develop a remit aligned to this.

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council:

- a) receives the report; and
- c) notes the remits from Hamilton City Council will be submitted to the LGNZ Annual General Meeting on 7 July 2019 if the Metropolitan Group indicates their support.

**The meeting adjourned 11.42am to 11.52am.**

*Cr O'Leary retired from meeting during the above adjournment.*

*Deputy Mayor Gallagher left the meeting during the above adjournment.*

**13. West Town Belt Masterplan - Approval for Public Consultation**

The report was taken as read.

**Resolved:** (Mayor King/Cr Hamilton)

That the Council:

- a) receives the report;
- b) approves public consultation of the Draft Hamilton West Town Belt Masterplan from 29 April 2019 to 26 May 2019; and
- c) notes that the final decision on the plan will be brought back to the Council for consideration.

**11. Recommendations from the Community, Services & Environment Committee Meeting – 2 April 2019 – Event Sponsorship Policy Review and Draft Play Strategy**

The report was taken as read.

**Resolved:** (Cr Southgate/Cr Hamilton)

That the Council:

- a) approves the Event Sponsorship Policy Review; and
- b) approves the Draft Play Strategy.

**12. Recommendation from the Finance Committee Meeting – 9 April 2019 - Financial Strategy Monitoring Report**

**Resolved:** (Cr Mallett/Cr Pascoe)

That the Council:

- a) approves the rephrasing and delay deferrals of an additional \$26.3M capital projects from 2018/19 to future years as listed in the 9 April 2019 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 20 to 32 of this report; and
- c) approves the revised forecast Financial Strategy graphs for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 33 to 42 of this report.

**5. Confirmation of the Council Open Minutes - 14 March 2019**

Elected Members asked that clarification be made to the words 'rates rebate' to specify WEL Energy rates rebates.

**Resolved:** (Mayor King/Cr Casson)

That the Council confirm the Open Minutes of the Council Meeting held on 14 March 2019 as a true and correct record.

**6. Confirmation of Elected Member Briefing Open Notes - 28 February 2019**

**Resolved:** (Mayor King/Cr Hamilton)

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 February 2019 as a true and correct record.

**7. Confirmation of Elected Member Open Briefing Notes - 6 March 2019**

**Resolved:** (Mayor King/Cr Casson)

That the Council confirm the Open Notes of the Elected Member Briefing held on 6 March 2019 as a true and correct record.

**8. Confirmation of Elected Member Open Briefing Notes - 12 March 2019**

Elected Members asked for clarification to be made around the word 'Treasured' in the briefing notes.

**Resolved:** (Mayor King/Cr Tooman)

That the Council confirm the Open Notes of the Elected Member Briefing held on 12 March 2019 as a true and correct record.

*Deputy Mayor Gallagher rejoined the meeting at 12.04pm during the discussion of the above item. He was present when the matter was voted on.*

**9. Confirmation of Elected Member Open Briefing Notes (Annual Plan) - 21 March 2019**

**Resolved:** (Mayor King/Cr Hamilton)

That the Council confirm the Open Notes of the Elected Member Briefing (Annual Plan) held on 21 March 2019 as a true and correct record.

**10. Confirmation of Elected Member Open Briefing Notes - 28 March 2019**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

That the Council confirm the Open Notes of the Elected Member Briefing held on 28 March 2019 as a true and correct record.

**15. Resolution to Exclude the Public**

**Resolved:** (Mayor King/Deputy Mayor Gallagher)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of

the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes - 14 March 2019	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Closed Notes - 28 February 2019		
C3. Confirmation of Elected Member Briefing Notes - Closed - 28 March 2019		

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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)

**The meeting went into a public excluded session at 12.06pm.**

**The meeting was declared closed at 12.08pm.**

## Draft questions

### PREAMBLE

Thank you for providing feedback on the Draft West Town Belt Masterplan. The West Town Belt (WTB) is a large 54-hectare site in the centre of Hamilton and an important public open space that can contribute to delivering the city's open space needs.

The masterplan sets out a 30-year vision for the WTB, to help ensure consistent and well-informed future decisions.

The vision is supported by a set of goals, principles and key design moves. The plan includes short-term projects that can be implemented incrementally, and longer-term projects requiring more significant and strategic planning. Your feedback will help to shape the final masterplan.

The projects in this plan are not yet funded. The plan will help to prioritise funding through the 10-Year Plan process.

### QUESTIONS

#### 1. Vision, Goals, Principles and Key Design Moves: 'A dynamic, connected and treasured inner-city destination for everyone.'

Do you have any feedback on the Vision, Goals, Principles and Key Design Moves? (free text box)

#### 2. Masterplan Character Areas (include map)

The Masterplan has been organised into nine Character Areas (see page 76)

Each character area includes open space and streetscape projects contributing to achieving the vision, goals and principles of the masterplan.

Do you support the projects in each character area?

#### 3. Do you have any feedback on the Character Areas and projects? (Free text)

#### 4. What type of WTB projects are most important to you (please rank 1-6)?

- Strengthen and grow open space areas
- Provide better connectivity through active transport (cycling and walking)
- Embrace and enhance diverse cultural activities
- Strengthen and increase biodiversity and access

to natural areas

- Increase formal and informal recreational opportunities
- Improve how stadia relate to the public spaces and provide for the community
- Improved park infrastructure (picnic tables, rubbish bins etc).
- Improve heritage visibility and understanding
- Other (please specify)

#### 5. Are there any outcomes not included you would like to see added?

(Free text)

### SPECIFIC PROJECTS

#### 6. Norris Ward Park

The vision for Norris Ward Park is to be an intimate civic park with an arts and community focus, and possible future public transport hub.

The Masterplan proposes two future options, should the current buildings be removed at any stage in the next 30 years. Which of the options do you support?

- a) Development of new community facility, supporting the park as an arts and cultural hub/precinct.
- b) Return park to open green space and find alternative venue for lease holders.
- c) Other suggestions/comments.

#### 7. Norton Rd Roundabout

The vision for the Norton and Boyes Character Area is to be the leafy green 'heart' of the West Town Belt where community and families come to enjoy play spaces and events.

The Masterplan has two future options for the roundabout to improve cycling and pedestrian access, making Rostrevor St more pedestrian friendly and improving the links and amenity value of surrounding parks. Both options will investigate removing traffic from the section of Rostrevor St in the WTB. Which of the options do you support?

- a) Optimise pedestrian crossing across thresholds to roundabouts.
- b) Optimise pedestrian crossings, plus additional signalised crossings.
- c) Other suggestions/comments?

#### 8. Passing Red site

The vision for Hinemoa Park (where the sculpture Passing Red was located) is to be a destination park where diverse cultural activities, sports and recreation co-exist.

The Masterplan has three future options of the "Passing red" site on the Mill St side of Hinemoa Park. This space is zoned open space. It is currently reinforced concrete and asphalt used for informal commuter parking, adjoining the site where K'aute Pasifika is proposing to build a large fale.

Which of the options do you support?

- a) Retain reinforced concrete and asphalt areas as commuter parking in the short term, and review once the K'aute Pasifika proposal is completed.
- b) Maintain reinforced concrete for parking, and return the Hinemoa site to open space over the next 30 years, allowing for overflow parking for events.
- c) Maintain reinforced concrete for parking on the western side of Seddon Road, and repurpose as an informal skate space.
- d) Other suggestions/comments

#### 9. Beetham Park

The vision for the Whatanoa Character Area, where Beetham Park is located, is to become a community and recreation hub set in restored parkland.

The Masterplan provides two options for the future of Beetham Park. This space is currently used for commercial purposes by the Prodrive Golf Range, which has lease to operate on the site for the next 15 years. The park sits on top of the historic Whatanoa Paa site and closed landfill location.

Which of the options do you support?

- a) Continue to operate Beetham Park as a golf driving range - this currently works given the limitations placed on how a former landfill site is used.
- b) Begin the conversation about returning it to open space once the current lease expires
- c) Other suggestions/comments?

#### 10. Do you have any other comments (free text)

#### Demographic questions

- Age?:
- Part of city you live in?
- How often you use/visit/travel through the WTB currently?

## Advertising: Print

Mail drop  
200 x DLE



Community hub  
posters  
30 x A3 posters



West Town Belt  
Sites  
10 x A0 corflutes



## Advertising: Standard HCC avenues

- HCC website and masterplan homepage
- City news
- Radio interview
- Media release
- Social media

# DRAFT QUESTIONS AND OUTLINE OF ENGAGEMENT COLLATERAL

Attachment 1

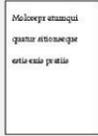
Item 6

### Online Survey

**INFORMATION**  
Electronic document



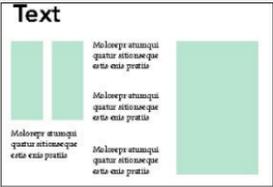
**FEEDBACK CAPTURE**  
Electronic survey

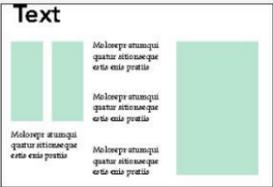
### Council foyer + library displays

**INFORMATION**  
Display Posters

**Text**



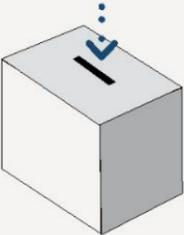
**Text**



1 x Bound hardcopy

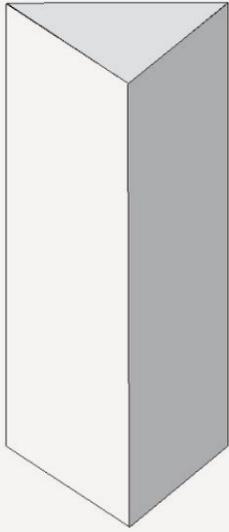


**FEEDBACK CAPTURE**  
Hardcopy survey questions



### Main Open Day (x1) and Tag Along Open Days (minimum of two)

**INFORMATION**  
Triangular information stands



**FEEDBACK CAPTURE**  
iPads (to access online survey)



A0 Map (info capture tool. Post its and pens)



2-3 x Bound hardcopies



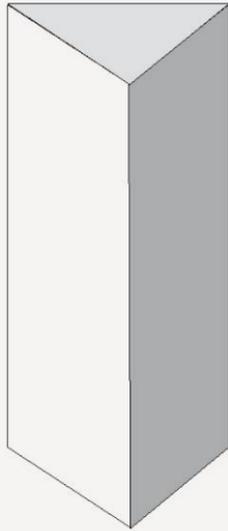
DLE take away



Business Card take away

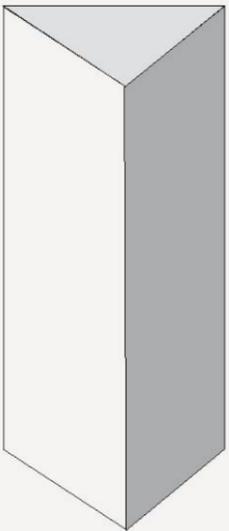


Possibly Triangular feedback stands (sticky dot/pin-based questions)



### Stakeholder Workshops

**INFORMATION**  
Triangular information stands



2-3 x Hardcopies



**FEEDBACK CAPTURE**  
A0 Plans (overall + site specific. Info capture through drawing and post-its)



Whiteboard feedback

## LOCAL GOVERNMENT NEW ZEALAND REMIT POLICY

The criteria for considering remits were reviewed in March 1999 and National Council adopted the following Remits Screening Policy:

1. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group (or an individual council.)
2. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.
3. Remits must have formal support from at least one zone or sector group meeting, or five Councils, prior to their being submitted, in order for the proposer to assess support, clarity of the proposal etc.
4. Remits defeated at the AGM in two successive years will not be permitted to go forward.
5. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome.
6. Remits that deal with issues or matters currently being actioned by LGNZ may also be declined on the grounds that the matters raised are "in-hand." This does not include remits that deal with the same issue but from a different point of view.
7. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates. Such background should show:
  - the nature of the issue
  - the background to its being raised
  - the issue's relationship, if any, to the current Work Programme and its objectives
  - the level of work, if any, already undertaken on the issue by the proposer, and outcomes to date
  - the outcomes of any zone or sector meetings which have discussed the issue
  - suggested actions that could be taken by LGNZ should the remit be adopted.

### Process

Under the remits process:

- a remits committee (comprising the President, Vice Presidents and chief executive) is to be formed to review and assess proposed remits against the criteria described in this policy
- to allow time for the remits committee to properly assess remits, all proposed remits and accompanying information are forwarded to LGNZ within two months prior to the AGM

**Appendix 2**

- prior to their assessment meeting, the remits committee will receive a staff report on each remit. The reports will assess each remit against the criteria outlined in this policy
- proposers whose remits fail to meet the tests imposed by this policy will be informed prior to the AGM of the Committee's decision, alternative actions available, and the reasons behind the decision.

To ensure quality preparation for members' consideration at the AGM, the committee will not consider or take forward proposed remits that do not meet this policy, or are received after the due date.

**General**

Remits discussed at the AGM will be presented in the AGM Business Papers that will be with delegates not later than 2 weeks before the AGM, as required by the Rules.

# Council Report

Item 7

**Committee:** Council

**Date:** 30 May 2019

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Extraordinary Council Open Minutes 29 April 2019

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<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 29 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Extraordinary Council Open Unconfirmed Minutes - 29 April 2019

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## Council

### OPEN MINUTES

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Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Monday 29 April 2019 at 1.00pm.

#### PRESENT

Chairperson Mayor A King  
Members Cr J R Casson  
Cr S Henry  
Cr D Macpherson  
Cr G Mallett  
Cr R Pascoe  
Cr P Southgate  
Cr L Tooman  
Cr R Hamilton

In Attendance: Richard Briggs – Chief Executives  
Jen Baird – General Manager City Growth  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Andrew Parsons – Strategic Planning Manager  
Luke O’Dwyer – City Planning Manager  
Laura Galt – Immediate Planner  
Robyn Denton – Operations Team Leader

Governance Staff: Lee-Ann Jordan - Governance Manager  
Amy Viggers and Rebecca Watson – Committee Advisors

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#### 1. Apologies

**Resolved:** (Mayor King/Cr Hamilton)

That the apologies for absence from Deputy Mayor Gallagher, Crs Bunting, O’Leary and Taylor, and for early departure from Cr Mallett are accepted. Cr Southgate was not present at the start of the meeting.

#### 2. Confirmation of Agenda

**Resolved:** (Mayor King/Cr Casson)

That the agenda is confirmed noting the following:

- a) that the late item 8 (Whakatane District Council Proposed LGNZ Remit: Road Safety) be accepted. It was added to the agenda as a late item as Whakatane District Council has requested a response by 10 May 2019 so that they can submit it to LGNZ for consideration by

member councils at this year's Annual General Meeting in July 2019. It would be attached to the minutes of the meeting as appendix 1; and

- b) that the late item C1 (Release of Public Excluded Resolution, Report and Minutes) be accepted. It was added to the agenda as a late item to enable a timely decision on the matter. The general subject of each matter to be considered while the public is excluded under Section 48(1)(a) and Section 7 (2) (j) [to prevent the disclosure or use of official information for improper gain or improper advantage] of the Local Government Official Information and Meetings Act 1987.

**3. Declarations of Interest**

No members of the Council declared a Conflict of Interest.

**4. Public Forum**

No members of public wished to speak.

**5. Special Housing Area Application – Quentin Drive, Enlarged Proposal**

The Intermediate Planner outlined the process for the item, noting that the applicants would speak first followed by submitters and then staff would speak to the report. She noted that a letter from Submitter Julie Vickers who was unable to attend the meeting had been provided to Elected Members, as well as a copy of the written submission from Te Haa O te Whenua O Kirikiriroa that had not been included in the original report in error. A copy of the letter is attached to these minutes as appendix 2. A copy of the submission is attached to the minutes as appendix 3.

Applicants Leonard Gardner (Fosters Group), Bevan Houlbrooke (CKL Planning), Mark Mawdsley (PAUA Architects), Craig Smith (Golden Homes), and Blake Richardson (Golden Homes) outlined the Quentin Drive Special Housing Area application. They responded to questions from Elected Members regarding reverse sensitivity concerns, access points to the development, minimal housing yield, stakeholder engagement, and other specifics of their application. Staff responded to questions from Elected Members concerning the Special Housing Area process.

Submitter Rawiri Bidois (representing Te Haa O te Whenua O Kirikiriroa) spoke to their submission opposing the special housing application. Mr Bidois noted that if there was a commitment from the applicant to consult with iwi, should the application proceed further, they would be happy to withdraw their opposition.

Summitters Mr Ebert, Mr Ninnes, Mr Puriri and Mr Randall (Greater Gilbass Area Residents Association) spoke to their submission opposing the Quentin Drive Special Housing Area application. They highlighted concerns raised in their submission including the developments stormwater infrastructure, pedestrian access to the development and social development issues. They responded to questions from Elected Members concerning the design of the development.

Submitter Craig McGarr (Bentley & Co) spoke on behalf of owners at 22 & 26 Alison Street and their submission in opposition to the development, noting their concerns were regarding the easement running alongside their property, preservation of their legal rights and the right to be consulted on the application in the next stage. He responded to questions from Elected Members concerning the application process, proposed concept design, and Qualifying Development process (QD phase).

Dr John Goldsmith spoke to his submission in opposition of the SHA application noting that he had a number of concerns relating to residents health and wellbeing as noted in his submission.

The City Planning Manager and the Intermediate Planner then spoke to the report, noting that they had updated their recommendation based on the verbal submissions. Staff responded to questions from Elected Members concerning the qualifying design and the Special Housing Application processes, points raised during the verbal submissions and the timeline for Ministry of Housing and Urban Development to make a decision on the application if it were to proceed.

**Resolved:** (Mayor King/Cr Macpherson)

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive to:
  - i. finalise and sign a Statement of Intent (SOI) around how, at a high level, key infrastructure is to be provided and funded in accordance with the Hamilton Special Housing Areas Policy 2017 and the Growth Funding Policy 2016;
  - ii. negotiate with the applicant, prior to lodging any qualifying development consent, and sign a Private Development Agreement (PDA) to secure detailed provisions on necessary infrastructure development and funding in accordance with the signed SOI, the Hamilton Special Housing Areas Policy 2017 and the Growth Funding Policy 2016;
- c) requires Quentin Residential Ltd (QRL) works with Te Haa o te Whenua o Kirikiriroa to complete a cultural assessment prior to applying for a qualifying development consent, and that this obligation be included in the SOI to be finalised as per part b of the recommendation;
- d) requires Quentin Residential Ltd (QRL) include a commitment in the SOI to accept that land at Lot 3 DPS 13737 is an affected party for the purposes of any qualifying development;
- e) recommends to the Associate Minister of Housing and Urban Development, pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, that a Special Housing Area be established over Quentin Drive, identified as Stage 1 and Stage 2 on the draft concept plan set out in **Attachment 1**, subject to a SOI agreement being concluded in accordance with the terms established in recommendation b) above;
- f) confirms, for the purpose of section 16 of the Housing Accords and Special Housing Areas Act, that it is satisfied that there is:
  - i. evidence of demand to create qualifying developments in the SHA;
  - ii. demand for residential housing in the SHA;
  - iii. adequate infrastructure, either existing or likely to exist, to service the proposed Special Housing Area;
- g) recommends to the Associate Minister of Housing and Urban Development, pursuant to section 17 of the Housing Accord and Special Housing Areas Act 2013, that the Special Housing Area has prescribed criteria as follows:
  - i. the maximum calculated height of dwellings shall be 10m;
  - ii. the SHA shall not contain fewer than 25 dwellings;
  - iii. the SHA shall not contain less than 10% of affordable dwellings as defined in the Hamilton Special Housing Area Policy 2017.

**Crs Tooman and Pascoe Dissenting.**

*Cr Southgate joined the meeting at 1.07pm during the discussion of the above item. She was present when the matter was voted on.*

The meeting adjourned 2.37pm to 2.50pm during the discussion of the above item.

**6. Representation Arrangements 2019**

The report was taken as read.

**Resolved:** (Mayor King/Cr Hamilton)

That the Council:

- a) receives the report; and
- b) notes that the Local Government Commission's determination confirms the representation arrangements for Hamilton from 2019 as set out in the Council's final proposal, i.e. status quo.

*Cr Mallett retired from the meeting at 4.18pm at the conclusion above item. He was present when the matter was voted on.*

**7. Thames-Coromandel District Council Proposed LGNZ Remit: Remote Camp Site Definition**

The report was taken as read.

**Resolved:** (Mayor King/Cr Henry)

That the Council:

- a) receives the report; and
- b) endorses the proposed remit from Thames-Coromandel District Council regarding an amendment to the Camping Group Regulations (attachment 1 of this report).

**8. Late Item: Whakatane District Council Proposed LGNZ Remit: Road Safety**

The Governance Manager introduced the item and responded to questions from Elected Members concerning the LGNZ remit process.

**Resolved:** (Cr Macpherson/Cr Casson)

That the Council:

- a) receives the report; and
- b) endorses the proposed remit from Whakātane District Council regarding road safety (attachment 1 of this report).

**Cr Tooman Dissenting.**

**9. Resolution to Exclude the Public**

**Resolved:** (Mayor King/Cr Southgate)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Release of public Excluded Minutes, Resolutions and Report	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 ) ) ) )	Section 48(1)(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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

- Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

**The meeting went into a public excluded session at 4.23pm.**

**The meeting was declared closed at 4.34pm.**

# Council Report

Item 8

Item 7

**Committee:** Council **Date:** 29 April 2019  
**Author:** Lee-Ann Jordan **Authoriser:** David Bryant  
**Position:** Governance Manager **Position:** General Manager Corporate  
**Report Name:** Whakatane District Council Proposed LGNZ Remit: Road Safety

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council of a proposed remit for the Local Government New Zealand (LGNZ) Annual General Meeting 2019 relating to road safety from Whakātane District Council.
2. To seek a decision as to whether or not the Council wishes to support the proposed remit.

## Staff Recommendation

3. That the Council:
  - a) receives the report; and
  - b) endorses/does not endorse the proposed remit from Whakātane District Council regarding road safety (attachment 1 of this report).

## Discussion

4. Member authorities of LGNZ (member councils) have been invited to submit remits for consideration at the LGNZ Annual General Meeting on Sunday 7 July 2019.
5. If supported at the AGM by the majority of member councils present, remits will be actioned by LGNZ.
6. Remits must be of a major policy nature and relevant to local government as a whole rather than a single sector or council.
7. Remits proposed to the AGM must have support from at least one zone or sector group meeting or from five councils. Evidence of this support is part of the submission.
8. On Friday 26 April 2019 an email from the Mayor of Whakātane District Council was received asking Hamilton City Council (and other councils) to support their remit by 10 May 2019 so that they can submit it to LGNZ for consideration by member councils at this year's Annual General Meeting in July.

Attachment 1

**Appendix 1**

**Item 8**

9. Whakātane District Council is proposing a remit to request the New Zealand Transport Authority (NZTA) review its Code of Practice for Temporary Traffic Management (CoPTTM) and review its CoPTTM Training System. The proposed remit also encourages Road Controlling Authorities (RCAs) to work with NZTA on a review of local road Temporary Traffic Management, and to adopt, with urgency, any local road CoPTTM improvements that arise from the review.
10. Council staff have not developed this report so are unable to comment authoritatively on considerations such as financial implications and risk.
11. However, staff consider the decision in this report has low significance and that the recommendation complies with the Council's legal requirements.

**Attachments**

Attachment 1 - Draft Remit LGNZ Road Safety proposals May 2019

Appendix 1

FROM THE OFFICE OF HIS WORSHIP THE MAYOR



Item 7

26 April 2019

To my fellow Mayors and Councils

**REQUEST FOR SUPPORT OF AN LGNZ REMIT RELATED TO ROAD SAFETY**

I am writing to you to request your support for a remit that I wish to put forward to the LGNZ Annual General Meeting in July 2019 related to road safety. A copy of the draft remit and background information is attached to this letter. I would appreciate your support for this remit before Friday 10 May 2019 in order to submit this to LGNZ.

After the recent tragic events in my district, where three road workers were killed, I believe we have to ask ourselves are we doing all that we can to ensure those working on our roads are safe from harm. As Mayor I have raised at recent Regional Transport Committee meeting my concern about the level of public discontent with traffic management on road work sites by contractors, and, in my view, evidence that a high proportion of motorists tend to ignore temporary speed sign restrictions. I believe this has come about particularly on unattended sites, where traffic management speeds don't seem appropriate or are left in place too long.

Our roading team at Whakatane District Council have already been working proactively with NZTA and local contractors to review traffic management requirements. However I believe a national response is appropriate and would indicate the support of local government as a whole for this work. The remit that I intend, with your support, to propose is attached.

Broadly this would:

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

I ask your Council to consider this information, and to confirm your support for the attached Remit by reply to me before Friday 10 May 2019.

Yours sincerely

Tony

**MAYOR  
WHAKATĀNE DISTRICT**

Attachment 1

P +64 7 306 0500 E info@whakatane.govt.nz Commerce St, Private Bag 1002  
F +64 7 307 0718 W www.whakatane.govt.nz Whakatane 3158, New Zealand

## Appendix 1



## Draft Remit - LGNZ

This Remit is in two parts;

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);
  - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
    - i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner
  - b. Review its CoPTTM Training System to ensure;
    - i. Trainers are sufficiently qualified and adequately covering the training syllabus
    - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
    - iii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
  - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.
2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
  - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
  - b. Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.

OBJECTIVE: A1508216

## Background Information and Research

### 1. Nature of the Issue

Four road workers have been killed on New Zealand roads this calendar year, and we need to ask ourselves, are we doing all that we can to ensure those working on our roads are safe from harm.

There is an increasing level of public discontent with the level of discipline around traffic management being maintained on roadwork sites by contractors, particularly on unattended sites, where all too often the temporary traffic management on site does not seem appropriate, or to adequately inform motorists of the need for the restrictions, or is left in place for too long.

### 2. Background to it being Raised

Frameworks for the safe management of roadworks have been in place for over 2 decades now, and during this time they have evolved and improved to keep up with the changing risks in the workplace environment.

The current framework is the New Zealand Transport Agency’s Code of Practice for Temporary Traffic Management, 4<sup>th</sup> edition 2018 (CoPTTM).

This is a comprehensive document that applies a risk based approach to temporary traffic management, based on a road’s classification and intensity of use, and the nature of works required to be undertaken on the road.

It is closely aligned to the Health and Safety at Work Act 2015, recognising the statutory duty of all those involved with activities on or adjacent to the road, to systematically identify any hazards, and if a hazard is identified, to take all reasonably practical steps to ensure no person is harmed.

It includes steps to eliminate risks to health and safety and if it is not reasonably practicable, to minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.

CoPTTM also includes a risk matrix to help determine what is the appropriate temporary speed limit, that should be applied to a worksite, whether attended or unattended.

It further contains procedures for undertaking safety audits and reviews of worksites, including the ability to close down worksites that are identified as unsafe following an audit.

OBJECTIVE: A1508216

## Appendix 1



## Draft Remit - LGNZ

There are no financial penalties for non-compliance, although there are a range of other penalties that can be imposed, including the issue of a notice of non-conformance to individuals or companies, and a '3 strikes' system whereby the issue of three non-conformances within a 12 month period results in sanctions being imposed. These can include:

- removal of any prequalification status,
- reduction of quality scores assigned in tender evaluations,
- forwarding of non-conformance to the appropriate Standards organisation which may affect the company's ISO9000 registration,
- denial of access to the road network for a period of time,
- requirement for the company to have someone else provide their TTM
- staff retraining for CoPTTM warrants.

In principle there would seem to be sufficient processes in place to ensure that traffic management on road worksites was appropriate and adequately provided for the safety of workers on site, the general public, and passing traffic.

However, this year has seen four road workers killed whilst working on our roads.

There is also a growing level of discontent from motorists regarding the appropriateness of signs that are left out on unattended sites.

Often these signs are perceived to be (any combination of) unnecessary, poorly located, incorrectly advising the condition of the road ahead, having an inappropriate speed limit, or being left out to long

**3. Issues Relationship, if any, to the current Local Government New Zealand Business Plan and its objectives;**

Local Government New Zealand has five policies in place to help achieve their sector vision: *Local democracy powering community and national success.*

Policy Priority 1 is Infrastructure, which focuses on water, transport and built infrastructure. The Transport statement states that a national policy framework is needed to achieve five outcomes. One outcome is 'a safe system, increasingly free of death and serious injury'.

This remit is aligned to this priority outcome as it is focused on reducing safety risks, death and serious injury in locations where road works are being undertaken.

**4. Level of work, if any, already undertaken on the issue by the proposer, and outcomes to date**

OBJECTIVE: A1508216



# Draft Remit - LGNZ

The Whakatāne District Council has been working proactively with NZTA and its local contractors to review its own traffic management requirements, the level of compliance with those requirements, and the adequacy of its auditing processes and frequencies.

There has been positive engagement with NZTA and the local contracting sector on this matter.

The process has identified improvements that could be effected by both the Council and its contractors. A plan is being developed to socialise the outcomes with NZTA and other RCA's, and this REMIT forms part of that plan.

The New Zealand Transport Agency is also responding to the recent deaths by initiating immediate temporary changes to pertinent traffic management plans, and considering permanent changes through its standard CoPTTM review process.

There is currently no national initiative to require local government RCA's to review their practices in response to these deaths.

**5. Resolution, outcome and comments of any zone or sector meetings which have discussed the issue;**

This remit has not been presented to zone or sector meetings at this stage.

**6. Suggested actions that could be taken by Local Government New Zealand should the Remit be adopted.**

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM improvements that arise from the review.

OBJECTIVE: A1508216

Appendix 2

# Proposed Special Housing Area

## Feedback form

Name: Te Haa O te Whenua O Kirikiriroa  
 Address: Po Box 13054 Hillcrest Hamilton 3251  
 Email: raniribidois@gmail.com  
 Phone (daytime): 027 244 2179

**Note:** Please be aware when giving feedback/making a submission/responding to a survey that all responses are part of the consultation process.

This means that your name (but not contact details) may be reproduced and included in the Council's public documents such as agendas and minutes. These documents are available on the Council's website at [hamilton.govt.nz](http://hamilton.govt.nz).

**Please send us your feedback by 5pm on Friday 12 April 2019**

Drop it in to the Council building in Garden Place or post it back to us:

Freepost 172189  
 C/- Special Housing Areas  
 Hamilton City Council  
 Private Bag 3010  
 Hamilton

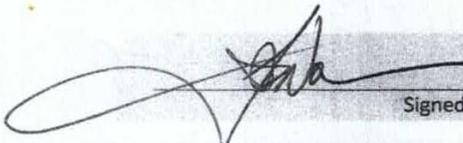
Proposed Special Housing Area you're providing feedback on:

QUENTIN DRIVE

My/our feedback on the proposal is\*:  
 (please print clearly)

Te haa O te Whenua O Kirikiriroa OBJECTS to the project being approved - Consented because consultation with MANA WHENUA Maori, has NOT taken place, meaning that we haven't had the opportunity to provide input into the project, particularly in respect to Cultural Safety.

I wish to speak in support of my feedback at the Council meeting on 29 April 2019

  
 Signed

11-4-2019  
 Date

\* Feel free to include any additional pages or images with your feedback.

 [sha@hcc.govt.nz](mailto:sha@hcc.govt.nz)

 Hamilton City Council

### Appendix 3

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**From:** Julie Vickers  
**Sent:** Monday, 29 April 2019 06:39  
**Subject:** Re: Council Meeting 29 April - Quentin Drive SHA

Hi  
Thank you for this.

I am part of the Greater Gilbass Area Residents' Association Incorporated so I understand that I will effectively be represented at the meeting by them. The plan that is going before Council has changed from what had been consulted on and in your email of April 18 you state that it is subject to further change. Although access via Gilbass Avenue was taken off the plans following submissions regarding stage 1, pedestrian access is now on the plan. Comments about this have been included in the Association's submission. Is there potential for a road to be back on the agenda? I would be particularly concerned about road access being introduced again. At what point are the proposed plans considered final and who has the opportunity to comment on them?

Regards  
Julie

# Council Report

**Committee:** Council **Date:** 30 May 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation of the Elected Member Open Briefing Notes 2 April 2019

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 2 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Elected Member Open Unconfirmed Briefing Notes 2 April 2019

## Elected Member Briefing Notes – 2 April 2019 – Open

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Item 8

<b>Time and date:</b>	3.27pm, 2 April 2019
<b>Venue:</b>	Council Chamber, Hamilton City Council
<b>In Attendance:</b>	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O’Leary, Henry, Southgate, Bunting, Mallett, Casson, Tooman, Macpherson, Hamilton, Maangai Maaori, Te Ua, Takiari- Brame and Whetu
<b>Apology for Full Session:</b>	Cr Taylor
<b>Apologies for lateness/early departure:</b>	Crs O’Leary, Southgate, Pascoe, Maangai Maaori Thompson-Evans, and Te Ua

### Discussion

The briefing session covered in a closed session.

- Draft West Town Belt Masterplan

### Draft West Town Belt Masterplan

*(Presentation was provided)*

The General Manager Community and the Parks Planner explained the focus for the briefing was to address the matters raised at the 12 March 2019 Elected Member Briefing concerning the West Town Belt Masterplan consultation material.

Elected Members asked questions in relation to the following:

- carparking areas,
- terminology used within the consultation document,
- placement of signalised crossings on the Norton Road roundabout,
- opportunities to change the skate park and football areas in the ‘Passing Red’ site,
- fencing around cemetery area to enable view,
- usage of gully area, and
- reconfiguration of shared parking space next to cemetery.

Attachment 1

# Council Report

**Committee:** Council **Date:** 30 May 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation of Elected Member Open Briefing Notes - 11 April 2019

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 11 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Elected Member Open Unconfirmed Briefing Notes - 11 April 2019

## Elected Member Briefing Notes – 11 April 2019 – Open

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<b>Time and date:</b>	1.15pm, 11 April 2019
<b>Venue:</b>	Council Chamber, Hamilton City Council
<b>In Attendance:</b>	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, Henry, Southgate, Mallett, Casson, Hamilton, Bunting, Tooman, Maangai Te Ua and Thompson-Evans.
<b>Apology for Full Session:</b>	Cr Macpherson, O’Leary and Taylor.
<b>Apologies for lateness/early departure:</b>	Cr Bunting, Tooman, Maangai Te Ua and Thompson-Evans.

### Discussion

The briefing session covered the following topics in an open session.

- Healthy Rivers
- Infill and Intensification and the City’s Need for Growth

There were a number of key points arising from the discussion:

#### 1. **Healthy Rivers**

*(Presentation was provided)*

The Senior Planner, City Planning explained that the purpose of the presentation was to provide an overview of the work being done to promote healthy rivers and the targets set in place as part of the District Plan change to achieve this.

Elected Members asked questions in relation to the following:

- opportunities for Elected Members input into the HCC submission,
- possible financial impact on ratepayers and businesses.

**Staff action:** *staff undertook to circulate a copy of the submission on the District Plan Change to Elected Members.*

#### 2. **Infill and Intensification and the City’s Need for Growth**

*(Presentation was provided)*

The City Planning Manager and the Planning Guidance Manager explained that the purpose of the presentation was to provide an overview of infill and intensification in the city and the differences between the two concepts.

Elected Members asked questions in relation to the following:

- definition of duplex and apartment,
- access to green spaces and parks, particularly for children,
- possible traffic issues with intensification,
- size of new duplex units and ability to house families,
- demand for housing,
- sightline rules for new development,
- NPS-UDC accuracy and methodology.

# Council Report

**Committee:** Council **Date:** 30 May 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Confirmation of Elected Member Open Briefing Notes - 30 April 2019

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 30 April 2019 as a true and correct record.

## Attachments

Attachment 1 - Elected Member Open Unconfirmed Briefing Notes - 30 April 2019

## Elected Member Briefing Notes – 30 April 2019 – Open

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<b>Time and date:</b>	10.30am, 30 April 2019
<b>Venue:</b>	Committee Room 1, Hamilton City Council
<b>In Attendance:</b>	Mayor King, Crs O’Leary, Taylor, Henry, Southgate, Bunting, Mallett, Casson, Hamilton, Tooman, Macpherson, Maangai Maaori Takiari-Brame, Hill and Whetu.
<b>Apology for Full Session:</b>	Deputy Mayor Gallagher, Cr Pascoe, Maangai Maaori Te Ua and Thompson-Evans.
<b>Apologies for lateness/early departure:</b>	Nil

### Discussion

The briefing session covered in an open session:

- Rototuna Village: Community Engagement Feedback
- Garden Place – Expressions of Interest
- Peacocke Programme: Waikato River Bridge

There were a number of key points arising from the discussion:

**1. Rototuna Village: Community Engagement Feedback**  
*(Presentation was provided)*

The Key Projects Programme Manager explained that the purpose of the presentation was to provide an overview of the community engagement process undertaken to date concerning the Rototuna Village area, and outline the process to be undertaken in the future. Elizabeth Hunt of the Rototuna Project Team provided an overview of some of the feedback received to date concerning Rototuna A and Rototuna B options consulted on.

Students from Rototuna High School also spoke to the presentation and gave an overview of their feedback on the Rototuna Village area gathered as part of their work undertaken on the project.

Elected Members asked questions in relation to the following:

- creative outdoor event areas,
- process of gathering of ideas for spaces,
- which groups had been the largest and the smallest that the students had interviewed,
- whether the students would be prepared to physically help build the Village area.

**2. Garden Place – Expressions of Interest**  
*(Presentation was provided)*

The Key Projects Programme Manager explained that the purpose of the presentation was to receive feedback from Elected Members concerning the priorities for Garden Place and Worley Place shared spaces, as renewal was required in these areas.

Elected Members advised that temporary maintenance/repairs should be undertaken to keep the area safe for the public for at least 6 months.

Elected Members asked questions in relation to the following:

- how Garden Place fitted into the Central City Master Plan, and functionality and purpose of the Garden Place space,
- timeframes and the impact on resolutions regarding Garden Place already passed by the Council on the Central City Master Plan,
- consultation and Expressions of Interest process to be undertaken,
- work required to repair the Garden Place and Worley Place areas,
- whether NZTA funding was available for the repair of some of the areas of cobblestones and concrete,
- whether postponement of some of the areas of repair was an option.

**Staff action:** Staff undertook to research the Planning Consents and feedback received on these for the Centre Place Mall and confirm what approved during the consent process.

### 3. Peacocke Programme: Waikato River Bridge

*(Presentation was provided)*

The Strategic Development Manager and the Project Engineer explained that the purpose of the presentation was to receive feedback from Elected Members on the general bridge features in the Peacocke area. They gave an overview of the process undertaken to date, as well as the importance of the Peacocke bridge to the development of the area.

Elected Members asked questions in relation to the following:

- height and span of the bridge, and whether the bridge could be dug down to lower the height,
- inclusion of infrastructure such as power/waste water in the bridge design,
- ownership of the land under the bridge footprint,
- opportunities for partnership with companies for recreation opportunities,
- feedback received from stakeholders on bridge design and requirements,
- the Peacocke business case and whether conditions had been linked to the bridge design,
- input from Iwi into the design process.

**Staff action:** Staff undertook to approach AJ Hackett to enquire about possible partnership opportunities and other uses for the proposed bridge.

**Staff action:** Staff undertook to contact Craig Munz for further consultation opportunities to be undertaken with Iwi.

# Council Report

Item 11

**Committee:** Council

**Date:** 30 May 2019

**Author:** Amy Viggers

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Chair's Report

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<b>Report Status</b>	<i>Open</i>
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## Recommendation

That the Council:

- a) receives the report; and
- b) approves the Council's submission to the Remuneration Authority as is set out in Attachment 2 of this report.

## Attachments

Attachment 1 - Chair's Report

Attachment 2 - Submission to the Remuneration Authority on Childcare Allowance for Elected Members of Local Government

Attachment 3 - Childcare Allowance Proposed Policy Paper



# Chair's Report

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## **Submission to the Remuneration Authority on Childcare Allowance for Elected Members of Local Government**

On the 15 April 2019 the Remuneration Authority sent out via email to all councils a policy paper proposing a Childcare Allowance for elected members. On the 16 April 2019 the Governance Manager circulated via e-mail the proposed policy to all Councillors, asking whether the council or individual elected member wished to make a submission on this matter.

I understand proposed feedback was emailed to the Governance Manager and all Councillors by Cr Macpherson in support of the proposal.

Submissions must be received by the Remuneration Authority by the closing date which is 31 May 2019.

The proposal highlights the issue of access to childcare as a barrier preventing people standing for a local authority.

Given the lack of other feedback I have prepared a submission for the Council to consider and submit in support of the proposal.

The submission is relatively self-explanatory about the points raised.

### **Recommendation**

That the Council:

- a) receives the report; and
- b) approves the Council's submission to the Remuneration Authority as is set out in Attachment 2 of this report.

### **Attachments**

Attachment 1- Submission to the Remuneration Authority on Childcare Allowance for Elected Members of Local Government

Attachment 2- Childcare Allowance Proposed Policy Paper

Andrew King

**Mayor - Hamilton Kirikiriroa**

## Submission by

## Hamilton City Council

### Remuneration Authority Proposal on Childcare Allowance for Elected Members of Local Government

30 May 2019

#### 1.0 INTRODUCTION

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Remuneration Authority on Childcare Allowance for Elected Members of Local Government
- 1.2 HCC would like to thank the Remuneration Authority for the work undertaken to prepare the proposal.

#### 2.0 SUPPORT FOR CHILDCARE ALLOWANCE FOR ELECTED MEMBERS OF LOCAL GOVERNMENT

- 2.1 HCC supports in principal the Childcare Allowance for Elected Members of Local Government proposal.
- 2.2 HCC has several comments about the “Proposed Approach” outlined on page 5 of Remuneration Authority Policy Paper
- 2.3 HCC supports individual councils making the decision to include a childcare allowance into their policy documents or not
- 2.4 HCC supports the eligibility criteria set down in sections (1) and (2)
- 2.5 HCC considers the \$6000 per annum maximum allowance as acceptable and appropriate.
- 2.6 HCC has concern about the \$15 per hour maximum allowance as it is \$2.70 an hour less the minimum wage. We believe it sends a poor message that childcare is valued less than the minimum wage. To keep any allowance in scale it should be at least the minimum wage.
- 2.7 HCC also believes the \$15 per hour maximum becomes restrictive when there are multiple children engaged in childcare. An example provided was a local holiday program provides a \$10 per hour per child program. If two children from an elected member’s family were to attend it would cost \$20 an hour but the member would only able to get 75% of the cost covered. However, a single child attending would be covered 100% by the allowance. HCC would support removing an hourly rate maximum from the proposal and believe the \$6000 per annum be the primary restricting financial condition so elected members can use the allowance as it best suits their needs.
- 2.8 HCC does not support (3)(c) *A local authority may not make childcare allowance payments to a member in respect of childcare provided for more than 8 hours in any 24-hour period.* While it is anticipated that this would not normally be of concern. However, during Annual Plan and the Long

Term plan discussions and deliberations, these meetings can often extend past 8 hours a day and may occur over several consecutive days. Given that many significant decisions that are made during these times, this is when a childcare allowance would be most useful to an elected member.

Attachment 2

### 3.0 FURTHER INFORMATION AND HEARINGS

- 3.1 Should the Remuneration Authority require clarification of the above points, or additional information, please contact my office on 07 838 6645, email [Andrew.king@hcc.govt.nz](mailto:Andrew.king@hcc.govt.nz) in the first instance.
- 3.2 HCC **does not wish to speak** to this submission.

Yours faithfully

**Andrew King**  
**Mayor Hamilton-Kirikiroa**

Item 11



Remuneration Authority

Item 11

## Policy Paper

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### Childcare Allowance for Elected Members of Local Government

Attachment 3

April 2019

## Executive Summary

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1. Over the past few years, the Remuneration Authority has received submissions from councils, groups of elected members and individuals requesting that there be an allowance for childcare for elected members in local government while they attend to local authority business. There were concerns that a lack of financial support for childcare created a barrier for people, in particular women, to enter into elected positions in local government. Research shows that a number of councils in similar jurisdictions (Australia and the United Kingdom) provide their elected members with allowances to cover costs associated with child and dependent care whilst the elected member is on council business. The Authority has decided to provide for councils to pay a childcare allowance if they wish. This paper contains details of the proposed policy as well as some background information.

## Background

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2. Under Schedule 7, Section 6 of the Local Government Act 2002, the Authority must determine the remuneration, allowances, and expenses payable to all elected members of local authorities. At present, the Authority determines allowances for vehicle mileage, travel time and communications. Each individual council considers its approach to the expenses and allowances and writes its own policies within the upper limits set by the Authority.
3. In its major review of local government remuneration in 2016-2019, the Authority received numerous comments on the difficulties of being in local government, in particular for mothers, due to the lack of financial support for childcare.
4. Of particular note was a submission from the Young Elected Members (YEM) Network. The YEM Network is an informal group comprising local government elected members aged under 40 years. This included representatives on city, district, regional and unitary councils, as well as on community boards and Auckland local boards. The submission said that its members struggle with balancing the challenges of local government commitments and raising children. Their main concern was that because council commitments are not structured or fixed, parents are forced to pay for full-time care or take the risk of being unable to obtain childcare when they require it. The YEMs called on the Authority to “break down the barrier” for younger people wanting to enter into local government. They believe that if childcare were claimable expense it will make serving in local government a realistic option for parents who are currently prevented from considering the role because of the costs of childcare. The YEMs also believe that failing to do so would see the sector continuing to miss out on the ideas, talent, skills, insights, contacts and passion that young parents could bring to local government.
5. In its information paper following the consultation, the Authority said *“another issue that appears to be of growing concern in local government is that caring for dependents may limit options for some people, particularly younger women who may have child care responsibilities. This is seen by many as a barrier to participation. The Authority is looking at the carer issue and*

*will make a decision prior to the 2019 election. We need to point out, however, that were we to approve councils providing reimbursement for carers, it would be up to each individual council to implement such a decision, as it is with all the allowances and reimbursements included in our local government determinations”.*

#### Dependent care

- The Authority considered the issue of dependent care allowances. This broadened the scope of any potential allowances and after careful consideration the Authority decided that at this stage it would not take any further the issue of allowances for dependent care outside of child care. Allowances for dependent care raised complex issues that would have taken considerably more time in researching and which we felt would need to be the subject of an extended consultation. Also, and perhaps more importantly at this stage, the issue of a childcare allowance as a mechanism for encouraging more and younger women to enter local government politics was the main driver for this review and was cited more frequently than a general dependent care allowance in responses to our previous consultation. Many responses cited issues around childcare as a significant barrier to diversity on councils.

#### Childcare

- In considering the issue of childcare the Authority looked at similar schemes in other jurisdictions and also at the current law around and financial provision of childcare and childcare allowances in New Zealand.
- In New Zealand, from the age of 14 years, children are allowed to be left alone. They are also legally allowed to babysit other children from the age of 14 years.
- The cost of childcare and subsidies vary from centre to centre and are not regulated. The cost of care also depends on the type of care.

Care Type	Average Cost per Hour (source: Huggies.co.nz)
Nanny	\$18
Long Day Care	\$6
Home Based Care	\$7

Location	Average Cost per Hour for Nannies in the location (source: Care.com)
Auckland	\$17.71
Wellington	\$16.71
Christchurch	\$16.20
Napier	\$15.38
Te Kuiti	\$13.57

- Work and Income provide a Childcare Subsidy that helps families with the cost of pre-school childcare. To be eligible for the subsidy, a person must be the main carer of the dependent

child, a NZ citizen or permanent resident, and their family is on a low or middle income. The child must be under 5 years of age.

11. The subsidy payment is dependent on number of children and gross weekly income, however the maximum amount payable is \$5.13 per hour, per child (\$256.50 per week, per child for 50 hours).
12. The 20 Hour ECE subsidy was introduced in 2007 to reduce cost barriers in order to allow more children to participate in ECE. Under this subsidy, the government fully funds ECE for up to 6 hours a day and 20 hours per week for eligible children. It is not compulsory for childcare facilities to offer subsidy.
13. Children aged 3, 4 and 5 years old are eligible to the 20 Hours ECE if the facility offers it. This subsidy is regardless of family income, immigration status or any other reason.

#### Other jurisdictions

14. The following overseas council policies were analysed to look for comparisons and options:
  - a. Australia
    - i. City of Belmont, WA
    - ii. District Council of Robe, SA
    - iii. City of Burnside, SA
  - b. United Kingdom
    - i. Lambeth Council, London
    - ii. Bracknell Forest Borough Council, London
    - iii. Malvern Hills District Council
    - iv. Middlesbrough
    - v. Scotland
  - c. Ireland
    - i. Newry, Mourne and Down Council
15. The main themes that arose from these policy documents were:
  - a. Provisions of allowances and/or reimbursements for dependant care whilst councillors attended meetings of council, committees, or other council business
  - b. Costs covered actual and reasonable costs
  - c. Children aged 15 years or younger
  - d. Carers must not ordinarily reside with the councillors and must not be an immediate member of the family
  - e. Carers must be registered, either with the councils or to a recognised professional facility
  - f. It is up to the discretion of the council as to whether allowances are incorporated into their policy documents

Tax Consequences

16. We have sought advice from Inland Revenue on whether there are any tax consequences associated with the introduction of a childcare allowance. Inland Revenue are currently considering whether the proposed childcare allowance is tax-free or not. Childcare costs are usually seen as private or of a domestic nature and the proposed allowance could be taxable at source, if the allowance is viewed as employment income. Our view is that the proposed allowance is no different to the other allowances currently provided to local government elected members - that is, the childcare allowance is a contribution towards the expenses incurred by a member for childcare provided while the member is engaged on local authority business. We hope to receive Inland Revenue's advice towards the end of April.

## Proposed Approach

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17. The Remuneration Authority is proposing that the following be inserted in the next Local Government Determination:

x. **Childcare allowance**

- (1) *A local authority may pay a childcare allowance, in accordance with subclauses (2) and (3), to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.*
- (2) *A member is eligible to be paid a childcare allowance in respect of childcare provided for a child only if-*
  - (a) *the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and*
  - (b) *the child is aged under 14 years of age; and*
  - (c) *the childcare is provided by a person who-*
    - (i) *is not a family member of the member; and*
    - (ii) *does not ordinarily reside with the member; and*
  - (d) *the member provides evidence satisfactory to the local authority of the amount paid for childcare.*
- (3) *A local authority may not make childcare allowance payments to a member-*
  - (a) *at a rate greater than \$15 per hour; or*
  - (b) *that exceed the amount that the member paid to the childcare provider; or*

- (c) *in respect of childcare provided for more than 8 hours in any 24-hour period;  
or*
  - (d) *that total more than \$6,000 per annum.*
  - (4) *In this regulation, **family member of the member** means-*
    - (a) *a spouse, civil union partner, or de facto partner:*
    - (b) *a relative, that is, another person connected with the person within 2 degrees of a relationship, whether by blood relationship or by adoption.*
- 

DRAFT

## Appendix A – Work and Income Childcare Subsidy

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Extract from Work and Income Website: <https://www.workandincome.govt.nz/products/a-z-benefits/childcare-subsidy.html>

### Who can get it:

You may get a Childcare Subsidy if:

- you're the main carer of a dependent child
- you're a New Zealand citizen or permanent resident
- your family is on a low or middle income.

You should also normally live in New Zealand and intend to stay here.

It also depends on how much you and your partner earn.

The child must be:

- aged either:
  - under 5, or
  - over 5 if the school has advised they can't start until the beginning of the term straight after their 5th birthday, or
  - under 6 if you get a Child Disability Allowance for them
- attending an approved early childhood programme for 3 or more hours a week.

Approved programmes include early childhood education and care services, eg:

- kindergartens and preschools
- childcare centres and creches
- playcentres and playgroups
- Kohanga Reo, Punanga Reo, Aoga and other programmes with a language and culture focus
- approved home-based care.

**Childcare Subsidy (current)**

Below are the [Childcare Subsidy](#) income thresholds and maximum rates at 1 April 2018.

Number of children	Gross weekly income	Childcare Subsidy (per hour, per child)	Childcare Subsidy (per week, per child for 50 hours)
1	Less than \$800.00	\$5.13	\$256.50
	\$800.00 to \$1,199.99	\$4.09	\$204.50
	\$1,200.00 to \$1,299.99	\$2.86	\$143.00
	\$1,300.00 to \$1,399.99	\$1.59	\$79.50
	\$1,400.00 or more	nil	nil
2	Less than \$920.00	\$5.13	\$256.50
	\$920.00 to \$1,379.99	\$4.09	\$204.50
	\$1,380.00 to \$1,489.99	\$2.86	\$143.00
	\$1,490.00 to \$1,599.99	\$1.59	\$79.50
	\$1,600.00 or more	nil	nil
3 or more	Less than \$1,030.00	\$5.13	\$256.50
	\$1,030.00 to \$1,539.99	\$4.09	\$204.50
	\$1,540.00 to \$1,669.99	\$2.86	\$143.00
	\$1,670.00 to \$1,799.99	\$1.59	\$79.50
	\$1,800.00 or more	nil	nil

# Council Report

Item 12

**Committee:** Council **Date:** 30 May 2019  
**Author:** Dan Finn **Authoriser:** David Bryant  
**Position:** People, Safety & Wellness **Position:** General Manager Corporate Manager  
**Report Name:** Safety and Wellness Performance Verbal Update

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council on our health and safety performance and key safety matters, as part of our obligations under the Health and Safety at Work Act to demonstrate good governance and exercise due diligence.
2. The People, Safety and Wellness Manager will present a verbal update concerning safety and wellness performance of the organisation of this report and the corresponding attachment.
3. The Safety and Wellness Audit and Risk Report – April 2019 is attached to this report.

## Staff Recommendation

4. That the Council:
  - a) receives the report; and
  - b) notes that the Council's safety performance is steady, and several pro-active initiatives are underway to support a high-performance culture.

## Discussion

5. The People, Safety and Wellness Team are committed to engaging with our managers and workers to co-create a safe and just culture and a great place to work.
6. Improving and simplifying the way we do things in relation to safety and wellness through systems, processes and procedures will support and enable the effective implementation of safety improvement initiatives, including our improved and optimised Safety Management System (SMS).
7. How we connect and support our managers and workers is demonstrated through continued engagement with our people to connect them with the importance of why good safety management practice is needed, so that they can return safely home after each and every day and ensure that we can meet our obligations as a great employer who provides a safe place of work for all those engaged across Council activities.
8. There are no know risk in receiving this report.
9. Staff consider the decisions in this report are low significance and that the recommendations comply with the Council's legal requirements.

## **Attachments**

Attachment 1 - Safety and Wellness Audit and Risk Report - April 2019

**Item 12**

**THINK SAFE**  
**WORK SAFE**  
HOME SAFE EVERYDAY

Safety and Wellness

# AUDIT AND RISK REPORT

MAY 2019

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# 1.0 Executive Summary

## 1.1 Overview

The People, Safety and Wellness Team are committed to engaging with our managers and workers to co-create a safe and just culture and a great place to work.

Improving and simplifying the way we do things around here through systems, processes and procedures will support and enable the effective implementation of safety improvement initiatives, including our improved and optimised Safety Management System (SMS).

How we connect and support our managers and workers is demonstrated through continued engagement with our people to connect them with the importance of why good safety management practice is needed, so that they can return safely home after each and every day and ensure that we can meet our obligations as a great employer who provides a safe place of work for all those engaged across Council activities.

We are further developing our SMS with accompanying frameworks to ensure we have an integrated approach to safety, health and wellbeing that reflects the requirements for ISO45001 as well as our social obligations to our people, our communities and our stakeholders.

# 2.0 Data

## 2.1 Graphs

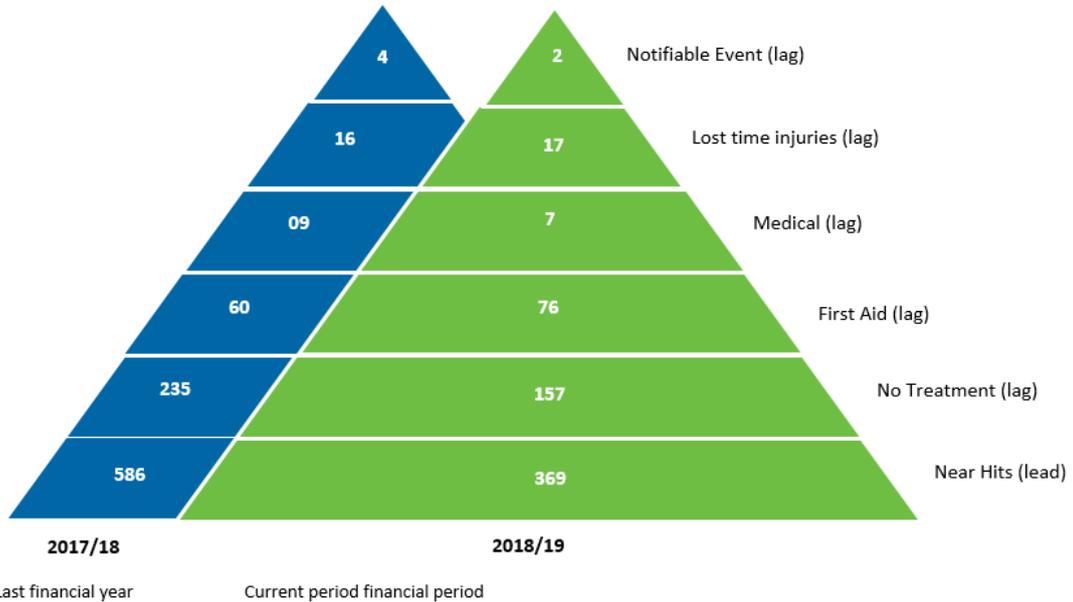


Figure 1: Performance Indicators for events reported in financial year 2018/19

### Total Recordable Injury Frequency Rate

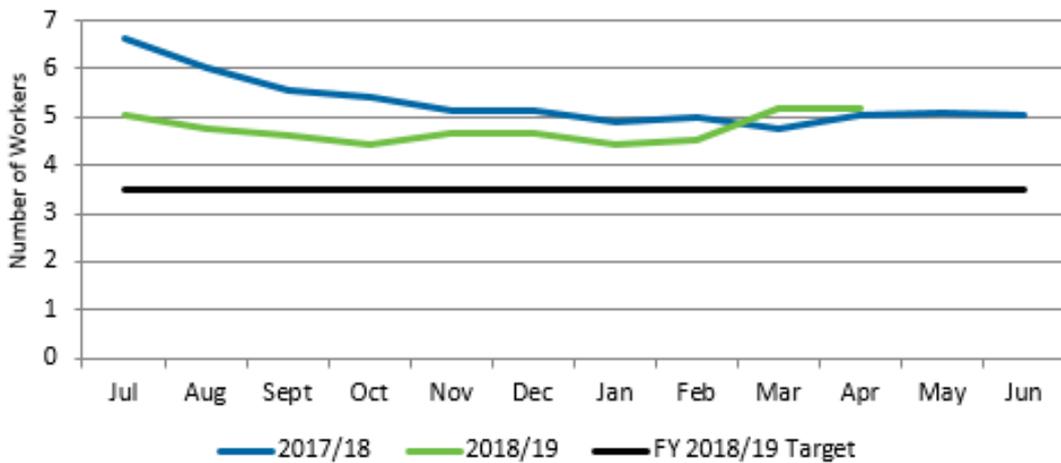


Figure 2: Total recordable injury frequency rate per 200,000 work hours for FY 2018/19



Figure 3: Lost time injuries by month for FY 2018/19

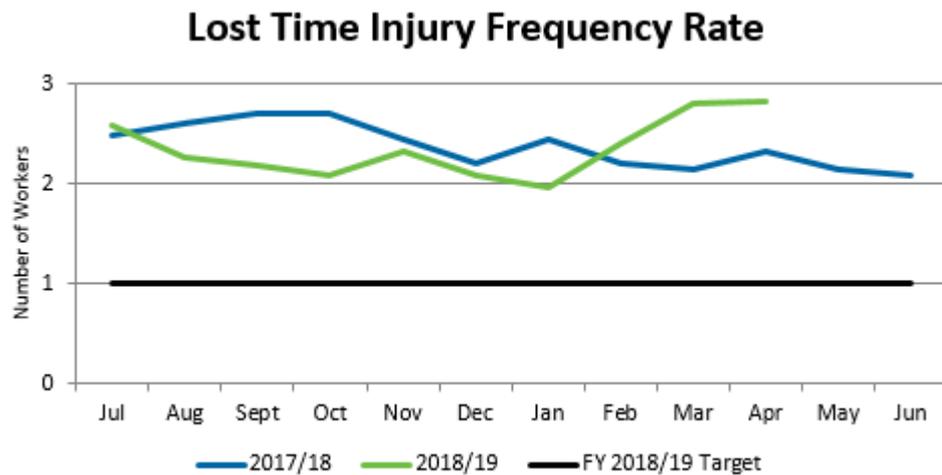


Figure 4: Lost time injury frequency rate per 200,000 work hours for FY 2018/19

## 3.0 Health and Safety Trends

During this period of reporting we have seen a slight increase in lost time injuries, however there is no discernible pattern for these events with all events less than four days duration.

Issues relating to coding, bulk loading of events and data entered/alterd after the reporting cut off dates, continues to have an impact on our data reliability and integrity. The safety event triage process for Safety Event Management as part of the SMS will address the

coding issue whilst our Health & Safety Advisors continue to work closely with teams or persons responsible for entering data to improve timeliness.

Our safety metrics show an increase in use of the Employee Assistance Programme (EAP) whilst a reduction in the number of reported safety events entered in Vault, meaning that psychosocial issues or incidents may not be as widely reported as those incidents involving physical harm.

Syncing issues between Vault and PSE remain a cause for concern in terms of reliable data and is resulting in an understatement of hours worked, thus skewing the frequency rates for LTIFR and TRIFR. Work is ongoing to identify the root cause(s).

### 3.1 Notifiable Events

There have been two events notified to WorkSafe between 1 February to 30 April 2019:

- Claudelands Event Centre – light cover was cleaned and put back into place, five minutes later the cover fell to the ground. No persons were in the immediate vicinity, all other light covers were checked. Amendments to procedures have been made and documented.
- Power cable to street light – This cable was cut, but not energised at the time. An investigation carried out by City Delivery found that while staff had access to appropriate safety documentation they did not spot hole for underground services. Appropriate remedial actions are being implemented by City Delivery including refresher training on locating underground services.

### 3.2 Lost Time Injuries

Between 1 February to 30 April 2019 we recorded six lost time injuries', compared to four for the same period last year. Our current LTIFR is 2.83 per 200,000 work hours verses our target of 1.0.

Date	Department	Description and Findings
14/02/2019	City Parks	Trailer towing arm was raised due to mulch in the trailer. Staff pulled down on it to connect to tow ball on upfront mower. Normal way of doing task and have done many times previously. Pulled down on trailer and felt sharp pain in right side of abdomen. Stopped immediately and went to get assistance from another staff member. Pain did not ease. Went to doctors approx. 2pm after leaving work. On medication for pain and off work until Monday 18/2/19 and returning on light duties. Doctors med cert given. Referred to Physio. Light duties work plan done. Staff to go back to doctors for clearance med or continuation on Monday 25th February 2019.
25/02/2019	City Parks	Was stepping out of truck onto wash pad and rolled right ankle. Went to Anglesea Clinic had x-ray. Ankle is sprained and off work for 2 days. Returning on Weds 27/2/19 for light duties until 3/3/19 as per medical cert. Zac made an appointment with his doctor and is resting today.

25/02/2019	Transportation	Staff was feeling unwell, sweaty and clammy. He does not believe it was heat related. He went to a doctor's appointment. He suffered a mild attack of angina and has been prescribed medication by his doctor.
14/03/2019	Hamilton Gardens	While walking outside workshop, left work boot clipped a metal storm water drain grate on 14/03/19 and fell forward. Bruising to face/ribs wrist and chest. Sought medical treatment and no lasting injuries, doctor advised to rest for a day and back to work on Monday 18/03/19.
21/03/19	Waterworld	Pushing 50m lane ropes up the ramp didn't quite have my footing right to push and possibly have twisted my knee (right). Went to see a doctor declared unfit for work.
09/04/2019	Transportation	Pain in right shin, on-going. First noticed pain on 30/03/19 and the pain has kept recurring since. I have filled out an early discomfort form and informed my Supervisor. I went to Anglesea clinic on 15-04-19 and have been diagnosed with shin splints and deemed unfit for work from 16/04/19 and return to work on 18/04/19. I have been prescribed anti-inflammatory's and been told to see a physiotherapist. I have an appointment with the physio on 19/04/19 at 13:20pm.

Table 1: Lost time injury 1 Feb 30 April 2019

### 3.3 Medical Treatment and First Aid Injuries

Between 1 February to 30 April 2019 we recorded zero medical treatment injuries and 18 first aid injuries. Our current TRIFR is 5.19 verses our target of <3.5.

### 3.4 Near Hit Reporting

Between 1 February to 30 April 2019 we recorded 102 near hits and year to date 369. A significant decline continues in the reporting of near hits, compared to the previous year. For the same reporting period in 2018, we had recorded 586.

We continue to encourage near hit reporting, however it remains critically important that workers reporting events are provided feedback and that key learnings are shared across Business Units. Vault is unable to provide an automatic facility for this due to the inflexibility of the current software system.

### 3.5 Assurance

Between 1 February to 30 April 2019 there were 148 health and safety audits carried out, made up of 41 manager audits and 107 worksite/ contractor audits.

Many of these assurance activities are not entered into Vault so we are unable to analyse trends, assess consistency and identify areas for improvement across Council. To address this, safety assurance activities have begun to be loaded and tested into IAuditor. This will provide a consistent view of assurance activities undertaken by the Health and Safety team and relevant staff across the organisation. This tool will also be made available to other staff with a safety focus. Initial discussions have been held with Facilities, H3 and Infrastructure Operations.

We also carried out 354 safety observations, providing workers and managers with an opportunity to have positive safety conversations as well as addressing any unsafe practices. However, in some business unit's safety observations appear to reflect a target rather than contributing to a positive safety culture. This will be addressed in the new Safety Management System.

As an area that continues to have a critical focus due to the associated risks, the PSW team alongside management, are undertaking a safety assessment of the Zoo and will consist of three major work streams.

- A review of psychosocial hazards
- An assessment of safety risk management practices
- Assurance that recommendations of previous reports have been enabled and are continued to be supported.

This assessment is being led by Mark Wagstaff – H&S Assurance Lead and assisted by Associate Professor Facility Lamm from AUT. This work is expected to be completed by the end of June with a draft report available in July. Additional input may be sought from PWC.

### 3.6 Site Visits – Emerging Issues

1. Compulsory Health monitoring has not yet been completed, Waikato Occupational Health Consultancy (WOHC) is working with those areas. All health information captured, as a result of these health checks is being appropriately stored at Council.
2. The radio telephone (R/T) issue remains as a critical safety issue. We have had three reported incidents from one business unit in April. In one instance, while Animal Control were responding to a dog attack the RT system did not work when the person called for assistance. This highlights a need for an urgent a wider lone working review that needs to be undertaken across Council.
3. A review of TMP practices across Council has been undertaken by several units to ensure we follow good practice at all times. This is in response to the recent fatalities externally, whilst working within roading corridors. A Waikato Bay of Plenty Local Government forum will be held in June, this initial forum will be led by Hamilton City Council and will focus on this topic. WorkSafe, Auckland Transport and training providers will be participating.
4. Noise level monitoring will be undertaken for pool staff by using a dosimeter this will provide assurance that noise levels are at an acceptable level for staff at the pools undertaking their duties.

### 3.7 Worker Participation and Engagement

City Parks safety day was held on the 21<sup>st</sup> March, which was successfully run. To improve greater networking, we invited two safety advisors from Auckland Transport to attend – they found the day valuable and took away some key learnings and insights. This will become part of an exchange programme with Auckland Transport where the safety team can share relevant information and examples of good practice, which we can jointly benefit from.

A meeting was held between the safety leads, New Zealand Public Service Association (PSA) delegates and the union representative where a presentation was made on the forthcoming safety management system improvements and change to a just culture model at Council.

As part of our regular engagement with the Health and Safety Representatives (HSR's) we have presented and discussed key concepts and principals of the new safety management system being introduced. The key concepts discussed were 'safe and just culture', 'triaging safety events', 'six points of engagement' and the 'Safety Management System'. Additionally, we engaged with the HSR's and used a facilitated workgroup to address a series of questions that were part of a national survey of HSR's. While people generally feel positive about the HSR's role the following two issues were observed.

- Health and safety is not consistent across the organisation
- The representatives were not confident that persons would not be harmed or made unwell because of work activities

A charter is being developed in conjunction with the health and safety representatives that reflects the new SMS and just culture and will also enforce that HSR's have a licence to act.

### 3.8 Engagement with Regulatory Agencies

The Team attended the WorkSafe Forum where Fire Emergency NZ (FENZ) presented on emergency response plan preparation. Subsequently a review of the types of emergency response plans that are documented across Council has been undertaken. This review has showed that most emergency response plans are focused on fire. Emergency scenarios developed by H3 are being shared to units to ensure response plans for a wider range of scenarios are implemented across Council.

Council and WorkSafe met to discuss the demolition of a central city building as part of the Asbestos Liaison Protocol. Subsequently concurrent notices were issued by WorkSafe and Council relating to the management of asbestos at this site.

### 3.9 Engagement with other Organisations

The Health and Safety Team Leads have visited Auckland University to discuss models for worker engagement in diverse organisations, including implementation of Wellness programmes in complex settings. Additionally, the University currently uses the same IT solution as Council and discussions were held on the systems effectiveness and ease of use for staff.

The purpose of these visits is to widen our scope outside of local government and to learn and benchmark ourselves against private sector organisations to lift our safety performance and challenge ourselves to do better.

The Health and Safety Team Leads met with Construction Health and Safety New Zealand (CHASNZ) to review the proposed framework for Pre-Qualification of Contractors. It is important that Council say ahead of any changes that may be made in this space and we will continue to engage with CHASNZ regarding contractor prequalification. CHASNZ is a new charitable trust developed to provide leadership of health and safety in the construction industry. CHASNZ will work in partnership with the government, regulators and unions to deliver a unified plan to create consistency and simplification of industry standards, systems, measurement and expectations across the construction industry.

# 4.0 Key Health and Safety Initiatives

## 4.1 Safety Management System (SMS)

The Health and Safety Team have refreshed the Safety Roadmap, focussing on a safety management system that is structured on four pillars, this draft has been presented to the Business Support Leadership Team meeting (BSLT), Senior Leadership Team (SLT), Corporate Group and most Team Lead meetings across the organisation. Engagement with these groups and a concurrent demonstration of safety leadership is a critical factor in leading an enhanced safe and just culture.

A final draft of the SMS and the following supporting frameworks will be sent out for consultation in May/June. Supporting frameworks include:

- Safety Risk Management
- Safety Assurance
- Safety Governance Framework
- Triaging of Safety Events

## 4.2 Contractor Prequalification

The assessment of SHE's Contractor Pre-Qualification service, led by HCC in conjunction with Hauraki revealed significant issues relating to the operation of the service and governance issues relating to the project. Priority tasks include reviewing the question set, engagement with SHE to increase the knowledge base for their staff and enhanced assurance activities including quarterly audits of the system.

The revision of the question set commenced on 17 April with the Waikato Local Authority Shared Services (LASS) Governance Group. The next audit of the SHE scheme will be undertaken on July 1 -3<sup>rd</sup> 2019.

## 4.3 Critical Risks

Work has commenced on a review of the number of safety critical risks across Council and it is expected that this list will be consolidated as not all business units are exposed to all the current critical risks. Critical risks will be defined by the level of residual risk (high and above), and duration and frequency of exposure and the number of persons exposed across Council.

## 4.4 Health and Safety Reporting System – Vault

After considerable consultation with other diverse organisations using Vault, it has become apparent that Vault will not meet our future requirements for a flexible and intuitive safety software system that will facilitate a strong organisational safety culture. A demonstration by EcoPortal was held at Council and was attended by key stakeholders, including risk and operational lead staff.

Further presentations will be scheduled over the forthcoming months with a view to present a business case to SLT. Any software solution must include the ability to use mobile devices and be deployable across the organisation.

As previously mentioned, we are still experiencing syncing issues between Payroll and Vault, which is causing some concern. This is currently being investigated and is causing data integrity to be lost.

#### 4.5 Wellness Programme – WorkWell

We are excited to have witnessed the signing of our WorkWell Pledge in June between the Council and the DHB. This pledge shows Hamilton City Council's and Waikato District Health Board's commitment in working toward improving the health and wellbeing of our staff.

The outcomes of this Pledge agreement are:

1. To offer a framework for developing health promotion in a way that supports and enhances existing structures and programmes/practices within the workplace.
2. To work in partnership to identify areas of need, set goals and evaluate health-related activities to further enhance wellbeing.
3. To maintain momentum towards the standards of accreditation while adhering to a good practice approach.
4. To achieve the WorkWell Standard of Accreditation.

Having Richard, our Chief Executive's commitment is vital to the ongoing success of this programme as well as the visible support and commitment from Senior Management Team.

The staff had an opportunity to complete the WorkWell Wellness Survey over two weeks (response rate of 33%). Waikato District Health board will disseminate those findings to our WorkWell Wellness group soon and will discuss any upcoming initiatives.

Voluntary Health Checks commenced in March with Flu Vaccinations booked with Waikato Occupational Health Consultancy for May.

#### 4.6 Training and Competency

As you are aware Hamilton City Council is committed to developing our Health and Safety Representatives (HSRs) as they play an important role in keeping workplaces healthy and safe and provide a voice for workers who might not otherwise speak up.

As part of our HSRs development we have identified Mental Health 101 as a course that they are expected to attend to ensure they have the right skills, knowledge experience to assist in improving the wellbeing of staff at Council.

This will assist our reps to become safety champions and provide them with additional skills on the following:

- A healthy workplace – roles and responsibilities
- Our wellbeing – what impacts this
- Common mental health disorder – explained
- Signs and symptoms –what to look out for
- How to respond – group work with case studies

- Active listening – learning the soft skills
- Where and when to get help
- Self-care strategies

Courses Provided Between Feb - April 2019	Month	Number Attended
Customer Conflict – Hamilton Zoo x 2 sessions	February	26
Disability Awareness	February	9
Vulnerable Children’s Act – Manager	February	29
Customer Conflict Duke Street	February	32
Vulnerable Children’s Act – Waterworld Washup	February	16
Basic Warrant Officer Training	March	17
Customer Conflict – Duke Street	March	9
Vulnerable Children’s Act – Staff x 4 sessions	March	88
Disability Awareness	April	9
Basic Warrant Officer Training	April	12

Table 2: Health, Safety and Wellness training completed Feb - April 2019

## 5.0 Health and Wellbeing

### 5.1 Bullying and Harassment Monitoring

Reporting of incidents relating to alleged bullying and harassment occurrences are captured and categorised by:

- Peer support contact (early intervention)
- Informal reports (investigated internally)
- Formal reports (investigated externally)

	Peer Support	Informal Reports	Formal Reports
Total for period 1 Feb – 30 <sup>th</sup> April 2019	1	2	1

Table 3: Harassment and Bullying

### 5.2 Employee Assistance Programme (EAP)

For the period 1 February – 30 April 2019 there were 58 cases handled through EAP, which is up twelve from the previous reporting period. Most of these cases continue to be through self-referrals and the primary presented issues relate to work stress, personal relationships and divorce/separation/custody.

EAP Use	1 Aug – 31 Oct 2018	1 Nov – 31 Jan 2019	1 Feb – 16 April 2019
New Cases	27	21	31
Reopened Cases	4	6	5
Pre-existing cases seen during period	23	19	22
<b>Total Cases</b>	<b>54</b>	<b>46</b>	<b>58</b>
Contact Hours for the Period	103	65	110
Average Hours per Client	2	1.7	2.1

Table 4: EAP Usage \* NOTE reporting period set by EAP

## 6.0 Summary

The safety team continue to focus their efforts on a blended approach of risk management, assurance and engagement activities, promoting safer ways of working through improved job design and safety risk assessments as a standard way of working.

Increased workloads and project demands across business units are having an impact on our people and impacting on our ability to engage across the organisation at all levels.

We continue to promote health and safety conversations with workers to facilitate a sustainable change in performance and help to promote a just safety culture.

# Council Report

<b>Committee:</b>	Council	<b>Date:</b>	30 May 2019
<b>Author:</b>	Lee-Ann Jordan	<b>Authoriser:</b>	David Bryant
<b>Position:</b>	Governance Manager	<b>Position:</b>	General Manager Corporate
<b>Report Name:</b>	Proposed Changes to LGNZ's Rules		

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To inform the Council on proposed changes to the Local Government New Zealand (LGNZ) Rules to be voted on by member councils at the LGNZ AGM in July 2019.
2. To seek a decision from the Council as to how Hamilton City Council will vote on the proposed changes at the AGM.

## Staff Recommendation

3. That the Council:
  - a) approves/declines LGNZ's proposal 1 – minor (administrative) substantive changes as set out in attachment 2.
  - b) approves/declines LGNZ's proposal 2 – amendments to provide Te Maruata representation on the National Council (including consequential amendments) as set out in attachment 2.
  - c) approves/declines LGNZ's proposal 3 – amendments to give effect to Auckland Council representation on the National Council (including consequential amendments) as set out in attachment 2.
  - d) approves/declines LGNZ's proposal 4 – minor amendments to modernise (e.g. electronic notices and voting) and rationalise language as set out in attachment 2.
  - e) notes that Hamilton City Council's representative to the LGNZ Annual General Meeting (AGM) on 7 July 2019 will vote in accordance with the Council's decisions on proposals 1-4 in points a-d above.

## Discussion

4. The LGNZ Rules set out the objectives, powers, constitution and 'rules of engagement' for LGNZ in the way it works and its interactions with member councils.
5. Hamilton City Council is a member council of LGNZ.
6. Since late 2018, LGNZ has consulted with member councils on options for changing the LGNZ Rules, at Zone and Sector meetings.

7. LGNZ is proposing substantive and technical changes to the Rules as the result of the feedback they have received. These changes are endorsed by LGNZ's Governance and Strategy Advisory Group (GSAG) and National Council.
8. The proposed changes will be discussed and voted on at LGNZ's AGM on Sunday 7 July 2019.
9. Further information on the proposed changes has been provided by LGNZ and is set out in the appendices to this report.
10. Hamilton City Council's membership subscription to LGNZ is a regular operating activity funded through the 10-Year Plan.
11. There are no known risks associated with the decisions required for this matter.
12. As this is a governance matter, staff have not made a recommendation to approve or decline these proposals.
13. Staff consider the decisions in this report are low significance and that the recommendations comply with the Council's legal requirements.

### **Attachments**

Attachment 1 - LGNZ Rules Review - paper for members

Attachment 2 - Proposed amendments to LGNZ s Rules

Attachment 3 - Proposed technical changes

## LGNZ Rules Review

### Proposed amendments to the Rules

Since late 2018, LGNZ has consulted with members on options for changing the LGNZ Rules, at Zone and Sector meetings.

Attached are a number of proposed substantive and technical changes to the Rules, which are based on feedback from members. These proposed changes have been discussed with, and endorsed by, LGNZ's Governance and Strategy Advisory Group (GSAG) and National Council.

The rationale for each of the proposed changes is set out in further detail below.

These proposed changes to LGNZ's Rules will be discussed and voted on at LGNZ's Annual General Meeting (AGM) on Sunday 7 July 2019. Although LGNZ's Rules provide that LGNZ is only obliged to give members 10 working days' notice of any proposed changes to the Rules, we are providing the proposed changes to councils early so as to allow proper consideration and discussion of the proposed changes by your council, ahead of the AGM.

### Proposal One – Amendments to provide Te Maruata representation on National Council (including consequential amendments)

To reflect the increasing diversity of the local government family/whanau it is proposed that the Rules be amended to provide that the Chair of Te Maruata is a member of National Council, with full voting rights.

Te Maruata Roopu Whakahaere (Te Maruata) is a subcommittee of the National Council comprised of Māori elected members. Te Maruata was established in response to a remit passed at the 2008 LGNZ AGM. Its role is to promote increased representation of Māori as elected members of local government; to enhance Māori participation in local government processes; provide support for councils in building strong relationships with iwi, hapu and Māori groups; provide Māori input on development of future policies or legislation relating to local government; and foster and support a network of Māori elected members and staff of local government for the purpose of sharing information, challenges and aspirations relevant to kaupapa Māori.

Given Te Maruata's importance, National Council resolved in 2018 that the Chair of Te Maruata would sit on National Council as a non-voting member. Feedback from members is that the time is now right for Te Maruata's Chair to sit as a full member of National Council.

This proposed amendment to the Rules reflects a drive for greater diversity on National Council, the importance of local government engaging with Māori communities and the obligations that local government has to reflect the obligations of the Treaty of Waitangi.

Proposal 1 (attached) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to provide a seat on National Council for Te Maruata's Chair is adopted.

### **Proposal Two – Amendments to give effect to Auckland Council representation on National Council (including consequential amendments)**

It is proposed that the Rules be amended to provide that Auckland Council has three seats on National Council, to be held by:

- The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed by the Mayor);
- A member of the Auckland Council governing body; and
- A member of an Auckland Council local board.

These proposed amendments are designed to reflect the scale of Auckland (one-third of New Zealand's population). They are also designed to bring the LGNZ Rules into line with Auckland Council's current unique governance structure (ie a governing body and local boards). The current LGNZ Rules pre-date the establishment of Auckland Council and its current governance structures, which were introduced by legislation in 2010. LGNZ's view is that its Rules should be consistent with those changes.

Local boards are a unique governance structure, providing governance at a local level within Auckland Council and enabling democratic decision-making by and on behalf of communities within the local board area. There are 21 local boards, comprising 149 elected members in total. Local board responsibilities include adopting local board plans, agreeing annual local board agreements that set annual budgets, and agreeing and overseeing annual work programmes. Currently there is no provision for the representation of local board members on National Council. LGNZ's view is that it is important that provision is made for the representation of this group of elected members on National Council.

As a result of these proposed changes to Auckland's representation, Auckland Council would no longer be part of Zone 1; Zone 1 would be comprised of Far North region councils only. Zone 1 would be entitled to one seat on National Council.

To ensure that the representation of metropolitan New Zealand on National Council is not by Auckland Council alone, specific amendments are proposed to make it clear that three seats on National Council will be held by metropolitan councils *other than* Auckland Council.

Based on feedback from Zone meetings, it is also proposed that the Rules be amended to specifically provide that at least one of the three Metropolitan Sector representatives on National Council be from the South Island. This is designed to ensure that there is appropriate representation of metropolitan South Island on National Council.

Proposal 2 (attached) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to change the representation of Auckland Council on National Council is adopted.

*Note that Proposals 1 and 2 will result in the membership of National Council increasing from 15 members to 18. Feedback from current National Council members is that a Council of this size for a membership based body is workable, particularly given that the Rules give National Council the power to create an executive committee, or subcommittee structures, where that is considered appropriate.*

**Proposal Three – Minor (administrative) substantive changes**

A number of minor administrative changes to the Rules are proposed, including:

- Inclusion of community board members in the definition of Elected Member;
- The ability for National Council to appoint individuals (with full speaking rights, but no voting rights) to the National Council to provide assistance to National Council because of their training, qualifications or experience; and to ensure diversity of representation;
- Changes to the definition of a quorum for the purpose of National Council meetings; and
- The ability for National Council to pass a resolution without a meeting with the agreement of 75 per cent of all National Council members (as opposed to all National Council members, as currently required).

These proposed amendments are designed to ensure that the Rules provide for all types of elected member, are consistent with the proposed substantive changes to the Rules, and to simplify National Council's processes.

**Proposal Four – Minor amendments to modernise and rationalise language**

LGNZ is proposing that a number of changes be made to modernise the Rules (eg to make provision for electronic notices and voting), and rationalise the language of the Rules.

These changes are technical in nature, and do not result in any substantive changes to the Rules.

**Next steps**

As noted above, these proposed changes to the Rules will be discussed and voted on at LGNZ's AGM on Sunday 7 July 2019. Members will receive copies of the proposed changes to the Rules as part of the formal AGM papers.

However, LGNZ is providing copies of the proposed changes in advance so that councils have plenty of time to consider the proposed changes. LGNZ encourages members to now discuss and debate the proposed changes to the Rules, ahead of the AGM.

As per Rule K4(b), each of the four proposed sets of changes to the Rules will require the support of a two-thirds majority of LGNZ's members in order to pass. Therefore your council's vote does matter and can make a difference.

If you would like LGNZ to visit your council to discuss the proposed changes to the Rules ahead of the AGM, please contact Malcolm Alexander or Grace Hall to arrange that – see below for contact details.

For further information on the proposed changes, or if you have any questions, please contact Malcolm Alexander, Chief Executive ([malcolm.alexander@lgnz.co.nz](mailto:malcolm.alexander@lgnz.co.nz)) or Grace Hall, Senior Policy Advisor ([grace.hall@lgnz.co.nz](mailto:grace.hall@lgnz.co.nz)).

**PROPOSED AMENDMENTS TO THE RULES 2019**

**Proposal 1 - Minor (Administrative) Substantive Changes:**

1. Rule A2: - Delete paragraph (b) of the definition of "Elected Member" and substitute:

- “(b)       **A person holding office as a member of a local board within the district of a Member Authority; and**
- (c)       **A person holding office as a member of a community board within the district of a Member Authority.”**

2. Rule E11A to E11C: Add the following after Rule E11:

“E11A       **From time to time, the National Council may appoint to the National Council any person whom the National Council believes will assist the National Council in its deliberations because of that person’s training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an Elected Member. The National Council may discharge any such person from the National Council in like manner.**

E11B       **From time to time, the National Council may appoint to the National Council any person whom the National Council believes will ensure diversity of representation on National Council. Any such person must be an Elected Member. The National Council may discharge any such person from the National Council in like manner.**

E11C       **Any person appointed under Rules E11A or E11B shall have full speaking rights but no voting rights at National Council meetings.”**

3. Rule E17: Delete the word “six” in both places it appears and substitute “**a quorum**”.

4. Rule E26: Delete the current wording and substitute:

“**At any meeting of the National Council, a quorum consists of:**

- (a)       **half of the membership (President and members provided for in Rule E1) if the number of such members (including vacancies) is even; or**
- (b)       **a majority of members (President and members provided for in Rule E1) if the number of such members (including vacancies) is odd.**

5. Rule E29A: Delete the current wording and substitute:

“**The National Council may pass a resolution without a meeting held in accordance with Rules E20-E29, but only if the resolution is assented to by not less than 75% of the members of the National Council then in office and entitled to vote.”**

**Proposal 2 - Amendments to provide Te Maruata representation on the National Council (including consequential amendments):**

Rule A2:

Amend the definition of "NATIONAL COUNCIL MEMBER" by deleting the words "elected or appointed" and substituting "elected, appointed or assuming office".

Insert after the definition of "SECTOR GROUP" the following:

**"TE MARUATA" means the committee named Te Maruata Roopu Whakahaere established in response to the remit passed at the 2008 Annual Conference and any committee in substitution for that committee."**

Rule E1: Delete the opening words and paragraph (a) and substitute the following:

**"E1 The National Council of LGNZ consists of the President and:**

**(a) The person for the time being holding office as the Chair of Te Maruata (or an alternate appointed in writing by that person);"**

Rule E10: Delete the current wording and substitute:

**"E10 Persons appointed to the National Council or who assume office as a member of National Council under Rules E1 to E9 assume office on the day that is eight weeks after the triennial local government elections are held, except that the person who assumes office as a member of National Council pursuant to Rule E1(a) assumes that office at such time that the Chair of Te Maruata is appointed at a hui organised by LGNZ for the purpose of Te Maruata appointment, and subject to Rules E12 to E16 all such persons serve in office until their successors have assumed office."**

Rule E15: After the reference to "the President" add the words "or the position occupied by the Chair of Te Maruata."

Rule E15A: Add the following after Rule E15:

**"E15A In the event of the position on National Council occupied by the Chair of Te Maruata becoming vacant, that position will be filled by the Deputy Chair of Te Maruata until such time that a replacement Te Maruata Chair is elected."**

Rule E16: Add after the reference to "Rule E15" " , or who assumes office under Rule E15A,"

**Proposal 3 - Amendments to give effect to Auckland Council representation on the National Council (including consequential amendments):**

Rule D1: Delete the second sentence and substitute the words **“Each Member Authority (except Auckland Council) shall belong to one Zone, and no Member Authority shall belong to more than one Zone.”**

Rule D2: Delete from the definition of “Zone One” in paragraph (a) the words **“and the Auckland Council”**.

Rule E1: Delete paragraphs (b) to (e) and substitute the following:

- “(b) One person elected by each of Zones One, Two, Three, Four, Five and Six;**
- (c) Three persons elected by the Metropolitan Group –**
  - (i) at least one of whom is an elected member of a South Island Member Authority; and**
  - (ii) none of whom is an elected member of Auckland Council or any of its local boards;**
- (d) Two persons elected by the Regional Group;**
- (e) One person elected by each of the Provincial and Rural Groups;**
- (f) The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed in writing by the Mayor); and**
- (g) Two persons to represent Auckland as set out in Rule E1A.”**

Add after Rule E1 the following:

**“E1A AUCKLAND REPRESENTATION**

**The appointments referred to in Rule E1(g) must be:**

- (a) one person appointed by the Auckland Council, from members of the governing body (not being the Mayor, or the Mayor’s alternate under Rule E1(f)); and**
- (b) one person appointed by Auckland Council local boards, from elected members of the local boards.”**

**Proposal 4 – Minor Amendments to Modernise (e.g. electronic notices and voting) and rationalise language.**

Please refer to the attached version of the Rules (Appendix X) with all proposed amendments shown in red.

**RULES**

of

**NEW ZEALAND LOCAL  
GOVERNMENT ASSOCIATION  
INC**

**(TRADING AS *Local  
Government New Zealand or  
LGNZ*)**

(adopted at the Annual General Meeting on  
18 July 2001

and amended at the Special General Meeting  
on 11 March 2005, and at the Annual  
General Meeting on 27 July 2005,  
28 July 2010, 15 July 2012), and Special  
General Meeting 13 March 2014

**Deleted:** TRACKED CHANGES ARE THOSE ADOPTED BY  
RESOLUTIONS AT THE SGM OF 13 MARCH 2014

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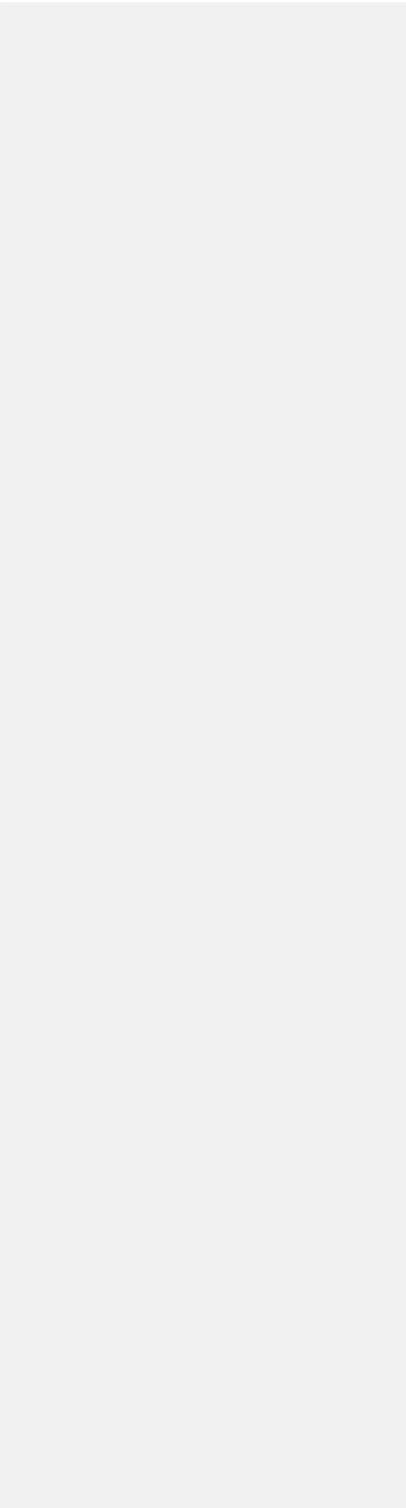
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**A NAME AND INTERPRETATION**

**A1.** The name of the Society is the NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INC (trading as "Local Government New Zealand" and referred to as LGNZ in these Rules).

**A2.** In these Rules unless the context requires a different interpretation:

'ANNUAL GENERAL MEETING' means the Annual General Meeting of Member Authorities held in accordance with Part G.

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'APPOINTED' means appointed to office whether by election or otherwise and "appointment" has a corresponding meaning.

'CHIEF EXECUTIVE' means the Chief Executive of LGNZ appointed under rule I1, and includes an Acting Chief Executive appointed under Rules I4 and I5 when acting during the absence of the Chief Executive or a vacancy in that office.

'ELECTED MEMBER' means an elected member of a Member Authority and includes –

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(a) A person holding office as Chairperson, Mayor, or Councillor of a Member Authority;

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(b) A person holding office as a member of a local board or governing body established under section 10 of the Local Government (Auckland Council) Act 2009.

'LOCAL AUTHORITY' means a Regional Council, Unitary Authority, or Territorial Authority, or any statutory body being the successor of such local authority, but does not include the Minister of Local Government.

'MEMBER AUTHORITY' means a Local Authority for the time being admitted to membership of LGNZ in accordance with Part C.

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'NATIONAL COUNCIL' means the governing body of LGNZ constituted in accordance with Part E.

'NATIONAL COUNCIL MEMBER' means a member of the National Council elected or appointed from time to time in accordance with Rule E1, and includes the President.

'REGIONAL COUNCIL', 'UNITARY AUTHORITY' and 'TERRITORIAL AUTHORITY' have the same meaning as in the Local Government Act 2002 except that they do not include the Minister of Local Government.

'SECTOR GROUP' means a sector based grouping of Member Authorities as provided for in Part D.

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'ZONE' means a geographical grouping of Member Authorities as provided for in Part D.

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**A3.** The definitions contained in Section 2 of the Local Government Act 2002, unless the context otherwise requires, apply to any term not expressly defined in these Rules.

**A4.** Subject to Rule A5, for all purposes under these Rules, the population of a Member Authority is its census night population as determined in the most recent census.

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**A5.** On application by a Member Authority, the Annual General Meeting may by resolution determine that the population of the Member Authority for the purpose of one or more of these Rules is as determined by any more recent estimate issued by the Department of Statistics.

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**A6.** Where any Rule provides that a person assumes office on a specified day, that person shall assume office at the commencement of that day, that is, immediately after midnight of the preceding day, unless otherwise specified.

**A7.** Subject to Rule A6, where any matter or thing is required or authorised by these Rules to be done on or not later than a specified date or day, that matter or thing may be done at any time up to midnight on that day, unless otherwise specified.

**B OBJECTS AND POWERS**

**B1.** The objects of LGNZ are:

- (a) To promote the national interests of local government through the promotion of *LGNZ's* vision as approved by the National Council from time to time;
- (b) To advocate on matters affecting the national interests of local government and the communities that it represents;
- (c) To constructively promote and facilitate regular dialogue with Government, Parliamentarians, and the agencies of Government on matters of national interest to local government with a view to enhancing and ensuring a long-term commitment to partnership between central and local government in New Zealand;
- (d) To provide full, accurate and timely information to Member Authorities and associate members on matters affecting local government and LGNZ;
- (e) To research, survey, and investigate those matters in which LGNZ has an interest or a responsibility on behalf of its Member Authorities;
- (f) To provide advice and to deliver education and training opportunities for Member

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Authorities and others on the role and practices of local government, sound governance and management practices, best practice operational matters, the laws affecting local government, and other matters relevant to local government;

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- (g) To hold such conferences and forums as required for the advancement of its objects;
- (h) Generally to do all such other things as may be incidental or conducive to attaining any of the above objects,

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**B2.** For the purpose of carrying out all or any of its objects LGNZ has the following powers:

- (a) To purchase, take on lease or exchange, hire or otherwise acquire any real or personal property and any rights or privileges which LGNZ thinks necessary or expedient;
- (b) To fund its activities by subscriptions, fees, income, or payments from Member Authorities and associate members, sponsorships and other activities and to grant any rights and privileges to Member Authorities and associate members;

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(bb) To engage in any activities that advance the objects of *LGNZ* including activities that raise money for that purpose;

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(c) To borrow, raise or secure the payment of money (with or without security) in such manner as *LGNZ*, in its discretion, thinks fit;

(d) To invest, lend, advance and deal with the moneys of *LGNZ* in such a manner as *LGNZ*, in its discretion, thinks fit;

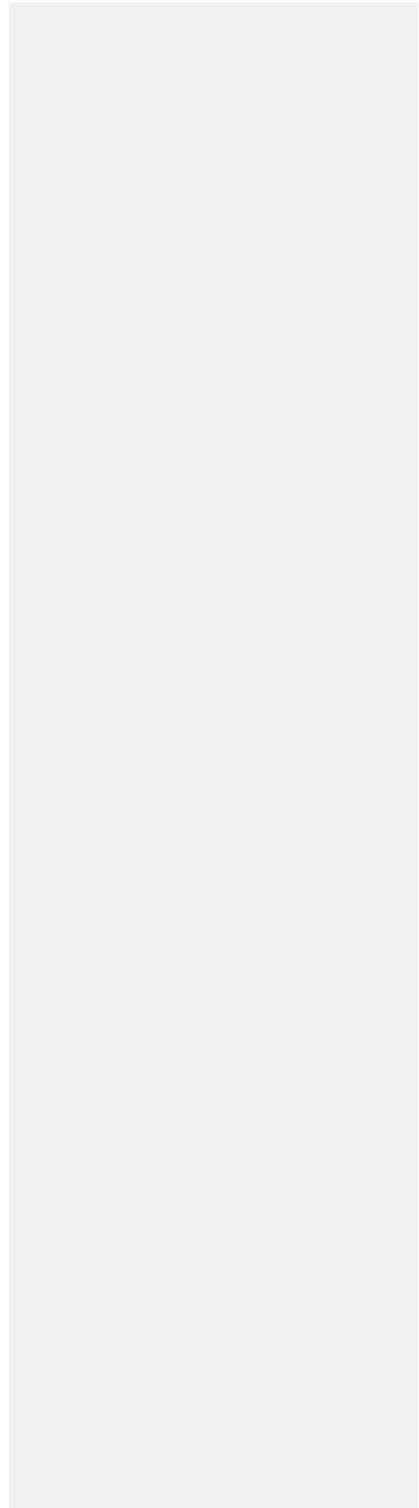
(e) To appoint, remunerate, remove or suspend any employee of *LGNZ*;

(f) To make, adopt, vary and publish rules dealing with any of the matters in the objects set out in Part B and take all steps that are necessary or advisable for applying the Rules;

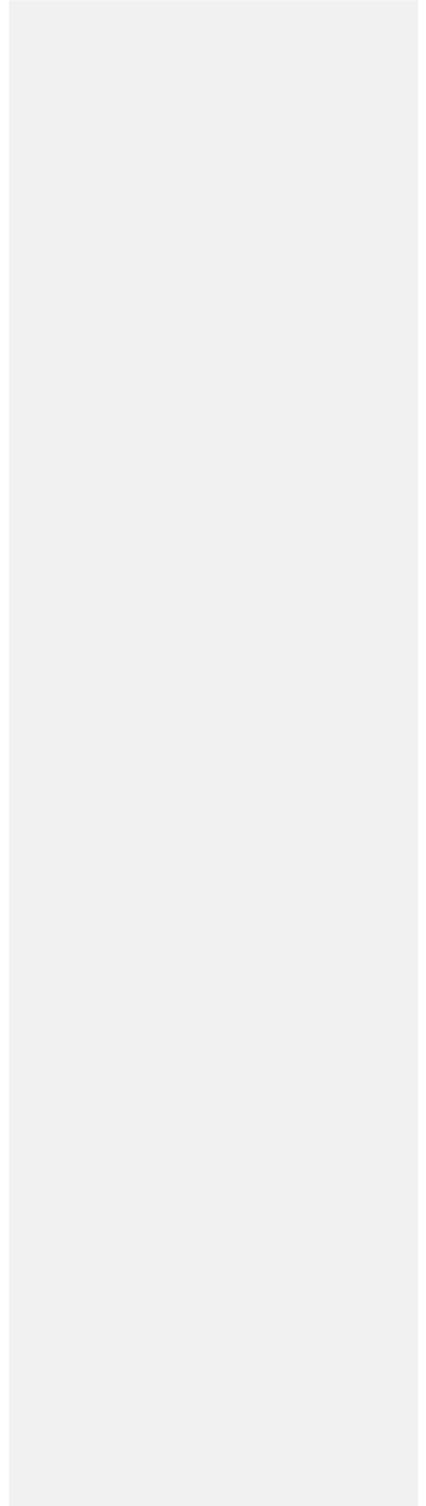
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(g) To receive and take any gifts or donations of money or property for any of the objects of *LGNZ* whether subject to any special trusts or not, and whether as sole trustee or not, but the National Council may decline to accept any gift or donations or take over or hold any property which has annexed to it any condition or obligation not approved by the National Council;

- (h) To make, draw, accept, discount and execute any promissory notes, bills of exchange, debentures or other negotiable instruments;
- (i) To subscribe to, become a member of, or co-operate with, any other society whether incorporated or not whose objects are altogether or in part similar to those of *LGNZ*. To procure from and communicate to that society any information that is likely to advance the objects of *LGNZ*;
- (j) To provide services for and assistance to any other society whether incorporated or not whose objects are in full or in part similar to those of *LGNZ*;
- (jj) To provide services for and assistance to any member of *LGNZ*;
- (k) To acquire or subscribe for shares or other equity securities in any company or other incorporated body;
- (l) To enter into any contract, make any arrangements or undertake any activity for the financial or other benefit of *LGNZ*;
- (m) To prepare and implement a business plan;



- (n) To do all other acts and things for the purpose of attaining any of the objects of *LGNZ*.



**C MEMBERSHIP**

MEMBERS

**C1.** Subject to Rules C4 and C5 a Local Authority becomes a Member Authority upon payment of the annual subscription.

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ASSOCIATE MEMBERS

**C2.** Subject to Rules C4 and C5 any other person or organisation that is approved as an associate member of LGNZ by the National Council, becomes an associate member of LGNZ on payment of the appropriate annual subscription.

**C3.** The National Council may from time to time by resolution -

(a) Create amend or delete any category or categories of associate members; and

(b) Determine the extent of the rights and privileges of associate members as members of LGNZ (which must not include voting rights as members of LGNZ).

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**C3A.** Without limiting the categories of persons or organisations that may become associate members, the National Council may make provision for an associate membership category or categories for council organisations, council-controlled organisations, council-controlled trading organisations and exempted organisations (as those terms are defined in the Local Government Act 2002, but without the

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exclusions provided in section 6(4) of that Act).

TERMINATION OF MEMBERSHIP

- C4. Any Member Authority or associate member may resign from membership by giving to LGNZ notice in writing, and every notice, unless otherwise expressed, takes effect one month after the giving of that notice but does not in any case release the Member Authority or associate member from payment of any subscription, fees or other payments owing to LGNZ at the time of resignation.
- C5. The National Council has the power, by resolution, to terminate, or suspend for any specified period, the membership of any Member Authority or associate member for whatever reasons, in its discretion, it thinks fit.
- C6. Any Member Authority or associate member whose membership has been terminated or suspended is entitled to table a motion before an Annual General Meeting seeking the revocation of the termination or suspension, and notwithstanding any provisions of these Rules to the contrary (including any procedural requirement for a seconder to a motion), the motion shall be put to that Annual General Meeting.
- C7. If any motion referred to in Rule C6 is passed, the termination or suspension shall be deemed to have no effect.

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LIFE MEMBERSHIP

- C8. Notwithstanding anything to the contrary in these Rules, the Annual General Meeting or a Special General Meeting may by resolution, upon the recommendation of the National Council, elect to life membership any person who has given outstanding service to LGNZ or to local government generally.
  
- C9. A life member may attend any Annual General Meeting or Special General Meeting of LGNZ without paying a fee, and has such speaking rights as the Chair of the meeting allows but a life member is not entitled to exercise any other rights conferred by or under these Rules upon Member Authorities or associate members.

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TRANSITIONAL MEMBERSHIP

C10. Notwithstanding anything to the contrary in these Rules but subject to Rule C11, any Local Authority, which pursuant to a final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise, succeeds to the functions of a regional council, unitary authority or territorial authority, any one or more of which were separately Member Authorities of LGNZ, becomes a Member Authority of LGNZ entitled to all the rights and privileges of that status.

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C11. The National Council may require payment by a Local Authority whose predecessors were not all Member Authorities, of such additional sum as it considers necessary to fairly equate, in respect of the balance of the current financial year, with the subscription which would otherwise have been payable had the Local Authority been a Member Authority at the commencement of that financial year.

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**D ZONES AND SECTOR GROUPS**

ZONES

**D1.** There shall be six geographical groupings of Member Authorities to be known as Zones. Each Member Authority shall belong to a zone and no member authority shall belong to more than one zone.

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**D2.** Subject to paragraph D5, the membership of the six Zones is as follows:

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(a) Zone One - All Member Authorities within the area bounded by the Northland Regional Council and the Auckland Council.

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(b) Zone Two - All Member Authorities within the area bounded by the Waikato and Bay of Plenty Regional Councils and the Gisborne District Council and those parts of the Waitomo and Taupo District Councils situated in any other Regions.

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(c) Zone Three - All Member Authorities within the area bounded by the Taranaki, Hawke's Bay, and Manawatu-Wanganui Regional Councils and that part of the Tararua District situated in the Wellington Region but excluding any parts of the Taupo and Waitomo District Councils.

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(d) Zone Four - All Member Authorities within the area bounded by the Wellington Regional Council including that Council but excluding any part of the Tararua District.

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(e) Zone Five - All Member Authorities within the area bounded by the Canterbury and West Coast Regional Councils, the Tasman and Marlborough District Councils, the Nelson City Council, and the Chatham Islands Council but excluding any part of the Waitaki District.

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(f) Zone Six - All Member Authorities within the area bounded by the Otago and Southland Regional Councils and that part of the Waitaki District Council included in the Canterbury Region.

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D3. For the purposes of Rule D2, membership of the six Zones is to be determined by the boundaries specified in Rule D2 even though all or any of the Local Authorities may be abolished or their boundaries altered by any final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise.

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D4. In the event that the district of a Member Authority is or becomes located in more than one Zone, or if for any other reason it is unclear to which Zone a Member Authority belongs, the matter must be determined by resolution of the National Council.

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- D5. The National Council may redefine the membership of any Zone after consultation with all affected members. Upon making any change the National Council will notify all members of its decision and of the date on which it becomes effective.

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ZONE FUNCTIONS

D6. In addition to making appointments to the National Council, Zones may:

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(a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members; and

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(b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of LGNZ.

SECTOR GROUPS

D7. There shall be four sector based groupings of Member Authorities known as Sector Groups made up as follows:

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(a) Metropolitan Group - All territorial authorities and unitary authorities having populations of 90,000 or over;

(b) Provincial Group - All territorial authorities and unitary authorities having populations of 20,000 or over and less than 90,000;

(c) Rural Group - All territorial authorities and unitary authorities having populations of less than 20,000; and

(d) Regional Group - All regional councils and unitary authorities.

D8. Subject to Rule D9, each Member Authority, by virtue of its membership of LGNZ belongs to a Sector Group specified in Rule D7.

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D9. Any Member Authority, may apply to the Chair of the Sector Group to which it would prefer to belong and may belong to a Sector Group different from that specified in Rule D7 if:

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(a) The Chair of the Sector Group to which it applies agrees in writing; and

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(b) The decision of the Chair is confirmed by National Council.

D10. For the purpose of making any appointment under paragraphs (c) or (d) or (e) of Rule E1:

(a) No Member Authority may vote in respect of more than one Sector Group; and

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(b) A Member Authority which is a unitary authority may vote either as a territorial authority or as a member of the Regional Group but not both.

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D11. For any purpose other than making an appointment under paragraphs (c) or (d) or (e) of Rule E1:

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(a) No member is bound to any Sector Group; and

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(b) Any Member Authority may attend meetings of any Sector Group and be treated, subject to the following paragraph (c), as a member of that Sector Group; and

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(c) Member Authorities who are described as belonging to a particular Sector Group in Rule D7 may determine from time to time whether other Member Authorities who attend meetings of their Sector Group have voting rights, either generally or in regard to any particular case.

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SECTOR GROUP FUNCTIONS

D14. In addition to making appointments to the National Council, Sector Groups may:

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(a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members; and

(b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of LGNZ.

ZONE AND SECTOR GROUP MEETINGS

D15. Each Zone and each Sector Group must comply with any directions of the National Council as to:

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- (a) The making of appointments;
- (b) The conduct of meetings; or
- (c) The conduct of its affairs generally.

D16. Each Zone and each Sector Group must meet or conduct ballots at such time or times to enable appointments to the National Council to be made in accordance with these Rules.

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D17. Subject to the preceding provisions of these Rules, each Zone and each Sector Group may conduct meetings at such times and places, and in such manner as it determines.

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D18. No Zone or Sector Group meeting may be held unless LGNZ and all Member Authorities within the Zone or Sector Group concerned have been given not less than 5 working days' notice of the meeting, venue and the business to be considered.

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D19. The President and Chief Executive (or their nominees) are entitled to be notified of, attend, and have speaking rights at all Zone and Sector Group meetings.

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D20. A record must be kept of all Zone and Sector Group meetings and a copy of the record forwarded to LGNZ.

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D21. Subject to any directions by the National Council, each Zone or Sector Group is responsible for determining the manner of administering and funding its activities but

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the cost of any services to be provided by LGNZ must first be agreed with the National Council.

- D22. At all times each Zone and Sector Group must have a person designated as its Chair.

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**E NATIONAL COUNCIL**

COMPOSITION OF NATIONAL COUNCIL

- E1.** The National Council of LGNZ consists of the President and 14 members appointed as follows:
  - (a) Two persons appointed by Zone One;
  - (b) One person appointed by each of Zones Two, Three, Four, Five and Six;
  - (c) Three persons appointed by the Metropolitan Group;
  - (d) Two persons appointed by the Regional Group;
  - (e) One person appointed by each of the Provincial and Rural Groups.

QUALIFICATION AND VOTING

- E2.** Every person who holds office as an Elected Member is qualified to be appointed to or assume office as a member of the National Council as the case may be.
- E3.** No Local Authority or any representative of a Local Authority is entitled to make an appointment or to vote in the making of appointments pursuant to Rule E1 unless the Local Authority is a Member Authority.
- E4.** Subject to the determination referred to in Rule E6, no Member Authority is entitled to exercise more than one vote for any candidate for appointment under Rules E1(c) or (d) or (e).

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E5. Subject to these Rules, each Zone and each Sector Group is entitled to determine the manner in which its appointments will be made.

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SECTOR GROUP APPOINTMENTS

E6. Appointments of National Council members by Sector Groups must be made in the following manner:

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(a) Elections in each Sector Group must be held within eight weeks after the triennial local government elections are held;

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(b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote or electronic voting;

(c) Each Member Authority in a Sector Group has a single vote for the purpose of the elections;

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(d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;

(e) As soon as practicable after the closing of voting the Chief Executive must declare the result of the election;

(f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

E7. Appointments of National Council members by Sector Groups are for a period of three years except where Rule E16 applies.

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ZONE APPOINTMENTS

E8. Appointments of National Council members by Zones must be made in the following manner:

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(a) Elections in each Zone must be held within eight weeks after the triennial local government elections are held;

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(b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote or electronic voting;

(c) Each Member Authority in a Zone has the votes allocated to it as determined under Rule H1;

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(d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;

(e) As soon as practicable after the closing of voting the Chief Executive must declare the result of the election;

(f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded

must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

**E9.** Appointments of National Council members by Zones are for a period of three years, except where Rule E16 applies. Once notified, the persons appointed are not able, while holding office on the National Council, to also hold appointment under Rules E1(c) to (e).

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**APPOINTMENTS GENERALLY**

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**E10.** Persons appointed to the National Council under Rules E1 to E9 assume office on the day that is eight weeks after the triennial local government elections are held, and subject to Rules E12 to E16 serve in office until their successors have assumed office.

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**E11.** In the event that any appointment required to be made in terms of these Rules is not made, a vacancy shall be deemed to result. The vacancy must be filled by appointment by the National Council as soon as practicable.

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**VACANCIES**

**E12.** If any National Council member (other than the President):

- (a) Resigns from the National Council by giving written notice to that effect to the Chief Executive; or
- (b) Subject to Rule E13, ceases to hold office as an Ejected Member; or

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(c) Is elected to the office of President;

then that person's position as a National Council member immediately becomes vacant.

**E13.** If a National Council member ceases to hold office as an Elected Member by not standing for election, or failing to win election, at a triennial local government election, the person continues to hold office as a National Council member until his or her successor assumes office under Rule E10.

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**E14.** If any National Council member is absent for two consecutive meetings of the National Council, without leave of absence granted by, or an apology satisfactory to, the National Council, then that person's position may be declared vacant by the National Council.

**E15.** Subject to Rules E1 to E14, in the event of any position on the National Council (other than the office of the President) becoming vacant, the Chief Executive must immediately give written notice to all Member Authorities entitled to have appointed that member, and the relevant Zone or Sector Group may appoint a replacement person to the vacant position. If within two months after the giving of such notice, the vacancy has not been filled, the National Council has the power to fill the vacancy by appointment.

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**E16.** Any person appointed under Rule E15 holds office only for the unexpired portion

of the term of office of that person's predecessor.

- E17.** The National Council may continue to act with a vacancy in its numbers, but if, and so long as, its numbers are reduced below six, the continuing members of the National Council may only act for the purposes of increasing the number of members of the National Council to six or more or for exercising any powers under Part G vested in the National Council.

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POWERS OF NATIONAL COUNCIL

- E18.** The National Council has and may exercise the sole control, discretion and governance of LGNZ subject only to any limitations imposed by these Rules or directions given by the Annual General Meeting or any Special General Meeting.

NATIONAL COUNCIL MEETINGS AND PROCEDURES

- E19.** Meetings of the National Council must be held in accordance with Rules E20 to E29.
- E20.** Meetings of the National Council must be held at the times and places as are fixed by the National Council, or as requisitioned by written notice to the Chief Executive signed by the President or any three National Council members.
- E21.** Subject to Rule E23, the Chief Executive must give each National Council member at least 5 working days' notice of a meeting of the National Council and must, before each meeting, forward to each National Council member details of the

venue and business to be transacted at the meeting.

**E22.** Despite Rule E21, the National Council may deal with other business at the meeting only if a majority of the National Council agrees.

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**E23.** In circumstances in which the President or Chief Executive determine that business has arisen requiring urgent attention by the National Council, a meeting must be held on not less than 48 hours' notice being given by the Chief Executive, (or shorter notice if every member of the National Council agrees) and only the business notified may be transacted at that meeting.

**E24.** The President shall preside at all National Council meetings but if the President is absent, the meeting must appoint a Chair.

**E25.** Each National Council member present at any meeting of the National Council is entitled to one vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote. Proxy voting is not permitted.

**E26.** At any meeting of the National Council, a quorum exists when not less than eight of the total number of National Council members then in office are present.

**E27.** If a quorum is not present within one hour of the time fixed for a National Council meeting, the meeting shall lapse. If the meeting ceases to have a quorum for any period, no business may be conducted during that time.

- E28.** For the purposes of Rules E26 and E27, a quorum exists at a meeting when sufficient persons to make up the quorum are:
  - (a) Assembled together at the place fixed for the meeting; or
  - (b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or
  - (c) Any combination of paragraphs (a) and (b).

**E29.** Subject to Rules E19 to E29A, the National Council may regulate its own procedures.

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**E29A.** The National Council may pass a resolution without a meeting, but only if the resolution is assented to by every member of the National Council.

NATIONAL COUNCIL COMMITTEES

**E30.** The National Council may appoint committees for general or special purposes and may delegate any of its powers to such committees except the powers in Rules C5, E11, E14, and E15.

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**E31.** The National Council must appoint the Chair of each committee who shall preside at all meetings of the committee, but if that person is absent, the meeting must appoint a member of the committee to preside at that meeting.

- E32.** From time to time, the National Council may appoint to any committee appointed under Rule E30, any person whom the National Council believes will assist the committee in its deliberations because of that person's training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an elected member. The National Council may discharge any such person from a committee in like manner.
- E33.** Every committee appointed under Rule E30 must report to the National Council, and its report must be adopted by the National Council before any action is taken in respect of the matter, unless the committee has been appointed with specific authority to act, as set out in that committee's terms of reference.
- E34.** The Chair of any committee may arrange for the attendance of any person at a committee meeting and that person has full speaking rights at that meeting. The President and the Chief Executive have the right to be notified of, attend, and have speaking rights at any committee meeting.
- E35.** Where there is urgent business to be transacted by any committee, the Chair of that committee or the Chief Executive may convene a meeting on such notice as can conveniently be given; otherwise committee meetings must be convened at such times and on such notice as the committee so determines.
- E36.** Each committee member present at any meeting of a committee is entitled to one

vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote.

**E37.** At any meeting of a committee, a quorum exists when not less than one third of the total number of members of the committee are present.

**E38.** If a quorum is not present within one hour of the time fixed for a committee meeting, it shall lapse. If the meeting ceases to have a quorum for any period, no business may be conducted during that time.

**E39.** For the purposes of Rules E37 and E38 a quorum exists at a meeting when sufficient persons to make up the quorum are:

- (a) Assembled together at the place fixed for the meeting; or
- (b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or
- (c) Any combination of paragraphs (a) and (b).

**E40.** Subject to these Rules, and any directions from the National Council each committee may regulate its own procedures, including the ability to create working groups reporting to it on such issues as are necessary to advance the purposes of the committee,

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F PRESIDENT AND VICE PRESIDENT

ELECTION OF PRESIDENT

F1. The President must be elected by ballot of Member Authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.

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F2. Any person who is an Elected Member at the close of nominations for the role of President is qualified to be elected to the office of President and holds the office in accordance with these Rules.

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F3. The election for President must be conducted in accordance with the Preferential Voting System set out in these Rules.

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F4. For the purpose of the Preferential Voting System set out in these Rules,

ABSOLUTE MAJORITY OF VOTES, in relation to a candidate, is the number of votes which is greater than one-half of the total number of votes other than non-transferable and informal votes.

NON-TRANSFERABLE VOTE means a voting form on which no second or consecutive preference is recorded for an unexcluded candidate, and non-transferable has a corresponding meaning.

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F5. Each Member Authority has the number of votes as set out in Rule H1. Each vote is transferable.

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- F6. Each Member Authority exercises its vote:
  - (a) By marking on the voting form the number "1" in the box next to the name of the candidate who is the Member Authority's first preference; and
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  - (b) By marking on the voting form further consecutive numbers in descending order of preference in any or all of the remaining boxes next to the names of the remaining candidates (for example, "2" for the Member Authority's second preference, and "3" for the Member Authority's third preference and so on).
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- F7. The number of first preferences recorded for each candidate must be counted and all informal voting forms must be rejected.
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- F8. The candidate who obtains an absolute majority of votes is elected.
- F9. If no candidate has an absolute majority of votes, the candidate who has the fewest votes is to be excluded and each voting form counted to that candidate, unless non-transferable, must be counted to the unexcluded candidates next in the order of the Member Authority's preference.
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- F10. The process in Rule F9 must be repeated until one candidate has an absolute majority of votes.
- F11. In this Preferential Voting System, a vote

must be set aside as informal if:

- (a) The figure "1" standing alone is not placed so as to indicate a first preference for a candidate; or
- (b) At the point at which (and not before) the same preference is set opposite the name of more than one candidate; or
- (c) Rule H20 applies; or
- (d) The voting form is unmarked or void for uncertainty.

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**F12.** For the purpose of these Rules,

- (a) Every voting form not rejected as informal must be counted in every count until it becomes non-transferable when it must be rejected in all further counts; and

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If a candidate is excluded, any voting form counted to the candidate is non-transferable if there is not indicated on it a consecutive preference for 1 or more unexcluded candidates.

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**F12A.** For the avoidance of doubt, for the purposes of Rules F4 – F12, a voting form includes any electronic means of casting a vote.

**F13.** If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots

under a procedure supervised by the Chief Executive.

**F14.** A person elected to the office of President in accordance with Rules F1 to F16 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and subject to Rules F20, and F27 to F32 holds office until a successor assumes office.

**F15.** No person may hold office as President for more than three consecutive terms, provided that any person who holds office as President by virtue of an appointment in accordance with Rules F27 to F32 is eligible for re-election at the end of the unexpired term of office of that person's predecessor. For the avoidance of doubt, a term under this Rule does not include any period of office held by a President by virtue of an appointment in accordance with Rules F27 to F32.

**F16.** The President is a National Council member solely by right of holding the office of President. Where the person elected is already a National Council member, the vacancy that is created must be filled in accordance with Rules E12 to E17.

CONFIDENCE IN PRESIDENT

**F17.** A motion that the President must vacate office may be moved only at:

- (a) A Special General Meeting called in accordance with Rule G7, for

the purpose of moving that motion; or

- (b) An Annual General Meeting where the requirements of Rules F18 and F19 have been met.

**F18.** Member Authorities may petition the Chief Executive to include in the business of the Annual General Meeting a motion that the President must vacate office. Rules G9 to G11 apply to the petition. The Chief Executive must receive the petition at least 21 days before the date of the Annual General Meeting.

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**F19.** If the requirements of Rule F18 have been met, the Chief Executive must ensure that the motion is included on the agenda of the Annual General Meeting. Notice of the motion must be included in the notice of business that must be given to each member authority under Rule G5.

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**F20.** At the Special General Meeting or the Annual General Meeting, the motion that the President must vacate office will be carried if there is simple majority of votes cast in favour of the motion. On the declaration that the motion is carried:

- (a) The President is deemed to have resigned immediately on that declaration; and
- (b) Rules F28 and F29 apply as if there were a vacancy in the office of President.

ELECTION OF VICE-PRESIDENT

F21. The Vice-President must be elected by ballot of Member Authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.

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F22. Any person (other than the President) holding office as a National Council member at the time at which the election for Vice-President is held, is qualified to be elected to the office of Vice-President.

F23. The election for Vice-President must be conducted in accordance with the Preferential Voting System used for the election of the President as set out in Rules F4 to F13.

F24. A person elected as Vice-President in accordance with Rules F21 to F23 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and, subject to Rules F37 to F41, holds office until a successor assumes office.

F25. Subject to Rules E12 to E17 and F37 to F41, any person elected to the office of Vice-President continues to hold office as a National Council member representing the Zone or Sector Group by which that person was appointed.

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F26. Any person may hold office as Vice-President for as many consecutive terms as that person may be elected to the National Council.

VACANCY IN THE OFFICE OF PRESIDENT

- F27. If any person holding office as President:
  - (a) Resigns from that office by giving written notice to that effect to the Chief Executive; or
  - (b) Ceases to hold office as an elected member for any reason;

the office immediately becomes vacant except that a President who ceases to be an Elected Member by not standing for election, or failing to win election, at a triennial local government election continues to hold office as President as provided in Rule F14 until the new President assumes office under Rule F14.

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- F28. In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14,

- (a) Rule F34 applies; and
- (b) A ballot must be held, subject to Rule F30, as soon as practicable to elect an Elected Member to the vacant office of President.

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- F29. In the event of a vacancy occurring in the office of President in any other case, Rule F35 applies.

- F30. All the provisions of Rules F1 to F16 apply, with any necessary modifications, to any ballot held under Rule F28, subject to the following:

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- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises; and
- (b) Any person who is an Elected Member at the close of nominations is qualified to be elected to the office of President; and
- (c) No voting form is valid unless signed by the Mayor or Chairperson of the Member Authority, or in that person's absence by the Deputy Mayor or Deputy Chairperson, or in that person's absence by the chief executive provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the Member Authority;
- (d) Completed voting forms must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six weeks after the close of nominations; and
- (e) The person elected assumes office immediately on the declaration of the result of the election.

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F30A For the avoidance of doubt, for the purposes of Rule F30, a voting form includes any electronic means of casting a vote.

**F31.** Where the filling of any vacancy in the office of President creates a vacancy on the National Council, that vacancy must be filled in accordance with Rules E12 to E17.

**F32.** Any person elected under Rule F28 holds office only for the unexpired portion of the term of office of that person's predecessor.

ACTING PRESIDENT

**F33.** The Vice-President is the Acting President for any period during which the President:

- (a) Is overseas; or
- (b) Is unable to undertake the duties of office; or
- (c) Is on leave approved by the National Council.

**F34.** In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14, the Vice-President is the Acting President until a ballot is held as set out in Rule F28 and a new President has assumed office in accordance with Rule F30(e).

**F35.** In the event of a vacancy occurring in the office of President in any other case, the Vice-President is the Acting President until a new President is elected in accordance with Rules F1 to F16.

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**F36.** If there is, at the same time, a vacancy in the office of President and a vacancy in the office of Vice-President within 24 months of the President and Vice-President assuming office in terms of Rule F14 and Rule F24, the National Council must appoint a National Council member to be Acting President until a ballot is held as set out in Rule F28 and a new President has assumed office in accordance with Rule F30(e).

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**F37.** No vacancy occurs on the National Council by reason of the Vice-President being the Acting President, or by reason of a National Council member being the Acting President in accordance with Rule F36.

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VACANCY IN THE OFFICE OF VICE-PRESIDENT

**F37.** If any person holding office as Vice-President -

- (a) Resigns from the National Council or from the office of Vice-President by giving written notice to that effect to the Chief Executive; or
- (b) Ceases to hold office as an elected member;

the office immediately becomes vacant.

**F38.** In the event of a vacancy occurring in the office of Vice-President within 24 months after the person assumed that office in terms of Rule F24, a ballot must be held, subject to Rule F40, as soon as practicable to elect a National Council member to the vacant office of Vice-President.

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**F39.** In the event of a vacancy occurring in the office of Vice-President in any other case, the National Council must appoint a National Council member to the vacant office of Vice-President.

**F40.** Rule F23 applies, to any ballot held under Rule F38, subject to the following:

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- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises;

(b) Completed voting forms must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six weeks after the close of nominations; and

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(c) No voting form is valid unless signed by the Mayor or Chairperson of the Member Authority, or in that person's absence by the Deputy Mayor or Deputy Chairperson, or in that person's absence by the chief executive provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the Member Authority; and

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(d) The person elected assumes office immediately on the declaration of the result of the election.

F40A. For the avoidance of doubt, for the purpose of Rule F40, a voting form includes any electronic means of casting a vote.

**F41.** Any person elected under Rule F38 or appointed under Rule F39 holds office only for the unexpired portion of the term of office of that person's predecessor.

**G ANNUAL AND SPECIAL GENERAL MEETINGS**

ANNUAL GENERAL MEETING

**G1.** An Annual General Meeting of Member Authorities must be held on or before the 31st day of July in each year at such time and place that is fixed by *LGNZ*.

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**G2.** The following business is to be conducted at the Annual General Meeting, but in such order as is determined by the National Council or the President:

(a) President's Report and Annual Report;

(b) Financial Statements and Annual Statement of Accounts;

(c) Subject to Rule G3, remits or reports from Zones or Sector Groups or Member Authorities;

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(ca) Fixing honoraria, if any, for the President, Vice-President, and National Council members;

(d) Date and venue of next Annual General Meeting and any future Special General Meetings that may have been determined by the National Council;

(e) Any notice or notices of motion to alter, add to, rescind or otherwise amend the Rules of *LGNZ*;

(f) Any other business that the National Council or the Annual

General Meeting resolves to be considered.

G3. Where any Zone or Sector Group or Member Authority wishes to bring any remit or report before the Annual General Meeting for discussion, the remit or report must be forwarded to the Chief Executive not less than two months before the date of the meeting; however, the National Council has a discretion to accept late remits or reports if received less than two months before the date of the meeting.

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G4. Remits, reports and other matters approved by the National Council for consideration at the Annual General Meeting must be placed on the meeting agenda.

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G5. Not later than 10 working days before the date of the Annual General Meeting, notice of the business to be considered together with all reports and statements referred to in Rule G2 must be provided to each Member Authority.

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G6. A report of the proceedings of the Annual General Meeting must be provided to each Member Authority.

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SPECIAL GENERAL MEETING

G7. A Special General Meeting of LGNZ to discuss any issue of relevance to members may be called:

- (a) By the National Council under Rule G8; or

(b) By the Chief Executive under Rule G12.

**G8.** The National Council may call a Special General Meeting of LGNZ at any time. However, any such Special General Meeting may only be held when notice of the meeting, the venue and the business to be considered has been given to each member authority at least five working days before the date of the meeting.

**G9.** Member Authorities may petition the Chief Executive to call a Special General Meeting of LGNZ. The petition must:

(a) Subject to Rules G10 and H4, be signed by Member Authorities representing one third or more of the voting entitlement of all Member Authorities as set out in Rule H1; and

(b) State the issue or issues to be addressed at the Special General Meeting.

**G10.** No Member Authority may sign the petition unless it has passed a resolution to that effect. A copy of the resolution must be sent to the Chief Executive with the petition. The Member Authorities petitioning the Special General Meeting must be from more than one Sector Group and from more than one Zone.

**G11.** On receiving the petition, the Chief Executive must give notice to all Member Authorities that he or she has received the petition together with a copy of the petition.

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- G12.** If the Chief Executive is satisfied that the requirements of Rules G9 and G10 have been met, the Chief Executive must:
- (a) Call a Special General Meeting to be held within 4 weeks after the date on which the Chief Executive received the petition; and
  - (b) Determine the time and venue of the meeting; and
  - (c) Give notice of the meeting, the venue, and the business to be considered to each ~~Member~~ Authority at least five working days before the date of the meeting.

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DELEGATES

- G13.** At the Annual General Meeting and Special General Meetings, ~~Member~~ Authorities admitted to membership under Rule C1 are entitled to representation as follows:
- (a) ~~Member~~ Authorities (other than Regional Councils) having populations of 50,000 or over - not more than 4 delegates;
  - (b) ~~Member~~ Authorities (other than Regional Councils) having populations of 10,000 or over and less than 50,000 - not more than 3 delegates;
  - (c) ~~Member~~ Authorities (other than Regional Councils) having

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populations of less than 10,000 - not more than 2 delegates;

- (d) Regional Councils having populations of 250,000 or over - not more than 4 delegates;
- (e) Regional Councils having populations of 100,000 or over and less than 250,000 - not more than 3 delegates;
- (f) Regional Councils having populations of less than 100,000 - not more than 2 delegates.

**G14.** At the Annual General Meeting and Special General Meetings, associate members admitted to membership under Rule C2 are entitled to be represented by not more than 2 delegates, unless otherwise determined by the National Council under Rule C3**(b)**.

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**G15.** Every Member Authority must appoint one of its delegates as its presiding delegate and may appoint one or more alternate delegates; provided that the number of alternate delegates does not exceed the number of delegates appointed.

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**G16.** The chief executive, Mayor or Chairperson of each Member Authority, shall forward to the Chief Executive the name and official position of the presiding delegate, other delegates and all persons appointed by that Member Authority as an alternate for any delegate who may be absent from the floor of the meeting.

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**G17.** In Rules G13 to G16 the term "delegate" includes both an Elected Member and an officer of a Member Authority and may include members of the National Council.

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**G17A.** For the avoidance of doubt, for the purpose of Rules G13 to G17, the names of delegates may be provided to the Chief Executive in electronic form.

PROXIES

**G18.** At any Annual General Meeting or Special General Meeting, the votes provided for in Part H may be exercised by a Member Authority by proxy in accordance with this Rule.

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**G19.** The provisions of Part H apply, with any necessary modifications, to any person who is a proxy of a Member Authority as though that person was a delegate of the Member Authority.

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**G20.** Proxies must be appointed in writing in this form or a similar form (which for the purposes of this Rule includes any electronic form):

**NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INCORPORATED**

The \_\_\_\_\_ Council, a member authority of *Local Government New Zealand*, appoints \_\_\_\_\_ of

or failing him/her  
of \_\_\_\_\_  
as its proxy to vote on its behalf at the Annual General Meeting or Special General Meeting of *Local Government New*

Zealand, to be held on the \_\_\_\_\_ day  
of 20 and at any  
adjournment thereof.

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who, by signing this proxy confirms that he  
or she is entitled to do so.

**G21.** Any instrument appointing a proxy  
appearing to be executed in accordance  
with these Rules, including any electronic  
instrument, must, in the absence of  
evidence to the contrary, be treated as  
valid.

**G22.** No instrument creating a proxy is valid  
unless:

(a) It is provided to LGNZ at least  
48 hours before the time at which  
the Annual General Meeting or  
Special General Meeting is to  
commence, or

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(b) A motion is passed at the meeting  
to accept it.

CHAIR

**G23.** The President shall preside at the Annual  
General Meeting and any Special General  
Meeting. If the President is absent then

the meeting must, by resolution, appoint a Chair, and the Chief Executive or the Chief Executive's nominee must preside at the meeting for the purposes of making such appointment.

**G24.** The President, or the Chair of the meeting has the power to propose or second any motion even though the President or the Chair, may not be a delegate of a Member Authority.

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QUORUM

**G25.** Subject to Rule G23, at the Annual General Meeting, a Special General Meeting or at a Zone or Sector Group meeting, a quorum consists of one half the total number of Member Authorities entitled to be represented and vote when that number is even, and a majority of such Member Authorities when the number is odd.

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**G26.** If a quorum is not present within one hour of the time fixed for the meeting, the meeting will lapse. If the meeting ceases to have a quorum for any period, no business may be conducted during that time.

**G27.** For the purpose of calculating whether or not a quorum is present at any Annual General Meeting or Special General Meeting, member authorities whose voting at the meeting will be by proxy are to be treated as being present.

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CONDUCT OF MEETINGS

G29. Subject to the requirements of these Rules, the Annual General Meeting or any Special General Meeting or Zone or Sector Group meeting may by resolution fix rules of debate and rules for the conduct of the meeting. Subject to any such resolution, a ruling of the President or Chair (as the case may be) on any point of order is final and conclusive.

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H VOTING AND ELECTIONS

VOTING

H1. Subject to Rules H3 to H5, at the Annual General Meeting, and any Special General Meeting, or Zone or Sector Group meeting, or for the purposes of any petition under Rule G9, Member Authorities admitted to membership under Rule C1 are entitled to vote as follows:

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(a) Member Authorities having an annual subscription of \$100,000 or over – 6 votes plus 1 vote for every \$20,000 increment (in whole) in excess of \$100,000:

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(b) Member Authorities having an annual subscription of \$80,000 to \$99,999– 6 votes:

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(c) Member Authorities having an annual subscription of \$50,000 to \$79,999 – 5 votes:

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(d) Member Authorities having an annual subscription of \$30,000 to \$49,999 – 3 votes:

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(e) Member Authorities having an annual subscription of \$20,000 to \$29,999 – 2 votes:

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(f) Member Authorities having an annual subscription of less than \$20,000– 1 vote.

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H2. At the Annual General Meeting, any Special General Meeting, or any Zone or Sector Group meeting, persons or

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organisations admitted to associate membership under Rule C2 are not entitled to vote.

H3. No Member Authority whose annual subscription is in arrears is entitled to vote at any Annual General Meeting or Special General Meeting or at any Zone or Sector Group meeting or by ballot involving elections to the National Council, until the arrears are paid.

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H4. With respect to a petition under Rule G9:

(a) No associate member admitted to membership under Rule C2 is entitled to sign the petition unless the National Council has determined, in accordance with Rule C3 that associate members of that kind may sign the petition; and

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(b) No Member Authority, or associate member whose annual subscription is in arrears is entitled to sign the petition.

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H5. Subject to Part K, at any Annual General Meeting, Special General Meeting or Zone or Sector Group meeting resolutions are carried by a simple majority of votes.

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H6. At any Annual General Meeting, Special General Meeting, or Zone or Sector Group meeting, in the event of an equality of voting (whether on a poll or otherwise), the President, or Chair as the case may be, has the casting vote.

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H7. At any Annual General Meeting, Special General Meeting, or ~~Zone~~ or ~~Sector Group~~ meeting, the manner of voting on any issue is determined by the Chair, provided that the Chair, any delegate or ~~Member Authority~~ may demand a poll and on the taking of a poll, each ~~Member Authority~~ present is entitled to vote in accordance with Rule H1.

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H8. If a poll is taken at any Annual General Meeting, Special General Meeting, or ~~Zone~~ or ~~Sector Group~~ meeting each ~~Member Authority~~ must be provided with one voting ~~form~~, which must indicate the number of votes the ~~Member Authority~~ receiving it is entitled to exercise, and no ~~Member Authority~~ is entitled to divide its votes for and against the motion. No voting ~~form~~ is valid unless signed by the presiding delegate or notified alternate.

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H9. A demand for a poll does not prevent the continuance of any Annual General Meeting or meeting for the transaction of any business, other than in respect of the question upon which the poll is demanded.

CONDUCT OF ELECTIONS – PRESIDENT AND VICE-PRESIDENT

H10. The ballots referred to in Part F must be conducted in accordance with Rules H11 to H24.

H11. The Chief Executive must act as Returning Officer and is responsible for the conduct of the elections in accordance with these Rules.

H12. Should any matter arise in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion, but may be guided by the provisions of the Local Electoral Act 2001.

H13. All nominations must be in writing signed by the Mayor, Chairperson, Deputy Mayor, Deputy Chairperson, or Chief Executive of a Member Authority and must be seconded in writing on the same or another document by one of those office holders of another Member Authority.

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H14. Nomination and seconding forms must be received by the Chief Executive not later than 31 May in the year in which the election is to be held.

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H15. Any nomination signed in accordance with, and otherwise appearing to comply with these Rules is deemed to be valid for all purposes and *LGNZ* is not required to inquire into its validity for any purpose whatsoever.

H15A. Subject to the requirements of Rules H13 to H15, for the avoidance of doubt, nomination and seconding forms may be provided in electronic form.

H16. If only one nomination is received for the office of President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared President-elect by the Chief Executive. If no nominations are received by the date nominations close,

then the National Council must meet as soon as practicable to determine how the office may be filled and has full power to decide on the procedures to apply to ensure that the office of President is filled.

**H17.** If only one nomination is received for the office of Vice-President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared Vice-President elect by the Chief Executive. If no nominations are received by the date nominations close, then the National Council has the power to fill the vacancy on the next occasion it meets after the vacancy has occurred.

**H18.** On the close of nominations the Chief Executive must prepare, for each member authority, voting forms listing the validly nominated candidates to be distributed at the Annual General Meeting. A list of the validly nominated candidates for each office and any biographical material (which may include a photograph and not more than 150 words) provided by the candidates for distribution must be distributed with the Annual General Meeting papers.

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**H19.** At any Annual General Meeting at which the election of the President is to occur, voting forms for the election of the Vice-President may not be issued and that election may not take place until the result of the election of the President has been declared.

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**H20.** No voting form is valid unless signed by the presiding delegate or notified alternate.

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H21.

**Deleted:** The Chief Executive must determine the date and the close of voting.

H22. Duly completed voting forms must be returned to the Chief Executive, or to any scrutineers appointed by the Chief Executive at the Annual General Meeting, not later than the close of voting.

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H23. As soon as practicable after the close of voting the Chief Executive must declare the result of the election to the Annual General Meeting.

H24. As soon as practicable after any election, the Chief Executive must on the motion of the Annual General Meeting or the National Council destroy the voting forms.

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H25. For the avoidance of doubt, for the purposes of Rules H18 to H24 any reference to voting form includes any electronic means of voting.

I MANAGEMENT

11. The National Council shall appoint a Chief Executive for such remuneration and on such terms and conditions as it thinks fit, and may terminate or suspend the employment of any Chief Executive so appointed by it, subject to the law and any conditions agreed to in the Chief Executive's employment agreement.

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12. The Chief Executive is responsible to the National Council for employing, on its behalf, the staff of LGNZ and negotiating the terms of their appointment and may, subject to the law and any conditions in an employment agreement, applying to an employee, remove or suspend any employee from his or her employment.

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13. The Chief Executive is responsible to the National Council for the administration of the affairs of LGNZ in accordance with policies or directions resolved from time to time by LGNZ or the National Council.

14. The Chief Executive has such additional specific powers and authorities as are delegated by the National Council from time to time, including the power to subdelegate. The Chief Executive may also delegate to any officer or employee of LGNZ any of the powers, functions and duties conferred upon the Chief Executive under these Rules, including from time to time appointing an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any absence of the Chief Executive.

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- 15. The National Council may, from time to time, appoint an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any vacancy in that office.

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**J FINANCIAL MANAGEMENT**

FINANCIAL YEAR

**J1.** The financial year of *LGNZ* commences on the first day of April in each year and closes on the following 31st day of March.

SUBSCRIPTIONS

**J2.** From time to time, the National Council may by resolution, prescribe the subscriptions, fees or other payments, annual or otherwise, to be paid by Member Authorities and associate members, and, subject to Rule J4, the time and manner of payment of any such subscriptions, fees, or payments.

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**J3.** Any resolution may prescribe different subscriptions, fees or other payments for different Member Authorities or associate members, or classes of Member Authorities, or associate members and provide for exemptions of any subscription, fee or other payment.

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**J4.** The annual subscription is payable in the month of April in the financial year to which it relates.

CONTROL AND USE OF FUNDS

**J5.** All moneys received by or on behalf of *LGNZ* must be banked immediately in suitable bank accounts in the name of *LGNZ* (or in the case of a trust account, in such name as clearly identifies the trust) and all cheques or other payment on such accounts must be signed by not less than two signatories from a list of signatories

approved by the National Council (or by the trustees) and must be passed for payment or confirmed by the National Council (or as the case may be by the trustees).

INCOME AND PROPERTY

J6. Subject to Rules L9 to L11, the income and property of LGNZ must be applied towards the promotion of its objects, and no portion may be paid or transferred directly or indirectly to any Member Authority or associate member; provided that LGNZ may in good faith, pay to a National Council member, other member or officer of a Member Authority or associate member, or any other body, corporation or person, any or all of the following as may be decided, by the National Council or, acting under delegation, by the Chief Executive:

- (a) Remuneration for services rendered or payment for goods supplied;
- (b) Honoraria, except for the President, Vice-President and National Council members, and annual, daily, and incidental allowances and out of pocket expenses (including travel and accommodation allowances) incurred in any manner in the reasonable and proper conduct of the affairs of LGNZ.

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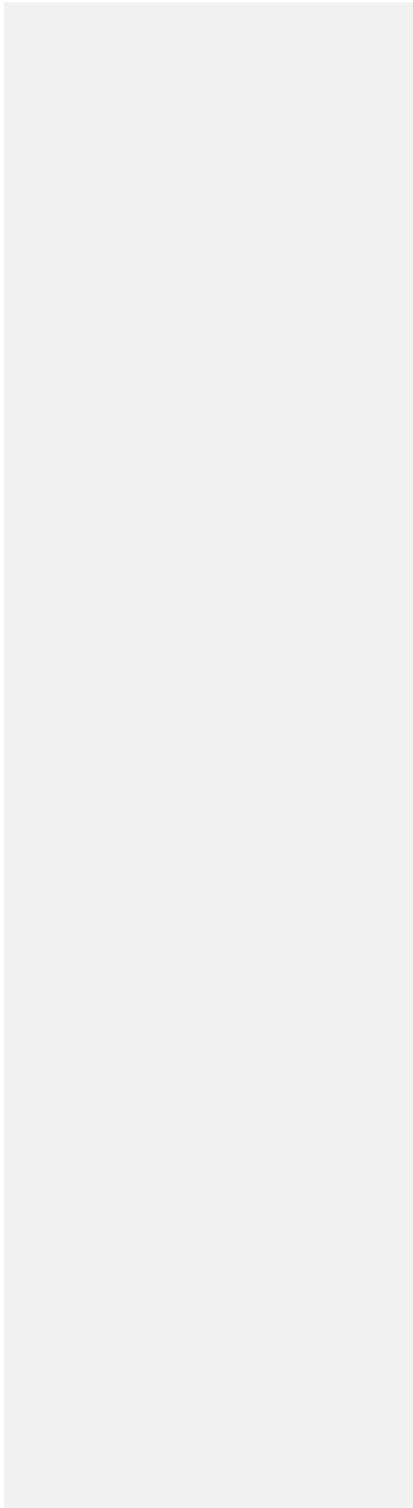
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AUDITOR

- J7.** In accordance with the Public Audit Act 2001, the auditor of *LGNZ* is the Auditor-General and the provisions of the Public Audit Act 2001 apply to the audit of the financial statements of *LGNZ*.



**K ALTERATION OF THE RULES**

**K1.** A change to these Rules may be initiated by-

(a) A resolution of the National Council; or

(b) A Member Authority giving more than one month's notice to LGNZ before the Annual General Meeting or any Special General Meeting called for the purpose of discussing changes to the Rules.

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**K2.** In all cases, written notice of the proposal to change the Rules must be given to every Member Authority at least 10 working days before the Annual General Meeting or the Special General Meeting.

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**K3.** Every proposal to change the Rules must clearly identify the words to be deleted from the Rules and any words to be added to the Rules.

**K4.** At a meeting at which the motion to change the Rules is considered-

(a) Any motion to amend a motion to change the Rules may be passed by a simple majority; but

(b) Any motion to change the Rules must be passed by resolution of a two-thirds majority of the valid votes cast.

L MISCELLANEOUS

COMMON SEAL

- L1 LGNZ must adopt a Common Seal which must be kept under the control and in the custody of the Chief Executive.
- L2. Any two of the President, Vice President or Chief Executive, must attest the execution under seal of documents to be executed by LGNZ.
- L3. The Common Seal must only be affixed pursuant to a resolution of the National Council or an Annual General Meeting or Special General Meeting.

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NOTICE

- L4. Any notice to be given to, or any document to be deposited with LGNZ or the Chief Executive, is to be regarded as given or deposited when received at the registered office of LGNZ; or if posted then three days after being posted to the usual postal address of LGNZ, or if sent electronically at the time that the notice arrives in the inbox of the Chief Executive's email address.
- L5. Any notice to a Member Authority or associate member is to be regarded as given when received at the principal office of the Member Authority or associate member or three days after being posted to the usual postal address of the member authority or associate member or if sent electronically at the time that the notice arrives in the inbox of an appropriate

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email address for the Member Authority or associate member.

L6. In Rules L4 and L5 "received" includes received by facsimile or electronic means during ordinary business hours or if received outside those hours then at 9:00am on the next business day.

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L7. No notice is to be regarded as having been given or received if in accordance with the usual protocols of that kind of notice, the sender has been notified of a failure of delivery.

L8. An inadvertent, unintentional, failure to give any notice required by these Rules to be given to a Member Authority, associate member, the Chief Executive, or any other person does not invalidate the doing of any thing or the election of any person in respect of which the notice was required.

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DISSOLUTION

L9. *LGNZ* may be voluntarily wound up in accordance with section 24 of the Incorporated Societies Act 1908.

DISPOSITION OF SURPLUS ASSETS ON DISSOLUTION

L10. In the event of *LGNZ* being wound up at an Annual General Meeting or a Special General Meeting without having passed a resolution directing the disposing of the assets then the assets, after the payment of *LGNZ's* liabilities and expenses of winding up, must be divided between the Member Authorities in proportion to the subscriptions paid by the Member

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Authorities immediately prior to the winding up.

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L11. Any meeting called for the purpose of considering a winding up resolution pursuant to section 24 of the Incorporated Societies Act 1908 (or any statutory provision passed in amendment or substitution for that provision) must have placed before it any proposal or recommendation of the National Council relating to the disposition of the surplus assets of LGNZ.

L12. A meeting called for the purpose of considering a winding up resolution may, despite anything contained in these Rules (including any requirement for notice of the business to be conducted at such meeting) after considering any proposal or recommendation of the National Council, by resolution direct the disposal of the assets of LGNZ in such manner as the meeting thinks fit.

Deleted: We, the local authorities named below, being members of the New Zealand Local Government Association Incorporated ("NLGA") do hereby confirm that the rules of LGNZ were amended in the manner set out in this document and that the amendments were made in accordance with clause K of the Rules of LGNZ at a Special General Meeting held on 27 March 2014.

The COMMON SEAL of HASTINGS DISTRICT COUNCIL was affixed in the presence of

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# Council Report

<b>Committee:</b>	Council	<b>Date:</b>	30 May 2019
<b>Author:</b>	Amy Viggers	<b>Authoriser:</b>	Becca Brooke
<b>Position:</b>	Committee Advisor	<b>Position:</b>	Governance Team Leader
<b>Report Name:</b>	Recommendation from the Growth and Infrastructure Committee Meeting of 7 May 2019		

<b>Report Status</b>	<i>Open</i>
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1. To seek the Council's approval of the recommendation from the Growth and Infrastructure Committee meeting of 7 May 2019, in respect of a Solid Waste Bylaw.

The 7 May Growth and Infrastructure Committee agenda is available on the Council website or via the following link:

<https://www.hamilton.govt.nz/AgendasAndMinutes/Growth%20and%20Infrastructure%20Open%20Agenda%20-%207%20May%202019.pdf>

The 7 May Growth and Infrastructure Committee Open Unconfirmed Minutes are available on the Council website or via the following link:

<https://www.hamilton.govt.nz/AgendasAndMinutes/Growth%20and%20Infrastructure%20Open%20Unconfirmed%20Minutes%20-%207%20May%202019.pdf>

## Recommendation from the Growth and Infrastructure Committee Meeting of 7 May 2019

### Solid Waste Bylaw

4. That the Council determines that a Solid Waste Bylaw is appropriate to the issues relating to Solid Waste in Hamilton City.

### Attachments

There are no attachments for this report.

# Council Report

Item 15

**Committee:** Council  
**Author:** Rebecca Watson  
**Position:** Committee Advisor  
**Report Name:** Recommendations from the Community, Services & Environment Committee of 14 May 2019

**Date:** 30 May 2019  
**Authoriser:** Becca Brooke  
**Position:** Governance Team Leader

<b>Report Status</b>	<i>Open</i>
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- To seek the Council's approval of the recommendations from the Community, Services & Environment Committee meeting held on 14 May 2019, in respect of the following:
  - Hamilton Arts Agenda – Arts and Culture Strategy
  - Draft Disability Policy
- The 14 May 2019 Community, Services & Environment Committee agenda is available on the Council website or via the following link:  
<https://www.hamilton.govt.nz/AgendasAndMinutes/CSE%20Open%20Agenda%20-%2014%20May%202019.pdf>
- The 14 May 2019 Community, Services & Environment Committee minutes are available on the Council website or via the following link:  
[https://www.hamilton.govt.nz/AgendasAndMinutes/Draft%20Community%20Services%20and%20Environment%20Committee%20Open%20Minutes%20-%2014%20May%202019%20\\_Redacted.pdf](https://www.hamilton.govt.nz/AgendasAndMinutes/Draft%20Community%20Services%20and%20Environment%20Committee%20Open%20Minutes%20-%2014%20May%202019%20_Redacted.pdf)

## Recommendations from the Community Services and Environment Committee Meeting of 14 May 2019:

### Hamilton Arts Agenda – Arts and Culture Strategy

- That the Council approves the development of a new Arts and Culture Strategy to replace the existing Arts Agenda.

### Draft Disability Policy

- That the Council approves the Draft Disability Policy (as set out in Item 11 Attachment 2 of the Community Services and Environment Committee Agenda of 14 May 2019).

## Attachments

There are no attachments for this report.

# Council Report

Item 16

**Committee:** Council **Date:** 30 May 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Recommendation from the Audit and Risk Committee Meeting of 16 May 2019

<b>Report Status</b>	<i>Open</i>
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1. To seek the Council's approval of the recommendation from the Audit and Risk Committee meeting of 16 May 2019, in respect the updated Council Risk Management Policy.
2. The 16 May 2019 Audit and Risk Committee agenda is available on the Council website or via the following link:  
<https://www.hamilton.govt.nz/AgendasAndMinutes/Audit%20and%20Risk%20Committee%20Agenda%20-%20Open%20-%2016%20May%202019.pdf>
3. The 16 May 2019 Audit and Risk Committee Open Unconfirmed Minutes are available on the Council website or via the following link:  
<https://www.hamilton.govt.nz/AgendasAndMinutes/Audit%20and%20Risk%20Committee%20Draft%20Open%20Minutes%20-%2016%20May%202019.pdf>

## Recommendation from the Audit and Risk Committee Meeting of 16 May 2019

### Council Risk Management Policy

4. That the Council approves the updated Council Risk Management Policy(as set out in Item 9 Attachment 2 of the Audit and Risk Committee Agenda of 16 May 2019).

### Attachments

There are no attachments for this report.

# Council Report

Item 17

**Committee:** Council **Date:** 30 May 2019  
**Author:** Rebecca Watson **Authoriser:** Becca Brooke  
**Position:** Committee Advisor **Position:** Governance Team Leader  
**Report Name:** Recommendation from the Finance Committee Meeting of 23 May 2019

<b>Report Status</b>	<i>Open</i>
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1. To seek the Council's approval of the recommendation from the Finance Committee meeting on 23 May 2019, in respect of the Extension of Delegation for Management of 3-Year Renewals and Compliance Capital Programme. To be advised following the 23 May 2019 Finance Committee meeting (under separate cover).
2. The 23 May 2019 Finance Committee agenda and minutes are available on the Council website or via the following link:  
[https://www.hamilton.govt.nz/our-council/Council meetings and public information/meetings-and-minutes/Pages/default.aspx](https://www.hamilton.govt.nz/our-council/Council%20meetings%20and%20public%20information/meetings-and-minutes/Pages/default.aspx)

## Recommendation from the Finance Committee meeting of 23 May 2019

### Extension of Delegation for Management of 3-Year Renewals and Compliance Capital Programme

3. That the Council approves the changes to the Delegations to Positions Policy (as set out in item 11 attachment 1 of the Finance Agenda of 23 May 2019), to enable more flexibility in the management of the 3-Year Renewals and Compliance capital programme.

### Attachments

There are no attachments for this report.

## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 18 April 2019	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Extraordinary Council Public Excluded Minutes - 29 April 2019	) Official Information and Meetings Act 1987	
C3. Confirmation of Elected Member Public Excluded Briefing Notes - 11 April 2019	)	
C4. Appointment of Independent Hearings Panel		
C5. Freedom of the City Awards		
C6. District Licensing Committee Appointment		

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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to maintain legal professional privilege	Section 7 (2) (g)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)